

COURSE DESCRIPTIONS

Advanced International Competition Law

Course code: LAW5038

Course Co-ordinator: Professor Mark Furse

This course complements International Competition Law, the taking of which is a prerequisite for this course, unless the applicant can demonstrate significant prior experience of competition law, either via academic study, or via practice. Admission onto this course shall be at the discretion of the programme convenor in light of the above criteria. In particular the course focuses on specific anti-competitive practices, both collaborative and unilateral, and explores too the relationship between competition law and intellectual property law.

Advanced Introduction to International Criminal Law

Course code: LAW5039

Course Co-ordinators: Dr Anni Pues

This course examines a topical and rapidly developing area of International Law. It considers the actions which have been classed as international crimes, the criminal responsibility of individuals under International Law, and the mechanisms provided by International Law for the enforcement of these offences and the prosecution of those accused. The mechanisms considered encompass the International Criminal Court, the International Criminal Tribunals of the former Yugoslavia and Rwanda, and will briefly examine the use of hybrid tribunals. The thrust of the course is to provide a solid understanding of International Criminal Law within an informed policy context, including the non-legal obstacles that impede the effective prosecution of international criminal offences.

Advanced Introduction to the Law of the United Nations

Course code: LAW5068

Course Co-ordinator: Dr Anni Pues

So much of what is currently relevant in International Law stems from the activities of the United Nations. This means that it is essential for a student who wants to progress beyond basic International Law principles to gain a broader and deeper understanding of the functioning of the Organisation and the legal and political factors that surround it.

The course will initially focus on the establishment of the organisation, its legal status and the functioning of its main organs, including the Security Council, the General Assembly, the Secretary-General and the International Court of Justice — all major players in current International Law. Once the functioning of the United Nations has been elaborated, the second part of the course will be devoted to in depth case studies including on the question of accountability for cholera in Haiti, and the maintenance of peace and security. Additionally, students will examine how successful the UN system has been in coping with a growing array of global problems and what its potential is for the future.

Clinic: Human Rights and Humanitarian Law in Practice

Course code: LAW5176

Course Co-ordinator: Professor Nils Melzer

The first part of the course will comprise a series of foundational lectures providing an overview of the most important rules and principles of human rights and humanitarian law offering guidance and protection in situations of crisis, violence and armed conflict. The second part of the course will allow students to directly examine selected cases taken from present-day reality and to present them for discussion in class. The overarching aim of the course is to illustrate and reaffirm the practical relevance of the rule of law in the contemporary, increasingly destabilised security environment.

Contemporary Issues in Intellectual Property

Course code: LAW5011

Course Co-ordinator: Professor Martin Kretschmer

This course is designed to give students the opportunity to investigate and discuss some contemporary issues in global intellectual property law, for example the impact of intellectual property regimes on developing countries, debates over the creation of new types of intellectual property and extension of existing ones, and the interface between intellectual property law and developing technologies.

Copyright in the Digital Environment

Course code: LAW5013

Course Co-ordinator: Dr Thomas Margoni

The principal aim of the course is to offer an advanced understanding of copyright law as it relates to the creation, dissemination and use of works within the digital environment. The focus will be primarily on UK and EU copyright law following a comparative and international approach.

Corporate Finance

Course code: LAW5014

Course Co-ordinator: Dr Konstantinos Sergakis

This course examines, from a legal and financial perspective, the process by which companies raise finance, the rights of the providers of finance, controls over how a company can use external finance and the operation of the capital market which supports the issue and trading of financial instruments. The focus of this course is on equity finance (primarily company shares). The course deals both with the early phase of company development (e.g. formation and early stage financing) as well as the later stages (listing, public issues and share repurchases). Students are also introduced to aspects of finance theory which are relevant for investment decisions and the operation of capital markets.

It will be assumed that students have already taken an introductory course in their national system of company law.

Corporate Governance

Course code: LAW5015

Course Co-ordinator: Dr Irene-Marie Esser

This course examines the governance structure and processes of companies, with a particular focus on public listed companies.

It will be assumed that students have already taken an introductory course in their national system of company law.

Debt Finance and Security

Course code: LAW5019

Course Co-ordinator: Dr Javier Solana

Secured finance is becoming increasingly prominent in international financial markets; particularly after the 2007-08 financial crisis. This course will allow students to better understand the legal intricacies of this growing form of finance. In this sense, this course will be of interest to students seeking to develop a professional career in the practice of international corporate and financial law.

Given the prominent position of London as one of the main international financial hubs, English law often ends up governing many international debt finance transactions, particularly in the European context. This Debt Finance and Security course will analyse the different legal mechanisms that creditors can use to protect themselves against the risk of their debtor's default under English law; namely, property rights in security (such as mortgages and charges) and quasi-security rights (such as transfer and retention of title mechanisms, and set-off rights). This course will also examine how these mechanisms are used in practice, including in the context of insolvency.

It will be assumed that students have already taken an introductory course of company law in their national system.

Foundations of International Law

Course code: LAW5026

Course Co-ordinator: Professor Robin Geiss

Public international law is that branch of the law which governs the everyday life of the international society. It supplies the normative framework for the international political process and various rules and institutions for regulating different aspects of international relations. In this context, it deals mainly (but not exclusively) with the conduct of sovereign nation-states with one another and their relations with international intergovernmental organisations, peoples, individuals, multinational corporations and other international actors. It is often violated and – every now and then proclaimed – dead. But it tends to survive.

The aim of the present course is to introduce students to the structures and limits of international law in international relations. We will revisit core themes of international law (such as 'sources', 'state responsibility', 'enforcement'), but will do so from the perspective of law-appliers seeking to understand whether/how international law affects the international legal process. Our illustrations will be drawn from special areas such as the law of the sea, human rights law, or dispute resolution. However, no prior knowledge of these areas is expected, and the focus of our debates will be on general international law.

The basic assumption underlying the course is that international law in its ever-increasing diversity can only be properly understood by those with a solid background in general international law. This course is intended to provide students new to the discipline with such a background. Those already familiar with issues of international law will be given an opportunity to deepen their understanding and to reflect critically on the foundations of the international legal system.

Intellectual Property and the Market

Course code: LAW5034

Course Co-ordinator: Professor Andreas Rahmatian

The field of Intellectual Property Law is of growing contemporary importance. As well as dealing with the protection of literary, dramatic, musical and artistic works, it is also concerned with the commercially important protection of rights in inventions, trade marks and computer programs. The class of Intellectual Property Law and the Market aims to provide an introduction to substantive Intellectual Property Law in a European and international context and to give an overview of the interaction between intellectual property rights and markets. It should be noted that the planned withdrawal of the UK from the European Union does not eliminate the European context. A number of EU-Directives will stay substantially in force in the UK for the time being and possibly even after a settlement with the EU.

International and Comparative Intellectual Property Law

Course code: LAW5132

Course Co-ordinator: Professor Andreas Rahmatian

The field of international intellectual property law has gained great importance. The purpose of this course is the exploration of the international dimension of intellectual property law as it manifests itself in the intellectual property treaties. With regard to copyright, the different protection philosophies in the Anglo-Saxon world as opposed to continental European countries will be dealt with from a comparative perspective. The planned withdrawal of the UK from the European Union does not eliminate the European context. A number of EU-Directives will stay substantially in force in the UK for the time being and apparently even after a settlement with the EU, and the comparative law aspect is not affected at all. Furthermore, all of IP law is founded on international conventions which will be discussed in detail. In this regard the separation of the UK from the EU is not relevant.

International Competition Law

Course code: LAW5037

Course Co-ordinator: Dr Florence Thépot

The purpose of this course is, through the prism of the EU and US regimes, to introduce students to the core principles applied in competition law regimes and how competition law is enforced. The principles may be

transferred to any jurisdiction, although particular emphasis will be placed on the different approaches within regimes. The primary focus of this course will be on the control of multi-lateral and unilateral anti-competitive conduct. The course will focus on the operation of the EU competition law regime, based on Articles 101 and 102 of the TFEU, and procedural and implementing legislation. The course will also consider the main provisions of American Antitrust Law, as enshrined in Sections 1 and 2 of the Sherman Act 1890, and Section 5 of the FTCA. In both cases the outline of the institutional processes, and the relationship between public and private enforcement will be considered.

The course will also consider the context within which the law operates, focussing on the relevant economic principles and theories, as well as the tensions in the economics debate, underpinning the application of the law. The course does *not* deal with merger control, which is a large and complex area of law, and which is dealt with separately in the International Merger Control course. For students wishing to take the course Advance International Competition Law this course is, in most cases, a compulsory pre-requisite.

International Courts and Tribunals

Course code: LAW5066

Course Co-ordinator: Dr James Devaney

International Law obliges states to settle their disputes peacefully. Unlike many national legal systems, it does not, however, automatically permit recourse to courts when a dispute has arisen. This is widely seen as a major problem; and it explains much of the soul-searching about whether international law really matters. Notwithstanding this state of affairs, international courts and tribunals have been 'on the rise' for decades. The International Court of Justice and arbitral tribunals, amongst other things, settle important boundary disputes; WTO panels and Appellate Body assess compliance with rules of world trade law; investment tribunals pronounce on claims by foreign corporations; and human rights courts deal with thousands of individual claims. Overall, around 35,000 binding judicial decisions have been rendered since 1990, and international law is said, by one of its most renowned commentators, to have reached its 'age of adjudication' (Greenwood).

This course does not require to you to read 35,000 binding decisions. It is meant to equip you to work with (or at) international courts and tribunals. The focus is broad: we will cover inter-State disputes (e.g. before the International Court of Justice [ICJ], arbitral tribunals or WTO dispute settlement organs) as well as mixed disputes between States and non-State entities (e.g. investor-State disputes or human rights claims). After an introduction, the most relevant international courts and tribunals currently operating are introduced. In the second term, we will discuss cross-cutting questions and address key challenges facing these courts and tribunals (such as questions of legitimacy and effectiveness).

Given the focus on disputes, the course will look at International Law 'in action' and with a clear focus on practice, thus seeking to disprove the common assertion that International Law had little practical relevance. However, the course is intended to be more than a survey of judicial/arbitral practice and will inevitably cover broader debates about the role of courts and tribunals in the international system or the risks of fragmentation brought about by the co-existence of different dispute settlement mechanisms.

The course is primarily designed for students focusing on International Law and International Security Law, but given its treatment of WTO and investment disputes should also be relevant to those with an interest in Economic and/or Commercial Law. Prior knowledge of substantive issues of International Law is likely to prove helpful, but not a requirement for participation.

International Finance Law

Course code: LAW5041

Course Co-ordinator: Professor George Walker

International Finance Law examines the principal markets and main professional documentation used in the international financial and capital markets. This is a combination of Corporate Finance, Government (or Public) Finance and Investment (or Asset) Finance (including Alternative Investment Management (AIM) with Hedge Funds, Private Equity and Sovereign Wealth Funds (SWFs)). Glasgow and Edinburgh remain important financial centres with the City of London for all of these markets and activities.

International financial markets are key drivers in national and international economies and the new global economy. The course examines the nature, function, structure, operation and importance of all of the key financial markets involved. This is essentially a Private Law (contract or transactional) and documentation

based class with financial regulation also being covered to the extent relevant. The course provides essential professional preparation in executing all of the principal financial contracts involved in practice

Although primarily based on an examination and analysis of current City of London practice, reference is also made to other relevant laws, including the EU, the US and Asia. The course has a strong comparative and International Law content as well as being based on current market and practitioner insight and best practice in each area.

No previous knowledge of financial market regulation or background in economic or finance theory is required. It is assumed that students have no prior background expertise.

The course is essentially in five parts and covers International Financial Markets and Transactions, International Loan and Bond Law, Special Financial Contracts and Issues, Alternative Investment Management (AIM) and Financial Regulation and Remedies.

International Financial Regulation

Course code: LAW5042

Course Co-ordinator: Professor George Walker

Financial markets are key drivers in any national, regional or global economy. Financial markets and intermediaries carry out a number of essential services without which no economy could operate. These include savings (deposit), credit (loan), payment (paper and electronic), investment (return) and insurance (protection). All economic activity, trade and commerce is dependent on stable and effective financial markets.

Financial markets are nevertheless unstable and prone to crisis and collapse. This was confirmed by the severity and damaging impact of the recent financial crises in global, European and national financial markets. Many difficult issues nevertheless still arise with regard to the causes of the crises and most appropriate response going forward.

This course is concerned with the regulatory and legal control of financial markets and financial intermediaries including banks and banking (Commercial Banks and Investment Banks) as well as Securities Firms, Insurance Undertakings and other more specialist types of service provider and Financial Conglomerates (or complex groups). Financial institutions are essential to the effective operation of any economy, nationally and internationally, with Glasgow and Edinburgh being important financial centres in all of these areas.

The course examines all relevant aspects of law and regulation concerning the structure, operation and function of financial markets and financial institutions. The course is also taught on a comparative basis with reference to significant international standards as well as European and other national country models including the US. This is not an exclusively UK course.

No previous knowledge of banking or financial market regulation or background in economic or finance theory is required. It is assumed that students have no prior background or expertise.

The course is in five parts and covers Financial Markets and Financial Intermediation, Financial Crisis and Instability, International Banking and Financial Regulation, European Banking and Financial Regulation and UK Financial Markets and Services.

International Investment Law

Course code: LAW5044

Course Co-ordinator: Professor Christian Tams

International Investment Law regulates relations between foreign investors and the states hosting their investments. It is an exciting area of law that sits at the intersection between international law and commercial/corporate law and that has expanded remarkably and often in entirely unpredictable ways over the last two decades. This course introduces students to the key features of International Investment Law and engages with the most significant current controversies plaguing the field.

The course consists of three parts. Part 1 addresses the main substantive principles and standards that govern the relationship between host states and foreign investors. Part 2 assesses the existing frameworks

for the settlement of investment disputes. Part 3 examines some of the major challenges confronting International Investment Law, such as the 'clashes' between investment law and community concerns and the perception that investment arbitration is biased in favour of investors.

The course approaches investment law from the perspective of public international law, not the national law of any one single state. Prior knowledge of international law is likely to prove helpful, but is not, strictly, a requirement for participation.

International Law and International Economic Governance

Course code: LAW5159

Course Co-ordinator: Dr Akbar Rasulov

The aim of this course is to provide the students with a critical understanding of the legal aspects of international economic governance and the role of law in the constitution and structuration of various international economic processes and institutions, including the International Monetary Fund and the World Trade Organization.

International Law and International Security

Course code: LAW5130

Course Co-ordinator: Professor Robin Geiss

This course deals with the international legal framework that applies to a broad spectrum of international security issues. Like the notion of international security, it cuts across common disciplinary boundaries, bringing together questions of United Nations law, human rights and international humanitarian law, as well as counter-terrorism law, the law of the sea and international energy law. None of these areas of law will be covered in depth; instead, the focus throughout is on their relevant security-related aspects.

As much of international law aims to safeguard some form of security, the course begins with an examination of legal approaches to 'international security' (Part 1). Part 2 then addresses what might be referred to as 'core aspects' of international security, namely the international regime of collective security as set out in the United Nations (UN) Charter. In this context, it will deal in particular with the use of force for humanitarian ends, pre-emptive and preventive self-defence, the use of force to suppress terrorism and UN peacekeeping operations.

Part 3 examines the extraterritorial application of human rights law in transnational law enforcement operations, the relationship between human rights law and international humanitarian law and substantive human rights standards applicable to modern security operations.

Part 4 traces the evolution of sectorial security regimes in fields as diverse as energy security, maritime security, cyber-security, counter-terrorism, arms and drugs trafficking, disaster response law etc. Throughout the course, particular attention will be devoted to contemporary security issues and challenges to the international legal order.

International Merger Control

Course code: LAW5046

Course Co-ordinator: Professor Mark Furse

This course focuses on merger control in the EU, US, and the PRC (with some references to the UK system as an example of a Member State system operating within the EU). It deals with the largest commercial transactions, and analyses the regulatory framework within which the competition elements of that transaction are controlled by the law. This is an area of significant commercial importance, with an expanding number of countries maintaining some form of merger control, and with the very largest of transactions often being subject to scrutiny by several regimes simultaneously. No prior knowledge of merger control, or of competition law, is necessary in order to take this course.

International Trade Law

Course code: LAW5040

Course Co-ordinator: Dr Akbar Rasulov

This course examines the role of international law in the regulation of international trade. It has a particular emphasis on the law of the World Trade Organization (WTO) and, more specifically, the General Agreement on Tariffs and Trade (GATT). Its aim is to provide the students with an introduction to the legal component of international trade governance in its public dimension and to acquaint them with the relevant legal regimes, doctrines, and institutional arrangements.

This is a course about states, international institutions, and regulatory sovereignty. This is not a course about international commercial operations or transactions involving private companies.

Law and Markets

Course code: LAW5175

Course Co-ordinator: Dr Anna Chadwick

Lawyers can no longer afford to ignore economics. Be it in debates over how to regulate global finance, the governance of global trade, attempts to redesign international investment law, or developments in the fields of human rights and constitutional law, legal analysis will encounter the market and competing conceptions of the role that the markets should play in society.

Current accounts of how markets work are grounded in economic theory. Students who are keen to work in fields such as finance, regulation, policy making, and social justice—either as legal practitioners, policy makers, NGO advocates, or as academics—will require an understanding of markets in order to develop successful careers. By introducing students to some of the main developments, concepts, and thinkers that have informed contemporary economic thought and practice, this course will enable Law students to approach the analysis of markets and economic issues with greater confidence. It is not an Economics course, however. Rather, the course aims to foster students' understanding of the economy, its place in society, and the central role that law plays in constituting and regulating markets. This inter-disciplinary approach to market activity will help students better understand current economic policy debates and explore how they, as lawyers, might contribute to those debates.

M&A Transactions

Course code: LAW5169

Course Co-ordinator: Dr Konstantinos Sergakis

The 'M&A Transactions' course is designed to fill an educational gap in the corporate law curriculum since, in modern practice, the lawyer's daily tasks require specific set of skills in drafting corporate transactional documents, which law schools do not usually provide. Law students will be thus offered the opportunity to develop and practice transactional skills.

In the first half of the course (8 seminars), the course will focus upon how lawyers can manage deal-related problems focusing on various barriers to transacting, including collective action problems, information problems, risk and uncertainty, and contracting over time, and a range of responses grounded in game theory, contract theory, and decision theory.

In the second half of the course (7 seminars), a series of real transactions will be analyzed using actual deal documents provided by the lawyers who worked on the transaction. Teams of students will prepare readings that include the actual transaction documents, an overview of the legal and regulatory structure of the industry, and a description of the strategic and competitive characteristics of the industry. And the students will apply the analytic tools they have learned in the first part of the course to explain how it was structured, why it was structured that way, and raising questions about terms that seem to be anomalous or inefficient or inappropriate for the deal.

It will be assumed that students have already taken an introductory course in their national system of company law.

The Laws of Armed Conflict

Course code: LAW5154

Course Co-ordinator: Professor Robin Geiss

This course deals with the international legal framework that applies in times of armed conflict. It analyses how the Laws of Armed Conflict (LOAC) reconcile the demands of military necessity, on the one hand, and humanity, on the other, with the objective of minimizing the suffering and civilian losses inevitably linked to armed conflicts.

The course begins by providing an overview over the origin and genesis of LOAC, as well as over the legal sources of this branch of international law (Part 1). Part 2 then examines the conditions triggering the application of LOAC. Particular attention will be devoted to both the legal and the practical implications of qualifying an armed conflict as either international or non-international. Due to its asymmetric nature, the latter, having gained increasing relevance, presents constant challenges to the Laws of Armed Conflict. This becomes particularly apparent when addressing the rules regulating the conduct of hostilities and the fundamental principles of LOAC in Part 3.

Part 4 focuses on persons and objects protected under LOAC, ranging from civilians to cultural property, and the treatment that shall be accorded to them.

Part 5 examines the complex relationship between human rights law and LOAC. This interplay is also of great relevance in the context of the law of occupation, which will be addressed subsequently.

Part 6 analyses the various ways of enforcing the Laws of Armed Conflict and whether this is done effectively. Finally, the gained knowledge will be applied to case studies relating to Afghanistan, Syria, Ukraine, Iraq, Libya and Gaza. Throughout the course, special emphasis will be put on the analysis of contemporary challenges to the legal order in times of armed conflict.

Trade Marks and Brands

Course code: LAW5160

Course Co-ordinator: Dr Marta Iljadica

This course is designed to introduce students to the concept of a brand, to examine and evaluate the various methods available for protecting brands, comparing different approaches in different jurisdictions, and to discuss more theoretical criticisms of and justifications for protecting brands. In recognition of the fact that brands can attach to individuals and to products from a particular geographical area, the course will consider publicity rights and geographical indications as well as more traditional means of protecting brands which are commercially valuable.