Année universitaire 2026/2027

English Track in Law - 2ème année de Master

Crédits ECTS : 60

ADMISSIONS

The Programme is open to Partner Universities students. It is designed for law students, and an academic pre-requisite of 2 years of full-time law study.

PROGRAMME DE LA FORMATION

- Semestre 3
  - Obligatoire
    - International Business Law
    - Legal aspects of negociation
    - Comparative Dispute Resolution
    - European competition law and mergers
    - Introduction to Anglo American contacts Law
    - International Arbitration
    - European and international company law and insolvency
    - Introduction to French law
    - Paper - Comparative contract law
- Semestre 4
  - Obligatoire
    - Public Law
    - EU's Challenges' in the XXIst Century
    - International Dispute resolution
    - Workshop Contract drafting/MOOT court*
    - International contracts
    - International public Law & Human rights
    - Simulation of case hearing
    - International arbitration
    - Trust Law
    - Written paper - Public law

DESCRIPTION DE CHAQUE ENSEIGNEMENT

SEMESTRE 3

Obligatoire

International Business Law

ECTS : 3

Langue du cours : Anglais

Description du contenu de l'enseignement :

Introduction: Sources of International Business Law – international, regional, bilateral, national sources. State laws versus soft law. Hierarchy of sources, universal application, lois de police, public policy.

Actors in International Business Law: the corporations: Nationality of companies and corporate domicile/seat. Incorporation theory versus the real seat theory in questions of international jurisdiction, applicable law and recognition of companies. The importance of branch jurisdiction in international court litigation. Free movement of establishment in EC – Law and its influence on traditional private international law.

Corporations and insolvency: Corporations and the European Insolvency Regulation; international jurisdiction to open main and secondary insolvency proceedings, the applicable law and recognition of insolvency proceedings. Problems of identification of the COMI of the debtor.

Business transactions – harmonisation of substantive law and self- regulation by soft law: Sources of substantive IBL and the conflict of law approach - Harmonisation of substantive law: Applicable law in International contracts and transnational business relationships . Examples of Soft law: lex mercatoria; UNIDROIT principles; ICC Incoterms. ICC Model Clauses and Contracts.

Resolving Commercial Business Disputes & Party autonomy: International Arbitration as alternative to state court litigation

Key Concepts in international arbitration: Consent and arbitration agreements; legal framework and lex arbitrii; procedure and flexibility; enforcement; institutional and ad hoc arbitration. Settlement of commercial disputes/ Alternative means to solve cross border disputes. ADR mechanisms: Mediation, expert determination, and dispute boards. The impact of settlement agreements and contractually binding decisions in the international arena and the role of courts or state authority. Is there a need for cross border recognition and enforcement aspects of ADR mechanisms?

Compétences à acquérir :

International business law refers to rules, principles and practices of actors and structures doing business across borders. The course is intended to give an overview of the variety of issues an international business lawyer needs to address and understand with regard to transnational operations and litigations. Apart from regulations and rules enacted by the international, European (regional) and national legislator governing relations between private actors, natural persons or legal entities, and State and state entities, a business lawyer will also need to be well-versed in use soft law and self-regulate its international transactions and contracts.

Pré-requis obligatoires

Good understanding of principles of (international) law and conflict of laws.

Mode de contrôle des connaissances :

- **Controle Continue** (50% class participation and group presentations and 50% MCQ last lecture)

- Class participation: Active class participation – this is what makes classes lively and instructive. Come on time and prepared. Class participation is based on quality of comments, not quantity.

Coefficient : 3

Bibliographie, lectures recommandées :

- Bogdan/Pertegas ‘Concise introduction to EU PIL’

- Goode/Kronke ‘Transnational commercial law’, 2015

- Jolivet: Incoterms in arbitral awards: ICC DRS Bulletin 2010-2

- Mourre: UNIDROIT as a Tool for Internationalisation of Contracts by Arbitral Tribunals, 2024

Legal aspects of negociation

ECTS : 3

Enseignant responsable : OLLIVIA **DE LA VALLIERE**

Langue du cours : Anglais

Description du contenu de l'enseignement :

La négociation est un élément essentiel des affaires nationales et internationales. Le cours est basé sur la théorie de négociation raisonnée développée à Harvard University. Il doit permettre d'acquérir d'excellentes aptitudes en communication et une plus profonde compréhension des relations interprofessionnelles, la confidentialité, la conduite d'entretiens, et comment développer un rapport avec un client ou un collègue. Une bonne maîtrise de l'anglais est requise car le cours repose sur la discussion et l'interaction.

Compétences à acquérir :

Une préparation systématique et rigoureuse, comme la capacité à gérer les intérêts qu'ils soient conflictuels, divergents ou communs, est essentielle à votre réussite. Le perfectionnement des compétences de négociation conduit à d'excellentes aptitudes en communication et une plus profonde compréhension des relations interprofessionnelles.

Objectifs du cours
• Décoder les étapes clés d'une négociation réussie
• Analyser et acquérir certaines compétences de négociateur avec des partenaires étrangers
• Gérer les intérêts conflictuels, divergents et communs
• Découvrir vos points forts comme vos points faibles en tant que négociateur
• Acquérir un cadre stratégique pour traiter les différents et les accords
• Découvrir les façons efficaces d'appréhender les négociateurs difficiles, leurs comportements et tactiques
• Acquérir des outils pour maîtriser les négociations complexes et à plusieurs participants

Mode de contrôle des connaissances :

Participation en cours Evaluation finale orale

Coefficient : 1

Bibliographie, lectures recommandées :

- Roger Fisher, William L. Ury, et Bruce Patton, Getting to Yes (1991)
- Roger Fisher et Danny Ertel, Getting Ready to Negotiate (1995)
- Roger Fisher et Scott Brown, Getting Together: Building Relationships as We Negotiate (1989)
- Charles Wiggins et Randolph Lowry, Negotiation and Settlement Advocacy: A Book of Readings (2005)
- William Ury, Getting Past No (1993)
- Robert Mnookin et al, Beyond Winning: Negotiating to Create Value in Deals & Disputes (2000)

Comparative Dispute Resolution

ECTS : 6

Enseignant responsable : JEAN-FRANCOIS **LE GAL**

Langue du cours : Français

Coefficient : 1

European competition law and mergers

ECTS : 4

Enseignants : SABINE **THIBAULT-LIGER**, NICOLAS **ZACHARIE**

Langue du cours : Français

Description du contenu de l'enseignement :

Droit de la concurrence européen et des fusions acquisitions

Compétences à acquérir :

Maîtrise des outils de droit de la concurrence européen et de réglementation des fusions à travers l'étude de cas pratiques

Coefficient : 1

Introduction to Anglo American contacts Law

ECTS : 3

Enseignant responsable : DUNCAN **FAIRGRIEVE** (https://dauphine.psl.eu/recherche/cvtheque/fairgrieve-duncan)

Langue du cours : Français

Coefficient : 1

International Arbitration

ECTS : 2

Enseignant responsable : DENIS **BENSAUDE**

Langue du cours : Français

Description du contenu de l'enseignement :

Arbitrage commercial international

Compétences à acquérir :

Maîtrise des concepts de base du droit français de l'arbitrage commercial international, étude de la clause et de ses effets, de la procédure arbitrale, des sentences, de leur exécution et des voies de recours

Coefficient : 1

European and international company law and insolvency

ECTS : 4

Enseignant responsable : MEGAN **BOWMAN**

Langue du cours : Français

Description du contenu de l'enseignement :

Règles européennes de droit des sociétés/Droit européen de la faillite

Compétences à acquérir :

Maîtrise des règles européennes d'harmonisation du droit des sociétés et de l'insolvabilité.

Coefficient : 1

Introduction to French law

ECTS : 3

Enseignant responsable : BORYS **SOLOVIOV** (https://dauphine.psl.eu/recherche/cvtheque/soloviov-borys)

Langue du cours : Français

Coefficient : 1

Paper - Comparative contract law

ECTS : 3

Enseignant responsable : DUNCAN **FAIRGRIEVE** (https://dauphine.psl.eu/recherche/cvtheque/fairgrieve-duncan)

Langue du cours : Français

Coefficient : 1

SEMESTRE 4

Obligatoire

Public Law

ECTS : 3

Enseignant responsable : DUNCAN **FAIRGRIEVE** (https://dauphine.psl.eu/recherche/cvtheque/fairgrieve-duncan)

Langue du cours : Français

Coefficient : 1

EU's Challenges' in the XXIst Century

ECTS : 3

Enseignant responsable : ARNAUD **RAYNOUARD** (https://dauphine.psl.eu/recherche/cvtheque/raynouard-arnaud)

Langue du cours : Français

Coefficient : 1

International Dispute resolution

ECTS : 3

Enseignant responsable : HELENE **VAN LITH** (https://dauphine.psl.eu/recherche/cvtheque/van-lith-helene)

Langue du cours : Anglais

Description du contenu de l'enseignement :

Lecture 1 - The EU Approach to jurisdiction: The Brussels Regime

The Brussels I Regulation Recast, its Structure and the special jurisdiction rules concerning contractual matters and tortuous acts. The importance of determining the place of performance and the branch.

Lecture 2 – Case practice

Lecture 3 - The EU Approach to jurisdiction: The Brussels Regime: Torts, branch jurisdiction and interim relief

The Brussels I Regulation Recast jurisdiction concerning tortuous acts and the importance of branch jurisdiction and interim relief.

Lecture 4 + 5 - Comparative overview of Anglo-US Common Law on Jurisdiction.

Introduction to different origins and starting points to UK common law and US law on jurisdictional compared to compared to the Brussels I Regulation scheme.

UK Common law on jurisdiction: based on presence in England and service of process within the jurisdiction. Absent Defendant: Service of process outside the UK. Discretionary powers of English courts under the forum (non) conveniens doctrine.

Interaction between UK common law traditions and the 'Brussels Regime': Conflict of jurisdictions and parallel procedures: Judicial discretion and the forum non conveniens doctrine. Reflect on how current practice and ECJ Rulings would be resolved post Brexit and if the courts were to be allocated jurisdiction under the UK common law and US jurisdiction rules? The Lis Pendens- rule and Related Actions. Anti-suit injunctions in the Brussels system. Forum Shopping and Abuse of Process. Reflex Doctrine.

US Law on Jurisdiction Starting point and jurisdictional scheme under Brussels I Regulation compared with US jurisdictional rules: Constitutionalisation of US jurisdiction rules and the due process clause. Minimum Contacts: US long-arm statutes conferring jurisdiction on doing and transacting business criteria. General and specific jurisdiction. Purposeful availment of contacts and traditional notions of justice. Public and private factors and the US version of the forum non convenience doctrine.

Lecture 6: Party autonomy in litigation

Voluntary prorogation of jurisdiction, substantive and formal validity; asymmetrical clauses, article 25 Brussels Recast and The Hague Convention 2005. Interaction between state court litigation in and international arbitration. Anti-suit injunctions and arbitration exclusion.

Settlement of commercial disputes/ Alternative means to solve cross border disputes. ADR mechanisms: Mediation, expert determination, and dispute boards. The impact of settlement agreements and contractually binding decisions in the international arena and the role of courts or state authority. Is there a need for cross border recognition and enforcement aspects of ADR mechanisms? Mechanism of recognition and enforcement compared: Identifying the recognition mechanism (automatic/abolishment of exequatur): The rise of International Commercial Courts

Compétences à acquérir :

This course covers essential principles relating to international jurisdiction, choice of law and free movement of judgments, within the European judicial area but also beyond through a comparative study of the UK and US common law on international jurisdiction. While tackling practical consequences of globalization of legal relationships and its incidence on legal structures and different approaches to transnational justice and cross border commercial litigation. The course will cover specific topics of practical importance ranging from international business transactions to environmental damages, and from strategic and complex litigation to corporate social responsibility in the international arena. Special attention is given to trends or latest development in international dispute resolution in court litigation, arbitration and other ADR techniques such as the increasing importance of party autonomy and the post-Brexit area. The course is designed as an interactive course, with a focus on comparative case-studies and intends to provide students with the complex tools and skills needed to understand and act within an increasingly transnational legal environment.

Pré-requis obligatoires

good understanding of principles of (international) law and conflict of laws.

Mode de contrôle des connaissances :

Control continue (active participation) + Oral Exam

Coefficient : 1

Bibliographie, lectures recommandées :

as per outline

Workshop Contract drafting/MOOT court*

ECTS : 3

Enseignant responsable : HELENE **VAN LITH** (https://dauphine.psl.eu/recherche/cvtheque/van-lith-helene)

Langue du cours : Anglais

Description du contenu de l'enseignement :

participation (written and oral rounds) of Willem C Vis International Arbitration Moot Court and PAX MOOT COURT - EU FUNDED

Compétences à acquérir :

draft and write submissions/memoranda claimant vs respondent. plead a case

Pré-requis obligatoires

good understanding of principles of (international) law, international arbitration and conflict of laws.

Mode de contrôle des connaissances :

evaluation of participation and progress made on writing skills and pleading in front of the moot judges/arbitrators

Coefficient : 1

International contracts

ECTS : 4

Enseignant responsable : JUAN PABLO **CORREA DELCASSO**

Langue du cours : Français

Description du contenu de l'enseignement :

Etude de plusieurs contrats spéciaux internationaux : vente, services…

Compétences à acquérir :

Maîtrise des principaux outils pratiques régissant les contrats spéciaux internationaux

Coefficient : 1

International public Law & Human rights

ECTS : 3

Langue du cours : Français

Coefficient : 1

Simulation of case hearing

ECTS : 3

Langue du cours : Français

Coefficient : 1

International arbitration

ECTS : 4

Langue du cours : Anglais

Description du contenu de l'enseignement :

Introduction and Legal Framework of International Commercial Arbitration: Importance of the Seat; annulment proceedings and setting aside of awards; importance of the NY 1958 Convention law of the seat (lex arbitrii) and other laws applicable to the arbitration dispute.

Jurisdiction and the agreement to arbitrate: Consent and jurisdictional foundation; existence, validity, recognition of arbitration agreements. Separability arbitration clauses; Drafting arbitration agreements; Pathological Clauses and Hybrid clauses.

Recognition and enforcement of Arbitral Awards in International Commercial Arbitration under the NY 1958 Convention. Scrutiny of awards – reasoning, recognition, public policy.

Arbitral Procedure and Effective Management of Arbitration; Request of arbitration, Answer and Counterclaims, Terms of Reference (TOR) and Case Management Conference (CMC), prima facie jurisdiction, constitution of the arbitral tribunal, Evidence, Submissions, and hearings, the role of institutions and the ICC Court of Arbitration

Special procedures: Interim Relief and Emergency Arbitration proceedings - Expedited Arbitration and Fast Track Procedures; complex procedures and multiparty arbitration.

ADR techniques and settlement facilitation in dispute resolution

Compétences à acquérir :

Course description and objectives: The course focuses on the theory and practice of international commercial arbitration. General aspects of the arbitral process including its legal framework and sources of arbitration law, problems respecting the arbitration clause and arbitrability, the appointment and qualifications of arbitrators, the arbitration process, the law governing procedural and substantive issues, the judicial review of arbitral awards and enforceability of awards will be discussed from an international and comparative perspective. The course will also cover some specific themes of particular practical importance. Among the specific topics to be discussed are expedited procedures, interim relief and the emergency arbitrator proceedings, multiparty and complex arbitrations, the allocation of costs and the interaction with other dispute resolution mechanisms like mediation, expert determination and dispute boards. Special attention is given to rules of major arbitration institutions such as the ICC International Court of Arbitration which will also be visited during the course in order to introduce students to the practice of international arbitration.

Learning outcomes After completion of the course the student should be able to:

• Understand the basic principles of international commercial arbitration;

• Awareness of arbitral institutions and arbitration legal instruments;

• Appreciate the key principles of the arbitral process and its place in international dispute resolution.

Pré-requis obligatoires

Knowledge and understanding of principles of (international) law and conflict of laws.

Mode de contrôle des connaissances :

· Course participation, (en contrôle continu) 50%

· Final Oral Evaluation (Practical Exercises and Evaluation) 50%

The numerical grade distribution will dictate the final grade. The passing grade for a course is 10/20.

Class participation: Active class participation is based on quality of comments, not quantity.

Coefficient : 4

Bibliographie, lectures recommandées :

- Giuditta Cordero-Moss; - International Arbitration is not only international

- Luca Radicati di Brozolo, International Arbitration and Domestic Law

- Born – Rethinking Pathological Arbitration Clauses

- Dimolitsa – Issues concerning the existence, validity and effectiveness of arbitration agreements.

- Feris 'the new Expedited Arbitration Procedure Provisions'

- Wahab: 'Expedited Institutional Arbitral Proceedings between Autonomy and Regulation'

Trust Law

ECTS : 4

Enseignant responsable : Line-Alexa **GLOTIN**

Langue du cours : Français

Coefficient : 1

Written paper - Public law

ECTS : 3

Enseignant responsable : DUNCAN **FAIRGRIEVE** (https://dauphine.psl.eu/recherche/cvtheque/fairgrieve-duncan)

Langue du cours : Français
