CONFLICTS AND BUSINESS LAW
SARA SÁNCHEZ

1- SUBJECT DESCRIPTION

This course will deal with Private International Law (PIL), particularly from a business and commercial law perspective. It will offer a basic and general approach to PIL, while focusing at the same time on selected and current topics in the areas of international business and commercial law. Particular attention will be provided to the PIL of the European Union (EU) and to a comparative perspective of PIL, particularly in relation to PIL in common law systems.

This course forms part of the European Module “Liability of Robots: A European vision for a new legal regime,” a IE University undertaking supported by the prestigious Jean Monnet Programme of the European Commission.

2- OBJECTIVES AND SKILLS.

a) Awareness of the relevance of PIL in a globalized world.
b) Identification of issues to be resolved with the application of PIL.
c) Mastering of PIL’s concept, characteristics, sources and techniques.
d) Application of PIL rules to problems affecting international business and commerce (contracts).

d) Special understanding of EU PIL and of a comparative approach to PIL.

3- CONTENT
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<td>General PIL issues</td>
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<td>General issues</td>
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<td>International Litigation</td>
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<td>International jurisdiction (I)</td>
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<td>SESSION 5</td>
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<td>International jurisdiction (III)</td>
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<td>SESSION 7</td>
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<td>International jurisdiction (V)</td>
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<td>SESSION 11</td>
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<td>General issues</td>
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| SESSION 12 | International Commercial Law  
Contractual obligations (I)  
Case study (AI-related): material and spatial scope of application (LEGROB Jean Monnet Module-*) |
| SESSION 13 | International Commercial Law  
Contractual obligations (II) |
| SESSION 14 | International Commercial Law  
Contractual obligations (III) |
| SESSION 15 | International Commercial Law  
Contractual obligations (IV) |
| SESSION 16 | International Commercial Law  
Non contractual obligations (I) |
| SESSION 17 | International Commercial Law  
Non contractual obligations (II)  
Case studies (AI-related). (i) General rule, lex loci damni, and interface with conventions. (ii) Special rules (LEGROB Jean Monnet Module-*). |
| SESSION 18 | International Commercial Law  
Applicable law: further issues  
Case study (AI-related). Law applicable to proprietary aspects over tangible and intangible assets (LEGROB Jean Monnet Module-*). |
| SESSION 19 | International Commercial Law  
Cases |
| SESSION 20 | EXAM |

*Sessions Co-funded by the Erasmus+ Programme- Jean Monnet Activities -of the European Union*

### 4- METHODOLOGY AND ECTS WEIGHTING

The objectives and skills of this course will be pursued through a combination of methods including lectures, class debates and problem-based exercises. Students will be requested to prepare in advance the assigned readings and to participate in formal (debates and problems)
and/or informal discussions. Students will also need to be ready to take class notes in those lectures with no assigned readings support.

<table>
<thead>
<tr>
<th>Teaching Methodology</th>
<th>Weighting</th>
<th>Estimated time a student should dedicate to prepare for:</th>
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<tbody>
<tr>
<td>Lectures</td>
<td>(40)%</td>
<td>30 hours</td>
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<tr>
<td>Discussions</td>
<td>(29.34)%</td>
<td>22 hours</td>
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<tr>
<td>Group work</td>
<td>(30.67)%</td>
<td>23 hours</td>
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<tr>
<td>TOTAL</td>
<td>100%</td>
<td>75 hours, for 3 ECT (20 sessions)</td>
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5- EVALUATION SYSTEM

Each student has four attempts over two consecutive academic years to pass this course.

Dates and location of the final exam will be posted in advance and will not be changed.

Students must attend at least 70% of the sessions. Students who do not comply with the 70% attendance rule will receive a 0.0 on their first and second attempts and go directly to the third one (they will need to enroll in this course again the following academic year).

Students who are in the third or fourth attempt should contact the professor during the first two weeks of the course.

Student’s final grade will be based on both individual and group work of different characteristics that will be weighted in the following way:

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<tbody>
<tr>
<td>A.</td>
<td>Class participation</td>
<td>25%</td>
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<tr>
<td>B.</td>
<td>Assignments/Debates</td>
<td>25%</td>
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<tr>
<td>F.</td>
<td>Final Exam</td>
<td>50%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>100%</td>
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</table>

WARNING 1: In order to pass the Conflicts & Business Law course you need to obtain at least a grade of 4 out of 10 in each of the categories:
- Class participation
- Assignments
- Exam

WARNING 2: The professor, depending on the group performance, is free to replace part of the assignments grade (10%), with a midterm exam.

A. CLASS PARTICIPATION

Three main criteria will be used in reaching judgment about your class participation:

- **Depth and Quality of Contribution:** The most important dimension of participation concerns what it is that you are saying. A high quality comment reveals depth of insight, rigorous use of case evidence, consistency of argument, and realism.
- **Moving Your Peers’ Understanding Forward:** Great ideas can be lost through poor presentation. A high quality presentation of ideas must consider the relevance and timing of comments, and the flow and content of the ensuing class discussion. It demands comments that are concise and clear, and that are conveyed with a spirit of involvement in the discussion at hand.
• **Frequency**: Frequency refers to the attainment of a threshold quantity of contributions that is sufficient for making a reliable assessment of comment quality. The logic is simple: if contributions are too few, one cannot reliably assess the quality of your remarks. As a consequence, please note that absences will have an impact on your class participation grade.

  However, once threshold quantity has been achieved, simply increasing the number of times you talk does not automatically improve your evaluation. Beyond the threshold, it is the quality of your comments that must improve. In particular, one must be especially careful that in claiming more than a fair share of “airtime”, quality is not sacrificed for quantity. Finally, your attempts at participation should not be such that the instructor has to “go looking for you”. You should be attempting to get into the debate on a regular basis.

**B. ASSIGNMENTS AND DEBATES**

Students will be requested to perform assignments in the form of reading cases, solving problems etc. linked to the contents included in the program. These activities will be debated afterwards in the classroom. The assignments will be graded taking into account both formal and material criteria and, specifically, the accuracy of the results obtained in the tasks entrusted.

**C. FINAL EXAM**

This will be an exam with a maximum assigned time. Questions will cover only topics included in the program and will consist of short problems/questions requiring short and/or medium size answers.

**D. OTHER RELEVANT INFORMATION**

Any student whose weighted final grade is below 5 will be required to sit for the retake exam to pass the course (except those not complying with the attendance rules, whom are banned from this possibility).

Grading for retakes will be subject to the following rules:

- The retakes will consist of a comprehensive exam. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.
- The exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained on the second and fourth attempts is 8 out of 10.
- The third attempt will require the student to complete:
  - a written assignment
  - a final exam

  This is also applicable to students who do not have required attendance, e.g. sickness.

- Dates and location of the retakes will be posted in advance and will not be changed.

**6- USE OF ELECTRONIC DEVICES**
It is highly recommend the use of a laptop in class, Wi-Fi connection needed. In any case, the use of Wi-Fi for activities not related to this class will hinder your grade on participation.

### 7- BIBLIOGRAPHY

**Compulsory**

Title: Concise Introduction to EU Private International Law  
Author: Michael Bogdan, Marta Pertegás  
ISBN / ISSN: 9789089522085  
Medium: Print

**Recommended**

Title: Advanced Introduction to Private International Law and Procedure  
Author: Hay, Peter  
Publisher / Edition / Year: Edward Elgar, 2018  
ISBN / ISSN: 978 1 78643 680 1  
Medium: Print

Title: Conflict of Laws: A Comparative Approach  
Author: Gilles Cuniberti  
Publisher / Edition / Year: Edward Elgar, 2017  
ISBN/ISSN: 978 1 78536 595 9  
Medium: Print

Title: The Brussels I Regulation Recast  
Author: Andrew Dickinson and Eva Lein  
Publisher / Edition / Year: Oxford University Press, 2015  
ISBN / ISSN: 978-0-19-871428-6  
Medium: Print

Title: Rome I Regulation: The Law Applicable to Contractual Obligations in Europe  
Author: Franco Ferrari and Stefan Leible (eds.)  
Publisher / Edition / Year: Sellier, 1st edition, 2010  
ISBN / ISSN: 978-3-86653-115-4  
Medium: Print

Title: International Commercial Transactions  
Author: Jan Ramberg  
Medium: Print

Title: European Union Law for International Business. An Introduction  
Author: Bernard Bishop  
Publisher / Edition / Year: Cambridge University Press, 1st edition, 2009  
ISBN / ISSN: 978-0-521-88144-9  
Medium: Print

Title: Derecho Internacional Privado, volumen I and II  
Author: Alfonso-Luis Calvo Caravaca y Javier Carrascosa González (Dirs.)  
Publisher / Edition / Year: Comares / 16/ 2016  
ISBN / ISSN: 9788490454060 and 9788490454121  
Medium: PRINT

Students will be also required to work with the legal materials assigned to each session in accordance with the program’s contents (see above). These materials will include EU Regulations Brussels I recast, Rome I and Rome II and other legal instruments (i.e., international conventions) mentioned in the program and/or indicated by the Professor.
8- PROFESSOR BIO

Assistant Professor, IE Law School

PhD in Law (Universidad Autónoma of Madrid), awarded with Cum Laude, LL.M. in EU Law (Universidad Autónoma of Madrid), LL.B. in Law and Business Administration (Universidad Autónoma of Madrid).

Sara has been teaching and researching at Universidad Rey Juan Carlos and Universidad Autónoma of Madrid from 2008 to 2013. From 2014 and until 2016, she has been in practice as a lawyer at the law firm Uría Menéndez, specialised in IPOs. Together with this, she worked as corporate governance and company law counsel for Spanish listed companies.

In order to arrange a meeting, students should previously contact Prof. Sánchez by email and arrange for a suitable time and date.

Email: ssanchezf@faculty.ie.edu