CLAW301
Introduction to Business Law

Program: International Class 2021

Term: Spring 2021

Duration: 1 March, 2021 — 2 July, 2021

Contact hours: 54

Fudan Credits: 3

Course Description:
This course aims to provide an introduction of the fundamental concept and analytical tools in China’s Business Law, Foreign Investment Regulation, Finance/Taxation, IP Registration & Management, Dispute Settlement, etc., to students.

The course will introduce and explain Chinese application of “rule of/by law” as its legal philosophy, with case-analytical method, this course tries to reveal China’s legal environment in a nutshell, and the impacts upon doing business in China.

This course will provide an in-depth survey of Chinese Legal Tradition & Legal Philosophy on a historic-cultural analysis basis. The course will help international students a better understanding of Chinese legal culture as a part of business environment, the students will be learning not only from the legal texts but also from discovering the unspoken rules of cultural-genetic application of laws and regulations in China under the current transition.

Doctrine-hermeneutics and case-analysis will be applied in the main course. But the part of Corporate Compliance will be presented with the focus on the comprehensive topic of Legal Aspects of Start-ups Doing Business in China. For the students, participation of “legal battle” workshop(s) is strongly expected, based upon the virtual/real business-plan reports, to approach to a soft-landing for the start-ups doing better business in China.

Course Goals:
On successful completion of this course, students will be able to:
1. Understand basic laws and regulations of business.
2. Be able to identify issues from case studies and use relevant theories and laws to solve the issues.
3. Be able to analyze legal issues with proper use of language, format and attitude.

Prerequisites:
Basic knowledge in business
Required Texts:
3. Legal texts of related laws and regulations

Supplementary Material:
4. Introduction to Chinese Law Based on Data Analysis, by Zhu Jing-Wen, 2015 Publishing House of Ren Min University
5. Annual Reports on Intellectual Property Cases of the Supreme People’s Court, by the IP Division of the Supreme People’s Court, 2017, China Legal Publishing House
6. Reading materials, weekly released

Assessment:

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<tr>
<th>Assessment Task</th>
<th>Weighting</th>
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<tbody>
<tr>
<td>Class Participation</td>
<td>20%</td>
</tr>
<tr>
<td>Completion of Assignments</td>
<td>20%</td>
</tr>
<tr>
<td>Presentation(s)</td>
<td>20%</td>
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<tr>
<td>Final Exam</td>
<td>40%</td>
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When the class enrolls over 10 students, the percentage of A scores (including A-) shall not exceed to 30% of total enrolled participants of such class, so as to comply with the university policy.

Class Participation
There will be recapping, in-class quizzes, and/or class discussions when class meets and if/when available online.

Homework Assignments
There will be no more than 2 off-line homework assignments and 1 presentation(s) throughout the summer/winter session(s). They will be comprised of either mini-papers, legal battle work shop(s) and/or case analyses. The purpose of homework is to get practices so that to better prepare not only for the tests, but also for the application in real life. Students are encouraged to work in groups, but they must complete the assignments independently, all starting from a virtual/real business plan report. All assignments are due at the beginning of Monday class. Please be sure to staple the pages together before handing over, and a digital copy to be submitted at e-learning platform. Late homework will only be accepted upon score-penalty.

Presentation(s)
Students are encouraged to apply their presentation(s) into legal-battle workshops either in class or in one of the field trips.

Filed trip(s)
Course topic related field trip(s) are on the list of course activities, among which a legal battle workshop would be held at De-Heng Shanghai Law Office, one of the largest Chinese law firms,[ Location at the North Bund.] at the students’ ex-curriculum availability.
**Exam**

Final exam will be comprised of multiple choices, short answer questions, and case analyses. Final exam’s open-close policy may change based upon majority voting of the class.

**Course Schedule:**

<table>
<thead>
<tr>
<th>Day</th>
<th>Topic</th>
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| 1   | Introduction to China’s Legal System  
Formation of the legal system  
Sources of Law  
Legislative Bodies & Administration  
Judicial System |
| 2   | Glimpses on China’s Legal Tradition  
Rule of Law v. Rule by Law  
White Cat/Black Cat Theory  
Significance of the Chinese  
Chinese in Negotiation(contract-forming) |
| 3   | Foreign Investment & Trade Regulation  
General Principles  
FDI Regulation  
TIER  
Negative List, etc. |
| 4   | Optimizing Business Environment  
Global Competition of Doing Business (World Bank Index)  
Laws and Regulations for Optimizing Business Environment  
Free Trade Zone & Special Regions for Business |
| 5   | Legal Structure (of Start-ups)  
Can foreign individual directly run business in China?  
WOFE  
EJV/CJV  
Agency & Representative Office  
Corporate Governance |
| 6   | Contracts  
Principles  
Forms & Effectiveness  
Remedies for Breach of Contract  
Co-founders’ Agreement  
E-contract |
| 7   | Patent & Proceedings for Start-ups  
Invention/Utility Model/Industrial Design  
Exclusions of Patent Application  
Novelty/Inventive Step/ & Practical Applicability  
Patent Proceedings, etc. |
| 8   | Patent Infringements  
Infringement Test |
| 9   | Exemptions & Remedy  
Exemptions  
Corporate Liabilities for Patent Infringements |
| 10  | Trademark Management for Start-ups  
Voluntary/Compulsory Registration  
Exclusions  
Criteria of Significant Feature  
Well-Known Mark Protection  
Territory Extension of a Foreign Trademark |
| 11 | Trade Mark Proceedings  
|    | Registration  
|    | Revocation, Opposition  
|    | Review at TRAB/Invalidation |
| 12 | Remedies of Infringement  
|    | Remedies of Trademark Infringement |
| 13 | Corporate Compliance I  
|    | Corporate Compliance & CSR: a Comparative Overview (US, UK, OECD…)  
|    | Anti-monopoly  
|    | Anti-unfair Competition  
|    | Digital Sovereignty over Internet: challenge/chances? |
| 14 | Corporate Compliance II  
|    | Taxation  
|    | Labor Management  
|    | Consumer Protection  
|    | Regulatory E-commerce & GDPR |
| 15 | Final Exam |