Course title	International Business Transactions				
Responsible person to enter grades	Samantha S. TANG、KAWASHIMA Fujio			開講区分	単位数
				2nd semester	1.0
Numbering Code		Day・Period, etc.	Other(対面)	Timetable Slot Code	3J395

Lesson topic

This version of International Business Transactions focuses on how lawyers can apply comparative law techniques to engineer cross-border transactions. This course will critically examine how diverse legal systems, legal rules, and business cultures can shape a lawyer’s role in negotiating business transactions with foreign parties.

Lesson target

Through a combination of lectures, case studies, and practical exercises, students will develop the ability to critically analyse and compare legal systems, and an awareness of how legal and cultural differences can shape business transactions. By the end of this course, students should be able to draw on comparative law insights to navigate international business transactions in their capacity as lawyers.

Syllabus and plan

There will be a total of eight sessions (with tentative timings (in JST) and dates in parentheses) covering the following topics.
1. Introduction to Comparative Law (Dec 7 (Mon) 1040-1210)
a. Civil and common law legal systems
b. Introduction to comparative law methodologies
2. Introduction to Comparative Contract Law (Dec 7 (Mon) 1320-1450)
a. Civil and common law approaches to contract law
b. Understanding foreign law in contractual disputes
3. Comparative Law for International Business Transactions: Case Study 1 (Dec 8 (Tue) 1320-1450)
4. Law and Strategy (Dec 9 (Wed) 1040-1210, 1510-1640; Dec 10 (Thurs) 1040-1210)
a. Law as a source of competitive advantage for firms
b. Legal astuteness
5. Law and Strategy for International Business Transactions: Case Study 2 (Dec 10 (Thurs) 1320-1450)
6. Lawyers and Comparative Law (Dec 10 (Thurs) 1510-1640)
a. Applying comparative law methodologies to legal practice: how do lawyers perform professional functions in jurisdictions other than the one(s) they were trained in?
b. Lawyers in transnational legal practice
The topics and schedule may be slightly adjusted depending on the progress over the days.

Evaluation method

In-Class Assessment (Case Study 2): 20%
Written Paper: 80% (“Paper”)

A short in-class assessment will be carried out on October 9 for Case Study 2. Instructions on the assessment will be given during the session on October 7 (1040-1210) when Case Study 1 is carried out. Students will be expected to draft their answers for Case Study 2 [scheduled for 9 Oct 1320-1450], the day before in class during the October 8 session (1510-1640); students will present their answers in English during the Case Study 2 session.

The Paper must be 2,000 to 5,000 words and written individually in English; however, Japanese or other language text is permitted for introducing or explaining terms of local, legal, or technical relevance. Questions will be released before Session 1. Students must submit draft Papers to the instructor by 2359 JST 4 December 2026 (Fri). Students should revise their Papers based on feedback (if any) received and submit the revised versions by 2359 JST 18 December 2026 (Fri). Grading will be mainly based on the final submitted version of the Paper, although the submitted draft may be taken into consideration.

Students are encouraged to discuss their draft Papers amongst themselves, but plagiarism is prohibited. Students should make reasonable best efforts to avoid discussing the same examples or topics in their Papers unless they can show clearly different points of view or arguments.

Acceptable formats: .doc, .docx,.pdf. Suggested formatting: Times New Roman font size 12, single spacing, for main text (10 for footnotes) with at least 2.5cm margins on A4 size.

Papers (drafts or final versions) must be sent to the instructor by email, with the student’s name clearly indicated.

Evaluation baseline

With the method stated above, grades will be determined based on the extent to which students have achieved the course objectives.

Papers will be graded primarily on the quality of the example(s) selected; quality of the analysis; clarity of expression of ideas; organization (use of headings, etc); and quality of sources used and cited. Citations may be in OSCOLA, Bluebook, Chicago, McGill, AGLC, Harvard, or any other format familiar to the student, but should be reasonably consistent. Footnote-based citation is recommended, but in-text citations and/or endnotes are also acceptable. Perfect English fluency is not required or expected.

The use of AI tools is permitted provided a separate document (which will not be included in the main paper’s word count of 2,000-5,000 words) is provided explaining clearly and exhaustively: 1) the AI tool(s) used; 2) the inputs used to prompt the AI tools); 3) the AI-generated outputs; and 4) how the paper as submitted by the student differs from the AI-generated outputs. Any errors or inaccuracies generated by AI tools uncorrected before submission are strictly the responsibility of the student.

The Case Study (In-Class Assessment) will be graded on clarity of expression and quality of responses to questions.

Notice (include info. on related class)

Prior learning in Comparative Law / Corporate Law/ Business courses or their equivalent may be an advantage but is not required.

Review and preparation

Students are required to read the prescribed readings before each class. Additional readings and exercises will also be distributed for use in class.

Notetaking on personal computing devices is permitted, but students with laptops with loud keyboards are requested to type gently or use a separate, quieter keyboard.

In-class participation is not formally assessed for the purposes of determining your final grade but strongly encouraged. Students may be called by name at random to answer questions or share their opinions.

Use of dictionaries (paper or electronic) or other tools are permitted in class, but use of any tool to record sound or images is prohibited.

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

Contact details will be announced during the course.

Message for student

Comparative law has a reputation as being theoretical and exotic. But since you have chosen to enroll in KIMAP, you must (or are extremely likely to) encounter the foreign and engage in at least implicit comparison between the law that you already know and what you will be learning in the programme. This course is for you if you have ever wondered, “what is the point of comparative or foreign law for the purposes of real life or work?” You are encouraged to bring with you your entire academic and professional working experience into the classroom as we explore the question above together in the context of international business transactions. Your contributions based on your experiences and opinions will be what makes this class a worthwhile experience for all of us.

While all students - undergraduates, graduates, exchange students - of any nationality or background are welcome, the language of instruction and assessment will be English, so all students who wish to attend this course must be prepared to engage in advanced academic work in English.

Students who major/specialise in law, whether as an academic discipline or in their past or intended future professional work, may find it useful to supplement this course with other courses such as Private International Law, Law and Business in a Cross-Cultural Context (either or both parts), International Arbitration, or Vis Moot workshop.

Improvemenets in Teaching

Text

None; the prescribed readings in the syllabus and any additional material assigned in class will suffice.

Reference Material

Johannes Landbrecht, 'Applied Comparative Law - Five Steps to Success' (2020) 1 Ius Comparatum 130-163 https://aidc-iacl.org/journal/wp-content/uploads/sites/7/2020/11/IUS-COMPARATUM-VOL-1-6.-LANDBRECHT.pdf.

Mathias Siems, Comparative Law (3rd edition, Cambridge University Press 2022) ch 3 (pp 50-80)

Robert C Bird, 'Law, Strategy and Competitive Advantage' (2011) 44 Connecticut Law Review 61 https://opencommons.uconn.edu/cgi/viewcontent.cgi?article=1130&context=law_review
(updated and developed in Legal Knowledge in Organizations : A Source Of Strategic And Competitive Advantage (CUP, 2022) https://op.lib.kobe-u.ac.jp/opac/opac_link/bibid/OB00564659)

Constance E Bagley, 'Winning Legally: The Value of Legal Astuteness' (2008) 33(2) Academy of Management Review 378 https://www.jstor.org/stable/20159403 (paywalled; please access through the institution)

Classroom Language

English

Keywords

Comparative Law, Commercial Law, Business Law, Exchange student (Special auditing student)