

Global Law Program
Fundação Getulio Vargas
FGV DIREITO SP

Syllabus

Regular courses - 2 months courses
Fall Semester 2023
(August to December 2023)

Global Law Program - Fundação Getulio Vargas

Course: Introduction to Brazilian Legal System

Workload: 30 hours

Credits: 2

Overview:

The main object of this course is to introduce foreign students to the Brazilian Legal system. After a brief overview of the main features of the 1988 Constitution, the course will focus in our system of constitutional review, especially on the role of the Supreme Court. The course will certainly have a comparative perspective, to help students understand the peculiarities of the Brazilian system vis-à-vis their own constitutional systems. The subpart of the *Introduction to Brazilian Legal System* discipline provides an overview of the basic concepts underlying Brazilian tax law. Subjects covered in this introductory course include the assignment of federal and subnational taxes, the main principles and rules of individual and corporate taxation and the tax law treatment of inbound and outbound transactions and investments. Special emphasis is placed on selected issues of Brazilian taxation with an international impact.

The course aims to develop on student's knowledge on the various sources and core concepts of Brazilian tax law, as well as critical analytical skills on the structure of the Brazilian tax system and its policy implications, with a special emphasis on inbound and outbound transactions and investments.

References:

- ✓ Afonso, José Roberto; Barroso, Rafael, *BRAZILIAN TAX AFFAIRS* (Latin American and Caribbean Law and Economics Association Annual Papers, 2007) (transcript available at: <http://www.escholarship.org/uc/item/1rf7690j>).
- ✓ Rubinstein, Flavio, *Brazil*, in *TAX ASPECTS OF FISCAL FEDERALISM: A COMPARATIVE ANALYSIS*, (Claudio Sacchetto and Gianluigi Bizzoli, ed.), Amsterdam: IBFD, (forthcoming; an electronic draft will be circulated by the professor).
- ✓ Afonso, José Roberto; Rezende, Fernando, *THE BRAZILIAN FEDERATION: FACTS, CHALLENGES AND PROSPECTS* (Stanford University Center for Research on Economic Development and Policy Reform, Working Paper 149, 2002) (transcript available at: <http://www.stanford.edu/group/siepr/cgi-bin/siepr/?q=system/files/shared/pubs/papers/pdf/credpr149.pdf>).
- ✓ McLure, Charles E, *The Brazilian Tax Assignment Problem: Ends, Means and Constraints*, in *A REFORMA FISCAL NO BRASIL*, São Paulo: Fundação Instituto de Pesquisas Econômicas, 45-71 (1993).
- ✓ Schoueri, Luís Eduardo, *National Report: Brazil*, in *THE EU AND THIRD COUNTRIES: DIRECT TAXATION* (Michael Lang; Pasquale Pistone, ed.), Viena: Linde, 639-681 (2007).
- ✓ *CONTRIBUTION TO THE HISTORY OF TAX TREATIES: THE BRAZILIAN EXPERIENCE* (2008) (transcript available at: <http://www2.wu-wien.ac.at/taxlaw/events/Conferencepapers/Rust2008/NRRust2008BrazilSchoueri.pdf>).
- ✓ Souza, Celina, *Brazil's Tax System: The Dilemmas of Policy Reform* (Fondation canadienne pour les Amériques Working Paper FPP-05-02, 2002) (transcript available at: http://www.focal.ca/pdf/brazil_tax.pdf).
- ✓ Ter-Minassian, Teresa, *Brazil*, in *FISCAL FEDERALISM IN THEORY AND PRACTICE* (Teresa Ter-Minassian ed.), Washington: International Monetary Fund, 438-456 (1997).

- ✓ World Bank, BRAZIL: ISSUES IN FISCAL FEDERALISM (Report No. 22523-BR, 2002) (transcript available at: <http://siteresources.worldbank.org/BRAZILINPOREXTN/Resources/3817166-1185895645304/4044168-1186403960425/51IssuesFiscalFederalism.pdf>).

Global Law Program - Fundação Getulio Vargas

Course: Ethics, Regulation, and Governance of Artificial Intelligence in comparative perspective

Workload: 30 hours

Credits: 2

Overview:

AI is increasingly part of our daily lives. Students will likely encounter Artificial Intelligence (AI) both in their recreational endeavors as well as their professional careers. For lawyers, AI is quickly becoming assimilated into many aspects of the business of law. AI powered predictive analytics, research software, billing programs, contract analysis and many other tools will result in more streamlined, efficient, and effective legal practices.

The incorporation of AI into the legal sphere requires that law students gain an understanding of AI and the ethical, legal, and social implications of its use in the profession. Legal professionals also need to appreciate the role of AI in their client's businesses, especially the relevant laws and ethical implications. For example, consider explainable artificial intelligence, i.e., the ethical and social need to appreciate the underlying premises that result in determinations made by AI. Currently, most advanced forms of AI employ complex and opaque decision-making processes.

Additionally, AI requires immense amounts of data, both personal & private and otherwise, to develop, teach and implement the algorithms. Here, big data has its own unique set of ethical, legal and social concerns, prominently, relating to privacy, intellectual property rights and ownership, that arise with its collection, analysis and implementation.

Finally, the widespread use of cloud-based technologies means that jurisdictional concerns are international, and students need to appreciate the legal issues not only at home, but in far-flung locales, as well.

The course aims to contribute to the development of appropriate professional ethics for legal practitioners working in the field of Artificial Intelligence, or more generally Digital Law. It will encourage students and practitioners to seek tools to solve everyday moral or legal dilemmas or problems of automated data processing. It begins with a contextualization of the challenges of the digital society. It then presents a comparative overview of legal systems, complementing the idea of ethics through law. Finally, it explores governance and risk management mechanisms that are indispensable for professionals today. The classes will be structured around emblematic cases from everyday life in law and technology so that students and professionals can apply concepts to real situations.

References:

To be assigned

Global Law Program - Fundação Getulio Vargas

Course: Stabilization of International Commercial Transactions: from contract formation to dispute resolution

Workload: 30 hours

Credits: 2

Overview:

In an increasingly international environment, the stabilization and uniformization of commercial transactions depend on contracts, contract law, private international law, and dispute resolution mechanisms.

In this course we will first have a look at the United Nations Conventions on Contracts for the International Sale of Goods (CISG), one of the most successful and relevant initiatives to standardize the commercial relations across the globe.

The first part of the course will be devoted to central questions of contract law related to cross-border commercial transactions. This topic includes issues related to formation, interpretation, remedies (avoidance and damages), hardship and force majeure provisions.

The second part of the course will address the dispute resolution methods applicable to commercial disputes, particularly international arbitration. In this sense, the course will focus on the UNCITRAL Model Law on International Commercial Arbitration and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, two sets of laws that provide the general framework for international arbitration. In this part the drafting of arbitration clauses, the choice of law, the proceedings and the limitations of arbitration will be discussed.

The course will combine lecturing with experiential learning tools, including simulated drafting of contractual clauses and dispute resolution situations.

References:

To be assigned

Global Law Program - Fundação Getulio Vargas

Course: Renewable Energy Regulation: learnings from the case of Brazil

Workload: 30 hours

Credits: 2

Overview:

Brief summary of the course

Renewable Energy (RE) is seen as a solution to mitigating climate change effects - one of the XXI century's most pressing problems. In order to be effective, RE generation needs to increase globally. This growth can come from different forms of incentives and actions taken by governments and private sector players. In this context, the present course aims to explore RE regulation in order to identify opportunities and challenges for RE from a development country perspective, focusing on the case of Brazil and its response to the international economic legal order.

Methodology

The course will be based on renewable energy regulation studies. Classes will be conducted as Socratic seminars and students are expected to have read or watched the assigned material for discussion and other class activities.

Students will be evaluated by way of participation in classes (50% of the grade) and of a written examination to be submitted on the last day of classes (50% of the grade). On this occasion, each student will be required to submit a legal opinion (1500 words) on a question dealing with the issues raised in the course.

Objectives

The main objective of this course is to make students familiar with renewable energy hot topics and with different national and international regulatory instruments. In this way, they will develop the ability to understand public policy trade-offs in the RE regulation and identify challenges and opportunities when having to comply with international agreements, national rules, or private standards in RE projects and transactions.

Tentative Schedule

Class 1	Opening Remarks. Renewable Energy overview: introduction of renewable energy sources and markets. Introduction to the drivers that propel renewable energy growth, including environmental, commercial and geopolitical advantages.
Class 2	Renewable Energy public support: types of public support programs including subsidies, feed-in tariffs, local content requirements and tax incentives. Presentation of the Brazilian model with two markets and electricity auctions.
Class 3	Renewable Energy hybrid incentives: the UNFCCC framework, regulated and voluntary carbon markets. Debate on the Brazilian CBIO.
Class 4	Renewable Energy private actions: foreign direct investment, merger and acquisitions, positive screening and voluntary standards. Discussion on the ESG rules

	set forth by the Brazilian security commission (CVM) and development bank (BNDES).
Class 5	Renewable Energy restrictive regulation: reducing fossil fuels subsidies, unilateral carbon barriers (CBAN) and critical minerals. Debate on the challenges of this model for developing countries through the Brazilian agribusiness example.
Class 6	Renewable Energy support programs and possible inconsistency with international economic law: the WTO green energy jurisprudence.
Class 7	Renewable Energy private and state owned companies: investment screening mechanisms and the role of China in the Brazilian market.
Class 8	Test

References:

Class 1

Required reading: IRENA (2022). The Geopolitics of the Energy Transformation: The Hydrogen Factor. Introduction and Summary. 2022. Available at: <<https://www.irena.org/publications/2019/Jan/A-New-World-The-Geopolitics-of-the-Energy-Transformation>>.

To know more: GRAAF, Thijs Van de; ASSELT, Harro van (2017). Introduction to the Special Issue: energy subsidies at the intersection of climate, energy, and trade governance. International Environmental Agreements: Politics, Law and Economics, vol. 17. p. 1-21.

KROETZ, Maria Eugênia do Amaral (2020). The World Trade Organization's response to renewable energy support policies: limitations and challenges. pp. 32-68.

Available at: <<https://bibliotecadigital.fgv.br/dspace/handle/10438/29149>>.

Class 2

Required reading:

INTERNATIONAL ENERGY AGENCY (2013). Energy Investments and Technology Transfer Across Emerging Countries: the case of Brazil and China. OCDE / IEA, 2013.

To know more:

A New Global Economic Consensus. Mariana Mazzucato. Disponível em: <https://www.project-syndicate.org/commentary/cornwall-consensus-rebuilding-global-governance-by-mariana-mazzucato-2021-10?utm_source=twitter&utm_medium=organic-social&utm_campaign=page-posts-october21&utm_post-type=link&utm_format=16:9&utm_creative=link-image&utm_post-date=2021-10-14>.

COLORADO Office of Just Transition (2023). New Phase II Grant Funding to Support Economic and Workforce Development in Colorado Coal Transition Communities. Available at: <<https://cdle.colorado.gov/the-office-of-just-transition#:~:text=The%20Office%20of%20Just%20Transition's,upon%20which%20their%20communities%20depend>>.

Class 3

Required reading:

ANBIMA. CBIO: Operalization Guide. 2022. Available at: <<https://www.anbima.com.br/data/files/AD/16/A6/72/E6CCB710D9114AB76B2BA2A8/Guia%20de%20CBIO%20EN.pdf>>.

To know more:

Streck, Dyck & Trouwloon (2021). The Voluntary Carbon Market Explained. Available at: <<https://vcmprimer.org/>>.

Florence School of Regulation (2021). EU Emission Trading System (EU ETS). Available at: <<https://fsr.eui.eu/eu-emission-trading-system-eu-ets/>>.

ISDA (2021). The Legal Nature of Voluntary Carbon Credits: France, Japan and Singapore. Available at: <<https://www.isda.org/2022/11/22/the-legal-nature-of-voluntary-carbon-credits->

[france-japan-and-singapore/](#)>.

Class 4

Required reading: What is Shell Energy doing to achieve Net-Zero? (2021). Available at: <<https://www.shellenergy.co.uk/energy/path-to-net-zero/progress-to-net-zero>>.

To know more:

Belletti, E & Schelble, R. (2022). How are oil and gas companies using carbon offsets to decarbonise? Available at: <<https://www.woodmac.com/news/how-are-oil-and-gas-companies-using-carbon-offsets-to-decarbonise/>>.

CFA Institute (2020). Consultation Paper on the Development of The CFA Institute ESG Disclosure Standards for Investment Products.

Class 5

Required reading:

What is a carbon border tax and what does it mean for trade? Tatiana Prazeres, Zhiyu Xie. Disponível em: <<https://www.weforum.org/agenda/2021/10/what-is-a-carbon-border-tax-what-does-it-mean-for-trade/>>

To know more:

Gerasimchuk, I. (2014). A crash course on subsidy definition by Dante, Shakespeare and Russian folklore. Disponível em: <<https://www.iisd.org/gsi/subsidy-watch-blog/crash-course-subsidy-definition-dante-shakespeare-and-russian-folklore>>

Jayati Ghosh. The Rich World's Climate Hypocrisy. Available at: <<https://www.project-syndicate.org/commentary/climate-change-cop26-rich-world-hypocrisy-by-jayati-ghosh-2021-11?barrier=accesspaylog>>.

NRGI (2020). How Have Governments of Resource-Rich Countries Used Their Sovereign Wealth Funds During the Crisis? Blog. 21 August 2020. Available at: <<https://resourcegovernance.org/blog/how-have-governments-resource-rich-countries-used-their-sovereign-wealth-funds-during-crisis>>.

Class 6

Required reading:

WTO. DS412: Canada — Certain Measures Affecting the Renewable Energy Generation Sector. One-page summary of key findings of this dispute. Available at: <https://www.wto.org/english/tratop_e/dispu_e/cases_e/1pagesum_e/ds412sum_e.pdf>.

To know more:

ESPA, Ilaria; DURAN, Gracia Marín. Renewable Energy Subsidies and WTO Law: Time to Rethink the Case for Reform Beyond Canada – Renewable Energy/Fit Program. *Journal of International Economic Law*, 2018, vol. 0, p. 621 - 653.

KULOVESI, Kati. Real or Imagined Controversies? A Climate Law Perspective on the Growing Links Between the International Trade and Climate Change Regimes. *Trade, Law & Development*, vol. 6, n. 1, 2014, p. 55 - 92.

RUBINI, Luca. ASCM disciplines and recent WTO case law developments: what space for 'green' subsidies? EUI Working Paper RSCAS 2015/03.

Class 7

Required reading:

BARBOSA, Pedro Henrique Batista (2021). New Kids on The Block China's Arrival in Brazil's Electric Sector. Boston University. Available at <<https://www.bu.edu/gdp/2021/01/25/new-kids-on-the-block-chinas-arrival-in-brazils-electric-sector/>>.

To know more:

OECD. Current trends in investment policies related to national security and public order. 2018. Disponível em: <<http://www.oecd.org/investment/Current-trends-in-OECD-NatSec-policies.pdf>>.

RAJAVOURI, M.; HUHTA, K. Investment screening: Implications for the energy sector and energy security. *Energy Policy*, vol. 144, 2020, p. 1-11.

SANCHEZ-BADIN, Michelle; MOROSINI, Fábio. International Economic Law by Other Means: a three-level matrix of Chinese investments in Brazil's Electric Power Sector. *Harvard Journal of International Law*. 2021.

Global Law Program - Fundação Getulio Vargas

Course: M&A Hot topics and Challenges

Workload: 30 hours

Credits: 2

Overview:

The purpose of this course is three-folded:

- (1) to provide a broad overview of the structuring and development of M&A transactions, including key players, deal motivation and common structures and the due diligence process;
- (2) to debate hot topics in connection with M&A documentation; and
- (3) to discuss policy matters faced by courts addressing M&A challenging issues.

This course will look into real life transactions to further the purposes mentioned above. We may have two or three guest speakers who will offer their invaluable insights during short presentations."

References:

To be assigned

**Global Law Program
Fundação Getulio Vargas
FGV DIREITO SP**

Syllabus

**Visiting Professor – Short Term Courses
Fall Semester 2023
(August to December 2023)**

Global Law Program - **Visiting Professor**
Prof. Thomas Rönnau – Bucerius Law School

Course: White-Collar Crime & Anti-corruption

Workload: 15 hours

Credits: 1

Overview:

The fight against white-collar crime is of great importance at both the national and international level. The ever-increasing globalization with its enormous transnational financial flows allows criminals to become more active across borders. Immense economic damage is often the result. Major scandals linked to buzzwords such as “Enron”, “Siemens” or the financial crisis of 2007/2008 shake the world population at irregular intervals and urge politicians to take effective countermeasures. Against this background, the aim of the course is to take a closer look at key areas of white-collar crime and to critically examine the relevant legislation.

The key areas will be divided into four topics that shall cover 4 to 5 five lectures (classes):

Concept of white-collar crime revisited

As a starting point for the course, we will deal with the concept of "white-collar crime" (Sutherland), which in the earlier criminological debate concentrated on the person of the perpetrator, but is now more strongly linked to the perpetrator's behavior or his social environment (“Corporate Crimes” or “Occupational Crimes”). On this basis, we will then analyze the legal situation in important fields of white-collar criminal law. The starting point will be German criminal law, but we will also look at the basic structures and interesting features of foreign criminal law systems.

Corruption & Confiscation

A first key issue will be corruption, which many countries especially in the Western hemisphere have committed themselves to combat. The penal provisions of German law, which in the past years have become increasingly strict, are dealt with here, as are the UK Bribery Act and the US Foreign Corrupt Practices Act.

Anti-corruption criminal law is also an important link to the law on confiscation of the proceeds of crime, which has likewise recently been reformed throughout Europe. Essentially, this legislation is concerned with depriving the perpetrator of the fruits of his crime (“crime must not pay”). In practice, the law on the confiscation of the proceeds of crime is aimed particularly at commercial enterprises whose employees acquired (supposedly) lucrative contracts by paying bribes. In this context, assets of unclear origin are to be secured and confiscated by the instrument of non-conviction-based confiscation. In Brazil, this specific legal tool does not exist and its introduction is object of intense debate; and at least for Germany, the non-convictionbased confiscation is an alien element in the existing confiscation law, which is why its legitimacy is often questioned. In this sense, the German dogmatic and jurisprudential experience can be very useful on discussing the benefits and dangers of such a mechanism in the Brazilian and foreign context in general.

Money laundering, compliance & whistleblowing

One of the permanent fixtures of the international criminal policy debate over many years has also been the fight against money laundering. Here, too, the interventional instruments are constantly sharpened, without any real success so far. In order to be able to assess the costs and benefits of combating money laundering, relevant German and foreign money laundering regulations will be studied and critically evaluated in our course.

The background to all the topics covered in the course is the question of whether and in what form companies must react to criminal law risks with compliance measures. Many companies are now making considerable efforts in this area in order to protect managers and society itself from major material or immaterial damage. Other important issues in this context are whistleblowing (recently strengthened by several European Union legal acts) and corporate criminal law. The latter topic in particular has been largely unknown to the German legal system to date, but a comprehensive reform in the form of the introduction of a Corporate sanctions code is imminent. In Brazil, the whistleblowing has also been widely debated and the Exchange with the ideas developed on this subject in countries like Germany is certainly very fruitful. In the course, we will thus discuss the fundamental arguments for and against the criminal sanctioning of companies.

Criminal Breach of Fiduciary Duties (“Untreue”)

In addition to the topics already mentioned, the discussion around the white-collar crime also offers the opportunity to reflect on the crime of breach of fiduciary duties – which is often translated into English as “embezzlement” or even “larceny”. Although this offense does not exist in Brazil, a debate is emerging in the Brazilian doctrine about whether it should be criminalized and which elements should be considered by the legislator when creating this crime. In this context, the various ways in which the criminalization of the breach of fiduciary duties occurs in different countries will be exposed and we will discuss, afterwards and based on leading cases, which solutions each of the presented legislations leads to. From this legal comparative approach, the students will be able not only to think, in a reasoned way, about the necessity of the specific criminalization of the breach of fiduciary duties, but also to understand the problems and benefits that each of the analyzed models can offer.

Methodology

The course shall be taught in five lectures which cover, per lecture:

- 1h to 1h30 presentation explaining the legal problems;
- 1h30 collaborative working groups identifying the gaps in current Brazilian laws and drafting proposals for new statutes in the respective field, discussion and summing up.

The lectures will cover traditional legal methods as well as legal comparative approaches. During the collaborative work students will be instructed to use their legal expertise addressing the new challenges, and sometimes to think outside the box.

Evaluation Criteria and System

The course shall conclude with an individual or group (when possible) essay comparing one of the

topics of the course with the national legislation of their own countries (max: 2'500 words).

References:

In English

- ✓ BOUCHT, Johan. The Limits of Asset Confiscation: On the Legitimacy of Extended Appropriation of Criminal Proceeds, Oxford/Portland: Bloomsbury, 2017.
- ✓ ESTELLITA, Heloisa; TOSI, Mariana Tumbiolo, Anti-Money Laundering in Brazil, in: LIMA, Maria Lucia L. M. Padua; GOLDSCHMIDT, Paulo C. (Orgs.), Combating corruption and money laundering in BRICs countries: legal frameworks and institutional arrangements, Porto: Jurua, 2020, p. 39–46.
- ✓ ESTELLITA, Heloisa; PAULA JÚNIOR, Aldo de, Tax and Tax Criminal Consequences of Corruption, in: Global Law: Legal Answers for Concrete Challenges, São Paulo: Juruá, 2018, p. 153–166.
- ✓ FRIED, David J. Rationalizing criminal forfeiture. *Journal of Criminal Law and Criminology*, v. 79, n. 2, p. 328-436, 1988.
- ✓ PRADO, Mariana Mota; MACHADO, Marta, Using Criminal Law to Fight Corruption: The Potential and Risks of the Car Wash (Lava Jato) Case, Working paper, 2018.
- ✓ PANZAVOLTA, Michele. Confiscation and the Concept of Punishment: Can there be a confiscation without a conviction?, em: Ligeti/Simonato (org.), Chasing Criminal Money: Challenges and Perspectives on Asset Recovery in the EU, Oxford/Portland: Hart Publishing, 2017.
- ✓ WELLING, Sarah N; HORD, Jane Lyle. Friction in reconciling criminal forfeiture and bankruptcy: The criminal forfeiture part. *Golden Gate University Law Review*, v. 42, p. 551-566, 2012.

In Portuguese

- ✓ GRECO, Luís; TEIXEIRA, Adriano, Aproximação a uma teoria da corrupção, in: Crime e política Corrupção, financiamento irregular de partidos políticos, caixa dois eleitoral e enriquecimento ilícito, [s.l.: s.n.], p. 19–51, 2017.
- ✓ GRANDIS, Rodrigo de. O delito de infidelidade patrimonial e o Direito Penal brasileiro. Rio de Janeiro: Marcial Pons, 2022.
- ✓ LEITE, Alaor; TEIXEIRA, Adriano. O principal delito econômico na moderna sociedade industrial: observações introdutórias sobre o crime de infidelidade patrimonial. *Revista do Instituto Brasileiro de Direito Penal Econômico*, n. 1, org. Luiz Antonio Câmara, Bibiana Fontella, Florianópolis: Empório do Direito, 2017.
- ✓ TEIXEIRA, Adriano (Org.). Perda das vantagens do crime no direito penal. Confisco alargado e confisco sem condenação. São Paulo: Marcial Pons, 2021.
- ✓ RÖNNAU, Thomas; BECKER, Christian, Evitação do dolo por dirigentes de empresas nos delitos relacionados à atividade empresarial, *Revista do Instituto de Ciências Penais*, v. 7, n. 1 (aberto), p. 24–45, 2022.

Global Law Program - **Visiting Professor**
Prof. Christian Kersting - University of Düsseldorf

Course: Private Enforcement of European Competition Law

Workload: 15 hours

Credits: 1

Overview:

The course aims at helping students to develop a basic understanding of EU law in general and EU competition law in particular with a special focus on the private enforcement of European competition law. Students are expected to read the reading material provided to them and to be willing to actively discuss them in class. Classes will consist of a presentation of the core issues underlying the enforcement of EU competition law through an interactive discussion of caselaw and statutes. We will also try to explore some comparisons with UK and/or US law.

Syllabus & Description

Lectures take place Monday to Friday between 17.00 h (5 pm) and 20.00 h (8 pm). This allows for two units per day, altogether 10 units. The lectures can also be held with a (significantly) reduced number of reading assignments depending on the workload of the students.

Global Law Program - **Visiting Professor**
Prof. John Swinson – The University of Queensland

Course: Business in a Borderless World: Applied Internet Law

Workload: 15 hours

Credits: 1

Overview:

International commercial arrangements underpin globalisation and enable cross border transactions, but are becoming increasingly complex and difficult to navigate. International law issues can also arise in unexpected places as borders start to blur due to the internet and social media platforms.

This course offers study on international commercial arrangements and the difficulties that lie within, with a focus on complexities that arise over the internet (such as electronic contracting, domain names and trade mark infringement), doing business internationally with a focus on the USA and China, and ancillary international issues. The course has a practical and commercial focus, and will consider these issues from the point of view of a Brazilian internet or technology products enterprise wanting to expand internationally into places such as the USA, China, Australia and Europe.

The course is intended to be practical, looking at issues that arise in real life, rather than focusing on topics that are academically interesting but of little practical relevance. This course is focused on international legal issues with a technological focus. What legal issues will face a São Paulo internet enterprise doing business internationally? What legal issues will face a foreign internet enterprise doing business in Brazil? The course focuses on the USA, China and Australia as examples. This course covers issues that arise where the business has an Internet-based business model.

The course spotlights business problems, and in doing so, looks at several relevant legal subjects. The course aims to tie these topics together with an over-arching “legal theory” of doing business in a borderless environment. Various problems will be workshopped throughout the course.

The program aims:

1. to assist students in understanding how commercial arrangements work in a global context,
2. to give students an awareness of the complexities that arise when engaging in commerce over the internet,
3. to provide the students with practical issue-spotting and problem-solving skills that can be used when doing business internationally, and
4. to tie together a number of legal topics in a coherent way to solve real world problems.

Methodology

This will be an interactive course taught in seminar mode. The course will use the Socratic method at times, so students may be called upon to contribute during the seminars. Students will be expected to have read each key reading and to have thought about any assigned tutorial problem prior to class.

One practical case study will be developed each day and workshopped during the course.

Evaluation

- Final essay, e.g. 2,500 words
- Class participation

Course Materials and Readings

There is no single book covering all the topics in this course. A list of readings will be assigned, including academic articles, judicial decisions, and practical materials. The materials are sourced from numerous jurisdictions

Global Law Program - **Visiting Professor**
Prof. Martin Bohmer – Universidad de San Andrés

Course: The role of legal professions in a constitutional democracy

Workload: 15 hours

Credits: 1

Overview:

This course will start with a discussion of different justifications of constitutional democracy. In a moment of uncertainty in the world about the commitment of some peoples to the values of democracy and human rights it is important to go back to basics and enquire whether the foundations we once thought unshakable still hold. We will do that with the help of Carlos Nino's theory of deliberative democracy as far as it can take us. We will discuss its meta-ethical foundations, the justification of moral principles, the theory of deliberative democracy and the role of political powers. We will then focus on the role of judges and lawyers and the particular ethos democracy requires of them. We end with a discussion of why legal professions in Latin America are losing legitimacy and how they can get it back.