

Ders Kodu	Dersin Adı	Yarıyıl	Teori	Uygulama	Lab	Kredisi	AKTS
ÖHYLDR-363	International Commercial Law	1	4	0	0	4	10
Ön Koşul	Derse Kabul Koşulları						
Dersin Dili	Türkçe						
Türü	Seçmeli						
Dersin Düzeyi	Yüksek Lisans						
Dersin Amacı	Bu derste milletlerarası ticaret hukukuna ilişkin çeşitli konular ele alınacaktır.						
İçerik	<p>Milletlerarası Ticaret Hukukunun kaynakları (ticarî örf ve adetler, lex mercatoria, tip sözleşmeler, milletlerarası sözleşmeler, vb) Incoterms, milletlerarası mal satım sözleşmeleri (Milletlerarası Mal Satımına İlişkin Sözleşmeler Hakkında Birleşmiş Milletler Antlaşması) ele alınacak ve milletlerarası ticari uyuşmazlıkların giderilmesinde en tercih edilen uyuşmazlıkların giderilmesi yöntemi olarak tahkim üzerinde durulacaktır. Ayrıca, bu ders kapsamında çeşitli kuruluşlar tarafından hazırlanan ve milletlerarası ticarete yoğun olarak kullanılan tip sözleşmeler de incelenecektir.</p> <ol style="list-style-type: none"> 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/Menjuçq, 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, Cedidac, 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. Frat Özman'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- Goldstein, Alexander; The New Lex Mercatoria Reconsidered, in: Festschrift Schmitz/Koff, Frankfurt a.M. 						

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Teori Konu Başlıkları

Hafta

Konu Başlıkları

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| 2 | Kaynaklar- Incoterms |
| 3 | Incoterms |
| 4 | Incoterms |
| 5 | Milletlerarası Mal Satımına İlişkin Sözleşmeler Hakkında Birleşmiş Milletler Antlaşması- Genel Hükümler |
| 6 | Milletlerarası Mal Satımına İlişkin Sözleşmeler Hakkında Birleşmiş Milletler Antlaşması- Sözleşmenin Kurulması |
| 7 | Milletlerarası Mal Satımına İlişkin Sözleşmeler Hakkında Birleşmiş Milletler Antlaşması- Satıcının Yükümlülükleri |
| 8 | Milletlerarası Mal Satımına İlişkin Sözleşmeler Hakkında Birleşmiş Milletler Antlaşması- Alıcının Yükümlülükleri |
| 9 | Milletlerarası Mal Satımına İlişkin Sözleşmeler Hakkında Birleşmiş Milletler Antlaşması- Hukuki İmkanlar |

Hafta**Konu Bařlıkları**

- 10 Milletlerarası Mal Satımına İliřkin Sözlēşmeler Hakkında Birleşmiş Milletler Antlaşması- Sorumluluktan Kurtulma
- 11 Milletlerarası Acente ve Distribütörlük Sözlēşmeleri
- 12 Akreditif (Akreditiflere İliřkin Birörnek Usuller ve Uygulama Kuralları)
- 13 Milletlerarası Ticaret Odası Tahkimi
- 14 Final sınavı ve ödev teslimi