Information about the LLM Modules

LAW8053: Law and Environmental Global Challenges

LAW8053: In Law and Global Environmental Challenges, we examine in depth the ways in which the law (international, supranational and domestic) responds to the most pressing environmental challenges facing mankind. Specifically we will start out by studying a number of general principles of international law and their relevance for environmental protection. We will also consider the rights and duties of states in respect to environmental challenges, and the role played by international courts and tribunals in environmental protection. Following this, the module scrutinises legal responses to a series of specific global environmental challenges, including climate change and climate change liability, geoengineering, biodiversity loss and species protection and the relationship between human rights and the environment. The topics of the final three seminars of the module are selected by the students. The module is assessed by way of one piece of coursework (counting for ⅓ of the overall mark) and one unseen written exam (counting for ⅔ of the overall mark).

Module Leader: Professor Ole Pedersen, Professor of Environmental & Energy Law
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This module is directed at postgraduate students engaged in studies with a substantial focus on legal research and legal writing. The module aims are that students acquire the relevant research and study skills to successfully complete their postgraduate degrees and particularly the dissertation requirement of such a degree, where focused on a legal discipline.

There are three core components to the module, which aim to serve a range of student needs. The first component of the module offers both instruction and opportunities to practice applying legal research skills such as note-taking, paraphrasing, summarising, effective citation, plagiarism, how to write a good essay, how to answer an exam question, measuring the quality of responses against the assessment criteria; finding legal materials; deciding on the relevance of material when researching, and performing critical analysis. The students also submit a sample assignment and receive feedback. The second component aims to give students a practical introduction to the resources they will wish to use during their studies at Newcastle University, primarily through coordination with the Library. Finally, the third component of the module is the dissertation preparation process (which is also the assessment of this module). This component of the module assists students in arriving at an appropriate dissertation topic and methodology, and will start them on their research during term time. This includes coming up with a dissertation title, writing up a dissertation proposal, performing a literature review, as well as learning about research methods and research ethics.

Learning Outcomes

At the end of this module, students will be able to demonstrate knowledge of:

- postgraduate legal writing standards and conventions (such as citation);
- ability to find and synthesize legal materials from a wide variety of sources using legal and other databases;
- the process of arriving at a feasible and appropriate research question;
- the ability to find and synthesize the necessary source material to arrive at a relevant research project;
- knowledge of research design, legal research methods, and research ethics;
- the ability to propose an independent, in-depth and legally relevant research project;
- conducting a literature review;
- the further ability to manage time effectively in pursuing research and postgraduate studies.

Teaching schedule: The teaching takes place in Semester 1 and delivered as weekly seminars to encourage interactive learning and active engagement. By the end of the module, students are allocated to supervisors and start working on their dissertations, which is due by the end of August. This is a separate module: LAW8099 Dissertation.
**Assessment:** The assessment of this module is a dissertation proposal which includes a brief literature review. Earlier in the first semester, the students are also required to submit an abstract of their dissertation title, methodology and research questions.

**Module leader:** Dr Ilke Turkmendag, Senior Lecturer in Law, Innovation, and Society

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LAW8099: Dissertation

The dissertation is intended to give students the opportunity to conduct a substantial and largely independent project of postgraduate research. The level of supervision is therefore designed to ensure that students are given sufficient guidance to avoid fundamental errors of judgment, and that they can put into practice the skills of organizing their work, discovering and evaluating relevant materials, and presenting their findings in a structured and analytical manner. The dissertation also gives students the opportunity to acquire a body of specialized knowledge in their chosen topic.

The dissertation is intended to test the ability of students to conduct a substantial independent project of postgraduate research. It allows them to demonstrate their skills in organizing their work, discovering and evaluating relevant materials, and presenting their findings in a structured and analytical manner. It also allows them to demonstrate that they have acquired specialized knowledge in their area of research. Assessment of 100% on the dissertation is therefore appropriate.

Module leader: Dr Ilke Turkmendag, Senior Lecturer in Law, Innovation, and Society

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It is impossible to successfully complete cross border business without an understanding of the political, economic and financial environments within which some of the world’s largest companies operate. This course will provide a detailed insight into corporate governance regimes and the markets which supply sources of corporate finance.

In relation to the corporate governance part of the module, taught in semester 1, it primarily aims to provide the students with specialised legal knowledge and skills in corporate governance: including an understanding of the issues which governance systems seek to address, and the principal features of existing governance systems, with particular emphasis on the UK, as well the broader international community. Key among these broad subjects are the role of directors and the structure of their board in relation to corporate governance, the role of shareholders and markets control in corporate governance.

As for the second part of this module, corporate finance, taught in semester 2, it largely aims to provide the students with specialised legal knowledge and skills concerning a range of corporate finance subjects. It brings special focus to matters concerning public companies and the operation of the UK listed securities markets; the development of the regulatory regimes for companies raising finance on the capital markets in the UK; and the protection of capital markets integrity. It also explores a diverse range of corporate finance topics among which, finance for emerging and unquoted companies, the role of venture capital and the legal structures employed by providers of private equity; crowd funding; Credit Rating Agencies and their governing framework; and ethical finance and ethical screening.

For this module you will have 15 x two hour classes of contact time across the full academic year, 7 sessions in each semester, with the final class focused on preparation for the end of year exam and revision questions.

This module will be examined by a 3-hour closed book examination (worth 100% of the module mark) during the May/June examination period. The examination will require students to answer 4 out of 8 questions; two MUST be from Part A (corporate governance) and two MUST be from Part B (corporate finance).

Additionally you will complete a 2,000 word non-assessed coursework in order to provide formative feedback on your performance on the module.

Module Leaders: Dr Karim Aldohni, Senior Lecturer in Law and Sarah Morley, Lecturer

Email: a.k.aldohni@ncl.ac.uk and sarah.morley@ncl.ac.uk
Although the acquisition and enforcement of intellectual property rights (IPR) is primarily a matter of domestic law, international conventions secure a measure of harmonisation. The advent of the Trade Related Aspects of Intellectual Property Rights Agreement (TRIPS) and its incorporation into the world trade regime has rendered IP one of the most controversial aspects of international law. WTO member states must adopt and enforce minimum standards of IPR and are subject to the powerful dispute settlement procedure of the WTO. Contentious areas include access to natural resources such as biodiversity, genetically modified organisms, and patenting of life forms, access to medicines, and protection for cultural expressions, software and databases, as well as access to information.

The module allows for study of the three core IPR - patents, copyright and trade marks along with associated or pseudo-IP rights such as trade secrecy, geographical indications and traditional knowledge - and how international developments affect the formation and application of domestic IP law. It will be of interest to students who wish to work in international aspects of IP law, including trade policy or WTO law, and to those wishing to enter private commercial work.

**Module Leader:** Ben Farrand, Reader in Law & Emerging Technologies

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International law consists of a wide range of norms which aim to regulate the conduct of States towards, primarily, other States (without undermining, however, the increasing significance and the role of individuals and international organisations in the international legal system). It therefore sets the principles of what States must and must not do in the international legal arena, as a result of the realisation that their prosperity, development and security relies, most of the time, on the harmonisation of their relations with other States, irrespective of cultural, socio-economic or political differences. Although many theories have been developed as to why international law is complied with, the reality is that, most times, most States, comply with most of international law. Even in cases where international law is not complied with, States usually feel the need to justify their action as being consistent with international law (even if it is not).

By the end of this module you will be able to demonstrate a sound knowledge and understanding of the structure and the principles on which the international legal community is based; how the different sources of international law are created and what is the relationship between them; which are the subjects of international law; what are the legal consequences deriving from the violation of international obligations by States; the judicial and other means with which international disputes between States are resolved; how international law is enforced; how the scope of international law extends to individuals and international organisations; what is the role of the United Nations. You will also acquire comprehensive knowledge on specific issues of substantive law such as the use of armed force.

Module Leader: Dr Elena Katselli, Senior Lecturer

Email: elena.katselli@ncl.ac.uk
LAW8147: Introduction to Planning Law is a 10 credit semester 2 module which will introduce students to the law of town and country planning and to its use as a tool of environmental management. The module will introduce students to the legal regulation of development planning and development control. The course will consider the mechanisms used in planning law to structure development and provide forward looking strategies for environmental protection. The course will look at judicial interpretation of the provisions for development control, and the role of the courts in controlling public bodies in the exercise of their planning powers. It will consider the Human Rights Act 1998 and the role of human rights in development planning and in planning law.

**Module Leaders:** Jen Wardle, Senior Lecturer in Law and Anna McLean (PGR)

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This module is designed to provide the students with comprehensive understanding of the subject of Islamic finance by addressing the theory and practice of Islamic finance. In its first part, the module introduces the students to Islamic economic theory where it draws on a host of socio-economic concepts that have different interpretation of that of conventional economic theories. The topics will give students an insight into a unique mixture of religious, social and economic concepts and how they manifest in Islamic finance. In the practice part of the module, the topics would examine the governance of Islamic financial institutions and their products within the existing legal and regulatory framework.

By the end of this module students will have obtained:

- Knowledge of Islamic economic theory and its application in the context of the Islamic finance and critical understanding of Islamic economic theory in the light of conventional economic theories.

- Critical understanding of the genesis of Islamic finance and its main principles that governs the structure of its products.

- Critical understanding of the current practices of the Islamic finance industry, and the legal and regulatory framework that governs their institutions and products in the financial markets.

**Module Leader:** Dr Karim Aldohni, Senior Lecturer in Law

**Email:** a.k.aldohni@ncl.ac.uk
Background Information
International trade has become one of the most important areas of international law and policy, particularly since the adoption of the WTO Agreement in 1994. There are rules on, for example, tariff (import tax) reduction, non-discrimination, environmental protection and ‘dumping’ of goods into foreign markets below normal value. The WTO also has its own dispute settlement system – thought at one time to be the most effective in international law.

Learning Outcomes
You will learn:

- the theory behind liberalised trade
- the history of trade negotiations
- the institutional structure and powers of the WTO
- the fundamental principles of GATT and the GATS (goods and services agreements)
- the operation and jurisprudence of the Dispute Settlement Understanding
- how the WTO manages conflicts between trade and non-trade values

Seminars
The class is taught in two-hour long seminars in Semester 2 only. The venue and dates/times will be confirmed later. The topics covered are:

- Introduction to the World Trading System
- Sources, Members, Institutions and Decision-Making
- The Dispute Settlement Understanding
- Tariff and Non-Tariff Barriers
- Most Favoured Nation & National Treatment
- Anti-Dumping & Subsidies
- Exceptions to WTO Principles
Assessment
There are two assessments on the module:

- Formative Examination: 90 minutes, 2 questions (out of 2) to be answered, practice only.
- Summative Examination: 135 minutes, 3 questions (out of 6) to be answered, 100% of the final grade

Credits
The module is worth 10 credits.

Teaching Team
Module Leader: Elliot Winter, Lecturer
Email: elliot.winter@newcastle.ac.uk
Overview

This module covers some topical issues in trade mark law (a branch of intellectual property law), reviewing them in their wider economic and social context. It is suitable for students on all our LL.M programmes and for students on programmes in other schools. Whilst you may find some prior knowledge of intellectual property law and/or trade mark law useful, this is not required. The relevant legal detail will be provided as part of the course.

This module will examine the role that trade marks play in commercial life and modern life generally in providing the legal basis for branding and brand-based marketing. We will look at the role and importance of advertising and marketing to economic development and how this role has changed with technological change and globalisation. We will also look at how trade marks and brands contribute to the structuring of firms and the organisation of economic activity. This will include looking at practices such as outsourcing, supply chain management and franchising as well as the rise of global brands and global marketing.

Outline of Topics

- Trade marks and how they provide the legal framework for branding.
- How firms use trade marks and brands to promote and market their products.
- How trade marks and brands have contributed to the development of modern firms and business structures.
- The impact of branding on the development of the global economy and especially to the rise of global brands and global supply chains and of “consumerism”.
- The contribution that brands can make (positively and negatively) to improving standards of corporate social responsibility.

Background Reading

There are no specific textbooks for this course, but you should find the latest edition of a good IP textbook useful.

The following will give you some background on the topics we will cover:
Books


A. Griffiths, *An Economic Perspective on Trade Mark Law* (Elgar, 2011)


Articles


Assessment

You will be required to produce a piece of coursework, choosing one question from a choice of three or four relating to topics we cover on the module.

Module Leader: Professor Andrew Griffiths, Professor of Law

andrew.griffiths@ncl.ac.uk
Even without the Covid19 pandemic, the world appeared increasingly beset by challenges: conflict, natural disasters, poverty, inequality, death. This module aims to consider some of emerging challenges facing international human rights and global security. To do this, first the international mechanisms of global security and human rights protection must be understood. In this module, the United Nations is the main institutional focus although its framework is increasingly challenged and subject to pushback from states. With international development currently focussed on Agenda 2030 and the UN sustainable development goals, intersections and tensions between development, security and rights come to the fore. Select global challenges will be drawn on to analyse the tensions and probe solutions. Possible focus areas include private sector security actors and targeted killings, Covid19 responses, poverty and development, and equality and discrimination.

Full guidance will be given on researching topics online using open access resources, as well as evaluating and interpreting materials. Each topic will have directed/guided reading that is supported by asynchronous teaching which must be reviewed in advance of the synchronised learning sessions. The synchronised sessions will focus on discussions to probe the limits of law and tensions between law, economics and politics in a holistic manner. Individualised learning is supported throughout by the two module leaders, both of who, have extensive experience working in and teaching this field.

**Module Leaders:** Professor Rhona Smith, Professor of International Human Rights and Conall Mallory, Senior Lecturer

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International cross border commercial activity is commonplace in this global age. Many such cross border arrangements are complex, of high value and beset by cross cultural difficulties. The potential for disputes to arise from these contracts is hence high and thus dispute resolution options are of significant importance. This class aims to instil in students a critical awareness of a range of dispute resolution options in the international commercial field, including litigation, arbitration and mediation. This will entail developing a sound understanding of the basic rules of private international law, as well as the jurisdictional and choice of law rules and principles applicable to international commercial litigation and enforcement of foreign judgements. Students shall also be introduced to key principles, techniques and legal frameworks underpinning international commercial arbitration including a comparison of UNCITRAL rules and those under the English Arbitration Act and operation of the New York Convention on enforcement of foreign arbitral awards. The class shall also cover mediation in the context of international commercial disputes including enforcement of international mediated settlement agreements through relevant EU provisions and the 2019 Singapore Convention on Mediation. The class shall also provide a critical appraisal of the different processes, exploring their relative merits and weaknesses. Attention shall also be paid to the role that lawyers play in commercial dispute resolution both to the benefit and potential detriment of their clients. The class shall also explore with students the interests that commercial clients may hold in resolving their disputes including legal entitlements, risk, commercial expediency, costs, reduction in delay, confidentiality and reputation and discuss to what extent these are consonant with the different forms of international commercial dispute resolution.

The teaching approach to be taken is primarily one of in-depth seminars where students are issued with reading and other materials in advance and a set of questions to prepare in advance which will guide the discussion in the seminars. Some seminars may be held on-line through ZOOM. At least one seminar shall be devoted to a short, interactive role play exercise in commercial dispute resolution where students can practice skills in client advocacy or negotiation. There will be limited lecturer led content in some sessions to help set the context for discussion. Summative assessment shall be by way of two essays seeking a critical analysis of key issues covered in the course.

**Module Leaders:** Professor Sophia Tang, Professor of Law & Commerce and Professor Bryan Clark, Professor of Law

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The legal framework for electronic commerce is now well established, but the role of law in the online world we all increasingly inhabit continues to be the subject of heated discussion. Recent events including the Snowden mass state surveillance disclosures, the Cambridge Analytica scandal, the fears that AI will replace us, the rise of digital contact tracing during the COVID-19 pandemic, the place of platforms such as Facebook and Twitter in distributing race hate and political propaganda, to name but a few, have all placed Internet law front and centre in legal, political and social discourse.

This course includes topics selected from
(a) legal issues surrounding online business (particular business-to-consumer transactions) and online business models eg targeted advertising
(b) overarching legal issues affecting the regulation of the Internet, with an emphasis on privacy, data protection, content moderation, platform liability, and algorithmic regulation
(c) selected legal topics in relation to emerging technologies, such as AI, COVID-19 technologies, robots and autonomous vehicles

The work of regulatory bodies and the contradictory positions of states, industry, consumers, citizens and other stakeholders will be discussed in relation to the controversial legal and political issues which pervade Internet governance. Other relevant matters such as human rights, transparency, enforcement and globalization will be closely integrated into class discussion. International students will be encouraged to explore and report back on how Internet regulatory issues are being handled in their home countries. The emphasis will be on UK and EU law as a leading global regime in Internet regulation (the GDPR eg has become a global standard in privacy protection) but sources will also be drawn from US, Australian and other legal systems. This module is based on legal sources and analysis and so is probably not recommended for non-law students unless they can show equivalent skills in analytical-based studies (eg from politics or software analysis). If in doubt, contact the module leader (lilian.edwards@ncl.ac.uk).

The class will be taught by a mixture of pre-recorded online lectures, in-depth synchronous online small group teaching (probably using Zoom, but other VR environments may also be explored such as Yo.Tribe), short written student discussion board contributions, and one to one drop in sessions. Students will be encouraged to be active participants throughout and will both lead topical discussions in seminars in groups (oral skills), and also on discussion boards (written skills). Assessment will be 90% by essay with 10% for participation in discussion board activity.

There will be many opportunities for students to add extra value to this course if they wish. Webinars, online lectures and other events will be pointed out – there is great free content around. There will also be a series of online seminars organised at Newcastle law School in 2020-21 featuring some of the leading national and international names in technology, law and regulation. Attendance at these is optional. The principal teacher on the course, Lilian Edwards, is one of the pioneers of Internet Law which she has taught for over 25 years and
the course will draw on her book *Law, Policy and the Internet* (Hart, 2018) which students may want to look at as pre-course reading; looking at her Twitter page is also useful! (@lilianedwards)

**Module Leader:** Professor Lilian Edwards, Professor of Law, Innovation & Society  
Email: lilian.edwards@ncl.ac.uk
LAW8575: Foundations of Business and Commercial Law

This module aims to equip students with an understanding of some key aspects of business, company and commercial law and introduce some fundamental concepts as well as considering some topical issues and areas of business insight.

The course will be relatively broad covering a range of topics split between Business and Corporate Law, Commercial Law and Business Insights and is suitable for both law and finance students. There are no pre-requisites to studying the course.

Broadly the module will look at the following topics:

**Business and Corporate Law** – the different types of business organisations and the advantages and disadvantages of each type. Setting up in business and the key considerations. Establishing a partnership and looking at its management and finance. The regulation around business names both incorporated and unincorporated businesses. Incorporating and running a company. The role of a director, directors’ duties and powers. Financing a company and company security. The role of a shareholder. The difference between public and private companies. An introduction to business taxation. A consideration of succession issues when setting up a business. We will also look at corporate social responsibility.

**Commercial Law** – an introduction to contract law and the key elements of a contract. The relevance of contract law to business. Contractual remedies. The law of the sale of goods and supply of services.

**Business Insights** – the course will look to consider current legal issues impacting business in the UK for example organised and financial crime, GDPR and the exit from the EU.

The module will be delivered by a range of lectures, small group session and drop-in clinics. There will be an emphasis on group discussion and student led learning.

The module will be assessed by a 2500-word piece of coursework.

**Module Leader:** Chris Fletcher, Lecturer in Law

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Most crimes generate money, it’s one of the main motivators for criminals to commit the crime. This module looks at how organised criminals and terrorist groups use the World’s financial systems for illicit purposes and in particular to “clean” the proceeds of their crimes.

The module studies how the criminals are constantly evolving their practise and methods to evade detection and the efforts of the police and other enforcement agencies to stop them, prosecute and recover money and assets.

The course looks at money laundering and other financial crimes both domestically and globally, the financial markets and systems appear to have no borders.

Specifically this course will look at:

- what constitutes money laundering and terrorist funding, how they are committed, what the penalties are and civil recovery options;
- the development of legislation to combat money laundering both domestically and internationally;
- the ethical considerations around the increased role of professionals in policing money laundering and terrorist funding;
- other financial and organised crimes including fraud, bribery, insider dealing and market abuse;
- some high profile cases e.g. the Rolls Royce fine of £673 million in respect of breaches of the Bribery Act and the publication of the Panama Papers highlighting the use of off-shore trusts and companies by criminals;
- the establishment and development of the various enforcement and regulatory bodies and the investigatory and enforcement powers that they have;
- the effectiveness of the latest tools available to the enforcement authorities including Unexplained Wealth Orders and Account Freezing and Forfeiture Orders. We will also look at the policy and ethical issues around some of the new civil recovery powers and the current challenges to their legality; and
- topical areas such as money laundering and professional football and the increased use of virtual currencies and the efforts to regulate these types of financial markets.

The module is of general interest to both legal and finance students and does not require previous knowledge of the area. The module is delivered through a mixture of lectures and seminars with emphasis on group work and discussions. There is the opportunity to do a presentation individually or as a group as part of the preparation for your final assessment which is a 3000 word piece of coursework.

**Module Leader:** Chris Fletcher, Lecturer in Law

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