

## 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	<p>1- Audit, Bernard; La Vente Internationale de Marchandise: Convention des Nation-Unies du 11 Avril 1980, 1990</p> <p>2- Atiyah, P S/Adams, John N/MacQueen, Hector; The Sale of Goods, Pearson Education, 2005</p> <p>3- Baron, Gesa; Do the UNIDROIT Principles of International Commercial Contracts form a new lex mercatoria?, Arbitration International (1999) 115-130, available at database: <a href="http://www.cisg.law.pace.edu/cisg/biblio-eng.html">www.cisg.law.pace.edu/cisg/biblio-eng.html</a></p> <p>4- Béguin, Jacques/Menjucq, Michel (dir); Droit du commerce international, Litec, Paris 2005</p> <p>5- Bianca, C./Bonell, M. J. (edit.); Commentary on the international sales law, the 1980 Vienna Sales Convention, Milano 1987</p> <p>6- Bonell, Michael Joachim; An International Restatement of Contract Law, 2d ed., 1997, Chapter 4- The UNIDROIT Principles and CISG, available at database: <a href="http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html">http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html</a></p> <p>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</p> <p>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: <a href="http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html">http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html</a></p> <p>9- Born, Gary B.; International Arbitration Cases and Materials, Kluwer Law International, 2011</p> <p>10- Bortolotti, Fabio; Drafting and Negotiating International Commercial Contracts, ICC Publication no. 671, 2008</p> <p>11- Bühlner, W. Michael/Webster, H. Thomas; Handbook of ICC Arbitration, Commentary, Precedents, Materials, Thomson, Sweet &amp; Maxwell, London 2005.</p> <p>12- Carter, James H.; The International Arbitration Law Review, Law Business Research, 2012</p> <p>13- Carbonneau, Thomas E./Jaeggi, Jeanette A., Handbook on Commercial Arbitration, American Arbitration Association, 2007</p> <p>14- Clay, Thomas; L'arbitrage, Dalloz, 2001</p> <p>15- Cremades, Bernardo M./Dimolitsa, Antonias; Third-Party Funding in International Arbitration, ICC Publication Services, 2013</p> <p>16- Dayınlarlı, Kemal; International Arbitration, Dayınlarlı Hukuk Yayıncılığı, 2010</p> <p>17- De Ly, Filip; International Business Law and Lex Mercatoria, Elsevier Science Publishers, 1992</p> <p>18- Dessemontet, François(edit.); Les Contrats de Vente Internationale de Marchandise, Cedidac, 1991</p> <p>19- Erdem, Ercüment; La livraison des marchandises selon la Convention de Vienne, Diss. Fribourg 1990</p> <p>20- Erdem, Ercüment; "Resolving International Trade Dispute Through Arbitration", Prof. Dr. Fırat Öztan'a</p>

- 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>
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- 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](http://www.tldb.de)
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<http://www.cisg.law.pace.edu/cisg/biblio/biblio-eng.html>
- 30- Governing Council of UNIDROIT; UNIDROIT Principles of International Commercial Contracts, International Institute for the Unification of Private Law, 2013
- 31- Heuzé, Vincent; La vente internationale de marchandises, Paris 2000
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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