

Donald Koblitz

## Synopsis for Seminar on the Practice of International Business Law

Week One

### Practice of Law in International Context

Education and Career of international-oriented lawyer in the United States: Upbringing, college, Law School, Clerkship, Corporate Law Practice, State Department (US foreign Ministry), corporate International Law Firm; German Automobile Company in Germany and PRC;

Week Two

### Context of the Practice of International Business Law

International Law, International Conventions and Customary International law, in particular regarding the expropriation of foreign investment, US Supreme Court case *Banco Nacional de Cuba v. Sabatino* regarding the Act of State Doctrine and domestic courts' willingness to entertain lawsuits stemming from the sovereign acts of foreign countries. See Vagts, Dodge & Koh, pp. 61-94; *International Business Law*, August, Mayer & Bixby, pp. 1-54

Week Three

### GATT, WTO and other Multilateral Trade Agreements

GATT regime, WTO structure and principles, Che WTO+ obligations, dispute mechanisms. August, pp. 337-396  
*United States Import Prohibition of Certain Shrimp and Shrimp Products*, Vagts, pp. 130-153

Week Four

### Ethics and the Practice of Law

Structure of VWAG Legal Department in Germany; structure of Volkswagen China; Rlg ca ee b c e Home Office versus Representing the Field, Lawyers as Counselors versus Service Providers; Ben Dae ai ( Pda Ca a h ah as Lawyer-O a i 7D a Haa P Gdh I ge c e

Week Five

### **Joint Venture in China**

Role of lawyers to explain realities to home office, but loyally represent parent company, consequence of written agreements, contentious issues (social welfare fund, product liability, dynamics of government oversight and local partner interests, factors for success and failure

Sample Foreign Chinese Joint Venture Contract; Law on Sino-Foreign Equity Joint Ventures; Vagts, Notes on Tensions in Joint Ventures, pp. 511-513

Week Six

### **Intellectual Property Rights**

Creation of Intellectual Property Rights, including copyrights, patents, trademarks and know-how, and the World Intellectual Property Organization. August, pp. 452-485.

de B a e e a E a i a a c e a ( h c a b a c a e e a ( indigenous brands, tax incentives, requirement of local IPR for electric vehicles, risk to foreign companies, counterfeiting, unlicensed over-production, IPR protective countermeasures. August, pp. 452-517; *Businessweek* ( E e a d a d e a a i e a A e c a

Week Seven

### **Art of Negotiation**

□ □ es 6*Negotiating Agreements Without Giving In*, Fisher, Ury & Patton, and latest strategies of contract negotiation from University of Pennsylvania Wharton Business School Negotiation course (November, 2012)

Week Eight

**Compliance in Modern Corporations:** US Foreign Corrupt Practice Act and internal structures for compliance, Proposed ISO Standard for Global Business Conduct. August, pp. 182-183, DOJ Handbook.

Week Nine

**Resolving Disputes between Partners Internally:** loyally representing company versus taking into account local conditions, a e c d a e a a a ( e a e b e c harmless concessions. Vagts, pp. 511-518

Week Ten

**Art of Drafting Contracts and Preparing Internal Memoranda**

Joint declarations, Letters of Intent, Memoranda of Understandings and Contracts

Week Eleven

**Arbitration I**

Drafting Arbitration clauses, choosing best forum, conducting arbitration; Gary Born, *International Arbitration, Cases & Material*;

Week Twelve

**Arbitration II**

Gary Born, *International Arbitration, Cases & Materials*

Week Thirteen

**Formal Dispute Resolution**

Settlement of disputes in international tribunals, such as the International Court of Justice, the World Trade Organization and the International Center for the Settlement of Investment Disputes. August, pp. 107-128

Week Fourteen

**EXAMINATION**