



The Teaching of Law in the BBA Degree Programme of the Central Ostrobohnia University of Applied Sciences

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| Abstract <p>The report sets out to identify what aspects of law should be instructed in the BBA programme of the Central Ostrobothnia University of Applied Sciences. It does so by examining the content and goals of similar degree courses offered by other similar institutions both Finnish and foreign and referring to the content of texts on the subject of international business law. It then identifies the depth of knowledge required of each of the aspects identified with due reference to the important skill requirements identified by prospective employers of the degree programme students.</p> <p>Having identified what should be included in the studies and the depth and breathe of knowledge required, the report then suggests how such could be delivered in the degree programme of the university.</p> | | |
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Introduction

Those persons charged with the design of a business degree programme at bachelor's level face a number of problems that must be addressed. What business disciplines must be included, what should be included and what are those that could be considered optional or specialist in their nature. Having pondered this question they are then faced with the next issue. What is the breadth and depth of knowledge required of the students of the topics examined. They will then consider this aspect and then come to face the final requirement – how are they going to organise the transfer of the knowledge which they have now defined in terms of topic, breadth and depth to the students during the duration of their studies. What courses are to be used as the conduits for what information and how should they be chronologically arranged so that the required knowledge is received in a proper cognitive order (New University of Ulster Web Site).

This work will set out to determine how one such business discipline – that of law – could be dealt with in a bachelor's level business degree programme. The examination is generic but in consequence thereof the suggestions that follow relate to one degree programme in particular, that of International Bachelor of Business Administration awarded by the Central Ostrobothnia University of Applied Sciences (hereafter COU), Kokkola, Finland. Further the nature of the programme is affected by its stakeholders – to wit, the Finnish Ministry of Education, the board of the university, the lecturers thereof, the students that voluntarily take the programme, and their potential employers after graduation. The interests of the aforementioned parties and the nature thereof, will contribute to the building of the degree programme and consequently to the place of the discipline of law therein. It follows therefore that such interests need to be examined (Knight 1997)

Having established what is expected of the programme by its stakeholders as the parameters, it would make sense to review how the discipline of law is delivered in other similar programmes offered by both academic and profession institutes. Such benchmarking is standard procedure in the evaluation of higher education degree programmes (Schreiterer 1998; Schofield 2000). Following this examination the following questions are to be addressed:-

- What aspects of the law will be included in the programme

- What is the breath and depth of knowledge required of each aspect
- What aspects should be dealt with in which courses and in what chronological order.

Finally a suggested format for the inclusion of law in the programme will be put forward for consideration at the next major review of the COU programme in autumn 2007.

So this report will proceed as follows:

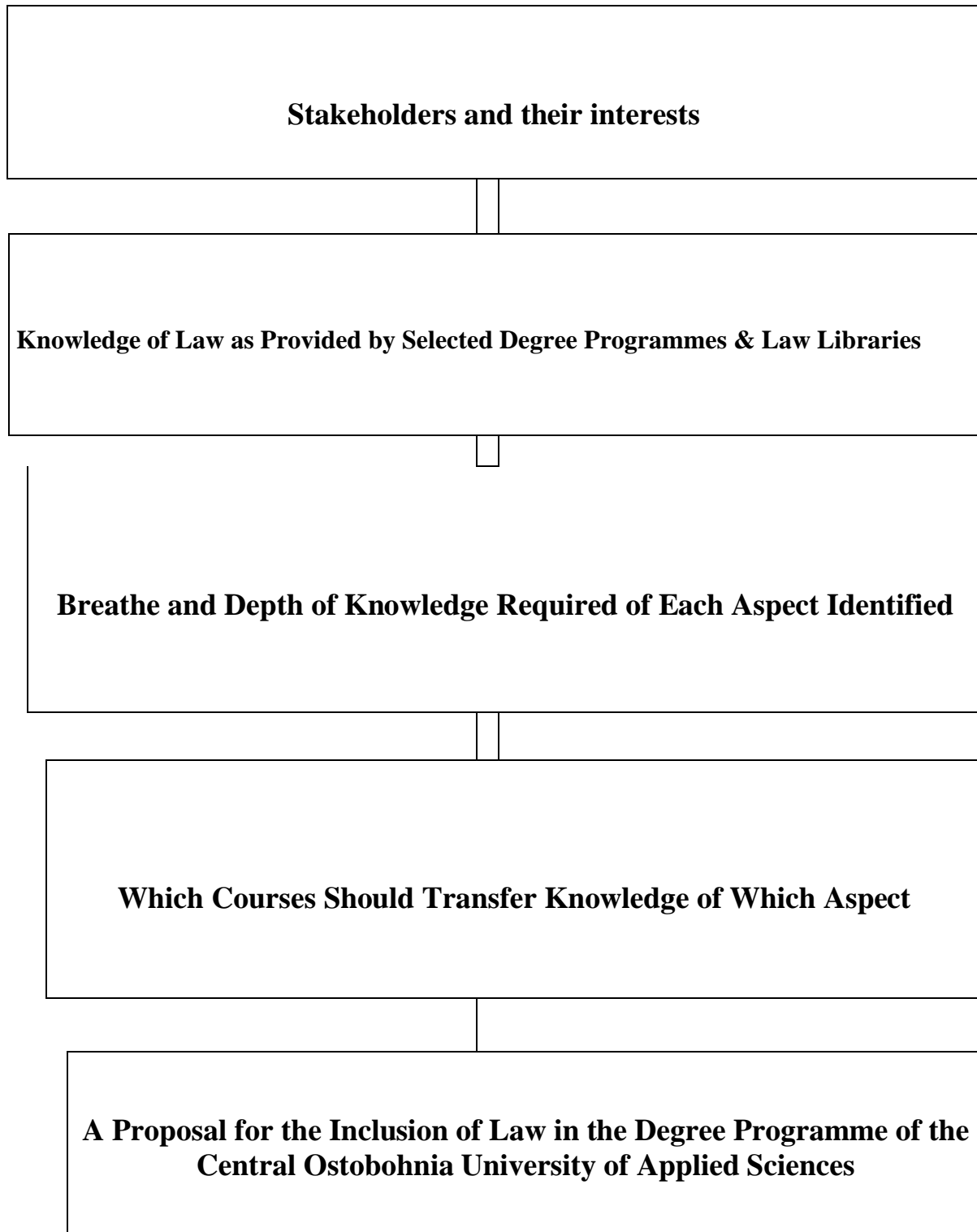
Chapter one will examine the interests of the stakeholders and how they affect both the design of the programme and that of the inclusion of law. Chapter two will review a number of similar programmes and courses in an attempt to identify what elements are included therein.

Chapter three will then consider the breath and depth of the knowledge required of the elements identified in chapter two. Chapter four will deal with matters concerning what courses should deal with what elements identified in chapter two and the degree to which as identified in chapter three.

Finally chapter five will present a proposal for the inclusion of the discipline of law in the particular International Bachelor of Business Administration degree programme offered by COU with due reference to the interests of the stakeholders identified in chapter one, the elements of law in chapter two, their breath and depth in chapter three and the conduit courses and their chorographical order as identified in chapter four.

The format of the report is diagrammatically presented overleaf.

The Format of this Report



The following chapter, chapter one, deals with the interests of the stakeholders.

Chapter 1

In the introduction the stakeholders in the Ammattikorkeakoulu (hereafter AMK) system were identified as being the Finnish state through the offices of the Ministry of Education, the management board of the institution, the lecturers therein, the students who attend and potential employers of said students when they graduate.

1.1 The Finnish Government as a stakeholder

The Finnish government grants the right to act as providers of third level professional education to a number of AMKs through a law and set of regulations defining what is expected of them¹. The following sections of the regulations 352/2003 are most relevant to this study:

- 4§ delineating the structure of the degree studies as basic and professional studies, optional studies, work practice and a thesis
- 5§ defining the length of the degree studies as a minimum of 180 study points where 60 such is the equivalent of 1600 study hours and a maximum of 240 study points
- 7§ defining the aims of the studies as giving the student knowledge of
 - the practical skills together with their theoretical basis required to act as an expert in the area
 - the prerequisites to follow developments in the area and keep up to date
 - skills for further education
 - sufficient language and communication skills; and
 - the necessary skills to act in international affairs
- 1§ defines the areas in which the AMKs can give degrees and includes business and administration

The following sections of the law 351/2003 should also be noted

(the duties of the AMK)

- 4§ the AMK provides third level education based on research, art and the demands of work life and its development and is geared to professional expertise, the professional growth of

¹ Ammattikorkeakoululaki 351/3002 and asetus 352/2003

the individual and undertakes appropriate research and development work which both serves AMK education and supports and develops work life of the local area with due consideration for the nature and structure of the local economy.

- 5§ a specific requirement to act in conjunction with local economic interests and also with other Finnish and foreign institutes of third level education and other educational institutes
- 19§ requires that the studies leading to a degree be arranged in a programme in accordance with the regulations of government and that such be determined on the grounds of the degree regulations of the AMK.....the ministry of education decides on the study programmes on the basis of suggestions by the AMK in accordance with the regulations given by the government and the AMK decides on the curricula of the study programmes in accordance with the degree regulations of AMK.....there can be separate committees for the development of AMK.

Thus it can be seen that the designer of a programme is legally obliged to produce an end result that is in accordance with the law, the principle requirements of which have been outlined above.

Further the affect of 19§ 2005/351 would appear to restrict independent development of degree programmes without state approval.

1.2 The management board as a stakeholder

The second of the stakeholders identified was the management board of the AMK. Within the obligations that the law imposes on them they have quiet extensive freedom to design and develop in as much as most of the aforesaid legal requirements can be said to be subjective in nature. For example, the objective of the education that the students are to get as outlined in 7§ 352/2003 is itself subjective in its nature. From the perspective of the degree programme concerned with this study what practical skills are necessary to be an expert in international business administration and how should students be prepared to be experts in international affairs? However it is one matter to design a system of studies and another to implement them and implementation is undertaken by the third of the identified stakeholders, the lecturers and teachers in the institute.

1.3 Lecturers and teaching staff as stakeholders

Lecturers and teachers are charged with the delivery of the specified knowledge and skills to the students in the course of teaching modules, which they themselves prepare and deliver. They are

usually involved at the planning stage and so understand the significance of deciding the goals of any given course to ensure that they are an overall degree programme content and chronological fit. The standard length of a self contained module on a topic is usually 3 – 5 ECTS representing 80 – 133 student study hours of which 50% are spent in class receiving instruction. The delivering teacher largely decides the manner in which the stated goals of the course are to be achieved, though certain disciplines are more restricted in their scope for variety of delivery than others. Thus what many would consider to be the most important element in the knowledge transfer process, the teacher as transfer conduit, has an input into management decisions at an early stage in the planning process.

1.4 The student as a stakeholder

In considering the influence of the students on the design of a degree programme one must appreciate that in Finland – as in many advanced economical societies - third level education is supply driven rather than demand driven – demand for places exceeds supply. However in Finland state recognised private third level education does not exist and therefore to all intents and purposes the state has a monopoly that it enforces by providing such education free of charge and subsidising the participants by way of cost of living support grants. Finally as it is the body that accredits degrees, it accredits only those offered by approved Finnish state institutions and those foreign institutes it is obliged to recognise by reason of EU directive or bilateral national treaties. Thus the base for inter-institutional competition is seriously weakened and competition between institutes does exist but not in the sense that such would be understood commercially. This has the affect of ensuring that the student input into course design is minimal, notwithstanding the fact that they have a nominal member on the management board of AMKs. Further as they are not paying for the privilege of their education they- in the writers view – appear to take what they are offered without comment. Having said that it must be appreciated that many students are not certain of exactly what they want in the first place.

1.5 The local employers as stakeholders

The final set of stakeholders who have an interest in an AMK degree programme design are local economic interests. Given that the institutions are specifically required by law to design degree programmes that take the need of these stakeholders into account one might imagine that they have a considerable input. In the writer's experience it is not the case that a general overall interest is

shown by most, rather in some cases a specific interest is shown by a few. The system of co-operation could not, for example, be compared to the German apprenticeship system. The only case known to the author where such like co-operation exists and is strong is that of a local company in Upper Savo which has taken a student from a specialist university in the UK each year for the past 12 years. To the writer's knowledge, eight of these students returned to Finland after their degree studies had finished and four are currently working for this company. Three others are working for other Finnish companies and the balance are in the UK.

Table 1 The interested parties

| W H O W A N T S W H A T | THE INTERESTED PARTIES | |
|--|-------------------------------|---|
| | BODY | INTEREST |
| | The Finnish State | Provision of Effective and Efficient Education |
| | The Institution | Compliance with directives, protection of self interest, provision of effective and efficient education |
| | The Staff | Protection of self interest, provision of effective and efficient education |
| | The Students | Obtaining a recognised certificate to get a job |
| | The Employers | Getting staff with relevant skills to perform a job |

1.5.1 Skill factors demanded by local employers

However a survey of local businesses in Central Finland undertaken by Mr. Jorma Kananen of Jyväskylä AMK sheds some light on the interest of local companies and their skills priorities. 1,500 questionnaires were distributed to companies in this area whose turnover exceeded 1 million euro and who employed greater than 10 staff. 25% were returned. The researcher considered this to be a fair return rate without the issue of a second prompting reminder. This is in fact so but the fact remains that 75% of the would be respondents did not bother to reply so one would not expect that they would have a great deal of interest or input into the design of a degree programme. The following skills were rated by the respondents on a scale of being required - 1 not at all, 2 not a lot, 3 quite a lot, 4 very much – for a position concerning foreign trade.

This serves as a very useful express and implicit statement of what they would expect an international business degree programme to contain and the skills, which they would expect the participants to have on completion.

Table 2 Skill requirements of potential employers of export personnel

| Skill | Importance Weighting |
|--|-----------------------------|
| English Language | 3,7 |
| Ability to Build an Argument | 3,6 |
| Teamwork Skills | 3,6 |
| foreign Language Presentations | 3,6 |
| Export Pricing | 3,5 |
| Ability to Present to Differing Target Groups | 3,3 |
| Dealing with Foreign Visitors | 3,2 |
| Pricing | 3,1 |
| Personal Selling Skills | 3,1 |
| Sales Work and Sales Work Leadership | 3 |
| Customs Issues | 3 |
| Export Documentation | 3 |
| Sales Negotiations with Foreign Customers | 3 |
| Drawing up Sales Contracts | 2,9 |
| Transportation Documentation | 2,9 |
| Export Representation | 2,7 |
| Budgeting | 2,6 |
| Cost Accounting | 2,6 |
| PR and Sales Promotion | 2,6 |
| Swedish | 2,6 |
| Relationship Skills/Listening | 2,5 |
| Ability to use Swedish at Work | 2,5 |
| Ability to make up Training Event | 2,5 |
| Payment Documentation | 2,5 |
| Overseeing of Export Sales | 2,4 |
| Transportation Insurances | 2,4 |
| Setting up Foreign Distribution Networks | 2,3 |
| Other | 1,9 |
| Scale of Importance reads 1 = not at all, 2 = not a lot, | |
| 3 = quite a lot, 4 = very much | |

Jorma Kanenen's research sourced from articles written for Suomen Kauppaopettajat in Autumn 2006 and Spring 2007.

So to sum up, whilst the Finnish state has set the parameters within which the AMKs can operate and has recognised the interests of other stakeholders, when it comes to the design and delivery of a degree programme permitted within the AMKs remit, then those with most influence on its make up in terms of content and mode of delivery are the degree programme administrators and teachers.

Chapter 2

2.1 The Law in the programmes reviewed

This chapter sets out to examine what elements of law are typically included for instruction in a Bachelor's of Business Administration programme. The research methodology chosen for this examination is the simple downloading of the details of the degree programmes available on the web sites of three selected AMKs in Finland and that of the Helsinki School of Economics. The prospective student is expected to make a decision on whether to attend and on what degree course to take on the basis of this information. By way of comparison the programme for the Advanced Certificate in International Trade offered by the Institute of Export, London is included as is also the degree programme in Bachelor of Business from Athlone Institute of Technology, a sister institution of COU in the Republic of Ireland.

The full list and the order in which they will be examined is as follows

- Savonia AMK
- Oulu AMK
- Haaga-Helia AMK
- Helsinki School of Economics
- Athlone Institute of Technology, Ireland
- Institute of Export, London

2.2 Savonia AMK

The structure of this degree programme of 210 ECTS credits consists of

- Compulsory Basic Studies 60 ECTS credits
- Specialised Studies 90 ECTS credits
 - Compulsory 70 ECTS credits
 - Alternative 20 ECTS credits
- Elective Studies 15 ECTS credits
- Work Placement 30 ECTS credits

- Thesis 15 ECTS credits

The compulsory basic studies are undertaken in the first year and the stated objectives and content of the following courses indicate expressly or implicitly study of aspects of law. The duration of the courses is 3 ECTS unless otherwise stated:-

2.2.1 Basics of Business Economics

Reference to the place of a company in the business world, its relationship with its environment and differing company forms. This suggests the inclusion of some aspects of company law.

2.2.2 Basics of Business Law

Expressly states familiarisation with major legal systems, their differences and common basic legal principles. Familiarity with Finnish law and case studies with emphasis on the interrelation between national and EU law.

2.2.3 Basics of Accounting

Makes reference to bookkeeping, financial statements and taxation. Implies some dealing with company and tax law.

Compulsory specialised studies start in second year and the stated objectives and content of the following courses indicate expressly or implicitly study of aspects of law

2.2.4 Professional Selling

Implies instruction in such aspects of contract law as offer, acceptance and representations.

2.2.5 Product Development and Product Life Cycle

Implies some instruction in intellectual property rights and product liability.

2.2.6 Implementation of International Trade

Implicitly deals with INCO terms and payment terms and expressly mentions terms of sale.

2.2.7 Small Business Establishment and Management

Expressly mentions familiarity with different corporate forms and the procedures to establish a company in Finland.

2.2.8 Marketing Laws and Ethics

Expressly mentions knowledge of legislation concerning the marketing of goods and services with special emphasis on EU marketing law and competition. Ethics expressly mentioned, legal control of channels, consumer protection and product liability, basic rights of employees, ethical responsibility of the company.

2.2.9 Effective Business Texts

Implies familiarisation with legal affect of language in brochures, persuasive texts proposals and such.

2.2.10 English for International Business

Included themes are cultural differences, linguistic features in business language, meetings and negotiations implies some instruction and/or knowledge of contract law.

The following options appear under the heading of Elective Studies

2.2.11 Environmental Protection

Expressly deals with environmental pollution and its consequences.

2.2.12 International Trade in Russia and Asia

Implies some instruction/knowledge of Russian/Asian trade law.

2.2.13 Doing Business in Different Cultures

Expressly mentions business negotiations and implies knowledge of or instruction in contract law and/or comparative law.

Table 3 Savonia Degree Programme

| Savonia AMK BBA Degree - Implications for Law | | |
|--|---|---|
| Subject Title | Law Expressed | Law Implied |
| Basics of Business Economics | Company Law | |
| Basics of Business Law | Legal Systems & Principles, Finnish and EU Law. | |
| Basics of Accounting | | Company and Tax Law |
| Professional Selling | | Sales Contract Law |
| Product Development and the Product Life Cycle | | Intellectual Property Rights, Product Liability |
| Implementation of International Trade | Terms of Sale | Inco Terms, Payment Terms |
| Small Business Establishment & Management | Corporate Personae, Foundation Procedures | |
| Marketing Laws & Ethics | Marketing Law, EU competition law, Consumer Protection & Product Liability, Staff Rights & Ethics | |
| Effective Business Texts | | Familiarisation with law on representations |
| English for International Business | | Contract Law |
| Environmental Protection | Pollution and its consequences | |
| International Trade in Russia and Asia | | Russian/Asia Trade Law |
| Doing Business in Different Cultures | Business Negotiations | Contract Law |

2.3 Oulu AMK

The following courses are offered under the heading of Basic Studies.

2.3.1 European Union Studies

Expressly deals with the institutions of the EU and co-operation between national and community law. Reviews the EU law making system.

2.3.2 Finnish Business Law

Expressly deals with legal terminology in the context of the Finnish legal system with an overview of company, competition, contract, marketing and labour law.

2.3.3 Introduction to Accounting

Implicitly deals with obligations to report imposed by company law.

Further courses are presented under the heading of Compulsory Professional Studies

2.3.4 Foreign Trade Practice and Documents

Expressly concerns itself with terms of trade, transportation, banking, insurance and customs documentation.

2.3.5 Professional Selling and Customer Relationships

Implicitly deals with aspects of sales contract law.

2.3.6 Logistics

Expressly mentions purchasing, transportation and warehousing and implicitly concerns itself with sales contract law and liability of carriage and storage.

2.3.7 Human Resource Management

Implicitly concerns labour law.

2.3.8 International Business Negotiations

Expressly mentions negotiations and contracts across cultures.

2.3.9 International Marketing Communication

Implicitly concerns comparative advertising, copyright, liable and slander.

2.3.10 English Business Communication

Expressly mentions terms of delivery and payment.

2.3.11 Working English

Expressly mentions formal meetings and negotiations.

Finally under the heading of Free-Choice Studies

2.3.12 Doing Business in Russia

Implies some instruction in Russian trade law.

2.3.13 Doing Business in the Baltic States

Implies some instruction in local trade law.

2.3.14 Doing Business in Asia

Implies some instruction in local trade law.

2.3.15 Immaterial Property Rights and Information Law

Expressly deals with protection of intellectual property and information law.

2.3.16 Developing a Business Idea in a Pre-incubator 9

Implies ability to audit the legal environment.

2.3.17 Developing a Business Idea in an Incubator 9

Implementation of above and implies knowledge of the legal requirements.

Table 4 Oulu Degree Programme

| Oulu AMK BBA Degree - Implications for Law | | |
|---|---|--|
| Subject Title | Law Expressed | Law Implied |
| European Union Studies | EU Institutions, EU and National Law, EU as law maker | |
| Finnish Business Law | Company, Competition, Contract, Marketing & Labour Law | |
| Introduction to Accounting | | Company Law |
| Foreign Trade Practice & Documents | Terms of Trade, Transportation, Banking, Insurance, Customs | |
| Professional Selling & Customer Relationships | | Sales Contract Law |
| Logistics | | Sales Contract Law, Carriers Liability |
| Human Resource Management | | Labour Law |
| International Business Negotiations | Contract Law | |
| International Marketing Communication | | Marketing Law, Copyright, Libel & Slander |
| English Business Communication | Terms of Delivery & Payment | |
| Working English | | Contract Law |
| Doing Business In Russia | | Russian Trade Law |
| Doing Business In the Baltic States | | Baltic Trade Law |
| Doing Business in Asia | | Asia Trade Law |
| Immaterial Property Rights & Information Law | As title suggests | |
| Developing a Business Idea in a Pre-Incubator | | Implies ability to audit legal environment |
| Developing a Business Idea in an Incubator | | Knowledge of Legal Requirements |

2.4 Haaga-Helia AMK

Whilst the format of the degree programme offered by this institution follows the legal requirement as regards the division of course into basic, professional and optional, the manner of their delivery differs to those institutions examined earlier in that large common theme modules are used here.

2.4.1 Orientation to International Business 13 ects

The objective of the module is to understand the basics of international business. Law is not expressly mentioned.

2.4.2 Establishing Business 24 ects

The objective of the module is to understand how companies operate, the process of establishing a business and development of a feasible business plan. Law is not expressly mentioned.

2.4.3 Strategies in International Business 8ects

The module is intended to develop analytical skills and strategic thinking. Law is not expressly mentioned.

2.4.4 Doing Business in the European Union 14 ects

Course contents expressly concern them selves with EU as a legal entity, the four freedoms and competition law.

2.4.5 International Law 5ects

Expressly deals with the Finnish legal order, basic legal concepts, differing legal systems, conflict of laws and jurisdiction, contracts, trade, transportation, payment, dispute resolution and intellectual property rights.

2.4.6 Study Period in China 3ects

Expressly mentions Chinese law as part of the content.

Table 5 Haaga-Helia Degree Programme

| Haaga-Helia AMK | | |
|---------------------------------------|---|--------------------|
| Subject Title | Law Expressed | Law Implied |
| Orientation to International Business | | |
| Establishing Business | | |
| Strategies in International Business | | |
| Doing Business in the European Union | EU as law maker, four freedoms, competition law | |
| International Law | Basic concepts, legal systems, conflict of laws & jurisdiction, | |
| Study Period in China | Contracts, Transportation, Payment, Dispute Resolution, TRIPS | |
| | Chinese Law | |

2.5 Helsinki School of Economics

The next programme examined was that offered by the Helsinki School of Economics. The programme consists of 180 ECTS of Common Core studies (60ects), Subject studies (60 ECTS), common programme studies (18 ECTS), and Specialisation Studies, incorporating a thesis (42 ECTS).

The Finnish degree course offers a specialisation line in business law which includes five of the following six courses each of which is 6 ECTS.

Contract and marketing law

Company taxation

Finance law

International taxation

Business administration law

E-Commerce law

Table 6 Helsinki School of Economics Degree Programme

| Helsinki School of Economics - Specialisation Line in Business Law | | |
|---|-----------------------|--------------------|
| Subject Title | Law Expressed | Law Implied |
| Contract & Marketing Law | As suggested in title | |
| Company Taxation | As suggested in title | |
| Finance Law | As suggested in title | |
| International Taxation | As suggested in title | |
| Business Administration Law | As suggested in title | |
| E-Commerce Law | As suggested in title | |

2.6 Athlone Institute of Technology

The penultimate view is from an Institute of Technology, a similar third level institution in the Republic of Ireland. The degree course consists of two parts. Firstly a two-year course is taken to obtain the Higher Certificate in Business and the following subjects are studied:-

Financial Accounting, Computer Applications and Quantitative Techniques, Principles of Marketing, Management and Economics, Organisational Behaviour and Communications, plus one subject from Insurance and Banking, European Studies, German (ab-initio), French/German, Spanish (ab-initio).

There then follows a one-year course in which the following subjects are studied:

Managerial Finance, Business Information Systems, International Marketing and Sales Management, Corporate Law, Business Management and Enterprise Development, plus one subject from Market Research and Analysis, Corporate Reporting, Taxation, Retail Planning and Design, Logistics and the Supply Chain, Database Design and Applications Management, Managerial Decision Making, Business French/Business German, Business Spanish.

Table 7 Athlone Institute of Technology Degree Programme

Athlone Institute of Technology

| Subject Title | Law Expressed | Law Implied |
|----------------------|----------------------|--------------------|
| Corporate Law | Nothing | Nothing |

2.7 Institute of Export

Lastly the Advanced Certificate in International Trade, a second level programme offered by this London based professional institute concerned with exporting offers the following four courses and content

2.7.1 The Business Environment

The UK economy and the Organisation, Economic Environment of the Organisation, The International Trade Environment, the Legal Environment.

2.7.2 Finance of International Trade

Basics of Business Finance, Risk Management, Methods of International Payment.

2.7.3 International Marketing

The Marketing Environment, International Marketing Management, International Marketing Research.

2.7.4 International Physical Distribution

International Trade and Shipping Terms, Administration and Procedures, Transporting the Goods, Packing and Insurance.

The content of the legal environment section of the first course, the Business Environment is as follows:-

2.7.5 Introduction to law

Public and private law. The Courts of Law

The sources of law; statutes, cases, E.U. law, custom, delegated legislation

2.7.5.1 Principles of the law of contract

Types of contract

Essential features of a valid simple contract

Conditions, warranties and intermediate/innominate terms

Misrepresentation and mistake

Discharge of contract by breach, repudiation or frustration

Remedies for breach

2.7.5.2 The sale of goods in international trade

Sale of Goods Act 1979 (as amended) - historical background, conditions and warranties, price, passing of property and risk, delivery, acceptance and rejection of goods, examination

Unfair Contract Terms Act 1977 The Unfair Terms in Consumer Contracts Regulations 1999, and the Sale and Supply of Goods to Consumers Regulations 2002

Distinction between international, consumer and other sales

Rights of the unpaid seller; damages, lien, stoppage in transit; re-sale; Romalpa clauses; the Nemo

Dat rule and its exceptions
 Remedies of seller and buyer
 INCOTERMS 2000

2.7.5.3 Relationship between UK and EU competition law

UK - Legislation, Competition Act 1998, Chapter I and Chapter II infringements

EU - Articles 81 and 82 of the Treaty of Rome - Procedure (notifications, complaints, fines, interim and final measures, negative clearance, exemption), block exemptions to Article 81(1), abuse of a dominant position

The four freedoms –goods, people, services and capital

Articles 28-31 of the Treaty of Rome: Free Movement of Goods

2.7.5.4 Law of agency

Formation of agency

Rights and duties of principal and agent

Authority and ratification

Types of agency

Commercial Agents (Council Directive) Regulations 1993, compensatory provisions

It is worth noting that prospective students are given most information about course content from the British private foundation charged with the education of business professionals in the field of export and funded and directed by its members, corporate and private, who work in the area. Students pay for the courses and tuition.

Table 8 Institute of Export Advanced Certificate Programme

| Institute of Export - Advanced Certificate in International Trade | | |
|--|--|--------------------|
| Subject Title | Law Expressed | Law Implied |
| Business Environment - Introduction to Law | Public & Private Law, Courts of Law, Sources of Law, Principles of Contract: features of, terms of, representations; discharge of, remedies for breach of, | |
| | Sale of Goods Act, Unfair Contract Terms Act, Rights of Unpaid seller, INCO Terms 2000. Competition law in UK and EU, Four Freedoms, | |
| | Law of Agency: formation; rights & duties of parties; authority and ratification; types; EU Directive | |
| | | |

2.8 Knowledge of the law as provided by the library

The description of the objectives and content of the study units examined to date, with the noteworthy exception of that of the Institute of Export, tell very little about what is actually to be learnt. In an effort to expand on the information available to students the legal contents of two available libraries, those of COU and Savonia were examined and the following publications were found available. Details of their content serve to further give an understanding of both what the institutes consider necessary or useful business legal knowledge and also a similar view from the authors of some of the publications that could be considered textbooks.

August, R., (2004) International Business Law New York Pearson Prentice Hall

Substantial chapters of some 50 – 70 pages (hereafter p) on such topics as Introduction to International and Comparative Law, State Responsibility and Environmental Regulation, Dispute Settlement, Multinational Enterprise, Foreign Investment, Money and Banking, Trade in Goods, Services and Labour, Intellectual Property, Sale of Goods, Transportation, Financing and Taxation.

Barnes, A., Dworking, T., Richards, E. (2000) Law for Business. Boston: Irwin McGraw-Hill.

Starts with 23p on the law and its sources, goes on with 21p on dispute settlement and then dwells for 30p on business ethics and corporation responsibility. It then deals very comprehensively with contract – 116p. Agency takes up 42 p. Employment law 20p. Company forms and company law 130p, property law 120p, commercial paper 90p, credit 90p and regulations 100p.

Blanpain, R. (1999) European Labour Law The Hague, Kluwer Law

A very comprehensive guide to EU labour law consisting of over 500 p. In its 6th Edition.

Brand, R. A., ed. (2000) Fundamentals of International Business Transactions – Documents The Hague, Kluwer Law

A compendium of international legal documents including inter alia, the CISG, Brussels Convention, New York Arbitration Convention, UNIDROIT Principles, Selected provisions of UCC and English SoGA.

Cairnes, R. (2002) Introduction to European Union Law. London: Cavendish Publishing.

Consists of well laid out chapters on historical development, institutions, legal instruments, four freedoms, consumer and competition.

Carr, I., Kicker, R., (2003) Statutes and Conventions on International Trade London: Cavendish

Texts of the more important international trade conventions.

Cruz de, P. (1999) Comparative Law in a Changing World. London: Cavendish Publishing

A comparative law text as its name suggests but nonetheless readable with chapters on Introduction 30p, Legal Systems – civil 53p, common 38p, EU 51p, socialist 30p, Techniques of, 27p, Judicial Styles and Case Law 20p, Statutory Interpretation 35p, Contract and Tort 46p, Corporate and Commercial 40p, Sale of Goods 63p, Labour 25p.

Curtin, D. van Empel, M., Völker, E., Winter, J., (1990) Leading Cases of the Law of the European Communities. Holland: Kluwer.

A very useful reference book outlining the famous cases to the date of publication. Puts flesh on the interpretation of the fine words of the treaties.

Denham, P. (2000) Law: A modern introduction London Hodder & Staughton

States that it is intended for use by A level students, first year university law students and students taking law as part of a professional degree. Nature of Law 39p, Sources of Law 30p, EU 14p, Courts 22p, Agents and Access 31p, Criminal Law 108p, Tort 107p and Contract 101p

Dixon M., (2002) Textbook on International Law. London: Blackstone Press.

A macro style text dealing mainly with law from the perspective of the state. Nature of, 20p, Sources of 29p, Law of Treaties 31p, International and National law 21p, Statehood 28p, Jurisdiction and Sovereignty 30p, Immunity 31p and Law of the Sea 29p.

Fox, W. F. Jr., (1998) International Commercial Agreements: A Primer on Drafting, Negotiating and Resolving Disputes The Hague, Kluwer Law.

The title serves as a good indication of the scope of this tome. It consists of 400 pages and 150 pages of appendices.

Goode R. (1995) Commercial Law. London: Butterworths

A comprehensive volume on relevant aspects of commercial law. Very British hence little on the CISG. Nature and Sources of Common Law 22p, Concepts of Personal Property 40p, Aspects of Contract Law 70p, Commercial Contracts 17p, Agency 17p. **Domestic Sales:** History 8p, Nature and Function 17p, Passing of Property 32p, Risk and Frustration 25p, Delivery 25p, Implied Terms 63p, Rejection and Consequences 5p, Acceptance 14p, Buyers Remedies 30p, Duties of Buyer/Remedies of Seller 20p, Conflicts of Title 34p. **Money and Payment:** Concepts 26p, Instruments 7p, Bills of Exchange 51p, Cheques 26p, Other 5. **Security and Financing:** Credit and Security 100p. **Specific Forms:** Lease, Higher Purchase and Guarantees 90p. **Insolvency** 30p. **International Trade and Finance:** Characteristics of 50p, CISG 7p, Documentary 11p, Financing of 70p, Sea carriage 35p, Conflict of Laws 40p. **Resolution of Disputes:** Litigation 40p and Arbitration 27p.

Griffen, B. (2004) The Law of International Trade. Oxford: Oxford University Press.

A concise book that takes a commercial transactional, and particularly transport, view of the law surrounding an international sale from an English law point of view. Outline of Transaction 10p, Carriage by Sea 37p, Sales based on Sea Contracts 47p, Sales based on Air and Land Contracts 16p, Combined Transport 11p, Insurance 33p, Payment 22p, Disputes 20p and EU 7p. Appendices include Specimens Bill of Lading, Carriage of Goods by Sea Act 1924 and 1925, Hamburg Rules, Warsaw Convention UNCTAD/ICC Rules for Multimodal transport documents, Sale of Goods Act 1979, 1995, Institute Cargo Clauses and ICC Uniform Customs and Practice for Documentary Credits.

**Gustafsson, L. (1998) Business Laws in the Nordic Countries: Legal and Tax Aspects
Stockholm Kluwer Law International & Norstedts Juridik**

Short comment on the legal systems in Finland, Sweden, Denmark and Norway under chapter headings of Political and Legal System, Exchange Control and Foreign Investment, Business Organisations, Taxation, Accounting and Audit, Banking and Finance, Incentives on Investments, Sale of Goods, Consumer Contracts and Credits, Competition, intellectual Property, Environment, Labour Law, Real Estate, Immigration and Insolvency.

Helminen M. (2005) Finnish International Taxation. Helsinki WSOY

Short tract outlining treatment of investments in Finland from a taxation perspective.

Korch V. (1994) EU Competition Law and Practice London Sweet and Maxwell.

As its title suggests the book is confined to an examination of EU competition law.

Kouladis, N. (1996) Principles of Law Relating to Overseas Trade. London: Institute of Export.

This book was commissioned by the Institute of Export, a voluntary organisation in Britain founded in 1935 and formed by its members, companies engaged in export trade, to provide training services for their employees. The book was designed for a now dropped module of the Advanced Certificate in International Trade award, their intermediary qualification. An English law perspective.

Principles of the Law of Contract 80p, Law of Agency 32p, Sale of Goods Act 41p, Competition Law 14p, Legal Aspects of Finance of Exports 38p, Export Insurance 25p and Liability of Carriage 45p.

Lawrence P., (2000) Law on the Internet: A Practical Guide. London: Sweet and Maxwell.

A short and factual guide to e-commerce law.

Major, W.T., Taylor C., (1996) Law of Contract. Essex: Pearson Professional

Well-presented and detailed treatment of the law of contract from an English law perspective. Over 300p.

Naarajärvi P., Koivisto J. (2002) Which Law, Which Forum? Jurisdiction and Applicable Law in International Electronic Commerce Porvoo WSOY

A concise book dealing with rules governing e-commerce, relationships between legal orders and choice of law and jurisdiction.

Owen, R. (2000) Essential European Community Law. London: Cavendish Publishing

Well put together and readable dealing with origins, institutions, legal instruments, four freedoms, consumer and competition law in the EU.

Pöyhönen, J. ed. (2002) An Introduction to Finnish Law Helsinki Kauppakaari

A series of 14 articles consisting of an Introduction, Sources of Law, Constitutional Law and Human Rights, Law of Obligations, Business Law, Labour Law, Property Law, Intellectual Property Law, Family and Inheritance law, Legal Procedure, Administrative Law, Social Law, Environmental Law and Tax Law.

Schaffer, R., Earle, B., Agusti, F., (1999) International Business Law and its Environment. Ohio: West Educational Publishing.

A substantial tome with areas dedicated to **The Legal Environment:** Introduction to International Business 44p, International Law and Organisations 30p, EU 20p, Resolution of Disputes 25P.

International Sales, Credits and the Commercial Transaction: CISG 53p, Documentary Sale and Terms of Trade 29p, Liability of Carriage 30p, Finance and Letters of Credit 32p.

International and US Trade Law: 250p dealing with inter alia, US regulations, GATT and WTO, Marketing Law and Intellectual Property, Labour Law, Market Regulation, Political Risk and the Environment.

Shearer, I. A. (1994) Stark's International Law London Butterworth.

A substantial volume dealing with international law from the perspective of the nation state.

Singleton, S. (1999) Business, the Internet and the Law. Craydon: Trolley.

A book with a singular interest.

Surakka, A. (2006) Access to Finnish Law. Helsinki WSOY

Brief introduction to many aspects of Finnish law – Basics 24p, Law of Person 8p, Contract 36p, Business 21p, Debts and Collections 20p, Consumer 33p, Damages 5p, Leasehold 6p, Labour 14p, Family and Inheritance 14p, Procedural 20p, Criminal 6p, Enforcement 10p, Administrative 12p, Tax 7p, Environmental 6, International 3p and Private law 2p.

Suviranta, A. (1997) Labour Law and Industrial Relations in Finland. Kauppakaari Oy/Kluwer.

Special interest book on what the title suggests.

Twining W., Miers, D., (1999) How to do Things with Rules. Butterworth.

Little relevance to law and more to do with the life philosophies of the authors.

Treitel, G.H., (1995) Law of Contract

This is the 9th edition of a book considered by many to be the oracle on the subject –over 1,000p.

Weatherill, S., (1997) EC Consumer Law and Policy. London: Longman.

Well-written specialist book with good case examples demonstrating law in practice.

Zweigert K., Kötz, H., (1998) An Introduction to Comparative Law. New York: Oxford University Press.

A substantial volume on a difficult subject that it does not try too hard to simplify.

2.9 The Law in a BBA Programme

So if we cobble together the information expressly or implicitly given by the foregoing examinations of business degrees, programmes and libraries what sort of perspective of the law is a student likely to be given and what topics will be dealt with during the course of the studies?

An introduction is likely to be from the perspective that the law being examined and will likely be that of an economically developed democracy as this is “us”, which will then afford the possibility whilst examining issues outside of this paradigm to draw attention to the differences to “us”. The presentation of such will follow the traditional methodology of an outline of the historical developments that have taken us to the present day. Thus such background could take the form of

Historical Development

- Basic instinctive need for social animals to have leaders and followers
- Obedience in return for protection
- Kings and their subjects, rights of peasants -Magna Carta - forerunner of modern constitution? - The Domesday Book – forerunner of modern Tax Law?
- Ideas of parliamentary democracy, Cromwell, division of powers between King and Parliament
- Ascendancy of Parliaments – 1776, 1789, 1883 when women first got the right to vote, 1906 etc.

Logically what then would follow would be an examination of the present day model

Present Day Model

- The function and place of parliaments, upper houses, prime ministers, presidents, kings and clergy, constitutions and supra-national institutions, NATO, EU, WTO.

From here to a look at the two branches of the law

Branches of the Law

- Criminal branch and its administration – enforcers, means of control and court systems
- Civil branch and its administration – enforcers, means of control and court systems

And then to the idea of the identification of the branches of business law in which students and the programme should have an interest.

2.10 Branches of Business Law

The branches identified below and the elements within expanded upon have been included because of express reference or implied reference in the programmes and courses examined. Note is made in brackets after the item in question with the source being depicted as S for Savonia AMK, O for Oulu AMK, HH for Haaga-Helia AMK, HSE for Helsinki School of Economics, AIT for Athlone Institute of Technology and IOE for Institute of Export. Where such is in bold type the reference is express rather than implied.

Branches of Business Law

- Company Law (S, O, HH, HSE, **AIT**, IOE)
- Taxation Law (S, **HSE**)
- Contract Law (S, **O**, **HH**, **IOE**)
- Employment Law (**O**)
- Consumer Law (**IOE**)
- EU Law (S, **O**, **HH**, **IOE**)
- Marketing Law (S, **O**, HSE, AIT)
- Ethics and Law (S)
- Tort
- Copyright Law (S, **O**, **HH**)
- Finance Law (S, **HSE**)
- International Trade Law (S, O, **HH**, IOE)

Each of these topics needs to be examined in greater detail to ascertain what elements are presented during the course of the studies. If in examining the information available concerning the content of courses within the degree programme and courses we can only be certain as to the title of topic to be included where it is expressly mentioned. For example in Savonia's Basics of Business Law states under the heading objectives and content that

“ The students will become (sic) familiar with the major legal systems and their differences as well as common basic legal principles. The students will become (sic) familiar with Finnish law and case studies with emphasis on the interrelationship between national and European Union legislation”

The entire information available on the content of the Athlone Institute of Technology 's programme is the words "Corporate Law".

No further information is given hence how can such be developed into a more detailed picture of what the courses actually deal with? The answer is that it cannot but suppositions can be made based on the topics usually covered under such headings in business law publications. This is not very satisfactory from the point of view of academic research but those who would criticise it note that students are expected to make serious life choice decisions on no more than the information presented to date – assuming that they can access the libraries.

2.11 Company Law

- The legal personae of the individual, the partnership, the committee f.t.b., the limited partnership, the limited liability company, the public limited liability company and specialist trusts
- The ideas of articles of association, deed of foundation and such
- The rights of preferred and ordinary shareholders, bond holders, secured and unsecured creditors
- The duties of the company, duties of management, the agency problem
- The issues concerning Directors and Officers liability
- The principle regulatory obligations of a company
 - Keeping of accounts and records
 - Lodgement of information with Companies House
 - Publication and general content of quarterly and annual results

2.12 Taxation Law

- The obligations of the company to pay tax in the areas of
 - Employee related payments to other authorities
 - V.A.T. obligations
 - Corporation Tax obligations
 - Taxation on dividends
 - Taxation of individual traders and partnerships
 - Multinational taxation methodologies

2.13 Contract Law

- The forms of contract common in business
 - Employment
 - Sales/Purchase of both Goods and Services
 - Agency
 - Distribution

- The elements of a contract
 - Offer & Acceptance
 - Capacity
 - Consideration
 - Legality
- How terms enter a contract and the significance of conditions and warranties
- About representations and misrepresentations during negotiations
- About mistake
- How contracts are discharged
- About remedies for breach
- About applicable law
- About arbitration
- About exclusion, indemnity, parole rule, and other common clauses
- The features and implied terms of a Sale of Goods Act

2.14 Employment Law

- The legal relationship between master and servant
- The Common Law rights and duties of each
- The concepts of vicarious liability and indemnity and their significance
- The principle regulatory issues
 - Obligations concerning conditions of employment
 - Health & Safety and related issues
 - Limitations on length and type of work for the young, men, women and such in specialist employment areas
 - Law concerning discrimination
 - Tenure and redundancy issues
 - Obligation to provide non-monitory benefits
 - Holiday and associated benefits
 - Maternity/Paternity Leave
 - Sick leave, leave of absence
 - Expenses
 - Obligation to pay monetary benefits
 - Wages, salaries and commission
 - Pension, life, sickness and accident benefits
- The position of employment agencies and the extent of their liability

2.15 Consumer Law

- The legal definition of a consumer and a minor
- Rights during the purchasing process
 - Law and regulations concerning advertising and promotion
 - Representations to consumers and their right to information
- Rights post purchase
 - Right of return and the position of faulty or non-functioning goods

- Liability to consumers for damage to property or injury caused by faulty goods

2.16 EU Law

- The historical development of the EU
- The relationship between EU and its member states
- The Single Market, the Four Freedoms and their limitations
- How legislation is passed
- The legal instruments of the EU
- The affect of the following directives
 - Unfair Terms in Consumer Contracts
 - Products Liability
 - Product Safety
 - Commercial Agents

2.17 Marketing Law

- Specialist area legal hierarchy – the place of the civil courts and such as the consumer ombudsman and consumer complaint courts
- Laws and regulations concerning advertising and promotions
- Statutory obligations concerning labelling, packaging and disclosure of product information
- Area specifics such as medicines, food, holidays and areas of sale restriction
- Special conditions applying to monopoly or those with a substantial market share
- Below cost selling, product coupling, and other such sales techniques
- Legal effect of guarantees and warranties

2.18 Business Ethics and the Law

- The relationship between ethics and the law
- Self regulation v state regulation
- Duties of a company, obligations of the board, the agency problem and the idea of stakeholders
- Issues of standards – ours or theirs
 - Bad states
 - Child labour
 - Hazardous working conditions overseas
 - The “race to the bottom”
 - Bad and dangerous products
 - Pollution

2.19 Law of Tort

- The concepts of negligence, nuisance, vicarious liability, strict liability, libel and slander
- Defences to actions in tort – volenti, causus novus, contributory negligence, public good
- Criminal torts of assault and battery, concept of corporate manslaughter

2.20 Copyright and Patent Law

- Trade marks and logos
- Artistic copyright
- Patents
- Associations of person and geographical place

2.21 Finance Law

- Legal issues arising from raising finance
 - Disclosure issues
 - Obligations to pay dividends
 - Obligations to Preferred and Ordinary Shareholders
 - Obligations to Bond Holders
- Legal aspects of financial instruments
 - Promises to pay
 - Cheques
 - Bills of Exchange
 - Letters of Credit
- Legal aspects of guaranteeing the solvency of another
 - Associated and Subsidiary companies
 - Guarantees and Counter Guarantees
 - Third Parties

2.22 International Trade Law

- Hierarchy of the law
 - State
 - National
 - Supranational
- UNITRAL
 - Law of Carriage by Sea, Air, Rail and Road
 - UNITRAL Principles of Contract
- CISG
- TRIPS
- INCO Terms 2000

So having identified the topics, which one may expect to be covered in a business degree programme just how broadly and deeply should these topics be treated? What degree of knowledge and familiarity is it reasonable to expect from the student? This aspect will be considered in the following chapter.

Chapter 3

This chapter concerns itself with an examination of the breadth and depth of knowledge required of the legal topics identified in the previous chapter. Given that differing programmes have differing emphases this study will adopt an approach of examining the topics in relation to their importance to the job skills identified in Mr. Jorma Kananen's study. In treating each topic the study category to which it is associated will be identified and the importance weight indicated. It goes without saying that the relative importance of these topics is dependent upon the goals of an individual degree programme and thus the evaluation that follows does not have universal application.

So what degree of knowledge should be required of each element or topic under each branch of business law? The elements will be reproduced and the type shall suggest the degree of knowledge required to attain the skill associated therewith. Thus **bold type implies detailed knowledge of and totally familiarity with** the subject area and ordinary type simply familiarity with the area.

3.1 Presumed knowledge?

The perspective, historical development and the role and place of law in modern society with its divisions between criminal and civil law should not be taken as given knowledge. It is a fact that many students in the degree programmes are not Finnish or EU nationals and may come from societies in which such issues are very different. Further these are the type of matters that even well educated young people do not think about very much and as such are indeed likely to know about them without ever considered them or been formally instructed about them (that they now remember). Further the introduction of such a "given background" enables an instructor to draw attention to the significance in business law where such background is different.

Such issues are especially implicitly concerned with business skills of Dealing with Foreign Visitors (3,2) and Sales Negotiations with Foreign Customers (3,0).

3.2 Company Law

The identification of company type, legal liability of its principals and relations between holding and trading companies and their subsidiaries have a wide range of implications for the successful management of such task as Export Pricing (3,5), Sales Negotiations with Foreign Customers (3,0), Drawing up Sales Contracts (2,9) and other skills concerning the management of documentation.

- **The legal personae of the individual, the partnership, the committee f.t.b, the limited partnership, the limited liability company, the public limited liability company and specialist trusts**
- The ideas of articles of association, deed of foundation and such
- The rights of preferred and ordinary shareholders, bond holders, secured and unsecured creditors
- The duties of the company, duties of management, the agency problem
- The issues concerning Directors and Officers liability
- The principle regulatory obligations of a company
 - Keeping of accounts and records
 - Lodgement of information with Companies House
 - Publication and general content of quarterly and annual results

3.3 Taxation Law

The issues raised here were only considered to be of minor importance in the survey – Taxation (1,8). However for Export Pricing (3,5) knowledge of VAT obligations would be obviously important.

- The obligations of the company to pay tax in the areas of
 - Employee related payments to other authorities
 - **V.A.T. obligations**
 - Corporation Tax obligations
 - Taxation on dividends
 - Taxation of individual traders and partnerships
 - Multinational taxation methodologies

3.4 Contract Law

It would not be an understatement to suggest that the issues raised by this topic are central to the most important skills identified in Mr. Kananen's study. English language skills (3,7), Ability to Build an Argument (3,6), Foreign Language Presentations (3,5), Personal Selling Skills (3,1), Sales

Negotiations with Foreign Customers (3,0) and Drawing up Sales Contracts (2,9) are such skills that demand a competent command of the legal issues of contract.

- **The forms of contract common in business**
 - Employment
 - **Sales/Purchase of both Goods and Services**
 - **Agency**
 - **Distribution**

- **The elements of a contract**
 - **Offer & Acceptance**
 - **Capacity**
 - **Consideration**
 - **Legality**

- **How terms enter a contract and the significance of conditions and warranties**
- **About representations and misrepresentations during negotiations**
- **About mistake**
- **How contracts are discharged**
- **About remedies for breach**
- **About applicable law**
- **About arbitration**
- **About exclusion, indemnity, parole rule, and other common clauses**
- **The features and implied terms of a Sale of Goods Act**

3.5 Employment Law

Skills related to Leadership, Human Resource Development, Personnel Planning and other HRM issues are rated of no great importance by the survey scoring between 1,2 and 1,9 on the significance scale.

- The legal relationship between master and servant
- The Common Law rights and duties of each
- The concepts of vicarious liability and indemnity and their significance
- The principle regulatory issues
 - Obligations concerning conditions of employment
 - Health & Safety and related issues
 - Limitations on length and type of work for the young, men, women and such in specialist employment areas
 - Law concerning discrimination
 - Tenure and redundancy issues
 - Obligation to provide non-monitory benefits
 - Holiday and associated benefits
 - Maternity/Paternity Leave
 - Sick leave, leave of absence

- Expenses
- Obligation to pay monetary benefits
 - Wages, salaries and commission
 - Pension, life, sickness and accident benefits
- The position of employment agencies and the extent of their liability

3.6 Consumer Law

Customer Service and Orientation (3,6) is considered second only to English language skills but there is the implication that such is geared towards B2B sales rather than B2C. However very few products and services are produced without the interests of a final consumer being catered for and so in this sense knowledge in this area could be considered important.

- **The legal definition of a consumer and a minor**
- **Rights during the purchasing process**
 - **Law and regulations concerning advertising and promotion**
 - **Representations to consumers and their right to information**
- **Rights post purchase**
 - **Right of return and that of faulty or non-functioning goods**
 - **Liability to consumers for damage to property or injury caused by faulty goods**

3.7 EU Law

Skills in this area are not considered important with Business Area Regulations warranting a rating of 2,2. Again knowledge of the directives would be considered important.

- The historical development of the EU
- The relationship between EU and its member states
- The Single Market, the Four Freedoms and their limitations
- How legislation is passed
- The legal instruments of the EU
- **The affect of the following directives**
 - **Unfair Terms in Consumer Contracts**
 - **Products Liability**
 - **Product Safety**
 - **Commercial Agents**

3.8 Marketing Law

The skills related to this area include Advertising and Media Planning (2,2), Marketing Law (1,9) and Marketing Other (1,9) and they do not figure highly as skill requirements in the survey.

However elements relating to such as packaging requirements whether imposed for sale or transport are significant as is the affect of a guarantee or warranty that may be negotiated.

- Specialist area legal hierarchy – the place of the civil courts and such as the consumer ombudsman and consumer complaint courts
- Laws and regulations concerning advertising and promotions
- **Statutory obligations concerning labelling, packaging and disclosure of product information**
- Area specifics such as medicines, food, holidays and areas of sale restriction
- Special conditions applying to monopoly or those with a substantial market share
- Below cost selling, product coupling, and other such sales techniques
- **Legal effect of guarantees and warranties**

3.9 Business Ethics and the Law

Not mentioned and indeed it would be difficult to put forward an argument that such was implicitly contained in any of the headings.

- The relationship between ethics and the law
- Self regulation v state regulation
- Duties of a company, obligations of the board, the agency problem and the idea of stakeholders
- Issues of standards – ours or theirs
 - Bad states
 - Child labour
 - Hazardous working conditions overseas
 - The “race to the bottom”
 - Bad and dangerous products
 - Pollution

3.10 Law of Tort

Again not mentioned nor implied. The issues have importance in certain business areas- e.g. contracting, publishing and retail stores may have exposures for negligence, libel and slander and assault (false arrest) respectively.

- The concepts of negligence, nuisance, vicarious liability, strict liability, libel and slander
- Defences to actions in tort – volenti, causus novus, contributory negligence, public good
- Criminal torts of assault and battery, concept of corporate manslaughter

3.11 Copyright and Patent Law

Not mentioned nor implied beyond the heading of Marketing Law (1.9).

- Trade marks and logos
- Artistic copyright
- Patents
- Associations of person and geographical place

3.12 Finance Law

Expressly mentioned as Payment Documentation (2,5) and implicitly as the hoped for outcome – payment received – from many of the other skills identified

- Legal issues arising from raising finance
 - Disclosure issues
 - Obligations to pay dividends
 - Obligations to Preferred and Ordinary Shareholders
 - Obligations to Bond Holders
- **Legal aspects of financial instruments**
 - **Promises to pay**
 - **Cheques**
 - **Bills of Exchange**
 - **Letters of Credit**
- **Legal aspects of guaranteeing the solvency of another**
 - **Associated and Subsidiary companies**
 - **Guarantees and Counter Guarantees**
 - **Third Parties**

3.13 **International Trade Law**

Not expressly mentioned but implicitly contained in such skills as Ability to Build an Argument (3,6), Sales Negotiations with Foreign Customers (3,0), Drawing up Sales Contracts (2,9) and Transportation Documentation (2,9).

- **Hierarchy of the law**
 - **State**
 - **National**
 - **Supranational**

- **UNITRAL**
 - **Law of Carriage by Sea, Air, Rail and Road**
 - **UNITRAL Principles of Contract**

- **CISG**

- **TRIPS**

So we have identified the elements of law that should be included in the instruction of a bachelor of international business degree programme. The elements in bold print should require knowledge and the balance familiarisation.

The following chapter will attempt to identify what courses should be the conduits for the transfer of this knowledge – which elements should be the subject of specialist courses and which may be dealt with under other headings.

The tabulated version of the foregoing may be found overleaf.

Table 10 Elements of Law correlated with desired skills

| Tabulated results of the elements of law and their importance to Kananen's identified job skills | | | |
|--|--------------------|--------------------------|-----------------------|
| Topic | Knowledge Required | Familiarisation Required | Kananen Average |
| Background | yes | | 3,1 |
| Company Law | | | |
| Legal Personae | yes | | 3,1 |
| Other elements | | yes | no direct correlation |
| Taxation Law | | | |
| VAT Obligations | yes | | 3,5 |
| Other elements | | yes | 1,8 |
| Contract Law | | | |
| Sales/Purchase | yes | | 3,3 |
| Agency | yes | | 3,3 |
| Distribution | yes | | 3,3 |
| Elements of, | yes | | 3,3 |
| Terms of, | yes | | 3,3 |
| Representations; | yes | | 3,3 |
| Mistake in, | yes | | 3,3 |
| Discharge of, | yes | | 3,3 |
| Law & Jurisdiction; | yes | | 3,3 |
| Specialist Terms; | yes | | 3,3 |
| Sale of Goods Act | yes | | 3,3 |
| Employment Contract | | yes | 1,9 |
| Employment Law | | yes | 1,9 |
| Consumer Law | | | |
| Definition of, | yes | | 3,6 |
| Rights before purchase; | yes | | 3,6 |
| Rights after purchase; | yes | | 3,6 |
| EU Law | | | |
| History of, Relations to | | yes | 2,2 |
| State; Single Market; | | yes | 2,2 |
| Four Freedoms; Legal | | yes | 2,2 |
| Instruments of, how | | yes | 2,2 |
| laws are made; | | yes | 2,2 |
| Consumer, Product & | yes | | 2,9 |
| Agents Directives | yes | | 2,9 |
| Marketing Law | | | |
| Legal Effect of Guarantees | yes | | 2 |
| Packaging & Labeling | yes | | 2 |
| Consumer courts; laws on | | yes | 2 |
| advertising & promotions; | | yes | 2 |
| area specific law; Monopoly | | yes | 2 |
| law; Selling techniques. | | | |
| | | | |
| | | | |
| Topic | Knowledge Required | Familiarisation Required | Kananen Average |
| Business Ethics & the Law | | | |
| Ethics & the law; Self | | yes | no direct correlation |
| regulation v State Regulation; | | yes | no direct correlation |
| Duties of Directors; Agency | | yes | no direct correlation |
| problem & stakeholders; | | yes | no direct correlation |
| Bad states; Child Labour; | | yes | no direct correlation |
| Working conditions; Race to | | yes | no direct correlation |
| the bottom; Pollution | | yes | no direct correlation |
| Law of Tort | | | |
| Concepts of negligence, | | yes | no direct correlation |
| nuisance, vicarious liability, | | yes | no direct correlation |
| strict liability, libel & slander, | | yes | no direct correlation |
| assault, battery, corporate | | yes | no direct correlation |
| manslaughter | | yes | no direct correlation |
| Copyright & Patent Law | | | |
| Trade marks & logos; | | yes | no direct correlation |
| Artistic Copywrite; Patents; | | yes | no direct correlation |
| Associations of person and | | yes | no direct correlation |
| place | | yes | no direct correlation |
| Finance Law | | | |
| Issues arising from raising | | | |
| capital | | yes | no direct correlation |
| Legal aspects of financial | | | |
| instruments | yes | | 2,5 |
| Guarantees of solvency and | | | |
| performance | yes | | 2,5 |
| International Trade Law | | | |
| Hierarchy of the Law | yes | | 3,1 |
| UNITRAL Carriage issues | yes | | 3,1 |
| and contract principles | yes | | 3,1 |
| CISG | yes | | 3,1 |
| TRIPS | yes | | 3,1 |

Chapter 4

The two principle options for the transference of knowledge about a subject through a degree programme are firstly that the information is given on a subject specific course – for example the idea of a course designed around customer relationship management – or secondly that the topic is dealt with as part of another course – say customer relationship management as part of a course on marketing. It is clear that as regards the second option that the amount of resources given to this topic will be more substantial if the marketing course in question concerns business-to-business marketing rather than mass marketing. Thus the whole issue is quite contextual. Nonetheless it is clear that some issues must be dealt with before others to maintain an orderly cognitive chronology and that most have generic importance regardless of the major or perspective of the degree programme.

What follows is a suggestion on how the legal issues identified may be integrated with generalist courses that appear on most programmes in one form or another. Further the fact that basic studies are always undertaken in year one aids the chronological planning.

4.1 Year 1

4.1.1 Background

The perspective, historical development and the role and place of law in modern society with its divisions between criminal and civil law.

Presented early on in an orientation to studies course or a specialist law course if one is available in the first year. For example Savonia would have the opportunity to introduce these ideas in JDA 1001 Finnish Economy and Society (aimed at foreign students) and also as an introduction to JDA2205 Basics of Business Law.

4.1.2 Company Law

The legal personae of the individual, the partnership, the committee f.t.b, the limited partnership, the limited liability company, the public limited liability company and specialist trusts

The ideas of articles of association, deed of foundation and such

The rights of preferred and ordinary shareholders, bond holders, secured and unsecured creditors

The duties of the company, duties of management, the agency problem

The issues concerning Directors and Officers liability

The principle regulatory obligations of a company

- Keeping of accounts and records
- Lodgement of information with Companies House
- Publication and general content of quarterly and annual results

Presented early on in an orientation to studies course or a specialist law course if one is available in the first year. An example could be taken in this case from Oulu whose course K1003IB Finnish Business Law is included in basic studies

4.2 Year 2/3

4.2.1 Taxation Law

The obligations of the company to pay tax in the areas of

- Employee related payments to other authorities
- **V.A.T. obligations**
- Corporation Tax obligations
- Taxation on dividends
- Taxation of individual traders and partnerships
- Multinational taxation methodologies

Whilst these issues do have important legal obligations they could be considered for the most part on the periphery of the skills required as indicated by Mr. Kananen's survey. Hence the course on which they are dealt and its sequential placement are not that important.

4.2.2 Contract Law

- **The forms of contract common in business**
 - Employment
 - **Sales/Purchase of both Goods and Services**
 - **Agency**
 - **Distribution**

- **The elements of a contract**
 - **Offer & Acceptance**
 - **Capacity**
 - **Consideration**
 - **Legality**
- **How terms enter a contract and the significance of conditions and warranties**
- **About representations and misrepresentations during negotiations**
- **About mistake**
- **How contracts are discharged**
- **About remedies for breach**
- **About applicable law**
- **About arbitration**
- **About exclusion, indemnity, parole rule, and other common clauses**
- **The features and implied terms of a Sale of Goods Act**

Knowledge of the elements of law outlined above, and their interconnection and interdependence is essential if a student is to understand and feel comfortable with the idea of entering into contractual agreements with a business partner. As such a specialist course would be the best way of delivery early in the second year as the knowledge gained will make the presentation of other related legal issues such as EU Law and International Trade Law much simpler. For example Haaga-Helia have a 5 ECTS course OIK241 International Law that covers, inter alia, contract. The course is delivered in the second half of second year and builds on an earlier course on Introduction to Finnish Law.

4.2.3 Employment Law

- The legal relationship between master and servant
- The Common Law rights and duties of each
- The concepts of vicarious liability and indemnity and their significance
- The principle regulatory issues
 - Obligations concerning conditions of employment
 - Health & Safety and related issues
 - Limitations on length and type of work for the young, men, women and such in specialist employment areas
 - Law concerning discrimination
 - Tenure and redundancy issues
 - Obligation to provide non-monitory benefits
 - Holiday and associated benefits
 - Maternity/Paternity Leave
 - Sick leave, leave of absence
 - Expenses
- Obligation to pay monetary benefits
 - Wages, salaries and commission
 - Pension, life, sickness and accident benefits

- The position of employment agencies and the extent of their liability

The first three mentioned issues could be considered as items to be dealt with under the heading of law but the rest are clearly best dealt with in a course on management of human resource management. Thus for the sake of completion the legal concepts should also be included in such course. Oulu for example has a specific Human Resource Management course K1028IB in which such matters could be dealt with. The chronological placement of such a course is of no great concern.

4.2.4 Consumer Law

- **The legal definition of a consumer and a minor**
- **Rights during the purchasing process**
 - **Law and regulations concerning advertising and promotion**
 - **Representations to consumers and their right to information**
- **Rights post purchase**
 - **Right of return and that of faulty or non-functioning goods**
 - **Liability to consumers for damage to property or injury caused by faulty goods**

These issues are bundled together and would naturally fall to be dealt with in a marketing course. Oulu for example could accommodate in International Marketing K1014IB and Savonia in JDB3503 Marketing Management. For the sake of completion and separation EU directives concerning consumers would fall to be dealt with on such like courses. The course dealing with contract law should appear before the course dealing with these issues.

4.2.5 EU Law

- The historical development of the EU
- The relationship between EU and its member states
- The Single Market, the Four Freedoms and their limitations
- How legislation is passed
- The legal instruments of the EU
- **The affect of the following directives**
 - **Unfair Terms in Consumer Contracts**
 - **Products Liability**
 - **Product Safety**
 - **Commercial Agents**

As the EU is a major supporter of AMKs and their internationalisation efforts it will come as no surprise that many institutions have a particular course concerning the EU. Savonia is one such, JDD1403 Europe as a Trade Area, Oulu has European Union Studies K1002IB and Haaga-Helia KAN181 Doing Business in the European Union. Thus the main item to be considered here is the cohesion between such courses and marketing courses for marketing and consumer law.

4.2.6 Marketing Law

- Specialist area legal hierarchy – the place of the civil courts and such as the consumer ombudsman and consumer complaint courts
- Laws and regulations concerning advertising and promotions
- **Statutory obligations concerning labelling, packaging and disclosure of product information**
- Area specifics such as medicines, food, holidays and areas of sale restriction
- Special conditions applying to monopoly or those with a substantial market share
- Below cost selling, product coupling, and other such sales techniques
- **Legal effect of guarantees and warranties**

Savonia offers a specific course in this area combining it with the subject to be dealt with next - Marketing Law and Ethics JDB3303. The elements to be covered under this heading fall to be best dealt with on a marketing course or EU course or a combination of both.

4.2.7 Business Ethics and the Law

- The relationship between ethics and the law
- Self regulation v state regulation
- Duties of a company, obligations of the board, the agency problem and the idea of stakeholders
- Issues of standards – ours or theirs
 - Bad states
 - Child labour
 - Hazardous working conditions overseas
 - The “race to the bottom”
 - Bad and dangerous products
 - Pollution

As outlined above Savonia has a course dealing – along with marketing laws – specifically with such issues. Oulu and Haaga-Helia do not. As many of the elements have to do with corporate

image in today's politically correct world then the elements could be incorporated into a marketing communication or public relations course.

4.2.8 Law of Tort

- The concepts of negligence, nuisance, vicarious liability, strict liability, libel and slander
- Defences to actions in tort – volenti, causus novus, contributory negligence, public good
- Criminal torts of assault and battery, concept of corporate manslaughter

These elements do not fit easily into any other type of course other than a specialist law course. Some like libel and slander may well be dealt with in a marketing communications or public relations or advertising course. Others like assault and battery may come up when discussing retail store security or nightclub admittance policy but such activities are either peripheral or specialist when concerned with international business.

4.2.9 Copyright and Patent Law

- Trade marks and logos
- Artistic copyright
- Patents
- Associations of person and geographical place

The nature of these elements suggest that they would be best handled in a product development, branding or other such marketing course but a specialist course is offered by Oulu as a free choice option Immaterial Property Rights and Information Law K1029BI. These elements are a good example of how knowledge, which for a generic degree is peripheral, moves centre if the emphasis or perspective is new technology or entrepreneurship orientated.

4.2.10 Finance Law

- Legal issues arising from raising finance
 - Disclosure issues
 - Obligations to pay dividends
 - Obligations to Preferred and Ordinary Shareholders
 - Obligations to Bond Holders
- **Legal aspects of financial instruments**
 - **Promises to pay**
 - **Cheques**

- **Bills of Exchange**
- **Letters of Credit**
- **Legal aspects of guaranteeing the solvency of another**
 - **Associated and Subsidiary companies**
 - **Guarantees and Counter Guarantees**
 - **Third Parties**

The elements concerned here fall into two subcategories, which could be equally at home under the headings of Company Law or International Trade Law. None of the AMKs offers a course with this specific title but such is offered by HSE as part of their Business Law specialist study line 32C260 Rahoitusjuridiikka. The content of this course is not available and it may well be that it is considerably different to that which may include the elements above.

The manner in which the elements above could perhaps best be dealt with would be that some elements be covered on the course which takes care of aspects of company law and the remainder dealt with on an international trade law course if a specialist course does not exist for trade transit and payment terms. For example Oulu has K1015IB Foreign Trade Practice and Documents and Savonia JDB3202 Implementation of International Trade, which are primarily concerned with INCO terms, terms of payment and import-export documentation.

4.2.11 International Trade Law

- **Hierarchy of the law**
 - **State**
 - **National**
 - **Supranational**
- **UNITRAL**
 - **Law of Carriage by Sea, Air, Rail and Road**
 - **UNITRAL Principles of Contract**
- **CISG**
- **TRIPS**

The elements identified above can lend themselves to be inserted into other courses but the prospect of dealing with the 101 article CISG (Convention on International Sale of Goods) or the just as substantial UNITRAL Principles of Contract would make a huge whole in the allotted course time if dealt with properly. Hence good management suggests that a programme should have at least two specialist law courses, the first of which should deal with contract and the second of which can be used to deal with those essential elements of law that do not fit well into other courses.

This is in fact the idea followed by all three AMKs surveyed for this report, Savonia, Oulu and Haaga-Helia.

The following and final chapter will deal with the proposed manner of instructing law in the international business administration programme of the Central Ostrobothnia University of Applied Sciences.

Chapter 5

This chapter will examine the objectives and perspectives of the business management degree programme offered by the Central Ostrobothnia University of Applied Sciences and thereafter make recommendations as to how the topic of law should be instructed in the programme.

5.1 The degree programme

The Department of Business in the Central OstroBothnia University of Applied Sciences offers three degree programmes: The Degree Programme in Business Administration (language of instruction Finnish), The Degree Programme in Business Management (language of instruction English) and The Degree Programme in Information Technology (language of instruction Finnish). The accredited Degree Programme in Business Management in English, which is the subject of this report, started in 1996.

The overall objective of the programme, as specified by the web site of the institute, is to provide students with professional, developmental, international, personal and social competence to operate in an international business environment. The focus of the programme is entrepreneurship and international business.

5.2 The structure of the studies

The structure of the studies, whilst following the requirements set out by law, is such that courses are presented in larger modules which correspond in time to a semester of which there are two in each year, one in spring and one in autumn. The university year starts in the autumn.

5.3 Law and the courses in which it is introduced

In the spring of their first year the students take a 4 ectS course entitled Entrepreneurship and the Legal Context of a new Business (BKMG101). The stated objectives and content of the course are as follows:

The course provides an intensive study of the process and issues associated with the mental aspect of entrepreneurship, start up of a new business and its development into a profitable enterprise, and also a study of the nature and characteristics of the management of transition encountered throughout the entire life cycle of the enterprise.

5.3.1 Company Law and Taxation Law

This course is used to cover the following legal aspects of business law

Company Law

- The legal personae of the individual, the partnership, the committee f.t.b., the limited partnership, the limited liability company, the public limited liability company and specialist trusts
- The ideas of articles of association, deed of foundation and such
- The rights of preferred and ordinary shareholders, bond holders, secured and unsecured creditors
- The duties of the company, duties of management, the agency problem
- The issues concerning Directors and Officers liability
- The principle regulatory obligations of a company
 - Keeping of accounts and records
 - Lodgement of information with Companies House
 - Publication and general content of quarterly and annual results

Taxation Law

- The obligations of the company to pay tax in the areas of
 - Employee related payments to other authorities
 - V.A.T. obligations
 - Corporation Tax obligations
 - Taxation on dividends
 - Taxation of individual traders and partnerships

- Multinational taxation methodologies

5.3.2 Employment Law

In the spring of their first year the students undertake a 3 ects course entitled and designated Organisational Management BKMG103, the objectives and content of which are:

To understand the basic picture of the concepts and theories of organisations and their management. Different aspects and questions of management are introduced and analysed through lectures, discussions, assignments and case studies. The course includes several group assignments by which the students are given an opportunity to think and discuss about their ideas of different management themes. Contemporary issues, challenges and trends of management are emphasised, but the students also learn about the evolution of management systems and theories to understand how management ideas develop and change over time.

The elements of employment law identified are introduced here:

- The principle regulatory issues
 - Obligations concerning conditions of employment
 - Health & Safety and related issues
 - Limitations on length and type of work for the young, men, women and such in specialist employment areas
 - Law concerning discrimination
 - Tenure and redundancy issues
 - Obligation to provide non-monitory benefits
 - Holiday and associated benefits
 - Maternity/Paternity Leave
 - Sick leave, leave of absence
 - Expenses
 - Obligation to pay monetary benefits
 - Wages, salaries and commission
 - Pension, life, sickness and accident benefits
- The position of employment agencies and the extent of their liability

5.3.3 Background, Contract Law and CISG

In the autumn of their 2nd year the students undertake a 3 ects course entitled and designated Business Law BKBL201, the objectives and content of which are:

The course will present an introduction to the concept of international law, the ideas of public and private law, a view of legal systems and the hierarchy of the law. The principles of contract law will be examined in detail, as will certain statute laws relating to the sale of goods. Such common law concepts will be compared and contrasted with the United Nations Convention on Contracts for the International Sale of Goods.

Upon completion of the course, the student should be able to:

1. Discuss knowledgeably the major elements of the legal principles behind international contracts.
2. Identify the areas most likely to cause concern especially in relation to contract negotiation.
3. Be aware of the use and limitation of exemption clauses in contracts.
4. Understand the method of establishing the applicable law in any given case.
5. Be familiar with legislation relating to Sale of Goods in particular the obligations placed on buyer and seller by the CISG.

Thus the following aspects fall to be dealt with on this course:

Contract Law

- The elements of a contract
 - Offer & Acceptance
 - Capacity
 - Consideration
 - Legality
- How terms enter a contract and the significance of conditions and warranties
- About representations and misrepresentations during negotiations
- About mistake
- How contracts are discharged
- About remedies for breach
- About applicable law
- About arbitration
- About exclusion, indemnity, parole rule, and other common clauses

- The features and implied terms of a Sale of Goods Act

- Hierarchy of the law
 - State
 - National
 - Supranational

- CISG

5.3.4 Financial Law and INCO Terms

In the autumn of their second year the students undertake a 3 ects course entitled and designated Practices and Procedures of International Trade BKMG202, the objectives and content of which are:

This course will examine issues concerning common universal procedures and practices undertaken to ensure success in the business of trading internationally.

- Management procedures for customer credit risk – assessment and risk transfer

- Management procedures for commodity and currency risk

- Management of payment risk

- Issues concerning choice of delivery terms

- Common documentation required

These specific issues will be examined against a background of a general overview of how markets are chosen and customer relationships established and maintained.

The successful student will have a good understanding of how a market and customers therein are targeted and know how to manage customer credit, commodity, currency and payment risks and will be familiar with delivery terms and documentation used in international trade.

The course will deal with the following aspects of business law:

- Legal aspects of financial instruments
 - Promises to pay
 - Cheques
 - Bills of Exchange
 - Letters of Credit
 - Currency and Commodity Futures

- Legal aspects of guaranteeing the solvency of another
 - Associated and Subsidiary companies
 - Guarantees and Counter Guarantees
 - Third Parties

- INCO Terms 2000

5.3.5 International Trade Law, Law of Tort, Marketing Law, EU Law, Consumer Law, Copyright and Patent Law, Business Ethics and the Law.

In the autumn of the third year of their studies the students undertake a 3 ects course entitled and designated International Trade Law BKBL301, the content and objectives of which are:

- Ethics – the behaviour expected of the firm in its dealing with those who may be considered stakeholders
- General concepts of tort – negligence, nuisance, strict liability, vicarious liability, libel and slander
- The European Union as a regulator of the business environment – overview, legal instruments, four freedoms, competition and public tendering
- Consumer protection and legal liability for product defects – view of U.S. system and EU Products Liability Directive and other consumer protection law

- International marketing law
- Laws governing agency and distribution contracts
- Legal aspects of carriage – by sea, air and road
- Trade related intellectual property rights – copyright, patents and trademarks

Thus the course deals with the following identified aspects of business law:

International Trade Law

- UNITRAL
 - Law of Carriage by Sea, Air, Rail and Road
 - UNITRAL Principles of Contract

- TRIPS

Law of Tort

- The concepts of negligence, nuisance, vicarious liability, strict liability, libel and slander
- Defences to actions in tort – volenti, causus novus, contributory negligence, public good
- Criminal torts of assault and battery, concept of corporate manslaughter

EU Law

- The historical development of the EU
- The relationship between EU and its member states
- The Single Market, the Four Freedoms and their limitations
- How legislation is passed
- The legal instruments of the EU
- The affect of the following directives
 - Unfair Terms in Consumer Contracts
 - Products Liability
 - Product Safety
 - Commercial Agents

Marketing Law

- Specialist area legal hierarchy – the place of the civil courts and such as the consumer ombudsman and consumer complaint courts
- Laws and regulations concerning advertising and promotions
- Statutory obligations concerning labelling, packaging and disclosure of product information
- Area specifics such as medicines, food, holidays and areas of sale restriction
- Special conditions applying to monopoly or those with a substantial market share
- Below cost selling, product coupling, and other such sales techniques
- Legal effect of guarantees and warranties

Consumer Law

- The legal definition of a consumer and a minor
- Rights during the purchasing process
 - Law and regulations concerning advertising and promotion
 - Representations to consumers and their right to information
- Rights post purchase
 - Right of return and that of faulty or non-functioning goods
 - Liability to consumers for damage to property or injury caused by faulty goods

Copyright and Patent Law

- Trade marks and logos
- Artistic copyright
- Patents
- Associations of person and geographical place

Business Ethics and the Law

- The relationship between ethics and the law
- Self regulation v state regulation
- Duties of a company, obligations of the board, the agency problem and the idea of stakeholders
- Issues of standards – ours or theirs
 - Bad states
 - Child labour
 - Hazardous working conditions overseas
 - The “race to the bottom”
 - Bad and dangerous products
 - Pollution

5.4 Other issues

The idea of completely separating one discipline for treatment in a business degree programme does not sit well as business is not a phenomenon, which lends itself to such neat dissection. However in attempting to place elements within the programme it should not be considered that this effort contains all that is necessary to treat the subject of law in a business degree programme. The issues identified will of course be raised on other courses and indeed need to be. However they will fall to be principally dealt with on the courses identified. No one is suggesting that the course entitled and designated Marketing Communication & Information Technology BKMK203 dare not mention such issues as EU consumer protection laws, liable and slander or aspects of e-commerce contracts. Or that the course entitled and designated Green Business Practices BKMG301 does not mention ethics or pollution. English language studies covering negotiation must be conscious of the legal aspects of offer, acceptance and misrepresentations whilst allowing them to be dealt with by specialist course. It is a question of co-ordination between courses and lecturers to ensure optimum delivery whilst avoiding the problem of presuming knowledge that does not exist or repeating that already instructed.

This process is an ongoing developmental one in a dynamic environment in which regrettably instructors never seem to have enough time but certain “innovations” can be multi-purposeful – the

writer is struck by one such which only occurred after three years of instruction in contract law. How to ensure that the students are familiar with “legalese” in their own languages. The answer was simple and I hope not too obvious. They are required to download copies of the CISG in both English and their own language and arrange the articles on opposite sides of an A4 page. Thus not only is the problem solved but the 100+ article convention is studied and digested more quickly.

Thus the process goes on.....

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