

International Commercial Litigation and Dispute Resolution

17 June – 12 July 2024

CATEGORY Law & Economics

COURSE STRUCTURE

You will receive a total of **45 hours of academic lessons** (one lesson equals 45 minutes; 15 hours per week). Lessons will comprise lectures, group work, discussion sessions, and excursions.

WEEKLY SCHEDULE

HUWISU courses are grouped into different time tracks. Your course will take place in **Track B**

Monday: 9.00 am – 10.30 am & 11.00 am – 12.30 pm

Wednesday: 9.00 am – 10.30 am & 11.00 am – 12.30 pm

Thursday: 1.30 pm – 3.00 pm & 3.30 pm – 5.00 pm

COURSE LANGUAGE

This course is taught in **English**, including the readings. For the understanding of the texts and the discussions in class, a language-level of B2 (Common European Framework of Reference for Languages) is required.

TARGET GROUP

Undergraduate law students and students of other academic backgrounds with a strong interest in the course topic.

CREDITS & CERTIFICATES

Participants will receive **6 ECTS** credit points and a certificate if they attend regularly (at least 80% attendance), participate actively and fulfil all course assignments. Additionally, six weeks after the end of the course a Transcript of Records is issued by Humboldt-Universität zu Berlin. All courses are accredited according to the European Credit Transfer System (ECTS).

CULTURAL ACTIVITIES

You are invited to **join our cultural and social program**. We offer a fine selection of interesting activities that aim to give you an unforgettable stay in Berlin. Through excursions, social gatherings, and sport activities, you have the opportunity to get to know the city, the university, and to meet students from all parts of the world. **Costs for these offers are included in the program fee**. Below, you find examples of previously offered cultural activities. You will be informed about the respective cultural program shortly before the start of the program via email as well as during the course period.



POLITICAL AND HISTORICAL GUIDED TOURS

- Federal Chancellery (*Bundeskanzleramt*)
- German Parliament (*Bundestag*)
- House of Representatives (*Abgeordnetenhaus*)
- Topography of Terror exhibition
- Political Archive of the Federal Foreign Office

CULTURAL GUIDED TOURS

- Kreuzberg Tour
- Museum Island (*Museumsinsel*)
- Berlin Cathedral (*Berliner Dom*)
- Daytrip to Potsdam
- Exhibitions

SOCIAL GATHERINGS

- Welcome Session
- Beach Volleyball
- Farewell Get2gether

EXPECTATIONS & POLICIES

Preparation for lively discussions in the classroom: Be on time, have at least the required readings completed, and points in mind for discussion or clarification.

Assignments: Complete all assignments according to the specified requirements on the schedule including handing them over to the lecturer.

Commitment in class: Pay particular attention to the lecturer and respect differences of opinions (classmates', lecturers').

Academic guidelines: Comply with academic integrity policies (such as no plagiarism or cheating, nothing unethical) especially the academic honor code and the student code of conduct.

Attendance policy: No unexcused absences are permitted. Students must follow teachers' instructions to catch up on missed work – to excuse absence please contact the HUWISU office.

COURSE DESCRIPTION

With the rise of globalisation, businesses that enter foreign markets are exposed to the legal frameworks of the countries they choose to do business in. As a result, the field of international commercial litigation and arbitration has become increasingly complex

This class will give an overview of the most important issues raised in international commercial litigation. The course deals with cases where an international commercial transaction has given rise to a legal dispute between the parties and where this dispute is not decided by arbitration. In such a scenario, the parties have to litigate before the domestic court of a State. This raises a number of difficult issues, a selection of which will be dealt with in the course, primarily from a European (EU) and from a US perspective.

One part of the course will be devoted to the issue of international jurisdiction: In which state's courts can the plaintiff bring his lawsuit against the defendant? What if there are several states that offer a ground of jurisdiction? Why does it matter at all whether a dispute is litigated in one state rather than in another? Can the parties in their contract choose the forum in which future claims will be litigated (forum selection)?

A second part of the course will deal with a selection of specific issues that may arise in international commercial litigation: What if the court which is seized with the lawsuit regards itself as an inappropriate forum (forum non conveniens)? What if the same lawsuit is brought twice, but in different states (lis alibi pendens)? What are the so-called "torpedo claims"? Is it possible to prevent the other party from bringing a lawsuit in a certain state by way of an "antisuit injunction"? Will a judgment from the courts of one state be recognized and enforced in other states?

COURSE OBJECTIVES AND LEARNING OUTCOMES

This course is suitable if you want a concise introduction to the legal challenges relating to the international dimension of litigating commercial disputes, both before state courts and in arbitration. It is especially useful if you are targeting a role in law or within a multinational organisation.

READINGS

Textbook: Hartley, International commercial Litigation, 3d Edition

ASSIGNMENT INFO

Students are expected to participate in class discussion and to create a presentation on a self-selected topic. Presentations (20 to 30 minutes) will be held in groups of two to three students and will be integrated into the lecture's structure.

The course will be concluded with a final test of 45 minutes, covering aspects, which had been discussed in class.

The final grade will be composed of a presentation (30 %), a test (30 %) and active participation in class discussion (40 %). A minimum of 80% class attendance is required. Failure to fulfill one of the mentioned components results in failure of the class.

YOUR INSTRUCTORS

Vasileios Kapetanos, LL.M. (HU) is a Ph.D student at Humboldt Law School Berlin. His research interests lie mainly in civil procedure law, international arbitration and private international law. He has worked in international law firms in Germany, in the areas of competition and energy law. He has studied law in Athens and Berlin.

Dr. Jost Hanno Meyer works for the Federal Ministry for Economic Affairs and Climate Action. His research focus is on Economic Regulation, International Economic Law, Energy Law and Arbitration. He studied in Freiburg, Vilnius and Berlin and worked for the Institute for Energy Law and Competition Law at Humboldt University (EWeRK e.V.).

COURSE SCHEDULE

Part 1: introduction

1. Foundations and principles of International Commercial Litigation

Part 2: Brussels 1a Regulation: The European approach

1. History
2. Basic principles
3. Bases of jurisdiction I
4. Bases of Jurisdiction II

Part 3: The US and US approach

Part 4: Specific issues of international commercial litigation

1. Forum non conveniens and lis alibi pendens
2. Choice of Court agreements
3. Anti-Suit injunctions
4. Recognition and Enforcement

Part 5: International commercial Arbitration and Investor-State Arbitration

1. Commercial Arbitration
2. Investor State Arbitration and BIT

The course and its syllabus are subject to change. Last update: January 2024