

Course title	Private International Law				
Responsible person to enter grades	NISHIOKA Kazuaki		開講区分	単位数	
			1st semester	1.0	
Numbering Code		Day・Period, etc.	Tues2(対面)	Timetable Slot Code	1J374

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 to 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. 14 April, 10:40 - 12:10 (2nd period)
- Topic 2 Dispute Resolution Methods - Choice of Forum and Jurisdiction
Tue. 21 April, 10:40 - 12:10 (2nd period)
- Topic 3 Jurisdiction in Contract and Jurisdiction Agreements
Tue. 28 April, 10:40 - 12:10 (2nd period)
- Topic 4 Law Applicable to Contractual/Non-contractual Disputes
Thu. 7 May, 10:40 - 12:10 (2nd period)
- Topic 5 Uniform Law and Soft Laws - CISG, Incoterms, and UNIDROIT PICC
Tue. 12 May, 10:40 - 12:10 (2nd period)
- Topic 6 Recognition and Enforcement of Foreign Judgments
Tue. 19 May, 10:40 - 12:10 (2nd period)
- Topic 7 Alternative Dispute Resolution - Arbitration and Mediation
Tue. 26 May, 10:40 - 12:10 (2nd period)
- Topic 8 Wrap-up & Exam
Tue. 2 June, 10:40 - 12:10 (2nd period)

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

Evaluation method

- Engagement in the class discussion (50%)
- Final written exam (50%)

Evaluation baseline

- Engagement in the class discussion (50%): Degree of internalising knowledge and critical thinking. Students are expected to participate in discussions actively.
- Final written exam (50%): 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

To be provided during the course.

Classroom Language

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