



UNIVERSITY OF LAPLAND
LAPIN YLIOPISTO

Master of Comparative Law (MCL)
Diploma Programme

Course Catalogue
2006-2007

Visiting address: Yliopistonkatu 8
Mail: Box 122, FI-96101 Rovaniemi, Finland
Internet: www.ulapland.fi/law/mcl

Version 15.6.2006

CONTENTS

Introduction

Commercial Law

Commercial Law	1
International Trade Law	2
Banking and Finance Law	3

Criminal Law

International Criminal Law	4
----------------------------------	---

Intellectual Property and Competition Law

Copyright Law	5
Industrial Property Law	6
Competition Law.....	7

Introduction to Finnish Law

Introduction to Finnish Law	8
-----------------------------------	---

Legal Informatics

Information Law and Information Technology Law	9
--	---

Legal Linguistics

Applied Comparative Law: Major Legal Languages	10
Legal History: The Past and the Present of Nordic Law	11

Private International Law and Comparative Law

Private International Law and Comparative Law	12
Comparative Law.....	12

Thesis work	13
-------------------	----

INTRODUCTION

This course catalogue includes the courses offered in the Master of Comparative Law non-degree Diploma Programme in the Faculty of Law, University of Lapland, in the academic year 2006-2007. It contains the course information as it is today (see below). Changes and additions are always possible. The updated course catalogue is published on the web site of the Faculty in address www.ulapland.fi/law/mcl.

Students of the MCL Programme may choose freely from the programme's range of courses for the total number of 60 credits. Students may also choose other courses taught in English in the Faculty of Law (max. 20 credits in total) provided that the Course Director finds the course suitable for MCL students. The number of credits to be gained for one course may not exceed 6 credits (excl. thesis work). The thesis work is obligatory for all MCL students.

Courses consist of lectures, seminars, group work, writing essays and/or independent study of relevant reading material (books, articles, etc). Completing a course usually includes taking a *written examination* on the required reading. Furthermore, a separate *lecture test* may be arranged after a series of lectures. The tutor in charge of the course will explain the system of study on his/her course. Most of the courses are arranged both in the autumn semester (September – December) and in the spring semester (January – May). This indicated by the notion "Autumn and Spring" in the timing of the course.

Please, note that there will not be lectures on each of the courses. Some of the courses, for example, consist of independent study of the required reading and a written exam only. There is a strong emphasis on independent studying in all the courses.

The timetable for lectures in English is published in the beginning of each semester. The lectures on each topic are usually given in periodic series of lessons (e.g. during a period of one or two weeks). If the number of students attending the lectures appears to be small the lectures can be replaced by other methods of teaching, such as group work or independent writing of essays.

The students should frequently check the bulletin board of the Faculty (www.ulapland.fi/law) for updates, cancellations and new courses.

Written examinations are held on general examination days of the Faculty of Law. The list of examinations which can be taken on each of the general examination days is published in the beginning of the academic year. It is recommended that the students contact the course director before taking any examination in order to check the required reading and the date and time for the examination. Please, note that all students are required to register for the written examinations.

Rovaniemi, June 15, 2006

Ari Koivumaa

International Coordinator, Faculty of Law

Commercial Law

OLAW0101 Commercial Law

ECTS credits

8

Aim

The objectives of this course are to provide the students with a basic understanding of the Nordic Trade Laws and Corporate Codes.

Contents

- Understanding the position of trade law vis-à-vis other areas of law
- Principles of trade law
- Principle of free trade
- Defects and Delays in deliveries
- Nordic Trade Laws and CISG
- Lex mercatoria
- Incoterms
- Nordic Corporate Codes
- Corporate Governance
- Management incentives and liability
- Decision making in limited companies
- Mergers & Acquisitions

Method

Optional lectures and lecture examinations: Professor Huhtamäki. By attending lectures and lecture examinations students may gain points for the written examination of the course.

Required reading for the written examination.

Requirements

Written examination.

Literature

1. **Joseph Lookofsky:** Understanding the CISG in Scandinavia (second edition 2002).
2. **Erik Werlauf:** EC Company Law (1993 edition or later).

Evaluation

Written examination. Further information concerning evaluation may be asked from the professor or the assistant.

Timing

Autumn and spring. Lectures in the spring semester 2007.

Course director

Ari Huhtamäki, Professor of Commercial Law

Further information from professor Huhtamäki and the assistant.

Course director's email

Ari.Huhtamaki@ulapland.fi

OLAW0102 International Trade Law

ECTS credits

6

Aim

The main objective of the course is to study and compare European and American rules of private international law. International conventions relating to the settlement of private law disputes are also examined. Emphasis will be placed on knowledge and skills useful to practicing lawyers who litigate and arbitrate commercial problems at the transnational level.

Among the key topic headings to be considered are the European and American rules relating to: extraterritorial jurisdiction (den internationale kompetence/værneting); choice and conflict of laws; international commercial arbitration; and execution of foreign judgments and arbitral awards.

Contents

The course includes the following segments:

1. Extraterritorial jurisdiction. Traditional and exorbitant bases of jurisdiction under European and American (State and Federal) law. The EU Brussels Regulation on Jurisdiction and Judgements (2002). The doctrine of Due Process of law under the U.S. Constitution. Forum non conveniens under American/Common law, etc.
2. Choice and Conflicts of Laws. Choice and conflict under English, American (State and Federal) and Scandinavian law. The EC Rome Convention on Applicable Law in Contractual Matters (1980). Hague Convention on Applicable Law in Product Liability, etc.

3. International Commercial Arbitration. Drafting and enforcing the agreement to arbitrate. Ad hoc vs. institutional arbitration. UNCITRAL Arbitration Rules. Choice of law. Lex Mercatoria. Uniform Model Arbitration Act, etc.
4. Execution of Foreign Judgments & Arbitral Awards. Enforcement of foreign judgments under European and American law. Enforcement under the EU Brussels Regulation. New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

Previous studies

Students must have completed a basic (national law) course in private law (preferably including private international law) and must be able to read, understand and speak English well.

Method

Required reading, tuition in English either during the fall or in the spring semester.

Requirements

Written examination

Literature

1. **Lookofsky and K. Hertz:** Transnational Litigation & Commercial Arbitration (2nd ed. 2003), Chapters 1-6.

Total required reading about **600 pages**.

Evaluation

Written examination. Further information concerning evaluation may be asked from the professor or the assistant.

Timing

Autumn and spring. Lectures in the autumn semester 2006.

Course director

Ari Huhtamäki, Professor of Commercial Law

Course director's email

Ari.Huhtamaki@ulapland.fi

Additional information

Further information from professor Huhtamäki and the assistant.

OLAW0104 Banking and Finance Law

ECTS credits

6

Aim

The regulation of financial markets in Europe is developing rapidly both at the level of the European Union and at the level of the individual Member States. The objective of this course is to provide an understanding of the regulation, past, present and future, and of the principles involved in regulating the financial industry and the financial market place. As such, the course will examine the inter-action between EU law and the national regulation of the Nordic countries, where some are members of the EU, while others are members of the EEA. Focus will be on the regulation itself and on the inter-play between the EU and its Nordic Member States.

Contents

- The institutional set-up of the financial markets
- Financial services
- Investor protection
- Listing and prospectuses
- Corporate governance issues
- Takeovers
- Various forms of banking
- Banks as enterprises and subjects of public supervision

Previous studies

Reasonable understanding of English. Some prior knowledge of company law is useful.

Method

Required reading, lectures by Professor Huhtamäki.

Requirements

Written examination, lectures by Professor Huhtamäki and lecture examination.

Literature

1. **J. Lau Hansen (Ed.):** Nordic Financial Market Law, DJØF Publishing (2003).
2. **William Blair (Ed.):** Banks, Liability and Risk (2001).

Required reading covers **app. 450 pages**.

Evaluation

Written examination. Further information concerning evaluation may be asked from the professor or the assistant.

Timing

Autumn and spring. Lectures in the autumn semester 2006.

Course director

Ari Huhtamäki, Professor of Commercial Law

Course director's email

Ari.Huhtamaki@ulapland.fi

Additional information

Further information from professor Huhtamäki and the assistant.

Criminal Law

OLAW0302 International Criminal Law

ECTS credits

5

Aim

Course is a general introduction to international criminal law. The aim of the course is to give the student understanding of the development of international criminal law. Most important rules, concepts and principles of international criminal law are covered.

Contents

The following subjects will be covered:

- criminal jurisdiction
- international crimes
- international criminal tribunals

Method

Written examination or instead of examination active participation to a seminar (10 h) and writing an essay (10-15 pages).

Requirements

Written examination or seminar and essay.

Literature

Required reading for written examination:

One of the following items (A, B, or C):

- A) **Kittichaisree, K.**, International Criminal Law (2001) **or**
- B) **Cassese, A.**, International Criminal Law (2003) **or**
- C) **Bantekas, I. - Nash, S.**, International Criminal Law (2003).

Timing

Autumn and spring. Seminar is organized only in autumn semester. Written examination can be taken also in spring semester.

Exam dates

Official exam days of criminal law. International students may take criminal law exams also on other official exam days of the faculty, but an agreement of the course director is then required.

Course director

Minna Kimpimäki, Senior assistant of criminal and procedural law

Course director's email

Minna.Kimpimaki@ulapland.fi

Intellectual Property and Competition Law

OLAW0601 Copyright Law

ECTS credits

6

Aim

The aim of the course is to give students a deeper understanding of copyright and neighbouring rights from the viewpoint of national and international copyright law. In addition, the student is given an overview of the European Community copyright legislation and the special questions of copyright in the network environment. The aim is to make the student know some advanced topics of copyright law and understand the functioning of the international copyright system.

Contents

1. Advanced topics of copyright and related rights
 - 1.1. The birth of and the period of protection
 - 1.2. Exclusive rights and exemptions from them
 - 1.3. Right holders and the transfer of rights
 - 1.4. Copyright organisations

- 1.5. Infringements
2. International copyright system
 - 2.1. International conventions
 - 2.2. National treatment and minimum protection
 - 2.3. New copyright treaties
 - 2.4. TRIPS
3. European Community copyright law
 - 3.1. Copyright directives
 - 3.2. Enforcement
4. Special questions of copyright in the network environment
 - 4.1. Communication to the public
 - 4.2. Linking
 - 4.3. Liability and limitations to it
 - 4.4. Technological measures and digital rights management

Method

Required reading, optional lectures (where available).

Requirements

Written examination

Literature

1. **Bruun, N.:** Intellectual property law in Finland (2001), pages 15-62.
2. **Goldstein, P.:** International copyright (2001), pages 1-330.
3. **Intellectual Property - A Power Tool for Economic Growth (WIPO)**, chapters 6-7, available in address http://www.wipo.int/about-wipo/en/dgo/wipo_pub_888/index_wipo_pub_888.html
4. **Intellectual Property on the Internet: A Survey of Issues (WIPO)**, pages 1-63, available in address: <http://www.wipo.int/copyright/e-commerce/en/pdf/survey.pdf>

Regulations

Computer Programs Directive (91/250/EEC)

Rental and Lending Directive (92/100/EEC)
Satellite and Cable Directive (93/83/EEC)
Term of Protection Directive (93/98/EEC)
Databases Directive (96/9/EC)
Information Society Directive (2001/29/EC)
Resale Right Directive (2001/84/EC)
Berne Convention (1886/1979)
Rome Convention (1961)
WIPO Copyright Treaty WCT (1996)
WIPO Performances and Phonograms Treaty WPPT (1996)
Agreement on Trade-Related Aspects of Intellectual Property Rights
TRIPS (1994)

Timing

Autumn and spring

Course director

Ari Koivumaa, International Coordinator

Course director's email

Lawinter@ulapland.fi

OLAW0602 Industrial Property Law

ECTS credits

6

Aim

The aim of the course is to give students a deeper understanding of industrial property rights from the viewpoint of national and international law, including patents, trademarks, designs and domain names.

In addition, the European Community industrial property right legislation and the relationship between industrial property rights and the competition law especially in the area of information and communications technology are dealt with.

Contents

1. International industrial property law system
 - 1.1. International conventions
 - 1.2. Principles of national treatment and minimum protection
 - 1.3. Reforms
 - 1.4. Intellectual property rights related aspects of international trade
2. European industrial property law
 - 2.1. IPR directives
 - 2.2. Community rights
 - 2.3. Enforcement of industrial property rights
3. Advanced topics of patents
 - 3.1. The object and the scope of protection
 - 3.2. Applications
 - 3.3. Right holders and transfer of rights
 - 3.4. Exclusive rights
 - 3.5. Infringements
 - 3.6. Inventions and patents in employment
4. Advanced topics of trademarks
 - 4.1. The object and scope of protection
 - 4.2. Establishing and registering a trademark
 - 4.3. Exclusive rights
 - 4.4. Protection of well-known trademarks
 - 4.5. Brand and the protection for it
 - 4.6. Infringements
5. Industrial property and competition
 - 5.1. Industrial property rights as exclusive rights
 - 5.2. The abuse of rights
 - 5.3. Limits set by competition law to the use of IPRs
 - 5.4. The effects of IPRs on the development of technology

Previous studies

No compulsory requirements. It is, however, recommendable to have

a basic understanding of the intellectual property rights before taking the course.

Method

Required reading, optional lectures (where available).

Requirements

Written examination

Literature

1. **Bruun, N.:** Intellectual property law in Finland (2001), pages 63-163.
2. **Rahnasto, I.:** Intellectual property rights, external effects and anti-trust law: leveraging IPRs in the communications industry (2003).
3. **Intellectual Property - A Power Tool for Economic Growth (WIPO)**, chapters 1-5, available in address http://www.wipo.int/about-wipo/en/dgo/wipo_pub_888/index_wipo_pub_888.html
4. **Designs Guide (IPR Helpdesk)**, available in address: <http://www.ipr-helpdesk.org/guias/guia9/en/guia.pdf>
5. **Trade Marks Guide (IPR Helpdesk)**, available in address: <http://www.ipr-helpdesk.org/guias/guia5/en/guia.pdf>
6. **Intellectual Property on the Internet: A Survey of Issues (WIPO)**, pages 64-112, available in address: <http://www.wipo.int/copyright/ecommerce/en/pdf/survey.pdf>

Regulations

Designs Directive (98/71/EC)
Community Designs Regulation (No 6/2002, 12.12.2001)
Community Trademark Regulation (No 40/94, 20.12.1993)
Trademarks Directive (89/104/EEC)
Enforcement Directive (2004/48/EC)
European Patent Convention (1973/1998)
Paris Convention (1883/1979)
Patent Cooperation Treaty (1970/2001)

Madrid Agreement (1891/1979)
Agreement on Trade-Related Aspects of Intellectual Property Rights TRIPS (1994)

Timing

Autumn and spring

Course director

International Coordinator Ari Koivumaa.

Course director's email

Lawinter@ulapland.fi

OLA W0603 Competition Law

ECTS credits

6

Aim

The aim of the course is to give students a deeper understanding of the fundamental principles and rules of national, European and international competition law.

Contents

1. National competition law
2. European competition law and the legal basis of it
3. Regulation of public procurement

Previous studies

No compulsory requirements. It is, however, recommendable to have a basic understanding of the competition law before taking the course.

Method

Required reading, optional lectures (where available).

Requirements

Written examination.

Literature

1. **Korah, V.:** An introductory guide to EC competition law and practice, 8th ed. (2004).
2. **The FCA's Yearbook 2004**, pages 65-79 (English resumé), available in address: <http://www.kilpailuvirasto.fi/tiedostot/vuosikirja-2004.pdf>

Regulations

EC Treaty (2002), articles 81-86
EC Implementing Regulation (No 1/2003, 16.12.2002)
EC Merger Regulation (No 139/2004, 20.1.2004)
EC Commission Implementing Regulation (No. 802/2004, 7.4.2004)

Timing

Autumn and spring

Suggested year of studies

Second year of studies or later.

Exemptions

To be agreed with the course director.

Course director

Markus Aarto, Senior Assistant

Course director's email

Markus.Aarto@ulapland.fi

Introduction to Finnish Law

OLAW0701 Introduction to Finnish Law

ECTS credits

1-7

Aim

1. To place the Finnish legal system within the Nordic and Continental families of law.
2. To give an overview of the Finnish legal system.

Contents

1. The Nordic legal systems (Denmark, Finland, Iceland, Norway and Sweden): historical background, foreign influences, similarities and differences, Nordic legal cooperation
2. Systematics, history, and basic concepts of the Finnish legal system

tem

N.B. The lecture part of this course is common with the course
OLAW 1003 Legal History: the Past and the Present of Nordic law.

Method

1 ECTS cr.: Lectures (10 h), lecture exam.
2 ECTS cr.: Lectures (10 h), lecture exam, essay.
6 ECTS cr.: Lectures (10 h), lecture exam, required reading.
7 ECTS cr.: Lectures (10 h), lecture exam, essay, required reading.

Requirements

Lecture exam, essay or written examination (see above).

Literature

1. **Introduction to Finnish Law**, Pöyhönen, J. (red.) (2002).

Timing

Autumn and spring

Course director

Heikki Mattila, Professor of Legal Linguistics

Course director's email

Heikki.Mattila@ulapland.fi

Legal Informatics

OLAW0902 Information Law and Information Technology Law

ECTS credits

6

Aim

The aim of the course is to give the student supplementary information about the specific area of legal informatics.

Contents

The special study of the interesting chosen topic of Information Law and/or of Information Technology Law.

Requirements

Written essay of 30 pages.

The student is supposed to write an essay on a subject chosen by him or her. The length of the essay is 30 pages. Required literature should include a few books and about 15 articles or electronic sources. The student is supposed to ask better instructions from the professor of legal informatics. Professor will help to find an interesting topic and literature for the essay.

The list of required literature will be separately established in each case by the professor of legal informatics in mutual understanding with the student.

If the series of lectures (6-8) hours will be given, it is possible to replace 15 pages of essay by listening to lectures.

If the student will have more than 6 ECTS credits from the course, he or she must negotiate with professor for the new requirements. For instance, it is possible to take a written examination (1-3 books).

Timing

It is possible to write the essay anytime during the autumn and spring seasons.

Course director

Rauno Korhonen, Professor of Legal Informatics

Course director's email

Rauno.Korhonen@ulapland.fi

Legal Linguistics

OLAW1001 Applied Comparative Law: Major Legal Languages

ECTS credits

1-4

Contents

The first part of this course (lectures) gives an overview (history, characteristics, interaction) of four major legal languages (Legal Latin, Legal German, Legal French and Legal English) with an emphasis on the development of legal cultures as explanations for the characteristics of these languages.

The second part (active participation) consists of comparative analyses (by the participants) of various legal texts (parliamentary acts, judgments etc.) coming from different countries. The participants (students) analyse and compare, under teacher guidance, divergences in style among these texts as reflections of divergences among legal cultures. No knowledge of Latin, French or German is required.

Method

1 ECTS cr.: Lectures and active participation group work (10 h), lecture exam.

2 ECTS cr.: Lectures and active participation group work (10 h), lecture exam, essay.

3 ECTS cr.: Lectures and active participation group work (10 h), lecture exam, required reading.

4 ECTS cr.: Lectures and active participation group work (10 h), lecture exam, essay, required reading.

Requirements

Lecture exam, essay or written examination.

Literature

1. **Mattila, H.:** Comparative Legal Linguistics (Ashgate 2006; to appear in September 2006), part C The Major Legal Languages (The Heritage of Legal Latin, Legal German, Legal French, and Legal English), appr. 170 pages.

OR the same in French:

Mattila, H.: Linguistique juridique comparée (à paraître en 2007), partie C Les grandes langues du droit (l'héritage du latin juridique, l'allemand juridique, le français juridique, l'anglais juridique), environ 170 pages (manuscrit dans la bibliothèque de l'Université).

Timing

Autumn and spring

Course director

Heikki Mattila, Professor of Legal Linguistics

Course director's email

Heikki.Mattila@ulapland.fi

OLAW1003 Legal History: The Past and the Present of Nordic Law

ECTS credits

1-7

Aim

1. To give an overview of the Nordic family of law.
2. To give a more detailed picture of the legal system of Sweden.

Contents

1. The Nordic legal systems (Denmark, Finland, Iceland, Norway and Sweden): historical background, foreign influences, similarities and differences, Nordic legal cooperation. The systematics, history, and basic concepts of the Finnish legal system.
2. Systematics, history, and basic concepts of the Swedish legal system.

N.B. The lecture part of this course is common with the course **OLAW0701 Introduction to Finnish law**.

Method

- 1 ECTS cr.: Lectures (10 h), lecture exam.
- 2 ECTS cr.: Lectures (10 h), lecture exam, essay.
- 6 ECTS cr.: Lectures (10 h), lecture exam, required reading.
- 7 ECTS cr.: Lectures (10 h), lecture exam, essay, required reading.

Requirements

Lecture exam, essay or written examination (see above).

Literature

1. **Swedish Law in the New Millennium**, Michael Bogdan (ed.) (2000).

Timing

Autumn and spring

Course director

Heikki Mattila, Professor of Legal Linguistics

Course director's email

Heikki.Mattila@ulapland.fi

Private International Law and Comparative Law

OLAW1101 Private International Law and Comparative Law

ECTS credits

6

Contents

1. Introduction to the theory and concepts of international private law;
2. The legal status of the natural person;
3. The legal position of states as subjects in international private law,
4. International law of obligations;
5. International property law;
6. International family law;
7. International inheritance law;
8. International law of incorporeal rights;
9. International civil trial law.

Method

Lectures, 25 hours; seminar, 15 hours; optional 25 hours lecture course on space law followed by examination may replace some required reading.

Requirements

Written examination and attendance at lectures.

Literature

Literature chosen in consultation with the teacher (approximately 400 pages).

Timing

Autumn and spring

Course director

Maurice Andem, Professor of Comparative Law and Private International Law

Course director's e-mail

Maurice.Andem@ulapland.fi

OLAW1103 Comparative Law

ECTS credits

6

Contents

1. International transport law and tourism
2. International family law
3. Comparative criminal law
4. Arbitration from the point of view of comparative law
5. International organizations from the point of view of comparative law
6. Law in Eastern Europe and in Russia
7. Law in the developing countries

Method

Required reading.
Lectures may be given when relevant.

Requirements

Written examination

Literature

Approximately **600 pages** of literature chosen in consultation with the tutor, e.g.

1. **McLachlan, C. (ed.)**, Transnational Tort Litigation (1996).
2. **Mann, F.A.**, Notes and Comments on Cases in International Law, Commercial Law and Arbitration (1992).
3. **Current Developments in International and Corporate Insolvency Law** (1994).
4. **Wieacker, F.**, History of Private Law in Europe: Especially Germany (1995).
5. **Harding, C. - Fennell, P. (ed.)**, Criminal Justice in Europe (1995).
6. **Fionda, J.**, Public Prosecutors and Discretion (1995).
7. **Tonry, M.**, Malign Neglect - Race, Crime and Punishment in America (1995).
8. **Attew, M.**, Regulating Cross-Border Markets in the European Community (1995).
9. **Finch - Masson - Mason - Haynes - Wallis**, Wills, Inheritance and the Family (1995).
10. **Wilson, J.F.**, Carriage of Goods by Sea (1993).
11. **North, P.**, Essays in Private International Law (1993).

Timing

Autumn and spring

Course director

Maurice Andem, Professor of Comparative Law and Private International Law

Course director's e-mail

Maurice.Andem@ulapland.fi

MCL Thesis work

ECTS Credits

15

Aim

The aim of this course is to give the student deeper knowledge and understanding of the chosen legal topic from the comparative perspective of law. The aim is also to make the student familiar with methods of legal information retrieval and of comparative legal research and with the fundamentals of scientific writing.

Contents

The student studies a given comparative topic and writes a thesis on this to show his/her knowledge of the topic and capability to use legal sources and comparative legal method.

Method

Individual research and writing on a given comparative topic under the supervision of the course director.

Requirements

Submission of a written work of 25 pages

Evaluation

Written work

Timing

Autumn/Spring

Course director

To be nominated in accordance with the topic of the thesis.