

Introduction to Global Business Law

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Key concepts, structures, and practical implications for international commerce

1. What Is Global Business Law?

Aspect	Description
Definition	The body of legal rules governing commercial activities that cross national borders.
Scope	Contracts, trade, investment, intellectual property, dispute resolution, compliance, and regulatory matters that involve two or more jurisdictions. - Provide predictability and security for cross-border transactions.
Purpose	- Protect the rights of parties (buyers, sellers, investors, employees). - Promote fair competition and sustainable development.

2. Sources of International Business Law

Source	Typical Content	Example Instruments
Treaties & Conventions	Binding agreements between states; set uniform rules.	- United Nations Convention on Contracts for the International Sale of Goods (CISG) - New York Convention on Recognition & Enforcement of Foreign Arbitral Awards
Customary International Law	Practices accepted as legally obligatory.	- <i>State immunity</i> in commercial activities
Soft Law	Non-binding guidelines that influence behavior.	- OECD Guidelines for Multinational Enterprises - UN Guiding Principles on Business & Human Rights
National Laws	Domestic statutes that apply to foreign parties when they have a sufficient connection (e.g., "place of performance").	- U.S. Foreign Corrupt Practices Act (FCPA) - EU General Data Protection Regulation (GDPR)

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Source	Typical Content	Example Instruments
Judicial Decisions & Arbitration Awards	Interpretations that shape future conduct.	- ICC Arbitration rulings - Decisions of the International Court of Justice (ICJ)

3. Core Areas of Global Business Law

3.1 International Trade Law

- **Key Instruments:** WTO Agreements, Incoterms, UNCTAD Model Treaties.
- **Main Issues:** Tariffs, non-tariff barriers, trade-related subsidies, anti-dumping measures, customs procedures.

3.2 International Investment Law

- **Bilateral Investment Treaties (BITs) and Multilateral Investment Agreements** (e.g., Energy Charter Treaty).
- **Investor-State Dispute Settlement (ISDS)** mechanisms.
- **Protection Standards:** Fair & equitable treatment, protection against expropriation, free transfer of capital.

3.3 Cross-Border Contracts

- **Choice-of-Law & Choice-of-Forum** clauses.
- **Governing Instruments:** CISG, UNIDROIT Principles of International Commercial Contracts.
- **Risk Allocation:** Force majeure, hardship, termination rights.

3.4 Intellectual Property (IP) in International Business

- **Treaties:** Paris Convention, TRIPS Agreement, Madrid System (trademarks), PCT (patents).
- **Issues:** Enforcement across jurisdictions, licensing, technology transfer, IP valuation.

3.5 Competition / Antitrust Law

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- **Global Coordination:** EU competition rules, U.S. Sherman Act, ASEAN Competition Policy.
- **Typical Concerns:** Cartels, abuse of dominant position, merger control, state aid.

3.6 Dispute Resolution

Method	Advantages	Typical Use
International Arbitration	Party autonomy, enforceability (NY Convention), confidentiality.	Large commercial contracts, investment disputes.
Litigation in National Courts	Access to judicial precedents, possible injunctive relief.	Enforcement of local regulatory requirements.
Mediation & Conciliation		