

Course title	International Business Litigation (B)				
Teacher(s)	Roy PARTAIN、SAITO Akira			開講区分	単位数
				1st semester	1.0
Numbering Code		Day・Period	Tues2	Timetable Slot Code	1J319

#### Lesson topic

This version of International Business Litigation is focused on the transactional and litigious problems that arise from contracts being simultaneously drafted by parties from multiple different legal cultures. E.g., what problems might be encountered when English, Italian, and German business people do business together; how might that create disharmony in contractual relationships and potentially lead to litigation?

This course will highlight the fundamental differences of contract law in Common Law and in Civil Law. Next, the course will explore the six stages of contract design, and at each stage, find how the Western countries approach these issues differently. The course will use examples to demonstrate how the contract law systems of the US, England, Italy, Germany, Norway, CISG, PECL, and UNIDROIT are at times similar and at times strange to each other.

#### Lesson target

In this course, students learn how to draft and negotiate multi-national contracts, to both avoid potential litigation and to also anticipatorily protect their clients in future contractual litigation.

#### Syllabus and plan

The course of lectures will cover:

1. History of Contract Law: Common Law Tradition
2. History of Contract Law: Civil Law Traditions
3. Western Contracts in Contrast: Formation
4. Western Contracts in Contrast: Interpretation
5. Western Contracts in Contrast: Reasonableness
6. Western Contracts in Contrast: Good Faith
7. Western Contracts in Contrast: Liabilities in Non-Performance
8. Western Contracts in Contrast: Remedies in Non-Performance

The topics and schedule may be adjusted depending on our progress over the quarter.

#### Evaluation method

33% Attendance and class participation  
33% Creation of Outlined Notes from Lectures and Reading Materials  
34% Final Exam - A combination of Multiple Choice and one short essay

#### Evaluation baseline

With the method stated above, grades will be determined in accordance with the degrees of achievement of the objectives:

- A 100% > n > 90% Excellent
- B 90% > n > 80% Very Good
- C 80% > n > 70% Good
- D 70% > n > 60% Pass/Poor
- F 60% > n Fail

#### Notice (include info. on related class)

This course assumes that students are new to comparative contract law, that they have not taken legal history courses beyond a simple introduction to contract law. The course provides everything the students need to learn in order to obtain full marks, no prerequisites are assumed nor required.

## Review and preparation

- Read the assigned materials, identify and learn new words, and prepare any questions to submit to the professor 24 hours before the lecture.
- Attend class lectures:
  - o Listen actively, ask questions to professor as soon as idea occurs.
  - o Take notes in class on paper, not on laptop.
- After each lecture, re-examine the readings and complete your notes from the lecture
- Prepare a version of your notes to hand in for homework; may be hand-drawn or typed, so long as submitted on paper with your name and ID to the professor for marking.
- Once graded, marked, and returned to you, you may use your own submitted homework notes to aid your memory on the final exam. You may not bring other reading materials to the exam.
- You may bring non-electronic foreign language dictionaries to the exam.
- Additional details will be announced at the first session regarding class preparation and how class participation is included in the grading process.

## Office hour · Contact information

Contact details will be announced during lectures.

## Message for student

A global world needs harmonious contracts in multi-national settings, only by understanding the unique features of each country' s legal rules can we design functional contracts for all parties and thus prevent frustration and litigation.

## Improvements in Teaching

## Text

This course will assume and require that all students have downloaded the course book created by Prof Giudetta Cordero Moss, "Lectures on Comparative Law of Contracts;" available at:  
[https://folk.uio.no/giudittm/PCL\\_Vol15\\_3%5B1%5D.pdf](https://folk.uio.no/giudittm/PCL_Vol15_3%5B1%5D.pdf).

Also recommended for students is Konrad Zweigert and Hein Kötz (translated from the German by Tony Weir), Introduction to Comparative Law (Oxford University Press, 1998);  
<https://global.oup.com/academic/product/an-introduction-to-comparative-law-9780198268598?cc=gb=en&>

## Reference Material

- To be further detailed and explained at first class

## Classroom Language

English

## Keywords

Contract Law, Obligations, Tort, Breach, Contract, Unjust Enrichment, Formation, Good Faith, Volitional Bargain, Bargain-in-Fact, Subjective Interpretation, Objective Interpretation, Remedy, Liability, Common Law, Civil Law,