FACULTY OF LAW AND ECONOMICS

DEPARTMENT OF LAW

Preliminary Module Guide

2019/2020

Master of Comparative Business Law – M.C.B.L. (Mannheim/Adelaide)

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Master of Comparative Business Law – M.C.B.L. (Mannheim)
The Program:

The Mannheim Master of Comparative Business Law (M.C.B.L.) is an advanced academic program providing an in depth understanding of the business law aspects of the Single European and the Global Market.

The program aims at providing students with competence in both comparative and business law, sharpening them in their careers as strategic decision makers in the public as well as the private sector. It offers a unique combination of traditional comparative law studies (legal methodology, legal traditions and the common/civil law divide) and studies in business law (e.g. competition law, contract law, company law and tax law) including trade related aspects. Furthermore, it provides general and specific knowledge of the European Union legal framework and of the actors in international trade law.

The program addresses in particular the practical problems resulting from the co-existence of business law at different levels, i.e. the regional business law of the European Union and its respective Member States with the global (or near-global) trade law of the World Trade Organization.

The M.C.B.L. is a full-time program (one academic year) with daily classes. Courses take place (consecutively) over two semesters, from September until early June. The first term focuses on European Business Law and is offered at the University of Mannheim. The second term has an emphasis on international business law and can be completed either in Mannheim or in Adelaide (Australia).

The Courses:

The program consists of compulsory, intensive and elective courses. The topics of the courses have been chosen carefully. They have been arranged in an order, which ensures the ideal development of both academic and professional competences.

The compulsory courses have a clearly defined focus on comparative legal methodology and the legal sources, actors and means of action. Whereas these subjects of European and International Law are indispensable for business lawyers and thus mandatory, students can also form the program to fit their own interests by choosing from a wide range of intensive and elective courses, which cover all main subjects of business law, thus enabling them a depth of study as well as the coherence of the competences gained. The program pays specific attention to professional applications, particularly through its teaching methods and assignments. To serve this purpose, the program focuses on a combination of legal theory as well as thorough study and analysis of cases and thus takes advantage of an outstanding and well-developed characteristic feature of German legal education.

All students have to complete a total of 16 courses (8 courses/20 ECTS per semester) and are required to pass an examination at the end of each course. With regard to intensive and elective courses, students are expected to participate actively in the courses and they are required to prepare oral and written presentations. In addition, a master thesis (20 ECTS) on a topic of choice is required.
Study Tours:

In addition to the courses offered in Mannheim, both fall and spring semesters are comprised of a study tour. Further information will be provided in due time.

The Students:

The M.C.B.L. is a postgraduate program in the field of European and international business law. The program is designed for law graduates, or graduates with a sufficient background in law, who wish to pursue advanced studies to specialize in the area of business law with a comparative perspective. It prepares students for an institutional employment within the EU or domestic administrations on the one hand, as well as for an employment at companies or private practice acting in the global market on the other.

The M.C.B.L. is an academic program in English and open to German and foreign students with at least a four-year degree, (preferably) in law (Bachelor, LL.B., or equivalent). No prior background in comparative law or comparative political studies is expected or necessary.

The M.C.B.L. program is demanding. In just one academic year it offers a thorough and focused education on European and international business law. The M.C.B.L program therefore is specifically designed for excellent students at an advanced level and for qualified lawyers who wish to enhance their career prospects. Due to the small size of the classes, students benefit from close contact with their professors as well as their fellow students. The students come from all over the world, thus contributing to a truly international study environment.

Language:

All courses and course materials are in English. A very good knowledge of the English language is thus required (see admission requirements).

The Department of Law:

In addition to professors of European and international business law, experienced legal practitioners from public authorities and renowned law firms will instruct students and give them important insights into everyday legal practice.

Facts:

- Master Program, 1 year (60 ECTS), full time
- Participating universities: Mannheim and Adelaide
- Degree: Master of Comparative Business Law (M.C.B.L.)
- Tuition fees: EUR 8,500 for the entire program
Part I: Overview of Modules

This overview lists the modules with all courses (whether compulsory or intensive/elective) offered during the Master of Comparative Business Law Program.

**Abbreviations:**
- **HWS** (fall/winter term): Course is offered every HWS
- **FSS** (spring/summer term): Course is offered every FSS

Information on the lecturers and course descriptions can be found in Part II of the Module Guide.

A. Fall-Winter-Term: European Comparative & Business Law

Courses at the University of Mannheim

1. **Compulsory Module**

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<thead>
<tr>
<th>No.</th>
<th>Course Title</th>
<th>ECTS</th>
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<tbody>
<tr>
<td>1</td>
<td>Introduction to Comparative European Law</td>
<td>2</td>
<td>7</td>
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<tr>
<td>2</td>
<td>Comparative Law I (European Legal Traditions)</td>
<td>2</td>
<td>8</td>
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<tr>
<td>3</td>
<td>Introduction to European Business Law</td>
<td>2</td>
<td>9</td>
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<tr>
<td>4</td>
<td>European Union Law – Institutional Aspects</td>
<td>2</td>
<td>10</td>
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2. **Intensive Module**

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<tr>
<th>No.</th>
<th>The Internal Market</th>
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<tbody>
<tr>
<td>5</td>
<td>European Market Freedoms</td>
<td>3</td>
<td>14</td>
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<td>6</td>
<td>European Competition Law</td>
<td>3</td>
<td>14</td>
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<td>7</td>
<td>European Private Law</td>
<td>3</td>
<td>15</td>
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<tr>
<td>8</td>
<td>Cross Border Litigation &amp; Arbitration</td>
<td>3</td>
<td>16</td>
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3. Elective Module

<table>
<thead>
<tr>
<th>No.</th>
<th>European Business Law</th>
<th>ECTS</th>
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<tbody>
<tr>
<td>9</td>
<td>E-Commerce &amp; Internet</td>
<td>3</td>
<td>19</td>
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<td>10</td>
<td>European Tax Law</td>
<td>3</td>
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<td>11</td>
<td>EU Fundamental Rights</td>
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<td>12</td>
<td>Introduction to German Private Law</td>
<td>3</td>
<td>22</td>
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<td>13</td>
<td>Adelaide Guest Lecture</td>
<td>3</td>
<td>23</td>
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<td>14</td>
<td>European Infrastructure Law</td>
<td>3</td>
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B. Spring-Summer-Term: International Comparative & Business Law

Courses at the University of Mannheim

1. Compulsory Module

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<thead>
<tr>
<th>No.</th>
<th>Introduction to Comparative International Law</th>
<th>ECTS</th>
<th>Page</th>
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<tbody>
<tr>
<td>15</td>
<td>Comparative Law II (The Common/Civil Law Divide)</td>
<td>2</td>
<td>25</td>
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<tr>
<td>16</td>
<td>Introduction to International Business Law</td>
<td>2</td>
<td>27</td>
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<tr>
<td>17</td>
<td>International Organizations: legal sources, actors and means of influence</td>
<td>2</td>
<td>28</td>
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<tr>
<td>18</td>
<td>Law &amp; Economics</td>
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2. Intensive Module

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<tbody>
<tr>
<td>19</td>
<td>International Trade Law</td>
<td>3</td>
<td>31</td>
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<td>20</td>
<td>Corporate Governance II</td>
<td>3</td>
<td>32</td>
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<tr>
<td>21</td>
<td>International Sale of Goods</td>
<td>3</td>
<td>33</td>
</tr>
<tr>
<td>22</td>
<td>Private International Law</td>
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3. **Elective Module**

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<td>23</td>
<td>International Business Transactions</td>
<td>3</td>
<td>36</td>
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<td>24</td>
<td>Intellectual Property Law</td>
<td>3</td>
<td>37</td>
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<td>25</td>
<td>International Labor Law</td>
<td>3</td>
<td>39</td>
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<td>26</td>
<td>Comparative Competition Law</td>
<td>3</td>
<td>39</td>
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<tr>
<td>27</td>
<td>Law and Economics of Regulation and Evolving Markets</td>
<td>3</td>
<td>40</td>
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**Part II: Detailed Information on the Modules**

**A. Fall-Winter-Term: European Comparative & Business Law**

Courses at the University of Mannheim

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**Compulsory Module: Introduction to Comparative European Law (Introduction Lectures)**

**Contents:**
The compulsory module consists of four classes, which provide the theoretical and methodological basis for those courses, which can be chosen from the intensive or elective modules. They provide a profound introduction to comparative law and a good understanding of the basic structures of the European Union.

- Comparative Law I - European Legal Traditions
- Introduction to European Business Law
- European Union Law – Institutional Aspects
- European Legal Thinking: Meet Savigny & his Peers

**Learning outcomes and qualification goals:**
The module provides the necessary background for both a comparative law analysis and the basis for understanding the European multi-level system.

Taking into consideration that participating students come from different legal orders the class on **Comparative Law I – European Legal Traditions** intends to provide for a common ground, explaining the different traditions and assuring students’ awareness of the underlying notions, which the terms and concepts they use imply.

As the focus in the fall term is on **European Business Law**, students will first of all get an introduction to the different areas of business law, their interaction and their practical relevance. This will range from the fundamentals of the law of the EU to a comprehensive overview of internal market law (fundamental freedoms and competition law). This will not only provide students with the basis for their elective courses but it will also ensure that all students acquire a good basic understanding of the entire area of law, i.e.
also of those subjects they will not intensify in intensive or elective courses. This general understanding is an indispensable basis for their competence to work in a business context.

The institutional aspects of European Union law – Institutional Aspects, which in many areas appear as the main source of regulatory parameters, are also strongly emphasized. The course on European Union Law provides students with a thorough understanding of how the EU acts and which legal forms these actions may take. It also reflects the impact on the (national) business environment.

This (aim) is also further pursued in the class on European Legal Thinking: Meet Savigny & his Peers, which, by looking at a selection of renowned legal thinkers, follows a different path of access to methodology and concepts which have coined our understanding of law.

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<tr>
<th>Courses</th>
<th>Hours per week</th>
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<tr>
<td>Comparative Law I - European Legal Traditions</td>
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<tr>
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<tr>
<td>European Legal Thinking: Meet Savigny &amp; his Peers</td>
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<tr>
<td><strong>Total Module ECTS</strong></td>
<td><strong>4 x 2 = 8</strong></td>
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<tr>
<th>Event type</th>
<th>Introduction lectures</th>
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| Range of application | • Comparative Law I: M.C.B.L., int. exchange students  
|                     | • Introduction to European Business Law: M.C.B.L. only  
|                     | • European Union Law. M.C.B.L., int. exchange students  
|                     | • European Legal Thinking: M.C.B.L., int. exchange students  |
| Duration and type of examination | Written examination  
|                                  | (4 x 45 minutes = 180 minutes)  |
| Lecturer | Various |
| Frequency of offer | Only in HWS |

**Comparative Law I - European Legal Traditions (Introduction Lecture)**

**Contents:**

This class makes the nature of Comparative Law as well as its functions and aims accessible to students from different legal backgrounds. As studying even one legal system fully is difficult and time-consuming, the course must necessarily take a selective approach to the multitude of legal systems in the world. The class Comparative Law I therefore will focus on European Legal Traditions (in particular the German, French and English Legal Tradition), whose similarities and differences are an important driver of European harmonization. Matching the overall aim of this module the course will focus on private law and business law aspects of comparative law.
The course has three main components. The first part will cover the origins and utility of comparative law, its aims, tools and methods. This part will particularly focus on the legal orders, which the participants of the class are most familiar with. The content of the course in this respect will change annually in correspondence with the legal systems represented in class.

The main second part of the course will look at common features of generally accepted concepts of both contract law and of building bricks necessary for any business law, such as division of work, liability, tort law and insurance. The different possible solutions for these problems, which appear in different forms in many jurisdictions, will be presented, followed by an analysis of how they are governed by legal orders belonging to different legal families. Lines of influence and hybrids will similarly be covered.

Furthermore, the course will give comparative legal insights to laws in transition as well as legal transplants. Whereas former socialist European countries may serve as an example for the first, the adoption of economic concepts in contract law (such as merchandising and franchising from the US in Europe and the respective related problems of integration into European Union law) are paradigmatic for the second. The third part of the course will cover a comparison of legal education and profession (e.g. role of the judiciary and academics), a critical matter for proper delivery of legal services to foreign clients and working effectively with international law partners.

**Learning outcomes and qualification goals:**
The course aims to familiarize students with the most relevant methods of comparative law, their advantages, and disadvantages. In small groups, the participants will be able to experiment with various methods in small scale problems studies. This is meant to provide them with a good working knowledge on a methodological level for their master’s thesis. Furthermore, the participants of the course should be familiar with relevant problems and their solutions in major European Legal Systems and selected other jurisdictions and will have an overview of the factors relevant for fruitful learning from other legal systems.

**Lecturer: Prof. Dr. Oliver Brand LL.M.:**
Prof. Dr. Oliver Brand, LL.M. (Cambridge) has studied law at the Universities of Münster and Cambridge (United Kingdom) and political science at the University of Münster. He obtained his doctorate on the international law of interest and usury at the University of Münster, where he also conducted the research for his professorial thesis on compulsory licensing. He is currently a professor of Private Law, Insurance Law, Business Law and Comparative Law at the University of Mannheim, managing director of the Mannheim Institute of Insurance and director of the Institute of Medical Law & Bioethics.

**Introduction to European Business Law (Introduction Lecture)**

**Contents:**
The importance of European Union Law for business entities has increased dramatically over the past years. This is especially true for companies that primarily operate within Europe, yet, as the lawsuits against Microsoft and other corporations demonstrate, non-EU based companies are also strongly affected by European Union Law. The general objective of this course is to give a comprehensive introduction to European Business Law.

This course will show that the idea of market integration has been crucial for the development of general principles of EU law (such as direct effect or supremacy). The course gives an overview on fields of legal
regulation, the competence of the European Union to take action, the main aims of European harmonization with regard to businesses and the sector specific approaches taken. It will focus on the overall aim of the European Internal Market to create a level playing field and analyses the respective measures and their effect on everyday practice of businesses acting in Europe. The respective legal areas will be analysed from the perspective of a business engaged in the internal market.

- History of the European integration
- General Concepts of EU Law
- Market Freedoms
- EU Competition Law
- Harmonization of Private and Business Law
- State Aid Law
- European Monetary Union

**Learning outcomes and qualification goals:**
The course aims to provide students with the basics of European Business Law. Participants will get an overview of the concept of the Internal Market as an instrument of European harmonization and understand the interplay of different areas of European Business law. Furthermore, the course will put general knowledge concerning the institutions and the law of the European Union in the context of European Business Law and by this means give the analytical background necessary to handle complex legal questions and cases in the intensive and elective modules.

**Lecturer: Prof. Dr. Friedemann Kainer**
Prof. Kainer holds a chair for German and European Private, Business and Labor law. His areas of interest include the Law of the Internal Market and European Labor Law. He is a Member of the European Community Studies Association. He was teaching European Union Law in various Eastern European countries and is involved in the German Law School in Cracow. Before joining the Mannheim faculty in 2012, he was Assistant Professor at the University of Heidelberg.

**European Union Law - Institutional Aspects (Introduction Lecture)**

**Contents:**
The European Union (EU) is an international organization of a supranational character and, as such, part of a multi-level system of government. Traditionally, EU Law has concentrated on the creation and functioning of what is called the Internal Market. The addition of new policies, e.g., in the fields of asylum, border controls or foreign and security policy, has not diminished, but rather increased its impact on all fields of economically relevant law.

EU Law not only interacts with the domestic law of each of the Union’s Member States. To a considerable extent, it directly affects legal relations within the Member States’ legal spheres, whether they are of a public- or a private-law nature. This holds true both for the EU’s “primary law”, i.e. provisions of the treaties, protocols and annexes, and for its “secondary law”, i.e. legal acts issued by EU institutions, which can take the forms of regulations, directives and decisions as well as opinions and recommendations.

The course will introduce the main sources of primary law (the Treaties, i.e. EU, TFEU), the institutions (esp. European Parliament, European Council, Council, Commission, Court of Justice) and the different
means of action (Regulation, Directive, Recommendation, Soft Law). The respective legal sources of secondary law, the procedures for their creation or enactment and their position in the hierarchy of norms as well as their legal effects, their implementation and enforcement will be covered. Further the course will focus on the interplay between European and national law, analysing, inter alia, the need for harmonized interpretation and the mechanisms – such as preliminary rulings – by which EU Law tries to achieve this aim. Furthermore, the judicial remedies against breaches of EU Law, especially those available to individuals and private corporations (including actions for damages), are of interest.

- Foundation of the European Union: nature, structure and development
- Sources of European Union Law
- The organizational structure: EU institutions (e.g. European Parliament, European Council, Council, Commission, Court of Justice) their creation and functioning
- Court of Justice of the European Union: Means of judicial protection; uniform interpretation of EU Law; the interpretative guideline of effet utile
- Types of legislation and other means of action
- Implementation of EU Law in the Member States’ domestic legal orders;
- Effects of EU Law on rights and obligations of individuals.

**Learning outcomes and qualification goals:**
The course aims at thoroughly familiarizing the students with the primary materials of European Union Law (texts of Treaties, secondary legislation and case law) and with a profound knowledge of European rule-making, which shows an even stronger regulatory effect on the national legal orders of the member States.

In presenting the institutional law and the competences of the EU as well as the effects of EU Law in the Member States’ domestic spheres, the course intends to provide students with the knowledge of EU Law which they need in order to understand European business law thoroughly. Due regard will be taken of current challenges of European law.

**Lecturer: Prof. Dr. Hans-Joachim Cremer**
Prof. Dr. Hans-Joachim Cremer has been a professor of Public Law and Philosophy of Law at the University of Mannheim since 2000, where he had also studied law from 1981 to 1986. After his first (1986) and second (1990) state examinations he worked as a senior research assistant to Prof. Dr. Helmut Steinberger, a former Justice of the Federal Constitutional Court, at the University of Heidelberg. It was there that he earned his doctorate summa cum laude, winning the University of Heidelberg’s Ruprecht Karl’s Award in 1995 with his thesis on legal protection against trans-border effects of expulsion and deportation. In 1999 he completed his habilitation. His post-doctoral thesis investigates the methodology of constitutional interpretation. He has gained teaching experience abroad as a visiting professor at the Institute of Global Law of the University College London, at the University of Connecticut School of Law, at the Université Toulouse 1 Capitole and at the University of Adelaide Law School.

**European Legal Thinking: Meet Savigny & his Peers (Introduction Lecture)**

**Contents:**
Continental European law strongly relies on written legal sources such as codes. Thus, theoretically, legal scholars from European nation states have similar approaches to handling the written sources when
working on a concrete legal case. Still, the respective national legal tradition a lawyer first was trained in strongly influences the way she/he will interpret and apply the law to the facts of a case. To a significant extent this phenomenon can be attributed to different schools of legal thinking, which have found their way into the national codes and academic traditions. They lie between the lines of the respective sources and are often influencing unnoticed the reasoning adopted. In order to understand these approaches of both lawmakers and lawyers it is very helpful to acquaint oneself with the thinking of those persons, which have had long-lasting influence on the formation of national law & legal thinking.

In order to grasp the context of the works of Europe’s – and Germany’s – keenest legal thinkers we have to go back to the roots and acquaint us with the more than two-thousand-year old tradition of ancient Roman law. Already a glance at the titles of the main works of Carl Friedrich von Savigny (1779-1861) History of Roman law in the Middle Age (1815-31) and The System of today’s Roman Law (1840-49) displays the everlasting impact on European legal tradition. Accordingly, also the course will follow a timeline, which starts in the age of classic Roman law and antique elocution – a powerful means of rhetoric –, then covers the renaissance of jurisprudence in the High Middle Ages and Early Modern Era and finishes with the capstone of this private law tradition, namely Bernhard Windscheid’s ‘Lehrbuch des Pandektenrechts’, which heavily influenced the German Civil Code. The selection of legal thinkers is either motivated by the outstanding quality of their works (cf. Cicero, Papinian, Accursius und Savigny) or their paramount influence on our understanding of law (cf. Svaez and Rabel) or a combination of both.

- The Roman Foundations of Law: Cicero, Papinian and Tribonian
- The Renaissance of Roman Law in the Middle ages: Accursius, Baldus and Zasius
- The foundations of the common law: Edward Coke
- The labyrinth of creditors: Salgado de Somoza
- Legal concepts of the age of enlightenment: Thomasius
- Early codification: Carl Gottlieb Svarez
- The pandectist tradition: Friedrich von Savigny
- The ‘Interessensjurisprudenz’: Rudolf von Jhering
- The foundations of the German Civil Code: Bernhard Windscheid
- From comparative to a uniform sales law: Ernst Rabel
- Current private law methodology: Karl Larenz and Claus Canaris

**Learning outcomes and qualification goals:**

In this class you will get acquainted with selected European legal scholars who’s works influenced the debate on what law is or ought to be and thereby provide access to methodology and concepts that have formed our understanding of law.

The aim of the class is to illuminate the underlying structures of our legal orders by introducing a selection of renowned legal thinkers: their person and background, their main pieces of work and their methodological impact on our understanding of law. By this means methodological concepts and terms, such as the idea and structure of codification, the concept of systematic interpretation, the function of general clauses and – most importantly – the general notion of comparative law can be discussed and will contribute to the general understanding of comparative legal methodology.
**Lecturer: Dr. iur. Vanessa C. Duss Jacobi**

Dr. Vanessa Duss Jacobi, advocate, studied law at the Faculty of Law at University of Zurich. She obtained her PhD 2009 with a work in the field of legal theory and legal history on interdependencies between jurisprudence and private law codification in Switzerland. In the year 2010, she obtained the Swiss state law attorney’s licence. From 2009 to 2014 she was postdoctoral assistant and until 2015 also lecturer in the subjects of the fundamentals of law (legal history, legal theory, legal sociology, legal philosophy and methodology of law) at the faculty of law of University of Lucerne. From 2009 to 2012, she was at the same time working as a coordinator of the interdisciplinary postgraduate program “TeNOR – Text and Normativity”. From 2012 to 2013, she has been the coordinator of the Competence Center in Research (CCR) of University of Lucerne on Text and Normativity. 2013-2014 she was trained in research management and has obtained the CAS certificate of University of Berne. From 2014 to 2017, she was working as a project manager in different fields of research management at University of Lucerne. She has been working as a lawyer since 2018 and since 2019, she has been a self-employed partner in a medium-sized law firm in Basel, Switzerland. She taught at University of Lucerne, Stockholm, Frankfurt a.M., Tartu and since 2014 she is teaching the course “European Legal Thinking: Meet Savigny and his Peers” at University of Mannheim.

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**Intensive Module: The Internal Market (Advanced Lectures)**

**Contents:**

European Union law and the concept of the Internal Market have influenced virtually every single area of business law. Although every lawyer working in this area needs a good understanding of the overall concept, we cannot expect everyone to be an expert in every detail. Building on the knowledge gained in the compulsory classes, the intensive module therefore offers the possibility to choose between two different sides of European business law: The regulatory framework or the cross-border aspects.

The intensive module offers four classes, of which students have to choose two. The classes on *European Market Freedoms* and *Competition Law* focus on the regulatory framework set up by the harmonized law of the internal market. The classes on *European Private Law* and *Cross Border Litigation & Arbitration* tackle the problems, which result from the parallel existing (to date) 27 national legal orders that together make up the internal market.

Although the combination of European Market Freedoms with Competition Law on the one hand and Private Law with Cross Border Litigation & Arbitration on the other can be recommended, the (final) decision is left to the participant(s). This flexibility serves in particular the course selection, thus complementing the basic knowledge students have already acquired in the course of their preceding programs.

- European Market Freedoms
- European Competition Law
- European Private Law
- Cross Border Litigation & Arbitration
Learning outcomes and qualification goals:

European Market Freedoms and European Competition Law are the cornerstones of European integration. However, the regulatory framework is only in parts construed by written legal norms. In many respects it has been developed by case law, especially by the European Court of Justice. Students therefore are trained to recapitulate the development by analysing leading cases and understanding the legal and economic arguments driving the ECJ as one of the most powerful engines of harmonization in order to foster their ability to deal with upcoming topics and future problems.

The ability to negotiate international contracts and resolve cross-border disputes is an important skill for everybody working in a company which acts on a European level. An indispensable basis for successfully working in this area is to know where to find the respective legal sources and to understand the complex interaction of the different levels.

The courses on European Private Law and Cross Border Litigation & Arbitration on the other hand are designed to promote critical awareness for the complex ways in which domestic private and procedural law are subject to Europeanization. Students are trained to distinguish between harmonized areas and such fields which still show considerable differences between national laws. They are invited to understand the co-existence of national legal orders within the internal market as an opportunity to choose the law and procedural measures which best suit the aims and needs of their businesses or clients.

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<th>Courses</th>
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European Market Freedoms (Advanced Lecture)

Contents:
All private persons or companies upon entering one of the EU Member States not only come under this single State’s national legal order. They are immediately affected by “European Law”, the law of the European Union granting them certain rights and privileges but also requiring them to comply with certain duties and obligations.

The internal market is one of the essential cornerstones of the European Union. The Market Freedoms lie at its heart. The free movement of goods, persons, services and capital is essential for unifying the markets while ensuring competition and trade within Europe. The freedoms grant direct effective rights to private persons and legal persons, which can be enforced before national courts, and guarantee the freedom of contract in a transnational perspective.

The course will focus on a systematic survey of the market freedoms by the means of studying the jurisdiction of the European Court of Justice.

- General concept of the market freedoms
- Development and aim of market freedoms
- Leading cases of the European Court of Justice
- Function of market freedom fostering integration
- Further development of market freedoms
- Impact of market freedoms (compliance)

Learning outcomes and qualification goals:
This course is intended to give the students a thorough grounding in the substantive provisions on the internal market, i.e. on the ‘four freedoms’ as well as on their link to competition law. Participants will improve their ability to read and understand the Court’s decisions. The course also aims at training students to discuss cases critically and to enhance their skills of dealing with new and as yet unknown problems of substantive European Community law by applying the generally acknowledged methods of interpretation.

Lecturer: Prof. Dr. Jens-Uwe Franck, LL.M. (Yale)
Jens-Uwe Franck has studied law at the University of Halle and the London School of Economics. He earned a further law degree (LL.M.) from Yale Law School and a doctoral degree (Dr. iur.) from the Humboldt University of Berlin. Jens-Uwe Franck has clerked at the European Court of Justice in Luxemburg for Judge Egils Levits and has worked for the Advisory Service to the Legal Reform in Beijing in China. Before joining the law department at the University of Mannheim he held a post-doc position at the University of Munich. His academic specialties include private law, commercial and competition law. He has published numerous articles in these fields.

European Competition Law (Advanced Lecture)

Contents:
Over the past 70 years, the rules on Competition Law (Antitrust) in the EU have developed into a substantial body of law. They constitute directly applicable rules for enterprises, and as such they are of immediate concern to them. Contracts in violation of the rules are unenforceable and huge fines are
imposed in case of infringements while parties that suffered damages may litigate before a national civil court.

This course offers an introduction to main areas of EU competition law illustrated by practical examples which in part reflect the lecturer’s own experience as an eminent German antitrust practitioner. Core elements of EU competition law treated include the concepts of horizontal and vertical restraints of competition, the importance of market definitions and the various techniques used therefore, the role of market power for Articles 101 and 102 TFEU (and implementing regulations and guidelines) and the basic outlines of European merger control.

It is the aim of the course to provide the participants with a solid basis for the practice of competition law. The course will cover the main features of the EU rules both from a substantive and a procedural perspective, including the relationship between EU and national competition law as well as the economic principles and procedures concerning merger control.

**Learning outcomes and qualification goals:**
Students will be required to understand the specific economic approach to the application of competition law favoured by the EU Commission. They will become familiar with original decisions by the EU Commission and the European Courts dealing with competition aspects. The course aims to allow a basic understanding of how competition law affects business decisions. The students will be required to draw comparisons between the system of EU competition law and their own national competition law. To the extent possible the students will be invited to contribute skills developed in neighbouring subjects such as economics and institutional law of the European communities.

**Lecturer: Prof. Dr. Albrecht Bach**
Prof. Dr. Albrecht Bach has studied law in Tübingen and Aix-en-Provence (France). He completed his doctorate and was admitted to the bar in 1991. He heads the competition law practice group at law firm OPPENLÄNDER Rechtsanwälte in Stuttgart. His work focus lays on competition law, merger control and antitrust litigation. He has published extensively on these matters. Prof. Dr. Bach serves as board member of the association of German speaking competition lawyers (Studienvereinigung Kartellrecht). Prof. Dr. Bach is a lecturer and an honorary professor at the University of Mannheim.

**European Private Law (Advanced Lecture)**

**Contents:**
The course will provide a framework for an advanced comprehension of European private law in comparative perspective, with an eye on the impact of Union legislation and adjudication on national legal systems.

Institutional aspects of EU law and its interplay with national law as well as the relevant directives harmonizing national private laws will be covered, as well as general structures and core concepts of European private law. This will in particular relate to contracts as the most important means to create and organize legal environments on the one hand and the restraints on party autonomy in favour of the weaker party and the means for its protection (i.e. consumer law) on the other. Throughout the course there will be a strong focus on cases.
Development of European private law
The different layers of legal sources
Methods of unification on the European level
DCFR
Unified rules in the diverse fields such as contracts, labor law, product liability, intellectual property, and last but not least private international law

**Learning outcomes and qualification goals:**
The course encourages close and interactive reading of key legislative and judicial texts, at both national and European levels, and the different methodology of applying national and European law. The objective is to introduce students to the handling of domestic, comparative and European Union private law materials and techniques at once. Further the course intends to foster critical awareness of the complex ways in which domestic private laws are subject to Europeanization, and how European laws re-arrange domestic private laws.

**Lecturer: Prof. Dr. Juliana Mörsdorf-Schulte, LL.M. (Berkeley)**
Prof. Dr. Juliana Mörsdorf-Schulte, LL.M. (Berkeley) has studied law at the Universities of Cologne and Geneva and has earned another law degree at the University of California in Berkeley. She has written her doctoral thesis on punitive damages and her habilitation thesis on the procedural and institutional aspects development of European law through the interpretative work of the Court of Justice of the European Union. She currently works as a judge at the Düsseldorf district court and has been a lecturer at the University of Mannheim since 2002. In her daily practice she focuses on private law, including design patent law, and has published in the field of private international law, comparative law, civil procedure, tort law, European private law.

**Cross Border Litigation & Arbitration (Advanced Lecture)**

**Contents:**
Parties to international disputes tend to strive for litigation in their home countries. This is primarily attributable to the parties’ and their representatives’ familiarity with the system and language. This tendency can even be observed in cases where an informed choice would prove a foreign venue to be more favourable, be it for procedural reasons (e.g. evidence, costs of litigation) or matters of substance (applicable law, ordre public, mandatory rules of the forum, scope of private autonomy).

The opposite effect can be observed with regard to arbitration. Arbitration often is chosen by parties in the belief that it is a superior means of dispute resolution, e.g. because it is said to be time- and cost-efficient, neutral, arbitrators ensure high legal quality and superior understanding of business contexts. In fact, arbitration can be a very reasonable means of solving legal disputes. But whether state courts must be shy of the comparison will depend on the arbitration rules and venue chosen and the subject matter or the dispute.

The course consists of two parts: The first focuses on cross border litigation before state courts, the second will provide an overview on arbitration law.

- Introduction: Impact of the forum on the dispute (lex fori and lex causae)
- International Jurisdiction of state courts (Brussels I Regulation)
- Provisional measures and procedural strategy
✓ Access to evidence in cross-border litigation
✓ Recognition and enforcement of foreign judgments (Brussels I Regulation)
✓ Advantages and Disadvantages of Arbitration
✓ Drafting arbitration agreements
✓ Introduction of common arbitration rules (ICC, LCIA, Swiss Rules, DIS)
✓ Conduct of arbitration proceedings
✓ Enforcing arbitration awards and the New York Convention

Learning outcomes and qualification goals:
European harmonization and the common internal market have led to a significant increase of transnational legal disputes. These pose significant challenges to both judges and lawyers trained in a single national legal system. A common reaction to these threats is to avoid foreign litigation and if possible to institute proceedings before the home venue.

As an alternative, many disputes concerning international business transactions are subjected to arbitration. The course intends to provide an overview on state court and arbitration as alternative means to resolve disputes and familiarize the students with their respective advantages and disadvantages, which are indispensable for an informed choice.

Lecturer: Prof. Dr. Lea Tochtermann
Prof. Dr. Lea Tochtermann is a research assistant at the chair for Private Law, Intellectual Property Law and German & European Civil Procedure at the University of Mannheim. She has studied law at the University of Heidelberg as well as the Science Po and Sorbonne Universities in Paris. She has successfully coached student teams for several editions of the Willem C. Vis International Commercial Arbitration Moot which focuses on the legal fields of international commercial arbitration and the CISG. Past stages of her professional career include work for a leading German law firm in the dispute resolution practice as well as at Advocate General Kokott’s office at the Court of Justice of the European Union. In her current research she focuses on intellectual property law and private international law.

Elective Module: European Business Law (Specialization Lectures)

Contents:
The elective module offers five classes, of which the students have to choose two. They offer a broad variety of areas in which the legal framework is strongly influenced, if not replaced, by European Union law.

The courses build on the knowledge gained in the compulsory and intensive modules. Therefore, the majority of these courses take place in the second half of the semester (week 8-14). Their aim is to look at specific areas of law from a comparative and European law perspective applying the methods and techniques already acquired from existing (national) rules and cases decided by the ECJ and national courts.

The course on E-Commerce & Internet prepares students particularly interested in working in the private sector. The classes on European Tax Law and EU Fundamental Rights are of particular interest to students planning a career in the public sector. The course Introduction to German Private Law is intended to familiarize students from abroad with the German legal system and is thus not eligible for students which
have completed a German LL.B. or state exam. Last but not least a “Guest Lecture” is offered by a lecturer from the University of Adelaide to underline the comparative perspective of the program.

A special focus lies on interpreting the law, developing arguments and solving cases. Students are thus asked to prepare the classes according to the instructions of the lecturer. Case studies and group work will then practice and rehearse the theoretical knowledge gained.

- E-Commerce & Internet
- European Tax Law
- EU Fundamental Rights
- Introduction to German Private Law
- Adelaide Guest Lecture
- European Infrastructure Law

**Learning outcomes and qualification goals:**
The Elective Module offers the opportunity of applying the competencies and skills gained in the Compulsory and Intensive Modules in another area of law. In small groups, students are instructed to interpret the rules and cases by taking the hierarchy of legal sources into account, analysing the reasoning of court decisions and developing lines of arguments. Students will be asked to present their arguments in class or in a written assignment.

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**Event type**
- Specialization lecture

**Range of application**
- E-Commerce & Internet: M.C.B.L., LL.M., int. exchange students
- European Tax Law: M.C.B.L., LL.M., MMM, MMBR Taxation, int. exchange students
- EU Fundamental Rights: M.C.B.L., LL.M., int. exchange students
- Adelaide Guest lecture: M.C.B.L., LL.M., int. exchange students
- European Infrastructure Law: M.C.B.L., LL.M., int. exchange students

**Duration and type of examination**
- Oral (10-20 minutes) or written¹ examination (45 minutes)

¹ This applies to the E-Commerce & Internet course only.
### E-Commerce & Internet (Specialization Lecture)

**Contents:**
The course gives a thorough introduction to the legal problems, which may occur in the course of the use of the internet in general and e-commerce in particular. It is focused on the view of business related activities. Based on an introduction to the infrastructure of the internet, the course will analyse the major legal issues of five economically relevant sections:

- E-Commerce & Private Law
- Advertising for e-commerce
- Online shops and copyright law
- Domains
- Cross border e-commerce

The chapter on E-Commerce & Private Law will inter alia cover formation of contract, standard terms and conditions, consumer protection and specific problems connected to internet auctions and mobile commerce.

Advertising for e-commerce will take a look at rules of unfair competition, required imprint information, the ban on spamming, specific requirements for sales of pharmaceutical products via the internet and, of course, on ad-words. Furthermore, the liability under tele media law, for hyperlinks, hotspot operators and for user generated content will be an important issue.

The section on copyright law and online shops will focus on copyright restrictions for the presentation of content (including framing, file sharing and streaming) and will take a look on the protection of content and websites.

The section on domains will explain the domain name system and its implications on trademark law and unfair competition law. It will also look at the possibilities to protect a domain as trademark. Finally, the legal consequences of infringement will be covered.

**Learning outcomes and qualification goals:**
The students are instructed to apply their knowledge of structures and rules of German and European law to the field of e-commerce. They will be acquainted with the general legal rules and regulations for e-commerce.

Moreover, they will learn how the general rules have to be adapted to suit this virtual environment. Leading cases will be discussed and demonstrate how the courts have adjusted the legal regime, overcome some uncertainties and filled the gaps. Students shall be enabled to audit the requirements for e-commerce projects and to solve legal problems which have resulted in the course of e-business. The class will learn argumentation and procedural strategies of legal challenge and defence in e-commerce cases.
**Lecturer: Prof. Dr. Markus Köhler**

Prof. Dr. Köhler is equity partner of the Stuttgart based law firm of OPPENLÄNDER. He is specialized in IP law and energy law. He has studied at the University of Mannheim and has been research assistant to the chair of Professor Dr. Hans-Wolfgang Arndt. He is honorary professor and lecturer for internet law, unfair competition law and trademark law. Prof. Dr. Köhler is member of the Executive Board of the Interdisciplinary Centre for Intellectual Property (IZG) and elected member of the Special Committee for Trademark and Unfair Competition Law in the German Association for the Protection of Intellectual Property (GRUR).

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**European Tax Law (Specialization Lecture)**

**Contents:**

European Union Law has an increasing impact on the taxation of private individuals as well as of companies doing business in Europe. While the European Union has no original tax authority, its law has a major influence on national tax laws.

The course will start with an introduction into European Union Tax Law, the aims and measures so far taken by European institutions. After that, the course deals with the importance of the fundamental freedoms for taxation in Europe. A special focus will be put on the case law of the European Court of Justice. In a second part, the course will focus on secondary law harmonizing direct taxes in Europe, e.g. the Parent-Subsidiary Directive. After that, the course will cover the positive harmonization of indirect taxes mainly by European directives.

- Basic principles of European Law
- Harmonization of indirect and direct taxes by primary and secondary law
- Fundamental freedoms referring to taxation in Europe
- Important case law

**Learning outcomes and qualification goals:**

Students get a basic understanding of the system of European Tax Law. They learn how European Law influences as well as limits national taxation. Students are required to analyse the importance of the fundamental freedoms for the taxation in Europe. Moreover, the discussion on the relevant case law should enable them to classify and to evaluate decisions of the European Court of Justice.

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**Lecturer: Prof. Dr. Thomas Fetzer**

Thomas Fetzer is Professor of Law at the University of Mannheim Law School, Germany, where he holds a Chair of Public Economic Law, Regulation and Taxation. Moreover, he is an academic Co-Director of MaCCI (Mannheim Centre for Competition and Innovation), and an academic Co-Director of MaTax (Mannheim Taxation Science Campus). In addition, he is Adjunct Professor of Law at the Center for Technology, Innovation and Competition at the University of Pennsylvania Law School and Adjunct Professor at the MBS (Mannheim Business School). He has been a guest lecturer at the Vanderbilt University Law School and the University of Pennsylvania Law School. His fields of expertise are Telecommunications Law, Media Law, European Competition Law and European Tax Law.
EU Fundamental Rights (Specialization Lecture)

Contents:
The European Union (EU) possesses strong regulatory powers that deeply affect individuals within the EU Member States. Despite this, it was not until the late 1960s that the European Court of Justice started “taking rights seriously”, by acknowledging fundamental rights as general principles of the then Community law. Since then, the EU institutions’ concern for fundamental rights has grown dramatically and culminated in the entry into force of the Charter of Fundamental Rights of the EU in 2009.

The course aims to provide a comprehensive overview of the sources of fundamental rights and the mechanisms for their protection in the EU legal order. After a brief historical introduction, it will focus on the instruments in EU law that ensure the protection of fundamental rights and that provide redress for their violation by both European and domestic authorities. Particular attention will be devoted to the complex interplay between the three main sources of fundamental rights protection in Europe (namely, national constitutions, the European Convention on Human Rights and the Charter of Fundamental Rights of the EU) and their respective courts.

Classes include both traditional lectures and the presentation and discussion of judgments and texts assigned in advance. Students will be encouraged to actively take part in the course and to contribute to a lively and thought-provoking atmosphere.

- Historical development of the protection of fundamental rights in the EU
- The role of the Court of Justice of the EU and its interaction with national courts
- The Charter of Fundamental Rights of the EU
- The EU and the European Convention on Human Rights
- EU fundamental rights and national fundamental rights
- Current issues in fundamental rights protection in Europe

Learning outcomes and qualification goals:
The course intends to provide students with a deeper understanding of both the EU system of fundamental rights protection and its relationships with the national and international human rights systems.

Students will learn to address and critically assess fundamental rights issues and will gain familiarity with the major techniques of fundamental rights adjudication, such as proportionality and the balancing of rights. The discussion of recent judgments of the Court of Justice and of other courts will contribute to an understanding of the practical impact fundamental rights have on the EU legal order and of the issues their effective protection raises within the EU.

Lecturer: Dr. Davide Paris
Dr. Davide Paris was educated in law at the University of Trento and earned a PhD in Constitutional Law at the University of Milan in 2009. His thesis concerned the right to conscientious objection and was awarded the “Leopoldo Elia” price for the best Italian PhD thesis in constitutional law. He was post-doctoral research fellow at the University of Toulon in 2010 and at the University of Eastern Piedmont from 2012 to 2013. Since 2014, he is Senior Research Fellow at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg. His research focuses mainly on comparative constitutional law and multi-level fundamental rights protection in Europe.
# Introduction to German Private Law (Specialization Lecture)

## Contents:

The course is designed to give a comprehensive survey of German private law, i.e. general rules of private law, commercial law, and civil procedure.

An important structural decision of German private law (sic!) is already displayed by the fact that the Civil Code is the ‘law book for citizens’ - today including consumers - whereas particular rules for businesses are comprised in the commercial code, corporate law, and various other codifications.

However, both general private law, and commercial law are enforced by the same rules of civil procedure. The German Civil Code is of paramount importance for understanding German law as its concept and system has impressed the legal thinking of generations of German lawyers. Students will be acquainted with both its sources, and its general principles. In the course of the class students will learn to work with the German civil code, understand the underlying system, influences on the Civil Code from the European Union (EU), and the accepted methods of interpretation.

- Introduction to German Private Law
- The division between public law, general private law and commercial law
- The German Civil Code
- Influence from the EU
- Basic concepts and means of interpretation
- Function and Content of the General Part
- Law of obligations (contracts, torts, and unjust enrichment)
- Property Law
- Law of succession and company law (including partnerships and corporations)
- The system of law enforcement

## Learning outcomes and qualification goals:

Students will be acquainted with the overall structure of German private law and the German Civil Code as its main source. They will acquire the necessary skills to find the respective legal sources, analyse whether a specific intended business action appears admissible or may imply legal risks. Students are encouraged to make reference, by way of comparison, to the law of their own country in the class.

## Lecturer: Dr. Stefan Zeyher

Dr. Stefan Zeyher is a partner of Schilling, Zutt & Anschütz. He was admitted to the bar in 2006. In his practice he focuses on representing his clients in litigation and arbitration matters as a counsel; he also has experience as an arbitrator. Furthermore, Dr. Zeyher advises his clients on corporate law, group law, public and private M&A and commercial law. Dr. Zeyher studied at the Universities of Constance, Mannheim (Dr. iur.) and St. Gallen, Switzerland (Executive Master of European and International Business Law). Dr. Zeyher authored publications in the fields of corporate law, M&A, capital markets, civil procedure law and arbitration.
Adelaide Guest Lecture: International Perspectives on Corporate Governance  
(Specialization lecture)

Contents:
Corporate governance is considered of crucial importance in company and market regulation, as many jurisdictions consider that ‘well-run companies’ are likely to be more competitive and more sustainable in the long term. But what is a well-run company? How can that be measured? Does it vary from jurisdiction to jurisdiction?

This course will familiarise participants with the most prevalent corporate governance theories in order to provide a framework within which to examine examples of current international developments in corporate governance, including, among others:

- the increase in class actions by members in Australia and the United States;
- development and inclusion of concepts such as ‘corporate culture’, ‘corporate social responsibility’ and ‘a social licence to operate’;
- the advent of the Modern Slavery Acts in relation to supply chain reporting; and
- the Nordic focus on Corporate Sustainability Reforms

Learning outcomes and qualification goals:
This course will give students a grounding in the various theories underpinning corporate governance, and exposure to current international developments in this field of regulation. Participants will read and critique existing methods of corporate governance and be assisted in developing and engaging in an informed discussion using examples of corporate governance issues from their jurisdiction and from across the globe.

Lecturer: Dr Beth Nosworthy, BCL (Oxon) PhD
Dr Nosworthy is a senior lecturer at the University of Adelaide Law School where she lectures in Corporate Law and is the Director of the Entrepreneur and Venture Advice Clinic, a legal clinic where law students work collaboratively with practicing solicitors to advise small businesses and startups on transactional matters. She clerked in the Supreme Court of South Australia and practiced in corporate and commercial law in Adelaide before returning to study to complete her Master’s at the University of Oxford in 2006 and her PhD at the University of Adelaide in 2013. Her research specializes in corporate structures, corporate governance and directors’ duties.

European Infrastructure Law (Specialization Lecture)

Contents:
The course will deal with classical issues of regulatory law, thereby constituting a useful supplement to the European Competition Law and the European Union Law. Regulatory law aims at creating competition on (formerly) monopolistic network infrastructure markets, such as the energy or telecommunications markets. Hence, typical subjects of regulatory law are the energy law, the telecommunications law (including issues of digitization and media), the postal law and the railway law. In Europe, these areas of law are strongly influenced by EU law. The course’s first part will introduce into the basics of regulatory
law, including its historical roots and the concept of regulation. For this purpose, it will deal with EU competences, legal limits of regulation and will analyze typical objectives and instruments of regulatory law such as market, access and price regulation. The course’s second part will give an introduction into specific areas of regulation, particularly analyzing the energy law and the telecommunications law including the regulation of virtual digital networks and media. For these purposes, the EU legislation as well as the case law of the European Court of Justice (ECJ) are presented. In preparation for the respective lessons, participants are asked to read ECJ rulings that will then be discussed during the course.

**Learning outcomes and qualification goals:**
The course’s objective is to impart a basic understanding of infrastructure regulation under EU Law as well as to provide a deeper insight into the legal characteristics of the sectors energy, telecommunications and media. In this context, the course aims to create awareness for the relevant economic and legal reasons that imply the need for regulation.

**Lecturer: Prof. Dr. Ralf Müller-Terpitz**
Prof. Dr. Ralf Müller-Terpitz is Professor of Law at the University of Mannheim, Germany, where he holds a Chair of Public Law, Law of Economic Regulation and Media. Furthermore, he is currently Dean of the School of Law and Economics of the University of Mannheim, Co-Director of the Institute of German, European and International Medicine Law, Health Law and Bioethics (IMGB) of the Universities Heidelberg and Mannheim and a member of the Commission on Concentration in the Media (KEK) in Berlin. His research interests include the areas of information and communication law (in particular media, media concentration and internet), regulatory law (particularly energy and telecommunications) and medical law as well as general constitutional and administrative law.

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**B. Spring-Summer-Term: International Comparative & Business Law**

**Courses at the University of Mannheim**

**Compulsory Module: Introduction to Comparative International Law (Introduction Lectures)**

**Contents:**
The spring term shifts the focus from the European to the worldwide market. It intends to provide deeper insight into the international context and prepares participants for corporate decision-making and legal consulting.
The compulsory module consists of four classes, which (together) provide the theoretical and methodological basis for those courses, which can be chosen from the intensive or elective modules.

- Comparative Law II - The Common/Civil Law Divide
- Introduction to International Business Law
- International Organizations: legal sources, actors and means of influence
- Law & Economics
Learning outcomes and qualification goals:
The international exchange of products and services requires a different way of looking at law. Intergovernmental organizations such as the World Trade Organization (WTO) or the European Union (EU) as well as national governments create laws that need to be taken into account when dealing with international business transactions. In addition to his knowledge of international commercial law a business lawyer must, however, also be familiar with national legal systems in which his or her clients operate.

The compulsory course **Comparative Law II – The Common/Civil Law Divide** offers an introduction to the world’s two major legal families. The courses **Introduction to International Business Law** and **International Organizations: legal sources, actors and means of influence** provide an efficient introduction to the law-making agencies and the regulatory framework, i.e. the actors (companies and other actors) and the environment of international business transactions. The course on **Law & Economics** finally explains the underlying policy considerations and highlights the effects the economic context may have on business entities.

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**Comparative Law II - The Common/Civil Law Divide (Introduction Lecture)**

**Contents:**
The class Comparative Law II – The Common/Civil Law divide will focus on the Common/Civil Law divide and in particular compare aspects of the legal systems in continental Europe on the one hand, and the
The course Comparative Law II – The Common/Civil Law Divide constitutes the basis for all M.C.B.L. courses in the area International & Comparative Business Law (taught in Mannheim during the Spring-Summer-Term). It deals with the differences and common features of the world’s two major legal families, Civil law and Common law. In doing so, it supplements and further enhances the content of the course Comparative Law I - European Legal Traditions (taught during the Fall-Winter-Term).

The aim is to provide students with the necessary analytical background allowing them to carry out sophisticated comparative legal analysis of individual problems in their respective further fields of studies and make them familiar with the most important aspects of the proverbial (but sometimes overstated) “Common/Civil Law Divide”.

(1) **Lecturer: Prof. Dr. Oliver Brand**

Prof. Dr. Oliver Brand, LL.M. (Cambridge) has studied law at the Universities of Münster and Cambridge (United Kingdom) and political science at the University of Münster. He obtained his doctorate on the international law of interest and usury at the University of Münster, where he also conducted the research for his professorial thesis on compulsory licensing. He is currently a professor of Private Law, Insurance Law, Business Law and Comparative Law at the University of Mannheim and managing director of the Mannheim Institute of Insurance as well as director of the Institute of Medical Law and Bioethics.

(2) **Lecturer: Prof. Dr. Miriam Buiten**

Prof. Dr. Miriam Buiten is assistant professor for Law and Economics at the University of Mannheim. She studied Economics and Law at the Erasmus University Rotterdam, the University of Hamburg and the University of Bologna. She holds an LL.M. (cum laude) in International and European Law, as well as an M.Sc. (with distinction) in Law and Economics. Prof. Buiten obtained her doctorate, on the topic of European harmonization of civil law to strengthen the internal market, at the Erasmus University.
Introduction to International Business Law (Introduction Lecture)

Contents:
Contemporary international economic integration provides for the ubiquitous context of business decisions at the international, national, and even local level. International business law constitutes the legal environment - and thereby shapes the costs and nature - of international commercial transactions. The process of reducing costs of doing business across borders through the creation of a conducive legal environment has been described as economic integration through law. Many scholars have failed, however, to find a convincing definition for this process over the course of many pages and even book chapters. We can identify three good reasons for this difficulty: over the past decades, cross-border economic integration through law a) has become increasingly complex in technical, political, and economic terms; b) is highly diverse in terms of substantive legal and geographical coverage, enforceability, as well as governance structures; and c) constantly evolves in adaptation to new and rapidly changing patterns of international commerce as well as political objectives of the actors involved. For simplicity reasons this course introduces a broad and inclusive definition for this process. For the purposes of this course, international economic integration through law shall be understood as the entry into force of any agreement between two or more nation states or customs territories under public international law that is effective in, or aims at facilitating cross-border commercial transactions and economic activities. This course will introduce the main principles, concepts, and sources of international business law with a strong focus on the law of the multilateral trading system embodied by the covered agreements of the World Trade Organization (WTO). The course covers, inter alia,

✓ the evolution of the contemporary rules-based trading system: from the failure of the International Trade Organisation (ITO) to the foundation of the WTO
✓ the institutional structure of the WTO
✓ sources of WTO law: the covered agreements
✓ WTO dispute settlement and remedies
✓ tariffs, quotas, and behind-the-border barriers to market access
✓ the most-favoured-nation and national treatment principles
✓ safeguards, subsidies, and anti-dumping
✓ trade in services
✓ general exceptions to WTO obligations
✓ regional trade agreements
✓ relevant jurisprudence by the WTO dispute settlement body (DSB)

Learning outcomes and qualification goals:
The course aims at providing students with an integrated and thorough understanding of the core principles, concepts, and sources of WTO law. Moreover, the course seeks to familiarize students with the economic rationales for the regulation of international commerce and its potential to remedy both market and governance failures by providing international public goods. By the end of the course, students should be in the position to critically reflect upon current developments in international and regional trade regulation and understand their implications for businesses and societal welfare. For this purpose, the
course will make use of case studies and promote the discussion of select issues of contemporary international business law developments.

<table>
<thead>
<tr>
<th>Lecturer: Dr. David Kleimann</th>
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| Dr. Kleimann currently conducts post-doctoral research on the strategic potential of EU external economic policy for the Global Governance Programme of the European University Institute (EUI) and serves as a member of the Executive Council of the Society for International Economic Law (SIEL). He holds a PhD in European, International, and Comparative Law from the European University Institute in Florence, Italy (Thesis: ‘The Transformation of EU External Economic Governance’). He was initially educated in law, economics, and political science at Erfurt University in Germany and later awarded a 1st of Class Master’s degree in international trade law and economics (MILE) by the World Trade Institute (WTI) in Berne, Switzerland. In the past, Dr. Kleimann has served as an advisor to the Chairman of the European Parliament’s Committee for International Trade (INTA). Moreover, he has acted as a consultant to the Commission funded EU – China Trade Project as well as the World Bank’s International Trade Department. In 2009/10 he coordinated the trade policy project of the German Marshall Fund of the United States’ Brussels office. His work has been published by, *inter alia*, Cambridge University Press, the *Journal of World Trade* and *Legal Issues of Economic Integration*. His comments on EU and international trade law and policy issues have featured in a wide range of international and national media, including the New York Times, the Economist, Politico Europe, and the Handelsblatt.

<table>
<thead>
<tr>
<th>International Organizations: legal sources, actors and means of influence (Introduction Lecture)</th>
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<tbody>
<tr>
<td>Contents:</td>
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<tr>
<td>Decades before the invention of the word “globalization”, economic activities were no longer, if ever, confined to the internal markets of States. However, the intensity of international trade and commerce at the beginning of the 21st century is quite probably unprecedented. Whether in efforts to enable, to enhance or to control international economic activities, the States of the world have grown dependent upon one another. This is reflected by cooperation at regional levels or in global contexts. Such cooperation more and more makes use of the forums provided by international organizations, many of which are much more than mere “negotiation frameworks”, but are rather vested with legal personality and regulatory, or even adjudicative, powers.</td>
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<th>Learning outcomes and qualification goals:</th>
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<tr>
<td>The course intends to provide students with the background knowledge of the law of international organizations, which they will need in pursuit of their in-depth studies of international business law.</td>
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<tr>
<th>Lecturer: Prof. Dr. Hans-Joachim Cremer</th>
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<tbody>
<tr>
<td>Prof. Dr. Hans-Joachim Cremer has been a professor of Public Law and Philosophy of Law at the University of Mannheim since 2000, where he had also studied law from 1981 to 1986. After his first (1986) and</td>
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</table>
second (1990) state examinations he worked as a senior research assistant to Prof. Dr. Helmut Steinberger, a former Justice of the Federal Constitutional Court, at the University of Heidelberg. It was there that he earned his doctorate summa cum laude, winning the University of Heidelberg’s Ruprecht Karl’s Award in 1995 with his thesis on legal protection against trans-border effects of expulsion and deportation. In 1999 he completed his habilitation. His post-doctoral thesis investigates the methodology of constitutional interpretation. He has gained teaching experience abroad as a visiting professor at the Institute of Global Law of the University College London, at the University of Connecticut School of Law, at the Université Toulouse 1 Capitole and at the University of Adelaide Law School.

**Law & Economics (Introduction Lecture)**

**Contents:**
The course provides an introduction to “law and economics” (also known as the “economic analysis of law”), i.e. the application of concepts and methods from economics to legal problems.

Lawmakers often ask how a legal measure or sanction will affect behaviour, having a particular policy goal in mind. Economics generally provides a behavioural theory to predict how people respond to laws. In this course, we will apply this theory to consider the effect of concrete legal rules. This will allow us to assess whether legal rules are efficient in light of the policy goal lawmakers aim to achieve.

**Foundations of law and economics**
- What individuals strive for: Utility maximisation under constraints
- What society strives for: Pareto and Kaldor-Hicks efficiency

**Property law and economics**
- Why we need property rights: The Coase Theorem and the Tragedy of the commons
- Why we need intellectual property rights: Fostering innovation

**Tort law**
- Why we need tort law: Minimising accident costs
- Comparing the effects on behaviour of negligence liability vs. strict liability

**Contract law**
- Why we need contract law: Minimising transaction costs
- Why we need laws against fraud: Avoiding a Market for Lemons
- The effect of legal remedies on contract performance: The concept of efficient breach of contract

**Litigation**
- The optimal level of litigation
- The effect of procedural rules on disclosure and allocation of legal costs on decisions to settle

**Criminal law**
The optimal crime rate and the optimal sanction from an economic point of view

**Learning outcomes and qualification goals:**
Students obtain a sound understanding of how economic methodology can be applied to legal problems. They learn to employ economic efficiency criteria as arguments for resolving legal cases and as considerations for policymaking.
Lecturer: Prof. Dr. Miriam Buiten

Prof. Dr. Miriam Buiten is assistant professor for Law and Economics at the University of Mannheim. She studied Economics and Law at the Erasmus University Rotterdam, the University of Hamburg and the University of Bologna. She holds an LL.M. (cum laude) in International and European Law, as well as a M.Sc. (with distinction) in Law and Economics. Prof. Buiten obtained her doctorate, on the topic of European harmonization of civil law to strengthen the internal market, at the Erasmus University Rotterdam within an Erasmus Mundus Joint Doctorate Program. Her areas of interest include Law of Technology & Digitization, Competition Law, Data Protection Law and European Law.

Intensive Module: The Global Market (Advanced Lectures)

Contents:
The intensive module offers four classes, of which the students have to choose two. The classes on **International Trade Law** and **Corporate Governance II** focus on the legal framework in which businesses act. The courses on International **Sale of Goods** and on **Private International Law** deal with the individual acts of the market players.

- International Trade Law
- Corporate Governance II
- International Sale of Goods
- Private International Law

**Learning outcomes and qualification goals:**
Companies increasingly operate on/in a global market. The resulting interdependence between national and international markets and the complexity of transnational business affairs challenge not only large multinationals, but also small and medium-sized companies. Even in order to take everyday business decisions, actors meanwhile need a general understanding of the global market context. The focus of the intensive module is therefore on international business transactions and intends to provide the students with the necessary skills to negotiate and implement international business contracts.

The course on **International Trade Law** focuses on public law requirements resulting from international regulatory framework, which as external rules are beyond the company’s control, but are an indispensable basis for all international transactions. Other topics addressed are national laws and regulations directly affecting trade and the negotiation of free trade agreements and customs unions. The course on **Corporate Governance II** on the other hand focuses on the internal distribution of rights and responsibilities. Together these two courses provide essential skills in assessing the advantages of a deal as well as avoiding liability.

The courses on **International Sale of Goods** and on **Private International Law** emphasize the individual contract. The UN-Convention is a means of evading difficult Private International Law issues and the pitfalls of unknown national legal requirements. Whereas this uniform regime is restricted to sales contracts, Private International Law is an indispensable tool for all other contractual agreements. Agreeing on an adequate dispute resolution mechanism is therefore a key issue. Students will learn about the advantages and disadvantages inherent in choice of law matters and acquire the skills necessary for drafting and negotiating contracts.
**Courses**

<table>
<thead>
<tr>
<th>Courses</th>
<th>Hours per week</th>
<th>ECTS</th>
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<tbody>
<tr>
<td>International Trade Law</td>
<td>2</td>
<td>3</td>
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<tr>
<td>Corporate Governance II</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>International Sale of Goods</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Private International Law</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total Module ECTS</strong></td>
<td><strong>2 x 3 = 6</strong></td>
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</table>

**Event type**

- Advanced lectures

**Range of application**

- International Trade Law: M.C.B.L., LL.M., MMM, int. exchange students
- Corporate Governance II: M.C.B.L., LL.M., int. exchange students
- International Sale of Goods: M.C.B.L., LL.M., int. exchange students
- Private International Law: M.C.B.L., LL.M., int. exchange students

**Duration and type of examination**

- Written examination
  - (2 x 45 minutes)

**Lecturer**

- Various

**Frequency of offer**

- Only in FSS

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**International Trade Law (Advanced Lecture)**

**Contents:**

The International Trade Law course seeks to familiarize students with the numerous public and private law issues that commonly arise in the context of the trade in goods and services between and among nations. In addition, the course touches upon the economic theories underlying international trade and the history of international trade. The areas of coverage during the course include the following:

- The theory of „comparative advantage“ developed and popularized by the Eighteenth Century British economist, David Ricardo, along with subsequent critiques and modifications of this theory
- The beginnings of trade between nations beginning in ancient times and its expansion, development and increasing sophistication during the subsequent centuries
- The continuing conflict between the principles and practices of „free trade“ and those of „mercantilism“ sometimes described as „import substitution“
- The development of free trade agreements („FTAs“) during the previous 350 years and the relatively recent phenomenon of „trade blocs“ and „customs unions“ involving groups of nations pursuing common economic and political objectives. Examples of these latter types of trade combinations are the European Union and the Association of Southeast Asian Nations („ASEAN“)
- The establishment of the General Agreement on Tariffs and Trade („GATT“) after World War II and its transformation into the World Trade Organization („WTO“) in 1995
The structure, operations and goals of the WTO and the various trade agreements that bind all WTO members („Multilateral Agreements“) and those agreements that only bind those nations acceding to their terms („Plurilateral Agreements“)

The future of the WTO and trade blocs in the Twenty-First Century

Learning outcomes and qualification goals:

This course aims to provide students with an understanding and working knowledge of the various legal principles and their sources that govern the mechanics of the trade in goods and services between and among nations. The course also seeks to inform students of the public policy concerns and issues underlying these laws. The process of negotiating FTAs and the specific legal issues typically addressed in these negotiations will also be explored in the class. The various “covered agreements” developed by the WTO and ratified by its members along with the legal problems addressed in these agreements will also form topics of class discussion.

Finally, we will concern ourselves with the laws of the European Union and the United States with respect to FTAs and other aspects of international trade along with the legal decisions of WTO panels and the WTO Appellate Body interpreting and applying the provisions of the covered agreements involved in trade disputes between and among nations.

Lecturer: Dr. Patrick E. Mears

Dr. Patrick Edward Mears received his Bachelor of Arts degree from The University of Michigan in 1973 and his Juris Doctor degree from the University of Michigan Law School in 1976. Before retiring from the active practice of law and moving to Germany in 2014, he was an equity partner in the United States law firm of Barnes & Thornburg, LLP and was resident in its Michigan office. There, Dr. Mears was Chairperson of the firm’s Finance, Insolvency and Restructuring Department from 2006 to 2012. His professional interests lie mainly in distressed real estate, insolvency, workouts and restructurings, commercial finance, securitizations and creditors’ rights, along with international trade. He has published widely on these issues, especially on questions of international insolvency law, and is a frequent speaker on topics related to the aforementioned areas. Additionally, Dr. Mears is an Elected Fellow of the American College of Bankruptcy, an Elected Member of the American Law Institute, and an Elected Member of the International Insolvency Institute. He presently resides with his wife in Heidelberg, Germany.

Corporate Governance II (Advanced Lecture)

Contents:

The course offers an introduction to the economic theory of corporate governance and its application to corporate law, including aspects of insolvency and securities law. To obtain a thorough understanding of the theory, students are asked to read classic contributions to the corporate governance literature and to discuss them in class. They will also be required to apply the theory to a broad range of legal settings, both in the classroom and in preparing the course.

Foundations of corporate governance

✓ Corporate governance as a functional perspective
✓ Economic theory of the firm
✓ Agency cost view on corporate governance: agency costs of equity and debt
✓ Transaction cost view on corporate governance: bargaining over quasi-rents of the firm
### Application to corporate, insolvency and securities law

- Legal institutions to minimize the agency costs of equity: constraints on management and dominant shareholders in the public corporation
- Legal institutions to minimize the agency costs of debt: legal capital; piercing the corporate veil
- Legal institutions to minimize the costs of rent-seeking: management independence
- Employee codetermination
- Special focus on corporate control transactions: private benefits of control; the market for corporate control; mergers and acquisitions; insolvency

### Learning outcomes and qualification goals:

Students obtain a solid understanding of the theoretical and empirical underpinnings of the corporate governance debate. They are able to participate in an informed discussion over corporate governance issues with students of economics or business. They know to apply economic concepts to legal problems in corporate, insolvency and securities law.

**Lecturer: TBA**

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### International Sale of Goods (Advanced Lecture)

**Contents:**

This course aims at studying the law of international sales agreements based on the United Nations Convention on Contracts for the International Sale of Goods (CISG), which entered into force in 1988 and today has almost eighty Contracting States world-wide. It is the most important uniform private law Convention in practice, covering potentially more than 80% of global trade. Since the CISG was influenced by both the common law and civil law systems of contract law, the course will furthermore, focus on the basic principles of the law of contract of both systems in a comparative approach, where appropriate.

- Scope of application of the CISG
- Hierarchy between the CISG and national sales law provisions
- Interpretation of the CISG and the aim of uniform application
- Formation of contracts under the CISG
- Obligations of the seller and the buyer
- Remedies in case of non-performance
- Damages under the CISG
- Relationship between the CISG and other current/future uniform law instruments

**Learning outcomes and qualification goals:**

Students who have completed the course should be able to ascertain the applicability of the CISG and deal with the most common legal problems arising under international sales contracts. They should also be familiar with the structure and central rules of the CISG governing the formation of contracts and parties’ remedies in cases of breaches of contract, enabling them to advise clients about contract drafting issues and strategies in litigations or arbitrations involving CISG contracts.

**Lecturer: Prof. Dr. Lea Tochtermann**

Prof. Dr. Lea Tochtermann is a research assistant at the chair for Private Law, Intellectual Property Law and German & European Civil Procedure at the University of Mannheim. She has studied law at the University
of Heidelberg as well as the Science Po and Sorbonne Universities in Paris. She has successfully coached student teams for several editions of the Willem C. Vis International Commercial Arbitration Moot which focuses on the legal fields of international commercial arbitration and the CISG. Past stages of her professional career include work for a leading German law firm in the dispute resolution practice as well as at Advocate General Kokott’s office at the Court of Justice of the European Union. In her current research she focuses on intellectual property law and private international law.

Private International Law (Advanced Lecture)

Contents:
Dealing with contract drafting and disputes in the context of international business transactions involves the potential applicability of domestic laws of more than one State. This lecture provides an introduction into the relevant issues of conflict of laws in cases with a foreign element, with a particular focus on the fields of contracts, corporations and torts.
This course deals with methods and rules to be applied in such “conflict of laws” scenarios (as the topic is referred to by common lawyers) in order to determine which country’s legal system governs the merits of such cases. While rules of “Private International Law” (PIL) have traditionally been mostly rules of national (domestic) law, in the field of business law, two comprehensive EU regulations have been introduced in recent years (the “Rome I” and “Rome II” Regulations), which will be at the core of the present course along with the general doctrines of PIL as codified in the German Introductory Act to the Civil Code. In doing so, reference will also be made to general ideas and principles of Private International Law in other European countries and in the United States. For the time being, questions of property law as well as the law of corporations still underlie the autonomous (national) PIL of the forum state, yet with some impact of EU case law that needs to be considered in the context of free movement of corporations within the EU.
As the student is supposed to take the perspective of a German court or of an attorney seeking the issuance of a German judgement, German PIL and its partial modification through EU case law will be discussed in class.

✓ General principles of conflict of laws
✓ Private International Law in contracts cases: The Rome I Regulation
✓ The proposal for a Common European Sales Law (CESL)
✓ Private International Law in tort cases: The Rome II Regulation
✓ Private International Law in property matters under selected domestic laws
✓ Law applicable to corporations and free cross-border movement of companies
✓ Private International Law in EU courts and third-country disputes
✓ Brief overview of the jurisdiction of courts over cross-border disputes (in particular the Brussels I Regulation)

Learning outcomes and qualification goals:
Students having completed the class should not only be able to spot special and general issues such as characterization, connecting factor, preliminary question, independent attachment, adaptation and ordre public but also be equipped with a method of how to approach and how to solve (find the applicable substantive law) on a step by step basis a private international law case from the perspective of a judge or an attorney.
**Lecturer:** Prof. Dr. Juliana Mörsdorf-Schulte, LL.M. (Berkeley)

Prof. Dr. Juliana Mörsdorf-Schulte, LL.M. (Berkeley) has studied law at the Universities of Cologne and Geneva and has earned another law degree at the University of California in Berkeley. She has written her doctoral thesis on punitive damages. She currently works as a judge at the Düsseldorf district court and has been a lecturer at the University of Mannheim since 2002. In her daily practice she focuses on private law, including design patent law, and has published in the field of private international law, comparative law, civil procedure, tort law, European private law.

### Elective Module: International Business Law (Specialization Lectures)

**Contents:**
The elective module offers four classes, of which the students have to choose two. They build on the knowledge gained in the compulsory and intensive modules.

- International Business Transactions
- Intellectual Property Law
- International Labor Law
- Comparative Competition Law
- Law and Economics of Regulation and Evolving Markets

**Learning outcomes and qualification goals:**
The Elective Module offers the opportunity to utilize the competencies and skills gained in the Compulsory and Intensive Modules in another area of law, which students share a particular interest in.

**International Business Transactions** strongly relies on the course **International Trade Law** but looks at the matters from the perspective of a contracting party. **Intellectual Property Law** aims at familiarizing students with the advantages and disadvantages of different legal frameworks parties may rely on and thus promotes their ability to take a strategic choice. **International Labor Law** provides the students with a deeper knowledge of the complicated regulatory framework of public and private law rules and focuses on the rights and duties of employers and employees. **Law & Economics of Regulation in Evolving Markets** deals with legal policy issues, evaluating from a Law and Economics perspective which laws and regulation in new and evolving markets are effective and desirable.

Specific tasks are assigned to (the) students, whereupon they are asked to develop different lines of arguments and to present them in class or in a written assignment. A further emphasis is on drafting and negotiating contracts and the awareness for soft factors influencing the decision-making process.

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<thead>
<tr>
<th>Courses</th>
<th>Hours per week</th>
<th>ECTS</th>
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<tbody>
<tr>
<td>International Business Transactions</td>
<td>2</td>
<td>3</td>
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<tr>
<td>Intellectual Property Law</td>
<td>2</td>
<td>3</td>
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<tr>
<td>International Labor Law</td>
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<td><strong>Total Module ECTS</strong></td>
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<td><strong>Event type</strong></td>
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<td></td>
<td>Specialization lectures</td>
</tr>
<tr>
<td><strong>Range of application</strong></td>
<td>• International Business Transactions: M.C.B.L., LL.M., MMM, int. exchange students</td>
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<td></td>
<td>• Intellectual Property Law: M.C.B.L., LL.M., int. exchange students</td>
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<td>• Comparative Competition Law: M.C.B.L., LL.M., MWR, int. exchange students</td>
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<td>• Law and Economics of Regulation and Evolving Markets: M.C.B.L., LL.M., int. exchange students</td>
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<tr>
<td><strong>Duration and type of examination</strong></td>
<td>Oral (10-20 minutes) or written(^2) examination</td>
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<td>(45 minutes)</td>
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<tr>
<td><strong>Lecturer</strong></td>
<td>Various</td>
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<tr>
<td><strong>Frequency of offer</strong></td>
<td>Only in FSS</td>
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### International Business Transactions (Specialization Lecture)

**Contents:**
The course addresses the particularities and pitfalls of international trade transactions. It focuses on international aspects of business transactions and their legal and commercial backgrounds and allows students to get an initial understanding of what legal advice in practical terms is like. In this context, the course will focus on legal as well as on non-legal institutions that can help solving problems of cross-border transactions. At the end of the course, students will participate in a simulated negotiation of an international contract.

- Pitfalls of cross-border transactions
- The role of contracts in international business
- Legal and non-legal means of contract enforcement
- Financing of international transactions
- European regulations on cross-border trade
- International Conventions related to cross-border trade
- Transnational Law
- Dispute resolution
- The enforcement of court decisions and arbitral awards
- Distribution networks
- Regulatory issues in international business
- Accountability in international trade

The course will scrutinize processes of contract drafting and highlight the institutional framework, national and international as well as legal and non-legal, of international business transactions.

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\(^2\) This applies to the International Labor Law course only.
Students will learn to analyse pitfalls from an interdisciplinary perspective and create sustainable solutions for cross border trade. The course will give a comprehensive overview over legal, ethical, political, economic, environmental, societal, and strategic questions of international trade. Students will acquire skills to negotiate, develop, design, finance, and implement sustainable business partnerships.

**Learning outcomes and qualification goals:**
At the end of the course students will be expected to have a comprehensive understanding of legal and non-legal institutions governing international business transactions and to be able to negotiate an international contract on a basic level.

**Lecturer: Prof. Dr. Andreas Maurer, LL.M. (Osgoode)**
Andreas Maurer is associate professor at the University of Mannheim. He studied Law at the University of Frankfurt, Germany and completed his studies with his first state exam (LL.B. equivalent) in 2003. From 2003 until 2005 Andreas Maurer articled at the Oberlandesgericht (Higher Regional Court) Frankfurt, Germany and finished his articling service with the second state exam (bar exam). He was admitted to the bar of Frankfurt in 2006. In the academic year 2006/2007 Andreas Maurer studied at Osgoode Hall Law School of York University, Toronto, Canada and obtained his LL.M. in 2008. He also was a fellow at the Nathanson Centre for transnational Crime and Security at York University. After he returned to Germany, Andreas Maurer started his Ph.D. studies at the University of Bremen and received the Ph.D. in 2011 with his thesis on the “Lex Maritima”, a transnational maritime law. His research focuses on private law, international trade law, transnational law, transport and maritime law, and legal theory.

**Intellectual Property Law (Specialization Lecture)**

**Contents:**
Intellectual property is an indispensable tool to foster innovation and assure protection of achievements. It is an important factor for remaining competitive in the global knowledge-based economy. The shift from corporal goods to intellectual property however has many implications for today’s businesses: they have to play the system to gain from it, have to develop new business models, acquire rights by contract and closely watch the market and competitors to avoid liability. The course accordingly is designed to provide an overview on the concept of intellectual property and the practical implications for businesses.

Students will familiarize themselves with the multi-level system of IP-protection on a worldwide (TRIPS and WIPO-Treaties), European (EU-legislation) and national level. With regard to the latter the transformation of international and European requirements into national law, German intellectual property law will be taken as an example. Participants from other jurisdictions however will be encouraged to analyse differences to the corresponding legal concepts in their home jurisdictions.

The course will cover the legal concepts of patent protection and utility models, the rules on the protection of trademarks and designations of origin, the basics of copyright law and of design protection. Where appropriate the course will also highlight certain rules under unfair competition law providing ancillary remedies for avoiding unfair exploitation of work results.

The course devotes to the co-existence of national and Community IP-rights. The advantages and disadvantages of the existing unitary Community concepts, i.e. the European Union trade mark and the Community Design as compared to national IPRs will be discussed in the light of relevant case law.
Furthermore, the conflicting aims of freedom of competition (and in particular free movement of goods) on the one hand and strict IP-protection on the other hand will be tackled. This gives the opportunity to discuss current trends to narrow the scope of protection by means of compulsory licences, FRAND-licences and similar limitations imposed by cartel and competition law.

- Concept of IP-law
- The legal sources (TRIPS, WIPO-Treaties, EU-Regulations and Directives)
- The distinct IP-rights: patent, utility model, trademark, design & copyright
- The impact of competition law on intellectual property protection
- Contractual exploitation of IPRs (transfer and licence agreements)
- Enforcement of IP-rights (remedies and procedural strategies)

**Learning outcomes and qualification goals:**
The course is designed to provide an overview of the principles of intellectual property law and its importance in our knowledge-based society. The teaching and case studies will enable students to understand the relevance of IP-law for businesses, both as a means of protecting their own innovation and to be aware of liability risks, which always accompany placing new products in the market. A thorough knowledge of the legal framework at the same time is the indispensable basis for successful contract negotiations, which will be tackled by group exercises.

(1) **Lecturer: Dr. Simon Apel**
Dr. Simon Apel studied Law at the University of Bayreuth. He then pursued graduate studies there on a scholarship from the German Research Society (Deutsche Forschungs Gemeinschaft) in the Research Training Group “Intellectual Property and the Public Domain”, receiving a doctoral degree for his thesis on copyright law involving extensive comparisons to US law. In his subsequent attorney training clerkships in Frankfurt am Main, he worked at the Chamber for Intellectual Property and Media Law of the Regional Court of Frankfurt and in the Frankfurt-based IP/IT teams of two international corporate law firms. Since 2012, Dr. Simon Apel has practiced as a lawyer, advising national and international businesses on questions of intellectual property law, IT-related law, and data protection law. He advises clients both in litigation and out of court, primarily on questions of copyright law, software projects, and unfair competition law, with a specialty practice in the field of improper product imitation. Dr. Simon Apel regularly publishes articles on copyright law, unfair competition law, and trademark law in respected scholarly journals. He is a co-editor of the „Biographical Handbook of Intellectual Property“ ("Biographisches Handbuch des Geistigen Eigentums“) and teaches copyright law at the University of Mannheim.

(2) **Lecturer: Jérôme Kommer, LL.M. (Berkeley)**
Jérôme Kommer, LL.M. (Berkeley) is an attorney and partner at Quinn Emanuel Urquhart & Sullivan’s Mannheim and Munich offices. His expertise covers all aspects of complex patent litigation, including the coordination of international litigation efforts. He represents his clients both in infringement and invalidity proceedings across a range of technologies, including telecommunications, IT, automotive engineering, medical products, and pharmaceuticals. He studied Law at the Universities of Heidelberg and Lund and obtained an LL.M. degree from the University of California in Berkeley. Jérôme Kommer will take over the patent law part of the course which will introduce students to the basic concepts underlying the protection of technical inventions and the enforcement of patent rights in Germany and other jurisdictions around the world, based on real world examples.
The course will focus on a comparative analysis of competition law and policy under US antitrust law and EU competition law. By studying legislation and case-law on select topics, students will acquire knowledge about both legal systems. The course will also examine the historic, economic and social causes of
differences and similarities between competition law on the two sides of the Atlantic. The course provides insights into EU competition law and US antitrust law particularly with regard to the following issues:

- historical background and mode of development,
- institutional and constitutional role,
- importance of various sources of law (legislation, administrative orders, case-law),
- approach to anti-competitive coordination, abuse of market power, and merger control, and
- mechanisms of public and private enforcement

**Learning outcomes and qualification goals:**

Students will acquire knowledge of foreign legal systems and learn how to conduct comparative legal analysis. Students will become familiar with characteristics of EU competition law and US antitrust law. They will be encouraged to assess and discuss topics in competition law and policy, to analyse legal developments against the economic, social and institutional background of the jurisdictions in which they take place, and to defend their positions in the classroom.

**Lecturer: Professor Jens-Uwe Franck**

Jens-Uwe Franck has studied law at the University of Halle and the London School of Economics. He earned a further law degree (LL.M.) from Yale Law School and a doctoral degree (Dr. iur.) from the Humboldt University of Berlin. Jens-Uwe Franck has clerked at the European Court of Justice in Luxemburg for Judge Egils Levits and has worked for the Advisory Service to the Legal Reform in Beijing in China. Before joining the law department at the University of Mannheim he held a post-doc position at the University of Munich. His academic specialties include private law, commercial and competition law. He has published numerous articles in these fields.

**Law & Economics of Regulation in Evolving Markets (Specialization Lecture)**

**Contents:**

Rapid technological advancements pose significant challenges for regulators striving to maintain a balance between fostering innovation, ensuring fair markets and protecting consumers and citizens. New technologies have disrupted old markets and allowed for the rapid growth of new, digital markets. This course studies how lawmakers should respond to such evolving digital markets, assessing specific problems lawmakers face with respect to digital markets.

The course focuses on the new challenges posed by online platforms, which have emerged as the preferred business model in digital markets. On platform markets, consumers generally do not pay a monetary price for the services they receive. Online platforms generate revenue by collecting users’ data and selling advertising space. This raises questions for policy makers with respect to users’ privacy and data protection law. At the same time, the strong market power of some online platforms combined with the increased use of algorithms may require competition law to be updated. Moreover, policy makers need to consider how to assign liability for illegal material uploaded onto online platforms by users.

In particular, the course addresses the following topics:
Characteristics of digital platform markets
Liability of online platforms
The role of data protection law and competition law in ensuring privacy on online platforms
Regulating algorithms in digital markets
Regulating the 'sharing economy'

**Learning outcomes and qualification goals:**
The aim of the course is to enable students to make well-considered assessments of the adequate policy response to digital markets, asking what potential problems require policy intervention, and what type of policy response would be preferable. Students are expected to join a discussion of specific policy issues in digital markets and evaluate the different positions in the policy debate. At the end of the course, students will be able to critically assess these policy issues.

**Lecturer: Prof. Dr. Miriam Buiten**
Prof. Dr. Miriam Buiten is assistant professor for Law and Economics at the University of Mannheim. She studied Economics and Law at the Erasmus University Rotterdam, the University of Hamburg and the University of Bologna. She holds an LL.M. (cum laude) in International and European Law, as well as a M.Sc. (with distinction) in Law and Economics. Prof. Buiten obtained her doctorate, on the topic of European harmonization of civil law to strengthen the internal market, at the Erasmus University Rotterdam within an Erasmus Mundus Joint Doctorate Program. Her areas of interest include Law of Technology & Digitization, Competition Law, Data Protection Law and European Law.

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**C. Courses at the University of Adelaide**
The content of the academic program in Adelaide is subject to the program rules of the School of Law at the University of Adelaide. The University of Adelaide provides course titles and descriptions at [http://www.adelaide.edu.au/degree-finder/](http://www.adelaide.edu.au/degree-finder/). Students, who will spend their second semester in Adelaide, will receive information regarding the courses in Adelaide in November, 2019.

**D. Master’s Thesis**

**Master’s Thesis**

**Contents:**
Following the successful completion of the instructional components of the program, students are required to complete and submit a thesis on a topic of their choice. It must address and analyse a substantive issue of European or International Business Law. The thesis can be either comparative or restricted to a single paradigm.

It is supposed to investigate and present new and innovative findings in areas, which have already been defined, and should not be merely descriptive. Ideally, the thesis is of publishable quality.

**Learning outcomes and qualification goals:**
With the master thesis students prove their ability to work profoundly and scientifically on a legal issue with a comparative perspective.

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