

## Syllabus

### «Private International Law »



**Higher education degree - bachelor**

**Field of knowledge - 29 International relations**

**Specialty - 293 International Law**

**Educational and Professional Program - International Law**



**Year of study: III, Semester: VI**

**Number of credits: 3**

**Language of instruction: English**

### Course leaders

PhD, Associate professor, Head of the Department of International and European Law  
**Liudmyla Savanets**

### Contact Information

[l.savanets@wunu.edu.ua](mailto:l.savanets@wunu.edu.ua)

### Description of the discipline

The course "Private international law " is aimed at students' in-depth and thorough study of the main provisions of the science of private international law, in particular the concepts, methods, systems, functions, sources and main categories of private international law, assimilation of the doctrine of its subjects, as well as the place in the legal system, sources, features of conflict regulation of private relations complicated by a foreign element. The task of studying the discipline consists in the acquisition by students of knowledge, skills and abilities (competencies) to effectively implement the acquired theoretical knowledge in practice. The task of studying the discipline is also a detailed study of the Law of Ukraine "On Private International Law", international treaties, laws, acts of the President of Ukraine, the Government and other legal acts, which are the sources of the field of international private law of Ukraine.

### Course structure

| <b>Hours<br/>(Lec. / Sem.)</b> | <b>Topic</b>                                                                     | <b>Learning outcomes</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Task</b>      |
|--------------------------------|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1/1                            | Topic 1. Conflict and material norms of international property law               | Upon completion of the course students gain knowledge about conflict of laws norms of international property law. Legal regime of foreign investment. The issue of nationalization of foreign property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Tests, questions |
| 1/1                            | Topic 2. Securities in international private law                                 | Upon completion of the course students gain knowledge about general provisions on securities in international private law. Conflict of laws rules regarding securities. Unification of conflict of laws and material legal norms regarding securities.                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Cases            |
| 2/2                            | Topic 3. International inheritance law                                           | Upon completion of the course students gain knowledge about the issue of inheritance in the legislation of different states and the reasons for conflicts. International inheritance and legal qualification. International inheritance and the category of public order. The law applicable to inheritance relations. Modes of inheritance of movable and immovable property. Inheritance by law. Inheritance by will. The issue of acquiring rights to inherited property. International legal regulation of inheritance relations. Multilateral conventions in the field of cross-border inheritance. Regional unification in the field of inheritance. Bilateral agreements on relations in inheritance matters. | Tests, questions |
| 2/2                            | Topic 4. General characteristics of international intellectual property law      | Upon completion of the course students gain knowledge about features of protection of objects of intellectual property rights. The system of international intellectual property law. Regional systems of protection of intellectual property rights. Conflicting issues of intellectual property law.                                                                                                                                                                                                                                                                                                                                                                                                               | Cases            |
| 2/2                            | Topic 5. International copyright and industrial property law                     | Upon completion of the course students gain knowledge about international copyright protection. International protection of related rights. Protection of copyrights of foreign persons in Ukraine. International protect                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Cases            |
| 2/2                            | Topic 6. Protection of intellectual property rights in international private law | Upon completion of the course students gain knowledge about multilateral agreements of the world intellectual property organization. Agreement on trade aspects of intellectual property rights. Protection of intellectual property rights at the regional level.                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Tests, questions |

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|-----|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1/1 | Topic 7.<br>Contract in international private law.<br>Common terms | Upon completion of the course students gain knowledge about conflicting issues of international contractual obligations. Unification of material norms of international private contract law.                                                                                                                                                                                                                                                                  | Tests, questions |
| 1/1 | Topic 8.<br>International commercial agreements                    | Upon completion of the course students gain knowledge about concepts and types of international commercial contracts. Conflict issues and unification of material and legal norms in the field of international sales. Unification of legal regulation of international leasing contracts, factoring and some other commercial contracts.                                                                                                                      | Tests, questions |
| 1/1 | Topic 9.<br>International transportation                           | Upon completion of the course students gain knowledge about general characteristics of international transport and international transport law. International transportation by sea. International transportation by inland waterways. International transportation by rail. International transportation by road. International transportation by air. International pipeline transportation.                                                                 | Tests, questions |
| 2/2 | Topic 10.<br>International financial obligations                   | Upon completion of the course students gain knowledge about promissory note and check as objects of private international law. Legal principles of international settlements. Legal regulation of international credit relations.                                                                                                                                                                                                                              | Tests, questions |
| 2/2 | Topic 11. Non-contractual obligations in international private law | Upon completion of the course students gain knowledge about the main types of non-contractual obligations in international private law and their conflict regulation. Conflicting issues of tortious obligations. Unification of norms regarding non-contractual obligations in international private law.                                                                                                                                                     | Tests, questions |
| 2/2 | Topic 12.<br>International family law                              | Upon completion of the course students gain knowledge about general provisions of international family law. Legal regulation of marriage in international private law. Legal consequences of marriage. Legal relations of spouses. Termination of marriage. Rights and responsibilities of parents and children. Interstate adoption.                                                                                                                          | Tests, questions |
| 2/2 | Topic 13.<br>International private labor law                       | Upon completion of the course students gain knowledge about general provisions of international private labor law. Collision issues of international labor relations. Peculiarities of legal regulation of individual cases of international labor. Work of Ukrainian migrant workers. The work of foreigners in Ukraine is based on a labor permit. Work of citizens of Ukraine in foreign diplomatic institutions of Ukraine. Work of citizens of Ukraine in | Tests, questions |

|     |                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  |
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|     |                                                                                                                            | foreign diplomatic institutions of Ukraine. Short-term business trips of Ukrainian citizens abroad.                                                                                                                                                                                                                                                                                                                                   |                  |
| 2/2 | Topic 14.<br>International private procedural law                                                                          | Upon completion of the course students gain knowledge about concept and subject of international civil process. Sources of international civil procedural law. Legal principles of participation of foreign persons in the international civil process. International jurisdiction of civil cases. Sending and executing court orders within the international civil process. Recognition and enforcement of foreign court decisions. | Tests, questions |
| 1/1 | Topic 15.<br>International notarial law                                                                                    | Upon completion of the course students gain knowledge about notary systems. Notarial actions in the field of international private law. General rules for performing notarial acts in cases with a foreign element.                                                                                                                                                                                                                   | Tests, questions |
| 1/1 | Topic 16.<br>International commercial arbitration                                                                          | Upon completion of the course students gain knowledge about concept, legal nature and sources of legal regulation of international commercial arbitration. Competence of international commercial arbitration. Arbitration Agreement. The procedure for consideration of cases in international commercial arbitration. Challenging the arbitration award. Recognition and enforcement of foreign arbitration awards.                 | Tests, questions |
| 1/1 | Topic 17.<br>Consideration of cases with a foreign element by special courts and alternative methods of dispute resolution | Upon completion of the course students gain knowledge about international court procedures for resolving disputes with a foreign element. Alternative dispute resolution.                                                                                                                                                                                                                                                             | Tests, questions |

#### **List of recommended literature:**

1. Aust H.P. & Nolte G. (eds.), The Interpretation of International Law by Domestic Courts: Uniformity, Diversity, Convergence (2020).
2. Basedow J. EU Private Law. Intersentia (2021).
3. Beaumont P., Hess, B., Walker, L. & Spancken, S. The Recovery of Maintenance in the EU and Worldwide (2020).
4. Bogdan M. Concise Introduction to EU Private International Law (3d ed. 2020).
5. Borchers P.J. Conflicts in a Nutshell (4th ed. 2020).
6. Bork R. European Cross-Border Insolvency Law (2021).
7. Baruffi M.C., Honorati C. EU private international law in family matters: legislation and CJEU case law. Cambridge ; Antwerp ; Chicago : Intersentia, 2022.

8. Encyclopedia of Private International Law. Ed. by Jürgen Basedow, Giesela Rühl, Franco Ferrari, Pedro De Miguel Asensio. Elgar (2022).
9. Geert van Calster. European Private International law. Hart Publishing (2022).
10. Perdue W. C. Procedure and private international law (2022).
11. Private International Law. Contemporary Challenges and Continuing Relevance. Ed. by Franco Ferrari, Diego P. Fernández Arroyo. Elgar (2023).
12. EU Cross-Border Succession Law / Edited by Stefania Bariatti, Ilaria Viarengo, Francesca C. Villata. Elgar European Law and Practice series (2022).
13. Public Policy and Private International Law / Edited by Olaf Meyer. Germany (2022).
14. Diversity in International Arbitration / Edited by Shahla F. Ali, Filip Balcerzak, Giorgio Fabio Colombo, Joshua Karton. Elgar European Law and Practice series (2022).
15. Private International Law: Avoiding and Resolving Conflict of Laws by James Nafziger, Anastasia Telesetsky, & Ved Nanda. Carolina Academic Press. (2022).
16. Andone R.-O. Private International Law of the Republic of Moldova: The Law Applicable to the Material and Formal Validity Conditions of the Juridical Act (2020).
17. Bantekas I. An Introduction to International Arbitration (2021).
18. Basedow J., Hopt J. K., Zimmerman R., Stier A.(eds.). The Max Planck Encyclopedia of European Private Law. Oxford: Oxford University Press (2020).
19. Bělohlávek A.J. Rome Convention, Rome I Regulation: Commentary: New EU Conflict-of-Laws Rules for Contractual Obligations: December 17. (2022).
20. Bogdan M. Private International Law as Component of the Law of the Forum: General Course. The Hague: Hague Academy of International Law. (2022).
21. European contract law and the creation of norms / Ed. By Stefan Grundmann, Mateusz Grochowski. Intersentia (2021).
22. Fawcett J.J, Torremans P. Intellectual Property and Private International Law. 2nd ed. Oxford: Oxford Private International Law Series. (2021).
23. Huber P. (ed.). Rome II Regulation. Pocket Commentary. Munich: Sellier European Law Publishers. (2021).
24. Huber P., Mullis A. The CISG: A New Textbook for Student and Practitioners. Munich: Sellier European Law Publishers. (2022).
25. Magnus U., Mankowski P.(eds.). Brussels I Regulation. Munich: Sellier European Law Publishers. (2022).
26. Magnus U., Mankowski P.(eds.). Brussels IIbis Regulation. Munich: Sellier European Law Publishers. (2022).
27. Ní Shúilleabháin M. Cross-border Divorce Law: Brussels IIbis. Oxford: Oxford University Press. (2020).
28. Okoli Ch., Oppong R. Private International Law in Nigeria. Hart Publishing (2020).
29. Savanets L., Stakhyra H. A Comparative Study on the Conformity of Goods under the UN Convention on Contracts for the International Sale of Goods (CISG) and Ukrainian Sales Law. *Krytyka Prawa. Niezależne Studia nad Prawem*. 2022. № 14 (2). P.143-162.
30. Stakhyra H., Savanets L. Ensuring the security of personal data on the internet: the commercial use of personal data by digital content providers. Actual problems of jurisprudence. 2021. № 3. C.110-116.
31. Savanets L., Stakhyra H. Digital consumer – how to protect one in big data economy. Actual problems of jurisprudence. № 3 (23). 2020. C.153–159.
32. Stone P. EU Private International Law. 2nd ed. Cheltenham: Edward Elgar Publishing Limited. (2020).

### Evaluation policy

- **Deadline and Recompilation Policy:** Entries that fail to meet deadlines without good reason are rated lower (-20 points). Relocation of modules takes place with the permission of the dean's office if there are good reasons (for example, due to illness).
- **Academic Integrity Policy:** All written works are checked for plagiarism and are allowed to be defended with correct text borrowings of no more than 20%. Write-offs during tests and exams are prohibited (including the use of mobile devices). Mobile devices may only be used during online testing (for example, Kahoot).
- **Attendance policy:** Attendance is a mandatory component of the assessment for which points are awarded. For objective reasons (e.g. illness, international internship) training can take place online in consultation with the course leader.

### Evaluation

The final grade for the course is calculated as follows:

| Module 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                  | Module 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                  | Module 3                                                                                                      | Module 4                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| 20 %                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 20 %                                                                                                                                             | 20 %                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 20 %                                                                                                                                             | 5 %                                                                                                           | 15 %                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Current assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Modular control 1                                                                                                                                | Current assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Modular control 2                                                                                                                                | Training                                                                                                      | Student-self-study                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| The grade is defined as the arithmetic average of the grades obtained during practical classes (from 1 to 7 classes). Each applicant must be evaluated at least once every two classes and receive at least three evaluations. Missing practical classes must be made up during consultation hours, otherwise they are considered a grade of "0" and are taken into account when determining the arithmetic average. For applicants who study according to an individual schedule, ongoing assessment is carried out during consultations and by completing tasks | The modular control is scheduled after half of the classes and covers 1 to 6 topics, and involves the completion of 20 test tasks and two cases. | The grade is defined as the arithmetic average of the grades obtained during practical classes (from 8 to 13 classes). Each applicant must be evaluated at least once every two classes and receive at least three evaluations. Missing practical classes must be made up during consultation hours, otherwise they are considered a grade of "0" and are taken into account when determining the arithmetic average. For applicants who study according to an individual schedule, ongoing | The modular control is planned after half of the classes and covers 7 to 12 topics, and involves the performance of 20 test tasks and two cases. | The grade is defined as the arithmetic mean of the grades obtained for the performance of the training tasks. | The grade is defined as the arithmetic mean of the grades obtained for the performance of various tasks related to the preparation of a scientific work (essay, scientific article, theses), annotation to a scientific article, participation in scientific conferences. The "Independent Work" module can be credited upon confirmation by a relevant certificate of participation in the School of the European Union Law, the School of European Contract Law. |

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
| in the Moodle system. Current assessment is conducted through an oral survey, preparation of scientific reports, problem solving, testing through the Moodle system in practical classes. |  | assessment is carried out during consultations and by completing tasks in the Moodle system. The current assessment is conducted through an oral survey, preparation of scientific reports, problem solving, testing through the Moodle system in practical classes. |  |  |  |
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#### Current survey during the lesson:

90–100 points – fully masters the educational material, freely and independently presents it in an argumentative manner during the answers, deeply and comprehensively reveals the content of theoretical questions;

75–89 points – sufficiently fully masters the educational material, but when presenting some questions there is a lack of sufficient depth and argumentation, individual minor inaccuracies and minor errors are allowed;

65–74 points – generally masters the educational material and presents its main content, but without a deep comprehensive analysis, justification and argumentation, while allowing individual significant inaccuracies and errors;

60–64 points – not fully masters the educational material, presents it fragmentarily (without argumentation and justification), insufficiently reveals the content of theoretical questions, while allowing significant inaccuracies;

1–59 points – does not possess the educational material, does not reveal the content of theoretical questions.

**The final score for the current survey of each module is determined as the arithmetic average of the scores obtained during classes within each module.**

#### Training:

90–100 points – fully masters the training material, freely independently and with justification uses it when performing training tasks, shows a creative approach to performing tasks;

75–89 points – sufficiently fully masters the training material, but when performing individual training tasks there is a lack of sufficient depth and reasoning for its use, individual minor inaccuracies and minor errors are allowed, in general, shows a creative approach to performing tasks;

65–74 points – generally masters the training material and generally uses it when performing training tasks, but without a deep comprehensive analysis, justification and argumentation, while allowing significant inaccuracies and errors, in some moments shows a creative approach to performing tasks;

60–64 points – does not fully master the training material, uses it fragmentarily (without reasoning and justification), does not sufficiently disclose the content of the training tasks, while allowing significant inaccuracies, does not demonstrate a creative approach to completing the tasks;

1–59 – does not master the training material, does not disclose the content of the training tasks, does not participate in collective tasks during the training.

Student-self study:

90–100 points – the content of the independent work fully meets the established requirements, contains elements of independent research, indicates a high level of mastery of the educational material, the student demonstrates a high level of creative approach to completing the tasks;

75–89 points – the content of the independent work mainly meets the established requirements, there may be minor shortcomings in individual tasks, indicates an adequate level of mastery of the educational material, the student demonstrates a proper creative approach to completing the tasks;

60–74 points – the tasks are completed at an insufficient level; the author's achievements are general and poorly substantiated, indicate an insufficient level of mastery of the educational material; the student makes significant errors in completing the tasks, in some moments demonstrates a creative approach to completing the tasks;

1–59 points – the tasks are practically not completed; there are no author's achievements; gross errors in solving the tasks of the work, indicating a low level of mastery of the educational material; the student does not demonstrate a creative approach to completing tasks.

Modular work, exam - types of control in which the student's assimilation of theoretical and practical material is evaluated from 0 to 100 points as the sum of points for completed tasks.

**Grading scale:**

| On the scale university | On the national scale | On the ECTS scale                                          |
|-------------------------|-----------------------|------------------------------------------------------------|
| 90-100                  | excellent             | A (excellent)                                              |
| 85-89                   | good                  | B (very good)                                              |
| 75-84                   |                       | C (good)                                                   |
| 65-74                   | satisfactory          | D (satisfactory)                                           |
| 60-64                   |                       | E (enough)                                                 |
| 35-59                   | non-satisfactory      | FX (non-satisfactory with possibility of repeated passing) |
| 1-34                    |                       | F (non-satisfactory with repeated course of lectures)      |