



**Undergraduate programmes**

**Syllabus**

## International Trade Law 3

**Module Code:** ITL301  
**Credits:** 20  
**IMM GSM: Year Level:** 3  
**NQF Level:** 7  
**Nature:** Core  
**Status:** Undergraduate

### Module Specific Outcome/s

Understand areas of law covering conflict of laws, how foreign judgements are enforced in South Africa, and various international trade regulations.

Explain the legal nature of bills of exchange, promissory notes and letters of credit.

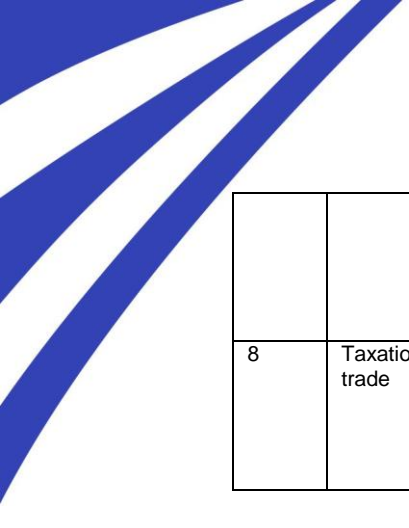
Describe the principles of law relating to Contracts of Agency and Distributorship.

Understand the implications of product liability legislation in different countries.

Discuss the various methods of settling international trade disputes.

### Description of Units

Units	Description	Learning Outcomes
1	Selected aspects of international trade law	Understand the term or concept 'Conflicts of Laws' and its relevance to exporters and importers. Be able to differentiate between jurisdiction and both 'choice of law' clauses and 'Conflict of laws'. Know the principles according to which jurisdiction of courts in South Africa is determined. Know how a court would determine which country's law is to apply to a contract. Know the circumstances in which a foreign judgement will be recognised and/or enforced by a South African court. Understand the various types of international trade regulations and their respective implications.
2	Legal consequences of international payment methods	Differentiate between bill of exchange and promissory notes. Explain what is meant by the terms 'transferable' and 'negotiable'. Discuss the nature of the essential elements of a bill of exchange. Discuss how a party becomes liable under a bill of exchange. Discuss the requirements for qualifying as a holder in due course. Discuss the liabilities incurred by, and the defences available to, the respective parties to a bill of exchange transaction. Discuss the role of the Uniform Rules for Collection (URC.) Understand the legal implications of different types of letters of credit.
3	Legal aspects of international marketing	Understand the difference between an agent, a representative and distributor. Understand the following terms: mandate and estoppels. Know the various sources from which an agent can acquire his authority. Understand the rights and duties of the contracting party, the agent and the principal. Explain issues should be considered when an agency or distribution agreement is drawn up. Understand the advantages of a company establishing an off-shore operation. Understand the various forms that an off-shore operation can take .
5	Intellectual property rights: SA law on licensing, patents, trade marks and designs	Understand the licensing of intellectual property rights. Know what should be included in the licensing agreement. Explain the remuneration under a licensing agreement. Discuss patents, the registration process and patent rights. Explain trade marks, the registration process and application. Describe the principles of design registration.
6	Intellectual property rights: SA law on copyright and product liability	Explain what copyright means and the types of works that enjoy copyright protection. Distinguish between the author and the owner of a work enjoying copyright protection. Describe how copyright can be infringed. Discuss the significance of the Berne Convention in relation to copyright. Explain product liability and the main differences between the application of product liability in the United States, the European Union and South Africa. Discuss the manufacturer's duties regarding the manufacture, sale and after-sales service of the product.
7	International litigation and arbitration	Identify the major categories of international trade dispute resolution. Differentiate between arbitration and litigation.



		<p>Discuss the advantages of arbitration over litigation.</p> <p>Discuss the role of the Court of Arbitration of the International Chamber of Commerce.</p> <p>Explain the significance of the New York Convention.</p> <p>Explain application proceedings, trial actions, simple summons, combined summons, declaration, plea and discovery.</p>
8	Taxation in international trade	<p>Explain territorial principles.</p> <p>Differentiate between tax avoidance and tax evasion.</p> <p>Explain permanent establishments in the context of taxation.</p> <p>Discuss the measures that countries have taken to avoid legal persons from paying double taxation.</p> <p>Discuss the nature of tax havens and tax-free trade zones.</p>