

Course title	International Business Litigation (A)				
Responsible person to enter grades				開講区分	単位数
				1st semester	1.0
Numbering Code		Day・Period, etc.	Tues2(対面)	Timetable Slot Code	1J387

Lesson topic

Private international law is critical to sound legal relationships in global business. It is a part of the private law of each country, providing the rules that resolve cases containing a foreign element (cross-border cases). Contemporary Private International Law can be said to deal with four questions:

- 1) International (direct) jurisdiction: whether and under what conditions national courts can take jurisdiction hear and determine a case involving foreign elements;
- 2) Applicable (or governing) law: what legal system will be applied to determine the merits of a case involving foreign elements;
- 3) Recognition and enforcement of foreign judgments: whether and under what conditions will they be recognised and enforced in other jurisdictions; and
- 4) International arbitration.

This course aims to introduce and provide instruction on several key aspects of private international law arising in international civil and commercial disputes.

Lesson target

Upon completing the course, students should be able to (1) understand how private international law functions, (2) understand and interpret choice of law rules and jurisdictional rules operate, and (3) give concise and accurate legal advice to solve private international law issues arising in cross-border civil and commercial disputes.

Syllabus and plan

There will be eight interactive lectures covering the following topics.

Topic 1 - Issues arising from international transactions/business
Tue 8 April, 10:40 - 12:10 (2nd period)

Topic 2 - Uniform Law and Private International Law from a Global Perspective - History, Challenges and Prospective
Tue 15 April, 10:40 - 12:10 (2nd period)

Topic 3 - Jurisdiction in Contract and Jurisdiction Agreements
Thu 8 May, 10:40 - 12:10 (2nd period)

Topic 4 - Law Applicable to Contractual Disputes
Tue 22 April, 10:40 - 12:10 (2nd period)

Topic 5 - Law Applicable to Non-Contractual Disputes
Tue 13 May, 10:40 - 12:10 (2nd period)

Topic 6 - Recognition and Enforcement of Foreign Judgments
Tue 20 May, 10:40 - 12:10 (2nd period)

Topic 7 - Dispute Resolution: Mediation, Arbitration and Litigation
Tue 27 May, 10:40 - 12:10 (2nd period)

Topic 8 - Wrap-up and Exam
Tue 3 June, 10:40 - 12:10 (2nd period)

*The topics and schedule may be adjusted depending on our progress.

Evaluation method

Written exam 100%

Evaluation baseline

Students will be expected to understand how private international law functions and is regulated in various regions. They will also be expected to know selected points. In the written paper, students will handle a legal problem related to a topic covered in class, showing understanding and problem-solving skills.

Notice (include info. on related class)

Prior knowledge of any domestic system of private international law might be helpful but is not a prerequisite.

Review and preparation

Before starting the course, students are expected to have familiarised themselves with the definition and role of private international law (in the context of any legal system of their choice, for example, Japan).

Read the materials (if any) for each session before attending the course. The materials will be circulated before each session.

Kobe University requires 45 hours of study from students to award one credit, including both in-class instructions as well as study outside classes. Students are required to prepare for each class and complete the review after each class, depending on the respective class goals.

Office hour · Contact information

Make an appointment via email.
Contact details will be provided during the course.

Message for student

Improvements in Teaching

Text

To be provided during the course.

Reference Material

N. A.

Classroom Language

English
English. Japanese or other languages may be used if needed.

Keywords

Private International Law; International Civil Litigation; Jurisdiction; Choice of Law; Recognition and Enforcement of Foreign Judgments; Uniform Law; Dispute Resolution; Arbitration; Mediation