

## **International private law**

The subject of the course "International Private Law" is a system of administrative relations planning, organization, coordination, accounting and control of foreign economic activity.

The course "Private International Law" aims to promote training in International Management and provides students an understanding of the general principles of international private, including economic, relations. Discipline precedes the development of related courses "Law", "International Economic Relations", "Foreign trade enterprises." The study "International private law" ensures better assimilation of such subjects as "International Management", "International credit-settlement and currency relations", "Management of the international competitiveness of enterprises."

### **The purpose and objectives of the course**

The aim of the course is to develop students' abilities: to master basic knowledge of the provisions of private international law; to create sustainable idea of private international law as an independent branch of law, its sources, principles and standards and prepare students for independent practice in this area, teaching students practical skills to implement the knowledge gained by analyzing the existing sources of private international law, their place in Ukraine national legal system and practice of their application in practice lawyer.

### **Contents of the course**

#### **Theme 1. The methods and the system of private international law**

The concept of private international law. The subject of private international law. Methods of regulation in private international law. The legal nature of the rules of private international law and its place in the national legal system. Value of Private International Law of Ukraine civil law and public international law. The system of private international law. The development of science private international law. The role and tasks trends. Features of private international law in foreign countries.

#### **Theme 2. Sources of Private International Law**

Types of sources of private international law (general description). Intrastate (national) law as a source of private international law. International agreement on the system of sources of international private law. International custom. Litigation and arbitration practice. The role of international bodies in the process of

establishing rules of private international law. Unification of private international law. The problem of the codification of international private law.

### **Theme 3. General concepts of private international law**

Concept and reasons of conflicts of laws in private international law. Conflict rules in private international law and its elements. Types of conflict rules. Formula attachment. The essence of the problem of basic training and how to solve it. Reverse sending and reference to the law of a third country. Warning of public policy. Bypass law in private international law. Reciprocity and negative consequences in private international law. Establishing the content of foreign law.

### **Theme 4. Subjects of private international law**

The legal status of individuals in private international law: a) the right and the capacity of individuals; Recognition missing and she is dead in private international law; b) a criterion for determining personal statute individuals in private international law (nationality, domicile); c) basic principles of the legal status of foreigners (national treatment, most favored nation, a special mode preferential treatment); d) the law of Ukraine on the concept of "foreigner" and change the legal status of foreigners; d) the legal status of foreigners in Ukraine; e) the main issue of the legal status of citizens of Ukraine abroad; h) the features of the legal status of dual nationals and stateless persons.

The legal status of legal persons in private international law: a) the concept of a legal entity; b) personal statute and "nationality" of a legal entity; c) general description of the legal status of foreign business entities in Ukraine; d) the legal status of economic entities of Ukraine abroad; d) transnational corporations and international entities; e) legal forms of joint economic activities in the practice of private international law.

The state as a subject of private international law: a) the State as a subject of property relations; b) state immunity and its species; c) the legal status of representation of the state abroad.

International organizations as subjects of international private law.

### **Theme 5. Subject Property Law**

Concept and types of real rights. Objects of real rights in private international law. Securities and negotiable instruments.

Property relations in private international law: a) general issues of property rights in relations with "foreign elements" under the laws of Ukraine; b) application of

the law on nationalization; c) conflict issue of property rights under the laws of Ukraine and in private international law; d) the legal status of property of the Ukrainian state and Ukrainian legal entities abroad.

Legal regulation of foreign investments. International protection of foreign investments. The concept and features international bankruptcy.

### **Topic 6. Contractual obligations in private international law**

The concept and characteristics of foreign trade transactions. The form of foreign trade transactions. Conditions of registration (registration) of foreign trade transactions. Conflict and legal issues of foreign trade transactions.

Contract of international sale of goods: a) the concept of the contract of sale and its features in international trade; b) order contract of international sale of goods; c) the essential terms of the contract; d) the obligations of the seller; d) the obligations of the buyer; e) liability for breach of contractual obligations; h) the 1980 United Nations Vienna Convention on Contracts for the International Sale of goods: basic provisions; f) international trade practices Incoterms: general characteristics. The main types of Contracts for the International Sale of Goods; c) Principles of international commercial contracts UNIDROIT. The theory of "lex merkatoria".

International counter transactions: a) barter and compensation for currency without basis. b) compensation on a commercial agreement. c) Compensation based on agreements on industrial cooperation.

Agreement on sale of exclusive products. Treaty franchise. Treaty factoring. Agreements order. The Treaty Commission in private international law. Agency contract. The contract of tenancy. The contract on leasing. Contracts in private international law. Agreement on cooperation. Treaty consortium. Storage agreement in private international law. The insurance contract in private international law.

### **Theme 7. Transportation obligations in private international law**

The concept and features of legal regulation of international traffic.

International maritime transport: a) the concept and the subject of private international law of the sea, its source; b) regulation of international maritime transport of goods; c) the regulation of international maritime transport of passengers and luggage.

International rail transport: a) international agreements in international rail traffic; b) procedure and form of contract of international rail transport; c) the liability of the carrier; g) submission of claims and statute of limitations.

International road transport: a) international agreements in the field of international road transport; b) procedure and form of contract of international carriage of goods by road; c) the liability of the carrier; d) the responsibility of the sender; e) the responsibility of the recipient; e) submission of claims and statute of limitations.

International air transport: a) international agreements in the field of international air transport; b) the procedure for issuance of international air transport; c) the responsibility of the sender; d) The liability of the carrier; d) the procedure for filing claims and statute of limitations. 6. The international combined transport goods.

### **Theme 8. Financial liabilities in private international law**

The legal nature of international payments and credit relations. Forms of international financial settlement: a) the collection as a form of international financial transactions; b) Letter of credit; c) bill and a check as payment documents in international financial obligations.

Treaty bank account. Forms insurance of currency risks in foreign trade contracts. Domestic law on currency regulation and its role in international financial obligations.

### **Theme 9. Intellectual property protection in private international law**

The concept and basic features of intellectual property as an object of international legal protection.

Copyright: a) concept and international agreements in the field of copyright; b) the objects of copyright; a) copyright holders; d) subjective copyrights; d) copyright protection.

International legal protection of related rights: a) the term "neighboring rights"; b) international instruments in the field of related rights; c) the basic principles and conditions for granting international protection of related rights.

Industrial Property Law: a) concepts and international agreements in the field of international industrial property protection; b) protection of inventions; c) Protection "know-how"; d) the protection of industrial designs; d) a license agreement for use of industrial property; f) protection of trademarks and service

marks; g) protection of designations of origin; h) protection against unfair competition.

Institutional mechanism for intellectual property protection.

### **Theme 10. Obligations of the injury in private international law**

The concept of liability of the injury. Terms onset of tort liability in national legal systems. Conflict issues tort liabilities "foreign elements" in national law. International agreements in the area of tort relations. Regulation tort liabilities "foreign element" in the legislation of Ukraine.

### **Theme 11. The hereditary relations in private international law**

Hereditary legal relations in private international law: general characteristics. International agreements and legislation of Ukraine and foreign countries in matters of succession. Inheritance by will. Inheritance by law. Go ancestral property and liability for the debts of the testator.

### **Theme 12. Subject marriage and family relations in private international law**

The concept of family law and international agreements in the regulation of marriage and family relations. Marriage: concepts, procedures and conditions making. Relationships between spouses. Relationships between parents and children. The question of maintenance obligations. Termination of marriage in the international private law. Adoption. International agreements and legislation of Ukraine on adoption. Guardianship and care. Conflict of laws of Ukraine concerning the regulation of marriage and family relations.

### **Theme 13. Employment in the private international law**

The employment of a "foreign element" and the source of their regulation. Conflict of international legal regulation of labor relations. Labour rights of citizens of Ukraine abroad. Labor rights of foreigners in Ukraine. Social Security.