



Business Law. International Commercial Litigation and Dispute Resolution

Fall Term 2024: 2 September – 13 December 2024
(break: 21-25 October 2024)

CATEGORY

Politics and Law

COURSE STRUCTURE

3 contact hours à 45 min per week (14 weeks)

WEEKLY SCHEDULE

Time

Day: Thursday, 4:00-6:30pm

Place

Schönhauser Allee 10, Room 1.23

COURSE LANGUAGE

English

Language requirements (Common European Framework of Reference for Languages)
English B2

TARGET GROUP

International students of all subjects with a strong interest in the course topic. Humboldt Perspectives Study Abroad courses are designed for undergraduate students.

CREDITS = 6 ECTS

All courses are accredited according to the European Credit Transfer System (ECTS).

COURSE DESCRIPTION

This class will give an overview of the most important issues raised in international commercial litigation. The course deals with cases where an international commercial transaction has given rise to a legal dispute between the parties and where this dispute is not decided by arbitration. In such a scenario, the parties have to litigate before the domestic court of a State. This raises a number of difficult issues, a selection of which will be dealt with in the course, primarily from a European (EU) and from a US perspective.

One part of the course will be devoted to the issue of international jurisdiction: In which state's courts can the plaintiff bring his lawsuit against the defendant? What if there are several states that offer a ground of jurisdiction? Why does it matter at all whether a dispute is litigated in one state rather than in another? Can the parties in their contract choose the forum in which future claims will be litigated (forum selection)?

A second part of the course will deal with a selection of specific issues that may arise in international commercial litigation: What if the court which is seized with the lawsuit regards itself as an inappropriate forum (forum non conveniens)? What if the same lawsuit is brought twice, but in different states (lis alibi pendens)? What are the so-called "torpedo claims"? Is it possible to prevent the other party from bringing a lawsuit in a certain state by way of an "antisuit injunction"? Will a judgment from the courts of one state be recognized and enforced in other states?

COURSE OBJECTIVES AND LEARNING OUTCOMES

This course is suitable if you want a concise introduction to the legal challenges relating to the international dimension of litigating commercial disputes, both before state courts and in arbitration. It is especially useful if you are targeting a role in law or within a multinational organisation.

READINGS

Textbook: Hartley, International Commercial Litigation, 3d Edition

ASSIGNMENT INFO

Workload and assignments

Students are expected to participate in class discussion and to create a presentation on a self-selected topic. Presentations (20 to 30 minutes) will be held in groups of two to three students and will be integrated into the lecture's structure.

The course will be concluded with a final test of 45 minutes, covering aspects, which had been discussed in class.

The final grade will be composed of a presentation (30 %), a test (30 %) and active participation in class discussion (40 %). A minimum of 80% class attendance is required.

Failure to fulfil one of the mentioned components results in failure of the class.

YOUR INSTRUCTOR

Vasileios Kapetanios, LL.M. (HU) is a Ph.D student at Humboldt Law School Berlin. His research interests lie mainly in civil procedure law, international arbitration and private international law. He has worked in international law firms in Germany, in the areas of competition and energy law. He has studied law in Athens and Berlin.

COURSE SCHEDULE

3 hours à 45 min per week

Week 1: Introduction

Content, Readings, Assignments, Excursion

Week 2: Foundations and Principles of International Commercial Litigation

Week 3: Brussels 1a Regulation (EU)

History
Basic Principles

Week 4: Bases of Jurisdiction I

The EU Approach

Week 5: Bases of Jurisdiction II

The EU Approach

Week 6: Bases of Jurisdiction III

The UK approach

Week 7 Bases of Jurisdiction IV

The US approach

BREAK: 21 – 25 October 2024

Week 8: Getting out of an Undesirable Court: forum non conveniens and lis alibi pendens

Week 9: Choice of Court Agreements

Week 10: Antisuit injunctions

Week 11: Recognition and Enforcement of Foreign Judgments

Week 12: General Revision

Week 13: International Competition law

Week 14: International Business Law

TECHNICAL REQUIREMENTS

- Registration on Moodle (HU's e-learning platform)

in case of online sessions

- Fully functional device (laptop, tablet, PC)
- Stable internet connection
- Software: Zoom (video/audio)
- *Recommended* hardware: external headset for better sound quality

EXPECTATIONS & POLICIES

Preparation for lively discussions: be on time, have at least the required readings completed, and points in mind for discussion or clarification.

Assignments: complete all assignments according to the specified requirements on the schedule including handing them over to the lecturer.

Commitment: pay particular attention to the lecturer and respect differences of opinions in this international classroom.

Academic guidelines: Comply with academic integrity policies, especially the academic honor code and the student code of conduct. Plagiarism in even a small assignment will result in failing the entire course.

Attendance policy: Students must contact their class teachers to catch up on missed work – to excuse absence please contact the lecturer.

The course and its syllabus are subject to change. Last update: March 2024