

Este documento refiere a otro periodo en que se impartió la materia -en este caso también a otra universidad, pero describe de manera adecuada las características de la misma. No hagas caso a las referencias de horarios y calendario.



**International Contracts & Arbitration (online)
Spring 2022
Mondays & Wednesdays – 13:00 to 15:00 hr (CDM time)**

Professor: Dr Jorge A Huerta Goldman <https://www.linkedin.com/in/jhuertagoldman/>

Adjoint Professor: Mtra. Alma Rosa Hinojosa <https://www.linkedin.com/in/alma-rosa-hinojosa-5218a05b/>

Marks: There will be three exams. The final mark will be the average of the three exams.

Subject matter	Date (1h50min each day)	Professor
<p>1. Introduction & Horizontal View</p> <ul style="list-style-type: none"> • Negotiation, formation & development of international contracts. • Legal instruments of international contracts – general view. • Arbitration as an alternative method to settle disputes. • Arbitration vs State Court. • Parties to the arbitration (private vs public parties). 	10 & 12 January 13:00h to 15:00h	Dr Jorge A Huerta Goldman
<p>2. The Arbitration Agreement</p> <ul style="list-style-type: none"> • Characteristics of the arbitration agreement. • Pathological arbitration clauses. • Written arbitration clause (contract vs exchange of documents). • Challenges prior to the arbitration. • The validity of the clause. 	17 & 19 of January 13:00h to 15:00h	Dr Jorge A Huerta Goldman
<p>3. Legal Instruments Applicable to Arbitration</p> <ul style="list-style-type: none"> • General View of the legal instruments applicable to arbitration. • Lex arbitri. • Applicable law to the contract. • Arbitration rules vs UNCITRAL Rules. • International Treaties. • Guides & suggestions. • Doctrine. 	24 & 26 January 13:00h to 15:00h	Dr Jorge A Huerta Goldman
<p>4. Establishment, Organization & Jurisdiction of the Arbitral Tribunal</p> <ul style="list-style-type: none"> • Request for arbitration. • Composition of the arbitral tribunal. • Challenge of arbitrators. • Independence & impartiality. • Organization of the tribunal & timetable. • Terms of reference / Processual Order 1 • Competence of the competence. • Jurisdictional challenges. • Agreement of the parts vs decision of the arbitral tribunal. 	31 January & 2 February 13:00h a 15:00h	Dr Jorge A Huerta Goldman



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<p>5. Evidence: From Development to Examination</p> <ul style="list-style-type: none"> • Development of evidence by the parts & the arbitral tribunal. • Preliminary measures in State courts on the development and preservation of evidence. • Kinds of evidence. • Examination in hearing. • Assessment of evidence by the arbitral tribunal. 	<p>9 of February 13:00h to 15:00h</p> <p><u>1st Exam on 8 February</u></p>	<p>Mtra Frida Altamirano</p>
<p>6. Preparation of Written Submissions: From the Request to the Award</p> <ul style="list-style-type: none"> • Types of written submissions. • Memorials. • The terms of references in the ICC. • Processual Orders. • Awards. 	<p>14 & 16 of February 13:00h a 15:00h</p>	<p>Dr Jorge A Huerta Goldman</p>
<p>7. Damages</p> <ul style="list-style-type: none"> • Preparation, evidence needed, assessment & argumentation of damages. 	<p>21 & 23 February 13:00h to 15:00h</p>	<p>Dr Jorge A Huerta Goldman</p>
<p>8. The Interaction with State Courts</p> <ul style="list-style-type: none"> • Preventive measures. • Submission to arbitration. • Constitution of the arbitral tribunal. • Validity of the arbitral clause. • Execution of partial awards. • The Role in ad hoc arbitration. 	<p>28 of February & 2 of March 13:00h to 15:00h</p>	<p>Dr Jorge A Huerta Goldman</p>
<p>9. Annulment, Recognition & Execution of Arbitral Awards</p> <ul style="list-style-type: none"> • Causes of annulment of the award. • Good practices to prevent the annulment of the award. • Homologation of the award. • Identification of reasons to deny the execution of an arbitral award. 	<p>7 & 9 of March 13:00h to 15:00h</p>	<p>Dr Jorge A Huerta Goldman</p>



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<p>10. The Main Arbitration Rules</p> <ul style="list-style-type: none"> • Rules of Arbitration of the International Chamber of Commerce. • Rules of the <i>Centro de Arbitraje de México</i>. • Rules of arbitration of CANACO in Mexico. 	<p>14 & 16 of March 13:00h to 15:00h</p>	<p>Dr Jorge A Huerta Goldman</p>
<p>11. The United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) (CISG)</p> <ul style="list-style-type: none"> • Formation of the contract. • Scope of application. • Obligation of the seller. • Obligations of the buyer. • Rights & actions in case of breach of contract by any of the parties. • Common dispositions applicable to both parties. 	<p>23 of March 13:00h to 15:00h</p>	<p>Dr Jorge A Huerta Goldman</p>
<p>12. The UNIDROIT Principles of International Commercial Contracts</p> <ul style="list-style-type: none"> • Scope of Application. • Formation & granting of powers of attorney. • Validity. • Interpretation. • Content, stipulation in favor of third parties & conditional obligations. • Compliance & breach of contract. • Compensation. • Cession & transfer. • Plurality of debtors & creditors. 	<p>28 & 30 March 13:00h to 15:00h</p> <p style="text-align: center;"><u>2nd Exam on 28 March</u></p>	<p>Dr Jorge A Huerta Goldman</p>
<p>13. Other Relevant Topics</p> <ul style="list-style-type: none"> • Technical Rules, import taxes & other government obstacles. • Contracts with governments & public entities. • The United Nations Convention on International Settlement Agreements Resulting from Mediation 	<p>4 & 6 of April 13:00h to 15:00h</p>	<p>Dr Jorge A Huerta Goldman</p>
<p>14. INCOTERMS</p> <ul style="list-style-type: none"> • Study of INCOTERMS. • Insertion of INCOTERMS in international contracts. 	<p>18 & 20 of April 13:00h to 15:00h</p>	<p>Dr Jorge A Huerta Goldman</p>



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15. Free topic (to be decided by the Professor)	25 and 27 of April 13:00h to 15:00h	Dr Jorge A Huerta Goldman
16. Investor-State Arbitration <ul style="list-style-type: none">• State responsibility under the Investment Agreements.• Bilateral Investment Treaties vs FTAs.• BITs signed by México.• Acces to investmen arbitration.• Protection rights of the investor.• Characteristics of investment arbitrations.	2 & 4 of May 13:00h to 15:00h	Dr Jorge A Huerta Goldman
17. Simulated Case <ul style="list-style-type: none">• Simulation of the hearing of the hypothetical case.	9 & 11 of May 13:00h to 15:00h <u>3rd Exam</u>	Dr Jorge A Huerta Goldman

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