

Seton Hall University

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Diplomacy Syllabi

School of Diplomacy and International  
Relations

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Fall 2013

## **International Trade Law**

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**August 22, 2013**

**Fall 2013**

**Whitehead School of Diplomacy and International Relations, Seton Hall University**

Judges Richard K. Eaton and Leo M. Gordon

Office Hours: Monday 6:30-7:30 p.m., after class, and by appointment

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**COURSE WEBSITE: <<http://myweb.shu.edu>>**

**DIPL 6032**  
**INTERNATIONAL TRADE LAW**

This course examines the process and substance of international trade law, focusing primarily on the law of the World Trade Organization and secondarily on the law of regional trade organizations and the foreign trade law of the United States. We will begin with an overview of issues relating to the concept of free trade, the institutionalization of international trade, the relationship between U.S. and international trade law, and WTO dispute settlement. Next, we will cover the legal principles and rules of international trade.

Throughout the course, we will refer to economic and political debates and use analytical methods in these disciplines to augment our understanding of international trade law. A major objective of the course is to learn how to engage international trade law in a variety of different practice-oriented settings. Towards that end, this course feature case studies and case-based advocacy.

**Requirements**

- **In-Class Final Exam** – 40% of course grade
- **Two In-Class Midterm Exam** – 50% of course grade (25% each)
- **Class Participation** – 10% of course grade

**Readings**

- The required TEXT (available in the campus bookstore and online): Daniel C.K. Chow & Thomas J. Schoenbaum, *International Trade Law (Problems, Cases, and Materials)* (2nd ed. 2013)
- Additional required readings to be posted on the course website and/or distributed in class

You are strongly encouraged to keep abreast of current events in the news relevant to the course; in addition, links to useful websites will be posted on the course website. Discussion threads based on current events and course topics will be set up on the course website and contributions will count toward the class participation portion of your grade.

***Plagiarism, cheating, and other forms of academic impropriety will be dealt with in accordance with University and School policies and as additionally specified for specific assignments.***

**SCHEDULE**

**INSTITUTIONS, RULES, AND PROCESSES**

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**1. The What, Why, and How of International Trade Law - Part 1 (Aug. 26th)**

- Overview of course
- Background Considerations
- International Trade Flows
- Principal Global Economic Institutions

Readings:

- TEXT, pp. 1-29
- Problems 1-1, 1-3, and 1-4

**2. Core Principles of the WTO: Most Favored Nation and National Treatment (Sept. 9th)**

- The Most Favored Nation Principle
- National Treatment

Readings

- TEXT, pp. 129-172
- Problems 4-TBA

**3. The What, Why, and How of International Trade Law - Part 2 (Sept. 16th)**

- The Case For and Against Free Trade
- Negotiating Trade Concessions
- Preferential Trade Agreements

Readings:

- TEXT, pp. 29-43; 49-62
- Problems 1-TBA

**4. WTO Dispute Settlement (Sept. 23rd)**

- General Considerations
- Nullification or Impairment
- Burden of Proof
- Principles of Interpretation and Status of Adopted Reports
- Trade Retaliation under National Laws

Readings:

- TEXT, pp. 63-94
- Problems 2-TBA

**FUNDAMENTAL PRINCIPLES AND EXCEPTIONS**

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**5. Implementation of International Trade Obligations in the Domestic Legal Order (Sept. 30th)**

- Domestic Implementation of International trade Obligations
- Effect of International Trade Agreements on Domestic Law and Resolving
- Conflicts between International and Domestic Law

Readings

- TEXT, pp. 95-113;117-122
- Problems 3-TBA

**6. First Midterm Exam**

**Trade in Goods: Customs and Tariff Law - Part 1 (Oct. 7th)**

- Introduction to Tariffs
- GATT Rules of Tariffs and Customs
- Harmonized Tariff System
- Customs Procedures
- Product Classification

Readings:

- TEXT, pp. 179-209
- Problems 5-TBA

**TRADE IN GOODS**

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**7. Trade in Goods: Customs and Tariff Law - Part 2  
Non-Tariff Trade Barriers (Oct. 21st)**

- Valuation
- Rules of Origin
- Customs and Free Trade Areas
- Quotas
- Agricultural Trade
- Technical Regulations and Product Standards

Readings:

- TEXT, pp. 211-222; 223-244; 245-290
- Problems 5-TBA; 6-TBA

**8. Safeguards (Oct. 28th)**

- Safeguards under the WTO
- Safeguards under U.S. Law

Readings:

- TEXT, pp. 373-401
- Problems 8-TBA

**9. Unfair Trade Remedies: Antidumping and Countervailing Duties - Part 1  
(Nov. 4th)**

- Dumping and Antidumping Duties

Readings:

- TEXT, pp. 443-492
- Problems 10-TBA

**10. Unfair Trade Remedies: Antidumping and Countervailing Duties - Part 2  
(Nov. 11th)**

- Subsidies and Countervailing Duties

Readings:

- TEXT, pp. 493-530
- Problems 10-TBA

**OTHER TRADE**

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**11. Second Midterm; Trade in Services and the GATS (Nov. 18th)**

- Definitions of Services and Modes of Supply
- GATS Obligations Market Access Commitments
- Sectoral Annexes to the GATS

Readings:

- TEXT, pp. 531-565
- Problems 11-TBA

**12. Foreign Direct Investment and TRIMS (Nov. 25th)**

- Introduction to Foreign Direct Investment
- The Agreement on Trade-Related Investment Measures (TRIMS)

Readings:

- TEXT, pp. 567-586
- Problems 12-TBA

**13. Intellectual Property and TRIPS (Dec. 2nd)**

- Introduction
- Copyright
- Patents
- Trademarks and Geographical Indications
- Enforcement under TRIPS

Readings:

- TEXT, pp. 587-640
- Problems 12-TBA

**14. In-Class Final Exam (Dec. 9th)**