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International Business Contracting: Theory and Practice

Stephen C. Sieberson, Bruce A. King
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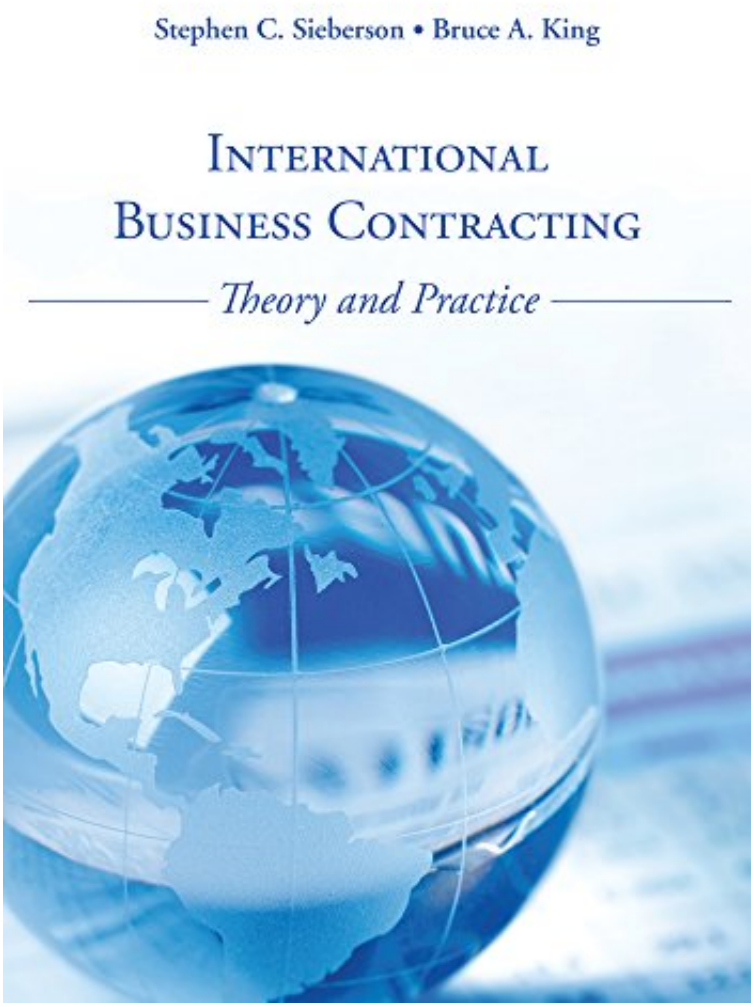

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International Business Contracting is designed to teach business and law students how international business contracts are structured and drafted. After several introductory chapters on international business, legal issues, and contract law, the material walks the reader through a series of agreements between two fictional companies--one an American company, the other a business located in a European civil law country. The transactions begin with a sale of goods and then progress to international distribution arrangements, a joint venture, a stock acquisition, and a secured commercial loan. Each chapter opens with a description of the new arrangement between the two parties, followed by a form of contract for their business deal, a point-by-point critique of the contract, and an examination of relevant business and legal issues.While the typical textbook in this field emphasizes theoretical analysis, International Business Contracting takes a highly innovative approach by showing how a commercial relationship is put into writing. In an ideal situation a business contract will reflect the intentions of the parties, allowing them to carry out their activities while protecting them against business and legal risks. If poorly drafted, however, an agreement may create confusion and unnecessary problems. The book explores what constitutes good drafting, often by showing imprecise or ambiguous clauses. Standard contract provisions, referred to as "boilerplate," are examined in detail.In addition to analysis, the book offers negotiation and drafting exercises, so the student can gain "hands-on" experience in how international business executives and lawyers carry out their work. The textbook is designed to permit professors in different departments or universities--even in different countries--to offer parallel courses, with teams of students negotiating with counterpart teams via videoconference. The teacher's manual offers guidance as to how such coordinated courses can be structured, along with sample syllabi and class notes.

About the AuthorStephen Sieberson is a Professor of Law at the Creighton University School of Law. Bruce King practices law in Seattle, WA.