



LLM Program in Chinese Law

Course Information Sheet

Academic Year: 2022-2023	Semester: First	Instructor: Jiayang Hu
Instructor's Contact Information: Phone: 62934638 Email: jxhu@sjtu.edu.cn Website: Office: Office Hour: available upon appointment Please do not use email for substantive issue discussion—attend the online class and raise your questions.		
Schedule: The class meets (Monday) from 6:00 to 8:20 p.m. in Weeks 1-11 at Zoom Classroom.		
Course/Lecture Name: Chinese Foreign Trade Law		
Course/Lecture Description: <p>This course provides a focused treatment and analysis of the major legal, policy and business aspects of foreign trade in China. With respect to China's regulation of foreign trade, areas covered include: trade in goods, trade in services, protection of intellectual property rights in trading, China's participation in the WTO and China's commitments under the multilateral trading system, WTO dispute settlement mechanism and the relevant disputes concerning China. Specifically, China's regulations on foreign trade include tariff regulation and non-tariff regulation, trade remedies including antidumping measures, countervailing measures, safeguard measures. With the challenges confronting each WTO Member, how to reform the current multilateral trade regime is also an issue which deserves special attention.</p>		
Course Syllabus or Outline: Unit One A Brief Introduction to the Legal System of China Unit Two General Principles of Chinese Foreign Trade Law Unit Three Understanding Foreign Trade Unit Four Law Governing International Transactions of Goods Unit Five Government Regulation of Foreign Trade Unit Six Trade-related Intellectual Property Right Protection Unit Seven Foreign Trade Injury Investigation and Relief Unit Eight Foreign Trade Promotion and Legal Liabilities		

Reading Materials and Resources:

1. Textbook

Hu Jiayang: WTO and Its Dispute Settlement Mechanism, Zhejiang University Press, 2005

2. Articles

Hu Jiayang: The Role of International Law in the Development of WTO

Hu Jiayang: The Ambiguous Name and the Possible Redefining of a Developing Country in the WTO

Hu Jiayang: Closer Integration, Controversial Rules: Issues Arising from the CEPA between Mainland China, Hong Kong, and Macao

Hu Jiayang: Market Access or Market Restrictions – Analysis on the Regulations of PRC on Administration of Foreign-Funded Banks

Hu Jiayang: To Be or Not to Be---A Question to the United States---On the Countervailing Measures to Those Non-Market Economies

Hu Jiayang: The Role of WTO Law in the Construction of the Chinese Legal System

Hu Jiayang: The Role of Technological Neutrality Principle in the Development of WTO Rules

Hu Jiayang: Shanghai Free Trade Pilot Zone, the Model for Future China?

Hu Jiayang: A Small Difference in Wording, but a Big Difference in Rule-making----A Retrospective and Prospective View on the Development of China's Economic Zones

Hu Jiayang: The WTO Dispute Settlement System at Twenty Years: From the Perspective of the WTO Compensation Mechanism

Hu Jiayang & Jenny Huang: Dispute Resolution Mechanisms and Organizations in the Implementation of "One Belt, One Road" Initiative: Whence and Whither, Journal of World Trade, No.5, 2018

Hu Jiayang et al: Perspectives on Chinese Business and Law (intersentia Cambridge-Antwerp-Portland), 2018

3. Websites:

www.wto.org

4. Other reading materials and resources:

WTO cases

Eligibility:

1. All enrolled LLM candidates are admitted in this course;
2. Foreign exchange students and Chinese law students may be admitted in this course.

Recordings:

Recordings of classes are not permitted under any circumstances without permission of the instructor.

Examination:

1. **Final examination.** A thesis with no fewer than twenty pages of double-space lines is required. The student may choose any subject concerned with the knowledge learned in the class. Case analysis will be encouraged.
2. **Mid-semester examination.** There is one mid-semester examination with some questions either in oral or written form.

Grading:

Classroom performance: 20%

Mid-semester examination: 20%

Final Examination: 60%

Grading Scale:

A 90-100 (Excellent)

B 80-89 (Good)

C 70-79 (Satisfactory)

D 60-69 (Poor)

F 0-59 (Failure)

Academic Behavior and Honesty:

During exams, exchange of information with others is unacceptable. So is the use of notes or other materials, unless explicitly authorized. Anyone suspected of violating these guidelines will be charged with academic dishonesty and subject to SJTU's disciplinary procedures.

Class Attendance and Participation:

1. An attendance roster is kept, and students are expected to attend all class sessions on time and as scheduled.
2. Active student participation is an essential part of this course. Students should come to class prepared to discuss the assigned readings in a thoughtful, productive, and civil manner. You should be ready to ask and answer questions on the assigned readings. You need to participate actively in the class, but you should not attempt to dominate class discussion.
3. Students often disagree with each other and with the instructor. We encourage an atmosphere in which we are free to challenge and criticize each other's arguments, but all of us should be respectful and civil in our disagreements.
4. Class attendance and participation will not be formally graded.

Reference List for Further Reading

(1) HU, Jiaxiang

WTO and Its Dispute Settlement Mechanism---From a Developing Country Perspective, Zhejiang University Press, 2005.

(2) HU, Jiaxiang et al

Regional Cooperation and Free Trade Agreements in Asia, Brill Publisher 2014

(3) HU, Jiaxiang et al

Finance, Rule of Law and Development in Asia: Perspectives from Singapore, Hong Kong and Mainland China, Brill Publisher 2016

(4) HU, Jiaxiang et al

International Economic Law and the Challenges of Economic Zones : Global Regulatory Issues and Trends, Wolters Kluwer 2019