

City University of Hong Kong

Course Syllabus

offered by School of Law
with effect from Semester B 2018/19

Part I Course Overview

Course Title: International Commercial Contracts and Uniform Sales Law

Course Code: LW6180E

Course Duration: One semester

Credit Units: 3

Level: P6

Medium of Instruction: English

Medium of Assessment: English

Prerequisites:
(Course Code and Title) Nil

Precursors:
(Course Code and Title) Nil

Equivalent Courses:
(Course Code and Title) LW5580 International Commercial Contracts and Uniform Sales Law

Exclusive Courses:
(Course Code and Title) LW6580E International Commercial Contracts and Uniform Sales Law

Part II Course Details

1. Abstract

This course aims to introduce and examine the need for an international contract law and the extent this has been achieved by the United Nations Convention on Contracts for the Interpretation Sale of Goods 1980 (CISG). The interpretation, gap filling, formation of contract, obligations of the parties, remedies for breach of contract, unwinding of contracts and limitation of actions will be considered. The advantages and disadvantages of CISG when compared with the English law of contract will be identified. In addition to CISG the UNIDROIT Principles on International Commercial Contracts (UPICC) and other forms of internationalisation of contract law will be considered.

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Identify, describe and analyse important legal concepts of core areas of international commercial contract law and uniform sales law	20%	√		
2.	Apply international commercial contract law principles and uniform sales law instruments to complex fact patterns at an advanced level; and discover and provide creative solutions to the relevant legal issues	40%	√	√	√
3.	Analyse, evaluate, and critically examine legal problems in the core areas of international commercial contract law and uniform sales law	40%	√	√	√
		100%			

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.			Hours/week (if applicable)
		1	2	3	
Lecture	The course leader will present and explain the substantive law on the topics listed in the course syllabus.	√	√	√	2h/week
Tutorial	Students will learn how to apply the law to hypothetical situations similar to those they may face in reality.	√	√	√	1h/week

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.			Weighting	Remarks
	1	2	3		
Continuous Assessment: 50%					
Coursework Assignment	√	√	√	50%	
Examination: 50% (duration: 2 hours)	√	√	√	50%	
				100%	

Students are required to attend at least 70% of the classes (lectures, seminars, presentations). If a student does not meet this requirement, he/she may be disqualified for assessment.

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

When University facilities and resources are available, students are required to take a computer-based examination in computer labs. During the examination, students are blocked from access to files, programme and the Internet. Students will have access to the text of CISG and other statutory materials provided.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Coursework	Knowledge and understanding of the subject; Original thinking and analytical skills; Organisation and writing skills.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
2. Examination	Knowledge and understanding of the subject; Original thinking and analytical skills; Organisation and writing skills.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Part III Other Information (more details can be provided separately in the teaching plan)

1. Syllabus

1.1 Keyword Syllabus

(An indication of the key topics of the course.)

International Contract law; Uniform Sales Law; CISG; UPICC; Interpretation; Gap Filling; Formation of Contract; Obligations of the parties; Remedies for Breach of Contract; Unwinding of Contracts and Limitation of Actions.

1.2 Detailed Syllabus

1. Introduction to Harmonisation of Law governing Transnational Commercial Contracts
2. Scope of Application of CISG and UPICC
3. Interpretation, gap filling
4. Formation of Contract
5. Seller's Obligations I (Delivery, Transfer of Title, Documents)
6. Seller's Obligations II (Conformity of the Goods)
7. Buyer's Obligations and Risk of Loss
8. Remedies I (Specific Performance, Avoidance)
9. Remedies II (Damages, Interest)
10. Unwinding of Contract, Limitation of Actions
11. Revision

2. Reading List

2.1 Recommended Readings

(Additional references for students to learn to expand their knowledge about the subject.)

Schlechtriem & Schwenger, *Commentary on the UN Convention on the International Sale of Goods (CISG)*, latest edition;

Schlechtriem & Butler, *UN Law on International Sales*, Springer: Berlin/Heidelberg latest edition;

Schwenger & Fountoulakis, *International Sales Law*, latest edition;

Vogenauer & Kleinheisterkamp, *Commentary on the UNIDROIT Principles of International Commercial Contracts* latest edition.

2.2 Online Resources

CISG:

<http://www.globalsaleslaw.org/>

<http://www.cisg.law.pace.edu/>

<http://www.cisgac.com>

UIPCC:

<http://www.unidroit.org/>

EC:

http://europa.eu/index_en.htm

http://europa.eu/legislation_summaries/index_en.htm

<http://eur-lex.europa.eu/en/index.htm>

UNCITRAL:

http://www.uncitral.org/uncitral/en/uncitral_texts/sale_goods.html

http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration.html

http://www.uncitral.org/uncitral/en/uncitral_texts/electronic_commerce.html