



3rd LSGL Summer School

6 to 17 July 2015



University of Cape Town | SOUTH AFRICA

UCT Faculty of Law





The Faculty of Law at the University of Cape Town is pleased to be hosting the third Law Schools Global League (LSGL) Summer School in Cape Town from 6 to 17 July this year.

AIM OF THE SUMMER SCHOOL

Every year the LSGL organises the LSGL Summer School, which offers students a cutting-edge learning experience in exploring the challenges of the legal profession in an increasingly globalised world.

The LSGL Summer School offers the participants a unique professional and social opportunity that is unmatched in the current summer school market. The courses are co-taught by professors from member institutions.

SUMMER SCHOOL COURSES IN 2015

First week – from 6 to 11 July 2015 (exam will be on 11 July)

1. PERSONALITY RIGHTS IN THE ONLINE WORLD: GLOBAL CHALLENGES

Prof. Ivar Hartmann and Prof. Tito Rendas

2. INTERNATIONAL CONTRACTS IN THE 21st CENTURY: CONTROVERSIAL ISSUES

Prof. Wanderley Fernandes and Prof. Francisco de Elizalde

Second week – from 13 to 18 July 2015 (exam will be on 18 July)

1. THE ROLE OF CORPORATIONS IN HUMAN RIGHTS PROTECTION

Prof. Serena Quattrocolo and Prof. Dr. Michael Nietsch

2. INTELLECTUAL PROPERTY IN CONTEMPORARY SOCIETY: STATE OF THE ART DISCUSSIONS

Prof. Monica Guise, Prof. Pedro Letai and Prof. Tobias Schonwetter

ADMISSION REQUIREMENTS

As each member school is aware, each school has to pay the tuition for one student irrespective of whether a student from that school attends or not. Each LSGL member school may nominate and send two students to attend the summer school.

Students will be eligible for admission to the Summer School provided they meet the following requirements:

- Students must have completed at least one year of legal studies (JD, LLB or LLM)
- Students must be proficient in English

APPLICATIONS

Member schools must submit the attached application form with supporting documents to the UCT Faculty of Law via email to irena.wasserfall@uct.ac.za

Deadline for applications: 31 May 2015



UCT Faculty of Law



TUITION

The tuition fee is €1000 per student. This fee covers academic and certain social programmes. An invoice will be sent to you for this amount for each student.

PAYMENT

Bank: Standard Bank of S.A. Ltd.
Account name: University of Cape Town
Branch: Rondebosch
Branch code: 025009
Account number: 071 503 854
Swift code: SBZAJJ

Reference: It is essential that you use your invoice number as a reference when making this payment.

CONTACT AT UCT

Irèna Wasserfall
Manager: Professional Development Project

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Fax: +27 21 650-5513
Email: irena.wasserfall@uct.ac.za

Physical address:

Faculty of Law Room 3.20
Kramer Building
Middle Campus
University of Cape Town

Postal address:

Private Bag X 3
Rondebosch
7701
South Africa





ACCOMMODATION FOR VISITING STUDENTS

Arrangements have been made for students to be accommodated at Little Scotia, a guest house within walking distance of the UCT Faculty of Law: <http://www.scotia.co.za>

Students will be expected to share.

The following accommodation is available:

Three quadruple rooms (four students per room):

ZAR1060 for the room per night, therefore ZAR265 per person per night, breakfast included.

This amounts to approximately \$90 / €82 per person per night at the current exchange rate.

Three triple rooms (three students per room):

ZAR930 per room per night, therefore ZAR310 per person per night, breakfast included.

This amounts to approximately \$79 / €72 per person per night.

Fourteen twin rooms (two students per room):

ZAR810 per room per night, therefore ZAR405 per person per night, breakfast included.

This amounts to approximately \$69 / €63 per night.

MEALS

Students will be provided with a light meal every day when attending lectures. They will have to provide for themselves in the evenings and over weekends. The accommodation is within walking distance of restaurants and supermarkets in Rondebosch.

LIABILITY AND INSURANCE

UCT cannot accept any liability for personal accidents or loss or damage to property of students. Students are advised to purchase travel and health insurance for their trip.

VISA

Students are advised to visit the Department of Home Affairs website to ascertain how to apply for a visa. Applications for a visa will be the responsibility of the student. [Http://www.home-affairs.gov.za/index.php/applying-for-sa-visa](http://www.home-affairs.gov.za/index.php/applying-for-sa-visa)

CURRENCY AND EXCHANGE OFFICES

The currency of South Africa is the South African Rand (ZAR). Students will have to pay for goods and services in ZAR. Please ensure that you arrive with sufficient cash in your possession. Money can be exchanged at the airport. Please note that there are no exchange offices in close proximity to the university.



UCT Faculty of Law



ABOUT CAPE TOWN, THE UNIVERSITY OF CAPE TOWN AND THE FACULTY OF LAW

Here are a few links to websites that may be of interest to prospective students:

<http://www.capetown.travel/>

<http://www.visiting-capetown.com/>

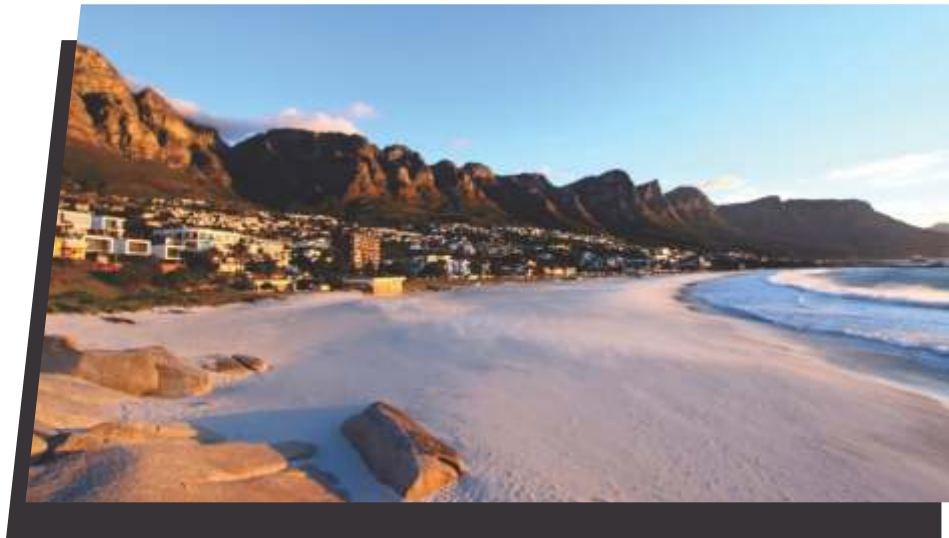
<https://www.capetown.gov.za/en/visiting/Pages/default.aspx>

<http://tourismcapetown.co.za/home>

<http://www.capetownmagazine.com/>

<http://www.uct.ac.za/>

<http://www.law.uct.ac.za/>





COURSE DESCRIPTIONS AND LECTURERS

1. PERSONALITY RIGHTS IN THE ONLINE WORLD: GLOBAL CHALLENGES

Few legal doctrines and concepts have suffered more drastic and fundamental changes in a global and online society as personality rights. As basic pillars of private law, they intertwine with constitutional law, largely informing and shaping the protective sphere of constitutional rights themselves. Both in civil and common law jurisdictions, personality rights have been construed by legislators and courts to broadly encompass an individual's role and expectations in society.

Countless aspects of people's lives in an information society are thus deeply affected by how such rights are conceived of and enforced. Naturally, the exercise of informational personality rights in current times is always directly affected by decisions of key stakeholders – states and companies alike – as they regulate the internet. As a result, these decisions are either national with a global effect or straightforwardly global.

The course will concentrate on contexts where the subject of the right, the infringer and the enforcing authority are located in different countries, but connected by online platforms and online actions. Students will learn to harness national and supranational law when and to the extent that it provides support for the protection of personality rights in the online world. Copyright, privacy and free speech are the most relevant rights in this context and make up the core of the course. The course's fundamental aim will thus be to prepare future lawyers to navigate an online environment where personality rights are threatened and protected in a truly global fashion.

Lecturers:



Ivar Hartmann is a Professor at FGV Law School in Rio de Janeiro, where he has taught Cyberlaw, Programming for Lawyers, Research Methodology and Theory of Justice. He coordinates the "Supreme Court in Numbers" project, which employs computer science to empirical legal research in order to produce data on tens of millions of lawsuits from different Brazilian courts. Ivar's research interests and publications cover topics of Constitutional, Private and Cyberlaw, as well as Empirical Legal Research. Ivar holds an MsC from the Catholic University of Rio Grande do Sul, Brazil and an LLM from Harvard Law School. He is an SJD candidate at the State University of Rio de Janeiro.



Tito Rendas is a Lecturer at the Law School of Universidade Católica Portuguesa and a PhD Candidate at Católica Global School of Law. In 2012, he received an LLM from Harvard Law School, where he contributed to the Harvard International Law Journal and was a member of the board of the Harvard European Law Association. Prior to that, he received an LLM from Católica Global School of Law (2011) and his law degree from the Law School of Universidade Católica Portuguesa (2010). He is currently a member of the Technical Commission for the Strategy on Copyright, appointed by the Portuguese Government, and was an agent for the Portuguese Republic in preliminary reference procedures on Copyright Law before the Court of Justice of the European

Union. He has presented his research – focused primarily on issues at the intersection of law and technology – in several universities worldwide.



2. INTERNATIONAL CONTRACTS IN THE 21ST CENTURY: CONTROVERSIAL ISSUES

This course will focus on current controversial issues of international contracts. Foreign investments in the 21st century pose new challenges to the law as transnational contracts (which share common patterns in drafting) are forcing national contract law to evolve, re-shaping its content. The global market has brought the different legal systems closer while coping, at the time, with traditional (national) rules still in force. The analysis of how this is being done and its criticism, a task that cannot be omitted by global Law Schools, is crucial for determining the actual contractual framework that applies to foreign investments.

By resorting to a comparative and international method, the course expects to raise the aforementioned questions, present how the problems that affect transnational contracts are being dealt with and reach critical conclusions. The co-convenors expect active participation (which will be considered in the final assessment) by the students, who should bring the suggested materials prepared for each class.

The course is structured in two parts: a General Part (Days 1 and 2) that deals with the common problems to international contracts' formation and performance; and a Special Part (Days 3 to 5) that approaches current issues in the most habitual contracts by means of which foreign investments are conducted.

Lecturers:



Wanderley Fernandes is a doctor from the University of São Paulo (USP) and Master of Laws from the University of Illinois at Urbana-Champaign College of Law (LLM 1996-1997).

He graduated from the Program of Management Development (PMD-2011) from Harvard Business School and graduated in Law from USP. He is professor of the graduate degree and professional master degree at DIREITO GV.



Francisco de Elizalde is a full-time Professor at IE Law School. He focuses on private law, especially, contracts and the law of property, from a comparative perspective. He has been an Adjunct Professor at University of Navarra (LLM course) and a Visiting Scholar to the University of Cambridge (Centre for European Legal Studies) and Harvard Law School. Prof de Elizalde has practiced law at the Litigation and Arbitration Department of Garrigues (the largest law firm in continental Europe) for eight years, representing national and multinational companies.

He has a PhD in Law (special mention International Doctorate), University of Navarra (ES), LLM in Legal Practice, IE Law School (ES), LLB Universidad Complutense (ES), LLB Universidad Católica Argentina (AR).





3. THE ROLE OF CORPORATIONS IN HUMAN RIGHTS PROTECTION - ANTI-CORRUPTION, COMPLIANCE AND LIABILITY

The role of corporations in developing countries can be ambiguous. Whereas it may create economic growth in most cases it will also produce far reaching collateral on the social, cultural and environmental scale. These changes may respect human rights. However the legal framework existing in the respective countries often will not be prepared to provide sufficient safeguards. Even with laws in place, the legal system may not provide enforcement, mostly because of being compromised by corruptive practices. The harmful effects of corruptions have led to a number of international treaties and make foreign corruption an offence in most industrialised countries, with the Foreign Corruption Practices Act (FCPA) and the UK-Bribery Act the most prominent examples. Alongside with reputational risks companies face increasing penalties for failures of legal compliance in their home as well as in other jurisdictions. Violations may also result in civil liability towards individuals. The implications of corruption become a global challenge.

The course will give an introduction to the described phenomena and their legal implications. It explains the causes and the harmful effects of corruption. The focus lies on the cornerstones of material anti-corruption legislation and anti-corruption compliance in companies. It also deals with recent developments regarding civil liability, giving emphasis to the Alien Torts Statute Claims Act. A round off will be a cast of an initiative of the extraction industry. The course aims to enable future in-house counsellors and legal advisors to navigate corporate activities in developing countries where human rights are threatened and their protection is a multi-jurisdictional challenge.

Lecturers:



Serena Quattrocolo is Associate Professor of criminal procedural law at the University of Turin, Italy. She also taught for five years at LUMSA University, Rome and teaches Italian Criminal Procedural Law, Judicial cooperation in criminal matters (in Italian) and EU criminal procedural law (in English). In the current AY she is Faculty member at Centre for Transnational Legal Studies in London. Her research field are the European criminal procedural law and the protection of fair criminal trial as a human right, both at national and international level. She is editor in chief of the Italian Journal *La legislazione penale*.



Michael Nietsch holds the Chair for Private Law, Company Law and Securities Regulation at EBS Law School in Wiesbaden, Germany. His previous position was Associate Professor at Johannes Gutenberg-University of Mainz and head of the Centre for German and International Laws of Financial Services. He also is director of the Centre for Corporate Compliance at EBS Law School. His publications deal with topics in German and European corporate law giving emphasis to requirements of legal compliance and liability of companies and their directors and officers.

Michael is a frequent rapporteur to congresses and has taught nationally and internationally. He is a member to numerous associations of legal professionals and legal scholars.





4. INTELLECTUAL PROPERTY IN THE CONTEMPORARY SOCIETY: STATE OF THE ART DISCUSSION

The course aims to discuss intellectual property issues related to current and disrupting developments worldwide. After introducing students to the basics of IP protection on Day 1, subsequent classes on days 2, 3 and 5 will address many of the “hot topics” that the various IP stakeholders are now confronted with (on Day 4, students will attend the LSGI Academic Conference). Emphasis will be on patent law, copyright law and trademark law.

Lecturers:



Mônica Steffen Guise Rosina is a Professor at Fundação Getulio Vargas Law School in São Paulo, where she coordinates the Research Group on Law and Innovation and teaches intellectual property, legal research, fashion law and digital democracy. She holds a PhD in International and Comparative Law from the University of São Paulo, an LLM from the Federal University of Santa Catarina and a certificate on Industrial Property from the University of Buenos Aires. Mônica is the author of several books and articles related to the fields of research described above.



Pedro Letai is a Professor of Law at IE Law School (Madrid, Spain). He holds a PhD from Universidad Autónoma de Madrid and both LL.Ms from IE Law School and Universidad Pontificia de Comillas, ICADE. His primary teaching and scholarly interests are in the fields of intellectual property and contracts, applying also economics to the study of law. He has published several papers and is the author of the books *Cyber Law in Spain*, *La infracción de derechos de propiedad intelectual sobre la obra musical en Internet* and *Siete lecciones de derecho de contratos*. He has also published the book of poems *El gran búfalo Americano* and a novel, *Siete canciones pasada la medianoche*. Prior to commencing his academic career, he practiced law at Uría Menéndez and Bufete Ramón Hermosilla.



Dr. Tobias Schonwetter is the director of UCT's Intellectual Property Unit and the regional coordinator for Africa for Creative Commons. He specialises in intellectual property law generally and copyright law and innovation specifically. He is currently a principal investigator for the Open AIR project, an African-wide research and capacity building collaboration on intellectual property law, innovation and development on the continent. Previously, Tobias was a senior manager (Technology and Innovation Law) at PWC South Africa and a postdoctoral fellow at the University of Cape Town's Intellectual Property Research Unit. Since 2009 Tobias is also the legal lead of Creative Commons South Africa. Tobias was involved in a number of IP-related research and capacity-building projects, including the Open Review of the South African Copyright Act 1978 project and the African Copyright and Access to Knowledge (ACA2K) project. He studied and practiced law in Germany, the US and South Africa, and holds PhD and LL.M degrees from the University of Cape Town (UCT), South Africa. He has been awarded with the prestigious UCT Research Fellowship Award for his doctoral studies in 2005, 2006 and 2007. Tobias has written numerous articles on copyright law and he has spoken at various national as well as international conferences.



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