

Syllabus
«International Property 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: 5
Language of instruction: English

Course leaders

PhD, Associate professor, Head of the Department of International and European Law
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Description of the discipline

The course "International Property 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.

Course structure

Hours (Lec. / Sem.)	Topic	Learning outcomes	Task
2/2	Property in private international law	Upon completion of the course students gain knowledge about Lex rei sitae. Movable property. Collateral. Goods in Transit. Cultural Property. Immovable property. Securities.Trust..	Tests, questions, cases

2/2	Topic 2. Intangible Property Rights	Upon completion of the course students gain knowledge about Definition of intangible property rights. Sources of intangible property rights. Rights of personality. Applicable Law and Remedies.	Tests, questions, cases
2/2	Topic 3. The Framework of International Property Law	Upon completion of the course students gain knowledge about the issue of Private Actors and International Law. Property Claims in International Tribunals. Modalities of International Property Law: Creation, Protection, Harmonization, Restrictions, Prohibition of Rights.	Tests, questions, cases
4/4	Topic 4. Rights in Tangible Objects	Upon completion of the course students gain knowledge about features of Art and Other Cultural Objects. Illegally Exported Objects. Stolen Objects. Modification of Artistic Works. Contraband. Diplomats and Property. Equipment. Aircraft and Railway Equipment. Other Equipment. Hazardous and Toxic Substances. Hazardous Wastes. Toxic Chemicals. Genetically Modified Organisms. Household Possessions. Humans and Body Parts. Prohibition of Slavery. Sale of Body Parts. Intergovernmental Organizations and Property. Rights of Organizations. Rights of Agents and Employees. War and Property. Destruction. Seizure. Wild Animals and Plants. Migratory Animals. Endangered Animals and Plants. Species in Antarctica.	Tests, questions, cases
4/4	Topic 5. "Trusts" in International Property Law	Upon completion of the course students gain knowledge about "Trust" in the global arena. Proprietary Trusts and Obligational Trusts. The Core Characteristics of the English Proprietary Trust for Beneficiaries. Developing the Proprietary Trust in Common Law Jurisdictions. Modern Worldwide Developments in the Flexible Utility of Trusts. The Development of Obligational Trusts in Mixed Jurisdictions. Further Development of Obligational Trusts.	Tests, questions, cases
4/4	Topic 6. Trusts jurisdiction and recognition and enforcement of judgments under Brussels I and the recast regulation	Upon completion of the course students gain knowledge about Defendant to be sued in member state where domiciled unless special option available to sue in member state where trust domiciled. Domicile. Types of trusts whose domiciliary courts may have an optional. Jurisdiction. Exclusive jurisdiction of courts of member state for in rem proceedings concerning immovable property or tenancies of such property in such state. Prorogation of jurisdiction in a trust instrument. One of a number of defendants. Consent by appearance. Defendant	Tests, questions, cases

		not domiciled in a member state. Recognition and enforcement of judgments in trust cases.	
2/2	Topic 7. “Trusts” within the Hague trusts convention: the applicable law and recognition of trusts	Upon completion of the course students gain knowledge about The need for a trusts convention. Countries where the convention is in force. By article 2 the convention applies to “trusts” as fiduciary obligations attached to ownership of property, not as agency obligations. The scope of proprietary or obligational trusts recognized under article 11 of the convention. shapeless “hague trusts” lack significant features of traditional trusts. By article 3 the convention applies to trusts of assets “created voluntarily and evidenced in writing”. Resulting trusts of property. constructive trusts of property. statutory trusts and judicial trusts. The impact of article 20 enabling extension to trusts declared by judicial decision. By article 4 the convention does not apply to whether or not assets have effectively become owned by a trustee on trusts governed by the convention. resulting trusts. Constructive trusts. The applicable law. Obstacles in the way of recognition of trusts. Composite countries with several jurisdictional units.	Tests, questions, cases
2/2	Topic 8. Rights in Intangibles	Upon completion of the course students gain knowledge about Introduction. Cultural Heritage. Cyberspace. Genetic Material. Intellectual Property. Judgments and Arbitral Awards. Plant Varieties.	Tests, questions, cases
2/2	Topic 9. Rights in Land and Other Immovable Things	Upon completion of the course students gain knowledge about Introduction. The global commons. Housing. The human right to land. Indigenous and tribal peoples. Nature preserves and other protected areas. Refugees and displaced persons. Transboundary injury.	Tests, questions, cases
2/2	Topic 10. Rights in Waters and Oceans	Upon completion of the course students gain knowledge about Rights in fresh water. Overview of rights in oceans. Archaeological and historical resources. Fisheries. Genetic material. Icebergs. Minerals. Navigation. Submarine cables and pipelines. Vessels.	Tests, questions, cases
2/2	Topic 11. Rights in Airspace and Outer Space	Upon completion of the course students gain knowledge about the Rights in airspace. Overview of rights in outer space. Celestial bodies: ownership. Celestial bodies: resources. Intellectual Property. Ownership of Outer Space. Space Objects	Tests, questions, cases

2/2	Topic 12. The Global Right	Upon completion of the course students gain knowledge about Toward the global right to property. The right to acquire. The right to use. The right to destroy. The right to exclude. The right to transfer.	Tests, questions, cases
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List of recommended literature:

1. Aust H.P. & Nolte G. (eds.), *The Interpretation of International Law by Domestic Courts: Uniformity, Diversity, Convergence*, 2020.
2. Baruffi M.C., Honorati C. *EU International property law in family matters: legislation and CJEU case law*. Cambridge ; Antwerp ; Chicago : Intersentia, 2022.
3. Basedow J. *EU Private Law*. Intersentia, 2021.
4. Beaumont P., Hess, B., Walker, L. & Spancken, S. *The Recovery of Maintenance in the EU and Worldwide*, 2020.
5. Bogdan M. *Concise Introduction to EU International property law*. 3d ed. 2020.
6. Borchers P.J. *Conflicts in a Nutshell*. 4th ed. 2020.
7. Bork R. *European Cross-Border Insolvency Law*. 2021.
8. *Diversity in International Arbitration* / Edited by Shahla F. Ali, Filip Balcerzak, Giorgio Fabio Colombo, Joshua Karton. *Elgar European Law and Practice series*, 2022.
9. *Encyclopedia of International property law*. Ed. by Jürgen Basedow, Giesela Rühl, Franco Ferrari, Pedro De Miguel Asensio. *Elgar*, 2022.
10. *EU Cross-Border Succession Law* / Edited by Stefania Bariatti, Ilaria Viarengo, Francesca C. Villata. *Elgar European Law and Practice series*, 2022.
11. Geert van Calster. *European International property law*. Hart Publishing, 2022.
12. *International property law: Avoiding and Resolving Conflict of Laws* by James Nafziger, Anastasia Telesetsky, & Ved Nanda. *Carolina Academic Press*, 2022.
13. *International property law. Contemporary Challenges and Continuing Relevance*. Ed. by Franco Ferrari, Diego P. Fernández Arroyo. *Elgar*, 2023.
14. Perdue W. C. *Procedure and International property law*, 2022.
15. *Public Policy and International property law* / Edited by Olaf Meyer. *Germany*, 2022.
16. Andone R.-O. *International property 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. Bělohávek A.J. *Rome Convention, Rome I Regulation: Commentary: New EU Conflict-of-Laws Rules for Contractual Obligations: December 17, 2022*.
20. Bogdan M. *International property 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 International property law*. 2nd ed. Oxford: Oxford International property 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. International property 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 International property 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
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	The modular control is scheduled after half of the classes and covers 1 to 5 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 15 classes). Each applicant must be evaluated at least	The modular control is planned after half of the classes and covers 6 to 12 topics, and involves the performance of 20 test tasks	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 "Student-self-study" module

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 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.		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 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.	and two cases.		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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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)