

**BACHELOR OF BUSINESS ADMINISTRATION- HONOURS PROGRAM  
DIPLOMA IN BUSINESS ADMINISTRATION**

**FALL 2011  
BADM 3060**

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<b>Course Title:</b>	International Business Law
<b>Pre-requisites:</b>	BADM 1010 Business Law 7.5 Credits
<b>Co-requisites:</b>	None
<b>Credits:</b>	0.50
<b>Course Website (If applicable):</b>	<a href="http://www.onlineguelphhumber.ca/">http://www.onlineguelphhumber.ca/</a>

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**Calendar Description:**

This course examines the concept of sovereignty, international jurisdiction, the General Agreement on Tariffs and Trade (GATT), regional integration, requirements for the importing and exporting of goods, Incoterms, trade payment and finance, foreign exchange risk, international distribution, intellectual property and licensing, and foreign investment.

**Course Learning Outcomes**

On completion of this course the student, within an ethically, legally, and socially responsible framework is able to:

1. Identify the major concepts and institutions relevant to public international law.
2. Outline the key legislation and conventions which provide the legal framework for private international business transactions.
3. Synthesize those previously noted legislative principles and conventions and illustrate their application in the international trade arena using sound basic legal reasoning.
4. Describe how international law is applied to particular fact patterns using information gleaned from the text materials, supplementary sources and lectures.
5. Analyze and discuss the legal considerations, which must be undertaken by businesses engaging in import or export transactions including bilateral and multilateral trade agreements such as NAFTA.
6. Outline, from a Canadian/Ontario perspective the current issues facing global trading partners including licensing and franchising; international protection of intellectual property and comparative anti-trust legislation.
7. Critique and evaluate among alternative forms of settlement for resolving disputes arising in international trade and investment transactions.
8. Conduct critical research by preparing a research paper using quality resources.

## **Learning Resources**

### **Required Textbook(s):**

**Title:** International Business Law – Custom Edition  
**Author:** Willes  
**\*ISBN:** 0070715149 / 9780070715141  
**Publisher:** McGraw Hill

## **Course Schedule**

### **September 7, 2011**

Introduction to the Course

Common Law versus Civil Code Tradition

### ***Chapter 3: Principles of International Law***

#### **The Scope of International Law**

- Sources of International Law
- Sovereignty

- Sovereign immunity and the Act-of-State Doctrine
- Act-of-State Doctrine

### **Jurisdiction where No Immunity**

- Criminal Jurisdiction
- Civil Jurisdiction (omit pages 94-96)
- Choices of Law and Forum
- Choice of Forum and Forum Non-conveniens
- Recognition and Enforcement of Foreign Judgments

**September 14, 2011**

### ***Chapter 4: Public Organizations and International Agreements***

Developing Institutional Framework  
The United Nations

The General with Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO)

- Historical Foundations
- Dispute Settlement
- Quantitative Restrictions
- Most Favoured Nation Status (Normal Trade Relations)
- Antidumping
- Agreement on Trade Related Aspects of Intellectual Property

**September 21, 2011**

### ***Chapter 5: Regional Integration***

Definition of Regional Integration  
Forms of Regional Integration

- Free Trade Area
- Customs Union
- Common Market
- Economic Union / Economic and Monetary Union

Regional Integration in the Americas -- North American Free Trade Agreement

Regional Integration in Europe -- from Common Market to Union

**September 28, 2011**

### ***Chapter 6: Importing***

Entry Clearance and Documentation  
Classification and Harmonization System  
Country of Origin and Certification  
Canadian Regulatory Requirements for Imports

**October 5, 2011**

***Chapter 7: Direct Sale of Goods Exports***

- Direct versus Indirect Imports
- Strategic Market Entry Options for Exporters
- The International Trading House
- Direct Sales
- Overseas Representative versus Sales Agent
- Export Licensing and Documentation

**October 12, 2011**

Mid-term exam

**October 19, 2011**

***Chapter 8 Transportation and Logistics***

Terms of trade and INCOTERMS  
INCOTERMS and Issues of Risk and Title: To page 369

**October 26, 2011**

**Chapter 8 (continued)**

International Conventions Applicable to Shipping  
Carriage of Goods by Sea  
Carriage of Goods by Land  
Carriage of Goods by Air

***Chapter 9 Trade Payment and Finance***

Introduction  
Informal Payment Mechanisms  
Formal Payment Mechanisms  
Drafts and Bills of Exchange

**November 2, 2011**

***Chapter 9 Trade Payment and Finance (continued)***

Letters of Credit / Documentary Credits  
Foreign Exchange Risks  
Exchange Rate Risk Management Tools  
Foreign Currency Account  
Foreign Currency Loan Agreement

Forward Contracts  
Foreign Currency Option Contracts  
Foreign Currency Futures Contracts

**November 9, 2011**

***Chapter 10: International Distribution***

Agency versus Distributorship  
Agents in Distribution  
Foreign Distributors  
Issues Applicable to Distribution Contracts  
Product Liability

**November 16, 2011**

Essay due.

***Chapter 11: Intellectual Property and Licensing***

Patents, Copyright, and Trademarks under National Law  
Patents, Copyright, and Trademarks under International Conventions  
Business Risks Requiring Responses in Contract  
Royalties and Fees

**November 23, 2011**

***Chapter 12: Foreign Investment***

Forms of Foreign Direct Investment  
Foreign Government Policy Objectives  
Political Risk  
Joint Ventures

***Chapter 13: International Alternative Dispute Resolution***

Overview of International Alternative Dispute Resolution

**Final Exam: A date to be determined between December 2 and 12, 2011.**

Evaluation and Due Dates

Mid term exam: 20%  
Essay: 30%  
Final exam: 40%  
Class contribution: 10%

1. A 2 hour exam on October 12, 2011, covering chapters 3 to 7 inclusive. Exam will be approximately one-half multiple choice questions and one-half short answer questions. Students will hand in the exam with their answers.
2. A 2 hour final exam, scheduled during the final exam period, covering all the material in the course, but focusing on the material covered since the mid term exam. Final exam will consist of approximately one-half multiple choice questions and one half short answer questions. Students will hand in the exam with their answers.
3. An essay, due November 16, 2011 having a topic of the student's choice from a list of topics provided. Students may submit the essay on their own, in which case the length would be 5 to 8 pages, or in a group of two only, in which case it would be 8 to 12 pages. Essays will be double space with one inch borders.

\*\* Essays submitted late will be penalized 5% for each day late. Essays will not be accepted after the last class date.

**NOTE: The University of Guelph-Humber Undergraduate Calendar states:**

“Students need to remain aware that instructors have access to and the right to use electronic and other means of detection.”

Accordingly, instructors may decide to use originality checking services, such as Turnitin.com, to ensure that submitted work conforms with the university's Academic Misconduct policy. Students will be notified of such a requirement in advance by the instructor. More information on Academic Misconduct is included below in this outline.

**Drop Box Policy**

- If late submissions are permitted by the late policy of this course outline, such assignments submitted after the due date must be electronically date stamped and placed in the secure assignment drop box, located on the second floor in the Learning Commons.

**Academic Policies**

**Important University of Guelph-Humber Academic Regulations**

**Academic Integrity / Academic Honesty**

Academic misconduct is behaviour that erodes the basis of mutual trust on which scholarly exchanges commonly rest, undermines the University's exercise of its responsibility to evaluate students' academic achievements, or restricts the University's ability to accomplish its learning objectives.

The University takes a serious view of academic misconduct and will severely penalize students, faculty and staff who are found guilty of offences associated with misappropriation of others' work, misrepresentation of personal performance and fraud, improper access to scholarly resources, and obstructing others in pursuit of their academic endeavours. In addition to this policy, the University has adopted a number of policies that govern such offences, including the

policies on Misconduct in Research and Scholarship and the Student Rights and Responsibilities regulations. These policies will be strictly enforced.

It is the responsibility of the University, its faculty, students and staff to be aware of what constitutes academic misconduct and to do as much as possible through establishment and use of policies and preventive procedures to limit the likelihood of offences occurring. Furthermore, individual members of the University community have the specific responsibility of initiating appropriate action in all instances where academic misconduct is believed to have taken place. This responsibility includes reporting such offences when they occur and making one's disapproval of such behaviour obvious.

University of Guelph-Humber students have the responsibility of abiding by the University's policy on academic misconduct regardless of their location of study; faculty, staff and students have the responsibility of supporting an environment that discourages misconduct. Students should also be aware that if they find their academic performance affected by medical, psychological or compassionate circumstances, they should inform the appropriate individuals, (instructors, Program Advisor) and follow the available procedures for academic consideration outlined in the University's calendar.

Students are encouraged to review the policy in the 2008-2009 Academic Calendar at: <http://www.uoguelph.ca/registrar/calendars/guelphhumber/current/c07/c07-amisconduct.shtml>

### **Grading Procedures**

Feedback to students on work completed or in progress is an integral part of teaching and learning in that it allows students to measure their understanding of material and their progress toward achieving learning objectives. Feedback often goes beyond grading and should be an indication of the standard a student has achieved and should to include comments on the particular strengths and weaknesses of a student's performance. While the nature and frequency of such feedback will vary with the course, the University of Guelph-Humber is committed to providing students with appropriate and timely feedback on their work. Faculty members are urged to provide meaningful feedback (approximately 20% of the total course evaluation is the standard), prior to the 40<sup>th</sup> class day. This is the last day that students are permitted to drop classes without incurring any academic penalties.

### **Missed Final Exams / Deferred Privileges**

When students do not write a required final examination, complete a final assignment, or complete a work term report prior to the last class date, they must request Academic Consideration to be considered for a deferred privilege. When granted, a deferred privilege allows a student the opportunity to complete the final course requirements after the end of the semester, but during established timelines.

Please note that faculty members do not grant deferred privileges. Faculty can only grant academic consideration for work that is due during the semester and cannot grant extensions beyond their deadline for submission of final grades.

The nature of the deferred privilege may take the form of either a deferred condition or a deferred examination. The Admissions and Academic Review Sub-Committee grants deferred privileges on the basis of **medical**, **psychological** or **compassionate** consideration. Please see your Admission and Program advisor for details.

## **Accommodation Procedures**

Students will identify themselves to Services for Students with Disabilities and, where required, provide appropriate documentation of their need. Where appropriate, students will inform individual instructors of their disabilities and academic accommodations required, by distributing the "*SSD Memo to Faculty*".

### **When students require test accommodations, they will:**

- Remind instructors at least **one week in advance** of each test or as soon as possible, that they require test accommodations
- Book the test date and time in the SSD office or make the appropriate arrangements to write in the Test Centre at least one week in advance of each test, or as soon as possible.

Students with special needs are accommodated through Humber ITAL Services for Students with Disabilities. Students should make themselves familiar with the policies relating to special accommodations by visiting the website at:

[http://studentservices.humberc.on.ca/ssd/pnp/fac\\_resp.htm](http://studentservices.humberc.on.ca/ssd/pnp/fac_resp.htm).

It is the student's responsibility to be familiar with the University's policies and Academic Regulations. These policies can be found at:

<http://www.guelphhumber.ca/cstudents/policies/index.shtml>