

LAW 6262 CLASS 28209
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
PROFESSOR WENTONG ZHENG
FALL 2022

INTERNATIONAL TRADE LAW

Syllabus

(Last updated: Aug. 3, 2022)

Course Information

Credits: 2
Class meeting time and place: Tue/Thur, 9:00-9:55 pm, HH-360
Office hours: Tue/Thur, 12:00-1:00 pm or by appointments
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Course Description

Fifty years of unremitting trade liberalization, together with decreased transportation costs and vastly improved communication, has made nations increasingly interdependent economically. As much as half the profits of many large companies are earned from international sales. With the continuing integration of the global market—whose rules are made and enforced not in national legislatures or courts but in world and regional trade forums—much of the advice tomorrow’s lawyers will provide and many of the decisions future business executives will make must properly account for international trade and the laws governing it.

This course discusses the legal system governing international trade, with particular emphases on the law of the World Trade Organization (WTO) and U.S. international trade law and practice. The objective of this course is to give students a comprehensive overview of the world trading system, with in-depth knowledge of selected segments in this increasingly influential branch of international law. This course is designed for students who may practice in the subject area, either at private firms or in government, or for students who would like to have an understanding of the world trading system for personal, scholarly, or leadership reasons.

The course will approach international trading rules through four modules. The first module presents an overview of the world trading system. Topics discussed in this module include arguments for and against free trade, the basic framework of the GATT/WTO, the dispute settlement mechanism of the WTO, and the domestic implementation of international trade

obligations. The second module discusses the three fundamental principles of the WTO—tariff binding, most-favored-nation, and national treatment—and their exceptions. The third module examines trade remedies laws, which account for a large percentage of the legal services performed by private law firms in the area of international trade. The fourth module delves into selected areas of international trade regulations, from agriculture to service, investment and intellectual property.

Course Objectives

By the end of the course, a reasonably diligent student should be able to accomplish the following:

- Understand the major international trade law rules governing tariffs and non-tariff barriers;
- Understand how to analyze the business impact of major international trade policy rules;
- Acquire knowledge and skills necessary for practice in international trade litigation;
- Acquire knowledge and skills useful in international trade negotiations and policymaking.

Course Materials

The following casebook is required:

1. International Trade Law: Problems, Cases, and Materials (Fourth Ed., 2022)
Authors: Daniel C.K. Chow, Thomas J. Schoenbaum & Gregory C. Dorris
Publisher: Aspen Publishers
ISBN: 978-1-5438-2613-5

The casebook will be supplemented by reading materials to be posted on the course website on CANVAS. The statutes covered by the course will also be posted on CANVAS.

Canvas

We will use the course website on Canvas for class-related communications.

Course Workload

It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

Class Attendance

I expect you to maintain a satisfactory record of class attendance. Beginning in the second week of the semester, you will be required to sign an attendance sheet for every class. However, I

understand that circumstances beyond your control may cause you to miss classes. Therefore, each student is allowed to have three (3) absences with no negative consequences. Provided that your total number of absences does not exceed three (3), you do NOT have to notify me of the absences in advance or provide any justifications for them.

If you expect your total number of absences to exceed three (3), however, please do notify me in advance of the anticipated absences. If the circumstances causing the anticipated absences are extraordinary—a determination to be made by me alone—I may exempt you from the class attendance policy for the absences. Extraordinary circumstances include, but are not limited to, medical emergency (with doctor's note), protracted illness (with doctor's note), and job interviews (with interviewer's note). Absences due to observance of religious holidays are exempted from the class attendance requirement, too.

If your total number of absences in the semester exceeds three (3) and you did not obtain advance approval from me, I reserve the right to lower your final grade by half a grade point (A lowered to A-, A- lowered to B+, and so on). If your total number of absences in the semester exceeds six (6) and you did not obtain advance approval from me, I reserve the right to lower your final grade by one grade point (A lowered to B+, A- lowered to B, and so on).

Class Participation

You will be assigned to a panel of students who will be “on call” for one—and only one—week during the semester. The panel schedule will be posted separately once the class roster is fixed. Please make sure that you are prepared for class discussions during your assigned week. Inadequate class participation when you are on call may result in your final grade being lowered by one level (A to A-, A- to B+, and so on). You are encouraged to participate in class discussions even if you are not on call. I reserve the right to increase your final grade by one level (A- to A, B+ to A-, and so on) if you maintain an outstanding class participation record throughout the semester.

Final Examination

Date: December 7, 2022

The final exam for this course will be a three-hour open book exam consisting of ten short-answer questions and two essay questions. You are allowed to bring any print or electronic materials to the exam room. The law school policy on exam delays and accommodations can be found [here](#).

Grading

Your final grade for this course will be determined by your performance in the final exam, with possible adjustments on accounts of your class attendance and class participation records (see **Class Attendance** and **Class Participation** above respectively).

I adhere to the College of Law's posted grading policies. Below is a table listing the possible letter grades and their corresponding point equivalents.

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

Generally, I will grant grade change requests only for calculation errors. Substantive review and re-grading of answers to specific questions will not be granted unless answers to ALL questions are reviewed and re-graded.

Academic Honesty

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Accommodation

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

Online Course Evaluation Process

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at

<https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

Class Recording Policy

The Office of Student Affairs will continue to record all classes via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will determine when students may have access to these recordings, and the recordings will be password protected. These recordings will be retained only for a short period of time and it is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.

Class Schedule and Assignments

The following class schedule is subject to change. Note that "CB" in the "Assignments" column refers to the casebook. **Unless otherwise noted, the assignments do NOT include "Problems" and "Notes and Questions" that fall on the assigned pages.** If supplemental readings are assigned, please go to the "Assignments" section of the course website on TWEN to download the supplemental materials. For each class hour, you should expect to spend about two hours reading the assigned materials.

Dates	Topic	Assignment
.	Introduction; The Free Trade Debate	CB 1-9 (stop before Section C); CB 20-38.
Module 1: WTO		
Aug. 25	Introduction to GATT/WTO; WTO Dispute Settlements	CB 9-18; 106-127.
Aug. 30	Trade and Domestic Law	CB 67-92.
Sep. 1	Tariff Binding	GATT Art. II:1(a) and II:1(b) (Document Supplement); CB 151-165.
Sep. 6	Most-Favored-Nation I	GATT Arts. I:1, III:2, III:4 (Document Supplement); CB 205-218.
Sep. 8	Most-Favored-Nation II	Supplemental Reading.
Sep. 13	National Treatment I	GATT Arts. III:1, III:2, GATT Ad Art. III, paragraph 2 (in Annex I to GATT) (Doc Supp); CB 219-236, "Note on Philippines—Taxes on Distilled Spirits" on CB 228-229.
Sep. 15	National Treatment II	GATT Art. III:4 (Doc Supp); CB 237 (stop before the Italian case), CB 241 -247.

Sep. 20	Quantitative Restrictions	GATT Art. XI (Doc Supp), GATT Art. XIII (Doc Supp); CB 257-266, 272-277.
Sep. 22	Cancelled	
TBD (makeup)	Environment	GATT Art. XX chapeau, (a), (b), & (g); CB 331-334 (stop before US-Gasoline), CB 338 (start with the Shrimp/Turtle case)-355.
Sep. 27	Health and Safety	WTO Agreement on Sanitary and Phytosanitary Measures; CB 356-373; “Note on the ‘Necessary’ Requirement in GATT Article XX” on CB 361-362.
Sep. 29	Technical Standards	WTO Agreement on Technical Barriers to Trade; CB 288 (start with Section D)-289, 301 (start with Section 2)-307; supplemental reading.
Module II: Trade Remedies Laws		
Oct. 4	Antidumping Duties I	GATT Art. VI; WTO Antidumping Agreement (skim); US Antidumping Statutes (skim) (Doc Supp); CB 441-444, CB 448-464, CB 482 (stop before Section a); CB 493-498.
Oct. 6	Antidumping Duties II	CB 469-481.
Oct. 11	Subsidies and Countervailing Duties	WTO Agreement on Subsidies and Countervailing Measures (“SCM Agreement”) arts. 1, 2, 14 (skim the other articles); SCM Agreement Parts II, III, V (Doc. Supp.); CB 445 (start with Section 2)-447, CB 465-466, CB 509-529, “Note on the Aircraft Subsidy Trade War Between the United States and the European Union” on CB 530,
Oct. 13	Safeguards	GATT Art. XIX (Doc Supp), WTO Agreement on Safeguards (skim), China WTO Accession Protocol Art. 16 (Doc Supp); CB 411-435.
Module III: Regional Free-Trade Agreements		
Oct. 18	Developing Countries; Preferential Trade Agreements	GATT Art. XXIV (Doc Supp); CB 715-739; CB 45-62.
Oct. 20	Dispute Settlements Under FTAs	Supplemental reading.

Module IV: Emerging Frontiers of International Trade Law		
Oct. 25	Intellectual Property	TRIPs; CB 663-708.
Oct. 27	Service	General Agreement on Trade in Services (“GATS”) (Doc Supp) (skim); CB 539-567, “Note on the Lists of Article II (MFN) Exemptions” on CB 550.
Nov. 1	National Security	CB 315-330; CB 648-659; supplemental reading.
Nov. 3	Unilateral Trade Measures	CB 129-150.
Nov. 8	Export Control and Economic Sanctions	CB 577-616; CB 620-626.
Nov. 10	Investment	WTO Agreement on Trade-Related Investment Measures (skim) (doc supp); CB 629-648 (stop before Section B).
Nov. 15	Investor-State Dispute Settlements	Supplemental reading.
Nov. 17	Review	Review; discussions of sample exam questions