

Ministry of education and science of Ukraine  
V. N. Karazin Kharkiv National University  
Department of Civil Law disciplines



" APPROVED BY "  
Dean of the Faculty of Law  
Vitaliy SEROHIN

" 27 " *серпень* 20\_\_ yr.

WORKING PROGRAM OF EDUCATIONAL DISCIPLINE  
PRIVATE INTERNATIONAL LAW

level higher education	bachelor level
branch of knowledge	29 International relations
specialty	293 International law
educational program	293 International law
type of discipline	mandatory
faculty	law

2023 /2024 year

The program is recommended for approval by the Academic Council of the Faculty of Law dated 31.08.2023, protocol No. 1

Program developers:

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The program was approved at a meeting of the Department of Civil Law Disciplines of the Faculty of Law

Protocol No. 14 dated June 26, 2023

Head of Department  
Department of Civil Law Disciplines



Olena USTYMENKO

The program was agreed with the guarantor of the educational and professional program "International Law"

Guarantor of educational and professional programs of the first (bachelor) level of higher education of education in the specialty 293



Lina FOMINA

The program was approved by the scientific and methodical commission of the Faculty of Law Protocol dated 08/31/2023 No. 1

Head of the Scientific and Methodological Commission of the Faculty of Law



Hanna ZUBENKO

## INTRODUCTION

The curriculum of the discipline «Private International Law» is compiled in accordance with the educational and professional bachelor's program in the field of training 293 International law.

### 1. Description of the discipline

1.1. The purpose of teaching the discipline is to train a qualified specialist in the history of development, categorical and conceptual apparatus of private international law; sources, institutions and main types of conflict of interest of private international law; solving private law problems with a foreign element and working with relevant international and national regulations.

1.2. The main tasks of studying the discipline are the formation of students' respective competencies.

Integral competence - the ability to solve complex specialized problems and practical problems in the field of professional legal activity or in the learning process, which involves the application of legal doctrines, principles and legal institutions and is characterized by complexity and uncertainty.

GC 2. Knowledge and understanding of the subject area and understanding of professional activity.

GC 7. Ability to adapt and act in a new situation, in particular, in an international context.

GC 15. Appreciate and respect diversity and multiculturalism.

SC 3. The ability to protect the national interests of one's own state with the help of international legal instruments.

SC 6. Ability to apply knowledge of the principles and content of institutions of private international law.

SC 11. Ability to provide legal opinions and advice on international law, national law of Ukraine and foreign countries; to determine the legal risks of certain foreign policy or foreign economic initiatives, to select ways to minimize them.

SC 15. Ability to understand the features of international legal phenomena, to predict the main directions of development of international law.

1.3. Number of credits - 5

1.4. The total number of hours – 150

1.5. Characteristics of the discipline	
Normative	
Full-time education	Distance (distance) form of study
Year of preparation	
3rd	3rd
Semester	
5th	5th
Lectures	
48 hours	8 hours
Practical, seminar classes	
32 hours	4 hours

Laboratory classes	
-	
Independent work	
70 hours	138 hours
Including individual tasks	
10 hours	10 hours

#### 1.6. Planned learning outcomes.

Students must achieve the following program learning outcomes:

Analyze social processes in the context of the analyzed problem and demonstrate your own vision of ways to solve it.

Conduct collection and integrated analysis of materials from various sources.

Formulate your own sound judgments based on an analysis of a known problem.

Demonstrate the necessary knowledge and understanding of the nature and content of basic legal institutions and norms of fundamental branches of law.

Explain the nature and content of basic legal phenomena and processes.

Apply the acquired knowledge in different legal situations, highlight legally significant facts and form sound legal conclusions.

## 2. Thematic plan of the discipline

### Section 1. General part of private international law

#### Topic 1. General characteristics of private international law

The concept, subject and system of private international law. Features of private relations of international character. The concept and forms of a foreign element in relations of a private law nature. Normative composition of private international law. Method of private international law. The place of private international law in the legal system. The main approaches in legal doctrine to the subject, method, composition of norms and the place of private international law in the legal system. Correlation of private international law with private law and public international law. Principles and functions of private international law.

#### Topic 2. Sources of private international law

The concept and characteristics of sources of private international law. Types of sources of private international law. Legislation on private international law of foreign countries. Codification of private international law. Laws on private international law of individual countries. Judicial and arbitration practice of individual countries as a source of private international law. International treaty as a source of private international law. Types of international agreements. Multilateral (universal and regional) agreements that contain unified conflict and substantive rules. Bilateral agreements in private international law. Ukraine's participation in international treaties on private international law. Custom as a source of private international law. Trade customs. Unification of international private law. International bodies involved in the development and adoption of sources of private international law.

#### Topic 3. Conflict of law in private international law

Grounds for conflicts. Concepts and types of conflict rules. Effect of imperative norms of the legislation of Ukraine regulating relations with a foreign element. The concept, structure and types of conflict rules. The main types of conflict of interest (attachment formulas): personal law of

individuals and legal entities (nationality); the law of the country of location of the thing; the law of the country, which determines the requirements for the form of transactions (agreements); autonomy of will; the law of the country applicable to the contract in the absence of a choice of law agreement; the law of the country under which the legal relationship to be settled is most closely connected; the law of the country of the place of the offense; the law of the country determining the statute of limitations; the law of the country of the court, etc.

#### **Topic 4. Application of conflict of law rules in private international law**

Qualification in private international law. Establishing the content and application of foreign law. The concept of return and reference to the third law. The principle of reciprocity and retaliation. Bypassing the law in private international law. Reservations on public order in private international law.

#### **Topic 5. Subjects of private international law**

An individual as a subject of private international law. Citizen as a subject of international private legal relations. A foreigner as a subject of international private legal relations. Refugee as a subject of international private legal relations. Legal entity as a subject of private international law. Legal regulation of foreign legal entities in Ukraine. Transnational companies as subjects of international private legal relations. Legal status of offshore companies as subjects of international private legal relations. The state as a subject of private international law. Principles that determine the legal regime of foreign investment and investment policy of states. Legal status of foreign investors in Ukraine. State guarantees.

### **Section 2. A special part of private international law**

#### **Topic 6. Property rights in private international law.**

Conflicting issues of property rights in private international law. The emergence and termination of property rights. Law defining the right of ownership of movable and immovable property. Legal regime of property of foreigners and foreign legal entities in Ukraine. Legal regime of property of foreign states in Ukraine. Basic principles of international protection of related rights. Subjects of international protection of related rights. Terms of international protection of related rights. Basic principles of international protection of industrial property. Subjects of international protection of industrial property. The mechanism of protection of industrial property in private international law. The value of the principles of national regime, reciprocity and priority. International legal protection of rights to methods of individualization of participants in civil turnover, goods and services. International trademark registration system. Law defining property rights and other property rights in relation to vehicles. The law that determines the real rights to movable property (goods) that are in transit. Law defining ways to protect property rights and other property rights. Legal regime of investing Ukrainian legal entities and citizens abroad. Legislation of Ukraine on the procedure for investment of property values by residents of Ukraine abroad. Legal regulation of opening of accounts in foreign banks by residents of Ukraine. Legal regulation of foreign investments in Ukraine. The concept of foreign investment and their types. Sources of legal regulation of foreign investment in Ukraine.

#### **Topic 7. Intellectual property law in private international law**

Concepts and types of intellectual property. Basic principles of international copyright protection. Subjects of international copyright protection. Terms of international copyright protection.

### **Topic 8. Obligations in private international law**

Legal regulation of contractual obligations in private international law. The concept of foreign trade agreement (contract). Elements of a foreign trade agreement. Form of foreign trade agreement. Procedure for concluding international commercial agreements. The concept of types and sources of regulation of international traffic. Conflict and substantive rules on statute of limitations. Regulation of terms of supply of goods. Basic terms of supply (INCOTERMS). Scope of regulation and varieties. Legal regulation of monetary obligations arising from foreign trade agreements. International legal unification of settlement relations in foreign trade. Unified rules and customs for documented letters of credit. Letter of credit agreement. Forms of letter of credit. Unified rules on collection. The concept of non-contractual obligations in private international law. The concept of tortious obligations. Types of conflict of laws that are used in the legislation of states and international treaties to determine the status of non-contractual obligations with a foreign element. Law of the country of the offense; the law of the state affected by the offense; court law; the law of citizenship of the victim and the offender; the law of the place of residence of the defendant. Agreements on legal assistance of Ukraine with other states.

### **Topic 9. Hereditary relations in private international law**

Conflicting issues of inheritance law. The law used in determining the order of transfer of property, rights and obligations in inheritance. Legal regulation of inheritance by foreigners in Ukraine. Legal regulation of inheritance by citizens of Ukraine abroad. The role and significance of agreements on legal assistance in matters of inheritance abroad: determination of the right necessary for application; inheritance by the state; expropriated property; will; competence in inheritance cases; heritage protection measures.

### **Topic 10. Labor relations in private international law**

Conflicting issues of labor law. The main types of conflict of interest: the law of the place of conclusion of the employment contract; the law of the place of work; the law of the place of production activity; the law of the location of the employer; the law of citizenship of the employee; ship's flag law; the law of the place of registration of the vehicle. Code of Labor Laws of Ukraine on the regulation of labor relations of citizens working outside the country. Conditions and procedure for employment of foreigners in Ukraine. Ukrainian legislation on pension provision for Ukrainian citizens abroad and foreigners residing in Ukraine.

### **Topic 11. Marital and family relations in private international law**

Conflicting issues of family law relations. The main types of conflict of interest: the law of the place of marriage; marital citizenship law; the law of the country of permanent residence of the child; the law of citizenship of adoption; court law. Marriage of Ukrainian citizens to foreigners. Rights and responsibilities of foreign citizens and stateless persons in marital and family relations. Marriages between citizens of Ukraine and foreigners in Ukraine. Marriage between a citizen of Ukraine and a foreigner concluded outside Ukraine. Agreements of Ukraine on legal assistance in marriage. The procedure and features of divorce between a citizen of Ukraine and a foreign citizen in Ukraine. Legal regulation of personal and property relations between spouses in private international law. Regulation of relations between parents and children in private international law. Legal regulation of adoption in private international law. Legal regulation of guardianship and custody in private international law. Establishment of guardianship and custody of citizens of Ukraine living abroad. Establishment of guardianship and custody of foreigners in Ukraine. Recognition of guardianship and custody established outside Ukraine.

### **Topic 12. International civil proceedings and international commercial arbitration**

The concept of international civil proceedings. Determining the jurisdiction of civil cases with a foreign element. Basic systems of determining jurisdiction. The concept of contractual jurisdiction. Procedural status of foreign citizens and foreign legal entities in Ukrainian civil proceedings. Procedural status of a foreign state and its diplomatic missions in Ukraine. Execution of instructions of foreign justice institutions. Legal regulation of execution of foreign court orders in Ukraine. Hague Convention on Civil Procedure 1954. The role of legal aid agreements. Implementation of notarial acts in cases with a foreign element. The concept of legalization. Apostille. The concept of foreign trade arbitration. Legal status and types of arbitration (arbitration) courts. Institutional foreign trade arbitration and ad-hoc arbitration. UNCITRAL Model Agreement on International Commercial Arbitration. Arbitration Rules of the United Nations Economic Commission for Europe. Rules of Procedure of the International Commercial Arbitration Court at the Chamber of Commerce and Industry of Ukraine. Rules of Procedure of the Maritime Arbitration Commission at the Chamber of Commerce and Industry of Ukraine. The meaning and content of the arbitration clause. Recognition and enforcement of foreign arbitral awards. Specifics of foreign trade arbitration in the CIS. Agreement on the procedure for resolving disputes related to the implementation of economic activities.

### 3. The structure of the discipline

Names of sections and topics	Number of hours											
	full-time education						external form of education					
	total	including					total	including				
		1.	pract	lab.	ind.	s.w.		1.	ptact	lab.	ind.	s.w.
1	2	3	4	5	6	7	8	9	10	11	12	13
<b>Section 1. General part of private international law</b>												
Topic 1. General characteristics of private international law	10	4	2			4	8	2				6
Topic 2. Sources of private international law	12	4	2			6	12					12
Topic 3. Conflict rules in private international law	13	4	3			6	16	2	2			12
Topic 4. Application of conflict of law rules in private international law	13	4	3			6	12					12
Topic 5. Subjects of private international law	13	4	3			6	12					12
<b>Together under section 1</b>	<b>61</b>	<b>20</b>	<b>13</b>			<b>28</b>	<b>60</b>	<b>4</b>	<b>2</b>			<b>54</b>

<b>Section 2. A special part of private international law</b>												
Topic 6. Property rights in private international law	13	4	3			6	14	2				12

Topic 7. Intellectual property law in private international law	12	4	2			6	12					12
Topic 8. Obligations in private international law	13	4	3			6	16	2	2			12
Topic 9. Hereditary relations in private international law	13	4	3			6	12					12
Topic 10. Labor relations in private international law	13	4	3			6	12					12
Topic 11. Marital and family relations in private international law	13	4	3			6	12					12
Topic 12. International civil proceedings and international commercial arbitration	12	4	2			6	12					12
<b>Together under section 2</b>	<b>89</b>	<b>28</b>	<b>19</b>			<b>42</b>	<b>90</b>	<b>4</b>	<b>2</b>			<b>84</b>
<b>Total hours</b>	<b>150</b>	<b>48</b>	<b>32</b>			<b>70</b>	<b>150</b>	<b>8</b>	<b>4</b>			<b>138</b>

#### 4. Topics of practical classes

No s/n	Name topics	Number hours
1.	General characteristics of private international law	2
2.	Sources of private international law	2
3.	Conflict rules in private international law	3
4.	Application of conflict of law rules in private international law	3
5.	Subjects of private international law	3
6.	Property rights in private international law	3
7.	Intellectual property law in private international law	2
8.	Obligations in private international law	3
9.	Hereditary relations in private international law	3
10.	Labor relations in private international law	3
11.	Marital and family relations in private international law	3
12.	International civil proceedings and international commercial arbitration	2
	<b>Together</b>	<b>32</b>

#### Topics of practical classes (distance learning)

No s/n	Name topics	Number hours
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1.	Sources of private international law	2
2.	Property rights in private international law	2
	<b>Together</b>	<b>4</b>

### 5. Tasks for independent work

№ s/n	Types, content of independent work	Number hours
1.	Topic: General characteristics of private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	4
2.	Topic: Sources of private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	6
3.	Topic: Conflict rules in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	6
4.	Topic: Application of conflict of law rules in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	6
5.	Subject: Subjects of private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	6
6.	Property rights in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	6
7.	Topic: Intellectual property law in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	6
8.	Topic: Obligations in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	6
9.	Hereditary relations in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	6
10.	Topic: Labor relations in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	6
11.	Topic: Marital and family relations in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	6
12.	Topic: International civil proceedings and international commercial arbitration Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	
	<b>Together</b>	<b>70</b>

### Tasks for independent work (distance learning)

№ s/n	Types, content of independent work	Number hours
1.	Topic: General characteristics of private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	6
2.	Topic: Sources of private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	12
3.	Topic: Conflict rules in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	12
4.	Topic: Application of conflict of law rules in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	12
5.	Subject: Subjects of private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	12
6	Property rights in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	12
7.	Topic: Intellectual property law in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	12
8.	Topic: Obligations in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	12
9.	Hereditary relations in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	12
10.	Topic: Labor relations in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	12
11.	Topic: Marital and family relations in private international law Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	12
12.	Topic: International civil proceedings and international commercial arbitration Task: Get acquainted with the lecture material. Prepare answers to control questions, answer tests.	12
	<b>Together</b>	<b>138</b>

### 6. Individual tasks

Individual tasks in the discipline «Private International Law» are performed in the form of multimedia presentations on a topic that is determined or chosen by the student with the help of the

teacher. Individual tasks are performed by the student, independently with the necessary advice from the researcher. Cases of performance of works on complex subjects by several persons are allowed.

Creating presentations is one of the forms of research work. The presentation is performed using Microsoft Office PowerPoint and must consist of at least 15 slides. The material on the slide can be divided into main and additional. The main thing is to highlight that when showing a slide, it carries the main semantic load: the size of the text or object, color, special effects, the order of appearance on the screen. Additional material is intended to emphasize the main idea of the slide. Different font sizes are recommended for different types of objects.

It is better to write the title of the slide in font size 22-28, the subtitle and captions of the data in the diagrams - 20-24, the text, captions and titles of the axes in the diagrams, the information in the tables - 18-22. Use bold or underlined font to highlight headlines and keywords. Italics for secondary information and comments. Use the same font name on all presentation slides. For a good perception of the presentation from any distance in the hall, the text is better to type in Arial, Bookman Old Style, Calibri, Tahoma, Times New Roman or Verdana.

1. On the first slide you should indicate the name of the Ministry of Education and Science, the name of the university, department, surname, name and patronymic of the student and the topic of the presentation, the number of the study group.

2. The second slide presents the content of the presentation.

3. On other slides - filling the topic.

4. Abbreviations of words are not allowed in the text on slides, except for commonly used ones (UN, EU, OSCE, etc.).

5. Slides should be abstract. To give the PowerPoint presentation clarity and, if necessary, color on some slides, you can place various diagrams, graphics, photos, drawings, collages. Inserted photos or pictures must be of high quality and large enough, otherwise when stretched they lose sharpness, which can only spoil the effect of the presentation. Sound preparation can be used in the preparation of the presentation.

6. The presentation should be prepared in the provided background (slide template). Do not make the slides too colorful and color-coded. This harms the formation of unstable visual images.

7. Slides should either focus on something or visualize the material (same tables, diagrams, figures with symbols, if any). Do not place multiple blocks of visual or textual information on the same slide. It distracts, distracts, impairs concentration.

8. The slide should be easy to understand - a little text on one slide.

Assessment of an individual task is carried out according to the following criteria:

- The results of the student's work are fragmentary, characterized initial ideas about the subject of study - 1 point

- The student reveals the main provisions of the topic of work, performs tasks for sample, has basic skills - 3-5 points

- The student reveals the essential features of concepts, phenomena, connections between them, is able to explain the basic patterns, as well as independently apply knowledge in standard situations, has mental operations (analysis, abstraction, generalization, etc.), is able to draw conclusions, correct mistakes. The presentation of the student's work is logical, reasonable, although it lacks its own judgments - 5-7 points

- The student's knowledge of the chosen topic of work is deep, strong, systematic; the student is able to apply them to perform scientific and practical tasks, scientific activity is marked by the ability to independently assess legal situations, facts, identify and defend their own position - 8-10 points.

## Topics of individual tasks

- Ownership and other property rights in relation to vehicles, including merchant ships.
- Problems of determining the statute of limitations in the international private
- The concept, legal regime and state guarantees of foreign investment in Ukraine.
- Legal significance and content of bilateral international agreements on mutual protection of investments.
- Contents and types of agreements on investment activities without the creation of a legal entity.
- Procedure for consideration of investment disputes.
- Procedure for investing abroad by Ukrainian legal entities.
- The concept of the territorial nature of intellectual property rights.
- The main differences between the systems of international copyright protection.
- The concept of industrial property law and its international law
- The complex nature of the legal regulation of foreign economic obligations. The ratio of private and public methods of regulation.
- Conflicting issues of determining the law used to regulate the obligations of the parties arising from a foreign trade agreement.
- International legal unification of international trade regulation.
- International legal unification of forms of settlements under foreign economic agreements. Letter of credit and collection forms of payment.
- Qualification of force majeure in the practice of foreign economic activity.
- Legal regulation of transport obligations.
- Legal regulation of international maritime transport. Code of Merchant Shipping of Ukraine. International Conventions and legal customs of private international maritime law.
- Legal regulation of international rail transport.
- Legal regulation of international air transportation.
- Legal regulation of international road transport.
- The concept of non-contractual tort obligations with a foreign element.
- The main types of conflict bindings used to regulate non-contractual tort obligations.
- Conflict law of Ukraine on the regulation of non-contractual tort obligations, including the rules of agreements on legal assistance.
- The main conflicting issues of inheritance in WFP.
- Domestic legislation of Ukraine on the regulation of inheritance with a foreign element.
- The role and significance of agreements on legal assistance for the unification of legal regulation of inheritance in the WFP. Conflicting issues of conclusion and recognition of marriage.
- Conflicting issues of regulation of personal and property rights and responsibilities of spouses.
- Conflicting issues of divorce.
- Conflicting issues of regulation of relations between parents and children. Alimony relations.
- Conflicting issues of adoption. Procedure for adoption of children - citizens of Ukraine by foreigners.
- Conflicting issues of establishment and recognition of guardianship and custody.
- Conflicting issues of labor relations regulation with a foreign element.
- Procedure and conditions of employment of foreigners in Ukraine.
- Legislation of Ukraine on the conditions and procedure for conducting business activities for employment abroad.
- The main interstate agreements of Ukraine in the field of labor and social protection.
- Procedural status of citizens, legal entities and the state in a foreign court.

- Orders of foreign bodies of justice.
- Recognition and enforcement of foreign judgments.
- Specifics of notarial acts in WFP.
- Concepts and types of foreign trade arbitration.

## **7. Teaching methods**

Three groups of teaching methods are used:

1. verbal - descriptive disclosure of educational material, explanation of the essence of the phenomenon, concept, process, instruction on the peculiarities of the application of certain rules, checking the level of independent study of educational material, etc.;
2. visual - demonstration of diagrams, tables, drawings (if available);
3. practical - the formation of skills and abilities to operate with legal categories, the application of legal norms and the use of acquired knowledge in conducting seminars.

## **8. Methods of control**

Input control is used to determine the level of knowledge of students in the disciplines that are basic for the study of this. Held on the beginning of the study of the discipline by oral examination or express control (testing).

Current control is carried out at each seminar classroom in the form of oral interviews, student speeches, writing and defense of abstracts, tests.

Current control is carried out in the form of a written test in order to assess the knowledge and skills acquired during the study of the topics of the relevant section. Written test work can provide detailed answers to questions, answers to tests.

At the end of the course is an exam.

A student is allowed to take the semester final examination if he or she has scored at least 10 points. The maximum number of points that a student can score in the final examination is 40. The maximum amount of points that a student can score in a discipline is 100.

## **Exam questions**

1. The concept and history of PIL.
2. The problem of determining the subject of private international law.
3. The place of PIL in the national legal system. Relationship with other branches of national law.
4. Participation of a "foreign element" in private law relations.
5. Legal methods of influencing relations with a foreign element.
6. General characteristics of sources of private international law.
7. International treaty in the system of sources of private international law.
8. Ukraine's participation in multilateral and bilateral and bilateral agreements in the field of PIL.
9. Domestic law in the system of sources of private international law. Legislation of Ukraine in the field of private international law.
10. The importance of codification of domestic law in the field of PIL, its types.
11. General characteristics of the Law of Ukraine "On Private International Law".
12. The question of the duality of sources of private international law. The ratio of international treaty and domestic law.
13. Legal custom in the system of sources of private international law.

14. Judicial and arbitration practice in PIL. Judicial precedent as a source of PIL.
15. The role of doctrine in the system of sources of private international law.
16. Lex mercatoria, its place in the modern PIL.
17. The concept and importance of unification and harmonization of private international law. International centers of unification in the field of private international law.
18. The concept, function and structure of the conflict rule.
19. Classification of conflict rules, basic classification criteria.
20. Types of collision bindings (attachment formulas) and their scope.
21. The effect of conflict rules in time. Interlocal conflicts in private international law.
22. "Flexible" attachment formulas, their role in modern PIL.
23. The principle of "closest connection" in private international law, its importance in conflict regulation.
24. Autonomy of will: scope, difference from conflict rule.
25. Interpretation and application of conflict rules. Establishing the content of foreign law.
26. Legal qualification in PIL. Hidden collisions in PIL (qualification conflict).
27. Return and reference to the law of a third state.
28. Bypassing the law and its legal consequences.
29. Reservations on public order: concepts, types.
30. The concept of imperative norms. Imperative norms of a foreign state in the field of PIL.
31. Reciprocity: concepts, types. Retaliation in private international law.
32. General characteristics of the subjects of private international law.
33. Personal law of an individual: the concept, content and scope of its action.
34. Conflict rules of legal capacity of foreigners.
35. Peculiarities of the legal status of stateless persons, refugees and persons in need of temporary or additional protection.
36. Peculiarities of recognizing a foreigner with limited legal capacity and incapacity.
37. Conflicting issues of absence and declaration of death in private international law.
38. The concept of personal law of a legal entity.
39. The concept of «nationality» of a legal entity in private international law and the doctrine of its definition.
40. Foreign legal entities in Ukraine, their admission to economic activity in Ukraine. Legal regimes for foreign legal entities in Ukraine, the grounds for their establishment.
41. Forms of participation of foreign legal entities in economic activity in Ukraine. Representative offices and branches of foreign legal entities in Ukraine.
42. Transnational corporations and their types.
43. Features of the creation and operation of offshore companies.
44. International legal entities, their legal status.
45. Participation of the state in private law relations with a foreign element.
46. State immunity in PIL. Types of state immunity, their content.
47. Basic doctrines regarding state immunity in PIL.
48. International treaties on the immunity of states.
49. Ways of expressing the state's consent not to apply the rules of immunity to it.
50. Norms on the immunity of a foreign state in the legislation of Ukraine.
51. Classification of things in civil law and PIL.
52. The main conflict rules of property rights and other property rights in modern PIL.
53. Conflicting aspects of the emergence and termination of ownership of property located in on the road.
54. The concept, classification of foreign investment and forms of investment activity. Legal regimes of foreign investment.

55. Features of international legal regulation of investment relations.
56. Legal regime of property of foreign states, international organizations, foreign individuals and legal entities in Ukraine.
57. Legal regime of property of the state of Ukraine, citizens of Ukraine and Ukrainian legal entities abroad.
58. The concept of intellectual property and its features in PIL.
59. Legal regulation of copyright protection in PIL. Major international agreements in the field of copyright protection.
60. The concept and protection of related rights in PIL. Major international treaties in the field of protection of related rights.
61. The concept and features of industrial property in PIL. International at legal protection of industrial property. The concept of conventional priority.
62. World Intellectual Property Organization, its functions.
63. Protection of intellectual property rights within the WTO.
64. General characteristics of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.
65. Transactions with a foreign element: concepts and types. Scope of the law applicable to the transaction.
66. Conflicting issues of contract law (basic attachment formulas). Conflict bindings applied to contractual obligations with a "foreign element".
67. The concept and form of foreign trade agreement, the procedure for its conclusion.
68. Legal regulation of international purchase and sale of goods. UN Convention on Contracts for the International Sale of Goods of April 11, 1980 (Vienna Convention): general characteristics and scope.
69. International rules of Incoterms, their scope.
70. Features of consumer protection under the contract of consumption.
71. Representation, power of attorney and statute of limitations in private international law.
72. International transport organizations and their role in the unification of international legislation transportation.
73. The concept, types and features of international transport.
74. International maritime transport: concepts and types. Conflict of laws in the field of merchant shipping and unification of maritime law.
75. International rail transport. Agreement on International Rail Transport (COTIF) 1980
76. International road transport. Convention on Contracts for the International Carriage of Goods by Road, 1956
77. Simplification of customs procedures and creation of guarantees regarding possible damage caused by international road transport.
78. International air transportation. Montreal Convention for the Unification of Certain Rules for International Carriage by Air of 28.05.1999
79. International river transport. Budapest Convention on the Contract for the Carriage of Goods by Inland Waterways of 22 June 2001
80. International mixed transport. UN Convention on the International Carriage of Goods by Means of May 24, 1980
81. The concept and content of non-contractual obligations complicated by a «foreign element» and conflicting approaches to their regulation.
82. Conflicting issues of tortious obligations.
83. Labor relations with a foreign element and the sources of their legal regulation.
84. International legal regulation of labor rights. Normative activity of the International Organization of Editing.

85. Labor rights of migrants and foreigners in Ukraine.
86. Features of the regulation of labor relations of foreigners and stateless persons working in Ukraine. Employment of foreigners in Ukraine.
87. Labor relations of citizens of Ukraine working abroad.
88. Social security in private international law.
89. Conflict rules in the field of marital and family relations with the participation of a foreign element; their conflict regulation.
90. The law applicable to marriage. The concept of consular marriages. Recognition of marriages contracted abroad.
91. Conflict regulation of the legal consequences of marriage.
92. Conflict regulation of property and personal non-property relations of spouses. Marriage contract.
93. Conflict regulation of divorce and annulment.
94. Conflict regulation of relations between parents and children. Establishment and appeal of paternity.
95. Conflicting issues of adoption. Adoption of children of Ukrainian citizens by foreigners.
96. Guardianship and custody: general requirements and conflict of interest.
97. Rights and responsibilities of parents and children. Maintenance obligations in private international law.
98. Conflicts of legislation in the field of inheritance.
99. Conflicting issues of inheritance by law and will in the PIL.
100. The issue of inheritance in legal aid agreements.
101. Conflicting aspects of inheritance of movable and immovable property.
102. Protection of hereditary rights of Ukrainian citizens abroad.
103. The transfer of inheritance to the state in private international law
104. The concept of international civil proceedings. Sources of legal regulation of civil procedural relations with a foreign element.
105. Procedural legal capacity and legal capacity of foreign persons.
106. Procedural position of the state. Judicial immunity.
107. The concept, types and methods of determining international jurisdiction. The concept of conflict of jurisdictions.
108. Rules and grounds for determining the jurisdiction of cases with a foreign element in the courts of Ukraine. Exclusive jurisdiction.
109. Prorogation and derogation agreements.
110. International legal assistance and its types. Execution of court orders.
111. Legalization of documents. Apostille affixing.
112. Functions of the consul in the exercise of notarial functions. Consular legalization.
113. Recognition and enforcement of foreign court decisions. Systems of execution of decisions of foreign courts.
114. The concept and legal nature of international commercial arbitration.
115. Permanent arbitral tribunals. Dispute settlement in ad hoc arbitration .
116. International treaty unification of commercial arbitration. International centers of commercial arbitration
117. International regulations, UNCITRAL Model Law on International Commercial Arbitration .
118. Arbitration agreement: legal nature and types.
119. Arbitration award. Execution of foreign arbitration awards. New York Convention (1958) on the Recognition and Enforcement of Foreign Arbitral Awards.
120. Grounds for refusal to recognize and enforce foreign arbitral awards.



## 9. Scoring scheme

The total number of points is 100.

The number of points for the exam/credit is 40.

The number of points during the semester is 60:

Number of points for answers in seminar classes  $\sum 40 = 40$ :

### Calculation formula

$\sum 1$

$\sum 40 = \dots \times 8$  (eight)

$\sum 2$

### Note:

$\sum 40$  – the sum of the maximum number of points

$\sum 1$  – the sum of points received by the student for answers in seminar classes.

$\sum 2$  – the number of seminar classes during the semester.

8 is the coefficient

Individual task - 10 points

Control work - 10 points.

Current control												Individual task	Control work provided by the curriculum	Together	Exam/assessment	Sum
T1	T2	T3	T4	T5	T6	T7	T8	T9	T10	T11	T12					
$\sum 40$												10	10	60	40	100

T1, T2 ... TN - topics.

For effective scientific work (writing a scientific paper, theses of reports, participation in scientific and practical conferences, participation in the work of a circle, etc.) according to the profile of this discipline, according to the decision of the department in accordance with the criteria established by the program of the academic discipline, the student can receive up to 10 additional (incentive) points, but within the maximum total of 100 points.

The answer at the seminar is **1-5 points**.

### Evaluation criteria for an oral answer

Current control is carried out, in particular, in the form of a survey and checking the results of performances at seminars and practical classes in a five-point rating scale.

**5 points** are assigned under the following conditions:

- the student works actively during the entire practical session;
- gives a complete, correct, consistent, coherent, well-founded presentation of the issue, accompanied by correct examples from doctrinal sources and a reference to current legislation;

- everything that is taught should indicate a deep understanding and orientation in the phenomena and processes being studied;

- correct comprehensive answers to the teacher's additional questions.

**4 points** are given under the following conditions:

- the student works actively during the practical session ;

- gives a correct, complete description of the content of the textbook and the material presented by the teacher, but answers additional control questions that the teacher asks to clarify the depth of understanding and the ability to navigate phenomena and processes, only with some help from the teacher or colleagues;

- insufficiently comprehensive answers to the teacher's additional questions.

**3 points** are given under the following conditions:

- the student behaves passively during class, responds only when called upon by the teacher;

- in general demonstrates knowledge of the main educational material under consideration, but makes mistakes during the answer and becomes aware of them only after the instruction of the teacher;

- does not give answers to questions immediately, but only after some strain of memory, and the answers are unclear;

- unable to derive the relationship with other problems of the studied discipline without the help of a teacher;

**2 points** are given under the following conditions:

- makes significant mistakes or completely misses the material and partially corrects these mistakes only after the instruction of the teacher;

- the student shows ignorance of a significant part of the educational material, explains it illogically and uncertainly, there are pauses and interruptions in the answer, he cannot explain the problem, although he understands it;

- does not present the material sufficiently coherently and consistently.

**1 point** is given under the following conditions:

- the student makes gross mistakes when presenting the material and does not correct these mistakes even when the teacher points them out;

- reveals a lack of understanding of the educational material and, as a result, a complete lack of skills both in the analysis of phenomena and in the subsequent performance of practical tasks.

### **Evaluation criteria of control and examination/credit papers**

Control and examination (credit) works are performed in written form. The control work consists of 10 test tasks, the examination/credit work consists of 40 test tasks. Each test task has five answer options, only one of which is correct; one point is awarded for each correct answer.

### **Rating scale**

The sum of points for all types of training activities during the semester	Evaluation on a national scale	
	On a four-level rating scale	On a two-level rating scale
90-100	perfectly	counted
70-89	fine	counted

50-69	satisfactorily	counted
1-49	unsatisfactorily	not counted

## 10. Recommended methodological support

### Basic literature

#### Legal acts:

1. Law of Ukraine on private international law. Information of the Verkhovna Rada of Ukraine. 2005, No. 32, p. 1278, Article 422.
2. On the ratification of the Agreement on Cooperation on Termination of Offenses in the Field of Intellectual Property dated September 21, 2000. Information of the Verkhovna Rada of Ukraine. 2000. No. 45. Art. 380.
3. Law of Ukraine "On international treaties of Ukraine". Information of the Verkhovna Rada of Ukraine. 1994. No. 10. Art. 45.
4. Law of Ukraine "On Citizenship" dated 11.13.99. Official Gazette of Ukraine. 2001. No. 9 Art. 342.
5. Universal Declaration of Human Rights. K. Pravo, 1995.
6. International Covenant on Social, Economic and Cultural Rights. K. Pravo, 1995.
7. International Covenant on Civil and Political Rights and Optional Protocol No. 1 to the International Covenant on Civil and Political Rights. K.: Pravo, 1995.
8. European Convention on the Protection of Human Rights and Fundamental Freedoms. K.. Law, 1999.

#### Textbooks, training aids:

1. Beloglavek O. International contract law. O. Beloglavek. K, Takson, 2000. 270 p.
2. Boyarska, Z.I.. International commercial law: educational and methodological guide for independent study of the discipline. Z. I. Boyarska; Ministry of Education and Science of Ukraine, KNEU. K, KNEU, 2006. 196 p.
3. Vasylichenko V.V. Scientific and practical commentary on the Law of Ukraine "On International Private Law". K.: Istyna, 2007. 200 p.
4. Vyshnovetska S. V., Korneev Yu. V. International private law: teaching. manual / S. V. Vyshnovetska, Yu. V. Korneev. K. Center for educational literature, 2019. 164 p.
5. Dakhno I. I. International private law: teaching. manual. K. MAUP, 2001. 312 p.
6. Dmitriev A. I. International public law: education. manual. A. I. Dmitriev, V. I. Muravyov; resp. ed.: Yu. S. Shemshuchenko, L. V. Gubernskiyi. K.: Yurinkom Inter, 2000. 640 p.
7. Kylimnyk I. I. International private law: teaching. manual. I. I. Kylimnyk, A. M. Brovdiy; Kharkiv. national city university farm named after O. M. Beketova; Kharkiv: XNUMX named after O. M. Beketova, 2018. 111 p.
8. V. Kysil. International legal unification in the regulation of the main issues of international commercial arbitration / V. Kysil, M. Prykhodmo. coll. decisions and arbitration. practices of the Higher arbitration. court of Ukraine. 1995. No. 2. P. 218–225.
9. International private law. General part: textbook / edited by A.S. Dovgert and V. I. Kisil. K.: Alerta, 2012. 376 p.
10. International private law, ed. Kuzmenka S.H. K.: Center of Educational Literature, 2010. 316p.
11. International private law: a textbook / edited by A. S. Dovgert and V. I. Kisil. 2nd edition. K. Alerta, 2014. 656 p.
12. Fedyniak H.S. Fedyniak L.S. International private law: a textbook. K.: Alerta, 2017. 504p.

13. Yuldashev O. Kh. International private law: theoretical and applied aspects. K.: MAUP, 2004. 576 p.
14. Chubarev V. L. International Private. law: education manual. K.: Atika, 2006. 608 p.

### **Supporting literature**

1. Mykhailiv M. O. Peculiarities of conflict regulation of property rights and other property rights in international private law. *Law of Ukraine*. 2013. No. 7. P. 71–81.
2. Rozgon O. V. Some conflicting issues of regulation of inheritance relations with a foreign element. *Bulletin of Kharkiv National University named after V. N. Karazina*. 2009. No. 872: Series "Law", Vol. 6. P. 104–108.
3. Khachatryan V. Conflicting issues of legal regulation of property relations in the context of contracts on legal aid. *Entrepreneurship, economy and law*. 2005. No. 1. P. 39–42.
4. Khristenko N. Origin of property rights in international law. *Entrepreneurship, economy and law*. 2009. No. 3. P. 148–150.
5. Shupinska O. Conflict regulation of property relations in international private law of some countries of the European Union. *Law of Ukraine*. 2007. No. 12. P. 130–134.
6. Shupinska O. Formation of the institution of property rights in international private law. *Law of Ukraine*. 2006. No. 7. P. 127–130.

### **11. Links to information resources on the Internet, video lectures, other methodical support**

1. Website of the Verkhovna Rada of Ukraine [www.zakon1.rada.gov.ua](http://www.zakon1.rada.gov.ua).
2. National Library of Ukraine named after V. I. Vernadsky [www.nbuv.gov.ua](http://www.nbuv.gov.ua)
3. Kyiv Central City Public Library named after Lesya Ukrainka <http://lucl.lucl.kiev.ua>
4. Central Scientific Library of Kharkiv National University named after V.N. Karazina <http://www.univer.kharkov.ua>
5. Kharkiv State Scientific Library named after V.G. Korolenko <http://korolenko.kharkov.com>