



NATIONAL LAW UNIVERSITY, DELHI

GIAN Course on
**'TRANSNATIONAL COMMERCIAL
LAW'**

August 1 - 6, 2016

Organized by
CENTRE FOR TRANSNATIONAL COMMERCIAL LAW
(CTCL),
NATIONAL LAW UNIVERSITY, DELHI

Under the Grant from:
GLOBAL INITIATIVE OF ACADEMIC NETWORKS (GIAN)
MINISTRY OF HUMAN RESOURCE DEVELOPMENT (MHRD),
GOVERNMENT OF INDIA

ABOUT NATIONAL LAW UNIVERSITY, DELHI

National Law University, Delhi (NLUD) established in 2008 by Act No.1 of 2008 of National Capital Territory of Delhi and with the initiative of High Court of Delhi, is a premier Law University established in India. The vision of the University is to create a Global Legal Institution which will compete with the best outside India and to prepare lawyers for a legal career that introduces them to wide range of opportunities in legal profession across the globe. The University is offering the five year integrated B.A.LL.B. (Honours.) Programme from the year 2008 and the LL.M., Ph.D. and P.G. Diploma Programme from the year 2011.

OBJECTIVES AND VISION

The primary objective of the University is to evolve and impart comprehensive and interdisciplinary legal education that is socially relevant. Furthermore, the University works toward dissemination of legal knowledge and its role in national development, so that the ability to analyse and present contemporary issues of public concern and their legal implications for the benefit of the public is improved. These processes strive to promote legal awareness in the community and to achieve political, social and economic justice.

“Globalization is a challenge and also an opportunity in the present time. India has a long history of business and technology. The potential has been unleashed through the process of liberalization. Cumulative economic progress needs to reach the various layers to create development index which is fair and equitable”.

– Professor Dr. Ranbir Singh, Vice-Chancellor

“The University ensures to bridge the gap between the theory and practical application of concepts through a learning process which is simulative, participative and multi-disciplinary. NLU Delhi attempts to ignite and nurture the spirit of critical inquiry. It intends to achieve the goal of making legal education as an instrument of social, political and economic change. I invite all of you to join the NLU Delhi family and take forward the legal education for transforming the society and the lives of people”.

-Professor Dr. G. S. Bajpai, Registrar



GLOBAL INITIATIVE OF ACADEMIC NETWORK (GIAN) MINISTRY OF H.R.D. (MHRD), GOVERNMENT OF INDIA

ABOUT GIAN:

The Government of India has approved a new program titled Global Initiative of Academic Networks (GIAN) in Higher Education aimed at tapping the talent pool of scientists and entrepreneurs, internationally to encourage their engagement with the institutes of Higher Education in India so as to augment the country's existing academic resources, accelerate the pace of quality reform, and elevate India's scientific and technological capacity to global excellence.

In order to garner the best international experience into our systems of education, enable interaction of students and faculty with the best academic and industry experts from all over the world and also share their experiences and expertise to motivate people to work on Indian problems, there is a need for a scheme of International Summer and Winter Term. During the Retreat of IIT's with the Hon'ble Minister of Human Resource Development Smt. Smriti Zubin Irani on 29th June, 2014 at Goa, it was decided that "A system of Guest Lectures by internationally and nationally renowned experts would be evolved along with a comprehensive faculty development programme not only for new IITs, IIMs, IISERs but also other institutions in the country.

"TRANSNATIONAL COMMERCIAL LAW" COURSE OVERVIEW

Transnational Commercial Law is born out of conventions, treaties, domestic legislations and commercial customs or usages. This body of law governs international commercial transactions and it is applied to a number of legal systems. Transnational Commercial Law has to be distinguished from International Economic Law since the former focuses on private law in transactions, especially cross-border transactions, whereas the latter concerns with dealings between states. It is important to be aware of the legal principles that govern transnational commerce as such knowledge is vital for any legal professional who wishes to excel in the face of challenges of legal practice in a globalised world, where many of them will be dealing with cross-border transactions on a daily basis.

The program contents provide an introduction to three important areas of transnational commercial law: the CISG, Carriage of Goods and International Commercial Law Practice. More generally, the course aims to orient participants to sales law and arbitral aspects of international business law practice. The specific areas covered in the course, while not exhaustive, are sufficient to provide participants with an introduction to international commercial law. Additionally, since the course materials include numerous cases from different jurisdictions, arbitral award decisions and hypothetical discussion problems, the program contents also aim at familiarizing students with case law analysis from various judicial bodies and jurisdictions outside India.

DR. PETER J. MAZZACANO

Peter J. Mazzacano, BA, MLA, MBA, LL.M, PhD, is the Founder and Editor of *CISG Canada*, which is dedicated to Canadian jurisprudence on the UN International Sale of Goods Convention (CISG).

He has taught numerous law courses at various universities and colleges over the years. These include *Legal Aspects of International Business* at Ryerson University, and *Canadian Business Law* at York University, in Toronto.



He served as a Visiting Professor and Adjunct Professor at Osgoode Hall Law School, where he taught *Legal Process, Civil Procedure, Graduate Legal Research and Writing*, and *International Dispute Resolution*. During that time, from 2006 to 2012, Peter also co-coached Osgoode's Vis Moot Team. Recently, he served as an adjunct faculty member at the University of Guelph and Sheridan College where he taught a number of business law courses.

Peter is currently based out of Toronto, Canada, and serves as an Associate Academic in Law at the University of Derby (UK), where he tutors graduate law students in a variety of commercial law subjects, as well as supervising LL.M dissertations.

Peter continues to research and publish in the area of the CISG. He has numerous publications in international law journals on topics related to the CISG and international commercial law generally. In 2014 his book was published, *Exemptions for the Non-Performance of Contractual Obligations in CISG Article 79: The Quest for Uniformity in International Sales Law*, (Cambridge, UK: Intersentia Publishing).

ARTICLES:

- The Treatment of CISG Article 79 in German Courts: Halting the Homeward Trend;_Nordic Journal of Commercial Law, 2012
- Force Majeure, Impossibility, Frustration & the Like: Excuses for Non-Performance; the Historical Origins and Development of an Autonomous Commercial Norm in the CISG; Nordic Journal of Commercial Law, 2011
- Puritanism, Godliness and Political Development in Boston & The General Court (1630-1640); The Journal Jurisprudence 2011
- Damages Under the UN Sale of Goods Convention; Canadian International Lawyer, 9:2 (2013) pp. 82-85
- Harmonizing Values, Not Laws: The CISG and the benefits of a Neo-Realist Perspective; Nordic Journal of Commercial Law, 2008
- The Lex Mercatoria as an Autonomous Law; Comparative Research in Law & Political Economy Research Paper 29/2008
- Canadian Jurisprudence and the Uniform Application of the UN Convention on Contracts for the International Sale of Goods; 18 *Pace International Law Review*, Issue No. 1 (Spring 2006)
- Brown & Root Services v. Aerotech Herman Nelson: The Continuing Plight of the U.N. Sales Convention in Canada; *Pace Rev. of the CISG (2004-2005)*
- The Problem of Inclusion, Developing Countries and Global Trade; Estey Centre Journal of Trade & Policy, 2004

TEACHING METHOD

The teaching method will be primarily via lecture. However, students will be expected to answer questions on the assigned readings and to engage in a discussion of the course material. In particular, the assigned readings will include court decisions, arbitral awards, and hypothetical or practical problems that the students will be expected to analyse and discuss in class.

COURSE DURATION

1st - 6th August, 2016

CREDITS

The course is credit based. Candidates will earn **ONE Credit** upon successful completion of this course, as per MHRD Guidelines on GIAN. Participants will have to identify a compatible course from their institution to be able to successfully transfer the credits. They will have to make arrangements to process the applications in their respective institutions.

DEADLINES

Registration form, along with the latest CV, to be emailed to ctcl@nludelhi.ac.in

Last date of submission of application: **10th July, 2016.**

Short-listed candidates will be intimated by the **15th July, 2016.**

The maximum number of participants will be limited to fifty only.

As per GIAN Guidelines, candidates of the host institution can fill a maximum 50% of the total seats.

In the event that the number of applications exceed the number of available seats, selection criteria identified by the University shall be adopted to shortlist the participants.

YOU SHOULD ATTEND IF

- Law students at all levels (BA LLB/LLB/LLM/JD/JSD/PhD);
- Faculty from law schools, universities, colleges and institutions of higher education;
- Lawyers, In-house counsels;
- Professionals from industry involved in transnational commercial law practice.

FEES

The participation fees for taking the course is as follows:

A. Participants from outside India: US \$250/-

B. Professionals/Lawyers/Non-Academics: Rs. 10,000/-

C. Faculty/Students from academic institutions requiring accommodation (excluding food): Rs. 6,000/-

D. Faculty/Students from academic institutions not requiring accommodation: Rs. 3,000/-

E. Faculty and Students from National Law University, Delhi: No Fee

The above fee includes all instructional materials, classes and internet facility.

The participants will be required to **pay separately** for food/meals.

Accommodation may be provided within the University campus only in case of availability, which will be in limited numbers. Preference shall be given to faculty members and outstation candidates.

Demand draft to be made in favour of: - Registrar, National Law University, Delhi, payable at Delhi.
Superscribe on the envelope "MHRD GIAN Course on Transnational Commercial Law"

Venue: National Law University-Delhi, Sector 14, Dwarka, New Delhi, India – 110078.

www.nludelhi.ac.in

PROGRAMME SCHEDULE

Day 1 Monday, 1st August 2016

- Introduction; Harmonization & Unification of Private Law and Sale Law
- The sphere of application of the UN Convention on Contracts for the International Sale of Goods

Day 2 Tuesday, 2nd August 2016

- Principles of Contract formation under the CISG
- CISG rules regarding conformity of goods, inspection & notice.
- Case study analysis

Day 3 Wednesday, 3rd August 2016

- CISG remedies; Damages, Avoidance
- Case Study on Breach of Contract, Fundamental Breach

Day 4 Thursday, 4th August 2016

- Conventions on International Carriage of Goods by Sea, Hague, Hamburg, Rotterdam
- Indian Law on Carriage of Goods- Carriage of Goods by Sea Act, 1925
- Transnational commercial litigation

Day 5 Friday, 5th August 2016

- The Jurisdiction & Enforcement of Foreign Judgments;
- Exclusive Jurisdiction Agreements & Anti-suit Injunctions;
- Mock Case on Transnational Commercial Law

Saturday, 6th August 2016

Examination for participants

Class Timings: 2:30-3:30pm, 3:45-4:45pm, 5-6pm

Host Faculty and Course Coordinator

Dr. Risham Garg,

Assistant Professor of Law

National Law University Delhi,

Sector-14, Dwarka, New Delhi-110078.

<http://nludelhi.ac.in/gian.aspx>

CTCL Student Coordinators

R.S. Lakshman: 9958756642, r.s.lakshman13@nludelhi.ac.in

Arpit Agarwal: 9654584496, arpit.agarwal14@nludelhi.ac.in

National Law University Delhi,

Sector-14, Dwarka, New Delhi-110078.

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Short Course on
'Transnational Commercial Law'
August 1- 6, 2016

Under the Global Initiative of Academic Network (GIAN),
Ministry of Human Resource Development, Government of India

Organized by
Center for Transnational Commercial Law (CTCL)
National Law University, Delhi,
Dwarka Sector-14, Delhi-110078

Registration Form

Name:		Photo
Designation and Institution		
Address:		
Email ID:		
Mobile No.:		
Accommodation (Y/N) (only for outstation candidates)		
Demand Draft No. and Bank, Date of Issue		
Amount:		

Demand Draft to be made in favour of: - Registrar, National Law University Delhi, and made payable at Delhi.

Declaration: I hereby agree to pay the above mentioned registration charges and declare that the information provided above is true.

Signature