

Rashmi R
I BBA UB

KLE Society's Law College, Bengaluru
Law Relating to International Trade
Course Plan

Objectives of the Course

1. To develop the understanding of students about International Trade Law
2. To acquaint the Students about the basic aspects of International Trade Law
3. To discuss the origin and development of WTO and its different principles and Agreements
4. To deals with United Nations Convention on Contracts for the International Sale of Goods 1980 and some aspects related with it.
5. To discuss the laws governing finance and investment in India.

Unit	Topic/Sub topic	Prerequisites- Reading/Assignm	No. of hrs	Method	Supplementary Reading	Unit Outcomes
I	Introduction to International trade, Theories of trade- Mercantilism, Absolute Advantage, Comparative Advantage and Marxist Notion.	Jayanta Bagachi- World Trade Organisation: An Indian Perspective	2	Lecture Method / PPT		Students will be able to understand 1. the significance of international trade and describe how it impacts various countries. 2. the advantages of open trade and its drawbacks.
1	Historical Perspectives of International trade, Institutions- UNCTAD, UNCITRAL, GATT (1947-1994)		3		Article- WTO and Mega Trading Arrangements- India's Interest and Negotiating Strategy - Ashok Sajjanhar	understand the role of the international economic institutions, trade agreements and trade organisation in facilitating and regulating international trade. Free Trade vs Protectionism
1.1	World Trade Organisation - objectives, structure, functions and powers.		2			Critically analyse the role of WTO in facilitating free trade, its objectives and purpose.

Unit	Topic/Sub topic	Prerequisites- Reading/Assignm	No. of hrs	Method	Supplementary Reading	Unit Outcomes
1.2	Principles of WTO: Most favoured Nation and National Treatment.		2	Lecture Method / PPT	Badar Alam Iqbal , "WTO: emerging Issues for Concern" 1 Focus WTO Trade and Emerging Issues Vol 18 No.4 Octo- Dec 2016	Critically analyse the principles of Non-discrimination and their role in facilitating free trade.
1.3	Tariffs and Safeguard Measures- Article XIX of GATT 1947, WTO Agreement on Safeguards 1994, Conditions for Application of a Safeguard Measure, General Exceptions, Security Exceptions.		2		Nakulesh Kagathra, Ranneek Singh and Saloni Garg, "Will Protectionism Make an End of Free Trade Era? " 1 Focus WTO Trade and Emerging Issues Vol 19 No.2 April- June 2017	Understand 1. the concept of Tariffs, trade barriers and non trade barrier and the principle of Protectionism. 2. identify the role of safeguard action in developmental purpose.
II	Sanitary and Phyto-Sanitary Measures- Agreement on Sanitary and Phytosanitary Measures, The Exceptions, SPS Levels and Measures that are stricter than the International Standard, International Standards		2		A.K.Koul, The General Agreement on Tariffs and trade (GATT)/ World Trade Organisation (WTO) Law, Economics And Politics (2005)	Students will be able to understand 1. the basic obligations of the WTO member countries to provide equal treatment to exports from all members. 2. appreciate the purpose of the Agreement in promoting international trade by eliminating SPS measures in disguise.
2.1	Technical Barriers to Trade (TBT)- Tokyo Round, The Uruguay Round, Principles of TBT Agreement 1994,		2		Mitsuo Matsushita, Thomas J.Schoeubaun and Petros C.Mavroidis, "The World Trade Organisation Law, Practice & Policy" Oxford University Press (2003)	Students will be able to understand 1. the shift in trade policy concerns from barriers that lie at borders to the barriers that exist within the border. 2. to appreciate the sovereign right principle vs obligations of international standards.

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2.1	Trade Related Investment Measures (TRIMs) 1994, Notified TRIMs-related to export or local control, Elimination of notified TRIMs, List of TRIMs restrictive to developing countries, Trade distorting TRIMs, TRIMs and Development.		2		Present TRIMs Policy in India	1. to Analyse the importance of Investment and international trade. 2. to understand the challenges posed by the foreign investment against the development of host country (developing countries).
2.3	Anti-Dumping Measure- he Kennedy Round Code 1967, Agreement on the Implementation of Article VI of GATT 1994 (Anti-dumping Agreement), The Uruguay Round Anti-dumping Code		3			1. to understand the concepts like dumping, normal value, international price discrimination, fair price comparison etc., 2. analyse the challenges posed by the imports with lower price. 3. the rules relating to Anti dumping Agreement Post and Pre WTO.
2.4	Subsidies and Countervailing Measure- SCM Code GATT 1947, Subsidies Code: The Tokyo Round, SCM Code 1994, Article XVI, Types of subsidies, Subsidies by Developing Countries		2			1. to understand the use of subsidies in protecting the domestic industry and agriculture. 2. to analyse the governmental objectives promoted by use of subsidies.
2.5	Dispute Settlement Process- WTO Dispute Settlement Mechanisms, Dispute Settlement in GATT 1947 and 1994, Article XXIII and the Role of Panels.		2			1. to understand the role of dispute settlement body in enforcement of obligations and rights of member states. 2. to analyse the DSB under GATT 1947 and WTO 1994.

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III	International Sales of Goods- Export Transaction- contract of sale of goods and supply of services	1. Indira Carr Peter Stone, "International Trade Law" (1996) 2. Clive M Schmitthoff "Export Trade: The Law and Practice of International Trade" (2007)	2	Lecture Method / PPT	Shishir Dholakia, Ratifying the CISG - India's Options, <i>Available</i> <i>at</i> http://www.cisg.law.pace.edu	1. to understand the nature of international trade and kinds. 2. Analyse the form and the parties and means involved in export transaction.
3.1	Formation and Performance of International Contracts- Negotiations, the offer and acceptence, Delivery of goods- passing of the risk and passing of the property		2			1. to understand the basic principles relating to the formation of international sale contract. 2. the significance of incorporating the choice of law clause and the jurisdiction. 3. to examine the rules relating to disposal of goods by the seller.
3.2	Various Forms and standardization of terms- Ex work, Fas, FOB, CIF, INCOTERMS		2			1. to understand the different forms of international sale contracts. 2. the rights and obligations of the buyer and seller.
3.3	Acceptance and Rejection of Goods- Conditions, Warranties (statutory) and Imnominate terms (common law)		2			1. to understand the rules to the examination, acceptance and rejection of goods under CISG 1980. 2. to analyse the general principles that governs the rejection of goods.
3.4	Frustration of Contract- legal meaning of frustration, conditions upon which contract is frustrated and effects.		2			1. to examine the significance of the doctrine of frustration of a contract in international trade transactions compared to domestic transactions. 2. to identify the various elements of uncertainty (political and economic) that results in invoking the doctrine of frustration.

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3.5	Invoices and packing- form and content. Obligations of the seller to provide suitable packaging.		2			1. to understand the importance of providing the detailed sale invoice in effective trade practice. 2. To examine the different packaging requirements under different circumstances.
3.6	Product liability- the basis and liability (claims for damages) under contract, tort, statutory right or a combination.		2			to understand the significance of the concept of product liability to the manufacturer and other suppliers, the extent of claims made.
IV	Export- Insurance of Goods in transit- Marine insurance and kinds	1. Indra Carr Peter Stone, "International Trade Law" (1996) 2. Clive M Schmitthoff	2		1. Legal Issues Arising From Delivery of Goods Without a Bill of Lading: Case Study of Some Asian Jurisdiction, ČASLAV PEJOVIĆ Professor of Law, Kyushu University, Japan, Journal of International Maritime Law (2003) 448.	to understand, and analyse the significance of the marine insurance as most of the international trade is carried out by way of sea. Examine different kinds of marine insurance.
4.1	Law on Carriage of goods by Sea- Carriage of goods by Sea (common law principles), Bill of Lading and types, Liability of the Carrier.	"Export Trade: The Law and Practice of International Trade"	2			to understand the significance of carriage of goods by sea and the development of the principles of bill of lading under common law.

Unit	Topic/Sub topic	Prerequisites- Reading/Assignm	No. of hrs	Method	Supplementary Reading	Unit Outcomes
4.2	Carriage of goods by Land- Rail and road. Convention Concerning International carriage by Rail (COTIF) 1980, Uniform Rules Concerning the Contract for International Carriage of Gooda by Rail (CIMO 1983.			Lecture Method / PPT		understand the significance of carriage of goods by rail and road, law relating to it.
4.3	Carriage of Goods by Air- Warsaw Convention, Non- Convention Carriage and IATA carriage					understand the significance of carriage of goods by air and the law relating to it.
4.4	Container transport- Container Leasing agreements and Container bill of lading		2		Yui-Yip Lau. Adolf K. Y. NG, Xiaowen FU, Kevin X. LI The Evolution And Research Trends of Container Shipping, Maritime Policy and Management (Dec 2013) <i>Available at</i> www.researchnet.net/publication	understand the significance of container transport in the modern world and its suitability as multimodal transport, and the law relating to it.
4.5	Pre shipment inspection- nature of inspection, general practice of inspection of goods. Agreement on Preshipment Inspection		2			1. to understand the importance of inspection of goods before shipment as a preventer of future disputes between the buyer and seller, insured and the insurer. 2. to analyse the Agreement on preshipment Inspection under WTO.

No. of Handouts- 10

No. of students Presentations-2

No. of Handouts- 10	No. of students Presentations-2
No. of Case studies-20	No. of documentaries to be screened- 1
No. of Lectures/PPT- 66	No. of Guest Lectures-2
No. of Writing exercise-2	No. of Hrs. for revision and Question Paper Solving- 8
Any Links: www.wto.org	Guest Lectures - 2

Course Outcome

Industry/Professional Skills:

Industry specific and professional skills are acquired like critical thinking, analytical reasoning, Negotiation, subject related scientific and legal knowledge.

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Course Teacher- Mrs. Rashmi R

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