



## **INTERNATIONAL BUSINESS LAW - BLAW 428**

**Professor Kurt M. Saunders**

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OFFICE HOURS: Tuesday & Thursday, 12:30 - 1:00 pm in person, and by appointment on Zoom

### **Course Description**

This course is a study of the legal aspects of international business transactions, including an introduction to public international law; an analysis of international sales contracts; international trade regulation; technology transfer and protection of intellectual property rights; and issues relating to foreign direct investment. Prerequisites: BLAW 280; BUS 302, 302L for BSBA majors; passing score on the Upper-Division writing Proficiency Exam (WPE).

### **Course Objectives**

You will gain an understanding of the various legal rules that apply to decision-making in the business environment, and to use these rules to manage legal risk and make ethical decisions. You will develop your analytical, argumentation, and writing skills by reading and briefing court decisions, identifying legal issues and legally relevant facts, using rules and facts to support an argument, and applying rules through oral discussion of cases and hypothetical problems in class and through written analysis on examinations.

### **Required Texts**

The required texts for this course are Richard Schaffer et al., INTERNATIONAL BUSINESS LAW AND ITS ENVIRONMENT (10th ed. 2015) (ISBN: 9781305972599) ("TEXT") and Saunders, International Business Law Supplement ("SUPP"). The supplement is available for download free of charge on the course Canvas site under Modules.

This course is part of the myCSUNDigitalAccess program. The myCSUNDigitalAccess program provides digital materials to students at a deeply discounted price. ALL enrolled students will have access to the materials through Canvas by the 1st day of class, but more likely earlier. If you want to keep access throughout the semester need do nothing. A charge for \$47.00 will be placed on your student portal account (just like tuition, but a separate charge) around the 5th or 6th week of classes. You will then be responsible for paying the university.

If you choose to obtain your materials elsewhere you have until FRIDAY, 02/11/2022 to Opt-Out (see instructions below). Those who Opt-Out by 2/11 will lose access and will not be charged. Anyone who does not Opt-Out by the 2/11 deadline will be charged and those charges will not be reversible.

### **OPT-OUT INSTRUCTIONS**

If you wish to opt out of this program and not purchase access to the required digital materials you will need to follow the steps below by February 11, 2022:

1. Go to <https://accessportal.follett.com/0150>

2. Click on Create an Account on the lower right.
3. Create an account using your CSUN email account.
4. Select the course(s) you wish to Opt-Out from. You will then need to purchase the materials elsewhere on your own.

If you prefer to opt out and rent or purchase the textbook in hard copy, it is available online from the publisher at: <https://www.cengage.com/c/international-business-law-and-its-environment-10e-schaffer/9781305972599/?searchisbn=9781305972599>

### **Class Attendance, Lecture Outlines, and Preparation**

You must attend class on a *regular* and *punctual* basis. You must check Canvas regularly for announcements, assignments, deadlines, and all course materials. The course will be conducted through lecture and discussion using the Socratic and problem methods of instruction. Class discussion will focus on case and problem analysis based on the assigned readings. You must have completed the assigned readings and problems before each class.

For each lecture, I have posted an outline on Canvas/Modules. Use each outline to add your notes as you do the assigned readings and during lectures in class. If you are diligent about doing this, you will have a complete study guide to use in preparing for exams.

You must also brief assigned cases for each lecture. Case briefing involves summarizing a court opinion. If you have never briefed a case before, you should study handout “How to Brief a Case” and the slides entitled “Briefing the *Matimak* Case” posted on Canvas/Modules. Even if you learned how to brief cases previously, it is worth reviewing these resources so you understand my expectations as to briefing.

Part of your final grade will be based on your active participation in the class. Participation involves regular and consistent contributions to classroom discussion and regular posting of responses to questions on the Canvas discussion board. Participation is more than mere attendance in class and time spent logged on to Canvas. I will monitor your participation and post your participation score at the end of the course.

### **Method of Assessment**

Your final grade will be computed based on the total number of points you accumulate during the semester on the following:

Examination I	30 points
Examination II	30 points
Examination III	30 points
<u>Class Participation</u>	<u>10 points</u>
TOTAL	100 points

The final grade will be based on a class curve of total points. Plus and minus grading will be applied for the final grade.

### **Exams and Participation**

*All exams will be conducted on Canvas/Quizzes in the classroom.* You will be able to refer to your textbook, notes, and outlines during the exams. Except in emergency or unforeseeable

circumstances that you can document, *there are no make-up examinations*. You will need to bring a laptop computer or tablet device with keyboard on the day of the exam. If you do not own or have access to a laptop, you can borrow one for free during the semester through the CSUN Device Loaner Program: <https://www.csun.edu/it/device-loaner-program>

Exams will include both multiple choice questions and one or more essay questions. Exam essay questions will require you to analyze factual situations, identify legal issues, and apply the law in determining the outcome of hypothetical cases using the IRAC format. If you are unfamiliar with this structure of organizing a legal analysis, study the handout “How to Write an IRAC Analysis” posted on Canvas/Modules. *If your essay answers are not structured in IRAC format, you will not receive full credit for the answer.*

### **Academic Dishonesty**

You are responsible for knowing and following the CSUN Academic Dishonesty Policy. Collaboration on assignments and examinations is prohibited. Instances of academic dishonesty will be immediately reported to Student Affairs for further discipline and will result in a grade of “F” for the course. The CSUN Academic Dishonesty Policy is available at: <https://catalog.csun.edu/policies/academic-dishonesty/>

### **Disability Resources and Educational Services**

If you have a disability and need accommodations, please register with the Disability Resources and Educational Services (DRES) office at <http://www.csun.edu/dres> or call (818) 677-2684, or contact the National Center on Deafness (NCOD) at <http://www.csun.edu/ncod> or at (818) 677-2611.

### **Notice of Syllabus Revisions**

This syllabus is subject to revision. I will make every effort to provide you with reasonable advance notice of any such revisions.

### Schedule and Reading Assignments

Date	Topic	Assignment
Tuesday, January 25	International Dispute Resolution: International Law and Subject Matter Jurisdiction	<p><b>Preparation:</b> Read textbook pages 57-58, 62-63, and supplement pages 2-3. Brief the <i>Matimak Co. v. Khalily</i> case.</p> <p><b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.</p>
Thursday, January 27	International Dispute Resolution: Personal Jurisdiction and Forum Non Conveniens	<p><b>Preparation:</b> Read textbook pages 63-65, 69-73, and supplement pages 4-7. Brief the <i>Asahi Metal Industry Co. v. Superior Court</i>, <i>Graduate Management Admission Council v. Raju</i>, and <i>Gonzalez v. Chrysler Corp.</i> cases.</p> <p><b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.</p>
Tuesday, February 1	International Dispute Resolution: Enforcement of Foreign Court Judgments	<p><b>Preparation:</b> Read textbook pages 77-78 and supplement pages 8-9. Brief the <i>Yahoo!, Inc. v. La Ligue Contre Le Racisme Et l'Antisemitisme</i> case.</p> <p><b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.</p>
Thursday, February 3	Sovereign Immunity	<p><b>Preparation:</b> Read textbook pages 89-112 and supplement pages 15-17. Brief the <i>Saudi Arabia v. Nelson</i> and <i>Republic of Argentina v. Weltover</i> cases.</p> <p><b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.</p>
Tuesday, February 8	International Sales of Goods: CISG Applicability	<p><b>Preparation:</b> Read textbook pages 86-95 and supplement pages 21-23. Brief the <i>Asante Technologies, Inc. v. PMC-Sierra, Inc.</i> and <i>MCC-Marble Ceramic Center, Inc. v. Ceramica Nuova D'Agostino, S.p.A.</i> cases.</p>
	International Sales of Goods: Writing Requirement	<p><b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.</p>
Thursday, February 10	International Sales of Goods: Offers	<p><b>Preparation:</b> Read textbook pages 95-96.</p> <p><b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.</p>

Tuesday, February 15	International Sales of Goods: Acceptance	<b>Preparation:</b> Read textbook pages 96-102 and textbook page 24. Brief the <i>Hanwha Corp. v. Cedar Petrochemicals, Inc.</i> case. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Thursday, February 17	International Sales of Goods: Contract Modification and Warranties	<b>Preparation:</b> Read textbook pages 103-05 and supplement page 25-26. Brief the <i>Chateau des Charmes Wines, Ltd. v. Sabaté</i> and <i>Schmitz-Werke GmbH &amp; Co. v. Rockland Industries, Inc.</i> cases. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Tuesday, February 22	International Sales of Goods: Breach of Contract and Remedies	<b>Preparation:</b> Read textbook pages 107-10 and supplement pages 27-28. Brief the <i>Delchi Carrier, S.p.A. v. Rotorex Corp.</i> case. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Thursday, February 24	International Sales of Goods: Excuse for Nonperformance	<b>Preparation:</b> Read textbook pages 110-12 and supplement page 29. Brief the <i>Raw Materials, Inc. v. Manfred Forberich GmbH &amp; Co.</i> case. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Tuesday, March 1	<b>Examination I</b> (on campus)	<i>Question and answer review session on Zoom: Monday, February 28 at 11:00 am.</i>
Thursday, March 3	International Protection of Intellectual Property Rights: Introduction to Intellectual Property	<b>Preparation:</b> Read supplement pages 88-90. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Tuesday, March 8	International Protection of Intellectual Property Rights: International Intellectual Property Treaties	<b>Preparation:</b> Read supplement pages 92-108 and 107-11. Brief the <i>China-Measures</i> case. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Thursday, March 10	International Protection of Intellectual Property Rights: Extraterritorial Protection of Intellectual Property Rights – Patents  International Protection of Intellectual Property Rights: Extraterritorial Protection of Intellectual Property Rights – Copyrights	<b>Preparation:</b> Read supplement pages 108-19. Brief the <i>Microsoft Corp. v. AT&amp;T Corp.</i> , <i>Subafilms, Ltd. V. MGM-Pathe Communications Co.</i> , and <i>Steele v. Bulova Watch Co., Inc.</i> cases. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.

	International Protection of Intellectual Property Rights: Extraterritorial Protection of Intellectual Property Rights – Trademarks	
Tuesday, March 15	International Protection of Intellectual Property Rights: International Trade Commission and Section 337 Remedies	<b>Preparation:</b> Read supplement pages 119-24. Brief the <i>Tianrui Group Co. Ltd. v. International Trade Commission</i> case. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion question posted on Canvas.
Thursday, March 17	International Protection of Intellectual Property Rights: Parallel Imports – Patents	<b>Preparation:</b> Read supplement pages 125-30. Brief the <i>Impression Products, Inc. v. Lexmark International, Inc.</i> case. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion question posted on Canvas.
Tuesday, March 29	International Protection of Intellectual Property Rights: Parallel Imports – Copyrights and Trademarks	<b>Preparation:</b> Read supplement pages 130-33. Brief the <i>Kirtsaeng v. John Wiley &amp; Sons, Inc.</i> case. Read supplement pages 134-40. Brief the <i>Lever Brothers Co. v. United States</i> case. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion question posted on Canvas.
Tuesday, April 5	The Foreign Corrupt Practices Act	<b>Preparation:</b> Read textbook pages 435-42 and supplement pages 47-56. Brief the <i>United States v. Liebo</i> and <i>United States v. Kay</i> cases. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Thursday, April 7	Export Controls	<b>Preparation:</b> Read textbook pages 341-54 and supplement pages 59-63. Brief the <i>United States v. Dien</i> and <i>United States v. Roth</i> cases. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Tuesday, April 12	<b>Examination II</b> (on campus)	<i>Question and answer review session on Zoom: Monday, April 11 at 11:00 am.</i>
Thursday, April 14	International Trade: The GATT and WTO	<b>Preparation:</b> Read textbook pages 233-44. Brief the <i>Japan-Taxes</i> case. Download the GATT text pdf file in Modules. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.

Tuesday, April 19	International Trade: Nontariff Barriers to Trade	<b>Preparation:</b> Read textbook pages 259-63 and 274-75. Brief the <i>Thailand Restrictions</i> and <i>EC Measures</i> cases. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Thursday, April 21	International Trade: Import Regulation and Unfair Trade Practices – Safeguards	<b>Preparation:</b> Read textbook pages 284-90 and supplement pages 66-67. Brief the <i>Heavyweight Motorcycles</i> and <i>Frozen Lamb Meat</i> cases. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Tuesday, April 26	International Trade: Import Regulation and Unfair Trade Practices – Dumping	<b>Preparation:</b> Read textbook pages 290-94. Brief the <i>Pesquera Mares Australes Ltda. v. United States</i> case. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Thursday, April 28	International Trade: Import Regulation and Unfair Trade Practices – Subsidies	<b>Preparation:</b> Read textbook pages 297-99 and supplement page 68. Brief the <i>Cabot Corp. v. United States</i> case. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Tuesday, May 3	Customs: Classification – Part 1	<b>Preparation:</b> Read textbook pages 308-17 and supplement pages 75-76. Brief the <i>Rollerblade, Inc. v. United States</i> and <i>Better Home Plastics Corp. v. United States</i> cases. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Thursday, May 5	Customs: Classification – Part 2	<b>Preparation:</b> Download Lecture #13 outline. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas.
Tuesday, May 10	Customs: Valuation	<b>Preparation:</b> Read textbook page 318 supplement page 77. Brief the <i>Trimil, S.A. v. United States</i> case. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion
Thursday, May 12	Customs: Country of Origin	<b>Preparation:</b> Read textbook pages 318-22 and supplement page 78. Brief the <i>Ferrostaal Metals Corp. v. United States</i> and <i>Superior Wire v. United States</i> cases. <b>Participation:</b> Contribute to classroom discussion and respond to the Discussion questions posted on Canvas
Tuesday, May 17	<b>Examination III</b> (10:15 – 11:45 am) (on campus)	<i>Question and answer review session on Zoom: Monday, May 16 at 11:00 am.</i>