

《国际商法》

图书基本信息

书名：《国际商法》

13位ISBN编号：9787503647345

10位ISBN编号：7503647345

出版时间：2004-3

出版社：法律出版社

作者：姜作利

页数：348

版权说明：本站所提供下载的PDF图书仅提供预览和简介以及在线试读，请支持正版图书。

更多资源请访问：www.tushu111.com

《国际商法》

内容概要

本书采取与国际接轨的读者中心主义写作风格，通过最流行、最标准的英语讲述国际商法，有利于读者掌握用英语国际商法内容的正确方法。

本书运用大量案例和图表，将复杂的内容直观化，有利于读者有短时间内了解国际商法的概貌。

本书内容充实，文笔轻松时尚，且图文并茂，是国内大专院校开展法律双语教学的最佳教材。

作者编著这部英文版的专著性国际商法教材，主要基于以下原因：一、适应我国高校法学专业学生学习国际商法之需要。二、为把中国相关法律推向国际市场，扩大我国在国际社会的影响贡献力量。

本书具有以下特点：一、吸收了多部国外国际商法教材的优点，尽量将原汁原味的法律知识奉献给读者。二、尽量体现中国的特色。

《国际商法》

作者简介

姜作利，男，1956年2月，山东蓬莱人，山东大学法学院副教授，硕士生导师、世界罗马法研究会理事、山东省调解委员会调解员、山东省济南市国际贸易法学会副会长。于1995 - 1997年在意大利罗马大学法学院研究国际经济法和罗马法，曾应邀在波罗尼亚大学、罗马大学、萨萨里大学

书籍目录

Chapter One Introduction to International Business Law	I. What is International Business Law?	II. History of International Business Law
A. National Law	B. International Treaties and Conventions	C. Sources of International Business Law
D. International Trade Customs and Usages	A. Organizations Affiliated with the United Nations	C. International Model Law
IV. International Organizations	B. Other International Organizations	D. International Organizations Affiliated with the United Nations
A. The Roman Germanic Civil Law System	V. Comparison of Municipal Legal Systems	A. Organizations Affiliated with the United Nations
B. The Anglo American Common Law System	A. The Roman Germanic Civil Law System	B. The Anglo American Common Law System
VI. International Business Law and China	B. The Anglo American Common Law System	C. Comparative Advantage
Chapter Two Forms of International Business Trade Theories	C. Comparative Advantage	D. Opportunity Cost
A. Specialization	D. Opportunity Cost	E. Exporting
B. Absolute Advantage	E. Exporting	A. Direct Exporting
C. Comparative Advantage	A. Direct Exporting	B. Indirect Exporting
D. Opportunity Cost	B. Indirect Exporting	III. Government Controls over Trade
E. Exporting	III. Government Controls over Trade	A. Tariffs
A. Direct Exporting	A. Tariffs	B. Nontariff Barriers to Trade
B. Indirect Exporting	B. Nontariff Barriers to Trade	C. Export Restrictions
III. Government Controls over Trade	C. Export Restrictions	IV. International Licensing Agreement
A. Tariffs	IV. International Licensing Agreement	A. Technology Transfer
B. Nontariff Barriers to Trade	A. Technology Transfer	B. International Franchising
C. Export Restrictions	B. International Franchising	Chapter Three Legal System of International Business Contracts for the International Sale of Goods (CISG)
IV. International Licensing Agreement	Chapter Three Legal System of International Business Contracts for the International Sale of Goods (CISG)	I. United Nations Convention on the International Sale of Goods (CISG)
A. Technology Transfer	I. United Nations Convention on the International Sale of Goods (CISG)	A. The Development of International Business Law
B. International Franchising	A. The Development of International Business Law	B. The Drafting of the CISG
Chapter Three Legal System of International Business Contracts for the International Sale of Goods (CISG)	B. The Drafting of the CISG	C. Applicability of the CISG
I. United Nations Convention on the International Sale of Goods (CISG)	C. Applicability of the CISG	D. Interpreting of the CISG
A. The Development of International Business Law	D. Interpreting of the CISG	Case 3—1 Raffles v. Wichelhaus and Another
B. The Drafting of the CISG	Case 3—1 Raffles v. Wichelhaus and Another	II. UNIDROIT Principles of International Commercial Contracts (PICC)
C. Applicability of the CISG	II. UNIDROIT Principles of International Commercial Contracts (PICC)	A. Origin and Preparation of the UNIDROIT PICC
D. Interpreting of the CISG	A. Origin and Preparation of the UNIDROIT PICC	B. Structure and Scope of the UNIDROIT PICC
Case 3—1 Raffles v. Wichelhaus and Another	B. Structure and Scope of the UNIDROIT PICC	C. General Principles of the UNIDROIT PICC
II. UNIDROIT Principles of International Commercial Contracts (PICC)	C. General Principles of the UNIDROIT PICC	D. The purposes of the UNIDROIT PICC
A. Origin and Preparation of the UNIDROIT PICC	D. The purposes of the UNIDROIT PICC	. International Rules for the Interpretation of Trade Terms
B. Structure and Scope of the UNIDROIT PICC	. International Rules for the Interpretation of Trade Terms	A. Concept and Role of Trade Terms
C. General Principles of the UNIDROIT PICC	A. Concept and Role of Trade Terms	B. Contents of Incoterms 2000
D. The purposes of the UNIDROIT PICC	B. Contents of Incoterms 2000	C. FOB (free on board) (port of shipment destination)
. International Rules for the Interpretation of Trade Terms	C. FOB (free on board) (port of shipment destination)	D. CIF (cost, insurance and freight) (port of destination)
A. Concept and Role of Trade Terms	D. CIF (cost, insurance and freight) (port of destination)	Case 3—2 Kumar Corporation v. Nopal Lines, Ltd
B. Contents of Incoterms 2000	Case 3—2 Kumar Corporation v. Nopal Lines, Ltd	Chapter Four Contract Law for the International Sale of Goods
C. FOB (free on board) (port of shipment destination)	Chapter Four Contract Law for the International Sale of Goods	I. Definition and Form of Contract
D. CIF (cost, insurance and freight) (port of destination)	I. Definition and Form of Contract	. Validity and Formation of International Sale of Goods Contracts
Case 3—2 Kumar Corporation v. Nopal Lines, Ltd	. Validity and Formation of International Sale of Goods Contracts	A. Invitation Offer
Chapter Four Contract Law for the International Sale of Goods	A. Invitation Offer	B. The Offer
I. Definition and Form of Contract	B. The Offer	C. The Acceptance
. Validity and Formation of International Sale of Goods Contracts	C. The Acceptance	D. Battle of the Forms
A. Invitation Offer	D. Battle of the Forms	Case 4—1 Filanto v Chilewich International Corporation
B. The Offer	Case 4—1 Filanto v Chilewich International Corporation	E. Consideration in Common Law
C. The Acceptance	E. Consideration in Common Law	. Misrepresentation
D. Battle of the Forms	. Misrepresentation	A. Fraudulent Misrepresentation
Case 4—1 Filanto v Chilewich International Corporation	A. Fraudulent Misrepresentation	B. Innocent Misrepresentation
E. Consideration in Common Law	B. Innocent Misrepresentation	C. Negligent (innocent) Misrepresentation
. Misrepresentation	C. Negligent (innocent) Misrepresentation	IV. Mistakes
A. Fraudulent Misrepresentation	IV. Mistakes	A. Common Law
B. Innocent Misrepresentation	A. Common Law	B. Civil Law
C. Negligent (innocent) Misrepresentation	B. Civil Law	C. The UNIDROIT PICC
IV. Mistakes	C. The UNIDROIT PICC	D. China Contract Law
A. Common Law	D. China Contract Law	V. Fraud
B. Civil Law	V. Fraud	A. Common Law
C. The UNIDROIT PICC	A. Common Law	Case 4—4 Stambovsky v. Ackley
D. China Contract Law	Case 4—4 Stambovsky v. Ackley	VI. Duress
V. Fraud	VI. Duress	A. Common Law
A. Common Law	A. Common Law	B. Civil Law
B. Civil Law	B. Civil Law	C. The UNIDROIT PICC
C. The UNIDROIT PICC	C. The UNIDROIT PICC	D. China Contract Law
D. China Contract Law	D. China Contract Law	Case 4—5 Commercial Bank of Australia Ltd, v. Amadio
Case 4—5 Commercial Bank of Australia Ltd, v. Amadio	Case 4—5 Commercial Bank of Australia Ltd, v. Amadio	B. Civil Law
B. Civil Law	B. Civil Law	C. The UNIDROIT PICC
C. The UNIDROIT PICC	C. The UNIDROIT PICC	D. China Contract Law
D. China Contract Law	D. China Contract Law	Chapter Five Contract Law for the International Sale of Goods (continued)
Chapter Five Contract Law for the International Sale of Goods (continued)	Chapter Five Contract Law for the International Sale of Goods (continued)	I. Remedies for Breach of Contract
I. Remedies for Breach of Contract	I. Remedies for Breach of Contract	A. General Principles of Remedies
A. General Principles of Remedies	A. General Principles of Remedies	Case 5—1 Prutch v. Ford Motor Company
Case 5—1 Prutch v. Ford Motor Company	Case 5—1 Prutch v. Ford Motor Company	B. Buyer's Remedies
B. Buyer's Remedies	B. Buyer's Remedies	C. Seller's Remedies
C. Seller's Remedies	C. Seller's Remedies	D. Remedies Available to Both Buyers and Sellers
D. Remedies Available to Both Buyers and Sellers	D. Remedies Available to Both Buyers and Sellers	Case 5—2 Delchi Carrier, SpA v. Rotorex Corporation
Case 5—2 Delchi Carrier, SpA v. Rotorex Corporation	Case 5—2 Delchi Carrier, SpA v. Rotorex Corporation	. Anticipatory Breach of Contract and Exceptio non Adimpleti Contractus in Civil Law
. Anticipatory Breach of Contract and Exceptio non Adimpleti Contractus in Civil Law	. Anticipatory Breach of Contract and Exceptio non Adimpleti Contractus in Civil Law	A. Anticipatory Breach in Common Law
A. Anticipatory Breach in Common Law	A. Anticipatory Breach in Common Law	B. Liquidated Damages
B. Liquidated Damages	B. Liquidated Damages	C. The UNIDROIT PICC
C. The UNIDROIT PICC	C. The UNIDROIT PICC	D. China Contract Law
D. China Contract Law	D. China Contract Law	. Obligations of the Seller and the Buyer
. Obligations of the Seller and the Buyer	. Obligations of the Seller and the Buyer	A. Seller's Obligations
A. Seller's Obligations	A. Seller's Obligations	B. Buyer's Obligations
B. Buyer's Obligations	B. Buyer's Obligations	Case 5—3 The Natural Gas Case
Case 5—3 The Natural Gas Case	Case 5—3 The Natural Gas Case	V. Passing of Risk
V. Passing of Risk	V. Passing of Risk	A. Common Law
A. Common Law	A. Common Law	B. The CISG
B. The CISG	B. The CISG	C. China Contract Law
C. China Contract Law	C. China Contract Law	VI. Passing of Property
VI. Passing of Property	VI. Passing of Property	A. Common Law
A. Common Law	A. Common Law	B. The CISG
B. The CISG	B. The CISG	Case 5—4 Transatlantic Financing Corporation v. United States
Case 5—4 Transatlantic Financing Corporation v. United States	Case 5—4 Transatlantic Financing Corporation v. United States	C. The CISG
C. The CISG	C. The CISG	D. Force Majeure Clauses
D. Force Majeure Clauses	D. Force Majeure Clauses	Chapter Six Carriage of Goods by Sea and Marine Cargo Insurance
Chapter Six Carriage of Goods by Sea and Marine Cargo Insurance	Chapter Six Carriage of Goods by Sea and Marine Cargo Insurance	I. Charterparties
I. Charterparties	I. Charterparties	A. Voyage Charterparties
A. Voyage Charterparties	A. Voyage Charterparties	B. Time Charterparties
B. Time Charterparties	B. Time Charterparties	C. Charterparties by
C. Charterparties by	C. Charterparties by	

《国际商法》

Demise . Bills of Lading A. Laws of Bills of Lading B. Characteristics of the Bills of Lading
 C. Transfer of Property under A Bill of Lading D. Carrier ' s Duties under A Bill of Lading
 E. Carrier ' s Immunities F. Delayed Bills of Lading G. Frauds on Bills of Lading .
 Marine Cargo Insurance A. Marine Insurance Policies and Certificates B. Perils and Losses
 C. Insurance Cover Chapter Seven Finance of International Trade I. The Bill of Exchange A.
 Origin of Bills of Exchange B. The Law Governing Bills of Exchange C. Types of Bills of Exchange
 D. General Requirements and Rights of the Holder in Due Course E. Common Procedures in
 Handling Bills of Exchange II. Collection of Documentary Bills Through Banks A. Types of
 Collection B. Advantages of Collection . Letters of Credit (L/C) A. Law Applicable to
 Letters of Credit B. Types of Letters of Credit C. The Stages of Arranging and Advising A Letter of
 Credit D. Independence Principles and Rule of Strict Compliance E. Fraud Exception in Letters of
 Credit Transaction Case 7 - 1 Szejn v. Henry Schroeder Banking Corp IV. International Factoring
 A. Definition and Historical Development B. Obligations of the Parties C. Advantages of
 International Factoring for Chinese Merchants Chapter Eight Partnership Law I. Definition and Creation of
 a Partnership A. Definition B. Creation of a Partnership II. Property of a Partnership
 A. Scope of Partnership Property B. Ownership and Possession C. Creditors of Partners
 . Partners ' Rights and Duties A. Right to Compensation B. Duty of Loyalty and Good Faith
 C. Duty of Care in Partnership Business D. Enforcement of Partnership Rights and Liabilities
 IV. Dissolution of the Partnership A. Nonwrongful Dissolution B. Wrongful Dissolution
 C. Automatic Dissolution D. Dissolution by Court Order V. Winding Up A. Powers
 during Winding up B. Duties of Partners during Winding up C. Compensation for Winding up
 Chapter Nine The Law of Corporations I. History and Nature of Corporations A. History of
 Corporations B. The Principal Characteristics of the Corporation C. Promoters D.
 Piercing the Corporate Veil and Related Problems II. Sources of Corporate Financing A. Common
 Stock B. Debt Securities . Shareholders ' Rights and Liabilities A. Shareholders '
 Meetings B. Shareholders ' Election of Directors C. Fundamental Corporate Changes D.
 Shareholders ' Inspection and Information Rights E. Distribution to Shareholders F.
 Shareholders ' Lawsuits G. Shareholders ' Liabilities IV. Management of Corporations A.
 The Board of Directors B. Officers of the Corporation & laquo; C. Directors ' and Officer ' s
 Duties to the Corporation V. Termination of Corporations A. Dissolution by Agreement B.
 Involuntary Dissolution Chapter Ten Law of Foreign Investment Enterprises of China I. China ' s
 Fundamental Policies for Encouraging Foreign Investments A. Sources of Foreign Investment Law of
 China B. More Sectors Opened C. Categories of Investment Projects D. Government
 Guarantees II. Law of the People ' s Republic of China on Chinese Foreign Equity Joint Ventures A.
 Definition and Legal Characteristics B. Establishment and Registration C. Sources of Investment
 D. Administrative Management E. Liquidation . Law of the People ' s Republic of China
 on Chinese Foreign Contractual Joint Ventures A. Definition and Leg& raquo;l Characteristics B.
 Establishment of China Contractual Joint Ventures C. Administrative Management D.
 Distribution of Earnings and Recovery of Investments IV. Law of the People ' s Republic of China on
 Foreign Capital Enterprises A. Establishment of China Foreign Capital Enterprises B. Business
 Form and Registered Capital C. Methods of Investment Contribution Chapter Eleven Intellectual
 Property Right Law I. The Creation of Intellectual Property Rights A. Copyrights B. Patents
 C. Trademarks D. Know-how II. International Provisions A. Comprehensive
 Agreements B. Artistic Property Agreements C. Industrial Property Agreements .
 International Licensing Agreements A. Characteristics of International Licensing Agreements B.
 Major Issues in International Licensing Agreements Chapter Twelve GATT and WTO Law I. The Founding
 of GATT A. Trade Barriers B. Trade Liberalization Through Cooperation C. Scope and
 Coverage of GATT 1947 and GATT 1994 II. Major Principles of GATT 1994 A. Multilateral Trade
 Negotiations B. Most-favorednation Treatment C. National Treatment D. Tariff-based

《国际商法》

Import Restriction . The World Trade Organization (WTO) A. The WTO and the Economic
Globalization B. Legal Structure of the WTO C. WTO Antidumping Agreement IV. WTO
Dispute Settlement Procedures A. Deficiencies in the GATT 1947 Dispute Process B. WTO
Dispute Settlement Procedures Chapter Thirteen The Law of Agency I. Creation of Agency A.
Formation B. Capacity C. Nondelegable Duties . Duties of Agent and Principal A.
Duties of Agent to Principal B. Duties of Principal to Agent Case 13—1 Willis v Champlain
Cable Corp . Termination of an Agency A. Act of the Parties B. Operation of Law
C. Post-Termination Relationship IV. Third Party Relations of the Principal and the Agent A.
Contract Liability of the Principal B. Contract Liability of the Agent Chapter Fourteen International
Commercial Dispute Settlement I. Settlement of Disputes through Municipal Courts A. Jurisdiction
and Venue Case 14—1 In Re Union Carbide Corporation Gas Plant Disaster at Bhopal B.
Enforcement of Foreign Judgment II. International Tribunals A. International Court of Justice
B. International Center for the Settlement of Investment Disputes . Alternative Dispute Resolution
A. Negotiation B. Mediation C. Mini-trial IV. Commercial Arbitration A.
Definition and Special Features B. The Applicable Procedure Law C. The Applicable Substantive
Law D. Arbitration Agreement and Arbitration Clauses E. Recognition and Enforcement of
Awards F. Enforcement of Foreign Arbitral Awards in the People ' s Republic of China Bibliography

《国际商法》

版权说明

本站所提供下载的PDF图书仅提供预览和简介，请支持正版图书。

更多资源请访问：www.tushu111.com