

International Business & Transportation Law (TMGT7500 Spring 2012)

Professor Janis Schulmeisters

Syllabus

Course description: Starting with a brief comparison between the American, continental European and Islamic legal systems the course examines the relationships an American business person may, and most likely will, encounter in doing business in such countries. The customs in some of the countries are examined with hints of what one should and should not do when doing business in the European, African or Asian countries. The international trade laws are examined as well as American laws as they relate to the international market place. The international sales and credit arrangements are examined as well as a number of conventions and international agreements set forth in the back of the text are examined. Students are expected to perform additional research in addition to reading the text and the matters presented in the lectures. Also, a term paper is a requirement as noted below.

This syllabus applies to both the in class course and the online course. Both systems require the students to read the assigned text and to choose one of the mentioned term paper subjects. The difference between the in class and online course are shown by the treatment of the lectures and quiz grading systems.

The in class system, in addition to the text has a lecture in class where students are called upon to recite from time to time. Also the students have to present their term papers to the class and the members of the class are called upon to comment on the presentation. Also the student has to submit his or her term paper in advance so that copies can be made for the other members of the class. The object of this is to enhance the knowledge of each in the areas researched by the class mates. In the online system at the end of each lecture there are one or more questions each student must answer, together with the authorities they researched in preparing their answers. The submission is to be sent to other members of the class. The grade is given only to the particular student. Similarly, the term papers are to be sent to the other members of the class for their comments, but the grade is given only to each particular student.

Term paper subjects are at the end of this syllabus and students are to choose their subjects early. For most of the subjects only one student at a time will be approved for a subject, the idea being that all learn from the research of their classmates.

Course Objectives: The objectives of this course include the introduction to the issues and problems that face the individual or company engaged in international transportation and business. In doing so the course explores the rights and duties of participants in business transactions and the legal and some practical issues that arise in international business transactions. The practical and legal risks encountered are considered. **Students are expected to have read the assigned text so that class discussions can be meaningful. In addition to the assigned reading in the text and the lectures students will have to perform additional outside research. There will be several quizzes and several written homework assignments as the semester progresses.** The average of the quizzes for the in class group and the written assignments at the end of each lecture for the online class count for 40 % of the grade and the final examination counts for 40%. A term paper is required which will count for 20% of the grade. The term paper requires footnotes for factual statements and a bibliography and requires outside research. Similarly, the written homework assignments for the online class requires outside research and footnotes for the cited outside information. These homework assignments will deal with real life practical problems.

A serious note is that in preparing the term paper and written assignments care must be given not to be tempted by plagiarism. The internet is so broad and almost everything can be found there. Do not copy without appropriate quotation marks and appropriate references. The authorities

cited by you will be checked. Plagiarism, including copying material from the Internet without attributing its source and passing it on as your own work, **is unacceptable**. Official SUNY Maritime Policy states:

"A student who violates academic integrity may, depending on the nature of the offense, be subject to one or more of the following measures: failure of the assignment or examination, failure of the course, dismissal from the Regiment of Cadets, or dismissal from the College. Violations of academic integrity, also known as academic dishonesty, are subject to review by the Judicial Board. In addition to facing the Judicial Board, Regimental Students may be brought before a Captain's Mast and/or a Suitability Hearing Board. For further information, see the Organization, Operation, and Regulations Manual for the Regiment of Cadets." You should review the entire policy on academic integrity, which is available from the Dean of Students in Bayliss Hall, and can be found on the college website within the Student Code of Conduct, beginning on page 7, at:

<http://www.sunymaritime.edu/documents/2007/8/6/Code%20of%20Conduct.pdf>.

A student found to have plagiarized in TMGT 7500 will receive an "F" for the course.

The grading system's values are:

A	94 – 100	B+	87 – 89	B-	80 – 83	C+	77 – 79	C	74 – 76
A-	90 – 93	B	84 – 86	C-	70 – 73	D	60 – 64	F	59 and below

As this is a graduate course an average of B is expected.

With respect to the six GBAT assessments, the need to identify issues clearly as well as the need to express ideas clearly are of prime importance in this course. Both are necessary here and in the business world. Similarly, the need for ethics in international business arrangements is a prime requirement. Also, an understanding of the dynamic issues of international transportation and an understanding of the basic principles, skills and tools used in transportation are of great importance. All these areas are of prime importance in this course. The only one of the GBAT assessments that has lesser application is that of leadership. It can, however, enter the situation by use of comments by students on the submissions of their classmates.

The required **text** is: International Business Law and its Environment by Schaefer, Agusti and Earle, 7th Ed., 2005, ISBN-13: 978-0-324-64967-3 or ISBN-10: 0-324-64967-3

There is also an 8th edition ISBN-13:978-0-538-47361-3 or ISBN-10: 0-538-47361-4 in which Parts one through four deal with the same subjects. The publisher has advised me that the price is the same. The chapter pages noted below contain first those of the 7th edition with the pages for the 8th edition in parentheses.

We will follow the sequence of the following subjects in the text.

Part One	The Legal Environment of International business - 2 (the page in the text)
	1 – Introduction to International Business – 4 (4)
	2 – International Law and the World's Legal Systems – 47 (45)
	3 - Resolving International Commercial disputes – 85 (79)
Part Two	International Sales, Credit, and the Commercial Transaction – 114 (106)
	4 - Sales Contracts and Excuses for Nonperformance – 116 (108)
	5 - The Documentary Sale and Terms of Trade – 161 (150)
	6 - The Carriage of Goods and the Liability of Air and Sea Carriers – 191 (179)
	7 - Bank Collections, Trade Finance, and Letters of Credit – 227 (216)
Part Three	International and U.S. Trade Law – 258 (246)
	8 - National Lawmaking Powers and the Regulation of U.S. Trade – 260 (248)

	9 - GATT Law and the World Trade Organization: Basic Principles -288	(275)
	10 - Laws Governing Access to Foreign Markets – 321	(306)
	11 - Regulating Import Competition and Unfair Trade – 356	(338)
	12 - Imports, Customs, and Tariff Law – 384	(364)
	13 – The Regulation of Exports – 431	(408)
	14 - North American Free Trade Law – 463	(439)
	15 - The European Union and Other Regional Trade Areas – 499	(473)
Part Four	Regulation of the International Marketplace – 530	(502)
	16 - International Marketing Law: Sales Representatives, Advertising, and Ethical Issues – 532	(504)
	17 - Licensing Agreements and the Protection of Intellectual Property Rights – 558	(528)
	18 - Host-Country Regulation: Corporate Law, Taxation, and Currency Risk – 584	
	For 8 th Edition: Takings and National Controls on Foreign Direct Investments (559)	
	19 - Nationalization, Expropriation, and Privatization – 606	
	In the 8 th Edition this subject is contained starting at page 560	
	20 - Labor and Employment discrimination Law – 637	
	As chapter 19 in 8 th Edition at page 592	
	21 - Environmental Law – 662	(in 8 th Edition at 621 as Chapter 20)
	22 - Regulating the Competitive Environment – 690	(at 651 as Chapter 21)

The **appendices**, which contain a number of conventions and international agreements, are set forth in the back of the text and will be referred to from time to time. Also there are references to several online websites for GATT, portions of Multilateral Agreements on Trade in Goods, the General Agreement on Trade in Services, NAFTA and some others. Students are encouraged to familiarize themselves with these materials.

The **topics for the term paper** include the following, although students are permitted to suggest other areas, subject to my approval. Start working on your team and the term paper subjects soon. There will not be duplication of subjects. As noted, the idea is that all of you learn something more from the independent research of each of you.

The topics used for the term paper – presented to the entire class - include the following:

- 1 Davos Conference
- 2 EU's Economic Power
- 3 EU's Constitution – and the latest since the Lisbon Accord was adopted
- 4 China's relationship to WTO
- 5 How well is WTO working
- 6 NAFTA
- 7 Paris Convention re Intellectual Property
- 8 Concepts of Islamic Law (see p.77 of the 7th edition and page 72 of the 8th edition of the text for an introduction)
- 9 Law of the Sea Conference and some of its unique provisions (pick a few)

- 10 Vienna Convention on the Law of Treaties
- 11 Madrid Protocol on International Filing of Trademarks (but also include other intellectual property right agreements)
- 12 The International Court of Justice and its effectiveness
- 13 Aerospace in Europe and U.S. Opportunities
- 14 The automobile industry in Europe and the relation to or competition with U.S. companies
- 15 The economic power of Japan
- 16 The economic power of China
- 17 The economic development of the Baltic states since regaining freedom from the Soviet Union
- 18 The economic power of Russia and its problems
- 19 What is so unique about Norway and its economy
- 20 Turkey and the EU
- 21 Russia's continued desire of the territories of the Baltic states over the centuries (Starting with Ivan the Terrible up to and including Putin)
- 22 Argentina and the International Monetary Fund
- 23 The economic relationship between Chile and the U.S.
- 24 The recent (say about the last 10 years) economic and political progress of Brazil
- 25 The outsourcing of technology to India