



2019

# INTERNATIONAL BUSINESS·LAW

## NEWSLETTER ISSUE 8



Dear students, colleagues and friends of the International Business Law programme,  
In the capacity of the programme coordinator I would like to wish you all a great start of the 2019/2020 academic year at the University of Macau.

In both local and global terms, the legal profession is facing multiple new challenges arising from changes in global economy and geopolitics, as well as those in science and technology. It is therefore necessary for law and its lawyers to constantly adapt to this changing context, particularly if the law aims at providing certainty and predictability for the business transactions or other types of public and private relations. In this function of the law, legal education is called upon to perform an important role, namely to prepare the lawyers with the necessary skills to tackle not only the myriad of problems of the world as it is, but also of the world as it will be.

The recent reform of Macao's higher education system has allowed us to revise again not only the structure, but also the content and organization of the IBL programme. These changes, which come into effect in the academic year 2019-2020, are designed to facilitate the acquisition of knowledge and skills that are necessary to tackle the emerging challenges of the legal profession.

**Assoc. Prof. Alexandr Svetlicinii**  
**Programme Coordinator of Master of Law in International Business Law (English)**

# Thank You Letter



On June 30th, 2019, the term of my service as the Programme Coordinator of the International Business Law (IBL) Programme of the Faculty of Law of the University of Macau came to an end. I had the honor and pleasure of serving the programme from 2012 and I would therefore, first and foremost, like to take this opportunity to sincerely thank all the individuals concerned for their great support, dedication and constructive input to the programme.

Equally, I would also like to thank all the Deans and Rectors during the period of 2012-2019 for their trust in me. Special thanks are also due to Prof. Jorge Godinho, the immediate predecessor of my role of programme coordinator, for all his dedication to the programme and the many great innovations, which he brought to the programme in order to ensure its continuously growing appeal. His dedication and support continue up to this day and make a valuable contribution to the success of the IBL programme. I would also like to thank all the colleagues in the Faculty, who over these years have taught classes, supervised theses and assisted in numerous oral thesis defences of our students.

At the same time, I want to explicitly mention the external professors who have taught many of the IBL programme's popular elective courses. Special thanks are to Prof. I. Nelson Rose, Prof. Simon N.M. Young, Dr. Goncalo Cabral, Dr. Paulo Cardinal, Prof. Mateja Durovic and (again) Prof. Jorge Godinho for their great commitment and loyalty to the programme. The same thanks also go to all the external visiting professors from all over the world. Acting as principal commentators and/or delivered stimulating talks in IBL seminars at our Faculty, they helped to increase not only the global visibility of the programme but also of the University of Macau as a whole.

Finally, my special gratitude goes to all the students I was allowed to coordinate, teach or supervise and who have successfully graduated from the programme. I highly appreciate their feedback even years after their graduation and their success is an immense source of joy to me.

None of the above would have been possible without the continuous and extremely valuable support by the FLL General Office, in particular Winnie Tam, Nicola Tai, Elica Sam, Joana Lourenço, and Cherie Chang and I apologize for having not mentioned all of them being supportive throughout all these years. It was a true pleasure to serve in this position for more than eight years. Now, in my new role as the Head for Department of Global Legal Studies, I look forward to continuing my support of the IBL programme and other postgraduate programmes.

Finally, I would also like to thank Prof. Alexandr Svetlicinii for his strong input in the programme during the last years and I would like to wish him lots of joy and success in his new role as the IBL programme coordinator.

Many, many thanks again and kind wishes,

**Prof. Rostam J. NEUWIRTH**

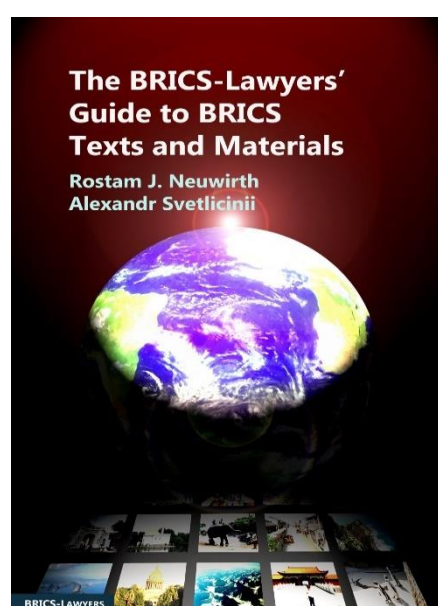
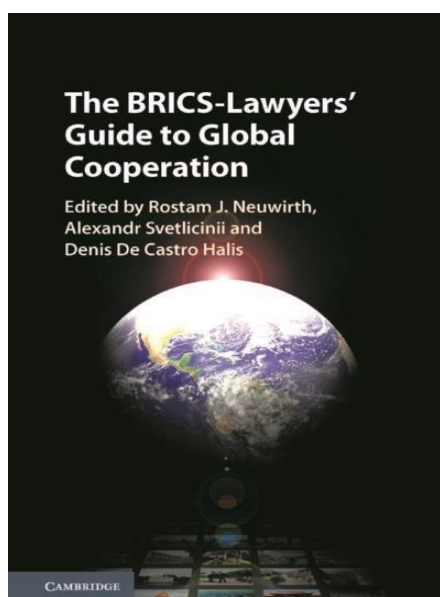
**Head of Department of Global Legal Studies**

# Legal Research on BRICS

In September of 2017 the book *"The BRICS-Lawyers' Guide to Global Cooperation"* edited by three UM Faculty of Law professors: Rostam J. Neuwirth, Alexandr Svetlicinii and Denis de Castro Halis was published by Cambridge University Press. The book contains a total of 16 chapters written by international experts discussing a broad range of aspects of legal cooperation of the BRICS countries (Brazil, Russia, India, China and South Africa). The book takes "cooperation" and "law" as the key words with four main concerns: first, why should we cooperate; second, in which areas to cooperate; third, what is the cooperation mode; fourth, what is the goal of cooperation. It not only covers the specifics of each of the BRICS nations in the selected areas, but also offers innovative and forward-looking perspectives on the BRICS cooperation and their contribution to the reform of the global governance networks.

The first publication, *BRICS Lawyers' Guide to Global Cooperation*, attracts attention broadly from academia, government departments, business sectors and social media. They are incentivized to explore new cooperation model in global framework and demanding more relevant materials to have a deeper and vaster overview in potential fields.

In June 2019, the second book on the BRICS: *"The BRICS-Lawyers' Guide to BRICS Texts and Materials"*, edited by Profs. Rostam J. Neuwirth and Alexandr Svetlicinii, was published. This book presents a first systematic compendium of the most important texts and materials that have emerged from the cooperation among the BRICS member states. This compilation has been brought together with an intention to make these materials accessible for the convenient use by government officials, practicing lawyers and arbitrators, scholars and students of international relations, business, economics and law. The texts are comprised of treaties, summit declarations by heads of state, ministerial declarations, declarations adopted by the BRICS Legal Forum and other official documents. The book also includes a chronological presentation of the first decade of BRICS cooperation. It is followed by a discussion on the concept of the sources of (international) law in order to aid in the attempts to classify the various BRICS documents in terms of "sources of BRICS law".





# Advanced Issues of International Trade Law Course

WTO is considered as the economic base of global governance since the end of the Second World War. However, intensified regional crises alongside the rise of nationalism and isolationism, not to mention the uncertainty of trade policy and the downturn of the world economy, have put more strain on the WTO system. While looking for future solutions to the challenges facing the WTO system and its dispute settlement mechanism, we should not forget the progress they have made and the function of the present system in promoting free, transparent and fair trade among members.

The BRICS countries (Brazil, Russia, India, China and South Africa), who have emerged as new economic powers, have been playing important role in global governance through WTO and political forums such as the UN. Cooperation amongst the BRICS countries has intensified and broadened rapidly. In addition to the transnational trade issue, manifold other issues have shown up in the agenda of BRICS: financial synergy, competition policy, investment of infrastructure and innovation, scientific research collaboration, crackdown of cybercrime, environmental protection and cultural exchange. The study of cooperation between the BRICS countries would not only diversify the pattern of how countries communicate and cooperate, but also it would provide a better blueprint for the future regime of the international community.



#### Course instructors:

Assoc. Prof. Alexandr Svetlicinii, Prof. Rostam J. Neuwrith and Dr. Denis De Castro Halis

We offered the course “Advanced Issues of International Trade Law”, which was principally designed to familiarize the participants with the concept of the BRICS and their role in the global governance. Concretely speaking, it aimed to assess the regulatory challenges of regulating global business and international trade, as well as some closely related “non-trade” or “trade-related” areas. To this end, it paid particular attention to the individual legal systems of the BRICS countries, highlighting their similarities and differences, and ultimately having a view of assessing both the main areas for mutual cooperation and their impact on the governance of global affairs in the 21st century.



#### Guest speakers:

Prof. Valentin Jeutner and  
Prof. Michel Levi Coral

This year, we had also invited guest speakers to participate in the study and discussion. For instance, Prof. Valentin Jeutner gave a lecture on the theory of international law titled “The Concept of Legal Dilemma: Irresolvable Norm Conflicts in International Law”. Prof. Michel Levi Coral spoke on “The Future of Legislation in Regional Organizations” and provided a detailed review of regional legislation in Latin American countries.

# BRICS Course Discussions



Yuxiang Niu

The birth of the internet has made geographic boundaries become a history. Thus the transactions which take place online have become transnational in nature, thereby complicating the issue of jurisdiction. Emerging economic entities are high-risk areas of cybercrime. Furthermore, according to a survey by McAfee Network, cybercrime victims are concentrated in three BRICS countries: Russia, China and South Africa. On 24 March 2014, Foreign Ministers from the BRICS countries mentioned "Common Cyber Threat" in the released statement after The Hague Nuclear Security Summit, and considered a comprehensive governance method under the framework of domestic law and international law. At present, the jurisdiction over cybercrime is unclear.



Jingrong Guo

Although China is the core of intra-BRICS countries trade, BRICS Dispute Resolution Center in Shanghai, promoted by Chinese government, did not publish any statistics on foreign cases related to BRICS countries since its establishment. Meanwhile, parties from BRICS countries chose other institutions like ICC and LCIA to settle disputes. That might be due to the lack of qualified arbitrators in BRICS countries and undiversified panel of arbitrators that includes only few arbitrators from BRICS countries. On the other hand, many arbitrators from BRICS countries were nominated in institutions like ICC. We therefore need to unite the different strengths of BRICS countries to build a top-tier arbitration institution.

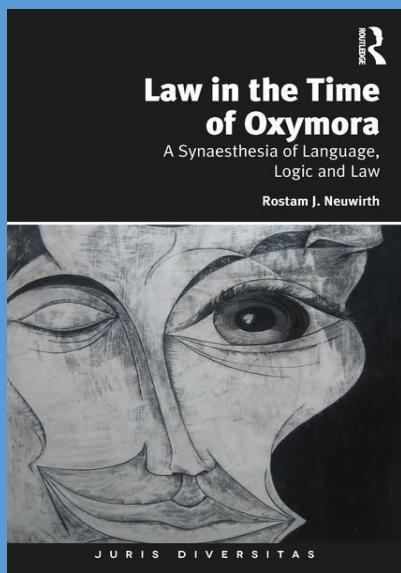


Tiezheng Yang

At the 7th BRICS Health Ministers' Meeting, they agreed that the traditional medicine shall be gradually integrated into national health systems when appropriate with relevant regulations and policies. They agreed to expand BRICS technical cooperation on health including traditional medicine. The International Medical Forum "Healthcare of the BRICS Countries", set up in Russia, is designed to strengthen the international exchange of best practices and harmonize regulation in health care systems. The forum is intended to strengthen the cooperation between the BRICS countries in the field of healthcare and facilitate the implementation of the programme "the Contribution of BRICS Countries to the Increase in Global Health Safety".

## Book Publication:

### Law in the Time of Oxymora



**Rostam J. NEUWIRTH**

Professor

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What do different concepts like *true lie*, *bad luck*, *honest thief*, *old news*, *spacetime*, *glocalization*, *symplexity*, *sustainable development*, *constant change*, *soft law*, *substantive due process*, *pure law*, *bureaucratic efficiency* and *global justice* have in common? What connections do they share with innumerable paradoxes, like the ones of happiness, time, globalization, sex, and of free will and fate?

*Law in the Time of Oxymora* provides answers to these conundrums by critically comparing the apparent rise in recent years of the use of rhetorical figures called "essentially oxymoronic concepts" (i.e. oxymoron, enantiosis and paradoxes) in the areas of art, science and law. Albeit to varying degrees, these concepts share the quality of giving expression to apparent contradictions. Through this quality, they also challenge the scientific paradigm rooted in the dualistic thinking and binary logic that is traditionally used in the West, as opposed to the East, where a paradoxical mode of thinking and fuzzy logic is said to have been cultivated.

Following a review of oxymora and paradoxes in art and various scientific writings, hundreds of "hard cases" featuring oxymora and a comprehensive review of the legal literature are discussed, revealing evidence suggesting that the present scientific paradigm of dualism alone will no longer be able to tackle the challenges arising from increasing diversity and complexity coupled with an apparent acceleration of change. *Law in the Time of Oxymora* reaches the surprising conclusion that essentially oxymoronic concepts may inaugurate a new era of cognition, involving the ways the senses interact and how we reason, think and make decisions in law and in life.

More information about the book available at: <https://www.routledge.com/Law-in-the-Time-of-Oxymora-A-Synaesthesia-of-Language-Logic-and-Law/Neuwirth/p/book/9780815346692>

# Book Publication: The Casinos of Macao

Prof. Jorge Godinho published in March 2019 a book on the gaming history of Macao from 1849 to today: *The Casinos of Macao, History of the World's Largest Gaming Market*. The book discusses in detail a history of 170 years as a result of which Macao overtook Las Vegas and is now the world's largest market for games of chance. The long evolution of legalized casino-style gaming from 1849 up to the end of 2018 is captured in extreme detail for the first time in this book, providing a detailed account of the operation of casino games of chance, as well as documenting the many concessions that were authorized. It discusses such issues as the tender processes, the regulation and taxation, and the manner in which the various concessions functioned, while taking into account the economic and political context of each period.

The book is divided in three parts: the Fantan era (1849-1961); the STDM concession (1962-2002), during which Baccarat became the most important game; and the current period of integrated resorts (since 2002), characterized by reforms such as the introduction of competition, the regulation of gaming promoters and credit for gaming, and an emphasis on diversification, in the context of a major growth in tourism.

The book fills a major gap not just in the Macao casino gaming literature but also on Macao economic history in general.

As it is written by a lawyer, it tries to capture the evolving regulatory frameworks applicable, the economic models, the legal issues raised and the various solutions that were found over 170 years of evolution, experimentation and adaptation. As Macao is not just the world's largest market but also probably the most complicated, there are quite a large number of lessons to be taken from this rich experience. These should not be forgotten. As indicated, the basic narrative is the long succession of concessions and concessionaires from 1849 to today. The regular public tenders, the decisive moments of change, are studied in great detail.



Jorge A.F. Godinho

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More information about the book available at:

<https://www.scmp.com/business/companies/article/3009924/sands-china-follow-parisian-and-venetian-londoner-part-us22b>



# Macao and Comparative Gaming Law

## Course

There is no doubt that the gaming industry is the biggest contributor to Macao's GDP. However, the running of a casino and resorts complex is an enterprise that presents definite risks and challenges from a legal perspective. Both the internal and external activity of the gaming corporation need to be strictly examined and the responsibility of disclosure is high.



The IBL programme offered an elective course titled “Macao and Comparative Gaming Law”. This course covered different legal branches relating to the gaming industry: contract law (nature and structure of gaming and betting contracts; extension of credit for gaming purposes), company law (especially various aspects of the regulation of public companies as they apply to gaming concessionaires), administrative law (gaming concessions and sub-concessions, supervision of concessionaires, and powers of government intervention), tax law (taxation of concessionaires), and criminal law (criminal offences related to gaming; the regulation against money laundering as it applies to gaming).

Annually, the gaming scholars from different continents would gather at the G2E Asia Conference held in Macao to share their research findings on the gaming industry. Prof. Jorge A.F. Godinho, a distinguished speaker, has spoken in these annual conferences. Besides, the course has organized an annual master's students visit to the conference to increase their experience and knowledge in the commercial field. Furthermore, the course also enriches students' personal experience of specific gaming rules through both introductions from casino dealers and the experimental gaming in the UM gaming Lab (where the students learn about the gaming industry's feature of high-risk, high-profit, high social side-effect and the necessity of strict public regulation, consistent self-regulation and public tender to make the gaming industry flourish and contribute to society).





# Comment: Healthcare?

## Let's talk about business

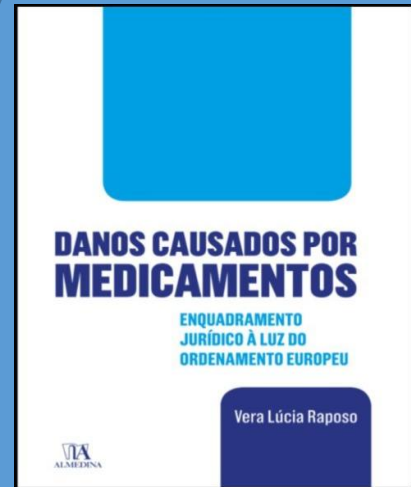
In the old days medicine was a matter that only concerned doctors. Health care was provided within a very close and intimate doctor-patient relationship, where the doctor “knew better”. It was frequently provided in small facilities or even in the doctor’s office, and the main purpose of the doctors was to take care of the patient, not to make profit. Medicine was full of mysteries for the regular citizen and no one from outside dare to intrude, especially not the law.

Nowadays medicine is totally different. Basically, it became a business.

Health care is generally provided in enterprise-hospitals, managed as real companies, especially when they are held by private entities. Profit became a huge part of health care delivery, particularly for private health care facilities. Doctors have obligations that largely surpass their classic duties of health care delivery, they must comply with settled (and quite restrict) periods of time to receive each patient (15 minutes per patient...no matter what) and tend to act guided by fear of litigation (defensive medicine) and not by real therapeutic purposes.

In fact, litigation is currently a huge concern for health care providers. The legal world intruded more than ever in medicine. The lawmaker issued multiple regulations involving doctors, not only about medical liability but about every single aspect of the medical profession: health data and privacy; patient’s health records; drugs and medical devices; notification of adverse events. Lawyers also gained interest by the medical profession and soon invaded the courts with lawsuits involving health care staff.

It is not possible to go back to the old days, but this new scenario opens interesting challenges to lawmakers, lawyers, judges, hospitals administrators and legal researchers. We should all be engaged in the project of making health care a safe place, both to doctors and patients.



**Vera Lúcia RAPOSO**

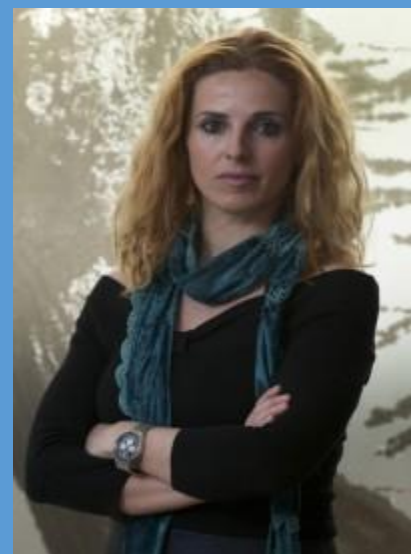
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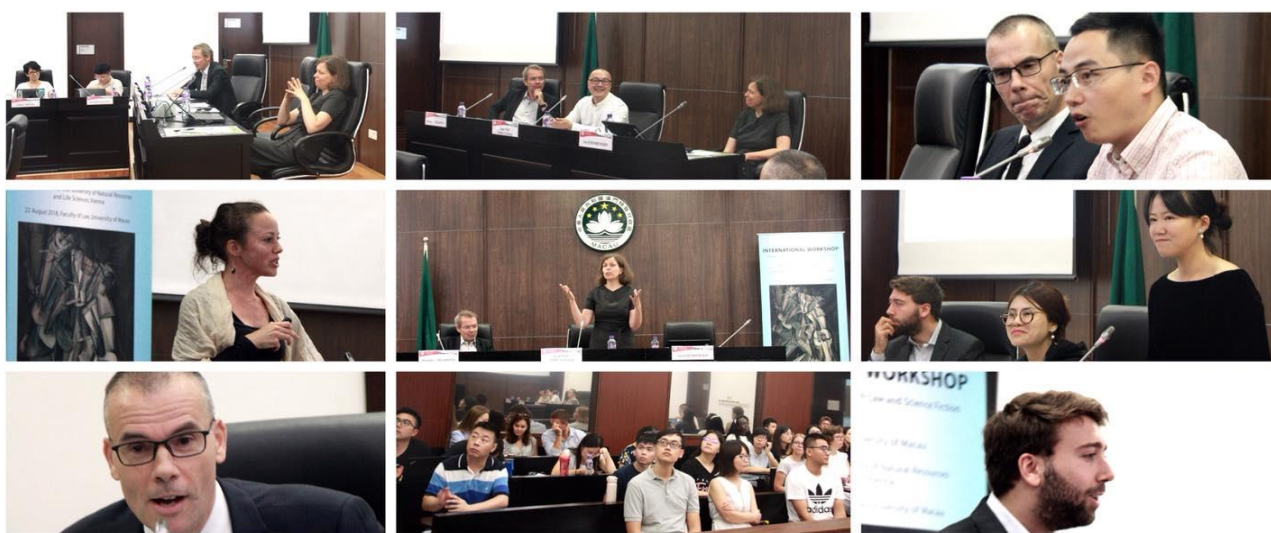
# International Workshop

## on Global Governance and Innovation

Prof. Rostam J. Neuwirth from the Faculty of Law of the University of Macau and Prof. Iris Eisenberger from the Institute of Law, University of Natural Resources and Life Sciences, Vienna jointly organized a workshop on "Global Governance and Innovation: Law and Science Fiction" at the University of Macau on the 22nd of August 2018.

The calculating speed of chips would double every 18-24 months, and the ways of using calculating capacity have exploded over the past three decades, especially in the areas of artificial intelligence, big data, machine-learning and fintech. To telescope these governance challenges, Prof. Iris Eisenberger delivered a keynote address titled "Machine-Learning: A Narrative Device About Law". Following her speech, Ms. Sophia San Nicolò (Scientific Assistant at the Institute of Law, University of Natural Resources and Life Sciences, Vienna) discussed "Autonomous Cars and Black Box of AI" in human rights perspective. Prof. Alexandr Svetlicinii delivered a speech titled "AI and collusion in competition law". Prof. Muruga Perumal Ramaswamy emphasized the risk of machines killing civilians in the military operations.

Spanning a broad scope of science fiction themes, the participants referred to some fictional characters such as the robot Chappy, the Bicentennial Man, the Knight Rider's car K.I.T.T, or the super-computer Deep Thought from The Hitchhiker's Guide to the Galaxy, which helped them illustrate some crucial points. These discussions addressed the conflicts between the present regime and human utilization of AI and machines.



Prof. Alexander Molotnikov gave a presentation titled "Fintech: How Should We Regulate the New Reality?" As for the issues of cyber space, Mr. Danny Friedmann (Visiting Professor of Peking University School of Transnational Law), delivered a speech titled "Walled Gardens of the Internet in Times of Deep Learning". After the speech, participants discussed topics related to IP rights in outer space, cloud computing regulation and other concepts.

# Studying company law in Macao

*Ms. Jieqiong Yan (Olga)*



Macao is linked to Portugal and other Lusophone countries through history. As a Chinese-Portuguese speaker, I also value its unique position where the East meets the West. Since I first visited this small coastal city, I have become attached to it. Local Macanese cuisine, churches of South-European style, traditional Chinese temples and countless local stories of the Cantonese, Macanese and Portuguese have

formed a beautiful city. As for the nightlife of Macao, it is filled with shining neon lights of giant entertainment resorts, which have contributed to the modern picture of Macao's economy.

It was not always easy for me to keep up with the intensive law courses offered in the International Business Law programme. I had not acquired a law degree before and the use of English throughout the programme meant that it took me a longer time to understand the true meaning of legal terms and researching papers. Fortunately, many good professors helped me improve my legal thinking skills and logical reasoning by kindly answering my questions and organizing group discussions.

I remembered clearly, in the Company Law class, Dr. Halis asked "How many words could you think of to replace the word "corporation"?". Answers could be "Company", "Enterprises", "Business", etc. By listing those expressions and figuring out the differences between them I had a clearer understanding as to what the connotations and extension of "Corporation" were and that increased my interest in doing more study and research on company law, which later led to my thesis topic selection "Corporate Social Responsibility in China – Evolution, Main Features and Perspectives".

Moreover, studying the norms of the Macao Commercial Code has given me a great opportunity to compare between the Macao Commercial Code and Portugal Commercial Code as well as Mainland Chinese Company Law. I found that the legislation of Macao was influenced jointly by Portugal, Hong Kong and the practical needs of local business. Through comparative researching, I gradually drew out the developing process of Macao's legislation and this will help me provide professional advice to different business sectors in the future.





# Explore the world with a transnational perspective

*Mr. Tiezheng Yang*



I have traveled many places in the world, like Malaysia, Iran and Thailand. Before entering the International Business Law programme I worked as an economic law teacher in a professional school. It is pressuring to support a family while pursuing a master's degree in Macao. But I never regret being a master's student of IBL Programme.

I witnessed the economic boom after China became a WTO member and the financial crisis after 2008, but I never had a chance to learn about WTO regulations. I must thank Prof. Neuwirth and Prof. Svetlicinii for instructing

international trade law and business law in a creative and thought-provoking way. At the beginning, I encountered some difficulties, one of which was that I needed to jump between EU and US judgements to compare substantial differences in law enforcement. I have tried my best to catch up with the professors' teaching and take notes of important arguments and ideas. It took me a long time, but the hard work paid off during the course discussions and the discovery of relevant issues that were not discussed in materials. Through course discussions, I had obtained a more international view in dealing with legal issues.

For instance, I did not know that a pill of Vitamin C exported to United States could raise serious concerns from authorities in China and the United States before studying the antitrust law case of the Chinese Vitamin C industry. Nor did I know how national antitrust regulations could be enforced against foreign entities registered in foreign country and how the influence of foreign government could be used as justification for imposing antitrust remedies. I had benefited a lot from Transnational Law course and learned how to organize arguments and pieces of evidence.

I am fond of exploring the details of controversial cases. Now I can competently compare different cases.

There are more stories that I want to tell, but due to the limitation of words, I want to summarize my study in the IBL Programme as dynamic, self-driven and thought-provoking. I think it is a precious opportunity for lawyers who are dedicated to the dialogue of transnational law and future development. Last but not least, Macao is a suitable place for studying and researching international business law, due to the unique features of the "one country, two systems" principle.





## ***Congratulations on the Successful Thesis Defence:***



<b>Investment Climate, Foreign Investment and Protection Against Expropriation in BRICS</b>	<b>Ms. HU MAOYU</b>
<b>The Regulatory Challenges of P2P Lending in China</b>	<b>Mr. TIAN SINONG</b>
<b>A Study of Corporate Social Responsibility and Its Legal Recognition in China</b>	<b>Ms. WEI MUXIAN</b>
<b>Ancillary Obligations of the E-commerce Platforms in China: a Consumer Protection View</b>	<b>Ms. YANG FAN</b>
<b>Improvement of the Regulation System on Charitable Non-profit Organization in China</b>	<b>Ms. SONG SHILIN</b>
<b>The Laws and Policies for Renewable Energy Industries in China and Germany Compared</b>	<b>Mr. LEANDER PETER WAACK</b>
<b>Third-party Funding in International Arbitration</b>	<b>Mr. WANG CHENG</b>
<b>The Intellectual Property Right Disputes and Related Arbitration in E-commerce</b>	<b>Ms. WANG WEI</b>
<b>Corporate Social Responsibility in China – Evolution, Main Features and Perspectives</b>	<b>Ms. YAN JIEQIONG</b>
<b>Merger Remedies in the Developing ICT Sector: A Study between the EU and China</b>	<b>Ms. LIN SIJIE</b>
<b>Research on Third-Party Funding in International Investment Arbitration</b>	<b>Mr. SHI YAO</b>
<b>Contextualization of the liability of the administrators towards the Company and its creditors in Macau</b>	<b>Mr. JOÃO VICENTE SILVA VIEIRA BOTELHO GUEDES</b>
<b>The Establishment of Board Transfer System Under China's Capital Market-- Referring to the U.S. Board Transfer System</b>	<b>Mr. LIU DONGKUN</b>
<b>Legal Problems and Regulations of 3D Bio-printing of Human Organs</b>	<b>Ms. FANG ANQI</b>
<b>Mutual Legal Assistance against Money Laundering among Mainland China, Hong Kong and Macao</b>	<b>Mr. CHEN CHUN</b>
<b>Trade in Food and Food Wastage: How Food Loss and Waste is Hampering the Fight against Food Insecurity and World Hunger?</b>	<b>Ms. ILIDIA JUSUINA MAZUZE</b>
<b>Wrongful life actions against health care providers in Hong Kong, Taiwan and Mainland China</b>	<b>Ms. SUN HAO</b>
<b>The ODR Issues of Cross-Border Online Shopping in Mainland China</b>	<b>Ms. LI XINYI</b>
<b>The Determination of Commercial Bribery under the New Anti-Unfair Competition Law of the PRC</b>	<b>Mr. XU YUE</b>
<b>The Liability for Damages in Traffic Accidents Caused by Autonomous Vehicles in the P. R. C.</b>	<b>Ms. ZHANG HUA</b>
<b>The Exploration on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters in BRICS</b>	<b>Ms. XU JUN</b>
<b>China's Accession to WTO Agreement on Government Procurement</b>	<b>Mr. SU SHI</b>
<b>What Path to Follow: The Protection of Relevant Legal Interests on Parallel Importation - From the Perspective of Trade Liberalization</b>	<b>Mr. ZHANG YIDI</b>

## Overview of courses offered in International Business Law Programme

### Specialized courses:

#### ***TRANSNATIONAL LAW***

The course offers a close look at the history of the *lex mercatoria*, its current status as well as the formation of various subcategories, such as a *lex petrolea* (oil law), a *lex maritima* (maritime law), *lex sportiva* (sports law), *lex electronica*, *lex digitalis* or a *lex informatica* (law governing information and communications technologies (ICT)). It will also discuss the related problems of economic sanctions and the practice of mixed public-private tribunals.

#### ***INTELLECTUAL PROPERTY LAW IN THE CREATIVE ECONOMY***

This course discusses the principal role and main characteristics of intellectual property rights in the context of the regulation of international trade in an emerging global creative economy. Taking into account the rise of a knowledge-based economy, which was accompanied by a rise in creativity, culture and technology, it covers the history and present status quo of the main intellectual property rights, such as copyright, trademarks, patents, geographical indications, and designs. The key international treaties, such as the Berne and Paris Conventions and notably the TRIPS Agreement adopted under the aegis of the World Trade Organization (WTO) will also be analyzed.

#### ***WTO AND REGIONAL TRADE LAW***

This course addresses the regulation of international trade law in the wider context of general public international law. It focuses in particular on the multilateral trade agreements established under the World Trade Organization (WTO) as the successor of the 1947 General Agreement on Tariffs and Trade (GATT). Against the backdrop of the dynamics underlying economic integration at the global level, the course also includes a closer look at the increasing practice of Member states all around the world to negotiate regional trade agreements (RTAs), such as the North American Free Trade Agreement (NAFTA), the European Union (EU), the Asia Pacific Economic Cooperation (APEC), the Association of Southeast Asian Nations (ASEAN) or the Mainland and Macau Closer Economic Partnership Arrangement (CEPA).

#### ***DISPUTE RESOLUTION***

This course deals with the characteristics of alternative dispute resolution (ADR) on the one hand and with arbitration on the other. The specific pros and cons of each instrument to settle disputes will be discussed. More specifically, different aspects of International Commercial Arbitration (ICA) will be highlighted, such as: The characteristics of ICA in practice, the arbitration agreement and the applicable Law, arbitrators and arbitration proceedings, and finally the effects and limits of arbitral awards. The students will be accustomed i.a. with the Brussels I-Regulation, the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), the European Convention on Commercial Arbitration (1961) and other sources.

#### ***RESEARCH METHODOLOGY AND LEGAL WRITING***

This course is designed to assist students with their project report or academic thesis by introducing them to advanced legal research and writing skills. It is taught by law professors competent in the area in accordance with the researched topics. The course covers a wide range of topics of legal research and writing, such as jurisprudence, legal research methodologies, use of library resources, legal reasoning, preparation and writing of law journal articles, preparation and writing of an academic thesis, project report or academic articles, use of references, formality for legal writing, and critical legal thinking.



## **(Examples of) Elective courses:**

### ***ADVANCED ISSUES OF INTERNATIONAL TRADE LAW***

This course builds on the course on WTO and Regional Trade Law and proposes the discussion of selected, more advanced issues of contemporary relevance in the international trading community. It will thus strongly rely on the discussion of case law, i.e. particularly ongoing disputes of global and regional relevance, and will be based on the assignment of pertinent reading materials.

In the most recent years, the course offered deeper insights into the cooperation between the BRICS countries, i.e. between Brazil, Russia, India, China and South Africa and particularly the legal challenges arising from it.

### ***COMMERCIAL CONTRACTS***

This is a specialized contract law course covering various legal mechanisms to distribute goods and services, including the ICC Incoterms, the contract of carriage of goods by sea and the various payment mechanisms in international trade. The regulation of international trade agreements by the UN Convention on the International Sale of Goods will be addressed, along with the contracts used for the marketing of goods. The course will cover also various financial instruments and agreements involving banks, namely the term loan, the negative pledge, syndicated lending, securitisation and derivatives.

### ***COMPANY LAW***

Based on the regulation of companies in Macau, focusing on private companies and public companies, this course discusses major trends of in company law and corporate governance. All major issues of company law will be covered, including fundamental concepts (types of companies; limited liability; capital maintenance), the creation of companies, the capital, the shares, the organs of companies, the rights and obligations of shareholders, and the dissolution and liquidation of companies.

### ***MACAU AND COMPARATIVE GAMING LAW***

This course focuses especially on the commercial operation of casino games of chance (table games and slot machines) as regulated in the Macau SAR, the world's largest gaming jurisdiction. The course has an interdisciplinary nature and covers especially the history of gaming in Macau and various issues of administrative and tax law, contract law and criminal law. The course includes a detailed study of the regulation of gaming concessions and of gaming promoters. It also features a comparative element, by which the Macau system will be contrasted with the regulation of gaming in the two main jurisdictions in gaming other than Macau, which are Nevada and Singapore.

### ***MONEY LAUNDERING AND ANTI-CORRUPTION LAW***

This course discusses international trends and legal initiatives for the prevention and repression of corruption, money laundering and the financing of terrorism through the financial system. The discussion covers the international treaties relevant in the field, detailed substantive criminal law issues and the preventive measures required from financial institutions.

### ***LAW AND SOCIETY***

Taking a multidisciplinary approach, this course deals with a wide set of contact points between law and society. These include first a retrospective look at the significance of various factors or causal elements fueling the changes underlying the development of societies, such as the invention of new technologies amidst an evolving relationship between politics and economics. It then asks how these numerous changes will influence the processes underlying legal thinking and reasoning as well as the adoption, application, and enforcement of laws in the future. To this end, the discussion will also present new theoretical approaches in law, such as the "law and economics" movement or a political economic, as well as novel concepts, such as "global governance" or "global administrative law", to try to identify new trends in the field of legal science.



The Faculty of Law of the University of Macau has been offering since 2006/2007 a graduate programme in International Business Law, which is open to both students with a law degree and those with degrees from other disciplines. It offers a great opportunity for persons involved and interested in regulatory challenges related to global business (such as international trade, finance, dispute resolution, commercial contracts, intellectual property, gaming or other sectors).

Particularly in the age of economic globalization, it is fundamental to be aware of a variety of global legal and regulatory standards set by national and international bodies that are in force both in Macao and in other regions of the world, including the mainland of China, Hong Kong, the European Union, the BRICS countries (Brazil, Russia, India, China and South Africa) and many other countries or regions.

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