

Content

Course Code	Course Name	Semester	Theory	Practice	Lab	Credit	ECTS
ÖHYL-351	International Commercial Law	1	4	0	0	4	10

Prerequisites	
Admission Requirements	

Language of Instruction	Turkish
Course Type	Elective
Course Level	Masters Degree
Objective	Several topics pertaining to the international commercial law will be analyzed at this lecture.
Content	The sources of international commercial law (commercial customs and usages, lex mercatoria, model contracts, international contracts, etc.), Incoterms, contracts of international sales of goods (United Nations Convention on Contracts for the International Sale of Goods 1980 –CISG) will be studied and international arbitration as a method of preferred dispute resolution in international commercial transaction will be examined. Furthermore, model contracts drafted by several organizations and used in international commercial transactions will be reviewed.
References	1- Audit, Bernard; La Vente Internationale de Marchandise: Convention des Nation-Unies du 11 Avril 1980, 1990 2- Atiyah, P S/Adams, John N/MacQueen, Hector; The Sale of Goods, Pearson Education, 2005 3- Baron, Gesa; Do the UNIDROIT Principles of International Commercial Contracts form a new lex mercatoria?, Arbitration International (1999) 115-130, available at database: www.cisg.law.pace.edu/cisg/biblio-eng.html 4- Béguin, Jacques/Menjucq, Michel (dir); Droit du commerce international, Litec, Paris 2005 5- Bianca, C./Bonell, M. J. (edit.); Commentary on the international sales law, the 1980 Vienna Sales Convention, Milano 1987 6- Bonell, Michael Joachim; An International Restatement of Contract Law, 2d ed., 1997, Chapter 4- The UNIDROIT Principles and CISG, available at database: http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html 7- Bonell, Michael Joachim; The UNIDROIT Principles of International Commercial Contracts and the Vienna Sales Convention - Alternatives or Complementary Instruments?, Revue de droit uniforme/Uniform Law Review (1996) 26-39 8- Bonell, Michael Joachim; The UNIDROIT Principles of International Commercial Contracts and the Principles of European Contract Law: Similar Rules for the Same Purpose?, Uniform Law Review (1996) 229-246 available at database: http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html 9- Born, Gary B.; International Arbitration Cases and Materials, Kluwer Law International, 2011 10- Bortolotti, Fabio; Drafting and Negotiating International Commercial Contracts, ICC Publication no. 671, 2008 11- Bühler, W. Michael/Webster, H. Thomas; Handbook of ICC Arbitration, Commentary, Precedents, Materials, Thomson, Sweet & Maxwell, London 2005. 12- Carter, James H.; The International Arbitration Law Review, Law Business Research, 2012 13- Carbonneau, Thomas E./Jaeggi, Jeanette A., Handbook on Commercial Arbitration, American Arbitration Association, 2007 14- Clay, Thomas; L'arbitrage, Dalloz, 2001 15- Cremades, Bernardo M./Dimolitsa, Antonias; Third-Party Funding in International Arbitration, ICC Publication Services, 2013 16- Dayınlarlı, Kemal; International Arbitration, Dayınlarlı Hukuk Yayınları, 2010 17- De Ly, Filip; International Business Law and Lex Mercatoria, Elsevier Science Publishers, 1992 18- Dessemontet, François(edit.); Les Contrats de Vente Internationale de Marchandise, Ceditac, 1991 19- Erdem, Ercüment; La livraison des marchandises selon la Convention de Vienne, Diss. Fribourg 1990 20- Erdem, Ercüment; “Resolving International Trade Dispute Through Arbitration”, Prof. Dr. Firat Öztan’a Armağan, Ankara 2010, s. 839-910.

- 21- Erdem, Ercüment; "The Role of Trade Usages in ICC Arbitration", in *Liber Amicorum en l'honneur de Serge Lazareff*, Paris 2011, s.247-265
- 22- Ferrari, Franco; Gap-filling and Interpretation of the CISG: Overview of International Case Law, 7 *Vindobona Journal of International Commercial Law and Arbitration* (2003) 63-92, <http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html>
- 23- Fortier, L. Yves; *The New, New Lex Mercatoria, or, Back To The Future*, *Arbitration International*, Vol. 17/2 2001, available at database: www.tldb.de
- 24- Fouchard/Gaillard/Goldman; *Traité de l'arbitrage commercial international*, Paris 1996
- 25- Geisinger, Elliot/Voser, Nathalie; *International Arbitration in Switzerland, A Handbook for Practitioners*, Kluwer Law, 2013
- 26- Giovannini, Teresa/Mourre, Alexis; *Written Evidence and Discovery in International Arbitration*, ICC Institute of World Business Law, 2009
- 27- Goldman, Berthold; *Nouvelles Réflexions sur la Lex Mercatoria*, in: *Festschrift Pierre Lalive*, Basel, Frankfurt a.M. 1993, at 241 et seq. available at database: www.tldb.de
- 28- Goldstajn, Aleksandar; *The New Law Merchant Reconsidered*, in: *Festschrift Schmitthoff*, Frankfurt a.M. 1973, at 171 et seq., available at database: www.tldb.de
- 29- Goldstajn, Aleksandar; *Usages of Trade and Other Autonomous Rules of International Trade According to the UN (1980) Sales Convention*, Petar Sarcevic & Paul Volken eds., *International Sale of Goods: Dubrovnik Lectures*, Oceana (1986) Ch. 3, 55-110. available at database: <http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html>
- 30- Governing Council of UNIDROIT; *UNIDROIT Principals of International Commercial Contracts*, International Institute for the Unification of Private Law, 2013
- 31- Heuzé, Vincent; *La vente internationale de marchandises*, Paris 2000
- 32- Honnold, J.; *Uniform law for international Sales under the 1980 United Nations Convention*, Deventer 1982
- 33- Jacquet, Jean-Michel/Delebecque, Philippe; *Droit du commerce international*, 2e éd. Dalloz, Paris 2000
- 34- Kahn, Philippe; « Lex mercatoria » et Pratique des Contrats Internationaux, in: *Le Contrat Economique International*, Bruxelles, Paris 1975, page 200 et suiv. available at database: www.tldb.de
- 35- Kurkela, Matti S./Snellman, Hannes; *Due Process in International Commercial Arbitration*, Oceana Publications, 2005
- 36- Lando, Ole; *The Rules of European contract law, "Study of the systems of private law in the EU with regard to discrimination and the creation of a European Civil Code"*, European Parliament, Directorate General for Research, Working Paper, Legal Affairs Series, JURI 103 EN (June 1999), Chapter III, 127-136 available at database: www.tldb.de
- 37- Lando, Ole; *The Law Applicable to the Merits of the Dispute*, in: Sarcevic (ed.), *Essays on International Commercial Arbitration*, Boston, London 1991, at 129 et seq. available at database: www.tldb.de
- 38- Lew, D. M. Julian/Mistelis, A. Loukas/Kröll, Stefan; *Comparative International Commercial Arbitration*, Kluwer Law International, 2003
- 39- Lowenfeld, Andreas F.; *Lex Mercatoria: An Arbitrator's View*, *Arbitration International* 1990, at 133 et seq. available at database: www.tldb.de
- 40- Lörcher, Torsten/Pendell, Guy/Wilson,Jeremy; *CMS Guide to Arbitration Vol I, II*, CMS Law.Tax, 2012
- 41- Mourre, Alexis; *Les Cahiers de L'Arbitrage*, Editions A.Pendone, 2008
- 42- Moses, Margaret L.; *The Principles and Practice of International Commercial Arbitration*, Cambridge University Press, 2012
- 43- Mustill, Michael; *The New Lex Mercatoria: The First Twenty-five Years*, *Arbitration International* 1988, at 86 et seq. available at database: www.tldb.de
- 44- Nairn, Karly/Heneghan, Patrick; *Arbitration World Institutional and Jurisdictional Comparisons*, *European Lawyer Reference Series*, 2012
- 45- Neumayer, Karl H./Ming, Catherine; *Convention de Vienne sur Les Contrats de Vente Internationale de Marchandise*, Cedidac, 1993
- 46- Schlechtriem, P./Butler, P.; *The UN Law on International Sales*, 2009
- 47- Schlechtriem, P./Witz, Claude; *Convention de Vienne sur les Contrats de Vente Internationale de Marchandise*, Dalloz, 2008
- 48- Schlechtriem, P.; *Uniform Sales Law*, Vienna 1986
- 49- Schmitthoff, C; *Schmitthoff's Export Trade, The law and practice of international trade*, ninth edition, London, Stevens & Sons, 1990
- 50- van Houtte, Hans; *Les Principes UNIDROIT et l'Arbitrage Commercial International*, in: ICC (ed.), *The*

UNIDROIT Principles for International Commercial Contracts - A New Lex Mercatoria?, Paris 1995, at 181 et seq available at database: www.tldb.de

51- Vogenauer, Stefan/Kleinheisterkamp, Jan; Commentary on the UNIDROIT Principles of International Commercial Contracts, Oxford University Press, 2009

52- Yves, Derains/Jacques, Ghestin; La Convention de Vienne sur la vente internationale et les incoterms, 1989

53- Yves, Derains/Schwartz, A. Eric; A New Guide to the New ICC Rules of Arbitration, Kluwer Law, 1998

Theory Topics

Week	Weekly Contents
1	Introduction to international commercial law - sources
2	Sources – Incoterms
3	Incoterms
4	Incoterms
5	CISG – General Rules
6	CISG – Formation of the contract
7	CISG – Obligations of the Seller
8	CISG – Obligations of the Buyer
9	CISG – Remedies
10	CISG – Exemptions
11	International agency and distribution contracts
12	Letters of credits (UCP 600)
13	ICC Arbitration
14	Final exam + Delivery of papers

