

**MINISTRY OF SCIENCE AND HIGHER EDUCATION OF THE RUSSIAN
FEDERATION
PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA
LAW INSTITUTE
DEPARTMENT OF CIVIL LAW AND PROCEDURE AND
INTERNATIONAL PRIVATE LAW**

**CURRENT ISSUES OF INTERNATIONAL PRIVATE LAW
RECOMMENDED FOR TRAINING:
40.04.01 JURISPRUDENCE
DIRECTIVITY OF THE PROGRAM (PROFILE)
INTERNATIONAL PRIVATE LAW**

**QUALIFICATION (DEGREE) OF THE GRADUATE:
MASTER**

MOSCOW

1. COURSE GOALS AND OBJECTIVES

The key objective of the course is to acquaint students with the activities of Current Issues of International Private Law of different countries, to develop students' skills in practical application of norms of International Private Law.

2. COURSE IN ACADEMIC PROGRAMME STRUCTURE

The course belongs to the basic component of the compulsory part of Block 1 of the curriculum. Table 1 shows the previous and subsequent courses aimed at the formation of the course's competencies in accordance with the competency matrix.

Previous and Subsequent courses

Table No. 1

№	Competences	Previous courses	Subsequent courses
<i>Universal competences</i>			
1.	UC-1	Philosophy of Law Comparative Law Research	
2.	UC-5	Comparative Law Research	
<i>General professional competences</i>			
3.	GPC-3	Philosophy of Law History and Methodology of Law	International Commercial Arbitration and other ADR Private International Law on Non-Contractual Obligations Cross-border transactions: legal and practical aspect Private International Law Issues in the field of Protection of Intellectual Property Rights
4.	GPC-4	Philosophy of Law	
5.	GPC-7	Comparative Law Research History and Methodology of Law	International Commercial Arbitration and other ADR Private International Law on Non-Contractual Obligations Cross-border transactions: legal and practical aspect Private International Law Issues in the field of Protection of Intellectual Property Rights
<i>Professional competences</i>			
6.	PC-1		International Commercial Arbitration and other ADR Private International Law on Non-Contractual Obligations Cross-border transactions: legal and practical aspect Private International Law Issues in the field of Protection of Intellectual Property Rights

3. COMPETENCE REQUIREMENTS ON THE COURSE COMPLETION

On completion of the course the student will acquire the following universal competences, general professional competences (GPC) and professional competences (PC). As a result he or she:

Universal competences

- is able to carry out a critical analysis of problem situations based on a systematic approach, develop an action strategy (UC-1);
- is able to analyze and take into account the diversity of cultures in the process of intercultural interaction.

General professional competences

- is able to competently interpret legal acts, including in situations where there are gaps and conflicts law (GPC-3);

- is able to apply information technologies and use legal databases to solve problems of professional activity, taking into account the requirements of information security (GPC-7).

Professional competences

- is able to skillfully apply normative legal acts in specific areas of legal activity, to implement the norms of substantive and procedural law in professional activities (PC-1)

As an outcome of the course the student:

knows:

- the legal regulation, legal sources and practices of International Private Law.

be able to:

- determine applicable law and other regulations applicable to a cross-border relation

masters:

- researching through the scope of regulations applicable to cross-border relations.

4. THE COURSE WORKLOAD AND ACADEMIC ACTIVITIES

The overall workload of the course is **6 credits, 216 hours**.

Academic Activities	Total Workload	Semester/module			
		I		II	
		1	2	3	4
Sessions	68		32	36	
Including:					
<i>Lectures</i>					
<i>Seminars/Tutorials/Workshops</i>	68		32	36	
<i>Laboratory work</i>					
Individual learning	76		76	72	
Total Workload - Academic Hours:	216		108	108	
Credits	6		3	3	

5. COURSE CONTENT AND SEQUENCING

5.1 Course Units (Topics)

<i>Nº</i>	Topics	Course Units
1 Semester 2 module		
1.	Introduction in IPL	The Notion and Objectives of Private International Law International Private Law in the Legal System The Role of Private International Law in Contemporary Society
2.	The evolution of conflict regulation in private international law	Unification in the sphere of IPL (International Treaties) Harmonization of national legislation in the sphere of IPL (model acts) Analysis of legal regulation in the field of IPL in different countries - development trends Development of sources of IPL in the European Union Prerequisites for the denationalization of regulation in the field of private law. Non-state regulation in the IPL (principles, recommendations, general conditions ...). Principles, Definitions and Model Rules of European Private Law Draft Common Frame of Reference (DCFR)

		Modern <i>lex mercatoria</i> . The theory of transnational IPL. Construction <i>contrat sans loi</i> .
3.	Role of international organizations in creating sources of IPL (International Treaties)	UNCITRAL HCCH UNIDROIT OHADA WIPO UNIDROIT ICC IBA
4.	Limitations of choice of law – mandatory rules, public policy	Mandatory rules - practice in different countries Public policy - practice in different countries
5.	Scope and effect of the immunity principles in international private and business law	Mechanisms of investor protection on the example of international treaties and laws of some states State Immunity: The United Nations Convention and its effect The law of restrictive immunity Legal response to immunity defense in commercial and business transaction State-owned enterprises Case <i>Hulley Enterprises, Yukos Universal и Veteran Petroleum v RF</i> – interim measures in some countries
6.	Economic sanctions and retortions	Economic sanctions: objectives and ways of establishing the example of individual countries (1921 against Yugoslavia, in 1925 against Greece, 1932-1935 against Bolivia-Paraguay, and the UK sanctions against Italy in 1935 - 1936 in response to the capture of Abyssinia) 1946 and 1990 - The United Nations with regard to the DPRK, South Africa, Portugal, Rhodesia and Iraq In the 1950's. - 15 cases of imposing sanctions, in the 1960s. - 20 cases, in the 1970s. - 37, in the 1980s. - 23 and more than 50 cases in the 1990's. (mainly the USA) Economic sanctions as force majeure in trade relations (on the example of individual judicial and arbitral awards)
7.	Domicile Concept in International Private Law	Problems of determining the domicile of individuals. Conflict norms based on the principle of domicile in the law of different countries Personal law of a legal entity in the law of the countries of the European Union
8.	Consumer protection in IPL	Consumers and the Net. Definition of jurisdiction and applicable law in consumer protection disputes in cross-border trade
9.	International private law in family matters	The problems of recognition of a marriage concluded in a foreign country Dissolution of marriage Parental responsibility Maintenance obligation Civil order of protection Matrimonial property regime
10.	International private law in successions matters	Conflicts of laws rules in matters of succession (on the example of different countries) Integration processes in the EU law of succession The Basel Convention on the Introduction of the Will Registration System (1972)

		<p>The Washington Convention on a Uniform Law on the Form of an International Will (1973) includes the Model Law on the Form of an International Will</p> <p>The Hague Convention Concerning the International Administration of the Property of Deceased Persons (1973)</p> <p>The Hague Convention on the Law to be Applied to the Inheritance of Immovable Property (1989),</p> <p>The Hague Convention on the Law Applicable to Inheritance by Death (1989)</p> <p>The 1993 CIS Convention</p> <p>Inheritance of escheat property of a foreign citizen</p>
2 Semester 3 module		
1.	Intellectual property in IPL	<p>Protection of authors' rights - international agreements</p> <p>Analysis of some cases</p> <p>Problems of protection of industrial property</p> <p>International agreements</p> <p>Analysis of some cases</p>
2.	Corporations in IPL	<p>Law applicable to companies</p> <p>Recognition of foreign entities</p>
3.	Transnational corporations (TNCS)	<p>Regulation of transnational corporations' activities</p> <p>Tripartite Principles concerning Multinational Enterprises and Social Policy</p>
4.	Cross-border insolvency	<p><i>Theories of cross-border insolvency</i></p> <p><i>UNCITRAL Model Law on Cross-Border Insolvency</i></p> <p><i>EC Regulation on Insolvency Proceedings 2000</i></p> <p>Corporate rehabilitation regimes.</p>
5.	Law applicable to obligations	The law applicable to contractual and non-contractual obligations and obtaining the information on foreign law
6.	International trade	<p>Modern legal mechanisms of regulation of cross-border trade</p> <p>Sources of law of international trade: international conventions, national law, commercial practices and other forms of "soft law".</p> <p>Consequences of choice of law.</p>
7.	Cross-border payments	<p>Letters of Credit</p> <p>Collection</p> <p>Bank guarantee</p> <p>Bills</p>
8.	International civil procedure	<p>Universal conventions in the sphere of international civil procedure</p> <p>Harmonization in the field of international civil procedure in the European Union</p> <p>The UNIDROIT principles of international civil procedure</p> <p>Anti-suit injunctions</p>
9.	The Law Applicable to International Mediation Contracts	<p>Main Features of International Mediation Contracts</p> <p>Internationality of mediation contracts</p> <p>The Law Applicable to International Mediation Contracts</p>
10.	International Arbitration	<p>Introduction to international arbitration as method of dispute resolution.</p> <p>Regulatory framework for arbitration.</p> <p>Forms of arbitration.</p> <p>Applicable law.</p> <p>Valid, effective and enforceable arbitration agreements</p> <p>Multiparty and multi-contract arbitration</p> <p>Impartiality and independence of arbitrators</p>

	Rules on taking evidence. <i>Interim measures</i> <i>Third party funding</i> Challenges to the award. Recognition and enforcement of the award
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5.2. Course Units and Academic Activities

1 Semester 2 module

No	CourseUnits (Topics)	Lectures	Seminars/ Workshop	Individual learning	Total Workload
1.	Introduction in IPL		6	8	14
2.	The evolution of conflict regulation in private international law		4	8	12
3.	Role of international organizations in creating sources of IPL (International Treaties)		4	8	12
4.	Limitations of choice of law – mandatory rules, public policy		2	8	10
5.	Scope and effect of the immunity principles in international private and bussiness law		2	8	10
6.	Economic sanctions and retortions		2	8	10
7.	Domicile Concept in International Private Law		2	8	10
8.	Consumer protection in IPL		2	8	10
9.	International private law in family matters		4	6	10
10.	International private law in successions matters		4	6	10
	TOTAL		32	76	108

2 Semester 3 module

No	CourseUnits (Topics)	Lectures	Seminars/ Workshop	Individual learning	Total Workload
1.	Intellectual property		4	8	12
2.	Corporations		2	8	10
3.	Transnational corporations (TNCS)		2	8	10
4.	Cross-border insolvency		2	8	10
5.	Law of obligations		4	8	12
6.	International trade		6	8	14
7.	Cross-border payments		4	6	10
8.	International civil procedure		4	6	10
9.	The Law Applicable to International Mediation Contracts		2	6	8
10.	International Arbitration		6	6	12
	TOTAL		36	72	108

6. LABORATORY WORKS (if given)

7. PRACTICAL LESSONS (SEMINARS) (if given)

1 Semester 2 module

№	Seminars Units (Topics) Number	Practical lessons (seminars)	Total Workload
1.	1.	Introduction in IPL	6
2.	2.	The evolution of conflict regulation in private international law	4
3.	3.	Role of international organizations in creating sources of IPL (International Treaties)	4
4.	4.	Limitations of choice of law – mandatory rules, public policy	2
5.	5.	Scope and effect of the immunity principles in international private and business law	2
6.	6.	Economic sanctions and retortions	2
7.	7.	Domicile Concept in International Private Law	2
8.	8.	Consumer protection in IPL	2
9.	9.	International private law in family matters	4
10.	10.	International private law in successions matters	4

2 Semester 3 module

№	Seminars Units (Topics) Number	Practical lessons (seminars)	Total Workload
1.	1.	Intellectual property	4
2.	2.	Corporations	2
3.	3.	Transnational corporations (TNCS)	2
4.	4.	Cross-border insolvency	2
5.	5.	Law of obligations	4
6.	6.	International trade	6
7.	7.	Cross-border payments	4
8.	8.	International civil procedure	4
9.	9.	The Law Applicable to International Mediation Contracts	2
10.	10.	International Arbitration	6

8. TECHNICAL SUPPORT REQUIREMENTS

- a) Software: Microsoft Windows, Microsoft Office, Adobe Reader
- b) Database, directory and search engine: Oxford Open, Elsevier
- c) Auditorium for lectures and seminars, specialized auditorium (courtroom) for organizing model court sessions, premises for students' independent work. Multimedia projector, screen, audio system, laptop. Courtroom, co-working space, classes for foreign language study, computer classes.

9. SOURCES FOR COURSE STUDIES

a) basic reading

1. Garimella S. R., Jolly S. Private International Law: South-Asian States' Practice. – Springer, 2017. URL: <https://rd.springer.com/content/pdf/10.1007%2F978-981-10-3458-9.pdf>
2. Kiestra L. R. The impact of the European Convention on the Human Rights on Private International Law. – Springer, 2014. URL: <https://rd.springer.com/content/pdf/10.1007%2F978-94-6265-032-9.pdf>

b) additional reading

1. Heidemann M., Lee J. The future of the commercial contract in Scholarship and Law Reform. – Springer, 2018. URL: <https://rd.springer.com/content/pdf/10.1007%2F978-3-319-95969-6.pdf>
2. Twigg-Flesner C. A Cross-Border-Only Regulation for Consumer Transactions in the EU. - Springer, 2012. URL: <https://rd.springer.com/content/pdf/10.1007%2F978-1-4614-2047-7.pdf>
3. Bosters T. Collective Redress and Private International Law in the EU. – T.M.C. Asser Press, 2017. URL: <https://rd.springer.com/content/pdf/10.1007%2F978-94-6265-186-9.pdf>

11. COURSE STUDIES RECOMMENDATIONS

Seminars. The form of training workshops in which students with the assistance of a teacher discussing the reports, reports, essays and other forms of independent work. Seminars are held in the following forms: discussion of lecture material and questions for practical training, analysis and discussion of scientific papers, a list which is contained in this program, and performance with an analytical report on them.

Methodological model of the learning process. In seminars, the following techniques and methods: survey, discussion, interactive.

Independent work. In a broad sense, the independent work of master should be understood as the set of all self-employment in the absence of trained teachers and in contact with him in the classroom and beyond (including during the training sessions). Here and also include working with primary sources: note taking, oral presentation with an analysis of the source.

Forms of control. Under the two forms of control means in the form of certification testing, writing essays.

11. ASSESSMENT TOOL-KIT

Materials for assessing the level of mastering the educational material of the discipline (evaluation materials), including BRS, questions on the topics of the course, test and control tasks, as well as requirements and examples of their implementation, topics of reports / abstracts / term papers are developed in full and are available for students on the discipline page at telecommunication educational and information system of RUDN University.

Trainers:

Professor of the Department of
Civil Law and Procedure and
Private International Law



V. Bezbakh

Assistant-Professor of the Department of
Civil Law and Procedure and
Private International Law



E. Sitkareva

Head of the Department of
Civil Law and Procedure and
Private International Law,
Full Professor.



E. Frolova