

開講科目名	International Business Litigation (A)		
担当教員	Aude Fiorini、齋藤 彰	開講区分	単位数
		前期	1単位
授業のテーマと到達目標			
<p>The International Business Litigation (A) course is a private international law course. Private International Law is a part of the private law of each country and it provides the rules which resolve those cases containing a foreign element (cross-border cases).</p> <p>Contemporary Private International Law can be said to have four objects: a) to set out the conditions under which a court has jurisdiction to deal with a case having a foreign element, b) to determine which system of law is to govern the rights of the parties in such a case c) to determine the circumstances in which a foreign judgment will be recognised by the court and the methods by which such a judgment may be enforced. d) facilitating co-operation between States in respect of private international law issues.</p> <p>The aim of this course is to introduce, and provide instruction on several key aspects of private international law arising in international civil and commercial disputes having links with the EU. The course will show how the EU has harmonized rules in this field in 28 European countries. The focus will be on jurisdiction and recognition and enforcement problems.</p> <p>For more information, please refer to the more detailed syllabus which will be distributed later.</p>			
授業の概要と計画			
<p>7.5 x 90-minute seminars</p> <p>Overview of Jurisdiction, Recognition and Enforcement problems in Civil and Commercial Matters in Europe: the Brussels Ia Regulation (contrasting with the Japanese Approach) &#8211; 3.5 seminars</p> <p>Special Focus: Jurisdiction in Contract; Jurisdiction Agreement and Parallel Proceedings (EU & Japanese perspectives) and the interface of arbitration and litigation in Europe -- 4 seminars</p>			
成績評価と基準			
<p>Formative evaluation through seminar participation and engagement in class discussions. Summative assessment through a written paper (problem-solving question).</p>			
履修上の注意（準備学習・復習、関連科目情報等を含む）			
<p>Read the materials in point 8 and bring the compendium to class.</p>			
オフィスアワー・連絡先			
<p>To be announced during the first lecture</p>			
学生へのメッセージ			
<p>Teaching methods in lectures: ppt, discussion and presentation.</p>			
今年度の工夫			
<p>This lecture is to be understandable for the GMAPs students 2016. Prior knowledge of any domestic system of private international law might be helpful but is not a pre-requisite.</p>			
教科書			
<p>Judicial Cooperation in civil matters in the European Union (pp 1-25) / : ,2014 ,ISBN: The Evolution of Private International Law (pp. 969-984) / A Fiorini : , ,ISBN: Compendium of European Union Legislation on Judicial Cooperation in Civil and Commercial Matters / : , ,ISBN:</p>			
参考書・参考資料等			
<p>International Commercial Litigation / Hartley : CUP ,2015 ,ISBN: The Conflict of Laws / Briggs : OUP, Oxford ,3rd ed 2013 ,ISBN:</p>			
授業における使用言語			
<p>English</p>			

キーワード

International Commercial Litigation; Private International Law; Jurisdiction; Recognition and Enforcement of judgments; Judicial Cooperation in Civil Matters