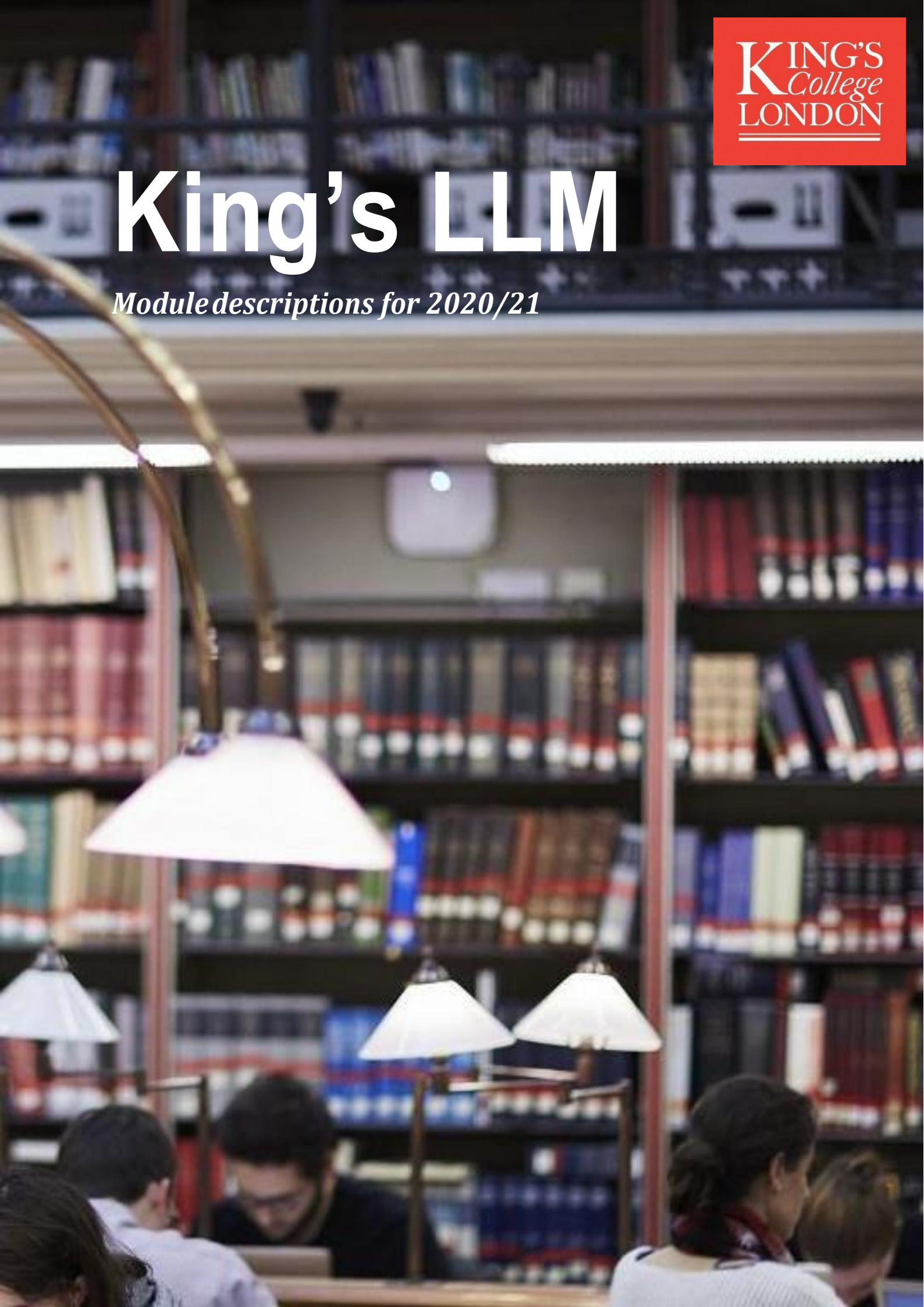


King's LLM

Module descriptions for 2020/21



When considering the modules, you may wish to select, please be mindful of the fact that the information in this document is indicative. The content and assessment structure of the module may change and on occasion it may also be necessary for the module to be cancelled for a variety of reasons. Please use these descriptions along with the LLM Module Selection document, module introduction videos and KEATS module pages.

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Full Year

40Credits

7FFLA001 ANALYTICAL & QUANTITATIVE METHOD FOR LAWYERS (NON-LAW MODULE)

Module Leader: Mihael Jeklic

Teaching Team: Mihael Jeklic, Peter Stassen

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% Take Home Exam

Pathway/s: Non-Law module

Note: this is a 'non-law' module which counts towards the 40-credit limit to 'non-law' modules that students are allowed to take.

The course highlights a number of key pieces of theoretical knowledge and analytical skills required of law school graduates in legal practice, where effective argumentation and sound legal advice often depend on basic literacy in business administration. The course complements the traditional law school curriculum with the main purpose of equipping students with the basic theoretical knowledge and analytical skills of MBA graduates who are likely to become their major clients.

The course serves as a stand-alone learning experience and as a foundation for the students interested in the business-side of legal concepts studied under corporate law, international finance, M&A, securities regulation, and competition law, as well as for students interested pursuing alternative careers in investment banking or management consulting.

The course covers:

Strategic Decision-making: Independent and inter-dependent probabilistic analysis, decision-analysis, applied game theory, and comprehensive review of behavioural decision science and recent research in behavioural economics, including the work of Nobel laureate Daniel Kahneman. Contracting Theory: Function of contracts and key elements of effective agreements, including risk allocation and incentive analysis of most common contracts such as construction and production contracts, principal-agent contracts, sale and lease of property contracts, financing contracts, and joint venture agreements. Accounting: Double-entry bookkeeping, including construction and understanding of the balance sheet, the income statement and the statement of cash flows, and basic financial analysis. Finance: Theoretical foundations of modern financial theory, time value of money, financial valuation, risk and return, diversification, Capital Asset Pricing Model, and Efficient Markets theory and its criticism from the perspective of behavioural finance.

In addition to exposing students to descriptive theory in these fields, the module provides prescriptive training to students. For example, in the Accounting unit, the students will learn the definitions and functions of balance sheet, but will also learn how to actually construct it, record ordinary business transactions, and interpret what the various entries mean. Similarly, in Finance unit, the students will study what the time value of money is, however they will also learn how to actually discount various cash flows and value financial assets.

No prior knowledge in any of the course units is required.

7FFLA007 COMPETITION LAW & REGULATED NETWORK INDUSTRIES

Module Leader: Peter Alexiadis Dr Christopher Townley

Teaching Team: Peter Alexiadis, Dr Christopher Townley

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% 3-hour exam (limited open book)

Pathway/s: Competition Law

The European Union has taken, and continues to take, significant measures designed to liberalise certain network-based sectors. In opening up those sectors to greater competition, the European Commission has delegated a wide range of regulatory powers to National Regulatory Authorities, who work closely with National Competition Authorities in order to achieve the optimum competitive balance most likely to be able to deliver consumer welfare. That balance is often very difficult to manage, especially the delicate matters of economic judgement that need to be made in relation to the legality of particular practices and the strategically important political initiatives that are undertaken in the affected sectors which can distort the competitive process between Member States.

The module takes an inter-disciplinary approach in exploring how the balance between law and economics on the one hand, and ex post and ex ante rules on the other, is struck, both at the theoretical level and in its practical application across key sectors. You explore legal, economic and public policy principles that affect regulated sectors, and examine the application of those principles to specific sectors such as electronic communications, media, transport (including aviation, maritime and rail) and energy (gas and electricity). In addition, specialist subjects such as financial services, water or postal services are also considered by guest lecturers, with legal and economic experts taking a series of seminars on selected high-tech issues.

Recent Article 102 TFEU case-law is particularly relevant here, as are a range of Sector Enquiries that have been conducted by the European Commission (often reflected in public consultations run at Member State level). Moreover, a growing body of administrative practice in the field of merger control explores how behavioural remedies can be applied in connection with mergers in the affected sectors, and the appropriate regulatory institutions that can best assure their proper implementation.

The object of the module is to prepare students for the sorts of issues likely to arise in their home jurisdictions and at Community level in these areas. Most importantly, there will be an emphasis on the evolutionary aspects of policymaking and competition law enforcement in these sectors, given the varying ownership structures and rules in different jurisdictions. As this is an advanced module, previous knowledge of competition law would clearly be preferred, but is not required.

The module is taught through lectures, primarily by leading practitioners specialising in the applications of competition law and regulation to particular sectors. The lectures are supplemented by specialist seminars delivered by economists and regulators, each of whom provides an alternative perspective on the problems already covered in the lectures. You are encouraged to actively engage with the issues being addressed. At least one Moot Court will be held on a topic of interest.

A three-hour written examination will be set. You will be able to answer by focusing on two specific areas of regulation, for example energy or communications regulation (although if students prefer to discuss more areas they can), but must also be able to respond to general analytical questions which cut across various regulated network sectors.

7FFLA009 ECONOMICS OF COMPETITION LAW

Module Leader: Eric Morrison

Teaching Team: Eric Morrison

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% 3-hour exam (closed book)

Pathway/s: Competition Law

The overall aim is to ensure that students have an appreciation of the underlying economics employed in anti-trust cases. The emphasis is on the practical application of economics rather than pure theory. On completing the module, you should have an understanding of the economics used in anti-trust case analysis and be aware of both the strengths and weaknesses in its application both theoretically and empirically. A key aim is that you will have an understanding of the economic tools used by anti-trust economists and to be able to engage in a dialogue with these economists.

No previous knowledge of economics is required. Whilst much of the technical economic literature is mathematical, the module will not require an advanced knowledge of mathematics. The approach to formal theory will, as far as possible, be diagrammatical.

Given the extent of the material that needs to be covered, the bulk of the lectures are devoted to formal teaching, however the style will be both informal and interactive, questions are encouraged. The economics will be illustrated by reference to actual cases. By its nature the module proceeds by considering a series of building blocks which together make up the toolkit typically used by economists in anti-trust cases. The slides presented in each seminar will be posted in advance on KEATS (Moodle). In addition, a discussion forum will be set up so that students can ask questions (anonymously if preferred) which will be answered prior to the next seminar and posted on KEATS.

7FFLA011 EU STATE AID & STATE REGULATION LAW

Module Leader: Professor Andrea Biondi

Teaching Team: Professor Andrea Biondi, Jose Buendia, Robin Griffith, Elisabetta Righini

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% Take Home Exam

Pathway/s: Competition Law, European Law

The EU State Aid course examines the legitimate role of the state in a market economy, particularly in the form of public subsidies. It covers the rules of the Treaty on the Functioning of the European Union (TFEU) that apply to public undertakings and the assistance the State may give to private undertakings, notably Articles 107 and 108, in their political and economic context. These rules represent an increasingly important aspect of EU competition law and exist to resolve the tension between the realisation of the internal market, with the dismantling of trade barriers and the increase in competition that results, and the ability of Member States to grant aid to national undertakings or use public undertakings as instruments of economic policy. The course will also discuss regulation of subsidies within the WTO and in the context of Free Trade Agreements such as those between the EU and Korea, Japan and Vietnam. The implications of Brexit will also be discussed.

7FFLA016 EUROPEAN UNION COMPETITION LAW

Module Leader: Professor David Bailey

Teaching Team: Professor David Bailey, Dimitris Mourkas

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% 3-hour exam (open book)

Pathway/s: Competition Law, European Law

The aim of the module is to teach the basic provisions of EU competition law; to study the law in its economic and market context; and to consider particular business phenomena - distribution agreements, licences of intellectual property rights, cartels, joint ventures etc. - against the backdrop of the EU Treaty generally and Articles 101 and 102 and the EU Merger Regulation in particular. No previous knowledge of the subject is required. Throughout the academic year there will be a series of tutorials, given by David Bailey, which follow the course of seminars given by Richard Whish. The tutorials are intended to assist your understanding of the subject in general and its practical application to problem questions in particular. A separate tutorials handout will be provided. The teachers of this module expect a high degree of participation by all students. It is not intended, in general, to provide lectures except where, for particular reasons, it may be helpful to do so. At each seminar, discussion will be encouraged and expected. You are required to have prepared answers to the questions asked at the end of each seminar handout.

7FFLA018 OPEN MARKETS AND BARRIERS TO TRADE: THE EU MODEL FOR INTEGRATING PRIVATE AND PUBLIC MARKETS

Module Leader: Professor Andrea Biondi

Teaching Team: Professor Andrea Biondi, Michael Bowsher QC

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% Take Home Exam

Pathway/s: European Law, Competition Law

The aims of the course are: To provide develop a deep understanding of the operation of the EU internal market with a specific focus on the setting up and completion of the services market. The course will offer both a reconstruction of the constitutional framework of the European trade regulatory process and an in-depth analysis of certain key areas. The first term will focus on the role of the European Court of Justice in promoting a European market in services and on the impact of its case law on the process of harmonization of trade standards. It will also analyse how the CJEU attempts to balance the free-trade principle and democratically decided national policies. The second term will mainly be devoted to procurement regimes in the EU. EU public procurement law is, in its origin, a regime concerned with establishment of the internal market. However, the interests and policies involved are much broader than this as they also include issues of corruption in public spending as well as restraining barriers to trade and so forth. The regime is also directed to a range of other goals such as ensuring that the outcome of public purchasing is the most efficient, the most sustainable, the most socially responsible solution and the like. The course will also highlight the significance of the EU model of services market within a global market. The final part of the course will discuss services within the WTO context and – as far as public contracts are concerned – in the context of a plurilateral agreement called the Government Procurement Agreement (GPA). The implications of Brexit will also be discussed.

7FFLA019 EUROPEAN LABOUR LAW

Module Leader: Professor Keith Ewing

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% Coursework

Please note the following description is taken from a previous year's iteration of the module. An update description will be provided to students ahead of the module selection period.
This module provides students with a critical understanding of the questions raised by the EU's evolving social dimension, focusing on the regional, supranational, and international regulation of social and equality rights and their interaction with national levels of social regulation.

7FFLA023 HUMAN RIGHTS LAW: INTERNATIONAL AND TRANSNATIONAL PERSPECTIVES

Module Leader: Professor Eva Pils, Dr Octavio Ferraz

Teaching Team: Professor Eva Pils, Dr Octavio Ferraz

Semester: Full Year

Credit Value: 40

Assessment Pattern: 70% - Essay; 30% - Mock Submission to the UN or a Regional Human Rights Treaty Body

Pathway/s: Transnational Law, International Dispute Resolution European Law

This module aims to provide students with a solid foundation in international and transnational human rights law – widely conceived as one of the most important legal fields in a global context today. We cover the core of human rights protected under international law, including civil and political rights such as freedom of speech and religion, political participation, fair trial and the right not to be tortured, and social and economic rights such as health, education, housing and an adequate standard of living. The objective is to develop, over the course of the academic year, an analytical framework for understanding and critically analysing the international and transnational institutions and mechanisms in place for the protection of human rights, and to provide an effective preparation for the real-world challenges of transnational human rights practice.

We begin by offering an overview of the development of the idea of human rights and the international legal institutional framework for its protection, as well as its philosophical and political underpinnings and challenges to the idea of universal human rights. We then cover the practical functioning of selected human rights monitoring mechanisms with particular emphasis on their effectiveness and the political and institutional challenges and obstacles they face. This segment will constitute the core of the course and allow students to explore the foundations of human rights and their significance in concrete interpretive contexts.

7FFLA025 INTERNATIONAL & COMPARATIVE COPYRIGHT LAW

Module Leader: Professor Tanya Aplin

Teaching Team: Professor Tanya Aplin, Makeen Makeen

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% online take-home exam.

Pathway/s: Intellectual Property & Information Law

This module is designed to provide an international and comparative study of copyright and authors' rights. The international Conventions (in particular the Berne Convention and TRIPs) will be examined together with the major features of copyright laws in the key copyright systems that have influenced most other jurisdictions (UK, France and the United States).

The module also has regard to special matters of contemporary interest: for example, Internet streaming, software, databases, orphan works and moral rights. A prior knowledge of copyright law is helpful but not essential

7FFLA026 INTERNATIONAL & COMPARATIVE LAW OF TRADEMARKS AND
UNFAIR COMPETITION

Module Leader: Dr Barbara Lauriat

Teaching Team: Dr Barbara Lauriat, Professor Frederick Mostert, Professor David Llewellyn

Semester: Full Year

Credit Value: 40

Assessment Pattern: Exam: 100% 3-hour exam

Pathway/s: Intellectual Property & Information Law

An economic, historical, and comparative examination of the common law and civil law concepts of trademarks, passing off and unfair competition, with particular reference to the UK, the USA, France, Germany, and China. This module will also consider the international trade mark regimes and the role and influence of relevant conventions, agreements, protocols and treaties.

7FFLA028 INTERNATIONAL & COMPARATIVE TRUST LAW

Module Leader: Filippo Nosedà

Teaching Team: Filippo Nosedà

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% 3-hour exam

Pathway/s: International Business Law

This module, which was introduced by David Hayton and Paul Matthews in 1995, was the first of its kind in the world and deals with trusts in an international context. Reflecting King's strong reputation in trust and comparative law, it examines the extremes to which trust principles may be pressed in the offshore world, as well as conflicts of laws issues. The module considers how different trust jurisdictions deal with selected aspects of trust law and what trust-like arrangements exist in non-trust countries. You are not required to have studied trust law formally in your first degree but will be assumed to understand trust law at the ordinary undergraduate level, or to be prepared to reach this level during the year. Students from civil law systems do take this module and do very well.

7FFLA032 BANKING LAW

Module Leader: Anat Keller

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% Take Home Exam

Pathway/s: International Business Law, International Financial Law

This module is an introduction to some key areas of banking law. It is both practical and conceptual in nature. In its practical aspect, the module incorporates many references to the media and to real-life events. In its conceptual aspect, the module explains the main rationales for regulating banks and the pitfalls of banking regulation based on concepts such as information asymmetry, moral hazard and negative externalities.

The module will begin with addressing the question – why do we need to regulate banks and what is so special about them? We will explore the various risks that banks are facing today and the various mechanisms to manage them. We will try to address the question - what the financial system of tomorrow might look like, in the face of fintech developments and financial activity that is increasingly moving to the shadow banking sector?

Next, we will explore how we should regulate banks. We will discuss the role of the Basel Committee in setting international standards for banking regulation, their effectiveness and the key drawbacks of these 'soft law' standards. We will emphasise the importance of macroprudential supervision as a complement to the more traditional micro-prudential supervision and how this is reflected in the current international banking supervision standards. Then, we will analyse the role of central banks as lenders of last resort and learn about the legal framework of recovery and resolution planning. We will explore the legal frameworks in the UK, the EU and the US for the regulation and supervision of banks and how these have responded to the key failures exposed during the 2007-2009 financial crisis. During the second term, the module will also introduce the students to several aspects of the bank-customer relationship, such as confidentiality and fiduciary duties. We will end the module with a discussion of the effectiveness of international, regional and national legal frameworks designed to combat money-laundering channeled through the financial system.

The module does not assume prior knowledge of banking or banking law and largely considers regulatory issues from a global-transnational perspective.

7FFLA035 INTERNATIONAL TAX LAW

Module Leader: Professor Jonathan Schwarz, Tom Wesel

Teaching Team: Professor Jonathan Schwarz, Tom Wesel

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% 3-hour exam (closed book)

Pathway/s: International Business Law, International Tax Law

The aim of this module is to critically examine taxation in an international context. Increasing international mobility of individuals, capital, goods and services gives rise to challenging questions as to how countries do and should levy taxes on cross-border personal and business activity and investment. We look at the principles of jurisdiction to tax and the connecting factors used to impose taxes and conflicts of such jurisdiction, and measures to relieve international double taxation. Particular emphasis is given to the interpretation and application of taxation treaties. We examine cross-border collaboration of tax authorities and tax avoidance in the international context. The module adopts a comparative and international approach, examining domestic and international law. Students must be taking another tax module or satisfy the module leader that they have enough background in tax to undertake the module.

7FFLA036 INTERNATIONAL TRADE AND SHIPPING LAW

Module Leader: Professor Djakhongir Saidov

Teaching Team: Professor Djakhongir Saidov, Richard Aikens

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% 3-hour exam (closed book)

Pathway/s: International Business Law

A contract for the sale of goods lies at the heart of and is central to commercial law. Similarly, an international sales contract is a key international commercial transaction which often gives rise to several interrelated legal arrangements. They are the arrangements with a bank for the payment or finance of the purchase price, contracts of carriage of goods and marine insurance, covering the goods. This module examines: how these contracts are governed; the rights, obligations and liabilities of the parties to the respective contracts; and the relationship between the sales, financing, carriage and insurance contracts. The module will address these issues on the basis of English law, which is often the preferred choice of law in international trade, and the relevant international instruments.

Part I of the course will focus on the salient features of the cross-border sale of goods contracts. It will explore in detail the rules of English law (Sale of Goods Act 1979 and the common law) governing the international sale of goods contracts. The issues covered will include: the basic concepts of English law of sale of goods; the implied terms of a sales contract (such as the implied terms of quality and description of the goods); the structure of and legal issues arising from contracts incorporating such trade terms as CIF ('cost, insurance, freight') and FOB ('free on board'); remedies for breach of an international sales contract. The UN Convention on Contracts for the International Sale of Goods 1980 (CISG) – a leading international sales law instrument, now ratified by more than eighty countries – will also receive a substantial amount of attention. The course will address such aspects of the CISG as the scope of its application, general provisions, rights and obligations of the seller and the buyer and remedies for breach of contract governed by the CISG.

Part II will examine the key financial instruments and methods of payment used in international trade. These instruments are used either to enable payments in the underlying transaction or to provide a guarantee in the case of a breach of the underlying transaction. The instruments covered

in this course are collections, documentary credits (letters of credit) and autonomous bank guarantees. The key international instruments covered in this course have all been produced by the International Chamber of Commerce (ICC) and include: Uniform Rules for Collections (URC 522; 1995 revision); Uniform Customs and Practice for Documentary Credits 2007 (the UCP 600); Uniform Rules for Demand Guarantees (URDG 758; 2010 revision); International Standby Practices (ISP98).

Part III of the course examines legal issues arising from the need to transport the goods by sea (the main mode of transport in international trade) and how contracts for the carriage of goods by sea are governed. The issues addressed in this part of the course will be: the common rules implied in contracts of carriage; the voyage and time charterparties; bills of lading; the application of the Hague-Visby Rules, incorporated into English law by the Carriage of Goods by Sea Act 1971. The Hague-Visby Rules are an amendment to the International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading (Hague Rules, adopted 1924), incorporated in a document known as the Brussels Protocol 1968. Other international conventions, such as the UN Convention on the Carriage of Goods by Sea 1978 (the Hamburg Rules) and the UN Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (the Rotterdam Rules) 2008, will be touched upon briefly.

Part IV will be concerned with the fundamentals of the marine cargo insurance contracts. The examination will be based on the Marine Insurance Act 1906 and the Institute Cargo Clauses and Insurance Act 2015. This part is intended to introduce students to the marine insurance contracts and aims to examine the origins, functions and role of insurance generally and of marine insurance in particular as well as their linkages with risk taking as the main catalyst for commercial ventures and economic development. The issues covered in this part will include: an introduction to the marine insurance law and practice; insurable interest in the subject-matter insured; the doctrines of utmost good faith, disclosure and representations; warranties; perils covered by the marine insurance policy; claim for indemnity.

7FFLA040 LAW OF INTERNATIONAL FINANCE 1

Module Leader: Professor Ravi Tennekoon

Teaching Team: Professor Ravi Tennekoon

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% take-home exam

Pathway/s: International Financial Law, International Business Law

This module (together with the International Finance 2 and the International Finance 3) is focused on the major transactions carried out by investment banks, transnational banks and multinational corporations in the vast global financial markets which have developed in London, New York and Tokyo in recent years as well as in locations such as Singapore, Hong Kong, Frankfurt, Paris and Sydney. It is designed to examine the legal structures used in these transactions and the complex legal issues arising in the context of these transactions due to their transnational and multijurisdictional nature. Law of International Finance 1 is designed to cover the following major transactions: International Syndicated Loans, International Bonds and MTNs, Convertibles, and GDRs. Regulatory law of the US and of the European Union which affects primary issues in the international capital markets will also be examined. The three modules on the Law of International Finance are not designed to cover domestic banking law or company law in the UK or elsewhere nor is it concerned with the law affecting international trade. The orientation of this module is entirely practical and is designed to enable you to practice as a lawyer in the global financial markets whether as an attorney in the global law firms or as legal counsel with investment banks, transnational banks and multinational corporations engaging in these transactions.

7FFLA056 TAXATION OF BUSINESS ENTERPRISES

Module Leader: Michael McGowan (Visiting Professor)

Teaching Team: Michael McGowan

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% 3-hour exam (limited open book)

Pathway/s: International Business Law, International Tax Law

Taxation is a key factor in business decisions, and how to raise tax from businesses without damaging the economy is a central element in all government policy. In this module we will examine the taxation of businesses under UK income tax, corporation tax and capital gains tax. We will also consider, to a lesser extent, VAT, the UK interaction with foreign taxes, stamp duty and the new UK Digital Services Tax. Although it is based around the UK tax system, the module deals with questions about the taxation of businesses that face all tax systems. Its object is to provide a solid grounding in the principles of the taxation of businesses, and the main rules will be studied in depth in the context of those principles.

7FFLA069 EU TAX LAW

Module Leader: Professor Jonathan Schwarz

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% 3-hour exam

Pathway/s: European Law, International Tax Law

This module examines the impact of EU law on taxation in the Member States. It examines the sources of EU law and its conceptual framework; considers harmonisation measures that have impact on taxation, including the direct tax directives designed to eliminate cross-border distortions and the application of the State Aid rules to taxation; and concludes by examining the impact of the Treaty freedoms of movement on the Member States' direct taxation rules as revealed through the Courts' case law.

Students must either be taking another tax module or satisfy the module leader that they have sufficient prior knowledge of a tax system to undertake the module.

7FFLA076 INFORMATION PRIVACY AND DATA PROTECTION

Module Leader: Perry Keller

Teaching Team: Perry Keller, Dimitra Kamarinou

Semester: Full Year

Credit Value: 40

Assessment Pattern: Exam: 50% 2-hour exam 50% coursework

Pathway/s: European Law, Intellectual Property & Information Law,

This full year module ('IP&DP') offers both a comprehensive introduction to information privacy and data protection laws and an examination of advanced issues in this rapidly developing field of law.

The digitisation of information has brought about a multitude of data harvesting and processing technologies that frequently operate on a global scale. The processing of personal

information has become essential not just to financial and commercial services, but also to advances in public health, education, crime prevention and economic growth generally. Yet, many of these benefits require significant compromises of personal privacy and informational autonomy. Information privacy and data protection laws set the terms for access to personal information and how it may be legitimately used by governments and businesses.

In the first semester, the IP&DP module provides a thorough overview of core European and UK laws concerning information privacy and the protection of 'personal data', including the EU General Data Protection Regulation (GDPR), its companion the Law Enforcement Directive and the forthcoming ePrivacy Regulation as well as the UK Data Protection Act 2018. Building on this foundation, in the second semester IP&DP covers data protection in relation to online services, employment, journalism, medical care and scientific research as well as access and use of personal data by national intelligence and law enforcement agencies. The module concludes by examining the rules governing the transfer of personal data outside the EU as well as providing a comparative look at data privacy laws in the United States and the People's Republic of China. The growing importance of automated biometric identifiability, algorithmic decision making and artificial intelligence for personal data harvesting, tracking and profiling is a key feature of the module in both semesters of IP&DP.

7FFLA077 EU AND US FINANCIAL REGULATION

Module Leader: Professor Alexander Turk and Professor Takis Tridimas

Teaching Team: Professor Alexander Turk and Professor Takis Tridimas

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% Take Home Exam

Pathway/s: European Law, International Financial Law

This module explores the regulation of financial services in the European Union and its economic governance regime as well as regulatory regime in the USA. This is an area, in which the EU has only recently asserted more centralised control, mainly due to the financial problems of financial institutions and Member States following the recent financial crisis. The course will discuss the evolution of financial harmonisation law in the Union, the new institutional architecture of the European Supervisory Authorities, as well as the regulatory and enforcement tools at their disposal. It will compare the new regulatory system in the EU with the more established regulatory regime in the USA. It will also discuss important substantive areas of EU and US financial services law, such as the regulation of insider dealing and market abuse; of credit rating agencies; of derivatives; as well as the EU MiFID regime; and the availability of liability regimes. In addition, the module will discuss the efforts of the European Union to strengthen its economic governance, in particular within the Eurozone. It will analyse the regulatory arrangements and institutional structures within and outside EU law (Banking Union, European Financial Compact, European Stability Mechanism). Students will discuss the constitutional constraints of the system, its practical operation, and the policy choices and challenges behind the new regulatory regime and compare it with the regulatory regime in the USA.

This module is of considerable practical relevance to practising lawyers in the financial services industry, but also for those who are interested in the constitutional and administrative law problems which the new regulatory regime raises.

7FFLA525 REGULATION OF THE CONDUCT OF MERGERS & ACQUISITIONS

Module Leader: Dr Tunde Ogowewo

Teaching Team: Dr Tunde Ogowewo, Nigel Banerjee

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% Take Home Exam

Pathway/s: International Financial Law

Accountants, investment bankers and transactional lawyers are the three professional advisors that play significant roles in M&A transactions, which are increasingly becoming established features of most advanced capitalist systems. This module focuses on the routes by which outcomes (the takeover or merger) are structured and it provides a comprehensive examination of how the conduct of these transactions is regulated in the UK, especially in light of the implementation of the Takeovers Directive on 20 May 2006. It will entail the exposition of the Takeover Code's General Principles and Rules through cases decided by the Takeover Panel, in addition to relevant judicial authorities. The study of this jurisprudence will be a major theme of the module, whilst providing a strong theoretical underpinning to the subject. Although the emphasis will be on regulation under Takeover Code (from which the European Directive draws many of its provisions) the module will also, in appropriate areas, consider different approaches to the subject under Federal and State regulation in the United States.

Semester 1

20 Credits

7FFLA034 INTERNATIONAL REFUGEE LAW

Module Leader: Professor Satvinder Juss

Teaching Team: Professor Satvinder Juss

Semester: 1

Credit Value: 20

Assessment Pattern: 100 % coursework

Pathway/s: Transnational Law

This course sets out to undertake a critical review of the evolving strategies for protection of the refugees under international, regional and domestic law, with particular reference to transnational legal decisions from across the world. It will examine the origins and evolution of refugee law, who is protected by international, regional and domestic refugee law, why the protection does not extend to wider groups of people (e.g. environmental refugees) and will assess the scope and limits of refugee rights. As wars rage in the Middle East and beyond, it will consider the various legal and policy impediments to asylum-seeking, who is admitted and who is not, and how transnational developments and initiatives can assist in the protection of forced migrants. Refugees are the leading trans-border issue in the world today. Yet, there is no world refugee court that can hand down authoritative decisions on refugees. All major human rights violations, such as human trafficking, religious affiliation and conscientious objection, sexual orientation and gay rights, sexual violence and female genital mutilation, and indiscriminate attacks against civilians in 'war zones' – affect refugees and determine their numbers world-wide. Each of these issues requires transnational solutions and will be considered in this module.

7FFLA061 US ANTITRUST LAW

Module Leader: Professor Alison Jones

Teaching Team: Professor Alison Jones, Professor Bill Kovacic Semester: 2 ***please note this module is mistakenly listed on the Module Selection task as being in Semester 1. The module is running in Semester 2.**

Credit Value: 20

Assessment Pattern: 100% Take Home exam

Pathway/s: Competition Law

This module examines the US federal antitrust laws, one of the world's oldest competition regimes. You study the core antitrust provisions, chart the evolution of the law, examine the different factors which have led the law to its current provisions, and consider whether the law is still fit for its purpose and, in particular, capable of dealing with concerns about increasing concentration on US markets. The module introduces the antitrust laws and their objectives prior to considering how they apply to horizontal and vertical agreements, unilateral conduct and mergers (in outline) and how they could or should evolve in the future. It also examines how the laws are enforced. No previous knowledge of the subject is required. The module is taught in seminars; you are expected to come to class having completed the reading and are encouraged to actively engage with the issues being addressed.

7FFLA080 TRANSNATIONAL AND COMPARATIVE CORPORATE LAW AND
CORPORATE GOVERNANCE I

Module Leader: Dr Dionysia Katelouzou

Teaching Team: Dr Dionysia Katelouzou

Semester: 1

Credit Value: 20

Assessment Pattern: Coursework: 90% Essay, 10% Participation

Pathway/s: International Financial Law, International Business Law, Transnational Law

Today, corporate law and corporate governance rules and principles are increasingly being created and disseminated through a complex mixture of public, private, state- and non-state-based norm-making processes that involve different domestic, international and transnational actors. The rapid global spread of COVID-19 in the first half of 2020 and the ensuing and continuing health, social and economic fallout, have had serious repercussions for governments, corporations and institutional investors around the world. The coronavirus pandemic has highlighted the fragility of global supply chains and all corporations have been compelled to quickly adapt to a rapidly evolving 'new normal', where the long-established fundamental assumptions of the planning cycle, and even entire business models, have been turned on their heads. This module provides the framework necessary to understand this fast-evolving and largely fragmented regulatory landscape of corporate law and corporate governance and offers to the students a deep understanding not only of the rules themselves but of the transnational political and economic conditions under which they are developing.

The module moves beyond "formal" corporate law and orthodox functional and comparative approaches to corporate law and corporate governance and adopts an analytical toolkit that encompasses a variety of direct and indirect, hard and soft, public and private, domestic or global types of norms, standards, recommendations and guidelines. Topics to be covered will vary from year to year to reflect the most recent research and policy debates, but will generally include: the social role of companies; the tension between harmonisation of national company laws and regulatory competition; the interplays between hard and soft law; the development of corporate governance codes as a form of market self-regulation (drawing on national corporate governance codes, the OECD Guidelines, codes of conduct etc.); issues of public accountability and enforcement focusing on the development of stewardship codes in developed and developing markets; board diversity (incl. women on boards); transnational actors (such as institutional investors) as object and source of transnational corporate law and corporate governance regulation. This year (2020-21) a particular focus will be placed on the challenges COVID-19 has posed on various corporate law and corporate governance topics, and the regulatory responses (or potentially future responses) to them.

The module exposes students to a variety of domestic (incl. the UK), comparative and transnational bodies of law and norms and to a selection of cross-disciplinary debates that address the changing roles of corporate actors in a globalizing world. Situated in this ambiguous space between comparative law and transnational legal pluralism, this module provides students with the knowledge, skills and critical abilities to understand the law-making processes, rules, and legal institutions that affect or have the power to affect corporate law and corporate governance beyond national boundaries. It is suitable for students interested in the transnationalization of corporate law and corporate governance from both a practice perspective and a focus on the wider debates surrounding this lively regulatory field today.

Please note that this module is not compatible with 7FFLA503 Corporate Governance and so

students would be unable to study 7FFLA080 and 7FFLA503.

7FFLA081 TRANSNATIONAL LAW: ACTORS, NORMS, PROCESSES -
FOUNDATIONS AND PERSPECTIVES

Module Leader: Professor Peer Zumbansen

Teaching Team: Professor Peer Zumbansen, Dr Emily Barritt, Farnush

Ghadery, Laura Knöpfel, Professor Stephen Minas

Semester: 1

Credit Value: 20

Assessment Pattern: Exam: 80% coursework, 10% reaction paper, 10% oral participation

Pathway/s: Transnational Law

This module is the core course for the Transnational Law LL.M Pathway. The course focuses on the Actors, Norms, Processes, and values at stake in transnational law. It discusses the various approaches to defining transnational law as a distinct field of law versus a methodological critique of law in a global context. Each session provides an opportunity to explore legal solutions to complex, border-crossing problems. It engages students in a series of present day, case-studies taken out of legal practice in a wide range of legal areas to illustrate the degree to which established legal fields, that would normally be associated with domestic law and governmental rule-making, have begun to change under the influence of hybrid, public-private norm creation or the rise of non-state actors such as nongovernmental organisations as well as multinational corporations.

7FFLA083 SOCIOLOGY OF LAW, LEGAL CULTURE AND TRANSNATIONAL
CHALLENGES

Module Leader: Professor David Nelken

Teaching Team: Professor David Nelken, Dr Florian Grisel

Semester: 1

Credit Value: 20

Assessment Pattern: 85% essay, 15% reaction papers (three papers, 600 words each)

Pathway/s: Transnational Law

Transnational legal studies map the emergence of new forms of law aimed at addressing a range of complex socio-economic and political trans-border problems. These problems have emerged against the backdrop of shifts in nation states' regulatory governance patterns wherein non-state actors play a crucial role by articulating social norms, policies and processes leading to the production of a densely plural legal field of which formal state law is only one, albeit significant, element. Socio-legal scholars engaged in the study of sociology of law, legal pluralism and legal cultures have long been preoccupied with the study of these aspects of the law within the domestic context. To elaborate, the sociology of law is the systematic, theoretically grounded, empirical study of law as embedded in society. Sociologists of law empirically examine and theorise the interaction between law, legal, non-legal institutions and social factors. Increasingly, sociologists of law also understand law sociologically so that they are not merely preoccupied with the study of law and society but of law in society. Areas of socio-legal inquiry include legal pluralism, the social development of legal institutions, forms of social control, legal regulation, the interaction between legal cultures, the social construction of legal issues, the 'law in the books' and the 'law in action',

7FFLA085 THE TRANSNATIONAL REGULATION OF GLOBAL NETWORKS

Module Leader: Dr Florian Grisel

Teaching Team: Dr Florian Grisel

Semester: 1

Credit Value: 20

Assessment Pattern: 85% essay, 15% reaction paper

Pathway/s: Transnational Law

The module addresses the challenges that have long been arising for national governments and international organizations in effectively regulating border-crossing activities. Taking a historical as well as conceptual perspective on both legitimate and criminal activities, we will study key areas of transnational networks and regimes in order to identify the scope as well as the limits of law in governing private transnational actors. By looking at examples of global networks drawn from the present and the past, e.g. diamond traders, merchants of the Northern Mediterranean Sea, mafias, and pirates in the early 18th century, it will become apparent how a traditional, state-based 'top-down' approach in legal regulation often proves insufficient.

The core reason for taking this historical-conceptual view is to critically investigate an ever faster developing reality of transnational private regulatory activity, ranging from food security to technical standards, from credit ratings to poverty levels, or from minimum capital requirements to educational standards. In view of the persisting 'democracy deficit' on the global level in such a wide range of hotly contested and sensitive regulatory areas, lawyers need to develop a better understanding of how transnational regimes operate, regulate and govern. For each of these global networks, the students will be asked to focus on the nature and content of the norms developed within these networks, as well as the processes through which these norms are enforced at a transnational level.

7FFLA087 TRANSNATIONAL AND INTERNATIONAL CRIMINAL LAW

Module Leader: Dr Nicola Palmer

Teaching Team: Dr Nicola Palmer

Semester: 1

Credit Value: 20

Assessment Pattern: Exam: 80% essay, 20% reaction paper

Pathway/s: Transnational Law, International Dispute Resolution

Genocide, crimes against humanity, war crimes and the crime of aggression carry individual responsibility under international law. Crimes such as human trafficking, piracy, and terrorism have cross-border effects leading to legal responses at regional and international levels. As a result domestic criminal law must increasingly take account of both international and transnational responses to criminal activity. This module provides an in-depth understanding of international and transnational criminal law from institutional, substantive and comparative perspectives.

7FFLA503 CORPORATE GOVERNANCE

Module Leader: Dr Tunde Ogowewo

Teaching Team: Dr Tunde Ogowewo, Nigel Banerjee

Semester: 1

Credit Value: 20

Assessment Pattern: Exam: 100% 2-hour exam (open book)

Pathway/s: International Financial Law, International Business Law

This module examines core Company Law and the regulatory framework and practice on corporate governance – the system (structure and process) by which companies are governed (i.e. directed and controlled), and to what purpose (i.e. what overriding value is promoted). Although some commentators allude to convergence in corporate governance, no global corporate governance model exists as yet. Companies operate primarily within boundaries prescribed by national laws and regulations whilst also ensuring that they are compliant with applicable extra-territorial norms. Consequently, a key objective of this course is to examine UK corporate governance regulation, as the primary model, against the background of other models that exist internationally. Topics included are: the nature of corporate governance and foundational concepts such as corporate personality and limited shareholder liability; veil impairment and the constitutional 'law' of the company, directors' duties; shareholder protection; effective board leadership; remuneration control; and shareholder engagement.

Please note that this module is not compatible with 7FFLA080 Transnational and Comparative Corporate Law and Corporate Governance I and so students would be unable to study both modules.

7FFLA517 LEGAL ISSUES IN CORPORATE FINANCE

Module Leader: Dr Tunde Ogowewo
Teaching Team: Dr Tunde Ogowewo, Nigel Banerjee
Semester: 2
Credit Value: 20
Assessment Pattern: 100% 2-hour exam (open book)
Pathway/s: International Finance Law

Accountants, investment bankers and transactional lawyers are the three professional advisors that play significant roles in corporate finance transactions.

This module focuses, from a UK legal perspective, on the two main sources of corporate finance. It deals with equity financing – the law that regulates its raising, maintenance and pay-outs from the corporate treasury, and with debt financing – forms of debt finance and security interests. It concludes by examining three major kinds of financial transactions that companies get involved in: secondary issues, debt equity swaps and private equity transactions.

7FFLA530 INTRODUCTION TO INTERNATIONAL DISPUTE RESOLUTION

Module Leader: Dr Holger Hestermeyer
Teaching Team: Dr Holger Hestermeyer
Semester: 1
Credit Value: 20
Assessment Pattern: 100% take-home exam
Pathway/s: International Dispute Resolution

Few areas of the law develop as quickly as international dispute resolution. While many international disputes are resolved through negotiations and mediation, the number of disputes settled in international arbitration, international courts and regional courts has exploded. The same is true for the number of courts, as well. This module will introduce you to the fascinating world of dispute resolution in public international law. You will learn about the considerations that drive states in constructing dispute resolution mechanisms and about the strategies that are employed when litigating cases. The course will teach you about the essential doctrines that govern the jurisdiction and admissibility of cases to international courts and tribunals. The module (mandatory for the international dispute resolution pathway) demonstrates that knowing the basics of international dispute resolution has become essential for lawyers working in cross-boundary contexts.

7FFLA552 PATENTS AND TRADE SECRETS

Module Leader: Professor Tanya Aplin
Teaching Team: Professor Tanya Aplin, James Parish
Semester: 1
Credit Value: 20
Assessment Pattern: 100% take-home Exam
Pathway/s: Intellectual Property & Information Law

The aim of this module is to provide you with a detailed understanding of European and UK patent law and EU trade secrets law, with particular reference to new technologies, such as biotechnology and information and communication technologies. The key features of European and UK patent law – registration, validity, infringement, exploitation and enforcement - will be examined, taking into account theoretical, policy and practical

perspectives. The module will also cover recent EU harmonisation efforts in the area of trade secrets protection. It is not essential to have a prior knowledge of patent law or trade secrets.

7FFLA572 NEGOTIATION 1: LEGAL NEGOTIATION

Module Leader: Mihael Jeklic

Teaching Team: Mihael Jeklic

Semester: 1

Credit Value: 20

Assessment Pattern: 100% coursework

Pathway/s: International Dispute Resolution

The module draws upon thirty years of interdisciplinary research in negotiation from the perspectives of law, economics, game theory, and social and cognitive-behavioral psychology.

It provides comprehensive theoretical background as well as training in analytical and interpersonal aspects of negotiation. It aims to address the requirements of modern legal practice, where effective legal work often entails negotiations in complex interpersonal settings involving multiple parties and multiple issues, and where deal-making, consensus building, and problem-solving frequently take the central stage.

The module explores the Principled negotiation model developed at Harvard Law School, as well as advanced interdisciplinary theory on negotiation, including the Three Tensions model and the insights from modern social, cognitive-behavioral and psychodynamic psychology.

In addition to the intensive reading, the students are expected to negotiate complex proprietary negotiation cases on a weekly basis. Case experience is used as material for class discussion and for explication of the relevant theory.

7FFLA583 INTERNATIONAL TAX LAW: TRANSFER PRICING

Module Leader: Professor Jonathan Schwarz

Teaching Team: Professor Jonathan Schwarz

Semester: 1

Credit Value: 20

Assessment Pattern: 100% 2-hour exam (closed book)

Pathway/s: International Tax Law

Transfer pricing is the single biggest issue in international taxation for multinational business and tax administrations. The aim of this module is to critically and comprehensively analyse the legal issues pertaining to Transfer Pricing and is addressed to lawyers, accountants and tax policy-makers, whether in private practice, as in-house counsel, or government employees. The course takes a practical, transactional and multi-jurisdictional perspective and examines in depth the OECD Transfer Pricing Guidelines including the rules and Commentary of the OECD Model Tax Convention together with a detailed analysis of transfer pricing disputes and practice including the expanding body of case law.

Students must be taking International Tax Law or satisfy the module leader that they have enough background in tax to undertake the module.

7FFLA593 COMPETITION ENFORCEMENT AND PROCEDURE

Module Leader: Professor Renato Nazzini

Teaching Team: Professor Renato Nazzini

Semester: 1

Credit Value: 20

Assessment Pattern: 100% take-home exam

Pathway/s: Competition Law

Competition enforcement has undergone major reforms in the past decade, generating intellectually stimulating scholarship and challenging practical problems. Alongside public enforcement, private litigation (private enforcement) is now a major feature of the system and, in some countries, including the United Kingdom, certain competition infringements are also a criminal offence (criminal enforcement). In addition, competition enforcement has a global dimension, both in terms of the scope and breadth of legal scholarship and in practice. The aim of this course is to give students the knowledge and the analytical tools necessary to understand the dynamics of public and private enforcement in the European Union and in the global context, to deal with the complex procedural problems that arise in practice, and to form their own view on the policies and enforcement models involved.

While the main focus of the course will be on EU law, the course also aims at exploring the relationship between EU law and national law. Therefore, enforcement models in EU Member States will be discussed, with a privileged but not necessarily exclusive focus on the United Kingdom and English law. Furthermore, jurisdictions outside the EU will be considered when they have provided important intellectual paradigms for the development of competition enforcement or because of their practical importance. In both respects, the United States of America is a key jurisdiction.

7FFLA600 INTERNATIONAL COMMERCIAL ARBITRATION

Module Leader: Dr Manuel Penades Fons

Teaching Team: Dr Paul Key, Dr Manuel Penades Fons, Sachin Trikha

Semester: 1

Credit Value: 20

Assessment Pattern: 100% Take Home Exam

Pathway/s: International Business Law, International Dispute Resolution

This course is intended for students who are interested in pursuing a career in an international arena with a specialisation in international dispute resolution mechanisms in private practice, in-house or in the public sector. The module gives students a firm grounding in international commercial arbitration covering all the stages of international commercial arbitration proceedings from debates about the validity of arbitration agreements through to enforcement and recognition of arbitral awards under the New York Convention.

7FFLA603 INTERNATIONAL AND COMPARATIVE OIL AND GAS LAW

Module Leader: Professor Djakhongir Saidov

Teaching Team: Professor Djakhongir Saidov

Semester: 1

Credit Value: 20

Assessment Pattern: 100% 2-hour exam

Pathway/s: International Business Law, International Financial Law

This module explores the legal frameworks that govern the exploration for, development and production of oil and gas in the world today. These are known as the 'upstream' oil and gas operations. This course will begin by looking at the history of the development of the international petroleum industry, main players in the industry and differences in policies and interests pursued by states, on the one hand, and international oil companies (IOCs), on the other hand. The course will then examine various methods of awarding of petroleum exploration and production rights (such as negotiations and competitive and discretionary bidding) and different legal arrangements used by the oil and gas producing countries to govern the upstream sector (such as modern concessions, production-sharing agreements, joint ventures, risk service contracts, buy-back contracts and hybrid contracts). The next part of the course will focus on some key commercial agreements and transactions entered into by IOCs, such as joint operating and unitisation agreements, service contracts and transactions involving the acquisition and disposal of petroleum assets. The course will conclude by examining legal issues, arising from the decommissioning phase.

The course will have a strong comparative focus and will not be confined to any one jurisdiction. The course will also have a strong practical orientation and will rely on some model contracts used in the industry. The course will be useful to students who wish to develop expertise in the law, governing the international upstream oil and gas operations as well as the energy and natural resources sector more generally. The course will also lay a strong analytical and legal foundation for anyone interested in international commercial and economic transactions.

7FFLA608 THE LAW AND PRACTICE OF THE UNITED NATIONS: EDGING
TOWARDS TRANSNATIONAL CONSTITUTIONALISM?

Module Leader: Professor Ady Schonmann-Bethlehem

Teaching Team: Professor Ady Schonmann-Bethlehem

Semester: 1

Credit Value: 20

Assessment Pattern: 100% research essay (5,000 words)

Pathway/s: Transnational Law

The Law and Practice of the United Nations: Edging towards Transnational Constitutionalism? aims to provoke thinking about the legal foundations on which the United Nations is built - primarily its origins, conceptual and institutional structure and competence - and to familiarize students with the evolving practice at the United Nations. It locates the United Nations and the system of specialized agencies in the context of an evolving international constitutional order. The course will also address some of the systemic and strategic challenges faced by the United Nations in the evolving international legal system. It will reflect on whether the United Nations is fit to face the challenges of the next 75 years in a rapidly changing transnational world.

In these COVID times, in which the working of the UN has been undergoing significant changes, we will consider the impact of these changes on the work of the UN and also have the opportunity to follow some of its virtual meetings on key issues.

The first part of the course will address, by way of introduction, the origins of the United Nations, its conceptual and institutional structure, and competence. It will also consider the influence of the membership on the work of the General Assembly and the Security Council, as well as the work of the UN Secretariat and the Permanent Missions to the UN. The second part of the course will delve into some of the acute present-day issues in the workings of the UN.

The course aims to facilitate an understanding of both the theory and practice of the United Nations and should appeal to those who have an interest in working in this field, whether as academics or as practitioners.

During the course of the semester, students will be grouped into pairs, with one group being tasked each week to lead the discussion on a particular aspect of the reading.

This module is also cross listed and open to students from the Department of War Studies and others.

7FFLA616 NEW TECHNOLOGIES, DIGITAL AGE & CONSUMER LAW
CHALLENGES

Module Leader: Dr Mateja Durovic

Teaching Team: Dr Mateja Durovic

Semester: 1

Credit Value: 20

Assessment Pattern: 100% coursework

Pathway/s: European Law

Consumer law is becoming an increasingly important area of law. The market, technology and society are constantly evolving. Therefore, consumer law needs to adapt to new products, new markets, new technologies and the outcome of a rapidly globalised World. In order to conceptually capture these phenomena traditional legal techniques, need to be applied in innovative ways and often new legal mechanisms that better fit a new economic reality have to be developed. The rise of online trading represents a particular regulatory challenge for consumer law. Compliance with the new consumer law rules is becoming an increasingly difficult task for the businesses.

Moreover, the interrelationship of consumer law with related legal disciplines (contract law, tort law, sustainable development, competition law, human rights, civil procedure) becomes ever more complex. The legal design of an efficient and adequate enforcement mechanism of consumer law represents an additional legal challenge.

The consumer law specialised module will allow students to obtain in-depth knowledge and expertise in key areas of consumer law, whilst at the same time honing their analytical and problem-solving skills. Based on the most advanced legal thinking and taking a global, European and national perspective, students will be equipped with the critical understanding and analytical tools necessary for applying new legal concepts and practicing law in the highly complex, sophisticated and dynamic environment of current commercial reality. This is essential for anyone who wants to fully understand the intricacies of consumer law and learn how to fully apply with consumer law requirements.

Previous knowledge of consumer law is not required, but basic knowledge of contract and commercial law is required.

7FFLA620 ARTIFICIAL INTELLIGENCE: LAW AND SOCIETY

Module Leader: Dr Christopher Markou

Teaching Team: Dr Christopher Markou

Semester: 1

Credit Value: 20

Assessment Pattern: TBC

Pathway/s: Intellectual Property & Information Law, Transnational Law

Advances in Artificial Intelligence (AI) will be among the primary catalysts of social, economic, scientific, political and legal change in the 21st century. Discussions of AI regulation have gathered force in the wake of notable performance leaps in machine learning, particularly in the domains of computer vision, natural language processing and neural networks. Given the transformative and highly lucrative potential of AI, there are concerns about how far the law can and should adapt to the profound technological changes facing society. If legal adaptation is too slow, technological change can threaten rights, stifle innovation, or potentially catalyse public, environmental and existential risks. If technological change is too fast or ill-conceived, it might be ineffectual, disrupt societal expectations, and undermine the rule of law or the public trust essential to a data-driven government.

This highly interdisciplinary module will critically examine the relationship between law and technological change, the history of AI research, its key philosophical issues and themes, the legal, political, economic and ethical questions that underpin the current debate and forecast future challenges. Topics to be covered include: algorithmic transparency and discrimination, automation and the 'Future of Work', legal personality for artificial agents, AI ethics, among others.

7FFLA625 AUTHORITARIANISM, POPULISM AND THE LAW

Module Leader: Professor Eva Pils

Teaching Team: Professor Eva Pils

Semester: 2

Credit Value: 20

Assessment Pattern: 90% essay (5,000 words), 10% class participation including one mini (group) presentation

Pathway/s: Transnational Law

In this module, we will study the -historically fluctuating- challenges that authoritarian and populist ideas and practices of governance present to democracy and the rule of law in legal systems around the world. The module will address questions such as: what is the relationship between law and democracy? Is authoritarianism compatible with the rule of law? Is liberal democracy in decline, are authoritarian practices resurging, and what are the consequences of any such shifts for the rule of law and global constitutionalism in systems affected by these changes? (How) do authoritarian and democratic legal systems influence each other? What is 'militant democracy' and (how) should democratic decline be resisted? We will discuss these issues from theoretical, comparative, and socio-legal angles, drawing on interdisciplinary debates and resources.

Most sessions will be run through case studies, with discussion likely to draw on examples from individual jurisdictions such as Brazil, China, Germany, Hungary, Poland, Russia, the United Kingdom, the United States and Venezuela, as well as regional systems and mechanisms such as that of the European Union and the United Nations.

7FFLA631 INTERNATIONAL PRIVATE EQUITY FINANCE

Module Leader: David Dowling, David Winfield

Teaching Team: David Dowling, David Winfield

Semester: 1

Credit Value: 20

Assessment Pattern: 100% take-home exam

Pathway/s: International Financial Law

The aim of the course is to provide students with knowledge of the law relating to a major financing mechanism, and associated transactions, in global financial markets and which is a major practice area of the global law firms in the leading financial centres.

It is equally aimed at providing students with the analytical skills to critically evaluate the legal structures being used in a multijurisdictional context as set out in legal documentation used in the markets. Following from this, the aim is also to provide students with the practical skills necessary to structure a private equity transaction in the manner that the global law firms do in the markets and to understand the commercial and financial objectives to be achieved in the legal structure and documentation.

Students will require a good understanding of the core company and contract law principles in their jurisdiction. Students will also need to have a basic understanding of excel and simple mathematics.

7FFLA636 PUBLIC INTERNATIONAL LAW

Module Leader: Dr Holger Hestermeyer

Semester: 1

Credit Value: 20

Assessment Pattern: 100% Take Home Exam

Pathway/s: International Dispute Resolution, Transnational Law

International law has become ubiquitous. Questions of international law govern many aspects of our life – often without us being aware. This class covers the fundamental rules of public international law and helps you navigate a legal regime all too often poorly understood by national lawyers. As the class is offered to advanced students, it will take a problem-based approach towards the rules of general international law and give an overview over some areas of international law. At every session students will be provided with a problem set encouraging them to think through the readings on a subset of rules of international law. They will then learn how to approach the problem set and develop solutions. The module will focus on rules of general international law (sources of law, subjects of international law, treaty law and treaty interpretation, the law of international organisations) and give an overview over selected areas of public international law (war and self-defence, law of the sea).

7FFLF901 ETHICS

Module leader: Dr Jonathan Gingerich

Semester: 1

Credit Value: 20

Assessment Pattern: 100% exam

This module will provide an overview at the postgraduate level of historical and contemporary philosophical approaches to ethical theory and its applications.

The first half of the module surveys some of the most philosophically significant approaches to ethical theory, including virtue ethics, deontology, consequentialism, existentialism, and sceptical challenges to morality. Questions addressed in this portion of the module include: What is the best way to live? How should we live together with other people? What obligations do we have to one another? What does it mean when we say that we have a moral duty to do something or avoid doing something? How can we be free when we are subject to the wishes and desires of other people? What is the relationship between freedom and responsibility? Philosophers considered in the first half of the module include Plato, Aristotle, Immanuel Kant, John Stuart Mill, Friedrich Nietzsche, and Simone de Beauvoir.

The second half of the module investigates a range of moral questions that arise in contemporary society and contemporary ethical theory, reading essays by P.F. Strawson, Paulo Friere, Angela Davis, Amia Srinivasan, and Christine Korsgaard, among others. Questions we consider in the second part of the module will include: What is oppression and how can we best resist it? What are the ethics of love and sex? What is the self? And what obligations do we have to address the climate emergency?

This module will provide students with a solid foundation in ethical theory that will equip students with much of the background required to prepare a master's dissertation in topics relating to ethical theory, political philosophy, and applied ethics.

7FFLF902 CONTEMPORARY POLITICAL PHILOSOPHY

Module leader: Professor Alan Coffee

Semester: 1

Credit Value: 20

Assessment Pattern: 100% exam

7FFLF903 IDEALOGICAL CONFLICT, BELIEF AND PHILOSOPHY

Module leader: Professor Alan Coffee

Semester: 1

Credit Value: 20

Assessment Pattern: 100% exam

Semester 2

20 Credits

7FFLA063 WORLD TRADE LAW

Module Leader: Dr Federico Ortino

Teaching Team: Dr Federico Ortino, Dr Holger Hestermeyer

Semester: 2

Credit Value: 20

Assessment Pattern: 100% 2-hour exam (open book)

Pathway/s: International Business Law, International Dispute Resolution

This course focuses on the law of the World Trade Organization, a major component of international economic law. WTO law is a kind of constitution for international trade matters and for trade relations between countries. The WTO is a truly global institution, with more than 150 members. It is a forum for trade negotiations and developing multilateral policies on trade - not always a very successful one, witness the difficulty of concluding the Doha negotiations. But the WTO also manages an extensive set of basic multilateral agreements on trade. To do so it operates an advanced system of dispute settlement, which has created and continues creating an impressive body of case law.

In a globalized, interdependent world, trade cannot be separated from domestic policies on a variety of subjects, such as health and environmental protection, human rights, development, public morals, etc. Such policies often affect trade and may therefore be "reviewed" in the light of WTO law.

While WTO law covers a wide range of areas including trade in goods, trade in services, trade-related aspects of intellectual property rights, trade-related aspects of investment measures, the aim of this module is an in-depth focused analysis of those key institutions and principles that are common across the various areas, such as the non-discrimination principle, public policy exceptions, proportionality principle, transparency requirements, harmonization, and dispute settlement procedures.

7FFLA066 INTERNATIONAL INVESTMENT LAW

Module Leader: Dr Federico Ortino

Teaching Team: Dr Federico Ortino, Gaetan Verhoosel

Semester: 2

Credit Value: 20

Assessment Pattern: 100% 2-hour exam (open book)

Pathway/s: International Financial Law, International Business Law, International Dispute Resolution

The module covers the key components of the public international law related to the protection of foreign investment. Reference is made to relevant customary and conventional international law (particularly bilateral investment treaties), as well as to relevant regional and municipal law. The module is concerned with the substantive normative framework of the international law relating to foreign investment (procedural aspects are addressed in the course on International Investment Arbitration). It also addresses the key legal obligations of the host State (MFN, National Treatment, Expropriation, Fair and Equitable Treatment, Transparency) as well as the legal obligations of the foreign investor. Policy considerations underlying this area of the law will also be examined.

7FFLA090 TRANSNATIONAL AND COMPARATIVE CORPORATE LAW AND
CORPORATE GOVERNANCE 2

Module Leader: Dr Dionysia Katelouzou

Semester: 2

Credit Value: 20

Assessment Pattern: 90% coursework, 10% participation

Pathway/s: International Business Law, International Financial Law and
Transnational Law

Prerequisite: 7FFLA080

Comparative corporate law and corporate governance has for many decades sought to increase the understanding of 'foreign' legal orders and regulatory systems. Today, however, legal practice appears to ever more naturally be exposed to elements and trends arising from an evolving and increasingly interdependent transnational order. The *COVID-19* pandemic – and the response to it – has certainly revealed the weaknesses of our current regulatory systems. As corporate law and corporate governance are being shaped by a complex mixture of public, private, state- and nonstate-based norms, principles and rules, generated, disseminated and monitored by a diverse set of actors, this module (building on the 7FFLA080 module) provides students with the knowledge, skills and critical abilities to understand the law-making processes, rules, and legal institutions that affect or have the power to affect corporate law and corporate governance today. Situated in this ambiguous space between comparative law and transnational legal pluralism, this module contributes through a series of case studies to the understanding of corporate law and corporate governance beyond national boundaries. This unique approach allows the students to understand corporate law and corporate governance in times of crises, such as the Covid-19 health pandemic.

The module moves beyond a functional and comparative analysis of topical issues of corporate law and corporate governance and adopts an analytical toolkit that encompasses a variety of direct and indirect, hard and soft, public and private, domestic or global types of norms, standards, recommendations and guidelines. The contours of this emerging, multi-layer, pluralist regulatory architecture become visible through a comprehensive examination of a series of case studies. Topics to be covered will vary from year to year to reflect the most dynamic research and public debates, but will generally include directors duties' and liability; directors' remuneration; shareholder rights; dual class shares; shareholder activism; minority protection; stakeholders (such as employees and creditors); control transactions; intermediaries and shareholder voting; hedge funds' governance; rating agencies; investor protection and sustainability reporting; corporate governance in Asia and emerging markets; and law and finance. This year (2020-21) a particular focus will be placed on the challenges COVID-19 has posed on various corporate law and corporate governance topics, and the regulatory responses (or potentially future responses) to them.

The module exposes students through a series of case studies to the emerging transnational regulatory landscape of corporate law and corporate governance which cannot exhaustively be explained from a traditional comparative perspective, and it is suitable for students interested in the changing roles of corporate actors in a globalising world and the transnational connections between local law reform, deregulation and privatization processes.

7FFLA091 BUSINESS AND HUMAN RIGHTS

Module Leader: Professor Cees Van Dam

Teaching Team: Professor Cees Van Dam

Semester: 2

Credit Value: 20

Assessment Pattern: 100% coursework

Pathway/s: Transnational Law

Clothes, shoes, coffee, tea, chocolate, smartphones, petrol, electric cars. To manufacture many of the products we use on a daily basis, often the human rights of workers and communities are violated. Such as by unsafe working conditions, low wages, pollution, child and slave labour, or forced evictions.

For a long time, companies acted in a (virtual) legal vacuum. However, over the past decade they are increasingly held to account for their involvement in human rights violations. Not only by media and civil society organisations, creating reputational damage, but also by new legal rules, creating serious legal risks for companies.

This module not only prepares for jobs in government and civil society but most importantly also at law firms and legal departments of companies.

First, it deals with the latest developments in tort law claims against companies for human rights violations, both in the US and Europe and discusses the future and effectiveness of litigation.

Second, the module takes stock of the fast-growing regulatory framework imposing reporting and due diligence obligations on companies as regards respect for human rights in their operations. The US, the EU and several European states have already issued legislation and there is much more in the pipeline.

Third, the module includes a discussion of the surprisingly powerful impact of soft law on companies' behaviour, through government policies, financial institutions, (other) investors, and a growing number of global companies.

Finally, companies are not only causing harm, they are also a force for good. More and more companies are becoming aware of their responsibility by adhering to one or more of the United Nations Sustainable Development Goals, such as fighting poverty, hunger, pollution, and poor health. The module will help to understand the dynamics between not causing harm on one hand, and doing good on the other.

7FFLA511 JUDICIAL PROTECTION IN THE EU

Module Leader: Professor Takis Tridimas

Teaching Team: Professor Takis Tridimas, Professor Andrea Biondi

Semester: 2

Credit Value: 20

Assessment Pattern: 100% 3-hour exam (open book)

Pathway/s: European Law, International Dispute Resolution

This module examines the EU system of judicial protection and also seeks to explore the role of the European Court of Justice (ECJ) as an institution of governance in comparative perspective. It discusses, among others, the following: the principles of primacy and direct effect; EU competence and pre-emption as compared to the division of powers between the federal government and States in the USA; the relationship between EU and international law; the jurisdiction of the ECJ, including judicial review of EU acts, the preliminary reference procedure, and actions in damages; the general principles of law (e.g. non discrimination and due process); the protection of fundamental rights; the differences between the EU Charter and Anglo-Saxon Bills of Rights; the relationship between the ECJ and the European Court of Human Rights; the remedies for the protection of EU rights before national courts; precedent, judicial activism, and methods of interpretation; and Brexit-related issues. The course is designed to engage with some theoretical issues (e.g. federalism, the concept of supra-national rights, and the role of constitutional courts in comparative perspective), and also develop practical skills, e.g. explain the procedure before the European Court of Justice and how an action may be brought before it, by reference to case studies.

7FFLA515 LAW OF INTERNATIONAL FINANCE 2 – INTERNATIONAL PROJECT FINANCE AND LOAN SALES

Module Leader: Professor Ravi Tennekoon

Teaching Team: Professor Ravi Tennekoon

Semester: 2

Credit Value: 20

Assessment Pattern: 100% take-home exam

Pathway/s: International Finance Law, International Business Law

*MUST TAKE MODULE IN LAW OF INTERNATIONAL FINANCE 1 (7FFLA040)

*MUST BE FULL TIME LLM STUDENT

This module is intended to be taken only in conjunction with International Finance 1 and will be taught as an adjunct half module covering in detail two major international banking transactions in the markets as its centrepiece. It will first examine the legal structures used in the financing of very large scale projects (some well over several billion dollars in value) in such areas as gas and oil exploration, infrastructure projects such as airports, harbours and mass transit railway systems. It will secondly cover the vast market in loan sales and trading including distressed debt.

This module will enable those interested in pursuing a career in the transnational banking world to explore in depth the legal issues that arise in relation to large scale projects in emerging markets and will also cover the legal instruments used to cover political risk in such emerging markets. The orientation of the module will be strongly towards students intending to practise in this field. The module will be taught in the second semester after you have obtained a grounding in International Finance 1.

7FFLA519 COMPARATIVE FREEDOM OF SPEECH

Module Leader: Perry Keller

Teaching Team: Perry Keller

Semester: 2

Credit Value: 20

Assessment Pattern: 85% 2-hour exam, 15% coursework

Pathway/s: Intellectual Property & Information Law

This half year (20 credit) LLM module is a comparative introduction to the laws and policies governing the publication or dissemination of news in contemporary democratic societies in both traditional and new forms of media.

The apparent stability of liberal democratic laws concerning freedom of expression over many decades has been overturned by a succession of inter-linked political and technological challenges. These include fundamental shifts in the legal and political principles that govern free speech; the role of online intermediaries or platforms as powerful gatekeepers for permissible public expression; the use of deliberate disinformation to destabilise political processes; the impact of artificial intelligence on the creation and dissemination of news; and the use of free speech rights as an instrument to challenge legal protections for minorities or other groups.

Part I of Comparative Freedom of Speech is a comprehensive introduction to the similarities and differences existing in the core legal principles defining free speech rights in Europe and the United States, the leading for liberal democratic models for rights to freedom of expression. Other jurisdictions are considered on key issues. This part includes examples drawn from disputes regarding defamation, privacy and hate speech.

Part II looks at how these established principles are being adapted or left behind in the face of contemporary challenges to the institutions and practices of media and public communication. In this part, the module offers a comparative study of changing legal concepts of media, liability of online intermediaries for hosting third party content, regulation of online disinformation and hate speech, and protection of journalistic sources in relation to whistle-blowers and leakers.

7FFLA527 GLOBAL LAW OF CLIMATE CHANGE

Module Leader: Dr Yael Lifshitz

Teaching Team: Dr Yael Lifshitz, Dr Megan Bowman, Robert McCracken, James Perreira, Geert van Calster

Semester: 2

Credit Value: 20

Assessment Pattern: 90% coursework (research essay), 10% in-class assessment

Pathway/s: Transnational Law, International Dispute Resolution

Climate change is one of the most significant and vexing challenges of our time. As a legal issue, it is one of the most challenging and innovative fields. The regulation of climate change is complex, broad and enforced by a variety of entities. Further, it is continually evolving in response to global and national events, market shifts, political dynamics and priorities, and technological advances.

Taught as a seminar with occasional guest lecturers, the module introduces students to the

instruments, processes, and actors of the legal regimes pertaining to climate change. It includes a detailed examination of international climate law, with a particular focus on the 2015 Paris Agreement. It also focuses on one of the key issues in climate mitigation – energy. From transforming our energy markets to shifting energy sources, the module focuses on the legal and technological challenges that lie in our energy transition. This module also explores the legal and regulatory efforts of non-state actors in addressing climate change, including cities and corporate actors and the increasing importance of courts. Overall, this module will enable students to develop a critical understanding of the legal, social and economic issues surrounding climate and energy.

This module is part of a reciprocal recognition programme with the Geography Department: Geography students can take this module for credit.

7FFLA537 VALUE ADDED TAX

Module Leader: Tim Brown

Teaching Team: Tim Brown, Professor Jonathan Schwarz

Semester: 2

Credit Value: 20

Assessment Pattern: 100% 2-hour exam

Pathway/s: European Law, International Tax Law

Value Added Tax is an increasingly important tax in the UK and throughout the EU. Not only does it generate a large amount of revenue for governments, its character as a European tax makes for interesting case law and controversy within domestic systems. This module considers the nature of VAT as a tax and considers the system of VAT as implemented in the UK. It considers the various elements of the tax and how the tax has developed in response to EU movement and pressure. As well as gaining a comprehensive understanding of VAT in the UK, the aim of the module is to provide you with the tools to be able to comprehend other systems of VAT in Europe and also to understand why what seems like a simple tax has proved so complicated in the EU.

7FFLA548 LAW OF INTERNATIONAL FINANCE 3 – SECURITISATIONS,
DERIVATIVES AND CDOS

Module Leader: Professor Ravi Tennekoon

Teaching Team: Professor Ravi Tennekoon

Semester: 2

Credit Value: 20

Assessment Pattern: 100% take-home exam

Pathway/s: International Financial Law, International Business Law

This module is intended to be taken only in conjunction with International Finance 1 and will be taught as an adjunct half-module. It will be useful if you are interested in a career as a lawyer in global investment banking in the financial markets and will seek to provide in depth coverage of the law and legal issues in derivatives and credit derivatives the most modern and complex of financial transactions which have seen an explosive growth in the past few years – estimated to be 200 trillion dollars by the Economist. It will also cover asset securitisations including loan securitisations as well as synthetic structures using credit derivatives. The orientation of the module will be strongly towards the students wishing to practise in this field. The module will be taught in the second semester after you have obtained a grounding in International Finance 1.

***PREREQUISITE: STUDENTS MUST ALSO TAKE 7FFLA040**

7FFLA555 COMMERCIALISATION OF INTELLECTUAL PROPERTY

Module Leader: Professor Tanya Aplin

Semester: 2

Credit Value: 20

Assessment Pattern: 100% take-home exam

Pathway/s: Intellectual Property & Information Law

Today, intellectual property rights (IPR) are potentially valuable assets. You look at ownership, commercialisation and value protection through dispute resolution and the licensing of patents and know-how, trademarks and copyright, as well as hybrid areas such as merchandising. Covered are: introduction to IP law; patents; know-how and trade secrets; plant varieties; copyrights; trademarks; registered and unregistered designs; IP due diligence in M&A transactions; IT/IS; IP valuation and taking security over IP; the internet and IP; antitrust and IP; protecting value.

7FFLA576 COMPETITION, INTELLECTUAL PROPERTY AND THE MEDIA
INDUSTRY

Module Leader: Andrea Appella

Teaching Team: Andrea Appella, Professor Alison Jones

Semester: 2

Credit Value: 20

Assessment Pattern: 100% 2-hour exam (open book)

Pathway/s: Competition Law, Intellectual Property & Information Law

On this module, students will study the application of the EU competition law and intellectual property law (with particular emphasis on copyright) on various sectors of the media industry (sport, music, movies, broadcasting, online and publishing).

By the end of the course, students will be in a position to demonstrate the following:

- An understanding of the key features of the various sectors of the media industry and its value chain, the relevant framework for intellectual property protection/licensing and for competition law intervention.
- The ability to critically assess the case-law arising from the application of competition rules to concrete cases in the media industry (investigations and mergers).
- An appreciation of current policy and legislative interventions on the Digital Single Market, in particular the interaction between competition policy/law and intellectual property protection on the development of the media industry

7FFLA589 ELECTRONIC COMMERCE LAW

Module Leader: Professor Kevin Madders

Semester: 2 (one introductory session to take place in semester 1)

Credit Value: 20

Assessment Pattern: 85% 2-hour exam (closed book), 15% practical project

Pathway/s: European Law

As the Covid-19 crisis has shown so dramatically, e-commerce is indispensable for today's society to function. It is in turn supported by a range of policy levers and legal norms key to engendering the innovation and trust that effective digital transformation of the commercial ecosystem requires.

In this course we examine this development, of **electronic commerce law**, through the lens of the **e-business**. Our primary point of reference is the example of the EU, which has long accorded priority to facilitating the digital economy and whose law in this area is widely considered to lead the world.

EU law has moreover undergone recent refinement in major ways affecting e-businesses, notably as to e-procurement, e-identification, e-money and, with the GDPR, privacy. And in 2020 the European Commission launched initiatives on Europe's digital future that bring actions of potentially profound significance to the top of the EU's agenda, such as the regulation of AI and of access to big data.

We also consider innovations developed in **business practice** internationally, such as online licensing, commercial cryptocurrencies, blockchain ledgers and prominent types of procurement solutions. Business models and types of corporate arrangements suited to an e-commerce environment are given particular attention. Salient impacts of the law inside and outside the EU fall within this analysis, including as regards the UK following Brexit.

The course then completes its inquiry by concentrating on two crucial themes:

- the **domain name** and the **website**, not only as prerequisites for conducting e-commerce but as new legal dimensions in their own right that raise distinctive legal concerns – a discussion which spans aspects such as domain name registration and ADR, website contractual and privacy arrangements, and the debate over “Big Tech” regulation;
- **risk mitigation**, notably as regards **information security**; forms of **liability and exemptions** provided by law for online providers; **insurability**; **digital competition law**; and **digital trade**.

Beyond the taught content just outlined, this course is distinguished by a strongly interactive “learning law in context” approach, at whose heart is a **practical project** over the teaching semester.

Prof. Madders here supports the project teams as their adviser, prior to the projects being evaluated by an expert panel. Students have a choice between elaborating an **e-business concept** or a **domain name ADR case**. The teams' progress is shared in class. The ADR project notably includes guided drafting (Prof. Madders is a longstanding arbitral panellist), while e-business projects allow students a unique opportunity to identify and tackle a range of legal, business and managerial challenges.

Thanks to inclusion of the project element, students taking this course are immediately able to apply their taught knowledge and to learn and practise several skills that will be of value in professional life. Some students have indeed been attracted to King's by this feature of the course alone.

7FFLA597 COPYRIGHT & THE MUSIC INDUSTRY IN THE DIGITAL ERA

Module Leader: Dr Johnson Okpaluba

Teaching Team: Dr Johnson Okpaluba

Semester: 2

Credit Value: 20

Assessment Pattern: 100% 2-hour exam (closed book)

Pathway/s: Intellectual Property & Information Law

In this module we will look at the challenges raised by the disruptive technologies of digitisation and the Internet on the production, distribution, exploitation and consumption of music. We will examine the legal and technological responses to these challenges through the lens of key players in the music industry, namely, artists, composers, publishing companies, record companies, intermediaries and the public. Copyright law is at the heart of the economic and regulatory framework of the music industry and the main themes underpinning this module are: (i) the ongoing legal tensions that operate between these key players; and (ii) the importance of making decisions on copyright policy on the basis of good evidence, balancing economic objectives and the needs of the stakeholders impacted.

The module begins by introducing the key players in the music industry and looking at a selected history of the evolution of music copyright. To place the digital era in context, we will start with the traditional recorded music industry value chain and the rights that underpinned it. To analyse how that value chain has evolved we will assess the effect on and response of the recorded music industry to the introduction of the following innovations: (i) MP3 files; (ii) increased bandwidth; (iii) multimedia computers; and (iv) peer-to-peer file sharing applications such as Napster. The emergence of intermediaries such as Apple Inc. following the introduction of the iTunes music store in 2003; and more recently, streaming services such as Pandora, Spotify and Deezer, and platforms such as YouTube, as the consumption of music moves from an ownership model to an access model, has further served to reconfigure the traditional recorded music industry value chain and the identity and roles of the players in it.

The plasticity of works in digital form has democratised the ability to remix, remake, remodel and repurpose existing copyright works, leading to practices that break down traditional copyright barriers between creator and user, to the extent that the term "mashup" has become part of the musical-cultural lexicon. These practices create challenges not only for rightsholders, but also policy makers and the public who are participants in this "remix-culture". We will consider these creative practices and the legal responses to them. From 1999 to around 2015, the recorded music industry endured an uninterrupted decline in revenues. To lobby for legislation to protect its interests, the recorded music industry, with the use of data, revenue figures and commissioned reports, propagated a "digital threat" narrative, that in essence asserted that online music piracy was solely responsible for this downturn in revenues. We will critically assess this narrative and look beyond the propaganda to seek more nuanced alternative explanations. Given that online music piracy is still prevalent, we will examine the effectiveness of the legislative and non-legislative measures

introduced to control it. For the most part, the module will focus on UK law and where relevant, US law. Prior knowledge of copyright law is preferable for students wishing to study this module.

7FFLA599 INTERNATIONAL INVESTMENT ARBITRATION

Module Leader: TBC

Teaching Team: TBC

Semester: 2

Credit Value: 20

Assessment Pattern: 100% 2-hour exam (closed book)

Pathway/s: International Business Law, International Dispute Resolution

This course is intended for students who are interested in pursuing a career in an international arena with a specialisation in international dispute resolution mechanisms in private practice, in house or in the public sector. The module gives students a firm grounding in international investment arbitration covering international investment disputes under ICSID, and other procedural rules from a procedural as well as a substantive standpoint. The course also gives the students an overview of bilateral and multilateral investment treaties, their structure and content. The weekly lectures are given by well-known practitioners with very many years' experience in this field, both in terms of arguing and deciding investment arbitration cases (whether arising under an investment treaty, a contract, or under a domestic law). There is also a series of accompanying tutorials given by a small team of well-established practitioners, who explore further with the students the issues that have been the subject of the lectures.

7FFLA605 PRINCIPLES OF ENTERPRISE LAW

Module Leader: Dr Ewan McGaughey

Teaching Team: Dr Ewan McGaughey

Semester: 2

Credit Value: 20

Assessment Pattern: 100% coursework, 5000 word dissertation

Pathway/s: International Business Law

Principles of Enterprise Law is a new course, and possibly the world's first, on our economic constitution. From a global, EU and UK perspective we examine the finance, governance, and rights of stakeholders in the major kinds of private or public enterprises. This starts with a general understanding of the modern corporation, and how over the 20th century major sectors swung to and fro between nationalisation and privatisation. Our goal is to understand which ownership systems work best, and regardless of ownership, what are the optimal governance structures of enterprise? How do we actually deliver the social and economic rights enshrined in international law in the best way? What should be the futures of capitalism and socialism in trying to solve global problems such as inequality, climate damage, and war?

In this half module, our classes usually proceed through history, and theory, and then go sector by sector: universities, health care, banks, oil and gas, electricity, transport, and web and broadcast media. We analyse the finance, governance and social rights in each. There is some flexibility to change these classes based on what interests members of the seminar. The reading is based around a forthcoming text, Ewan McGaughey *Principles of Enterprise Law* (Cambridge University Press, 2021). Assessment will be by coursework, which can focus on one of our enterprises from class, or on anything else that the member chooses: short presentations are made in the last class of term about the dissertation. In the past three years, this course has attracted some exceptionally good work, and best suits those with an interest in law, economics, and empirical evidence. Knowledge of company, labour, competition, insolvency, human rights and administrative law is useful but not essential. Join the Facebook group (and yes, we will also look at Facebook's governance) "KCL Enterprise Law" to see what we do in advance.

7FFLA610 TRANSNATIONAL HUMAN RIGHTS LITIGATION

Module Leader: Dr Silvia Borelli

Teaching Team: Dr Silvia Borelli, Tim Otty

Semester: 2

Credit Value: 20

Assessment Pattern: 100% coursework

Pathway/s: Transnational Law, International Dispute Resolution

Modern transnational human rights litigation cuts across traditional distinctions between jurisdictions and between national, European and international sources of the law and presents a number of challenges, pitfalls and opportunities to the practitioner. Strategic litigation of human rights violations plays a crucial role not only in ensuring that victims of human rights abuses obtain redress for the harm they have suffered, but also in ensuring that governments are held accountable for their actions and that the “right to the truth” of victims and society at large is effectively realised.

The class will present students with case studies, including cases as diverse as the “war on terror”, human rights claims arising out of conflicts in Chechnya and Iraq, constitutional challenges to the criminalisation of homosexual conduct, and challenges to criminalization of human rights defenders in Latin America. Students will study how these cases were litigated and why they were litigated in a particular way, developing an understanding of the practical aspects of transnational human rights litigation.

The module will draw on the experience of the instructors, who are, respectively, a leading human rights barrister with extensive experience of litigating international human rights cases in a variety of fora, and an academic specialising in international human rights law who has extensive practical experience in assisting human rights NGOs in strategic human rights litigation.

7FFLA617 LAW WITHOUT THE STATE

Module Leader: Professor Thomas Schultz

Teaching Team: Professor Thomas Schultz

Semester: 2

Credit Value: 20

Assessment Pattern: 100% coursework

Pathway/s: Transnational Law

Most lawyers, indeed most people, think that law is necessarily something created by states. National law is created by one nation-state, international law by several. But just why? Why do we think of law as a creation of states? Can we disconnect law from states? Would this be a good idea? Does it matter that law is anything specific? Non-state actors, generally speaking, have become stronger in creating or pushing for norms. Does this – should this – mean that law, the very idea of law, will change? At some stage in the past, there weren't any states, but surely there was law. If something similar were to happen again, what would we be calling law? Nothing at all? Just anything? When lawyers describe the law in a given field, they normally focus on legislation and cases, on state and administrative practice, on treaties and other forms of state activity. This works in practice for most people and most situations. But is it quite correct intellectually?

Please note that this module is capped at 30 students.

7FFLA621 CRYPTOCURRENCIES AND BLOCKCHAIN: TECHNOLOGICAL
ADVANCES AND LEGAL CHALLENGES

Module Leader: Professor Michael Schillig

Teaching Team: Professor Michael Schillig, Dr Christoph Kletzer, Luke Riley

Semester: 2

Credit Value: 20

Assessment Pattern: Exam: 100% 2-hour exam (closed book)

Pathway/s: International Financial Law, International Business Law

The rise of crypto-currencies such as Bitcoin, and, more generally, distributed ledger technologies, has shown that we might be at the cusp of another wave of disruptive technologies revolutionizing the way we do business and interact, more generally. This time around it looks as if financial transactions in general and the role of financial institutions and regulators will face some fundamental challenges. This means that a lawyer wanting to be up to speed in these fields has to understand both the basic operation of these technologies and has to also be able to anticipate the regulatory challenges these technologies pose and the way current legal regimes deal with these technologies. This module will provide a foundation in distributed ledgers and crypto-currencies, and its legal contexts. Following an introduction into the underlying technology, we will focus on the law and economics of cryptocurrencies and blockchain, starting with an analysis of the applicability and suitability of general commercial law concepts such as property and contract law, to then focus on the potential these new technologies hold in the realm of financial law in terms of payment systems, securities holding and trading, derivatives, securitization and Initial Coin Offerings/Securities Token Offerings. Throughout the module will be interdisciplinary, focusing on law, technology and economics.

The module aims to:

- equip the students with a basic understanding of the technologies behind cryptocurrencies and blockchain.
- to provide students with a deeper insight into the legal and regulatory challenges that these technologies present, focusing on general private and commercial law concepts (property, contract law) as well as financial transactions and regulation (capital markets law, payment systems, derivatives, securitization, Initial Coin Offerings/Securities Token Offerings).
- give the students confidence to enter into an informed discussion at the intersection of law and technology on these matters.

7FFLA623 THE LAW AND PRACTICE OF MODERN SLAVERY

Module Leader: Professor Parosha Chandran

Teaching Team: Professor Parosha Chandran

Semester: 2

Credit Value: 20

Assessment Pattern: 2 hour closed book exam: 80%, Presentation: 20%

Pathway/s: Transnational Law

"The Law and Practice of Modern Slavery" is a highly dynamic and practical module that will provide students with an in-depth legal understanding of the crimes captured by the umbrella term "modern slavery" in today's world.

We will learn about the domestic, regional and international legal frameworks for the protection against human trafficking, slavery, servitude and forced labour (the umbrella term for these crimes and others being 'modern slavery'), as well as laws relating to forced marriage, debt bondage and the removal of organs.

We will look at laws and policies on forced labour and slavery in corporate supply chains. We will consider whether corporate criminal or civil liability may need to be introduced in some cases to better address modern slavery crimes and we will see whether treaties and conventions support this.

We will study the treaties and conventions and also the jurisdictions (and case law) of relevant international courts and tribunals.

The module will give students a detailed insight into, and initiate discussion on, the ground-breaking cases and legal advisory work that Professor Chandran has been involved in and which have set critical precedents leading to the development of law and policy on trafficking and modern slavery in the UK and in many countries abroad.

The module will include an in-depth analysis of leading cases emanating from the English legal system as well as European Court of Human Rights, the Inter-American Court of Human Rights, the United Nations ICTY, the International Criminal Court and other regional systems, such as the ECOWAS system in Western Africa (e.g. we will discuss the Hadijatou slavery case). We will also consider legislation and international legal guidance on trafficking, from the UN, the Council of Europe, the OSCE and the ILO amongst others.

The module will answer critical questions such as “who is trafficked and who is enslaved” from the situation of both children and adults and in different legal jurisdictions. We will discuss whether human trafficking crimes are sufficient to combat modern slavery, or whether free-standing 'exploitation' crimes of slavery, servitude and forced labour are also needed in order to complement a State's response to combatting modern slavery in all its forms and if so what additional crimes might be needed. We will consider how domestic laws must include victim protection measures, including identification and assistance schemes, and what forms these may take. We will also discuss the importance of compensation for victims and what forms this may and should take. Prosecuting the perpetrators of modern slavery crimes will be covered in the course, with case law examples given. An important focus will also be given to a detailed emphasis on the right to non-prosecution of victims of trafficking and other modern slavery crimes, for unlawful activities they committed as a direct result of their trafficking or enslavement. Again, we will consider real-life cases, laws and how to better protect such vulnerable people in today's world.

We will discuss, from a comparative and international perspective, how to develop legal strategies that may improve the world's responses to counter modern slavery crimes from practical yet diverse legal angles.

The module will also provide students with the opportunity to enhance their written and oral advocacy through the lens of the law on modern slavery. The course leader is a practicing barrister with over two decades of court experience. She warmly welcomes you to her module.

Please note that this module is capped at 30 students.

7FFLA624 Legal Regulation of Economic and Financial Crime

Module Leader: Dr Aleksandra Jordanoska

Semester: 2

Credit Value: 20

Assessment Pattern: 5,000-word coursework essay (100%)

Pathway/s: International Business Law and International Finance Law

This module examines the nature, regulation and control of economic and financial crime at the national and transnational levels. The concepts of economic and financial crime encompass diverse criminal activities that involve the intentional use of deception or dishonesty to obtain a financial gain or cause a loss to another. As shown by recent high-profile cases such as the Volkswagen emissions scandal, the LIBOR and FX benchmarks manipulation, the Panama Papers, and even the 2008 global financial crisis, financial crimes are multifaceted, harmful, and always topical.

The module explores their definition, typology, and complex nature, for example, the common abuse or misuse of otherwise legitimate occupations, practices or markets; the role of the corporate form in facilitating transgressions, and the extensive economic harms to individuals, companies, the wider economy or the state. Further, the (often) ambiguous nature of business practices that may lie on the boundaries between (i)legal and/or criminal behaviour, and the challenges of effective markets oversight and prosecution of criminal offences have led to the development of a mixture of responses (e.g. regulatory and criminal justice mechanisms, prevention and enforcement) at the national and transnational levels. The course focuses on these special challenges for an effective control by law enforcement agencies, examining the

most important frameworks and mechanisms for governing financial crimes, and their

practical application. These issues are examined in more detail through a range of relevant case studies on the topics of fraud, bribery and corruption, tax evasion, money laundering, crime in the financial markets. Special focus is given to misconduct in financial markets covering topics such as the regulation of insider dealing and market abuse, market manipulation and the benchmarks rigging scandals, and the role of financial crime in the 2008 global financial crisis.

The module includes debates on how we evaluate the overall effects of national and global governance of financial crime. The students will be provoked to discuss and criticise current and contemplate alternative models of governance of economic and financial crime. The module provides students with an opportunity to gather tools to analyse any form of economic and financial crime, and use these to question whether, and to what extent, there are common themes in the regulation of financial crime in general. In terms of course content, the academic material that you will engage with draws upon theoretical, conceptual, and empirical arguments from several disciplines. The course will also draw upon materials from policy (e.g. developments in legal frameworks and cases, the initiatives of business and industry) and practice (e.g. control mechanisms implemented by the government or by the private sector etc.).

7FFLA626 CYBERSPACE LAW: "BIG DATA", ALGORITHMIC GOVERNANCE AND DEMOCRACY

Module Leader: Penelope Nevill

Teaching Team: Penelope Nevill, Jonathan Price, Bernhard Maier

Semester: 2

Credit Value: 20

Assessment Pattern: a 4000 word research paper and Presentation

Pathway/s: International Business Law, Transnational Law

Cyberspace Law: 'Big Data', Algorithmic Governance and Democracy will offer a critical introduction of the law governing cyberspace through the lens of public international law, public law and regulation as well as technological developments.

The course will provide an overview of the 'hard' and 'soft' physical architecture of the internet, i.e., the telecommunications systems and protocols which make up the internet and 'world wide web', and the related legal frameworks from the perspective of public international law and public law. It will examine jurisdictional questions: how do international and domestic laws deal with the borderlessness of cyberspace? How are disputes resolved in cyberspace? How are public and private actors governed by international and domestic laws? What law governs the deployment of satellites? The class will discuss the principle of net neutrality, whether there is a 'right of access to the internet' and the impact of recent political, social and economic developments. We will examine the data explosion from the perspective of the individual - human rights, privacy, data protection, and the notion of self. We then ask the same questions from the perspective of the State - secrecy vs openness (e.g. Wikileaks), the use of social media to bring about constitutional change both positively through facilitating freedom of expression and protest and negatively through activities such as the manipulation of elections and the use and abuse of information and surveillance by States.

The class in semester 2 is made up of ten seminars. The provisional class list is as follows:

1. INTRO: New frontiers: pioneers of cyberspace, manifestos and broken dreams
2. The web's physical and legal architecture
3. Cyberwarfare and offensive tech in private hands
4. Jurisdiction
5. Big tech and democracy
6. The Internet, Information and the State
7. Regulating big tech 1: competition law, government regulation
8. Regulating big tech 2: the human rights approach (hate speech, defamation and data protection)
9. Platform law (terms of service, community standards and FB's Oversight Board)
10. Robots (AI, ML) and the law

The course is convened by three practitioners, Penelope Nevill (Twenty Essex), Jonathan Price (Doughty Street) and Bernhard Maier (Squire Patton Boggs), working across public international law, human rights law and media and data law and commercial law. It is assessed through a 4000 word research paper. Students are encouraged to use their papers to pursue and explore research paper topics in areas they are interested in. There will be opportunities for students to present short presentations to the class on their research topic.

7FFLA627 INSURANCE LAW 1

Module Leader: Dr Ozlem Gurses

Teaching Team: Dr Ozlem Gurses

Semester: 2

Credit Value: 20

Assessment Pattern: 100% 2-hour exam (closed book)

Pathway/s: International Business Law, International Financial Law

Insurance law is a dynamic and exciting aspect of commercial law that all young aspiring law practitioners would benefit from developing an understanding of to underpin their wider legal studies. London traditionally is the most important insurance market that developed insurance practice and law. Today Lloyd's of London and the London Company Market insure risks placed all over the World. This course offers an excellent introduction whether you wish to specialise in insurance law or merely to widen your understanding of a key component of commercial law. It would be very suitable for students wishing to go on to focus on any areas of law including commercial law and law of finance.

Insurance Law is deeply ingrained in our modern society. Individuals and businesses take a number of risks every day. Travelling from one place to another, driving, working as a professional eg as a solicitor or barrister or medical doctor or a plumber, in a bigger scale operating financial institutions, importing - exporting goods all involve risks. Individuals and businesses take into account the risks involved and take out insurance against such risks. When we go on a holiday we take out travel insurance, if we take out a mortgage the bank requires us to take out a life insurance policy, when you purchase a coffee from a chain coffee shop you must know that inevitably they are insured against their liabilities eg for accidentally spilling the coffee and injuring their customers, importers of goods insure their cargoes carried from overseas countries, airline, trainline, and bus companies purchase insurance insuring their liability to passengers, shipowners purchase hull insurance against loss of or damage to their expensive ships and insurance against their liabilities to their employees as well as the companies that they trade with. The list is nearly endless, however, whether you do public or private law you must know that there is insurance behind several risks that one may encounter in a day. The English courts today discuss insurance matters every second week if not weekly. We cannot know how many major insurance or reinsurance matters are also arbitrated every day not only in London but also in all other major commercial centres. Hence, studying insurance law will not only broaden your aspect as a lawyer and as an individual but also will be very useful in your career irrespective of your profession. You will have a better understanding of how we all do risk assessments every day and in doing so, by knowing the principles of insurance law applicable to it, how we can protect your interests at the contract making stage at the outset, or at the dispute stage by knowing your rights and responsibilities again to protect your interest in the best possible way.

In order to teach insurance law broadly we offer two insurance law courses as Insurance Law 1 (autumn semester) and Insurance Law 2 (spring semester) on the postgraduate taught programmes.

Insurance Law 1 aims at introducing the general principles of insurance law. This course is offered in Semester 1 because it lays the foundations for understanding of how specialised types of insurance contracts operate. It is fundamental for an insurance lawyer to understand the general principles before moving to the specialised types of contract such as property insurance, liability insurance or marine hull and cargo insurance. This course will start with the special procedure that the London

insurance market follows in formation of insurance contracts. It will then move to insurable interest, which has separate principles in life and indemnity insurances. The duty of fair presentation of the risk (previously duty of good faith), which will follow insurable interest, is the most disputed area of insurance contract law. The construction of insurance contract terms is the most fundamental topic not only in terms of deciding the scope of the coverage that the policy provides but also whether or not non-compliance with the policy terms after the risk occurs impacts the insurer's liability. Insurance brokers play a crucial role in the insurance relationships and the duties of insurance brokers are inevitably included in this course programme. It is also necessary to highlight the importance of the principles of subrogation.

Although an assured has an insurance policy, and by paying the premium for it he naturally assumes that when a risk occurs the insurer will compensate the loss, by reading this course, you will understand that dealing with an insurance claim is not as straightforward as it seems at first sight. By the end of the course you will have learnt how to read and interpret an insurance contract from a lawyer point of view and either as an insurer or as an assured what are the issues that require attention to assess contractual rights.

7FFLA629 OIL AND GAS LAW: COMMERCIAL TRANSACTIONS, MIDSTREAM AND DOWNSTREAM

Module Leader: Professor Djakhongir Saidov

Teaching Team: Professor Djakhongir Saidov, Professor Patrick Wallace

Semester: 2

Credit Value: 20

Assessment Pattern: 100% 2-hour exam (closed book)

Pathway/s: International Business Law

This module focuses on the key legal principles, rules, agreements and transactions in the context of: (1) commercial dealings between international oil and gas companies, as opposed to state-to-company relationships; and (2) midstream and downstream oil and gas operations. This module is intended to complement another LLM module on oil and gas law, namely, International and Comparative Oil and Gas Law. Taken together, these two modules will provide a comprehensive, systematic and complete coverage of the governance of oil and gas transactions in the world today. This module will not be confined to a particular jurisdiction and will be taught from the international and comparative perspectives so as to be of relevance and educational value to any student, regardless of their jurisdiction or legal background.

This module will critically examine some of the most relevant, topical and complex areas in the law of oil and gas law, including:

- (a) Service contracts and other commercial agreements in the upstream sector, including clauses in them that have special relevance in the context of oil and gas operations (such as indemnity clauses, exclusion and limitation of liability clauses, force majeure and adaptation clauses)
- (b) Sale of oil and gas (spot oil sales contracts, long-term gas sales agreements)
- (c) The role of insurance and insurance contracts in the oil and gas sector
- (d) The transportation of oil and gas, especially oil and gas pipelines (midstream)
- (e) Liquefied Natural Gas (LNG) projects and transactions (midstream)
- (f) Refining and other downstream transactions in petroleum products.

7FFLA630 UK COMPETITION LAW

Module Leader: Professor David Bailey

Teaching Team: Professor David Bailey, Christopher Brown

Semester: 2

Credit Value: 20

Assessment Pattern: 100% 2-hour exam (open book)

Pathway/s: Competition Law

This module is concerned with the control of private economic power through the competition laws in the UK. Those laws are contained primarily in the Competition Act 1998 (as amended) and the Enterprise Act 2002. The landscape for competition law enforcement in the United Kingdom has changed out of all recognition in the last few years. Articles 101 and 102 of the EU Treaty are directly applicable in the UK, and, in certain circumstances, the domestic authorities and national courts are obliged to apply them. However, there is also a substantial body of competition case-law and decisional practice in the UK. The purpose of this module is to consider the rationale, scope and application of the Chapter I and II prohibitions in the Competition Act 1998 (which broadly correspond to the Articles 101 and 102 EU). It will also examine distinct features of UK competition law, including concurrent enforcement by sector-specific regulators of the Competition Act 1998 and market investigation references, the domestic merger control regime, super-complaints, and the criminal cartel offence under the Enterprise Act. No previous knowledge of the subject is required.

7FFLA634 COMPETITION LAW AND THE DIGITAL ECONOMY

Module Leader: Dr Andriani Kalintri

Semester: 2

Credit Value: 20

Assessment Pattern: 100% take-home exam

Pathway/s: Competition Law

The advent of the digital economy has had a transformative effect on how firms compete, how consumers behave and how markets work. For the most part, this effect has been hugely positive: digitisation, coupled with the internet, and the emergence of new technologies have led to unprecedented innovation, reductions in transaction costs and greater choice. At the same time though, the use of algorithms, the key role of big data and the emergence of few powerful ecosystems and platforms have given rise to strong concerns, among others, about collusion, increased concentration, economic domination, exploitation and loss of privacy. Amidst this complex and dynamic environment, policymakers and courts around the world have been presented with challenging questions concerning the proper role for and application of competition law.

Against this backdrop, this module will examine the implications and challenges of the digital economy for competition law and enforcement. In so doing, it will explore three broad themes: (a) the distinct characteristics of the digital economy, as well as its benefits and potential risks for competition; (b) the adequacy or need for possible reform of the existing rules, methodologies and tools in competition law and enforcement; and (c) the interplay between competition and regulation, as well as between competition law and other fields, such as consumer or data protection. With these themes in mind, a broad range of topics will be considered, including platform power; algorithmic collusion; big data; novel business models and forms of conduct, such as restrictions in price comparison websites, personalised pricing, self-preferencing behaviour by online platforms, and data collection and sharing practices; emerging theories of harm; digital mergers; digital economy-related competition policy initiatives around the world, such as the various reports commissioned or published by several competition authorities in Europe and beyond; and enforcement challenges and prospects.

The focus of this module will be global: its scope will not be confined to a specific regime, but it will rather take a 'first principles' approach drawing on examples from multiple jurisdictions, as appropriate - including, but not limited to, the European Union, the United States, the United Kingdom, Germany, Italy, the Netherlands, France, India, Russia and Australia.

Research and Practice Modules

7FFLA903 DISSERTATION, 15,000 WORDS (60 credits)

7FFLX001 DISSERTATION, 10,000 WORDS (40 credits)

Semester: Full Year

Credit Value: 40 or 60 credits

Assessment Pattern: Coursework: 100%

You can satisfy the writing project requirement by writing a dissertation, whereby you conduct research on an agreed research topic under the supervision of an academic staff member. You can choose either a 40-credit dissertation (10,000 words) or a 60-credit dissertation (15,000 words). An additional dissertation handbook will be made available on KEATS when you enrol.

7FFLX005 EU MERGER CONTROL PRACTICE MODULE

Module Leader: Professor Alison Jones

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% coursework (10,000-word case study)

Pathway/s: Competition Law

This course aims at enhancing the student's understanding of European Union merger control. It builds upon the EU competition Law course, focusing in greater detail on complex legal, economic and practical issues raised by a full and detailed merger case study, which is based on real-life cases dealt with by the European Commission. Students will have the opportunity to work in groups and on their own in analysing the case study and applying the law to the facts. One group of students will be the Commission case team, another will be the notifying party and a third will be an interested third party. The idea is that students will have an opportunity to present and discuss the issues raised by the case study in a structured workshop. The workshop will be guided by the module leaders, European Commission officials and practitioners. The course is assessed by students preparing their own written legal memorandum advising on the issues raised by the case study.

Students wishing to take this option will be required to take the EU Competition Law course or already be familiar with EU competition law, in particular EU merger control.

7FFLX007 LAW AND NEW MODES OF GOVERNANCE IN THE EUROPEAN UNION

Module Leader: Professor Alexander Turk

Teaching Team: Professor Alexander Turk

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% coursework (10,000-word case study)

Pathway/s: Competition Law

This research module is financed by the European Commission. It aims at disseminating research undertaken by a Jean Monnet Network called SoLaR (the European Network of Soft Law Research) which brings together six European universities, including KCL (<https://www.solar-network.eu/>).

During the past decades, new governance instruments have been relied on at an increasing rate in the European Union. Soft law, framework norms, policy coordination, co-regulation, self-regulation, and network governance are now an important feature of the European legal landscape. While being adopted through flexible procedures that could ensure higher participation and openness, these modes of governance have been often criticized as illegitimate, lacking transparency, and producing rather uncertain legal effects. This module aims to enable a debate on the nature of 'new' governance instruments, as well as the challenges they raise with regards to rule of law values. We will look at the way in which new governance and the traditional 'Community' method interact, and sometimes merge, creating hybrid systems in many policy areas of the European Union, ranging from economic coordination to competition law enforcement and social policy. Such transformation of EU law is not only of theoretical interest, as new modes of governance are being relied on more and more in order to find solutions to curb the negative effects of the economic crisis and to prevent such occurrences from happening in the future. Particular emphasis will be placed on the ways in which soft law is dealt with by the administrations and courts, in order to stimulate reflection on the changes and adaptations necessary at the level of traditional institutions in order to accommodate new modes of governance.

By taking this module, students will benefit from the work undertaken under an international project, while being able to actively engage in research and participate in the works of SoLaR. Academics from the SoLaR network will be invited to discuss their research with the students and comment on students papers. Students will be encouraged to publish their final papers on the SoLaR webpage and in the SoLaR SSRN Working Papers Series.

7FFLX011 GLOBAL DIGITAL ENFORCEMENT OF INTELLECTUAL PROPERTY (IP) AND INFORMATION TECHNOLOGY (IT) (PRACTICE PROJECT)

Module Leader: Professor Frederick Mostert

Teaching Team: Professor Frederick Mostert

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% coursework

Pathway/s: Intellectual Property & Information Law

Global Digital Enforcement of Intellectual Property highlights the current legal issues of counterfeiting and piracy faced by global and local Intellectual Property portfolios. UK, US and international principles of online copyright, trademark law, design rights and other IP will be covered. Our module is also linked to the DigiLabs, the Digital Communities Lab, see <https://www.digilabs.global/>.

Subjects will include social media and brand reputation management, use of Blockchain, Artificial Intelligence, Big Data Analytics and other digital tools to protect IP. Digital issues in Fashion Law and IP Cyber Security will also be examined.

The module will examine in detail the challenges encountered by industry and private practice IP lawyers when enforcing the IP rights of their clients online and offline worldwide.

Outside experts such as Detectives from the City of London Police, Judge Richard Arnold, the General Counsel of Stella McCartney, the CEO of Silicon Valley BrandBastion, and Alibaba's counterfeit and piracy experts, among others, will provide perspective. We will also visit the Cyber Crimes Unit of the City of London Police, Alibaba's Headquarters and the Fashion Law Summit in London to gain more hands on insight into their workings.

The module will present students with the opportunity to participate in live cases, and analyse case studies of recent legal skirmishes, with an emphasis on learning how to protect the various layers of a client's online and offline IP portfolio. Case studies include the eBay and Alibaba negotiations on anti-counterfeit and piracy measures and obtaining website blocking orders on behalf of trade mark owners. The interplay between practice and the fundamental principles of intellectual property law will be highlighted. This will include an analysis of the new norm-setting global measures which are currently being developed by online platforms especially in Europe, China and the US. The defence of free speech and Internet Regulation will also be analysed in this context.

Students will also be provided an opportunity to participate in the next phase of a World Intellectual Property Organization study which seeks to develop frontline policy and guidelines for worldwide online enforcement.

7FFLX013 "HARD" CASES AND REGULATORY CHALLENGES IN TRANSNATIONAL
LAW AND GLOBAL GOVERNANCE (RESEARCH MODULE)

Module Leader: Professor Peer Zumbansen

Teaching Team: Professor Peer Zumbansen

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% coursework

Pathway/s: Transnational Law

Practicing lawyers are often confronted with the limitations of having to rely on precedent or legislation when advising clients in areas of "new" law, or where court decisions and statutory regulations are not yet sufficiently available. While this might be due to the fact that the law - in a domestic setting - is only slowly awakening to a recently emerged regulatory problem, this governance lag is amplified in the context of transnational activities, where issues of sovereignty, jurisdiction and forum pose additional obstacles to the creation of effective legal regulation. Practically speaking, lawyers in such cases frequently resort to teamwork, to experts, stakeholders and other relevant parties "on the ground", eventually shifting their strategy from litigation to a combination of legal consultancy, advocacy, coalition building and even public awareness building. This type of lawyering requires considerable flexibility, competences and resources, which are not readily available to every lawyer. From a theoretical perspective, the lawyer might find herself overwhelmed by what can be the technical, cognitive as well as the moral complexity of the case setting she is working on.

At the centre of the module is the shift away from training lawyers in learning and interpreting the law primarily through the study of jurisprudence (case law as in the common law tradition) or through the interpretation of statutory law (legislation - civil law tradition). Instead, students are invited to take on the perspective of the lawyer, advocate, activist who is involved in "building" a case from a set of diverse, inchoate and constantly evolving facts and data. This reversal of perspective is a crucial element in confronting students as future practitioners with the real-world challenges of an effective "access to justice".

Assuming the position of legal practice and rights advocacy, students immerse themselves into a case from the "bottom up" by identifying and negotiating the affected and involved interests, finding and navigating the applicable law, including - possibly - soft law, codes of conduct, social norms etc, and developing a Legal Interest Representation Strategy ("LIRS"), which folds the task of "client-representation-by-lawyer" into a larger approach of mobilizing associated goals and making long-term development, law reform and policy design part of the advocacy process. In contrast to giving legal advice to a client in a more or less confined and concrete legal question regarding, say, liability, entitlement, conviction or acquittal, the development of a LIRS might include a variety of avenues, including but not limited to designing a litigation or defence strategy, to the enhancing of legal and political rights, to engaging in coalition and public awareness building or to contributing to a sustainable stakeholder interest representation process.

7FFLX014 INTERNATIONAL INVESTMENT LAW AND POLICY (PRACTICE PROJECT)

Module Leader: Dr Federico Ortino

Teaching Team: Dr Federico Ortino, Dr Florian Grisel

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% coursework

Pathway/s: International Business Law, International Dispute Resolution

This module aims at providing students with the opportunity to gain a deeper understanding and knowledge of the international investment law and policy regime. Students will have to develop an awareness of the critical legal issues in the current regime, including the substantive protections afforded to foreign investors and the dispute settlement mechanisms provided by the system. Policy considerations underlying this area of the law will be examined as international investment law broadly limits States' regulatory prerogatives in many important and sensitive economic sectors such as energy, transportation, water services. As the practice project will be different every year, during the first seminar, we will provide more details on the specific project. While strictly speaking there is no pre-requisite for the course, we strongly suggest enrolling in either the International Investment Arbitration or International Investment Law modules.

7FFLX017 LAW OF INTERNATIONAL FINANCE (PRACTICE PROJECT)

Module Leader: Professor Ravi Tennekoon

Teaching Team: Professor Ravi Tennekoon

Semester: 2

Credit Value: 40

Assessment Pattern: 100% coursework

Pathway/s: International Financial Law

Pre-requisite: Students must take Law of International Finance 1, 2 and 3; registration is permitted only after students have presented at least one seminar paper at the LOIF 1 seminars in semester one at a standard acceptable to Professor Tennekoon.

This module is focused on the major transactions carried out by investment banks, transnational banks and multinational corporations in the vast global financial markets which have developed in London, New York and Tokyo in recent years as well as in locations such as Singapore, Hong Kong, Frankfurt, Paris and Sydney. It is designed to examine the legal structures used in these transactions and the complex legal issues arising in the context of these transactions due to their transnational and multijurisdictional nature.

Please note that this module is capped at 40 students.

7FFLX019 WORLD TRADE LAW AND POLICY (PRACTICE PROJECT)

Module Leader: Dr Holger Hestermeyer

Teaching Team: Dr Federico Ortino,

Semester: 2

Credit Value: 40

Assessment Pattern: 100% coursework

Pathway/s: International Business Law, International Dispute Resolution

This module aims at providing students with the opportunity to gain a deeper understanding and knowledge of the world trade law and policy regime. Students will have to develop an awareness of the critical legal issues in the current regime, particularly the policy approaches and legal instruments adopted in international trade agreements for the liberalization of trade in goods and services as well as for the integration of markets. Policy considerations underlying this area of the law will be examined as international trade law broadly limits States' regulatory prerogatives in areas such as public health, labour rights, environmental protection, public morals.

While the practice project may in principle change every year, we expect that next year the focus will be on the future UK trade policy post Brexit.

While there is no pre-requisite for the course, we suggest enrolling in the World Trade Law module.

7FFLX022 INTERNATIONAL TAX LAW: TRANSFER PRICING (PRACTISE
MODULE)

Module Leader: Nadia Ali

Teaching Team: Nadia Ali

Semester: 2

Credit Value: 40

Assessment Pattern: 100% coursework

Pathway/s: International Tax Law

Prerequisite: students must have completed 7FFLA583 International Tax Law: Transfer Pricing.

Transfer pricing is the single biggest issue in international taxation for multinational business and tax administrations. The aim of this module is to critically and comprehensively analyse the legal issues pertaining to Transfer Pricing and is addressed to lawyers, accountants and tax policy-makers, whether in private practice, as in-house counsel, or government employees. The course takes a practical, transactional and multi-jurisdictional perspective and examines in depth the OECD Transfer Pricing Guidelines including the rules and Commentary of the OECD Model Tax Convention and the UN Transfer Pricing Manual, together with a detailed analysis of transfer pricing disputes and practice including the expanding body of case law. Assessment is by written practice project of 10,000 words. Students will be required to produce a transfer pricing report or position paper based on a practical case study similar to those they will encounter in practice.

7FFLX024 GLOBAL DIGITAL ENFORCEMENT OF INTELLECTUAL PROPERTY
(PRACTICE PROJECT)

Module Leader: Professor Frederick Mostert

Teaching Team: Professor Frederick Mostert

Semester: Full Year

Credit Value: 60

Assessment Pattern: 100% coursework

Pathway/s: Intellectual Property & Information Law

Global Digital Enforcement of Intellectual Property and Information Technology highlights the current legal issues of counterfeiting and piracy faced by global and local IP portfolios. Cutting edge legal tools will be analysed together with government policies and client strategies based on real world international cases. The critical importance of the bundling of IP rights and its significance to enforcements will be analysed. The challenges, pitfalls and opportunities of digital enforcement to the modern day IP practitioners will be explored in depth.

The class will, in 18 two-hour seminars, present students with different case studies, including the eBay and Alibaba negotiations on anti-counterfeit measures, obtaining website blocking orders on behalf of trade mark owners, helping implement government policy on 'notice and trackdown', dealing with domain names around new gTLD's and conflicts, reviewing and advising on a recent WIPO project on international online enforcement, and tackling IP social media and cyber-security issues. Students will learn about how these cases were conducted and be able to participate and advise on real, live cases thereby developing an understanding of the practical aspects of transnational enforcement.

Students will be required to write a 15,000 word written assessment that is focused on the multiplicity of strategic, policy and tactical legal issues.

7FFLX025 THE LAW AND POLICY OF FINANCIAL TECHNOLOGY
(PRACTICE PROJECT)

Module Leader: TBC

Teaching Team: TBC

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% coursework

Pathways: International Financial Law, International Business Law

The module aims to provide students with the opportunity to gain a deeper understanding and knowledge of the financial technology field and regime.

As the practice project may vary every year to reflect contemporary topics within the field, during the first seminar, we will provide more details on the specific project.

7FFLX026 ADVANCED TOPICS IN INTELLECTUAL PROPERTY (PRACTICE
PROJECT)

Module Leader: Mr James Parish

Teaching Team: Mr James Parish, Dr Emily Hudson, Professor Tanya Aplin, Dr Barbara Lauriat

Semester: Full Year

Credit Value: 40

Assessment Pattern: 100% coursework

Pathway/s: Intellectual Property & Information Law

Advanced Topics in Intellectual Property Law will offer a research-oriented approach to studying intellectual property law that also fulfils the research/writing requirements of the LLM.

It will enable students to engage in a deep way with specific, controversial and cutting edge issues in IP law, such innovation policy, copyright and education, artificial intelligence and IP enforcement. It will expose students to different methodological perspectives (including doctrinal, economic, socio-legal and historical perspectives) and equip students with the ability to engage in normative analysis.

The module will be taught by a series of seminars, some of which will be shared with LLB students undertaking the Level 6 version of the module. Seminars will be conducted by members of the King's Faculty and guest lecturers who are research leaders in the topics to be covered, and will expose students to seminal IP literature.

Assessment will be by way of a class presentation (15%) and a dissertation of 10,000 words, inclusive of footnotes (85%).