

## İçerik

Ders Kodu	Dersin Adı	Yarıyıl	Teori	Uygulama	Lab	Kredisi	AKTS
ÖHYL-351	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	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 uyumsuzlukların giderilmesinde en tercih edilen uyumsuzlukların giderilmesi yöntemi olarak tahkim üzerinde durulacaktır. Ayrıca, bu ders kapsamında çeşitli kuruluşlar tarafından hazırlanan ve milletlerarası ticarete yoğun olarak kullanılan tip sözleşmeler de incelenecektir.
Kaynaklar	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: <a href="http://www.cisg.law.pace.edu/cisg/biblio-eng.html">www.cisg.law.pace.edu/cisg/biblio-eng.html</a> 4- Béguin, Jacques/Menjucc, 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: <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> 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: <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> 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. Firat Öztan'a

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### Teori Konu Başlıkları

Hafta	Konu Başlıkları
1	Uluslararası ticaret hukukuna giriş- kaynaklar
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
10	Milletlerarası Mal Satımına İlişkin Sözleşmeler Hakkında Birleşmiş Milletler Antlaşması- Sorumluluktan Kurtulma
11	Milletlerarası Acente ve Distribütörlük Sözleşmeleri
12	Akreditif (Akreditiflere İlişkin Birörnek Usuller ve Uygulama Kuralları)
13	Milletlerarası Ticaret Odası Tahkimi
14	Final sınavı ve ödev teslimi