

PROPOSED TRAINING: Elite Lawyers Delegation on International Trade Conflicts

推荐课程：应对国际贸易摩擦高端人才培训班

承办单位：美国国际法学会（华盛顿）

中国培训渠道编号：120004

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TOPICS（课题）：

At the time of this submittal no specific topics has been defined by interested parties. ILI tenders here a general list of pertinent subject matter which can be further defined based on subsequent discussions of needs by stakeholders. ILI herein offers the following broad list of topics to consider:

鉴于提交本项目时，客户方尚未确定具体的培训课题，美国国际法学会在此提出一个相关题材的常规培训课程表，它可以根据需要在随后的讨论中做进一步调整与修改。下述课程仅供参考：

Course Outline课程大纲

I. Legal English, Writing and Research 法律英语，写作和研究：

- A. Introduction to Legal English; US Legal Institutions 法律英语介绍，美国法律体制
- B. Introduction to Common Law 普通法介绍
- C. Legal Research 法律研究
- D. Precedent ; changing precedent 先例：先例的变化
- E. US Contract Law/UCC/CISG/Contract and Negotiations 美国合同法/UCC/CISG/合同和谈判
- F. Legal Drafting ; Citations; Drafting a Common Law Rule 法律写作：引用：起草普通法条款
- G. Commercial Law 商法

II. Orientation in the USA Legal System 美国法律制度介绍

- A. US Code and Common Law –How to Read a Case 美国法典和普通法——如何阅读案例
- B. US Legal System, US Court System and Traditional Common Law System
美国法律体系，美国法院体系，传统普通法体系
- C. Modern Private Law: Contract, Agreements and Promises 现代私法：合同，协议和承诺；
- D. Comparative Bankruptcy Law 破产比较法
- E. Regulation in Business 商业规则

III. WTO-International Law WTO-国际贸易法

- A. 第一阶段
 - 1. General Agreement on Tariffs and Trade and the World Trade Organization
关税贸易总协定和世贸组织
 - 2. The WTO Antidumping Agreement WTO 反倾销协议
 - 3. Prosecuting or Defending an Antidumping Case 反倾销案件的提起，辩护
 - 4. Use of Consultants in AD Case; Verification 反倾销案件中顾问的使用；确认
 - 5. Margin Calculations 利益计算
 - 6. The SCM Agreement SCM 协议
 - 7. Regional Trade Agreement 区域贸易协议
 - 8. Developing Country Issues 发展中国家的问题

B. 第二阶段

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| 1. AD and CVD | 反倾销和 CVD |
| 2. Customs Issues | 关税问题 |
| 3. Trade Policy Development | 贸易政策发展 |
| 4. The Role of USTR | USTR 的角色 |
| 5. Trans Pacific Partnership | 反太平洋伙伴关系协定 |
| 6. U.S.-China Trade Relations | 美中贸易关系 |
| 7. Section 337 | 337 条款 |

C. 第三阶段

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| 1. Section 337 | 337 条款 |
| 2. GATT | GATT |
| 3. USITC Hearing | USITC 听证 |
| 4. Safeguards | 保障措施 |
| 5. Meeting with ITC | 会见美国国际贸易委员会 |
| 6. Meeting with Congress | 会见美国国会 |

D. 第四阶段

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| 1. International Property Issues | 知识产权法问题 |
| 2. Meeting with Department of Commerce | 会见美国商务部 |
| 3. Non-Tariff Barriers (TBT, SPS) | 非关税贸易壁垒 (TBT, SPS) |
| 4. Agreement on Agriculture | 农业协议 |
| 5. Agreement on TRIMS and Government Procurement | TRIMS 协议和政府采购 |
| 6. Trade in Service | 服务协议 |
| 7. Dispute Settlement | 争端解决 |
| 8. The Doha Round | 多哈回合谈判 |
| 9. Four Stages of WTO – Dispute Settlement Procedures | WTO 的争端解决机制的四阶段和程序 |

E. 模拟/复习/考试

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| 1. Preparation for Moot Court | 准备模拟法庭 |
| 2. Trade- Moot Court – WTO Procedures | 贸易-模拟法庭-WTO 程序 |
| 3. Study Days | 学习日 |
| 4. Final Exam | 期终考试 |
| 5. Review and Wrap Up(Approval of Research Paper Outlines) | 复习和总结 (研究论文纲要的检查和批准) |

IV. Advanced Arbitration and Mediation

仲裁与调解高级课程

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| A. Legal Introduction and Overview | 法律介绍和总论 |
| B. Mediation | 调解 |
| C. Arbitration Involving State Entities- Sovereign Immunity in Commercial Arbitration – Damages and Remedies | 设计国家实体的仲裁 - 商业仲裁中的国家豁免 - 损害经济 |
| D. Arbitration in Construction Disputes | 建设争端的仲裁 |
| E. Arbitration Treaties and Statutes | 仲裁协议, 法律 |
| F. Court Measures and Discovery | 法庭调查 |
| G. Arbitration Proceedings | 仲裁程序 |
| H. Arbitration Clause / Writing /Jurisdiction/ Non – Signatories; Drafting Exercise | 仲裁条款/起草/管辖权/非签署: 联系起草仲裁条款 |
| I. Arbitration Tribunals, Ethics, Challenges | 仲裁法庭, 道德, 挑战 |

V. Corporate Law 公司法

- A. Mergers & Acquisitions 并购
- B. Intellectual Property 知识产权
- C. Private Equity 私募
- D. Antitrust 反垄断
- E. Corporate Governance 公司治理
- F. Foreign Corrupt Practice Act 反海外腐败法
- G. Securities Regulation in Listing Companies On NASDAQ and NYSE
NASDAQ 和 NYSE 上市公司证券规则

VI. International Investment and Enforcement of Foreign Judgments 国际投资与外国裁判的执行

- A. International Investment 国际投资
- B. Recognition and Enforcement of Foreign Judgments 外国裁决的承认与执行
- C. State Dispute 国家争端

VII. Internship 培训实习部分

- A. Public Private Partnership & Project Finance 公私合伙和项目融资
- B. Trust Law 信托法
- C. Procurement and Government Contracts 采购, 政府合同
- D. Internship 实习机构
 - 1. Mayer Brown LLP
 - 2. Duane Morris LLP
 - 3. Holland & Knight LLP
 - 4. Miller & Chevalier Chartered
 - 5. Shearman & Sterling LLP