



**FACULTY OF LAW AND ECONOMICS DEPARTMENT OF LAW**



# **Module Guide**

## **2016/2017**

Master of Comparative Business Law –  
M.C.B.L. (Mannheim/Adelaide)

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Master of Comparative Business Law –  
M.C.B.L. (Mannheim)

### The Program:

The Mannheim Master of Comparative Business Law (M.C.B.L.) is an advanced academic program providing an in depth understanding of the business law aspects of the Single European and the Global Market.

The program aims at providing students with competence in both comparative and business law, sharpening them in their careers as strategic decision makers in the public as well as the private sector. It offers a unique combination of traditional comparative law studies (legal methodology, legal traditions and the common/civil law divide) and studies in business law (e.g. competition law, contract law, company law and tax law) including trade related aspects. Furthermore, it provides general and specific knowledge of the European Union legal framework and of the actors in international trade law. The program addresses in particular the practical problems resulting from the co-existence of business law at different levels, i.e. the regional business law of the European Union and its respective Member States with the global (or near-global) trade law of the World Trade Organization.

The M.C.B.L. is a full-time program (one academic year) with daily classes. Courses take place (consecutively) over two semesters, from September until early June. The first term focuses on European Business Law and is offered at the University of Mannheim. The second term has an emphasis on international business law and can be completed either in Mannheim or in Adelaide (Australia).

### The Courses:

The program consists of compulsory, intensive and elective courses. The topics of the courses have been chosen carefully. They have been arranged in an order, which ensures the ideal development of both academic and professional competences.

The compulsory courses have a clearly defined focus on comparative legal methodology and the legal sources, actors and means of action. Whereas these subjects of European and International Law are indispensable for business lawyers and thus mandatory, students can also form the program to fit their own interests by choosing from a wide range of intensive and elective courses, which cover all main subjects of business law, thus enabling them a depth of study as well as the coherence of the competences gained. The program pays specific attention to professional applications, particularly through its teaching methods and assignments. To serve this purpose, the program focuses on a combination of legal theory as well as thorough study and analysis of cases and thus takes advantage of an outstanding and well-developed characteristic feature of German legal education.

All students have to complete a total of 16 courses (8 courses/20 ECTS per semester) and are required to pass an examination at the end of each course. With regard to intensive and elective courses, students are expected to participate actively in the courses and they are required to prepare oral and written presentations. In addition, a master thesis (20 ECTS) on a topic of choice is required.

### Study Tour:

In addition to the courses offered in Mannheim, both fall and spring semesters are comprised of a study tour. Further information will be provided in due time.

### The Students:

The M.C.B.L. is a postgraduate program in the field of European and international business law. The program is designed for law graduates, or graduates with a sufficient background in law, who wish to pursue advanced studies to specialize in the area of business law with a comparative perspective. It prepares students for an institutional employment within the EU or domestic administrations on the one hand, as well as for an employment at companies or private practice acting in the global market on the other.

The M.C.B.L. is an academic program in English and open to German and foreign students with at least a four year degree - preferably - in law (Bachelor, LL.B, or equivalent). No prior background in comparative law or comparative political studies is expected or necessary.

The M.C.B.L. program is demanding. In just one academic year it offers a thorough and focused education on European and international business law. The M.C.B.L program therefore is specifically designed for excellent students at an advanced level and for qualified lawyers who wish to enhance their career prospects. Due to the small size of the classes, students benefit from close contact with their professors as well as their fellow students. The students come from all over the world, thus contributing to a truly international study environment.

### Language:

All courses and course materials are in English. A very good knowledge of the English language is thus required (see admission requirements).

### The Department of Law:

In addition to professors of European and international business law, experienced legal practitioners from public authorities and renowned law firms will instruct students and give them important insights into everyday legal practice.

### Facts:

- ✓ Master Program, 1 year (60 ECTS), full time
- ✓ Participating universities: Mannheim and Adelaide
- ✓ Degree: Master of Comparative Business Law (M.C.B.L.)
- ✓ Tuition fees: EUR 8,500

### Part I: Overview of Modules

This overview lists the modules with all courses (whether compulsory or intensive/elective) offered during the Master of Comparative Business Law Program.

**Abbreviations:** HWS (fall/winter term): Course is offered every HWS

FSS (spring/summer term): Course is offered every FSS

Information on the lecturers and course descriptions can be found in Part II of the Module Catalogue.

## **A. Fall-Winter-Term: European Comparative & Business Law**

### **Courses at the University of Mannheim**

#### **1. Compulsory Module**

No.	Introduction to Comparative and European Business Law	ECTS	Page
1	Comparative Law I (European Legal Traditions)	2	7
2	Introduction to European Business Law	2	8
3	European Union Law – Institutional Aspects	2	9
4	European Legal Thinking: Meet Savigny & his Peers	2	10

#### **2. Intensive Module**

No.	The Internal Market	ECTS	Page
5	European Market Freedoms	3	13
6	European Competition Law	3	14
7	European Private Law	3	15
8	Cross Border Litigation & Arbitration	3	16

#### **3. Elective Module**

No.	European Business Law	ECTS	Page
9	E-Commerce & Internet	3	19
10	European Tax Law	3	19
11	EU Fundamental Rights	3	21
12	Introduction to German Private Law	3	21
13	Adelaide Guest Lecture – Commercial Space Law	3	23

## B. Spring-Summer-Term: International Comparative & Business Law

### Courses at the University of Mannheim

#### 1. Compulsory Module

No.	Introduction to Comparative and International Business Law	ECTS	Page
14	Comparative Law II (The Common/Civil Law Divide)	2	25
15	Introduction to International Business Law	2	26
16	International Organizations: legal sources, actors and means of influence	2	27
17	Law & Economics	2	28

#### 2. Intensive Module

No.	The Global Market	ECTS	Page
18	International Trade Law	3	31
19	Corporate Governance II	3	32
20	International Sale of Goods	3	33
21	Private International Law	3	34

#### 3. Elective Module

No.	International Business Law	ECTS	Page
22	International Business Transactions	3	36
23	Intellectual Property Law	3	37
24	International Labor Law	3	38
25	Behavioral Law and Economics	3	39

## A. Fall-Winter-Term: European Comparative & Business Law Courses at the University of Mannheim

### Compulsory Module: Introduction to Comparative and European Business Law

#### **Contents:**

The compulsory module consists of four classes, which provide the theoretical and methodological basis for those courses, which can be chosen from the intensive or elective modules.

They provide a profound introduction to comparative law and a good understanding of the basic structures of the European Union.

- ✓ Comparative Law I - European Legal Traditions
- ✓ Introduction to European Business Law
- ✓ European Union Law – Institutional Aspects
- ✓ European Legal Thinking: Meet Savigny & his Peers

#### **Learning outcomes and qualification goals:**

The module provides the necessary background for both a comparative law analysis and the basis for understanding the European multi-level system.

Taking into consideration that participating students come from different legal orders the class on **Comparative Law I – European Legal Traditions** intends to provide for a common ground, explaining the different traditions and assuring students' awareness of the underlying notions which the terms and concepts they use imply.

As the focus in the fall term is on **European Business Law**, students will at first get an introduction to the different areas of business law, their interaction and their practical relevance. This will range from competition law to public procurement, not only providing the basis for the elective courses but also ensuring that all students acquire a good basic understanding of the entire area of law, i.e. also of those subjects they will not intensify in intensive or elective courses. This general understanding is an indispensable basis for their competence to work in a business context.

The institutional aspects of **European Union law – Institutional Aspects**, which in many areas appear as the main source of regulatory parameters, are also strongly emphasized. The course on European Union Law provides students with a thorough understanding of how the EU acts and which legal forms these actions may take. It also reflects the impact on the (national) business environment.

This (aim) is also further pursued in the class on **European Legal Thinking: Meet Savigny & his Peers**, which, by looking at a selection of renowned legal thinkers, follows a different path of access to methodology and concepts which have coined our understanding of law.

<u>Courses</u>	<u>hours per week</u>	<u>ECTS</u>
Comparative Law I - European Legal Traditions	2	2
Introduction to European Business Law	2	2
European Union Law - Institutional Aspects	2	2
European Legal Thinking: Meet Savigny & his Peers	2	2
<b>Total Module ECTS</b>		<b>4 x 2 = 8</b>
<b>Duration and type of examination</b>	Written examination (4 x 45 minutes = 180 minutes)	
<b>Lecturer</b>	Various	
<b>Offered</b>	HWS	

### Comparative Law I - European Legal Traditions

**Contents:**

This class makes the nature of Comparative Law as well as its functions and aims accessible to students from different legal backgrounds. As studying even one legal system fully is difficult and time-consuming, the course must necessarily take a selective approach to comparative law and to the multitude of legal systems in the world. The class Comparative Law I therefore will focus on European Legal Traditions, whose similarities and differences are an important driver of European harmonization. Matching the overall aim of this module the course will focus on private law and business law aspects of comparative law.

The course has three main components. The first part will cover the origins and utility of comparative law, its aims, tools and methods. This part will particularly focus on the legal orders, which the participants of the class are most familiar with.

The main second part of the course will look at common features of generally accepted concepts of both contract law and of building bricks necessary for any business law, such as division of work, liability, tort law and insurance. The different possible solutions for these problems, which appear in different forms in many jurisdictions, will be presented, followed by an analysis of how they are governed by legal orders belonging to different legal families. Lines of influence and hybrids will similarly be covered.

Furthermore the course will give comparative legal insights to laws in transition as well as legal transplants. Whereas former socialist European countries may serve as an example for the first, the adoption of economic concepts in contract law (such as merchandising and franchising from the US in Europe and the respective related problems of integration into European Union law) are paradigmatic for the second. The third part of the course will cover a comparison of legal education and profession (e.g. role of the judiciary), a critical matter for proper delivery of legal services to foreign clients and working effectively with international law partners.

**Learning outcomes and qualification goals:**

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**Lecturer: Prof. Dr. Oliver Brand:**

Prof. Dr. Oliver Brand, LL.M. (Cambridge) has studied law at the Universities of Münster and Cambridge (United Kingdom) and political science at the University of Münster. He obtained his doctorate on the international law of interest and usury at the University of Münster, where he also conducted the research for his professorial thesis on compulsory licensing. He is currently a professor of Private Law, Insurance Law, Business Law and Comparative Law at the University of Mannheim and the director of the Mannheim Institute of Insurance.

**Introduction to European Business Law****Contents:**

The importance of European Union Law for business entities has increased dramatically over the past years. This is especially true for companies that primarily operate within Europe, yet, as the lawsuits against Microsoft and other corporations demonstrate non-EU based companies are also strongly affected by European Union Law. The general objective of this course is to give a comprehensive introduction to European Business Law.

This course will give an overview on fields of legal regulation, the competence of the European Union to take action, the main aims of European harmonization with regard to businesses and the sector specific approaches taken. It will focus on the overall aim of the European internal market to create a level playing field and analyze the respective measures have on everyday practice of businesses acting in Europe. The respective legal areas will be analyzed from the perspective of a business engaged in the internal market.

- ✓ EU Competition Law
- ✓ Market Freedoms
- ✓ Private Law
- ✓ Social and Labour Law
- ✓ Tax Law
- ✓ State Aid
- ✓ Public Procurement

**Learning outcomes and qualification goals:**

The course aims to provide students with the basics of European Business Law. Participants will get an overview of the concept of the Internal Market as an instrument of European harmonization and understand the interplay of different areas of European Business law. Furthermore, the course will put general knowledge concerning the institutions and the law of the European Union in the context of European Business Law and by this means give the analytical background necessary to handle complex legal questions and cases in the intensive and elective modules.



**Lecturer: Prof. Dr. Friedemann Kainer**

Prof. Kainer holds a chair for German and European Private, Business and Labour law. His areas of interest include the Law of the Internal Market and European Labour Law. He is a Member of the European Community Studies Association. He was teaching European Union Law in various Eastern European countries and is involved in the German Law School in Cracow. Before joining the Mannheim faculty in 2012, he was Assistant Professor at the University of Heidelberg.

**European Union Law - Institutional Aspects****Contents:**

The European Union (EU) is an international organization of a supranational character and, as such, part of a multi-level system of government. Traditionally, EU Law has concentrated on the creation and functioning of what is called the Internal Market. The addition of new policies, e.g., in the fields of asylum, border controls or foreign and security policy, has not diminished, but rather increased its impact on all fields of economically relevant law.

EU Law not only interacts with the domestic law of each of the Union's Member States. To a considerable extent, it directly affects legal relations within the Member States' legal spheres, whether they are of a public- or a private-law nature. This holds true both for the EU's "primary law", i.e. provisions of the treaties, protocols and annexes, and for its "secondary law", i.e. legal acts issued by EU institutions, which can take the forms of regulations, directives and decisions as well as opinions and recommendations.

The course will introduce the main sources of primary law (the Treaties, i.e. EU, TFEU), the institutions (esp. European Parliament, European Council, Council, Commission, Court of Justice) and the different means of action (Regulation, Directive, Recommendation, Soft Law). The respective legal sources of secondary law, the procedures for their creation or enactment and their position in the hierarchy of norms as well as their legal effects, their implementation and enforcement will be covered. Further the course will focus on the interplay between European and national law, analyzing, inter alia, the need for harmonized interpretation and the mechanisms – such as preliminary rulings – by which EU Law tries to achieve this aim. Furthermore, the judicial remedies against breaches of EU Law, especially those available to individuals and private corporations (including actions for damages), are of interest.

- ✓ Foundation of the European Union: nature, structure and development
- ✓ Sources of European Union Law
- ✓ The organizational structure: EU institutions (e.g. European Parliament, European Council, Council, Commission, Court of Justice) their creation and functioning
- ✓ Court of Justice of the European Union: Means of judicial protection; uniform interpretation of EU Law; the interpretative guideline of effet utile
- ✓ Types of legislation and other means of action
- ✓ Implementation of EU Law in the Member States' domestic legal orders;
- ✓ Effects of EU Law on rights and obligations of individuals.

**Learning outcomes and qualification goals:**

The course aims at thoroughly familiarizing the students with the primary materials of European Union Law (texts of Treaties, secondary legislation and case law) and with a profound knowledge of European rule-making, which shows an ever stronger regulatory effect on the national legal orders of the member States.

In presenting the institutional law and the competences of the EU as well as the effects of EU Law in the Member States' domestic spheres, the course intends to provide students with the knowledge of EU Law which they need in order to understand European business law thoroughly. Due regard will be taken of current challenges of European law, resulting, e.g., presently from the financial crises in several States within the euro area.

**Lecturer: Prof. Dr. Hans-Joachim Cremer**

Prof. Dr. Hans-Joachim Cremer has been a professor of Public Law and Philosophy of Law at the University of Mannheim since 2000, where he had also studied law from 1981 to 1986. After his first (1986) and second (1990) state examinations he worked as a senior research assistant to Prof. Dr. Helmut Steinberger, a former Justice of the Federal Constitutional Court, at the University of Heidelberg. It was there that he earned his doctorate summa cum laude, winning the University of Heidelberg's Ruprecht Karl's Award in 1995 with his thesis on legal protection against trans-border effects of expulsion and deportation. In 1999 he completed his habilitation. His post-doctoral thesis investigates the methodology of constitutional interpretation. He has gained teaching experience abroad as a visiting professor at the Institute of Global Law of the University College London, at the University of Connecticut School of Law, at the Université Toulouse 1 Capitole and at the University of Adelaide Law School.

**European Legal Thinking: Meet Savigny & his Peers****Contents:**

Continental European law strongly relies on written legal sources such as codes. Thus, theoretically, legal scholars from European nation states have similar approaches to handling the written sources when working on a concrete legal case. Still, the respective national legal tradition a lawyer first was trained in strongly influences the way she/he will interpret and apply the law to the facts of a case. To a significant extent this phenomenon can be attributed to different schools of legal thinking, which have found their way into the national codes and academic traditions. They lie between the lines of the respective sources and are often influencing unnoticedly the reasoning adopted. In order to understand these approaches of both lawmakers and lawyers it is very helpful to acquaint oneself with the thinking of those persons, which have had long-lasting influence on the formation of national law & legal thinking.

In order to grasp the context of the works of Europe's – and Germany's – keenest legal thinkers we have to go back to the roots and acquaint us with the more than two thousand year old tradition of ancient Roman law. Already a glance at the titles of the main works of Carl Friedrich von Savigny (1779-1861) *History of Roman law in the Middle Age* (1815-31) and *The System of today's Roman Law* (1840-49) displays the everlasting impact on European legal tradition. Accordingly, also the

course will follow a timeline, which starts in the age of classic Roman law and antique elocution – a powerful means of rhetoric –, then covers the renaissance of jurisprudence in the High Middle Ages and Early Modern Era and finishes with the capstone of this private law tradition, namely Bernhard Windscheid's *'Lehrbuch des Pandektenrechts'*, which heavily influenced the German Civil Code. The selection of legal thinkers is either motivated by the outstanding quality of their works (cf. Cicero, Papinian, Accursius und Savigny) or their paramount influence on our understanding of law (cf. Svarez and Rabel) or a combination of both.

- ✓ The Roman Foundations of Law: Cicero, Papinian and Tribonian
- ✓ The Renaissance of Roman Law in the Middle ages: Accursius, Baldus and Zasius
- ✓ The foundations of the common law: Edward Coke
- ✓ The labyrinth of creditors: Salgado de Somoza
- ✓ Legal concepts of the age of enlightenment: Thomasius
- ✓ Early codification: Carl Gottlieb Svarez
- ✓ The pandectist tradition: Friedrich von Savigny
- ✓ The 'Interessensjurisprudenz': Rudolf von Jhering
- ✓ The foundations of the German Civil Code: Bernhard Windscheid
- ✓ From comparative to a uniform sales law: Ernst Rabel
- ✓ Current private law methodology: Karl Larenz and Claus Canaris

#### **Learning outcomes and qualification goals:**

In this class you will get acquainted with selected European legal scholars whose works influenced the debate on what law is or ought to be and thereby provide access to methodology and concepts that have formed our understanding of law.

The aim of the class is to illuminate the underlying structures of our legal orders by introducing a selection of renowned legal thinkers: their person and background, their main pieces of work and their methodological impact on our understanding of law. By this means methodological concepts and terms, such as the idea and structure of codification, the concept of systematic interpretation, the function of general clauses and – most importantly – the general notion of comparative law can be discussed and will contribute to the general understanding of comparative legal methodology.

#### **Lecturer: Dr. iur. Vanessa C. Duss Jacobi**

Dr. Vanessa Duss Jacobi, advocate, studied law at the Faculty of Law at University of Zurich. She obtained her PhD 2009 with a work in the field of legal theory and legal history on interdependencies between jurisprudence and private law codification in Switzerland. In the year 2010 she obtained the Swiss state law attorney's licence. Since 2009 she was postdoctoral assistant and until 2015 also lecturer in the subjects of the fundamentals of law (legal history, legal theory, legal sociology, legal philosophy and methodology of law) at the faculty of law of University of Lucerne. From 2009 to 2012 she was working as a coordinator of the interdisciplinary postgraduate program "TeNOR – Text and Normativity". From 2012 to 2013 she has been the coordinator of the Competence Center in Research (CCR) of University of Lucerne on Text and Normativity and managed the University of Lucerne's grant application at Swiss National Science Foundation for a National Competence Center of Research in that field. 2013-2014 she was trained in research

management and has obtained the CAS certificate of University of Berne. Since 2014 she is working as a project manager in different fields of research management at University of Lucerne. She thought at University of Lucerne, Stockholm, Frankfurt a.M., Tartu and since 2014 she is teaching the course “European Legal Thinking: Meet Savigny and his Peers” at University of Mannheim.

### Intensive Module: The Internal Market

#### **Contents:**

European Union law and the concept of the Internal Market have influenced virtually every single area of business law. Although every lawyer working in this area needs a good understanding of the overall concept, we cannot expect everyone to be an expert in every detail. Building on the knowledge gained in the compulsory classes, the intensive module therefore offers the possibility to choose between two different sides of European business law: The regulatory framework or the cross- border aspects.

The intensive module offers four classes, of which students have to choose two. The classes on **European Market Freedoms** and **Competition Law** focus on the regulatory framework set up by the harmonized law of the internal market. The classes on **European Private Law** and **Cross Border Litigation & Arbitration** tackle the problems which result from the parallel existing (to date) 27 national legal orders that together make up the internal market.

Although the combination of European Market Freedoms with Competition Law on the one hand and Private Law with Cross Border Litigation & Arbitration on the other can be recommended, the (final) decision is left to the participant(s). This flexibility serves in particular the course selection, thus complementing the basic knowledge students have already acquired in the course of their preceding programs.

- ✓ European Market Freedoms
- ✓ European Competition Law
- ✓ European Private Law
- ✓ Cross Border Litigation & Arbitration

#### **Learning outcomes and qualification goals:**

European Market Freedoms and European Competition Law are the cornerstones of European integration. However, the regulatory framework is only in parts construed by written legal norms. In many respects it has been developed by case law, especially by the European Court of Justice. Students therefore are trained to recapitulate the development by analysing leading cases and understanding the legal and economic arguments driving the ECJ as one of the most powerful engines of harmonization in order to foster their ability to deal with upcoming topics and future problems.

The ability to negotiate international contracts and resolve cross-border disputes is an important skill for everybody working in a company which acts on a European level. An indispensable basis for successfully working in this area is to know where to find the respective legal sources and to understand the complex interaction of the different levels.

The courses on European Private Law and Cross Border Litigation & Arbitration on the other hand are designed to promote critical awareness for the complex ways in which domestic private and procedural law are subject to Europeanization. Students are trained to distinguish between harmonized areas and such fields which still show considerable differences between national laws. They are invited to understand the co-existence of national legal orders within the internal market as an opportunity to choose the law and procedural measures which best suit the aims and needs of their businesses or clients.

<u>Courses</u>	<u>hours per week</u>	<u>ECTS</u>
European Market Freedoms	2	3
European Competition Law	2	3
European Private Law	2	3
Cross Border Litigation & Arbitration	2	3
<b>Total Module ECTS</b>		<b>2 x 3 = 6</b>
<b>Duration and type of examination</b>	Written examination (2 x 45 minutes)	
<b>Lecturer</b>	Various	
<b>Offered</b>	HWS	

### European Market Freedoms

**Contents:**

All private persons or companies upon entering one of the EU Member States not only come under this single State's national legal order. They are immediately affected by "European Law", the law of the European Union granting them certain rights and privileges but also requiring them to comply with certain duties and obligations.

The internal market is one of the essential cornerstones of the European Union. The Market Freedoms lie at its heart. The free movement of goods, persons, services and capital is essential for unifying the markets while ensuring competition and trade within Europe. The freedoms grant direct effective rights to private persons and legal persons, which can be enforced before national courts, and guarantee the freedom of contract in a transnational perspective.

The course will focus on a systematic survey of the market freedoms by the means of studying the jurisdiction of the European Court of Justice.

- ✓ General concept of the market freedoms
- ✓ Development and aim of market freedoms
- ✓ Leading cases of the European Court of Justice
- ✓ Function of market freedom fostering integration
- ✓ Further development of market freedoms
- ✓ Impact of market freedoms (compliance)

**Learning outcomes and qualification goals:**

This course is intended to give the students a thorough grounding in the substantive provisions on the internal market, i.e. on the 'four freedoms' as well as on their link to competition law. Participants will improve their ability to read and understand the Court's decisions. The course also aims at training students to discuss cases critically and to enhance their skills of dealing with new and as yet unknown problems of substantive European Community law by applying the generally acknowledged methods of interpretation.

**Lecturer: Prof. Dr. Jens-Uwe Franck, LL.M. (Yale)**

Prof. Dr. Jens-Uwe Franck, LL.M. (Yale) has studied law at the University of Halle and the London School of Economics and Political Science (LSE). He earned a further law degree, a LL.M., from Yale Law School and a doctoral degree, Dr. iur., from the Humboldt University of Berlin. Franck has clerked at the European Court of Justice in Luxemburg for Judge Egils Levits and has worked for the Advisory Service to the Legal Reform in Beijing in China. Before joining the law department at the University of Mannheim as a professor (ad interim) he held a post-doc position at the University of Munich where he finished his habilitation. His academic specialties include private law, commercial and competition law. He has published numerous articles in these fields.

**European Competition Law****Contents:**

Over the past 40 years, the rules on Competition Law (Antitrust) in the EU have developed into a substantial body of law. They constitute directly applicable rules for enterprises, and as such they are of immediate concern to them. Contracts in violation of the rules are unenforceable and huge fines are imposed in case of infringements while parties that suffered damages may litigate before a national civil court.

This course offers an introduction to main areas of EU competition law illustrated by practical examples which in part reflect the lecturer's own experience as an eminent German antitrust practitioner. Core elements of EU competition law treated include the concepts of horizontal and vertical restraints of competition, the importance of market definitions and the various techniques used therefore, the role of market power for Articles 101 and 102 TFEU (and implementing regulations and guidelines) and the basic outlines of European merger control.

It is the aim of the course to provide the participants with a solid basis for the practice of competition law. The course will cover the main features of the EU rules both from a substantive and a procedural perspective, including the relationship between EU and national competition law as well as the economic principles and procedures concerning merger control.

**Learning outcomes and qualification goals:**

Students will be required to understand the specific economic approach to the application of competition law favoured by the EU Commission. They will become familiar with original decisions by the EU Commission and the European Courts dealing with competition aspects. The course aims

to allow a basic understanding of how competition law affects business decisions. The students will be required to draw comparisons between the system of EU competition law and their own national competition law. To the extent possible the students will be invited to contribute skills developed in neighbouring subjects such as economics and institutional law of the European communities.

**Lecturer: Prof. Dr. Albrecht Bach**

Prof. Dr. Albrecht Bach has studied law in Tübingen and Aix-en-Provence (France). From 1986 until 1990 he was a research assistant of Prof. Dr. Möschel (Chair of German Civil Law, Trade and Business Law) and has completed his doctorate in 1991. He was admitted to the bar association in 1989 and is a practising lawyer at the law firm OPPENLÄNDER Rechtsanwälte in Stuttgart. His work focus lays in competition law, merger control and compliance programs. He is a member of the International Bar Association (Section on Business Law). Prof. Dr. Bach is a lecturer and an honorary professor at the University of Mannheim.

### European Private Law

**Contents:**

The course will provide a framework for an advanced comprehension of European private law in comparative perspective, with an eye on the impact of Union legislation and adjudication on national legal systems.

Institutional aspects of EU law and its interplay with national law as well as the relevant directives harmonizing national private laws will be covered, as well as general structures and core concepts of European private law. This will in particular relate to contracts as the most important means to create and organize legal environments on the one hand and the restraints on party autonomy in favour of the weaker party and the means for its protection (i.e. consumer law) on the other.

Throughout the course there will be a strong focus on cases.

- ✓ Development of European private law
- ✓ The different layers of legal sources
- ✓ Methods of unification on the European level
- ✓ DCFR
- ✓ Unified rules in the diverse fields such as contracts, labour law, product liability, intellectual property, and last but not least private international law

**Learning outcomes and qualification goals:**

The course encourages close and interactive reading of key legislative and judicial texts, at both national and European levels, and the different methodology of applying national and European law. The objective is to introduce students to the handling of domestic, comparative and European Union private law materials and techniques at once. Further the course intends to foster critical awareness of the complex ways in which domestic private laws are subject to Europeanization, and how European laws re-arrange domestic private laws.



**Lecturer: Dr. Juliana Mörsdorf-Schulte, LL.M. (Berkeley)**

Dr. Juliana Mörsdorf-Schulte, LL.M. (Berkeley) has studied law at the Universities of Cologne and Geneva and has earned another law degree at the University of California in Berkeley. She has written her doctoral thesis on punitive damages and her habilitation thesis on the procedural and institutional aspects development of European law through the interpretative work of the Court of Justice of the European Union. She currently works as a judge at the Düsseldorf district court and has been a lecturer at the University of Mannheim since 2002. In her daily practice she focuses on private law, including design patent law, and has published in the field of private international law, comparative law, civil procedure, tort law, European private law.

**Cross Border Litigation & Arbitration****Contents:**

Parties to international disputes tend to strive for litigation in their home countries. This is primarily attributable to the parties' and their representatives' familiarity with the system and language. This tendency can even be observed in cases where an informed choice would prove a foreign venue to be more favourable, be it for procedural reasons (e.g. evidence, costs of litigation) or matters of substance (applicable law, ordre public, mandatory rules of the forum, scope of private autonomy).

The opposite effect can be observed with regard to arbitration. Arbitration often is chosen by parties in the belief that it is a superior means of dispute resolution, e.g. because it is said to be time- and cost-efficient, neutral, arbitrators ensure high legal quality and superior understanding of business contexts. In fact arbitration can be a very reasonable means of solving legal disputes. But whether state courts must be shy of the comparison will depend on the arbitration rules and venue chosen and the subject matter or the dispute.

The course consists of two parts: The first focuses on cross border litigation before state courts, the second will provide an overview on arbitration law.

- ✓ Introduction: Impact of the forum on the dispute (lex fori and lex causae)
- ✓ International Jurisdiction of state courts (Brussels I Regulation)
- ✓ Provisional measures and procedural strategy
- ✓ Access to evidence in cross-border litigation
- ✓ Recognition and enforcement of foreign judgments (Brussels I Regulation)
- ✓ Advantages and Disadvantages of Arbitration
- ✓ Drafting arbitration agreements
- ✓ Introduction of common arbitration rules (ICC, LCIA, Swiss Rules, DIS)
- ✓ Conduct of arbitration proceedings
- ✓ Enforcing arbitration awards and the New York Convention

**Learning outcomes and qualification goals:**

European harmonization and the common internal market have led to a significant increase of transnational legal disputes. These pose significant challenges to both judges and lawyers trained in a single national legal system. A common reaction to these threat is to avoid foreign litigation and if possible to institute proceedings before the home venue.



As an alternative many disputes concerning international business transactions are subjected to arbitration. The course intends to provide an overview on state court and arbitration as alternative means to resolve disputes and familiarize the students with their respective advantages and disadvantages, which are indispensable for an informed choice.

**Lecturer: Dr. Lea Tochtermann**

Dr. Lea Tochtermann is a research assistant at the chair for Private Law, Intellectual Property Law and German & European Civil Procedure at the University of Mannheim. She has studied law at the University of Heidelberg as well as the Science Po and Sorbonne Universities in Paris. She has successfully coached student teams for several editions of the Willem C. Vis International Commercial Arbitration Moot which focuses on the legal fields of international commercial arbitration and the CISG. Past stages of her professional career include work for a leading German law firm in the dispute resolution practice as well as at Advocate General Kokott's office at the Court of Justice of the European Union. In her current research she focuses on intellectual property law and private international law.

### Elective Module: European Business Law

**Contents:**

The elective module offers five classes, of which the students have to choose two. They offer a broad variety of areas in which the legal framework is strongly influenced, if not replaced, by European Union law.

The courses build on the knowledge gained in the compulsory and intensive modules. Therefore, the majority of these courses take place in the second half of the semester (week 8-14). Their aim is to look at specific areas of law from a comparative and European law perspective applying the methods and techniques already acquired from existing (national) rules and cases decided by the ECJ and national courts.

The course on **E-Commerce & Internet** prepares students particularly interested in working in the private sector. The classes on **European Tax Law** and **EU Fundamental Rights** are of particular interest to students planning a career in the public sector. The course **Introduction to German Private Law** is intended to familiarize students from abroad with the German legal system and is thus not eligible for students which have completed a German LL.B. or state exam.

Last but not least a **"Guest Lecture"** is offered by a lecturer from the University of Adelaide to underline the comparative perspective of the program.

A special focus lies on interpreting the law, developing arguments and solving cases. Students are thus asked to prepare the classes according to the instructions of the lecturer. Case studies and group work will then practice and rehearse the theoretical knowledge gained.

- ✓ E-Commerce & Internet
- ✓ European Tax Law
- ✓ EU Fundamental Rights
- ✓ Introduction to German Private Law
- ✓ Adelaide Guest Lecture

**Learning outcomes and qualification goals:**

The Elective Module offers the opportunity of applying the competencies and skills gained in the Compulsory and Intensive Modules in another area of law. In small groups, students are instructed to interpret the rules and cases by taking the hierarchy of legal sources into account, analysing the reasoning of court decisions and developing lines of arguments. Students will be asked to present their arguments in class or in a written assignment.

<u>Courses</u>	<u>hours per week</u>	<u>ECTS</u>
E-Commerce & Internet	2	3
European Tax Law	2	3
EU Fundamental Rights	2	3
Introduction to German Private Law	2	3
Adelaide Guest Lecture	2	3
<b>Total Module ECTS</b>		<b>2 x 3 = 6</b>
<b>Duration and type of examination</b>	Oral examination ( 2 x 15 minutes)	
<b>Lecturer</b>	Various	
<b>Offered</b>	HWS	

**E-Commerce & Internet**

**Contents:**

The course gives a thorough introduction to the legal problems, which may occur in the course of the use of the internet in general and e-commerce in particular. It is focused on the view of business related activities. Based on an introduction to the infrastructure of the internet the course will analyze the major legal issues of five economically relevant sections :

**E-Commerce & Private Law**

- ✓ Advertising for e-commerce
- ✓ Online shops and copyright law
- ✓ Domains
- ✓ Cross border e-commerce

The chapter on E-Commerce & Private Law will inter alia cover formation of contract, standard terms and conditions, consumer protection and specific problems connected to internet auctions and mobile commerce.

Advertising for e-commerce will take a look at rules of unfair competition, required imprint information, the ban on spamming, specific requirements for sales of pharmaceutical products via the internet and, of course, on ad-words. Further the liability under tele media law, for hyperlinks, hotspot operators and for user generated content will be an important issue.

The section on copyright law and online shops will focus on copyright restrictions for the presentation of content (including file sharing and streaming) and will take a look on the protection of content and websites.

The section on domains will explain the domain name system and its implications on trademark law and unfair competition law. It will also look at the possibilities to protect a domain as trademark. Finally and the legal consequences of infringement will be covered.

**Learning outcomes and qualification goals:**

The students are instructed to apply their knowledge of structures and rules to the field of e-commerce. They will be acquainted with the general legal rules and regulations for e-commerce.

Moreover, they will learn how the general rules have to be adapted to suit this virtual environment. Leading cases will be discussed and demonstrate how the courts have adjusted the legal regime, overcome some uncertainties and filled the gaps. Students shall be enabled to audit the requirements for e-commerce projects and to solve legal problems which have resulted in the course of e-business. The class will learn argumentation and procedural strategies of legal challenge and defence in e-commerce cases.

**Lecturer: Prof. Dr. Markus Köhler**

Prof. Dr. Köhler is equity partner of the Stuttgart based law firm of OPPENLÄNDER. He is specialized in IP law and energy law. He has studied at the University of Mannheim and has been research assistant to the chair of Professor Dr. Hans-Wolfgang Arndt. He is honorary professor and lecturer for internet law, unfair competition law and trademark law. Prof. Dr. Köhler is member of the Executive Board of the Interdisciplinary Centre for Intellectual Property (IZG) and elected member of the Special Committee for Trademark and Unfair Competition Law in the German Association for the Protection of Intellectual Property (GRUR).

### European Tax Law

**Contents:**

European Union Law has an increasing impact on the taxation of private individuals as well as of companies doing business in Europe. While the European Union has no original tax authority its law has a major influence on national tax laws.

The course will start with an introduction into European Union Tax Law, the aims and measures so far taken by European institutions. After that the course will cover the positive harmonization of indirect taxes mainly by European directives. In a third part the course will focus on secondary law harmonizing direct taxes in Europe, e.g. the Parent-Subsidiary Directive. In a last section the course deals with the importance of the fundamental freedoms for the taxation in Europe. A special focus will be put on the case law of the European Court of Justice.

- ✓ Basic principles of European Law
- ✓ Harmonization of indirect and direct taxes by primary and secondary law
- ✓ Fundamental freedoms referring to taxation in Europe
- ✓ Important case law

**Learning outcomes and qualification goals:**

Students get a basic understanding of the system of European Tax Law. They learn how European Law influences as well as limits national taxation. Students are required to analyze the importance of the fundamental freedoms for the taxation in Europe. Moreover the discussion on the relevant case law should enable them to classify and to evaluate decisions of the European Court of Justice.

**Lecturer: Prof. Dr. Thomas Fetzer**

Thomas Fetzer is Professor of Law at the University of Mannheim Law School, Germany, where he holds a Chair of Public Economic Law, Regulation and Taxation. Moreover, he is academic Co-Director of MaCCI (Mannheim Centre for Competition and Innovation), and academic Co-Director at MaTax (MannheimTaxation Science Campus). In addition, he is Adjunct Professor of Law at the Center for Technology, Innovation and Competition at the University of Pennsylvania Law School and Adjunct Professor at the MBS (Mannheim Business School). Moreover, he is currently Head of the Law Department at the University of Mannheim as well as Vice-Dean of the School of Law and Economics. He has been a guest lecturer at the Vanderbilt University Law School and the University of Pennsylvania Law School. His fields of expertise are Telecommunications Law, Media Law, European Competition Law and European Tax Law.

## EU Fundamental Rights

**Contents:**

The European Union (EU) possesses strong regulatory powers that deeply affect individuals within the EU Member States. Despite this, it was not until the late 1960s that the European Court of Justice started “taking rights seriously”, by acknowledging fundamental rights as general principles of the then European Economic Community law. Since then the EU institutions’ concern for fundamental rights has grown dramatically and culminated in the entry into force of the Charter of Fundamental Rights of the EU in 2009.

The course aims to provide a comprehensive overview of the sources of fundamental rights and the mechanisms for their protection in the EU legal order. After a brief historical introduction, it will focus on the instruments in EU law that ensure the protection of fundamental rights and that provide redress for their violation by both European and domestic authorities. Particular attention will be devoted to the complex interplay between the three main sources of fundamental rights protection in Europe (namely, national constitutions, the European Convention of Human Rights and the Charter of Fundamental Rights of the EU) and their respective courts.

Classes include both traditional lectures and the presentation and discussion of judgments and texts assigned in advance. Students will be encouraged to actively take part in the course and to contribute to a lively and thought-provoking atmosphere.

- ✓ Historical development of the protection of fundamental rights in the EU
- ✓ The role of the European Court of Justice and its interaction with national courts
- ✓ The Charter of Fundamental Rights of the EU
- ✓ The EU and the European Convention on Human Rights
- ✓ EU fundamental rights and national fundamental rights
- ✓ Current issues in fundamental rights protection in Europe

**Learning outcomes and qualification goals:**

The course intends to provide students with a deeper understanding of both the EU system of fundamental rights protection and its relationships with the national and international human rights systems.

Students will learn to address and critically assess fundamental rights issues and will gain familiarity with the major techniques of fundamental rights adjudication, such as proportionality and the balancing of rights. The discussion of recent judgments of the European Court of Justice and of other courts will contribute to an understanding of the practical impact fundamental rights have on the EU legal order and of the issues their effective protection raises within the EU.

**Lecturer: Dr. Davide Paris**

Dr. Davide Paris was educated in law at the University of Trento and earned a PhD in Constitutional Law at the University of Milan in 2009. His thesis concerned the right to conscientious objection and was awarded the "Leopoldo Elia" prize for the best Italian PhD thesis in constitutional law. He was post-doctoral research fellow at the University of Toulon in 2010 and at the University of Eastern Piedmont from 2012 to 2013. In 2014 he joined the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, thanks to a fellowship of the Alexander von Humboldt Foundation. His research focuses mainly on comparative constitutional law and multi-level fundamental rights protection in Europe.

### Introduction to German Private Law

**Contents:**

The course is designed to give a comprehensive survey of German private law, i.e. general rules of private law, commercial law, and civil procedure.

An important structural decision of German private law (sic!) is already displayed by the fact that the Civil Code is the 'law book for citizens' - today including consumers - whereas particular rules for businesses are comprised in the commercial code, corporate law, and various other codifications.

However, both general private law, and commercial law are enforced by the same rules of civil procedure. The German Civil Code is of paramount importance for understanding German law as its concept and system has impressed the legal thinking of generations of German lawyers. Students

will be acquainted with both its sources, and its general principles. In the course of the class students will learn to work with the German civil code, understand the underlying system, influences on the Civil Code from the European Union (EU), and the accepted methods of interpretation.

- ✓ Introduction to German Private Law
- ✓ The division between public law, general private law and commercial law
- ✓ The German Civil Code
- ✓ Influence from the EU
- ✓ Basic concepts and means of interpretation
- ✓ Function and Content of the General Part
- ✓ Law of obligations (contracts, torts, and unjust enrichment)
- ✓ Property Law
- ✓ Law of succession and company law (including partnerships and corporations)
- ✓ The system of law enforcement

**Learning outcomes and qualification goals:**

Students will be acquainted with the overall structure of German private law and the German Civil Code as its main source. They will acquire the necessary skills to find the respective legal sources, analyze whether a specific intended business action appears admissible or may imply legal risks. Students are encouraged to make reference, by way of comparison, to the law of their own country in the class.

**Lecturer: Dr. Stefan Zeyher**

Dr. Stefan Zeyher is an attorney at law in the Mannheim office of Schilling, Zutt & Anschütz. He was admitted to the bar in 2006. In his practice he mainly advises and represents German and international clients in litigation and arbitration matters as a counsel; he also has experience as an arbitrator and a secretary to arbitral tribunals. Furthermore, Dr. Zeyher advises German and international clients on corporate law, group law, public and private M&A and commercial law. Dr. Zeyher studied at the Universities of Constance, Mannheim (Dr. iur.) and St. Gallen, Switzerland (Executive Master of European and International Business Law). He attended the Harvard Negotiation Institutes Summer Programs. Dr. Zeyher authored publications in the fields of corporate, M&A, capital markets and civil procedure law. He also lectures European law at the Mannheim Business School and is a member of the German Institution of Arbitration, the Academic Corporate Law Association and the Academic Banking Law Association.

## Adelaide Guest Lecture – Commercial Space Law

### **Contents:**

Germany is a significant contributor to and member of the European Space Agency. Australia does not currently have a space agency, but was once a member of the European Launcher Development Organisation (ELDO) and has hosted many historically important launches, therefore a comparison of these two approaches to facilitation of space based industries will be enlightening.

Once solely the domain of international law, space activities are now generated and conducted by private entities and thus space law is increasingly regulated by contract, voluntary codes and competing domestic laws (such as the new US Commercial Space Law Competitiveness Act which purports to allow companies to own resources that they gather in outer space e.g. Asteroid mining). Further, governments are increasingly reliant upon commercial providers to develop and service space missions (e.g. Servicing the International Space Station, now being tendered for by private space companies such as Elon Musk's SSpaceX).

### **Learning outcomes and qualification goals:**

This course will look at the burgeoning area of commercial space, including space tourism, satellites, data gathering, and technology development, and consider the role of regulation, contract, intellectual property and other commercial laws in this burgeoning and important area.

### **Lecturer: Prof. Melissa de Zwart LL.M.**

Prof. Melissa de Zwart LL.M. of the Law School of the University of Adelaide has a keen interest in the intersection between law and technology. Prior to joining academia, she was the Manager, Legal Services, CSIRO, where she advised on protection and commercialization of technology. Her areas of research focus primarily on digital technology, as it interacts with culture, human behavior and new areas of innovation. She has published widely on copyright, social media, surveillance and popular culture. She is the Editor of the Media & Arts Law Review. Melissa is frequently asked to advise on social media and technology issues to judges, the media, schools and government. In 2015 she was the Team Leader of the AdelaideX Cyberwar, Surveillance and Security MOOC which has attracted over 22,000 students globally.

**Courses at the University of Mannheim**

**Compulsory Module: Introduction to Comparative and International Business Law**

**Contents:**

The spring term shifts the focus from the European to the worldwide market. It intends to provide deeper insight into the international context and prepares participants for corporate decision-making and legal consulting.

The compulsory module consists of four classes, which (together) provide the theoretical and methodological basis for those courses, which can be chosen from the intensive or elective modules.

- ✓ Comparative Law II - The Common/Civil Law Divide
- ✓ Introduction to International Business Law
- ✓ International Organizations: legal sources, actors and means of influence
- ✓ Law & Economics

**Learning outcomes and qualification goals:**

The international exchange of products and services requires a different way of looking at law. Intergovernmental organizations such as the World Trade Organization (WTO) or the European Union (EU) as well as national governments create laws that need to be taken into account when dealing with international business transactions. In addition to his knowledge of international commercial law a business lawyer must, however, also be familiar with national legal systems in which his or her clients operate.

The compulsory course **Comparative Law II – The Common/Civil Law Divide** offers an introduction to the world’s two major legal families. The courses **Introduction to International Business Law** and **International Organizations: legal sources, actors and means of influence** provide an efficient introduction to the law-making agencies and the regulatory framework, i.e. the actors (companies and other actors) and the environment of international business transactions. The course on **Law & Economics** finally explains the underlying policy considerations and highlights the effects the economic context may have on business entities.

<u>Courses</u>	<u>hours per week</u>	<u>ECTS</u>
Comparative Law II – The Common/Civil Law Divide	2	2
Introduction to International Business Law	2	2
International Organizations: legal sources, actors and means of influence	2	2
Law & Economics	2	2



<b>Total Module ECTS</b>		<b>4 x 2 = 8</b>
<b>Duration and type of examination</b>	Written examination (4 x 45 minutes = 180 minutes)	
<b>Lecturer</b>	Various	
<b>Offered</b>	FSS	

### Comparative Law II - The Common/Civil Law Divide

**Contents:**

The class Comparative Law II – The Common/Civil Law divide will focus on the Common/Civil Law divide and in particular compare aspects of the legal system in Germany on the one hand, and Australia/the United States on the other hand. Methodological differences between the Civil law and the Common law systems will be pointed out, and subjects of particular importance for daily business, such as formation of contracts, agency, contract interpretation etc., will be treated in greater detail.

The course has three main components. The first part of the course will consider the origins and utility of comparative law, its aims, tools and methods. The second part of the course will review and analyze the two main legal traditions in the world, Common Law and Civil Law. The objective will be to understand differences and similarities between these two ways of understanding law and organizing legal institutions and procedures, on the other hand. In this context, an overview on the differences with regard to the rule of law, judicial review and the legal profession will be provided. The third part of the course will focus upon applying comparative legal analysis to actual cases and international disputes and show how the results differ depending on which legal order is applied.

- ✓ Basic features, tools and methods of comparative law
- ✓ Development and current status of Common Law as a legal family
- ✓ Development and current status of Civil Law as a legal family
- ✓ The education and role of lawyers
- ✓ Judges and judiciaries, lay judges and juries
- ✓ Legal reasoning
- ✓ Statutes and their construction
- ✓ Judicial precedents
- ✓ Particular legal institutions and instruments in a comparative assessment

**Learning outcomes and qualification goals:**

The course Comparative Law II – The Common/Civil Law Divide constitutes the basis for all M.C.B.L. courses in the area International & Comparative Business Law (taught in Mannheim during the Spring-Summer-Term). It deals with nature, technique and purpose of legal comparison both from a theoretical and from a practical point of view, but with a particular focus on the differences and common features of the world's two major legal families, Civil law and Common law. In doing so, it

supplements and further enhances the content of the course Comparative Law I- European Legal Traditions (taught during the Fall-Winter-Term).

The aim is to provide students with the necessary analytical background allowing them to carry out sophisticated comparative legal analysis in their respective further fields of studies, and make them familiar with the most important aspects of the proverbial (but sometimes overstated) "Common/Civil Law Divide".

**Lecturer: Prof. Dr. Oliver Brand**

Prof. Dr. Oliver Brand, LL.M. (Cambridge) has studied law at the Universities of Münster and Cambridge (United Kingdom) and political science at the University of Münster. He obtained his doctorate on the international law of interest and usury at the University of Münster, where he also conducted the research for his professorial thesis on compulsory licensing. He is currently a professor of Private Law, Insurance Law, Business Law and Comparative Law at the University of Mannheim and the director of the Mannheim Institute of Insurance.

### Introduction to International Business Law

**Contents:**

The course provides a general introduction to international business law with a focus on the multilateral trading system and its practice from a company practitioner's perspective. The course serves as contextual bracket for all other business law courses offered in the spring term of the M.C.B.L. program.

The course aims at achieving a principal understanding of the context, consensus and the economic and legal principles underpinning the World Trading System. It will provide an overview and comparison of multilateral organizations administrating world trade, with a particular focus on the World Trade Organization (WTO). Furthermore, the course will cover current trade negotiations and recent judicial developments with a view on competitive effects on markets, companies and sustainable economic development, specifically in emerging and developing countries. Attention will be paid to the changing role of the private sector in international economic development.

- ✓ The economic, legal, political, historical and cultural dimension of trade law
- ✓ Economic and legal principles of the World Trading System in comparison
- ✓ WTO law and dispute settlement rules (GATT, GATS, TRIPs)
- ✓ Sustainable Development in international trade, i.p. social and environmental clauses
- ✓ WTO case law impact on national legislation and corporate competitiveness
- ✓ International corporations as legal subject and stakeholder in int. trade (practice sessions)

**Learning outcomes and qualification goals:**

The course aims to provide students with the contextual background and principles of International Business Law and the multilateral trading system. The course will provide the background necessary to deal with complex legal questions and cases in the intensive and elective modules as far as

relating to international trade. The course aims at fostering the student's ability to recognize and take into account the multiple dimensions of international business law, including its economic, legal, political and cultural context.

The interaction between various stakeholders in law setting and practice is combined with practical examples on how international, regional and national laws and standards influence public and private sector's competitive environment. Participants are trained to solve advanced international business law challenges and gain practical insights into international negotiation and presentation experience relevant for leading businesses with an interface to governments, international trade and development organizations.

**Lecturer: Dr. Andreas Blüthner**

Dr. Andreas Blüthner has studied law at the University of Mannheim where he also obtained his doctorate. He is currently the Director Food-Fortification & Partnerships at BASF SE, but has held various positions at BASF SE and its predecessor BASF AG, including the posts of Global Coordinator of the Micronutrient Initiative, International Law Advisor and Trade Law Advisor. He has also coordinated the 10 Year Strategy for the Global Alliance for Improved Nutrition (GAIN) and the Bill & Melinda Gates Foundation as well as been involved with numerous projects concerning health and nutrition matters in the context of international organizations and institutions. He has been a lecturer at the University of Mannheim since 2003.

### International Organizations: legal sources, actors and means of influence

**Contents:**

Decades before the invention of the word "globalization", economic activities were no longer, if ever, confined to the internal markets of States. However, the intensity of international trade and commerce at the beginning of the 21st century is quite probably unprecedented. Whether in efforts to enable, to enhance or to control international economic activities, the States of the world have grown dependent upon one another. This is reflected by cooperation at regional levels or in global contexts.

Such cooperation more and more makes use of the forums provided by international organizations, many of which are much more than mere "negotiation frameworks", but are rather vested with legal personality and regulatory, or even adjudicative, powers.

- ✓ Economically relevant international organizations (ILO, WTO, UN, OECD)
- ✓ International organizations as subjects of public international law and of private law
- ✓ Distinguishing between governmental and non-governmental organizations
- ✓ Creation of international organizations
- ✓ International Organizations as law-makers and standard-setters
- ✓ Interaction of international law and domestic legal orders
- ✓ Responsibility of international organizations under public international law
- ✓ Legal remedies against acts of international organizations

**Learning outcomes and qualification goals:**

The course intends to provide students with the background knowledge of the law of international organizations, which they will need in pursuit of their in-depth studies of international business law.

**Lecturer: Prof. Dr. Hans-Joachim Cremer**

Prof. Dr. Hans-Joachim Cremer has been a professor of Public Law and Philosophy of Law at the University of Mannheim since 2000, where he had also studied law from 1981 to 1986. After his first (1986) and second (1990) state examinations he worked as a senior research assistant to Prof. Dr. Helmut Steinberger, a former Justice of the Federal Constitutional Court, at the University of Heidelberg. It was there that he earned his doctorate summa cum laude, winning the University of Heidelberg's Ruprecht Karl's Award in 1995 with his thesis on legal protection against trans-border effects of expulsion and deportation. In 1999 he completed his habilitation. His post-doctoral thesis investigates the methodology of constitutional interpretation. He has gained teaching experience abroad as a visiting professor at the Institute of Global Law of the University College London, at the University of Connecticut School of Law, at the Université Toulouse 1 Capitole and at the University of Adelaide Law School.

### Law & Economics

**Contents:**

The course provides an introduction to "law and economics" (also known as the "economic analysis of law"), i.e. the application of concepts and methods from economics to legal problems. It is offered in collaboration with the university's economics department. The course starts with the foundations of microeconomic theory, welfare economics and law and economics and then covers selective topics from the three main areas of private law.

**Foundations of law and economics**

- ✓ Basic positive economics: utility maximization under constraints
- ✓ Basic welfare economics: Pareto and Kaldor/Hicks efficiency
- ✓ Coase theorem
- ✓

**Property law and economics**

- ✓ Tragedy of the commons as the main rationale of property rights
- ✓ Information problems in property rights
- ✓ The limits of property rights: tragedy of the anticommons

**Tort law**

- ✓ The objective of accident cost minimization
- ✓ Negligence liability and strict liability
- ✓ Unilateral and bilateral care
- ✓ Special problems: causation, punitive damages, pure economic loss, liability for physical injury

**Contract law**

- ✓ The objective of maximizing surplus
- ✓ Default rules as a way to economize on transaction costs
- ✓ Efficient and inefficient breach of contract
- ✓ Penalty defaults
- ✓ Legal remedies to adverse selection caused by asymmetric information
- ✓ Economic analysis of standard terms and conditions

**Learning outcomes and qualification goals:**

Students obtain a sound understanding of how economic methodology can be applied to legal problems. They learn to employ economic efficiency criteria as arguments for resolving legal cases. They are aware of the main theories advanced in law and economics scholarship relating to property law, tort law and contract law.

**(1) Lecturer: Prof. Dr. Andreas Engert**

Prof. Dr. Andreas Engert, LL.M. (University of Chicago) received his first law degree from the University of Tübingen in 1997, his LL.M. degree from the University of Chicago in 2000 and his doctorate from the University of Munich in 2003. He has been a professor of Private Law, German and European Business Law and Business Tax Law at the University of Mannheim since 2000. His research interests lie in corporation and financial markets law as well as business taxation, all with a special emphasis on economic and empirical perspectives. He has – among other topics – written extensively on corporate finance law, European corporation law, investment fund regulation and law and social norms.

**(2) Lecturer: Prof. Dr. Kai Hüschelrath**

Prof. Dr. Kai Hüschelrath studied economics and management at the University of Würzburg and received his Ph.D. in economics in 2007 from WHU Otto Beisheim School of Management. Working for the Centre for European Economic Research (ZEW) since 2006, he has been head of ZEW's Research Group "Competition and Regulation" since January 2012. In October 2013, he joined the University of Mannheim as Professor of Economics (Competition Policy). His research interests lie in the field of competition policy and competitive strategy with a particular focus on cartel and merger assessments.

### Intensive Module: The Global Market

**Contents:**

The intensive module offers four classes, of which the students have to choose two. The classes on **International Trade Law** and **Corporate Governance II** focus on the legal framework in which businesses act. The courses on **International Sale of Goods** and on **Private International Law** deal with the individual acts of the market players.

- ✓ International Trade Law
- ✓ Corporate Governance II
- ✓ International Sale of Goods
- ✓ Private International Law

**Learning outcomes and qualification goals:**

Companies increasingly operate on/in a global market. The resulting interdependence between national and international markets and the complexity of transnational business affairs challenge not only large multinationals, but also small and medium-sized companies. Even in order to take everyday business decisions, actors meanwhile need a general understanding of the global market context.

The main focus of the intensive module is therefore on international business transactions and intends to provide the students with the necessary skills to negotiate and implement international business contracts.

The course on **International Trade Law** focuses on public law requirements resulting from international regulatory framework, which as external rules are beyond the company's control, but are an indispensable basis for all international transactions. The course on **Corporate Governance II** on the other hand focuses on the internal distribution of rights and responsibilities. Together these two courses provide essential skills in assessing the advantages of a deal as well as avoiding liability.

The courses on **International Sale of Goods** and on **Private International Law** emphasize the individual contract. The UN-Convention is a means of evading difficult Private International Law issues and the pitfalls of unknown national legal requirements. Whereas this uniform regime is restricted to sales contracts, Private International Law is an indispensable tool for all other contractual agreements. Agreeing on an adequate dispute resolution mechanism is therefore a key issue. Students will learn about the advantages and disadvantages inherent in choice of law matters and acquire the skills necessary for drafting and negotiating contracts.

<u>Courses</u>	<u>hours per week</u>	<u>ECTS</u>
International Trade Law	2	3
Corporate Governance II	2	3
International Sale of Goods	2	3
Private International Law	2	3

<b>Total Module ECTS</b>		<b>2 x 3 = 6</b>
<b>Duration and type of examination</b>	Written examination (2 x 45 minutes)	
<b>Lecturer</b>	Various	
<b>Offered</b>	FSS	

### International Trade Law

**Contents:**

The International Trade Law course seeks to familiarize students with the numerous legal issues that commonly arise in the context of the trade in goods and services between and among nations. In addition, the course provides students with the economic theories underlying international trade and the history of international trade. The areas of coverage during the course include the following:

- ✓ The theory of „comparative advantage“ developed and popularized by the Eighteenth Century British economist, David Ricardo, along with subsequent critiques and modifications of this theory.
- ✓ The beginnings of trade between nations beginning in ancient times and its expansion, development and increasing sophistication during the subsequent centuries.
- ✓ The continuing conflict between the principles and practices of „free trade“ and those of „mercantilism,“ sometimes described as „import substitution.“
- ✓ The development of free trade agreements („FTAs“) during the previous 300 years and the relatively recent phenomenon of „trade blocs“ and „customs unions“ involving groups of nations pursuing common economic and political objectives. Examples of these latter types of trade combinations are the European Union, the Association of Southeast Asian Nations („ASEAN“) and the Transatlantic Trade and Investment Partnership („TTIP“) agreement currently being negotiated between the United States and the European Union.
- ✓ The establishment of the General Agreement on Tariffs and Trade („GATT“) after World War II and its transformation into the World Trade Organization („WTO“) in 1995.
- ✓ The structure, operations and goals of the WTO and the various trade agreements that bind all WTO members („Multilateral Agreements“) and those agreements that only bind those nations acceding to their terms („Plurilateral Agreements“).
- ✓ The future of the WTO and trade blocs in the Twenty-First Century.

**Learning outcomes and qualification goals:**

This course aims to provide students with an understanding and working knowledge of the various legal principles and their sources that govern the mechanics of the trade in goods and services between and among nations. The course also seeks to inform students of the public policy concerns and issues underlying these laws. The process of negotiating FTAs and the specific legal issues typically addressed in these negotiations will also be explored in the class. The various “covered agreements“ developed by the WTO and ratified by its members along with the legal problems addressed in these agreements will also form topics of class discussion.

The primary foci of this course will be on the laws of the European Union and the United States with respect to FTAs and other aspects of international trade along with the legal decisions of WTO panels and the WTO Appellate Body interpreting and applying the provisions of the covered agreements involved in trade disputes between and among nations.

**Lecturer: Dr. Patrick E. Mears**

Dr. Patrick Edward Mears received his Bachelor of Arts degree from The University of Michigan in 1973 and his Juris Doctor degree from the University of Michigan Law School in 1976. Before retiring from the active practice of law and moving to Germany in 2014, was an equity partner in the United States law firm of Barnes & Thornburg, LLP and was resident in its Michigan office. There, Dr. Mears was Chairperson of the firm's Finance, Insolvency and Restructuring Department from 2006 to 2012. His professional interests lie mainly in distressed real estate, insolvency, workouts and restructurings, commercial finance, securitizations and creditors' rights, along with international trade. He has published widely on these issues, especially on questions of international insolvency law, and is a frequent speaker on topics related to the aforementioned areas. Additionally, Dr. Mears is an Elected Fellow of the American College of Bankruptcy, an Elected Member of the American Law Institute, and an Elected Member of the International Insolvency Institute. He presently resides with his wife in Heidelberg, Germany.

## Corporate Governance II

**Contents:**

The course offers an introduction to the economic theory of corporate governance and its application to corporate law, including aspects of insolvency and securities law. To obtain a thorough understanding of the theory, students are asked to read classic contributions to the corporate governance literature and to discuss them in class. They will also be required to apply the theory to a broad range of legal settings, both in the classroom and in preparing the course.

Foundations of corporate governance

- ✓ Corporate governance as a functional perspective
- ✓ Economic theory of the firm
- ✓ Agency cost view on corporate governance: agency costs of equity and debt
- ✓ Transaction cost view on corporate governance: bargaining over quasi-rents of the firm

Application to corporate, insolvency and securities law

- ✓ Legal institutions to minimize the agency costs of equity: constraints on management and dominant shareholders in the public corporation
- ✓ Legal institutions to minimize the agency costs of debt: legal capital; piercing the corporate veil
- ✓ Legal institutions to minimize the costs of rent-seeking: management independence
- ✓ Employee codetermination
- ✓ Special focus on corporate control transactions: private benefits of control; the market for corporate control; mergers and acquisitions; insolvency



**Learning outcomes and qualification goals:**

Students obtain a solid understanding of the theoretical and empirical underpinnings of the corporate governance debate. They are able to participate in an informed discussion over corporate governance issues with students of economics or business. They know to apply economic concepts to legal problems in corporate, insolvency and securities law.

**Lecturer: Prof. Dr. Andreas Engert**

Prof. Dr. Andreas Engert, LL.M. (University of Chicago) received his first law degree from the University of Tübingen in 1997, his LL.M. degree from the University of Chicago in 2000 and his doctorate from the University of Munich in 2003. He has been a professor of Private Law, German and European Business Law and Business Tax Law at the University of Mannheim since 2000. His research interests lie in corporation and financial markets law as well as business taxation, all with a special emphasis on economic and empirical perspectives. He has – among other topics – written extensively on corporate finance law, European corporation law, investment fund regulation and law and social norms.

**International Sale of Goods****Contents:**

This course aims at studying the law of international sales agreements based on the United Nations Convention on Contracts for the International Sale of Goods (CISG), which entered into force in 1988 and today has almost eighty Contracting States world-wide. It is the most important uniform private law Convention in practice, covering potentially more than 80% of global trade. Since the CISG was influenced by both the common law and civil law systems of contract law, the course will Furthermore focus on the basic principles of the law of contract of both systems in a comparative approach, where appropriate.

- ✓ Scope of application of the CISG
- ✓ Hierarchy between the CISG and national sales law provisions
- ✓ Interpretation of the CISG and the aim of uniform application
- ✓ Formation of contracts under the CISG
- ✓ Obligations of the seller and the buyer
- ✓ Remedies in case of non- performance
- ✓ Damages under the CISG
- ✓ Relationship between the CISG and other current/future uniform law instruments

**Learning outcomes and qualification goals:**

Students who have completed the course should be able to ascertain the applicability of the CISG and deal with the most common legal problems arising under international sales contracts. They should also be familiar with the structure and central rules of the CISG governing the formation of contracts and parties' remedies in cases of breaches of contract, enabling them to advise clients about contract drafting issues and strategies in litigations or arbitrations involving CISG contracts.

**Lecturer: T.B.A.**

## Private International Law

### **Contents:**

Dealing with contract drafting and disputes in the context of international business transactions involves the potential applicability of domestic laws of more than one State. This lecture provides an introduction into the relevant issues of conflict of laws in cases with a foreign element, with a particular focus on the fields of contracts, corporations and torts.

This course deals with methods and rules to be applied in such “conflict of laws” scenarios (as the topic is referred to by common lawyers) in order to determine which country’s legal system governs the merits of such cases. While rules of “Private International Law” (PIL) have traditionally been mostly rules of national (domestic) law, in the field of business law, two comprehensive EU regulations have been introduced in recent years (the “Rome I” and “Rome II” Regulations), which will be at the core of the present course along with the general doctrines of PIL as codified in the German Introductory Act to the Civil Code. In doing so, reference will also be made to general ideas and principles of Private International Law in other European countries and in the United States. For the time being, questions of property law as well as the law of corporations still underlie the autonomous (national) PIL of the forum state, yet with some impact of EU case law that needs to be considered in the context of free movement of corporations within the EU.

As the student is supposed to take the perspective of a German court or of an attorney seeking the issuance of a German judgement, German PIL and its partial modification through EU case law will be discussed in class.

- ✓ General principles of conflict of laws
- ✓ Private International Law in contracts cases: The Rome I Regulation
- ✓ The proposal for a Common European Sales Law (CESL)
- ✓ Private International Law in tort cases: The Rome II Regulation
- ✓ Private International Law in property matters under selected domestic laws
- ✓ Law applicable to corporations and free cross-border movement of companies
- ✓ Private International Law in EU courts and third-country disputes
- ✓ Brief overview of the jurisdiction of courts over cross-border disputes (in particular the Brussels I Regulation)

### **Learning outcomes and qualification goals:**

Students having completed the class should not only be able to spot special and general issues such as characterization, connecting factor, preliminary question, independent attachment, adaptation and ordre public but also be equipped with a method of how to approach and how to solve (find the applicable substantive law) on a step by step basis a private international law case from the perspective of a judge or an attorney.

**Lecturer: Dr. Juliana Mörsdorf-Schulte, LL.M. (Berkeley)**

Dr. Juliana Mörsdorf-Schulte, LL.M. (Berkeley) has studied law at the Universities of Cologne and Geneva and has earned another law degree at the University of California in Berkeley. She has written her doctoral thesis on punitive damages. She currently works as a judge at the Düsseldorf district court and has been a lecturer at the University of Mannheim since 2002. In her daily practice she focuses on private law, including design patent law, and has published in the field of private international law, comparative law, civil procedure, tort law, European private law.

**Elective Module: International Business Law****Contents:**

The elective module offers four classes, of which the students have to choose two. They build on the knowledge gained in the compulsory and intensive modules.

- ✓ International Business Transactions
- ✓ Intellectual Property Law
- ✓ International Labor Law
- ✓ Behavioral Law and Economics

**Learning outcomes and qualification goals:**

The Elective Module offers the opportunity to utilize the competencies and skills gained in the Compulsory and Intensive Modules in another area of law, which students share a particular interest in. **International Business Transactions** strongly relies on the course **International Trade Law**, but looks at the matters from the perspective of a contracting party.

**Intellectual Property Law** aims at familiarizing students with the advantages and disadvantages of different legal frameworks parties may rely on and thus promotes their ability to take a strategic choice.

**International Labor Law** provides the students with a deeper knowledge of the complicated regulatory framework of public and private law rules and focuses on the rights and duties of employers and employees.

**Behavioral Law and Economics** deals with avoiding distorted decision making and arriving at informed decisions.

Specific tasks are assigned to (the) students, whereupon they are asked to develop different lines of arguments and to present them in class or in a written assignment. A further emphasis is on drafting and negotiating contracts and the awareness for soft factors influencing the decision making process.

<u>Courses</u>	<u>hours per week</u>	<u>ECTS</u>
International Business Transactions	2	3
Intellectual Property Law	2	3
International Labor Law	2	3
Behavioral Law and Economics	2	3
<b>Total Module ECTS</b>		<b>2 x 3 = 6</b>
<b>Duration and type of examination</b>	Oral examination ( 2 x 15 minutes)	
<b>Lecturer</b>	Various	
<b>Offered</b>	FSS	

### International Business Transactions

**Contents:**

The course addresses the particularities and pitfalls of international trade transactions. It focuses on international aspects of business transactions and their legal and commercial backgrounds, and allows students to get an initial understanding of what legal advice in practical terms is like. In this context, the course will focus on legal as well as on non-legal institutions that can help solving problems of cross-border transactions. At the end of the course, students will participate in a simulated negotiation of an international contract.

- ✓ Pitfalls of cross-border transactions
- ✓ The role of contracts in international business
- ✓ Legal and non-legal means of contract enforcement
- ✓ Financing of international transactions
- ✓ European regulations on cross-border trade
- ✓ International Conventions related to cross-border trade
- ✓ Transnational Law
- ✓ Dispute resolution
- ✓ The enforcement of court decisions and arbitral awards
- ✓ Distribution networks
- ✓ Regulatory issues in international business
- ✓ Accountability in international trade

The course will scrutinize processes of contract drafting and highlight the institutional framework, national and international as well as legal and non-legal, of international business transactions.

Students will learn to analyse pitfalls from an interdisciplinary perspective and create sustainable solutions for cross border trade. The course will give a comprehensive overview over legal, ethical, political, economic, environmental, societal, and strategic questions of international trade. Students will acquire skills to negotiate, develop, design, finance, and implement sustainable business partnerships.

**Learning outcomes and qualification goals:**

At the end of the course students will be expected to have a comprehensive understanding of legal and non-legal institutions governing international business transactions and to be able to negotiate an international contract on a basic level.

**Lecturer: Prof. Dr. Andreas Maurer, LL.M. (Osgoode)**

Andreas Maurer is associate professor at the University of Mannheim. He studied Law at the University of Frankfurt, Germany and completed his studies with his first state exam (LL.B. equivalent) in 2003. From 2003 until 2005 Andreas Maurer articulated at the Oberlandesgericht (Higher Regional Court) Frankfurt, Germany and finished his articling service with the second state exam (bar exam). He was admitted to the bar of Frankfurt in 2006. In the academic year 2006/2007 Andreas Maurer studied at Osgoode Hall Law School of York University, Toronto, Canada and obtained his LL.M. in 2008. He also was a fellow at the Nathanson Centre for transnational Crime and Security at York University. After he returned to Germany, Andreas Maurer started his Ph.D. studies at the University of Bremen and received the Ph.D. in 2011 with his thesis on the "Lex Maritima", a transnational maritime law. His research focuses on private law, international trade law, transnational law, transport and maritime law, and legal theory.

### Intellectual Property Law

**Contents:**

Intellectual property is an indispensable tool to foster innovation and assure protection of achievements. They are an important factor for remaining competitive in the global knowledge-based economy. The shift from corporal goods to intellectual property however has many implications for today's businesses: they have to play the system to gain from it, have to develop new business models, acquire rights by contract and closely watch the market and competitors to avoid liability. The course accordingly is designed to provide an overview on the concept of intellectual property and the practical implications for businesses.

Students will familiarize themselves with the multi-level system of IP-protection on a worldwide (TRIPS and WIPO-Treaties), European (EU-legislation) and national level. With regard to the latter the transformation of international and European requirements into national law, German intellectual property law will be taken as an example. Participants from other jurisdictions however will be encouraged to analyze differences to the corresponding legal concepts in their home jurisdictions.

The course will cover the legal concepts of patent protection and utility models, the rules on the protection of trademarks and designations of origin, the basics of copyright law and of design protection. Where appropriate the course will also highlight certain rules under unfair competition law providing ancillary remedies for avoiding unfair exploitation of work results.

The course devotes to the co-existence of national and Community IP-rights. The advantages and disadvantages of the existing unitary Community concepts, i.e. the Community Trade Mark and the Community Design as compared to national IPRs will be discussed in the light of relevant case law.

Furthermore, the conflicting aims of freedom of competition (and in particular free movement of goods) on the one hand and strict IP-protection on the other hand will be tackled. This gives the opportunity to discuss current trends to narrow the scope of protection by means of compulsory licences, FRAND-licences and similar limitations imposed by cartel and competition law.

- ✓ Concept of IP-law
- ✓ The legal sources (TRIPS, WIPO-Treaties, EU-Regulations and Directives)
- ✓ The distinct IP-rights: patent, utility model, trademark, design & copyright
- ✓ The impact of competition law on intellectual property protection
- ✓ Contractual exploitation of IPRs (transfer and licence agreement)
- ✓ Enforcement of IP-rights (remedies and procedural strategies)

**Learning outcomes and qualification goals:**

The course is designed to provide an overview of the principles of intellectual property law and its importance in our knowledge-based society. The teaching and case studies will enable students to understand the relevance of IP-law for businesses, both as a means of protecting their own innovation and to be aware of liability risks, which always accompany placing new products in the market. A thorough knowledge of the legal framework at the same time is the indispensable basis for successful contract negotiations, which will be tackled by group exercises.

**Lecturer: Dr. jur. Wolfgang Witz, LL.M. (University of Chicago)**

Dr. Wolfgang Witz has studied Law in Freiburg and Lausanne and has written his doctoral thesis on open price terms in contracts at the University of Freiburg. He has earned a further law degree (LL.M.) from the University of Chicago. After having practiced as assistant lecturer at the University of Freiburg he joined in 1981 the law firm of Schilling Zutt & Anschütz based in Mannheim and Frankfurt. In 2000 he joined the international law firm of Allen & Overy being based in Frankfurt am Main. Since 2010 he has practiced law in the law firm of Baas Overlack Witz in Mannheim. In his daily practice he focuses on dispute resolution, intellectual property, commercial transactions and company law. In his lectures students will be introduced to the principles of intellectual property rights and their implications in an international business environment.

### International Labor Law

**Contents:**

This course offers the opportunity to take a comparative view on various employment and labor law issues that cover a wide range of subject matters. The class focuses on seven in some aspects quite similar, in others however completely different legal systems. These are: Germany, Japan, Brazil, Australia, France, Great Britain and the US. After an introduction we will pick out specific topics and compare and discuss the various approaches of these legal systems to deal with them. Among others, we will speak about:

- ✓ Employees request to pray during working time
- ✓ Dating Policies
- ✓ Surveillance of employees by use of video cameras
- ✓ Critical blogs and the employment relationship

Active participation is expected. This encompasses in particular that the students give lectures about the legal system of the country they come from and solve the cases provided in advance on the basis of this legal system.

**Learning outcomes and qualification goals:**

The goal of the class is to provide students with an insight in the diverse labor law systems, their differences and common grounds. It will enable them to understand the cultural differences that are the reason for these various approaches and help them to work in an international environment.

**(1) Lecturer: Prof. Dr. Phillip S. Fischinger, LL.M. (Harvard)**

Prof. Dr. Philipp Fischinger has studied law at the University of Regensburg (2000-2005) where he also obtained his doctorate at the chair of Prof. Dr. em. Reinhard Richardi. After his second state examination he spent 1 ½ years at Harvard Law School where he took part at an LL.M program and conducted research. Between 2010-2014 he completed his habilitation at the chair of Prof. Dr. Martin Löhnig at the University of Regensburg. He holds the chair for Private Law, Labor Law, Commercial- and Economic Law at the University of Mannheim since 2014.

**(2) Lecturer: Katharina Steinbrück LL.M.**

Katharina Steinbrück, is an attorney and partner in the Frankfurt Office of the law firm Schilling, Zutt & Anschütz. She specializes in labor law. In her legal practice, Katharina Steinbrück mainly advises corporate clients on labor law matters and on social security law. Within the range of professional tasks these subjects cover, she has a focus on collective labor law, restructuring, and manager liability issues. In addition to her education in Germany, where she obtained her law degrees, Katharina Steinbrück has studied labor law in France and in the United Kingdom, where she completed an LL.M program. She is also a graduate of the Ecole Nationale d'Administration in France.

## Behavioral Law and Economics

**Contents:**

The results of cognitive science which have been achieved in particular during the 70s of the 20th century have had a broad interdisciplinary impact. Whereas its relevance is still underestimated in German legal research the expanding field of empirical legal studies has developed into a self-standing academic discipline, which traditionally is misnominated as 'Behavioural Law and Economics'.

In its core, it concerns the normative consequences of insights derived from empirical evaluations of human decision behaviour. It displays that the decisions taken by actors, such as judges, lawyers or parties to a contract, are distorted by manifold biases. This even proves true for experienced

actors.

These biases can strongly influence the rationale of decisions. The broad variety of emanations of such biases has been recently presented by the noble laureate Daniel Kahnemann in his book "Thinking, Fast and Slow" (New York 2011). The course will focus on ten of these, which – different from Kahnemann's research – have a particular relevance for business practice.

- ✓ anchoring bias
- ✓ authority bias
- ✓ availability bias
- ✓ consensus bias
- ✓ fluency bias
- ✓ framing bias
- ✓ hindsight bias
- ✓ overconfidence bias
- ✓ priming bias
- ✓ status quo bias

**Learning outcomes and qualification goals:**

The core focus of the course lies on training the students to identify sources of biases as a first essential for voiding false conclusions. By this means students can learn to prevent deficient decisions in their own professional career (defensive function). At the same time students acquire the analytic instruments necessary to reflect on the respective interrelations of facts, decision maker and decision (analytic factor). Perhaps, the course may also add to the competence to make active use of such effects vis-à-vis other parties in the course of their business careers (offensive function).

**(1) Lecturer: Prof. Dr. Ulrich Falk**

Prof. Dr. Ulrich Falk is director of the Institut für Unternehmensrecht (Institute for Corporate Law), member of the academic council of the Zentrum für Insolvenz und Sanierung (ZIS, Centre for Insolvency and Reorganisation) and member of the Historisches Institut (Historical Institute) at the University of Mannheim. He has been teaching and conducting research in Mannheim since 2002. From 1992 to 2001, he was a scholar at the Max-Planck-Institute for European Legal History in Frankfurt am Main. In the 2009/10 academic year, he held a research professorship from the state of Baden-Württemberg, building up an inter-faculty project group on the history of the insolvency proceeding (business management, economics, law). In 2010/11, he was a Senior Fellow at Alfried Krupp Wissenschaftskolleg Greifswald. His research in legal history focuses on the early modern age and the 19th and 20th centuries.

**(2) Lecturer: Christoph Kling**

Christoph Kling is research assistant at the Chair for Civil Law, European Legal History and Rhetoric of Prof. Dr. Ulrich Falk and studied at University of Mannheim, Université de Genève and Harvard Law School. Currently, he writes a dissertation on the history of bankruptcy law employing classical historical sources and quantitative empirical evidence. In his lecture together with Prof. Dr. Ulrich Falk, he will introduce students to the interface of law and cognitive science.



The content of the academic program in Adelaide is subject to the program rules of the School of Law at the University of Adelaide. Students, who will spend their second semester in Adelaide, will receive information regarding the courses in Adelaide in December.

#### D. Master's Thesis

<u>Master's Thesis</u>	
<p><b><u>Contents:</u></b> Following the successful completion of the instructional components of the program, students are required to complete and submit a thesis on a topic of their choice. It must address and analyze a substantive issue of European or International Business Law. The thesis can be either comparative or restricted to a single paradigm.</p> <p>It is supposed to investigate and present new and innovative findings in areas, which have already been defined, and should not be merely descriptive. Ideally, the thesis is of publishable quality.</p>	
<p><b><u>Learning outcomes and qualification goals:</u></b> With the master thesis students prove their ability to work profoundly and scientifically on a legal issue with a comparative perspective.</p>	
<b>Total Module ECTS</b>	<b>20</b>
<b>Duration and type of examination</b>	<b>December 15 - April 15 (4 months), Thesis</b>
<b>Lecturer</b>	<b>1<sup>st</sup> supervisor to be contacted by students (preferably in October/November)</b>
<b>Language</b>	<b>English</b>