

# LW6163E: INTERNATIONAL COMMERCIAL LAW

---

## Effective Term

Semester A 2025/26

## Part I Course Overview

### Course Title

International Commercial Law

### Subject Code

LW - Law

### Course Number

6163E

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

3

### Level

P5, P6 - Postgraduate Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

Nil

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

The course focuses on international commercial sales involving the transfer of goods by sea, typically under FOB (Free on Board) or CIF (Cost, Insurance, and Freight) terms, as well as other commercial trade-related issues, such as customs,

tariffs, and non-tariff measures. One party to the contract of sale is responsible for arranging the shipment of the goods and entering into an agreement with the carrier. Shipping documents provided by the carrier are crucial for the seller's payment. These international commercial sales are generally paid through documentary credits. This means that a bank undertakes to pay the seller upon presentation of the required documents. The bank then forwards these documents to the buyer (or the buyer's bank) and seeks payment from them. Payment is therefore based on satisfying the terms of the letter of credit, not necessarily the terms of the sales contract. As a result, the buyer may reject the goods or documents, potentially causing serious legal issues, not just between the buyer and seller but also involving the carrier and banks handling the documentary credit arrangements. The course will examine both the legal and commercial aspects of these transactions, including the roles of INCOTERMS and the Uniform Customs & Practice for Documentary Credits (UCP600) standards developed by the International Chamber of Commerce.

### Course Intended Learning Outcomes (CILOs)

| CILOs | Weighting (if app.)   | DEC-A1 | DEC-A2 | DEC-A3 |
|-------|---|--------|--------|--------|
| 1     | Describe and analyse the legal issues arising in international commercial sales where carriage is by sea.   | x      | x      | x      |
| 2     | Understand and critically assess how property and risk passes under FOB and CIF contracts and their variances.  | x      | x      | x      |
| 3     | Describe and analyse the legal position of the parties participating in a documentary credit arrangement and its interactions with the contract of sale and the contract of carriage. | x      | x      | x      |
| 4     | Explain the rights and obligations of parties involved in international commercial sales.   | x      | x      | x      |

#### A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

#### A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

#### A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

### Learning and Teaching Activities (LTAs)

| LTAs | Brief Description | CILO No.  | Hours/week (if applicable) |
|------|-------------------|---|----------------------------|
| 1    | Seminars          | Students will engage with the legal and commercial risks arising from international commercial sales. | 1, 2, 3, 4                 |

|   |                            |   |            |  |
|---|----------------------------|---|------------|--|
| 2 | Tutorials                  | Students will research the complexities of the contract of sale, the documentary credits and the carriage of goods contracts. | 1, 2, 3, 4 |  |
| 3 | Guided individual studying | Students will engage with basic independent research and critical assessment skills.  | 1, 2, 3, 4 |  |
| 4 | Formative work and quizzes | Students will engage with exam-like activities to develop the relevant legal and practical skills.                            | 1, 2, 3, 4 |  |

**Additional Information for LTAs**

3 hours lecture/week

**Assessment Tasks / Activities (ATs)**

| ATs |   | CILO No.   | Weighting (%) | Remarks ("- " for nil entry) | Allow Use of GenAI? |
|-----|---|------------|---------------|------------------------------|---------------------|
| 1   | Group assignment (20%) and group presentation (20%) | 1, 2, 3, 4 | 40            | -                            | No                  |

**Continuous Assessment (%)**

40

**Examination (%)**

60

**Examination Duration (Hours)**

2

**Minimum Continuous Assessment Passing Requirement (%)**

40

**Minimum Examination Passing Requirement (%)**

40

**Additional Information for ATs**

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course.

**Assessment Rubrics (AR)****Assessment Task**

Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

**Criterion**

Demonstration of a good understanding of relevant statutes, cases, doctrines and concepts, and an ability to use these to solve complex legal problems.

**Excellent**

(A+, A, A-) Strong evidence of original thinking; good organisation; capacity to organise and synthesise; superior grasp of subject matter; evidence of extensive knowledge base.

**Good**

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

**Fair**

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

**Marginal**

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course

**Failure**

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

---

**Assessment Task**

Group project and presentation (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

**Criterion**

Demonstration of ability to identify issues; Application of knowledge to specific problems and discussion questions.

**Excellent**

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

**Good**

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

**Fair**

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

**Marginal**

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

**Failure**

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

---

**Assessment Task**

Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

**Criterion**

Demonstration of a good understanding of relevant statutes, cases, doctrines and concepts, and an ability to use these to solve complex legal problems.

**Excellent**

(A+, A, A-) High

**Good**

(B+, B) Significant

**Marginal**

(B-, C+, C) Moderate

**Failure**

(F) Inadequate

---

**Assessment Task**

Group project and presentation (for Applicable to students admitted from Semester A 2022/23 to Summer Term 2024)

**Criterion**

Demonstration of ability to identify issues; Application of knowledge to specific problems and discussion questions.

**Excellent**

(A+, A, A-) High

**Good**

(B+, B) Significant

**Marginal**

(B-, C+, C) Moderate

**Failure**

(F) Inadequate

---

## Part III Other Information

**Keyword Syllabus**

**Free on board (FOB) contracts of Sale, Letters of Credit, International Commercial Terms, Cost Insurance and Freight (CIF).**

**Detailed Syllabus**

- a. Introduction to overseas sales and the legal, physical, financial and commercial risks involved. The role of shipping documents in international sales and documentary credit.
- b. Passing of property and documents of title, implied terms, who arranges the transport, deterioration in transit. Contracts for the Overseas Sales. The Vienna Convention on Contracts for the International Sale of Goods
- c. CIF Contracts I – Nature of the contract; Relationship between the seller, the buyer and the carrier, INCOTERMS
- d. CIF Contracts II, Passing of property and passing of risk; frustration of the contract of sale.
- e. CIF Contracts III Remedies for buyers and sellers
- f. FOB Contracts I Nature of the contract; Relationship between the seller, the buyer and the carrier
- g. FOB Contracts II Passing of property and passing of risk; frustration of the contract of sale.
- h. FOB Contracts III Remedies for buyers and sellers
- i. Documentary Credits – Why use them? Types of Letters of Credit. the contracts involved; the UCP 600

- j. Documentary Credits – presentation of documents and responsibilities
- k. Other methods of payment and the eUPC
- l. Revision

**Reading List**

**Compulsory Readings**

| Title |   |
|-------|---|
| 1     | Bridge M. (2023) Benjamin's Sale of Goods 12th ed. (available through Westlaw Asia) |

**Additional Readings**

| Title |  |
|-------|--|
| 1     | Lista A. (2018), International Commercial Sales: The Sale of Goods on Shipment Terms (Informa) |
| 2     | Lorenzon and Baatz, (2020), Sassoon: CIF and FOB Contracts 7th ed.                             |