UWI
MONA CAMPUS
JAMAICA, WEST INDIES

FACULTY OF LAW

Postgraduate Programme Regulations & Syllabuses

2024-2025

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ABOUT THIS BOOKLET

The handbook is available on the Campus website in PDF format at: https://www.mona.uwi.edu/law/graduate

This handbook includes:

- General Information for Graduate Students eg. Registration, Withdrawal, Re-taking a failed course etc.
- **Programme Descriptions and Course Listings** which include the list of courses to be pursued in each programme (degrees, diplomas and certificates), sorted by level and semester; course credits and credits to be completed for each programme – majors, minors and specials.
- **Course Descriptions** which may include details such as prerequisites and methods of assessment.

Students should note the following:

The Regulations and Syllabuses issued in the Faculty Handbook should be read in conjunction with the Graduate Studies and Research Regulations for Graduate Diplomas and Degrees (with effect from August 2014).

Progress through a programme of study at the University is governed by Faculty Regulations and University Regulations. Should there be a conflict between Faculty Regulations and University Regulations, University Regulations shall prevail.

Notwithstanding the contents of the Faculty Handbooks, the University reserves the right to modify, add or altogether remove from a Programme, certain aspects of any course offered by the University, as described in either the Handbooks, Course outlines or any other Course materials provided.

FACULTY DISCLAIMER

This booklet gives information on Courses offered in the Faculty of Law at the Mona Campus of The University of the West Indies (Jamaica). For courses offered at the other Campuses, please see Faculty booklets for the Cave Hill (Barbados) and St. Augustine (Trinidad and Tobago) Campuses.

THE UNIVERSITY RESERVES THE RIGHT TO MAKE SUCH CHANGES TO THE CONTENTS OF THIS PUBLICATION AS MAY BE DEEMED NECESSARY.

Students should consult the Dean's office where clarification is required.

These regulations govern the programmes of study for all students entering in the academic year 2023/2024.

Disclaimer:

The information in this booklet is accurate at time of printing. Subsequent publications may therefore reflect updated information. Students should consult the Deputy Dean, Graduate Studies & Research where clarification is required.

DEAN'S MESSAGE

I wish to extend a warm welcome to all new and returning graduate students. We are honoured that you have chosen to join or continue with MonaLaw - the Faculty of Law, The University of the West Indies (UWI).

The UWI Master of Laws (LLM) programme provides advanced legal education to legal practitioners, academics and students of law seeking higher qualifications. The UWI LLM programme fulfils the mission of The University of the West Indies by advancing legal education and creating knowledge through excellence in teaching, intellectual leadership and outreach.

For example, the LLM in Intellectual Property in Creative and Cultural Industries, seeks to offer students the unique opportunity for specialised study of intellectual property law applied to creative and cultural industries. We hope that at the end of the programme, you will acquire the professionally relevant knowledge and practical skills to be a leader in this critically needed area of law in the Caribbean context.

Our MPhil/PhD in Law programme aims to engage candidates in research activities, along with Faculty members, and hone the necessary skills that will allow them to develop as autonomous researchers and highly specialized professionals.

As you strive for academic excellence, I encourage you to fully utilize all the resources available to you, including the library and online databases. Be sure to consult with your lecturers, academic advisors and all support staff.

We look forward to providing you with what we hope will be a rewarding scholarly experience as you become a part of the premier legal education institution in the Commonwealth Caribbean.

I extend best wishes for your every success.

Professor Shazeeda Ali LLB Hons (UWI), LLM (Cantab.), PhD (Lond.)
Dean
Faculty of Law, The University of the West Indies, Mona Campus

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GENERAL INFORMATION FOR GRADUATE STUDENTS

The official regulations handbook for all Graduate Degrees and Diplomas is found online at www.mona.uwi.edu.jm/postgrad

Students should familiarize themselves with the regulations, a few of which are highlighted here, and also note the following administrative information:

Registration

Every student is required to register within the first 3 weeks of every semester until his/her degree has been awarded.

Registration is a two-part process:
1. The selection of courses online, and
2. The payment to the Bursary of all fees generated.

Electives

All programme electives are not offered every academic year and students are required to select from those on offer.

Re-registration for Research Paper/Internship/Practicum

The requirement to register every semester continues while students are doing the Thesis /Research Paper Programme element. If a student registers for the Research Paper and does not complete this in the first semester of registration, regulations require him/her to re-register every subsequent semester until the Paper/ Report has been submitted and graded. If a student experiences any difficulty registering or re-registering it is his/her responsibility to inform the School for Graduate Studies and Research within the first 3 weeks of the semester by email to postgrad@uwimona.edu.jm so that problems can be resolved.

Voluntary Withdrawal

If at the end of the published registration period in Semester 2 our records show that a student has not completed a registration for the academic year, and that student is not on approved Leave of Absence, he/she will be deemed to have Withdrawn from the programme and his/her name will be removed from the student register. To be considered for re-entry to a programme after withdrawal requires re-application to the programme.

Re-taking a failed course

Any student, who was unsuccessful in any compulsory course, is required to re-take the entire course and must self-register online the next time the course is offered. This repeat registration attracts the full per-credit cost of the course again.

Examinations

Unless otherwise stated, examinations for courses in all programmes will be held at the end of the semester in which the courses were taught.

Graduate GPA Scheme

Effective 2021/2022, a GPA system has been implemented and is to be applied for **new** students enrolling in 2021/2022.

Graduate Scheme		
Grade	Grade Point	% Range
A+	4.30	90-100
A	4.00	80-89
A-	3.70	75-79
B+	3.30	70-74
B	3.00	65-69
B-	2.70	60-64
C+	2.30	55-59
C	2.00	50-54
F1	1.70	40-49
F2	1.30	30-39
F3	0.00	0-29
FE/FC	1.70	≥50

Table 1. Grade bands in the Graduate GPA scheme

Application of GPA Scheme

The GPA system will apply to PG Certificates, PG Diplomas, Masters and Professional Doctorates and will come into effect from academic year 2021-2022.

The new GPA system will only apply to newly admitted students. All continuing students will be assessed under the existing system and will not fall under the GPA system.

GPA Bands

The grade point/percentage bands as shown in the Table 1 (Graduate Scheme) above apply. These are identical with the bands as for the undergraduate GPA.

Coursework and Examination Components

All coursework done for graduate credit is also computed in the GPA. A student who fails any element of a course that counts towards the final grade (whether coursework or final examination) will be deemed to have failed that course and will be assigned the grade FC or FE (Fail Coursework, Fail Exam), even if they obtain an overall mark of 50% or higher. A student who passes an element of a course but does not obtain an overall mark of 50 or higher, will fall into the grade category in the grade scale in alignment with the mark achieved i.e., F1, F2. F3.

Requirement to Withdraw

Academic standing will be based on the Semester GPA. If a student's Semester GPA falls below 2.0, the student will be given a warning in the first semester. If the student's GPA falls below 2.0 for two consecutive semesters, the student will be "required to withdraw".

Graduation and Class of Degrees

The Minimum GPA need for a student to graduate is 2.00 (C).

The classes of degrees awarded are as follows:

1 Distinction will be awarded on the basis of a Programme GPA of 3.70 (an A- average)
2 Merit will be awarded if the student's GPA Average is 3.30-3.69
3 Pass will be awarded for students whose GPA falls below the B+ average (i.e., 2.0-3.29).

Research Project/Paper will be considered another course and will NOT require Distinction scores separately for the project - for the overall distinction

Departmental pre-requisites will not impact on a student's GPA, and grading should be based on pass/fail.

GRADUATE PROGRAMMES IN THE UWI MASTER OF LAWS (LLM)

Introduction

The University of the West Indies (UWI) Master of Law programme provides advanced legal education leading to a graduate qualification. It is aimed at legal practitioners, academics, legislative draftspersons, and students of law seeking higher qualifications.

It allows graduate legal education to take place on the Mona, Cave Hill, and St Augustine campuses, and via eLearning technology, regionally and globally. It complements existing law graduate programmes, including the MPhil and the PhD programmes within the same graduate programme, by providing a full suite of specialized graduate courses to help focus research goals.

By using eLearning technologies the UWI LLM caters to an international student base, including the wider Caribbean diaspora, and makes legal education at the advanced level more accessible to legal practitioners and others interested in advanced legal study.

Method of Delivery

The UWI LLM and Postgraduate Diploma in Law is offered by way of a combination of multiple modes of delivery (blended learning), which may include 'face to face' instruction, online instruction, teleconferencing and other modes of technological communication. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/ or distance learning modalities to registrants from the other two campuses which offer the programme.

Entry Requirements

The following persons are eligible to apply for admission into the UWI LLM programme:

- Graduates of The University of the West Indies holding the LLB degree;
- Graduates of The University of the West Indies or of an approved University holding a degree which includes such law subjects as shall satisfy the Board for Graduate Studies and Research;
- Graduates of The University of the West Indies, or of an approved University, who have obtained a professional legal qualification and are eligible for admission to practise in any part of the Commonwealth;
- Persons who having obtained a professional legal qualification, are admitted to practise in any part of the Commonwealth, and who have also been certified as being in practice for a minimum of five years; and
- Graduates of The University of the West Indies or of an approved University, who satisfy the Board for Graduate Studies and Research of their capability to undertake the course of study leading to the award of the UWI LLM or Postgraduate Diploma in Law degrees.

The capacity of applicants to the UWI LLM or the Postgraduate Diploma in Law for the designated course of study will be determined by the admitting campus in accordance with the above criteria, through examining their academic and practical experiences. Letters of reference will also be used to determine suitability.

Students with a third class or pass degree will not normally be admitted to read for the UWI LLM.

Qualifying Examination

Applicants may, at the discretion of the Board for Graduate Studies and Research, be required to take a qualifying examination consisting of at least two papers of a minimum of two hours each, which shall be of a standard equivalent to that of Part II or Part III of the LL.B. degree examination in order to satisfy

the Board of their suitability to undertake the course of degree leading to the UWI LLM.

Language of Instruction

The language of instruction is English and applicants whose native language is not English may be required to take an English Proficiency Test set on behalf of the Board for Graduate Studies and Research.

Course of Study

To obtain the UWI LLM a student will be required to successfully complete a total of six (6) courses, of six credits each.

A student designated as a 'full time student' will be required to complete the six courses within a single academic year. A full time student will be required to read for a minimum of two (2) courses and a maximum of four (4) courses in any one semester.

A student designated as a 'part time student' will be required to read for a minimum of one (1) course or a maximum or two (2) courses per semester.

The summer period of the UWI has been designated as a teaching session for purposes of the UWI LLM degree and Postgraduate Diploma in law.

Nature of degree

A student will be eligible to receive either the general UWI LLM or one of the two specialized sub-categories of the UWI LLM programme:

1. the UWI LLM (Corporate and Commercial Law);
2. the UWI LLM (Public Law);

A candidate registered in a UWI LLM programme shall select courses from the list of courses offered in the respective sub-category of the UWI LLM in which they are registered.

In order to obtain a specialised UWI LLM degree – the Corporate and Commercial Law or the Public Law degrees – the candidate must complete a minimum of four (4) courses within the course list for that particular specialisation.

Programme Duration

The programme is one (1) yearlong with a full-time registration and two (2) – three (3) years long with a part-time registration.

LLM AND POSTGRADUATE DIPLOMA (CORPORATE AND COMMERCIAL LAW)

Programme Purpose & Description

The Corporate and Commercial Law Programme aims to enhance the ability of lawyers and other qualified persons working in the corporate and other financial services sector throughout the Region to function more effectively in the areas of Banking Law, Corporate Law, Competition Law, Offshore Financial Law, Corporate Finance and Insolvency Law, International Trade Law, Intellectual Property Law and Transnational and Commercial Transactions Law. These persons must be better equipped to address the issues and problems arising in these areas and to serve as policy advisors to corporate clients and regional Governments; to undertake complex litigation on behalf of their Governments and corporate clients before international tribunals, regional courts and of course, the CCJ; and, above all, must contribute to the development of a Caribbean Jurisprudence in this area of Corporate and Commercial Law.

Programme objectives:

By the end of the programmes students should be better equipped:

With a greater understanding of the issues in at least four specialized areas in Corporate and Commercial Law and alternative approaches to the resolution of these issues;

- To analyse and discuss issues and problems in these areas within the wider jurisprudential context of the CSME and indeed, a global economic market;
- To give better legal and policy advice in the subject areas chosen to governments and corporate clients;
- To undertake complex litigation in the chosen areas before regional courts and the CCJ;
- To contribute to the development of the Commonwealth Caribbean jurisprudence in the chosen areas;
- To respond effectively to new developments in the chosen areas.

Method of Delivery

The courses for the LLM and Postgraduate Diploma in Public Law will be delivered through blended learning, which may include face to face instruction and/or modern distance learning techniques. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two campuses which offer the programme.

Course of Study

A candidate wishing to do the **LLM** in Corporate and Commercial Law must complete five (5) courses plus a Research Paper of 15,000 words or six (6) courses.

Candidates registered for the **Postgraduate Diploma** in Corporate and Commercial Law must complete a minimum of twenty-four (24) credit hours of coursework of the designated course of study.

Students must apply for approval to register in **LAW6900 Research Paper** before the end of the second semester or teaching session from the commencement of the program by the student.

The Research Paper must be completed at the end of the semester following the candidate's second semester or teaching session from date of registration in the course, whether or not the candidate has completed final written examinations for his or her courses.

List of Courses

LAW6010 Banking Law
LAW6020 E-Commerce Law
LAW6130 Comparative Labour Law in a Corporate Environment
LAW6400 Company Law Theory in Modern Commerce
LAW6310 Caribbean Business and Public International Law
LAW6740 Advanced Intellectual Property Law
LAW6402 Legal Aspects of Corporate Misconduct
LAW6130 Comparative Labour Law in a Corporate Environment
LAW6420 Law of Corporate Governance
LAW6430 Advanced Corporate Finance
LAW6450 Offshore Financial Law
LAW6410 Advanced Insurance Law
LAW6490 Advanced Corporate Insolvency Law
LAW6520 Advanced International Environmental Law

NOTE THAT ALL COURSES MAY NOT BE OFFERED EVERY YEAR.

LLM AND POSTGRADUATE DIPOLMA (PUBLIC LAW)

Programme Purpose & Description

The Public Law Programme aims to provide legal practitioners, members of the Region's Magistracies, Senior Public Servants, and other qualified persons in the private sector with advanced training in the areas of Constitutional Law, Administrative Law, Public International Law, International Human Rights Law, International Trade Law, Competition Law, to

name a few. Candidates pursuing the Postgraduate Programme in Public Law will therefore develop a deeper understanding of the issues in the core subjects of Constitutional and Administrative Law, in addition to others, so as to represent their clients more effectively before international tribunals, regional courts and the CCJ; render more enlightened decisions in the discharge of their offices as Senior Managers of the Public Service; give adequate and effective legal and policy advice to Governments and other clients and contribute to the development of a regional jurisprudence in the area of Public Law.

Programme objectives:

By the end of the programmes students should be better equipped:

- To give better legal and policy advice in the subject areas chosen to governments and corporate clients;
- To undertake complex litigation in the chosen areas before regional courts and the CCJ;
- To contribute to the development of the Commonwealth Caribbean jurisprudence in the chosen areas;
- To respond effectively to new developments in the chosen areas

Method of Delivery

The courses for the LLM and Postgraduate Diploma in Public Law will be delivered through blended learning, which may include face to face instruction and/or modern distance learning techniques. Any UWI LLM course taught by staff from one campus of the UWI will be available through eLearning and/or distance learning modalities to registrants from the other two campuses which offer the programme.

Course of Study

A candidate wishing to do the **LLM** in Public Law must complete five (5) courses plus a Research Paper of 15,000 words or six (6) courses.

Candidates registered for the **Postgraduate Diploma** in Public Law must complete a minimum of twenty-four (24) credit hours of coursework of the designated course of study.

Students must apply for approval to register in **LAW6900 Research Paper** before the end of the second semester or teaching session from the commencement of the program by the student.

The Research Paper must be completed at the end of the semester following the candidate's second semester or teaching session from date of registration in the course, whether or not the candidate has completed final written examinations for his or her courses.

List of Courses

LAW6300 Advanced Public International Law
LAW6330 Advanced Public International Trade Law
LAW6460 Competition Law in a Global Economy
LAW6520 Advanced International Environmental Law
LAW6600 Advanced Caribbean Integration Law
LAW6720 Public Law I -Advanced Constitutional Law
LAW6730 Public Law II -Advanced Administrative Law
LAW6750 Advanced International Human Rights Law

NOTE THAT ALL COURSES MAY NOT BE OFFERED EVERY YEAR.

LLM AND POSTGRADUATE DIPLOMA (INTELLECTUAL PROPERTY IN CREATIVE AND CULTURAL INDUSTRIES)

Programme Purpose & Description

This LL.M (Intellectual Property in Creative & Cultural Industries) programme offers students the unique opportunity for specialized study of intellectual property law applied to creative and cultural industries. It will attract and train students from Jamaica, the Caribbean, and other jurisdictions who are interested in acquiring professionally relevant knowledge and practical skills in this area of law.

Through coursework, students will obtain in-depth understanding of core principles and comparative laws in areas such as: Industrial Property in Design & Advertising; Traditional Cultural Expressions; and Sports, Entertainment and Intellectual Property. Students are also required to complete a research project, with scholarly, professional, and/or policy relevance, regarding a contemporary issue of intellectual property in the creative and cultural industries. Finally, students are also required to participate in supervised internship at any approved organization working in or with the creative and cultural industries.

Programme objectives:

- sophisticated conceptual and doctrinal understanding of the application of intellectual property laws in creative and cultural industries in key jurisdictions worldwide; and

- practical skills to provide intellectual property policy-relevant thinking and professional services in creative and cultural industries, especially in developing countries.

The programme covers both creative industries and cultural industries. Creative industries include a wide range of activities, including for example: music, film and television, broadcasting, animation, video games, performing arts, drama, dance, writing, publishing, visual arts, graphic design, fashion, textiles, culinary arts, and more. Given Jamaica's national industrial strengths and strategic priorities, this programme also includes coverage of cultural industries, such as: sports, tourism, museums, architecture, and others.

Entry Requirements

The following persons are eligible to apply for admission into the graduate programmes:

- Graduates of The University of the West Indies holding the Bachelor of Laws (LLB) Degree;
- Graduates of The University of the West Indies or an approved university holding a degree which includes such subjects as shall satisfy the Board of Graduate Studies and Research;
- Graduates of The University of the West Indies or an approved university, who have obtained a professional legal qualification, and are admitted to practice in any part of the Commonwealth and in any CARICOM country;
- Persons who having obtained a legal qualification and are admitted to practice in any part of the Commonwealth, and who have also been certified as being in practice for a minimum of five (5) years;
- Graduates of The University of the West Indies or an approved university, who satisfy the Board of Graduate Studies and Research of their capability to undertake the course of study leading to the award of the LLM degree.

A person applying to the LLM/Postgraduate Diploma Intellectual Property in Creative and Cultural Industries does not need to possess a Bachelor of Laws (LLB) to be considered for entry to this programme.

A person who applies for admittance to the LLM programme who does not satisfy the criteria for the LLM but who satisfies the Board of Graduate Studies and Research of their capability to undertake the course of study leading to the award of the Postgraduate Diploma in Corporate and Commercial Law, Public Law or may be admitted to read for the Postgraduate Diploma.

Method of Delivery

The courses will be delivered at the Mona campus by way of a combination of residential lectures, workshops, seminars and modern distant learning techniques. Each course consists of a minimum of 24 contact hours. In addition, students will be assisted with written manuals and other written materials. Residential sessions will take place in accordance with a pre-scheduled time-table on a regularity which varies with the structure and requirements of the particular course. These sessions will provide students with the opportunity to meet their colleagues thereby promoting avenues for discussion and networking. The teaching methods flexibility and enables students to:

- Learn at their own pace;
- Plan study time to accommodate their normal work;
- Discuss their own work and progress with members of staff and other colleagues.

Educational visits and internships to various organisations in the field are also included.

Course of Study

A candidate wishing to do the **LLM** (Intellectual Property in Creative & Cultural Industries) must complete six (6) courses, including a Research Paper of 15,000 words plus complete a supervised internship.

Candidates registered for the **Postgraduate Diploma** in Intellectual Property in Creative & Cultural Industries must complete a minimum of twenty-four (24) credit hours of coursework of the designated course of study.

Students must apply for approval to register in **LAW6035 Intellectual Property Research Project** and **LAW6036 Creative & Cultural Industries Internship** before the end of the second semester or teaching session from the commencement of the program by the student.

The Research Project and Internship must be completed at the end of the semester following the candidate's second semester or teaching session from date of registration in the course, whether or not the candidate has completed final written examinations for his or her courses.

List of Courses

LAW6206 Introductory Copyright Law
OR
LAW6201 Copyright Law (The Protection of Creative Assets)

LAW6015 Advanced Copyright Law
OR
LAW6200 The Management of Intellectual Property Assets

LAW6030 Intellectual Property Treaties & Global Trade
OR
LAW6205 International Trade and Intellectual Property Law

LAW6031 Sports, Entertainment & Intellectual Property
LAW6035 Intellectual Property Research Project

LAW6036 Creative & Cultural Industries Internship
LAW6040 Industrial Property in Design & Advertising
LAW6050 Traditional Cultural Expressions

NOTE THAT ALL COURSES MAY NOT BE OFFERED EVERY YEAR.

LIST OF LLM COURSES AND COURSE DESCRIPTIONS

LIST OF COURSES
Course Code Course Title

LAW 6010 Banking Law
LAW 6015 Advanced Copyright Law
LAW 6020 E-Commerce Law
LAW 6040 Industrial Property in Design & Advertising
LAW 6050 Traditional Cultural Expressions
LAW 6030 Intellectual Property Treaties & Global Trade
LAW 6031 Sports, Entertainment & Intellectual Property
LAW 6035 Intellectual Property Research Project
LAW 6036 Creative & Cultural Industries Internship
LAW 6130 Comparative Labour Law in a Corporate Environment
LAW6150 Global Health Law
LAW 6200 The Management of Intellectual Property Assets
LAW 6201 Copyright Law (The Protection of Creative Assets)
LAW 6202 Trade Mark Law (The Protection of Marketing Assets)
LAW 6203 Patent Law (The Protection of Technology Assets)
LAW 6204 International Intellectual Property Law
LAW 6205 International Trade and Intellectual Property Law
LAW6206 Introductory Copyright Law
LAW 6300 Advanced Public International Law
LAW 6310 Caribbean Business and Public International Law
LAW 6330 Advanced Public International Trade Law
LAW6350 Global Perspectives in Public Procurement
LAW 6400 Company Law Theory in Modern Commerce
LAW 6402 Legal Aspects of Corporate Misconduct
LAW 6410 Advanced Insurance Law
LAW 6420 Law of Corporate Governance
LAW 6430 Advanced Corporate Finance
LAW 6450 Offshore Financial Law
LAW 6460 Competition Law in a Global Economy
LAW 6470 Advanced Intellectual Property Law
LAW6475 International Corporate Law – Mergers & Acquisitions
LAW 6490 Advanced Corporate Insolvency Law
LAW 6520 Advanced International Environmental Law
LAW 6600 Advanced Caribbean Integration Law
LAW 6720 Public Law I – Advanced Constitutional Law
LAW 6730 Public Law II – Advanced Administrative Law
LAW 6750 Advanced International Human Rights
LAW 6900 Research Paper

COURSE DESCRIPTIONS

Courses are listed in Alphanumeric Order by Course Code

COURSE CODE: LAW 6010
TITLE: BANKING LAW
CREDITS: 6
COURSE DESCRIPTION: The course will examine the principles that underpin the regulation of banking in the
Commonwealth Caribbean. It will also examine the development of regulation in the Commonwealth Caribbean and the impact of international agreements on bank regulation and the implementation of rules on bank regulation in the Commonwealth Caribbean. The course then turns to the relationship between banks and customers, including the legal nature of the relationship and the rights and obligations of the parties, and

methods of payment. Reference will be made, where appropriate, to developments in the US, UK and other significant global economies.

The course will enable students to:

a) Better understand the core principles of banking law and how banks function, including in relation to their global market obligations and under international standards;
b) Develop their critical faculties by evaluating the rules, policies, and principles of banking, law; and
c) Develop their analytical faculties by identifying and resolving legal issues relating to the regulation of banks as well as the relationships between banks and their customers.

The following topics will be discussed in this course:

a) Introduction to banks, bank organisation and banking activities;
b) Banking regulation;
c) The banker-customer relationship, deposit-taking;
d) Financing; and
e) Payment, payment instruments, payments and payment systems.

ASSESSMENT
40% Coursework; 60% Final Examination

COURSE CODE: LAW 6015
TITLE: ADVANCED COPYRIGHT LAW
CREDITS: 6
COURSE DESCRIPTION
This course provides an advanced analysis of complex principles and doctrinal nuances of copyright. It includes comparative analysis of the common and civil law in several such as the United Kingdom, European Union, United States, selected Commonwealth jurisdictions, and a variety of developing countries. It is designed for students who have previously taken a course in copyright law or an intellectual property overview course with a substantial copyright component. **LAW6206** or an equivalent course from another university is a prerequisite.

COURSE CONTENT
The course covers the following topics:

- Related/neighbouring rights
- Secondary infringement
- Enforcement of copyright
- Digital rights management and technological protection
- Orphan works
- Collective administration of copyright
- Private copying levies and alternative compensation schemes
- Database and *sui generis* rights

Students will acquire advanced familiarity with copyright law to identify, analyse and solve complex legal issues. Students will be prepared to provide sophisticated technical and professional services to clients in or affected by creative and cultural industries.

ASSESSMENT
60% Coursework; 40% Final Examination

COURSE CODE: LAW 6020
TITLE: E-COMMERCE LAW
CREDITS: 6
COURSE DESCRIPTION This module aims to provide the student with an in-depth look at the legal issues surrounding electronic commerce. The course starts looking at the intellectual property issues that arise in the context of e-commerce transactions. It then examines the more traditional legal issues surrounding business in an electronic format, particularly the formal validity of electronic transactions, security and authentication, contract formation and electronic payment systems.

The course then covers consumer issues, such as data protection and privacy. The course also

explores various content issues that have arisen in e-commerce including defamation and liability of internet service providers. The course proceeds to analyse in-depth litigation strategies in the shape of online dispute resolution and jurisdiction, and will finish with new legal topics in electronic commerce, including commerce in so-called virtual worlds and open licensing.

COURSE CONTENT

The course will focus on aspects of the following:

1. Intellectual Property:
   - (i) Copyright;
   - (ii) Patents;
   - (iii) Trademarks/Passing Off; and
   - (iv) Breach of Confidence.
2. Business and Commerce:
   - (i) Contractual Formation;
   - (ii) Digital Signatures;
   - (iii) Electronic Payments and Consumer Protection;
   - (iv) Data Privacy/Protection; and (v) Conflicts of
   - (v) Laws/Jurisdiction.
3. Content Issues:
   - (i) Computer/Cyber Crime;
   - (ii) Defamation;
   - (iii) Pornography;
   - (iv) Liability of Internet Service Providers;
   - (v) Regulating Telecommunications.

ASSESSMENT

40% Coursework; 60% Final Examination

COURSE CODE: LAW 6030

TITLE: INTELLECTUAL PROPERTY TREATIES & GLOBAL TRADE

CREDITS: 6

COURSE DESCRIPTION

This course covers intellectual property in public international law governing nation states and private cross-border transactions between firms. The hybrid of public and private law gives students insight into the practicalities of international intellectual property law for both policymakers and businesses. It provides an historical overview and legal analysis of international intellectual property treaties on multilateral and bilateral levels. It also grounds these international instruments with study of the practical implications for firms trading globally in creative and cultural industries. No previous experience in public international law or conflicts of laws is required.

COURSE CONTENT

The course covers the following topics:

- Intellectual property treaties for creative & cultural industries
  - The Berne Convention
  - The Rome Convention
  - The WIPO Internet Treaties
  - The Beijing Treaty
  - The TRIPS Agreement
  - Select regional/bilateral treaties
- Global trade in creative & cultural industries
  - Cross-border licensing concepts
  - International contractual drafting and negotiation
  - Customs and border enforcement of copyright
  - Parallel importation

Students will understand the history, purpose, and legal effect of international treaties that affect creative and cultural industries. In light of this international legal framework, students will be able to apply negotiating strategies and skills to facilitate cross-border transactions involving intellectual property rights.

ASSESSMENT

60% Coursework; 40% Final Examination

COURSE CODE: LAW 6031
TITLE: SPORTS, ENTERTAINMENT & INTELLECTUAL PROPERTY
CREDITS: 6
COURSE DESCRIPTION
This course examines intellectual property issues in specific creative and cultural industries, namely sports and entertainment. It builds upon the legal foundations established in both Introductory Copyright Law and Industrial Property in Design and Advertising, which are prerequisites for this course. Concepts introduced in those courses are applied directly in the context of sports and entertainment. The course covers branding and sponsorship of athletes and sporting events, intellectual property licensing of music, television broadcasting rights, and digital media strategy.

COURSE CONTENT
The course covers the following topics:

- Event sponsorship and ambush marketing
- Athletes' and celebrities' personality rights
- Licensing for events, concerts, and live performances
- Music in film and television
- Broadcasting rights
- Media distribution and territorial licensing
- Digital media strategy

Students will understand the application of intellectual property rights to practical issues in the field of sports and entertainment. Students will be able to apply their knowledge to interpret, negotiate and draft contracts dealing with trademark and copyright licensing matters, and provide such professional services to clients in these industries.

ASSESSMENT
60% Coursework; 40% Final Examination

COURSE CODE: LAW 6035
TITLE: INTELLECTUAL PROPERTY RESEARCH PROJECT
CREDITS: 6
COURSE DESCRIPTION
This course offers students the opportunity to engage in deep, dedicated analysis of a contemporary topic of particular interest to them. The course includes both a library-delivered research and writing component, as well as independent directed research and writing on a topic to be approved by the course instructor.

- Library training in research and writing skills
- Subject-matter to be approved by course instructor

Students will be able to independently conduct detailed and practically applicable research on intellectual property issues in creative and cultural industries. Students will be able to identify a timely and original research topic, select appropriate search terms to locate key materials, employ those search terms in a range of relevant scholarly and popular databases, organize and synthesize search results, and prepare a written analysis with practical utility based on those materials.

ASSESSMENT
Written research paper
COURSE CODE: LAW 6036
TITLE: CREATIVE & CULTURAL INDUSTRIES INTERNSHIP
CREDITS: 6
COURSE DESCRIPTION
This course gives students practical experience learning about the needs of clients in or serving creative and cultural industries, and performing professional services on behalf of such organizations. Tasks vary depending on the organization(s) in which students are placed as interns. Such organizations might include, for example: the Jamaica Intellectual Property Office [and other organizations to be determined by programme director.]

COURSE CONTENT

- Knowledge application and skills development in specific creative or cultural industrial organization

Students will be able to understand the needs of clients in creative and cultural industries, and apply their knowledge and skills to assist those clients to solve practical problems.

ASSESSMENT
Pass/fail assessment by supervisor

COURSE CODE: LAW 6040
TITLE: INDUSTRIAL PROPERTY IN DESIGN & ADVERTISING
CREDITS: 6
COURSE DESCRIPTION
This course introduces basic concepts and doctrinal rules of industrial property, focusing on designs and trademarks (patent law is generally not covered in this course). Particular emphasis is placed upon the role of industrial property in creative and cultural industries such as graphic arts, fashion, advertising and related fields. It includes comparative analysis of the common and civil law in several such as the United Kingdom, European Union, United States, selected Commonwealth jurisdictions, and a variety of developing countries. The course covers the legal requirements to obtain and enforce industrial designs and trademarks, and the use of such rights in the market for creative and cultural goods and services.

COURSE CONTENT
The course covers the following topics:

- Justifications for designs and trademarks protection
- Thresholds for obtaining protection
- Term and territory of protection
- Ownership, assignment and licensing of rights
- Scope of protection and infringement
- Industrial property in digital environments
- Users' rights, exceptions and limitations
- Overlaps with copyright and related rights

Students will acquire sufficient familiarity with industrial property law to identify, analyze and solve basic legal issues. Students will be able to provide general advice to clients with basic industrial designs or trademarks problems, and obtain the understanding necessary for further study or professional courses toward certification as a trademark agent.

ASSESSMENT
60% Coursework; 40% Final Examination

COURSE CODE: LAW 6050
TITLE: TRADITIONAL CULTURAL EXPRESSIONS
CREDITS: 6
COURSE DESCRIPTION
This course introduces and analyzes legal protection for traditional cultural expression, folklore and related traditional knowledge or cultural heritage. It considers the social and cultural significance of such expression, especially from the perspectives of indigenous and local communities. Particular emphasis is placed upon such communities in developing countries throughout South and South East Asia, Africa, and South and Latin America and the Caribbean, but course materials also cover traditional cultural expression in developed countries with colonial legacies, such as Australia, New Zealand, and Canada. The course also addresses the modern economic significance of traditional cultural expression, in terms of access, commercialization and benefit sharing. Students are exposed to and discuss these issues primarily through a series of case studies.

COURSE CONTENT
The course covers the following topics:

- Concepts of cultural expression
- Legal, social and customary norms of protection
- International context (WIPO, UNESCO, UNPFII)

- Model laws and comparative national legislation
- Case studies, for example such as:
    - Maori of the South Pacific
    - Navaho of North America
    - San of Southern Africa
    - Masaai of Eastern Africa
    - India's traditional knowledge digital library
    - Caribbean cultural heritage
    - Or other appropriate cases

Students will understand formal legal protections available for traditional cultural expressions in both international and domestic contexts, as well as social and customary perspectives among indigenous and local communities. Through an appreciation of diverse case studies, students will be able to apply legal frameworks to various particular contexts and local communities.

ASSESSMENT
60% Coursework; 40% Final Examination

COURSE CODE: LAW 6130
TITLE: COMPARATIVE LABOUR LAW IN A CORPORATE ENVIRONMENT
CREDITS: 6
COURSE DESCRIPTION
The globalisation process, greatly assisted by technological advances, will present many challenges for labour law. As competition increases, companies will strive to reduce as much as possible the cost of doing business. The likely consequences of this are an increase in lay-offs and redundancies, the flexibilisation of labour and wages, the marginalisation of trade unions and increased pressure on the authorities to roll back the rights won by the workers over the years. In such a context, a clear understanding of the principles governing employment law is critical.

Beyond this however, the philosophy and policies which underlie these principles must be thoroughly analysed if they are to be accorded their true status in the new globalised economy. The course is taught from a Commonwealth Caribbean perspective but draws on comparative sources and international labour standards.
COURSE CONTENT
Among the areas examined are:

- Introduction to Labour Law Models and Developments;
- Termination of Employment;
- Occupational Health and Safety;
- New Trends in Industrial Relations and Labour Law;
- Negotiation and Workplace Models;
- Issues of Discrimination;
- Industrial Action - Compulsory and Voluntary Models;
- Successorship;
- Collective Bargaining - Compulsory and Voluntary
- Models; and
- Labour Law Ideologies and Philosophies.

ASSESSMENT
40% Midterm paper; 60% Final Examination

COURSE CODE: LAW 6150
TITLE: GLOBAL HEALTH LAW
CREDITS: 6
COURSE DESCRIPTION
This course will be taught jointly by staff from the University of West Indies at St. Augustine and staff from the Global Center for Legal Innovation on Food Environments ("Global Center") at the O'Neill Institute for National and Global Health Law at Georgetown University Law Center.

The course explores the roles that the law, lawyers, and legal institutions play in global health. More

specifically, it examines regional and international law and policy that directly or indirectly affect global health, including treaties, regulations, global strategies, and expert guidelines. This course provides a foundation in these instruments, laws and policies, including, but not limited to: the governance of the World Health Organization, the International Health Regulations, the WHO Framework Convention on Tobacco Control, the Single Convention on Narcotic Drugs of 1961, the International Covenant on Economic, Social, and Cultural Rights, and relevant regional instruments of the Inter-American Human Rights System.

2. Rationale

The purpose of this course is to provide students with a foundation in global health law issues related to infectious diseases, such as the ongoing COVID-19 pandemic; non-communicable diseases and their risk factors; as well as other health issues, such as mental health, narcotics, and sexual and reproductive rights.

3. Course Aims

This course aims to equip students with:

- Knowledge of the substantive foundations of global health law, including public international law; human rights law; global health governance; and principles of public health law, as well as how these fields of law dialogue to address global health issues;
- Knowledge of the legal issues related to a range of global health challenges, including non-communicable diseases (NCDs), infectious diseases, mental health, narcotics and sexual and reproductive rights; and
- Ability to use various skills relied upon by global health lawyers, including legal research, analysis and writing, strategic thinking, advocacy, and litigation.

COURSE CONTENT

The following topics will be discussed in this course:

- Foundations of Global Health Law
- Foundations of Global Health Governance
- Health and Human Rights Law (Right to Health)
- Health and Human Rights Law (Sexual and Reproductive Rights)
- Communicable Diseases and the Law (Law and Infectious Outbreaks)
- Communicable Diseases and the Law (Access to Medication)
- Non-Communicable Diseases and the Law
- Non-Communicable Diseases and the Law (Regulatory Interventions)

ASSESSMENT

100% Coursework

COURSE CODE: LAW 6200
TITLE: THE MANAGEMENT OF INTELLECTUAL PROPERTY ASSETS
CREDITS: 6
COURSE DESCRIPTION

The importance of innovation and intellectual assets management is being more recognised as traditional business models change and the value of companies shift to the ownership, control and exploitation of intangible assets. Although these developments have been taking place at a slower pace in the Caribbean, compliance with international financial standards and the reporting requirements for intangibles, greater merger and acquisition activity, the need to respond to more sophisticated consumers through strong marketing and branding programmes and the drive of regional Governments for innovation and creativity have spurred a changing perspective. Without a doubt there is a need for education for business executives involved in various functions but especially licensing, research and development and business development to ensure there is a well-informed competence in the management of intellectual assets. This need is not centred on a legal framework which is only one dimension, but also speaks to recognising the complicated and compound nature of intellectual asset management which involves various

management functions which is the approach of the proposed program.

The course will introduce students to the issues that lie at the centre of management of intellectual property assets and innovation and technology transfer. Persons who have an interest in knowing more about the business side of intellectual property rights will find this course very useful.

COURSE CONTENT

Topics covered:

- Introduction to intellectual asset management
- Introduction to knowledge management
- Innovation and technology transfer
- Intellectual property ownership (licensing, assignment and distribution basics)
- Branding, sponsorship and merchandising agreements
- Intellectual property audits and protection
- IP Finance: The Valuation and taxation of intellectual assets

ASSESSMENT

60% Coursework; 40% Final Examination

COURSE CODE: LAW 6201
TITLE: Copyright Law (The Protection of Creative Assets)
CREDITS: 6
COURSE DESCRIPTION

This course is designed to develop students' understanding of key principles of copyright law, focusing too on the issues such as copyright infringement in the digital age and the Internet. The student will be introduced the core principles of domestic copyright law, in the context of international principles relating to copyright. The issues will focus on the application of these principles to the problems that developing countries face.

Since copyright law is one of the core intellectual property rights, the focus of protecting such creative assets has implications for our societies because, first, we generate such create assets though our music, folklore etc.; and, second, we are users of these creative assets. An understanding of copyright law from an end-user and creator perspective is therefore critical.

COURSE CONTENT

- Introduction
- Justification for Copyright
- Basic Copyright Principles
- Copyright Subject Matter
- Ownership of Copyright
- Subsistence of Copyright
- Infringement of Copyright
- Permitted Acts and Defences
- Moral Rights
- International and regional copyright treaties
- Remedies

ASSESSMENT

40% Coursework; 60% Final Examination

COURSE CODE: LAW 6202
TITLE: Trade Mark Law (The Protection of Marketing Assets)
CREDITS: 6
COURSE DESCRIPTION

This course is designed to develop students' understanding of key principles of trademark law, focusing too on the issues such as trademark infringement in the digital age and the Internet. With the increasing production of counterfeit products that are being generated, and the ease with which they are able to enter the borders of Commonwealth Caribbean countries, it is important that students are introduced to the legal regime for protecting such creative assets. Knowledge about how to protect such assets will enable students to better advise clients about the types of protection that they require and how to enforce their legal rights.

COURSE CONTENT

- Introduction
- Function, history and economics of Trademark protection
- Registration Process
- Absolute Grounds for Refusal
- Relative Grounds for Refusal
- Exploitation of Trademarks
- Trademark Infringement
- Losing the mark
- International and regional trademark treaties
- Remedies
-

ASSESSMENT

40% Coursework; 60% Final Examination

COURSE CODE: LAW 6203

TITLE: Patent Law (The Protection of Technology Assets)

CREDITS: 6

Description

This course is designed to develop students' understanding of key principles of patent law and to enable them to apply these to issues that arise in the information and technologically advanced age. The students will examine issues relating to the process for registering a patent, patentability requirements, ownership, infringement and remedies.

With the increasing emphasis in the Commonwealth Caribbean on innovation, it is critical that students are aware of the methods by which their innovations can be protected. The knowledge gained will better enable them to advise persons in respect of not only the process for protecting technology assets but also whether the subject matter is worthy of protection, and what remedies are available to them if infringement occurs.

COURSE CONTENT

- Introduction
- Patenting Process, History & Strategy
- Patentability: Novelty
- Patentability: Inventive Step & Sufficiency
- Patentable Subject Matter: Software & Business Method Inventions
- Patentable Subject Matter: Biotechnological &Medical Inventions
- Patent Infringement: Construction
- Patent Infringement: Infringing Acts & Exceptions
- Enforcement, Litigation & Licensing
- International and regional patent treaties
- Confidential Information

ASSESSMENT

40% Coursework; 60% Final Examination

COURSE CODE: LAW 6204

TITLE: International Intellectual Property Law

CREDITS: 6

Course Description

This course is designed to develop students' understanding of key principles of international intellectual property law and to enable them to apply these to issues that arise in the global arena. Students will be introduced to such issues that not only have global significance but are also important to the countries of the Commonwealth Caribbean, such as traditional knowledge, information technology and intellectual property and development. Since this course focuses on international intellectual property law, it will examine a divergence of views from developing and developed countries on issues such as foreign direct investment, trade, innovation, public health, and genetic resources and traditional knowledge.

COURSE CONTENT

- Globalisation and IP
- International Law and Political Economy of IP
- Legal, Philosophical and Economic Justifications
- Copyright
- Patents and Trade Secrets

- Trade Marks
- Designs
- Other IP Rights
- International Human Rights and IP
- Information Technologies and the Internet
- IP and Development
- Education, Culture and Knowledge
- Biology Life and Health
- Traditional Knowledge, Folklore and Cultural Expressions

ASSESSMENT
40% Coursework; 60% Final Examination

COURSE CODE: LAW 6205
TITLE: International Trade and Intellectual Property Law
CREDITS: 6
COURSE DESCRIPTION
This course is designed to develop students' understanding of key principles of international trade and intellectual property law. It will first examine the principles of international trade and provide the context for the second part of the course, which will examine the important intellectual property issues that arise in the context of international trade.

Since all the Commonwealth Caribbean countries are members of the World Trade Organization and therefore signatories to the Agreement on Trade Related Aspects of Intellectual Property Rights, it is important that students understand the important relationship between the trade in goods and services and intellectual property. This is even more important in light of the intellectual property provisions found in the recently signed EU-Caribbean Economic Partnership Agreement.

COURSE CONTENT
- Introduction
- International intellectual property law
- Basic principles of Intellectual property law
- Principles of international trade law and TRIPs
- Access to medicines and public health
- Geographical indications
- Biodiversity, genetic resources and traditional knowledge
- TRIPs and Technology transfer
- International enforcement of intellectual property rights

ASSESSMENT
40% Coursework; 60% Final Examination

COURSE CODE: LAW 6206
TITLE: Introductory Copyright Law
CREDITS: 6
COURSE DESCRIPTION
This course offers an introductory overview of the core principles and doctrinal rules of copyright. It includes comparative analysis of the common and civil law in several jurisdictions such as the United Kingdom, European Union, United States, selected Commonwealth jurisdictions, and a variety of developing countries. It is designed for students who have not previously taken a course in copyright law or an intellectual property overview course with a substantial copyright component.

The course covers the following topics:
- Justifications for copyright
- Thresholds for obtaining protection
- Copyrights and moral rights
- Term and territory of protection
- Ownership, assignment and licensing of rights
- Bundles of protected rights
- Scope of protection and infringement
- Users' rights, exceptions and limitations

Students will acquire sufficient familiarity with copyright law to identify, analyse and solve basic legal issues. Students will be able to provide general advice to clients with basic copyright problems, and obtain the understanding necessary for further study and practice of advanced copyright law.

ASSESSMENT
60% Coursework; 40% Final Examination

COURSE CODE: LAW 6300
TITLE: Advanced Public International Law
CREDITS: 6
COURSE DESCRIPTION
This course examines three discrete aspects of Public International Law, namely, the law concerning the use of force in international relations, the law of the sea and the law of state responsibility, including the treatment of foreign direct investment. The main concerns will be (1) to consider the ways in which legal principles and rules influence the decision-making process in international relations, and (2) to examine the extent to which different groups of states, and in particular, developing States, have sought to shape
Public International Law to suit their national and group interests. Special emphasis will be placed on the manner in which states have used the United Nations and other multilateral agencies as important arenas for the formulation of treaty rules and for the elaboration of norms of customary international law. Particular attention will also be placed on issues relating to the use of law as an instrument of international development.

ASSESSMENT
This course will be assessed by means of one or more of the following:

a) A written final examination of three hours duration;
b) Coursework;
c) A take home examination.

COURSE CODE: LAW 6310
TITLE: Caribbean Business and Public International Law
CREDITS: 6
COURSE DESCRIPTION

The purpose of this course is to expose for critical examination the relationship between Caribbean business and public international law.

Part I of the course deals with Public International Law which is the system of law which governs interstate relations. Students will be introduced to the rules of international law that are recognized as being effectively binding obligations by sovereign states and other international persons in their mutual relationships.

Topics include: the distinction between public and private international law and the relationship between international law and other areas include:-

- Movement of persons across borders;
- International Telecommunications law;
- Law of the Air;
- Law of Sea;
- Human Rights Law; and
- Environmental Law

Part II of the course looks specifically at the traditional international law areas of strong relevance to businesses. These include state responsibility and national treatment concepts discussed within the
Caribbean context of the Revere - OPIC case.

The course also analyses and discusses the legal problems that may arise when considering foreign direct investment in the Caribbean in particular the case of Jamaica and ICSID.

Part III of the course surveys the international and regional trading system. The course addresses various trade regulation regimes affecting the conduct of international trade to and from the Caribbean with a particular focus on the World Trade Organisation (WTO), the General Agreement on Tariffs and Trade (GATT), Anti-dumping measures, TRIMS, TRIPS and Dispute settlement. The student, while being exposed to the international trading

system, will focus on Caribbean cases such as The Bananas Case, Foreign Sales Corporation case, OECD Harmful Taxation Competition Initiative and the role of the Caribbean Regional
Negotiating Machinery. The course also discusses regional free trade areas such as Free Trade Area of the
Americas and an in depth examination of the CARICOM Single Market and Economy and its constituent document - The Revised Treaty of Chaguaramas.

ASSESSMENT
100% Final Examination

COURSE CODE: LAW 6330
TITLE: Advanced Public International Trade Law
CREDITS: 6
COURSE DESCRIPTION
This course sets out to provide an understanding of the public international law dimension of international trade for the West Indian states who are participating, actually or in contemplation, in the World Trade Organisation (WTO) system, and of the interrelationship between that system and other relevant international trade obligations. The course is to that end subdivided into four parts.

In Part I, two fundamental issues belonging to the context of international trade are considered: the normal concentration of public international law on relations between states at the governmental level rather than among private commercial actors, and the relevance of international law in matters before national courts, the normal for a for business litigation.

In Part II, the traditional international law of investor protection, including its modern development through networks of bilateral agreements and the International Centre for Settlement of Investment Disputes (ICSID) system, is discussed in outline. This is an important complementary topic to WTO law, since WTO law has only limited application to investment. The investment regime aspects of the projected Free Trade Area of the Americas (FTAA) and of CARICOM Single Market and Economy (CSME) are addressed in Part IV, after the study of the WTO system.

Part III constitutes the central content of the course, an examination of the legal machinery and the basic legal concepts of WTO law of trade in goods and trade in services (excluding the intellectual property regime and the detailed customs disciplines). The concentration is on the current state of the law rather than on the issues which are the focus of current negotiations. That current state of the law is, of course, in great measure the product of past negotiations, so greater understanding of that current law nevertheless adds value in training for participation in current negotiations.

Part IV briefly considers the regional trade regimes, the proposed FTAA and the CSME, in their relationship with WTO law.

Specific areas of inquiry under each part include:

PART I: Background issues of international law
1. The distinction between public and private international law
2. The relationship between international law and national law

PART II: International law and investor protection
1. State responsibility and diplomatic protection
2. National treatment as the lowest standard
3. Investor protection agreements (bilaterals, ICSID Convention)

PART III: The World Trade Organization system
1. Structure of the Marrakesh agreement
2. The Dispute Settlement Understanding (DSU)
3. General Agreement on Tariffs and Trade (GATT) 1994 and the regime of trade in goods

4. Anti-dumping Agreement
5. Agreement on Subsidies and Countervailing Measures
6. Agreement on Safeguards
7. GATT 1994 and the Agreement on Agriculture
8. General Agreement on Trade in Services (GATS) and the regime of trade in services
9. General issues in WTO law
10. WTO and environmental law

PART IV: Regional trade agreements

1. GATT Article XXIV and GATS Articles V and V bis (FTAA, CSME, the "WTO-plus" dimension, conflicts of dispute settlement jurisdiction)

The heavy dependence on web-based sources of official documents and decided cases, which can be expected to continue to appear at frequent intervals, argues against the recommendation of a small number of texts for this course. Round the clock access to the internet will provide the basic source of information, with supplementary access to printed periodical materials and works of reference. Detailed reference to the texts of the Marrakesh Agreement, the most recent FTAA Draft Agreement and of the Revised Treaty of Chaguaramas will be required, and copies of those texts will be available for consultation while writing the examination.

ASSESSMENT

100% Final Examination

COURSE CODE: LAW 6350

TITLE: Global Perspectives in Public Procurement

CREDITS: 6

COURSE DESCRIPTION

Global Perspectives in Public Procurement will provide a broad survey of the regulatory regimes, trade treaties and case law developments that shape public procurement around the world and across the Caribbean. The course will also provide students with practical perspectives on how to advise public institutions and their private sector suppliers on the key considerations that apply to public procurement projects.

The goals of this course are to:

- Familiarize students with the laws, regulations and good governance practices that apply to the public procurement process.
- Prepare students to advise public bodies on institutional governance practices and to advise those bodies and their private sector suppliers on proper project governance practices.

COURSE CONTENT

The course will be divided into the following ten modules:

1. Statutory Structures Part I will include a survey of statutory governance models including the WTO's Agreement on Government Procurement, the UN Model Procurement Law, the European Procurement Directive, the UK Procurement Regulations, and the American Bar Association Model Procurement Code, as well as model codes from a range of international development banks.
2. Statutory Structures Part II will include a sampling of procurement-related statutory codes from other Commonwealth jurisdictions.
3. Statutory Structure Part III will survey recent procurement-related statutory developments across the Caribbean.
4. Public Audits Part I will include a survey of global public audit reports relating to good governance in procurement including World Bank Country Procurement Assessment Reports, UN procurement reviews, and other public audits from the UK, US, Canada, Australia and New Zealand.
5. Public Audits Part II will focus on public audit reviews from across the Caribbean, including the Jamaican Contract General's Office, the Cayman Islands Auditor General, the

Trinidad and Tobago Auditor General and the Barbados Auditor General, along with other audit reports and related newsreel highlights from across the region.

6. Case Law Considerations Part I will include a historical survey of leading precedent setting procurement decisions from across the UK, US and broad selection of Commonwealth jurisdictions from around the world.
7. Case Law Considerations Part II will survey recent procurement case law developments from across the UK, US and a broad selection of Commonwealth jurisdictions from around the world.
8. Case Law Considerations Part III will survey recent procurement case law developments from across the Caribbean.
9. Practical Considerations Part I will synthesize the topics covered in prior modules and provide a general overview of the project governance due diligence practices that apply to project design planning and tendering format selection.
10. Practical Considerations Part II will synthesize the topics covered in prior modules and provide a general overview of the key components for solicitation document drafting including scoping statements, pricing structures and evaluation criteria and procedures.

ASSESSMENT
40% Coursework 60% Final Examination

COURSE CODE: LAW 6400
TITLE: Company Law Theory in Modern Commerce
CREDITS: 6
COURSE DESCRIPTION
This course is an examination of the corporate form of business associations - the company- and the legal, economic and regulatory framework within which the company operates.

It builds upon the fundamental principles of company law by a contextualised and critical examination of the principal problems which confront a company within the world of commerce.

The key issues examined are: The Jurisprudential foundation of company law; Theory of separate legal personality; The pre-incorporation contract challenge to separate legal personality; Challenges to defining the legitimate use of the corporate form - criminal liability challenge and tortious liability challenge; The problem of corporate ownership and control problems posed by multi-national and transnational companies; The problem of the small incorporated firm vs. corporate groups; Reconciling shareholder remedies with separate legal personality; and Reconciling creditors' rights on insolvency within separatelegal personality.

ASSESSMENT
100% Take Home Examination

COURSE CODE: LAW 6402
TITLE: Legal Aspects of Corporate Misconduct
CREDITS: 6
COURSE DESCRIPTION
This course is intended to provide an examination of those aspects of corporate misconduct that are rapidly developing and assuming increasing importance globally. The course places a special emphasis on the role of the financial services industry in maintaining stability and integrity in the financial markets.

Topics to be covered will include:

- The concept of corporate misconduct within the context of the financial services industry;
- The need to regulate financial intermediaries i.e. banks, insurance companies, investment advisors etc.;
- The issues relating to underground and parallel financial systems;

- Money laundering - civil and criminal liability for "those who handle other people's money";
- Insider Dealing - civil and criminal liability; and
- Liability under the specific regulations governing the financial services industry, including market manipulation.

ASSESSMENT
100% Final Examination

COURSE CODE: LAW 6410
TITLE: Advanced Insurance Law
CREDITS: 6
COURSE DESCRIPTION
Insurance is an increasingly important tool for the management of risk by both private and public enterprises. This course, at an advanced level, is intended to introduce students to the theoretical and practical challenges that face the Insurance Companies or the business of insurance in the Commonwealth Caribbean.

The course traces the historical development of Insurance Law to current trends and challenges facing the Insurance Industry in general and in particular the Commonwealth Caribbean. The course also examines the practical difficulties of companies which engage in "insurance business" as a part of the enterprise but without registering under the relevant Insurance Act thereby escaping the rigours of Insurance legislations and presenting obvious problems for regulators.

The course also examines such theoretical problems encountered by insurance law as:
1. The application of the basic principles of contract formation to Insurance Contracts; and
2. The issue of misrepresentation and non-disclosure.

In addition the course examines principles of insurance law in the context of specific types of insurance including life, indemnity and third party insurance. Other topics covered are insurable interest, the status of the beneficiary, subrogation - double insurance and contribution, policy interpretation, the claims process and the role of the insurance broker.

ASSESSMENT
25% Research paper; 75% Final Examination

COURSE CODE: LAW 6420
TITLE: Corporate Governance
CREDITS: 6
COURSE DESCRIPTION
Corporate Governance has emerged on the global agenda in pursuit of proper and efficient practice in the administration of the business entity. The objective is probity in business activity, compliance with law and regulation and the security of reputation and confidence towards the attraction of inward investment.

Corporate Governance focuses at an advanced level, on the principal legal and economic questions facing corporations in light of the recent scandals involving high profile corporations.

Among the topics considered are:-

- The theories of corporate governance and the justification for good governance against the background of recent financial scandals;
- The allocation of powers within a company vis-a-vis the powers and duties of directors; Corporate
- Control;
- Governance of corporate groups and small businesses;
- The Company and its constituencies i.e. shareholders, creditors etc.; and

5. The role of auditors.

ASSESSMENT
100% Research Paper

COURSE CODE: LAW 6430
TITLE: Advanced Corporate Finance
CREDITS: 6
COURSE DESCRIPTION

Corporate Finance practice concerns itself with the innovative techniques that business persons and lawyers employ to enable companies to maximize profit and to create wealth. Corporate Finance law consists of a body of disparate principles and rules relevant to company financing practice. It is best viewed as the embodiment of the response of the law to the needs and practices of corporate finance. The law must, of necessity constantly adapt itself to new business practices, and new instruments. It is this tension of accommodation required by rapidly developing practices, rules and usages which informs much of corporate finance law.

The course will examine corporate financing mechanisms with specific attention to problem-based strategies and related legal and regulatory frameworks. Course materials represent in general terms the core elements of two of the three major components of the course: Debt Finance and Equity Finance. The third major component of the course relates to company financing from the public. The focus of the course will be primarily on the core concepts of contemporary financing techniques. The selections made for individual seminar topics will reflect this focus.

These include:

- The concept of capital and financing of Companies;
- Raising share capital and the capital maintenance doctrine;
- Corporate self-dealings;
- Corporate distribution;
- Concept of equity financing;
- Loan capital (in particular Debt Financing); and
- The taxation of companies.

ASSESSMENT

100% Research Paper

COURSE CODE: LAW 6450
TITLE: Offshore Financial Law
CREDITS: 6
COURSE DESCRIPTION

The offshore financial centre has become a significant revenue earner in the Commonwealth Caribbean and being inherently transnational, engages routinely the attention of capital producing nations outside of the region as well as leading international institutions. A unique and dynamic jurisprudence has developed alongside the offshore financial centre. It involves the straddling of several legal disciplines such as the law on trusts, banking, insurance, company law, revenue law, mutual legal assistance and law enforcement. This course addresses several of the complex issues raised in offshore financial law.

Specific areas of inquiry include:

- An understanding and rationalisation of fundamental legal precepts and characteristics of offshore financial centres;
- An analysis of the international business company (IBC) and its comparability with traditional company structures;
- Issues of privacy, particularly in relation to regulating offshore financial centres;
- Vehicles for mutual legal assistance;
- An examination of the offshore trust as a hybrid legal concept and the legal challenges facing the
- offshore trust;
- Selected conflict of laws issues in offshore financial law;
- Issues relating to law enforcement and disclosure efforts; and
- 8. Challenges to the tax function of offshore financial centres.

ASSESSMENT

100% Final Examination

COURSE CODE: LAW 6460
TITLE: Competition Law in the Global Economy
CREDITS: 6
COURSE DESCRPTION

The need to regulate business competition on a global scale has become obvious in the context of the globalised economy, on the one hand, and national or regional approaches to competition matters, on the other. The course will analyse the most important aspects of the competition law and policy of the United States of America, the European Community (EC), and the CARICOM Single Market and Economy (CSME) with a view to identifying internationally acceptable and effective means of ensuring that competition in the globalised economy is free of cartels and free of abuses imposed by dominant firms. The antitrust treatment of mergers and acquisitions will also be examined.

Topics to be covered are:

1. Globalisation and the International Aspects of Antitrust Regulations:
    a. The Rationale of Trade Liberalisation and of Antitrust Laws;
    b. Development and the WTO Antitrust Regime;
    c. Democracy, Accountability and Antitrust Laws;
2. International Cartels:
    a. Antitrust Enforcement against International Cartels: Trends and Practical Considerations;
    b. The Fight against Secret Horizontal Agreements in EC Competition Law;
    c. An Overview of the US Antitrust Enforcement Practices in respect of Cartels;
    d. Leniency Programmes and the Criminalisation of Cartels Law;
3. Dominant Behaviour
    a. Monopolisation and the Abuse of a Dominant Position from the Economic Viewpoint;
    b. Dominant Behaviour under National or Regional Competition Laws;
4. Mergers and Takeovers in the Multi-Jurisdictional Context; and
5. International Co-operation in the Enforcement of Competition Law
    a. Co-operation between Developed and Developing Countries and Co-operation between Developed Countries

This course aims to: give students the opportunity of examining a wide range of topics which are of great relevance to the development and advancement of fair competition in the globalised economy but which are so controversial, complex and politically sensitive that the international community has not yet been able to achieve any consensus; and ensure that from the commencement of the LLM programme, students become familiar with conducting, recording, rationalising, compiling and presenting their own independent research.

On successful completion of this course, students should be able to:

- Explain and critically evaluate the most controversial topics in antitrust law;
- Analyse the legal, political and economic content of the topics under consideration;
- Demonstrate a capacity for thorough research;
- Utilize a systematic approach to using the multitude of computerized research sources in order to effectively research a legal problem;
- Assimilate information from a range of sources;
- Respond to factual and theoretical problems by assessing their legal implications in the context of competition law; and
- Suggest, argue, report and critically evaluate alternative approaches to such problems.

ASSESSMENT
100% Final Examination

COURSE CODE: LAW 6470
TITLE: Advanced Intellectual Property Law
CREDITS: 6
COURSE DESCRIPTION
This course aims to challenge students to apply the basic principles and understanding of intellectual property to issues and challenges in this globalised world. This multifaceted and dynamic concept, intellectual property covers areas such as:

- Copyright;
- Trademarks;
- Patents;
- Industrial designs; and
- Geographical Indications

Part I of the course summarises the nature and basic principles underlying the main branches of Intellectual Property.

Trademarks: The theory and practice of private remedies for the protection of "trade identity" and related intangibles of commercial value: the focus on legislations and conventions governing trademark and its impact on private rights to regulate the use of trademark, trade names and unfair competition practices. Topics examined are the common law action of passing off, distinctiveness, use of the criterion for trademark registration and the procedure for opposing a grant of registration.

Copyright: The fundamentals of copyright in music, literature and the arts. Among the areas covered are the manner and scope of protection of dramatic, musical, artistic and literary works, the concepts of authorship and ownership, originality, the idea/expression dichotomy and the fair dealing defence and thorough analysis of copyright acts, international conventions and case law. The course attempts to assess the copyright regimes in terms of its justification and its public policy objectives, exposing students to theoretical discussions surrounding copyright protection in the information and Internet era.

Patents: Patents provide limited term monopoly-like property right in inventions- "product of the mind". The purported purposes of patent law are encouragement of innovation and product for social benefit. The course examines the statutory basis of patent law in an international context and covers the doctrinal development in case law for patents and trade secrets. The course also explores contemporary controversies over the expansion of patent rights in biotechnology and the shift from copyright protection for computer programmes.

Trade Secrets: arise from the combination of contracts, equity and property law.

Building on the introductory part on Intellectual Property, Part II of the course goes on to examine:

- Some of the issues and problems that the law must confront in the age of information and technological innovation.
- The Digital Age and the question of the extensive use of the Internet as a tool in modern commerce, domain names and non-original databases.
- How these well-established principles interface with business development and developing countries concerns.
- The challenges faced by Commonwealth Caribbean countries which operate within the strictures of WTO and the Free Trade Areas of the Americas (FTAA).

It is therefore imperative that trade negotiators understand the world trading system and the unprecedented linkage between intellectual property and trade which must inform Caribbean trade negotiations.

This brings into sharp focus the role of the Caribbean Regional Negotiating Machinery and its trade negotiators who need to appreciate the value and importance of intellectual property. They must find creative and innovative negotiating techniques that would buy leverage and create positive prospects for Caribbean businesses, operating within the context of CSME and the wider global economy.

ASSESSMENT
25% Take-home written assignment; 75% Final Examination

COURSE CODE: LAW 6475
TITLE: International Corporate Law – Mergers & Acquisitions
CREDITS: 6
COURSE DESCRIPTION
The aim of this course is to enable students to be able to critically analyse the legal landscape in respect of international corporate law. Beyond the academic analysis of the regulation of cross-border mergers and acquisitions, the student will be able to understand the practical challenges facing corporate lawyers, academics and policy advisors and be able to navigate these in legal practice or in the policy domain. The target audience would include corporate/commercial legal practitioners as well as corporate regulation policymakers.
Content areas include:

- Regulation of public markets (stock exchanges)
- Private equity
- Equities (IPOs and Rights Issues)

On successful completion of this course, students will be able to:

i. Critically compare and evaluate the laws regulating M&A transactions in the Caribbean and other jurisdictions
ii. Draft and negotiate key terms within the context of a cross-border acquisition
iii. Advise on the contractual documentation and legal mechanics to undertake a successful M&A transaction
iv. Discuss key points of contention in the negotiation and drafting of legal documents pertaining to standard M&A transactions
v. Critically examine the lacunae in corporate law within the Caribbean and its impact on regional commercial activities.
vi. Consider policy options for the modernization of Caribbean corporate law.

ASSESSMENT
Course Work – (25%) [Group Project (involving research and presentation of findings)]
Final Take Home Examination – (75%)

COURSE CODE: LAW 6490
TITLE: Advanced Corporate Insolvency
CREDITS: 6
COURSE DESCRIPTION
Insolvency law has become part of the mainstream commercial law and plays a significant economic and social role in contemporary credit economies, the Commonwealth Caribbean being no exception. The insolvent company raises complex issues of law and policy that impact on rights and obligations. This has fuelled a greater focus on the existing legal regulatory framework and its ability to cope with the consequences of business failure.

Undoubtedly, amongst the many challenges that globalisation presents for businesses in the Commonwealth Caribbean the issue of the sustainability of companies in this new globalised dispensation will loom large. Thus the philosophy and policies which inform business operations and strategies in the Commonwealth Caribbean must be thoroughly analysed in the context of the legal and regulatory framework within which companies operate.

It is therefore important that lawyers and insolvency practitioners in general understand recent developments in insolvency law and increase their awareness of developments internationally, with a

view to improving procedures and practices to deal with both existing and new problems.

In this context, the course will consider the fundamentals of business insolvency from a Commonwealth Caribbean perspective while examining the comparative bankruptcy and insolvency regimes. This course combines an analysis of relevant statutory material, concepts and procedures with an understanding of the policy choices in Corporate Insolvency and the different rules which an insolvency regime may play in the contemporary Commonwealth Caribbean society.

ASSESSMENT

100% Research Paper

COURSE CODE: LAW 6520

TITLE: Advanced International Environmental Law

CREDITS: 6

COURSE DESCRIPTION

This course examines the principles, rules, policies, politics, conventions and institutions of international and transnational environmental law:

- The basic principles and philosophies that have shaped the emergence of international environmental law.
- The political economy of international environmental law particularly the relations between developing and developed countries.
- The broader international law context within which the subject is largely nested.

The majority of the course is then devoted to specific topics. These include: sustainable development policy; trade and the environment, jurisdiction over conservation of maritime living resources; marine pollution, territorial biodiversity and trans-boundary pollution. These issues and the legal and institutional responses to them are examined through a variety of conceptual frameworks. The course concludes with a look at Caribbean International Environmental Law.

ASSESSMENT

This course will be assessed by means of one or more of the following:

a. A written final examination of three hours duration;
b. Coursework;
c. A take home examination.

COURSE CODE: LAW 6600

TITLE: Advanced Caribbean Integration Law

CREDITS: 6

COURSE DESCRIPTION

This course seeks to introduce candidates to the issues of public international law which are engaged by the process of deepening of integration among the West Indian countries, with special reference to the landmarks of the implementation of the CARICOM Single Market and Economy (CSME) and the establishment of an OECS Economic Union.

Topics to be covered are:

1. The International Law Context of Caribbean Integration: the Law of International Organizations
    a. The state in international law,
    b. The international organization in international law,
    c. Supra-state entities in international law: the case of the European Union,
    d. Supra-state entities in international law: the case of the Commonwealth; and
    e. Regional customary international law.
2. Caribbean Integration: Nesting and Intersection
    a. Legal issues of the nesting or intersecting relationship of CARICOM and OECS with (in particular)
    b. OAS and the Inter-American System, ACS, SICA, ACP Group, AOSIS, CBI, CARIBCAN, CARIFORUM;

3. Caribbean Integration: CARICOM and OECS as political institutions
    a. Decision-making in CARICOM and OECS, CARICOM institutional reform, the OECS Economic Union, supranationality;
4. Caribbean Economic Integration, CSME and OECS Economic Union
    a. The most favoured nation treatment principle,
    b. The national treatment principle,
    c. Right of establishment,
    d. Movement of natural persons,
    e. LDCs,
    f. Safeguards,
    g. The competition régime, and
    h. Subsidies
5. Dispute Settlement in Caribbean Regional Integration
    a. The original jurisdiction of the Caribbean Court of Justice;
    b. Other dispute settlement mechanisms; and
    c. Conflicts between dispute settlement mechanisms
6. Caribbean Integration: Functional Co-operation
    a. CDB, ECCB, the Appellate Jurisdiction of the Caribbean Court of Justice, the Eastern Caribbean Supreme Court, UWI and other instruments of West Indian functional regional cooperation

Candidates who undertake this course successfully should be capable of:

1. Explaining the basic implications in general international law of new developments in Caribbean legal integration;
2. Identifying the limits on freedom of political decision and economic management to which states have legally committed themselves in the process of integration;
3. Advising policymakers from a legal perspective what would be the policy implications of proposals to deepen and extend the integration process;
4. Participating effectively in discussion of the technical trade concepts which are employed in the design of the CSME and evaluating the compatibility of the CSME regime with other trade arrangements in place or under consideration;
5. Continuing their self-education in the issues canvassed in the course by making effective use of information technology; and
6. Researching and writing on such issues.

Reading

The heavy dependence on web-based sources of official documents and decided cases, which can be expected to continue to appear at frequent intervals, will dictate the reading assignments for this course.

Round the clock access to the internet will provide the basic source of information, with supplementary access to printed periodical materials and works of reference. Detailed reference to the texts of the Revised Treaty of Chaguaramas and of the Revised Treaty of Basseterre will be required, and copies of those texts will be available for consultation while writing the examination.

ASSESSMENT

This course will be assessed by means of one or more of the following:

a. A written final examination of three hours duration;
b. Coursework;
c. A take home examination

COURSE CODE: LAW 6720

TITLE: Public Law I (Advanced Constitutional Law)

CREDITS: 6

COURSE DESCRIPTION

This course in Advanced Constitutional Law takes a distinctly comparative and philosophical approach to the study of constitutional law. The idea is to give

students a better appreciation of the theoretical issues embedded in the whole area of constitutional law. The comparative perspective helps students appreciate similarities and differences between Commonwealth Caribbean Constitutional Law and the constitutional law of other countries, in particular, the United States, the United Kingdom, Canada and South Africa.

The course proceeds on the central premise that constitutional law is foundational: it is that area of law that establishes the legal foundation of the State and the allocation of its sovereign powers among the central institutions of the State, and lays down the ground rules for the exercise of political authority in the society. Above all else, constitutional law is that area of law that addresses itself to defining the relationship between the individual citizen and the State.

The course begins by addressing the question of Constitutional Fundamentals: questions about the nature of a constitution - its legal and moral validity; in other words, questions regarding the obligation of the citizen to obey the constitution; questions as to what makes a constitution valid law. These are questions that cannot be answered according to law, but are rather questions for political theory and moral philosophy.

In order to address some of these philosophical questions, we begin with the question of constitutional founding, using the U.S. Founding as representing the closest approximation in modern history of the ideal of constitutional founding.

The course then considers the issue of constitutional fundamentals in respect of Britain and Canada before focusing on the Commonwealth Caribbean. In each case, the idea is to take a sampling of certain cases thought to address issues of constitutional fundamentals. In the case of Canada, the Secession Case (1998) might well be ideal; whereas, in the case of the West Indies, the case of Ophelia King v. the Attorney General (Barbados) will suffice.

Part II

The second part of the course focuses in more detail on the Constitutional Structure of the State. It explores the question of the centrality of the principle of Separation of Powers, as a structural and normative principle, in the design of the just State and to the practice of judicial review.

Part III

The third part of the course focuses on Fundamental Rights. This is the most intensely philosophical aspect of the course and begins by considering the central question of the nature of fundamental rights: What makes a right fundamental.

The remainder of the course is taken up with extensive treatment being given to each fundamental right. That begins with Freedom of Speech and the Press - the premier democratic right - considering its centrality to public discourse and democratic governance. This is followed by Freedom of Religion, having regard to the importance of religion and religious beliefs in human life. The critical task is to construct a principle of freedom of religion for a pluralist society such as Trinidad.

Next, the course studies Property as a fundamental right. Here, we explore the moral basis of property rights; that is to say, starting with Locke's Labour Theory, the course attempts to articulate a philosophical justification for the recognition of property rights as fundamental rights and draw the connections between rights to liberty and rights to property. But property is a special kind of social institution, or 'defining who, in a society, may control various classes of valuable objects for a variety of present and future purposes and the conditions under which this power may be exercised. 'On this view, property rights are understood to be an integral part of the economic organization of any society. It also means there are limitations on the exercise and enjoyment of the 'right.' For example, the State, through its police, tax and eminent domain powers, may impose limitations on property for the purpose of the economic and social development of

the country and to achieve a more equitable distribution of wealth in the society.

This is followed by Due Process and the Right against Cruel, Inhuman and Degrading Punishment or Treatment. This covers the whole range of death penalty cases in the Commonwealth Caribbean.

ASSESSMENT
100% Take Home Examination

COURSE CODE: LAW 6730
TITLE: Public Law II (Advanced Administrative Law)
CREDITS: 6
COURSE DESCRIPTION
This course in Advanced Administrative Law is designed principally to satisfy the continuing need for legislative draftspersons to remain topical and appreciative of the radical changes taking place in a dynamic discipline.

The philosophy behind the syllabus is to provide students with a firm theoretical grasp of Administrative Law principles as well as appreciation of the directions in which Administrative Law is moving. While focus is on the Commonwealth Caribbean we shall inexorably be adopting a comparative approach to our seminars, drawing on precedents from the wider Commonwealth as well as the respective jurisdictions from which our students are drawn.

The course proceeds on the central premise that we live in regulated societies, those regulations being measured against the constitutional backdrop. Furthermore, it is a tenet of modern-day reality that increasingly litigation as between citizens has given place to litigation between citizens and the state. Accordingly, the course focuses on those areas of the law that draftspersons ought to be constantly aware of, as they draft laws and offer policy advice to governments.

The course begins by addressing the question of Administrative Law fundamentals. Through an examination of select case law, trends and movements are identified with respect to new directions in Judicial Review.

Ouster Clauses
Students will be called upon to reflect on the conflict between two fundamental principles. - The right of access to the courts by citizens who have a genuine grievance versus the right of Parliament to decide on what legislation is appropriate for the good governance of the polity.

A critical examination of the role of the courts will be undertaken. The fundamental question to debate is whether, having regard to the overwhelming attitude of the courts toward ouster clauses, the valiant attempts to legal draftspersons to exclude judicial review are exercises in futility.

The Boundaries of Administrative Justice
Using the Administrative Justice Act of Barbados, as a model, students will be required to examine both procedural and substantive aspects of administrative justice. A detailed and reasoned critique of the Administrative Justice Act will be given to the students to offer their version of a redraft of the Act in the light of its evolution and the decided cases.

Natural Justice
For the Caribbean region, natural justice is not simply a common law doctrine designed to offer procedural protections to citizens across the board. Natural Justice is firmly embedded in the bowels of Caribbean constitutions. Seminal cases on the subject will be critically examined and analysed.

Doctrine of Legitimate Expectation
A new and evolving doctrine, there is legitimate scope for argument and discussion as to how far its boundaries should extend.

An opportunity will be provided, once again, to pit the Caribbean case law against those of other jurisdictions, notably the UK, Australia, Canada and South Africa.

Remedies

From the prerogative writs, to orders and now to the inclusion of some important Private law remedies, the field is now chocked. By what principle can we rationalise these remedies? Should there be a single set of remedies or not? Should the courts be permitted to offer advisory opinions by way of aiding good administration? Should the courts play a part in developing a code of good administration?

ASSESSMENT

This course will be assessed by means of one or more of the following:

a. A written final examination of three hours duration;
b. Coursework;
c. A take home examination

COURSE CODE: LAW 6750
TITLE: Advanced International Human Rights Law
CREDITS: 6
COURSE DESCRIPTION

This course considers international human rights law as this field has developed since the end of the Second World War. Emphasis will be placed on the so-called "three generations of human rights", namely:
(a) civil and political rights, (b) economic, social and cultural rights, and (c) group rights, such as the right to development. The nature and content of various rights will be examined, and although these rights will be considered mainly from a legal standpoint, reference will be made to the political and economic considerations that help to explain modern conceptions of human rights. The course will also consider developments with respect to the International Criminal Court and the law pertaining to the status of refugees. Considerable attention will be paid to the application of international human rights norms to Caribbean circumstances, as well as to the relevance of human rights norms in the context of modern terrorism.

ASSESSMENT

This course will be assessed by means of one or more of the following:

(a) A written final examination of three hours duration;
(b) Coursework;
(c) A take home examination.

COURSE CODE: LAW 6900
TITLE: Research Paper
PREREQUISITES: Completion of all courses
CREDITS: 6
COURSE DESCRIPTION

A candidate, who intends to submit a Research Paper shall submit a research proposal before the end of his/her second semester or teaching session. The Research Paper should be between 10,000-12,000 words exclusive of the bibliography, footnotes and appendices. The Research Paper requires wide reading. It is an exercise in thinking and reflection.

The Research Paper should indicate a fair degree of originality in argument, conclusion and source material. Where appropriate, evidence of extensive reading, clear comprehension of secondary materials and well-planned presentation may compensate for lack of originality.

There is no set course content in terms of research topic areas.

Choice of Topics

A candidate has a choice of topics, insofar as the topic chosen has relevance to Corporate and Commercial
Law, Public Law or Intellectual Property Law. However, the candidate should not choose a topic taught by instruction on the LLM Programme except where the proposed Research Paper will go considerably beyond the topic as taught. A topic chosen by a candidate is subject to approval by the Board for Graduate Studies and Research.

Submission of Proposals

The Proposal should be submitted for approval to the Chairperson, Subcommittee for Graduate Studies and Research, Faculty of Law (Mona), and copied to the Deputy Dean, Graduate Studies, Research and Publications, Faculty of Law (Mona), The University of the West Indies before the end of his or her second semester or teaching session.

The Proposal should include a synopsis of the topic of the Research Paper and should give detailed information on:

(a) the need for the study;
(b) the scope of the study;
(c) methodology;
(d) research materials (including citation of the relevant cases, statutes, treaties, journal articles and books);
(e) the format, inclusive of headings and sub-headings; and
(f) the potential use of the study.

The candidate may consult the Deputy Dean, Graduate Studies, Research and Publications, or a member of the academic staff in preparing the Proposal. This will enable the candidate to determine the appropriate scope or precise scope of the Research Paper to be undertaken. A candidate may request a particular member of staff to supervise the Research Paper and consult that staff member on his or her availability and for preliminary assistance. However, there is no guarantee that a staff member consulted will automatically be assigned to supervise the writing of the Research Paper of the candidate. Where a candidate has not requested a particular staff member to be his or her Supervisor, the Chairperson of the Sub-Committee, Graduate Studies and Research will appoint a Supervisor for that candidate.

The candidate shall consult regularly with the Supervisor, and adhere to the supervisory directions and arrangements between the Supervisor and the candidate. The candidate has the responsibility to make the Supervisor aware of the progress of the research and of the difficulties encountered in the preparation of the Research Paper.

In determining whether a candidate should register for the Research Paper, the Sub-Committee, Graduate
Studies and Research will consider, among other things, the following: (a) the candidate's performance in the four six (6) credit courses; and (b) the availability of a supervisor for the Research Paper.

Form of Research Paper
The Research Paper should:

(a) have a title page which contains the title of the Research Paper, the name of the student, the Faculty degree sought and the academic year of presentation;
(b) be organised into chapters with headings and sub-headings where appropriate;
(c) be free of typographical, grammatical or other errors;
(d) be typed on 8.5 x 11 sized paper, double spacing; and
(e) have well organised appendices where applicable, name of supervisor, a table of contents, footnotes and a well-arranged bibliography with the author, title, date and place of publication clearly stated.

A guide can be found on the Office of Graduate Studies and Research's website:
https://www.mona.uwi.edu/postgrad/

Presentation and Style of the Research Paper

1. The candidate should seek to submit to the Supervisor the draft of the Research Paper within a reasonable time so as to enable final comments of the Supervisor to be made and to allow for alterations in time for the final Research Paper to be submitted by the required date which would normally be the end of the semester or teaching session after the appointment of the Supervisor.
2. The style of citation should follow the style of the Oxford Standard for Citation of Legal Authorities or OSCOLA.
3. The candidates are encouraged to utilise primary sources where appropriate, in particular, unreported West Indian cases in the Law Library, UWI (accessed online on CARILAW and in hard copy); and, where possible, newspaper reports, reports from regulatory and quasi-judicial bodies.
4. Candidates must submit their Research Papers of the prescribed length properly documented with footnotes and bibliography. Candidates must submit four (4) spiral-bound copies of their Research Paper in type-written form on 8.5 x 11 paper and electronic format.
5. Candidates are encouraged to use the Turnitin software to evaluate their Research papers prior to submission.

ASSESSMENT

100% Research Paper

MASTER OF PHILOSOPHY (MPhil)/DOCTOR OF PHILOSOPHY (PhD)

Entry Requirements

MPhil

The following are eligible to apply for admission to the MPhil Law programmes:

- Persons holding approved graduate degrees awarded primarily for research;
- Persons holding a taught Master's degree from The UWI or other approved University, provided that the Master's degree included a research component of at least 25% of the total credit rating and the applicant achieved at least a B+ average or its equivalent; or
- Persons possessing such other qualifications and experience as the Board for Graduate Studies may approve.

PhD

The following are eligible to apply for admission to PhD Law programmes:

- Persons holding approved graduate degrees awarded primarily for research;
- Persons holding a taught Master's degree from The UWI or another approved University, provided that the Master's programme included a research component of at least 25% of the total credit rating and the applicant achieved at least a B+ average or its equivalent;
- Persons registered in MPhil degree programmes of The UWI who have met the requirements for upgrading of their registration, as stipulated by the Board for Graduate Studies and Research; or
- Persons possessing such other qualifications and experience as the Board for Graduate Studies and Research may approve.

Admission of applicants to PhD programmes without prior registration for the MPhil must be approved by the Board for Graduate Studies and Research.

Availability of Expertise and Resources

Admission is contingent on whether candidates have a thesis proposal compatible with the expertise and resources available in the Faculty of Law (Mona).

Regulations and Assessment Procedures

MPhil and PhD programmes consist of the following components: coursework, seminar presentations and the submission of theses.

Courses

Students in the MPhil and PhD degree programme should determine with their supervisor which taught courses, from the list of optional courses, would satisfy the credit requirements.

Compulsory Seminar Presentations

For each seminar, candidates are required to write and present a paper to be photocopied and distributed beforehand on a topic arising out of their research as well as to field questions put to them afterwards.

Thesis

Candidates are required to present and defend a thesis of acceptable scope and quality for the degree.

The requirement to register every semester continues while students are doing the Thesis. If a student registers for the Research Paper and does not complete this in the first semester of registration, regulations require him/her to re-register every subsequent semester until the Paper

has been submitted and graded. If a student experiences any difficulty registering or re-registering it is his/her responsibility to inform the School for Graduate Studies and Research within the first 3 weeks of the semester by email to postgrad@uwimona.edu.jm so that problems can be resolved.

Components of MPhil/PhD Programme

Optional Courses - Complete a minimum of six (6) credits of coursework for the MPhil; and nine (9) credits of coursework for the PhD

Compulsory Seminar Presentations - Present seminars (at least 2 for the MPhil and at least 3 for the PhD)

Theses - the thesis must follow the guidelines set out in the University's Thesis Guide and be submitted for examination at the end of the programme.

The guidelines may be found at:

http://www.mona.uwi.edu/postgrad/sites/default/files/postgrad/uploads/thesis_guide.pdf

Courses

The following are prescribed courses for candidates in the MPhil and PhD programmes.

List of Prescribed Courses

MPhil

GRSM6701	MPhil Research Seminar 1
GRSM6702	MPhil Research Seminar 2
RETH9008	MPhil Law Thesis

PhD

GRSM9701	PhD Research Seminar 1
GRSM9702	PhD Research Seminar 2
GRSM9703	PhD Research Seminar 3
RETH9009	PhD Law Thesis

List of Optional Courses

The following are epistemology and methodology courses offered in the Faculty of Humanities and Education, the Faculty of Social Sciences, the Sir Arthur Lewis Institute for Social and Economic Studies, and the Institute for Gender and Development Studies, from which students pursuing the MPhil/PhD in Law, under direction and guidance of their supervisor, may select at least six (6) credits for the MPhil and nine (9) credits for the PhD.

HIST6712 Theory & Method of History (6 credits)
PHIL6002 Advanced Epistemology/Theories of Knowledge (3 credits)
GOVT6076 Quantitative Research Methods (3 credits)
GOVT6077 Qualitative Research Methods (3 credits)
SB906 Strategic Use of Information & Communication Technology (3 credits)
SALI6051 Research Design and Management (3 credits)
SALI6052 Specialized Research Methods (3 credits)
GEND6101 Feminist Methodology and Epistemology (4 credits)
HRNM7401 Qualitative Research Methods in Organisational Studies (3 credits)

Upgrading of Registration from MPhil to PhD

Postgraduate students who are registered for the M.Phil. Degree and who wish to be considered for the upgrading of their registration to the Ph.D. must request the upgrading in the 2nd year of registration. Applications for upgrading will not be considered after the 3rd year of registration.

Applicants should have completed all departmental coursework requirements by this time. Students should apply to the Assistant Registrar, Office of Graduate Studies and Research to have this matter initiated.

The procedural guide for upgrading the registration to PhD is found in the **Graduate Studies Guide for Students and Supervisors** which can be found at: https://www.mona.uwi.edu/postgrad/documents

Conferral of the Degree

The successful completion of the compulsory coursework, Seminar Presentations and the Thesis will lead to the award of the degree.

List of MPhil/PhD Courses and Course Descriptions

COURSE CODE: RETH 9008
TITLE: MPhil Law Thesis
CREDITS: 0
COURSE DESCRIPTION
Students produce a thesis of approximately 50,000 words, exclusive of footnotes, under the supervision of a member of the Faculty.

ASSESSMENT
Pass/Fail
The requirement to register every semester continues while students are doing the Thesis element. If a student registers for the Thesis and does not complete this in the first semester of registration, regulations require him/her to re-register every subsequent semester until the Thesis has been submitted and graded. If a student experiences any difficulty registering or re-registering it is his/her responsibility to inform the School for Graduate Studies and Research within the first 3 weeks of the semester by email to gradstudies@uwimona.edu so that problems can be resolved.

COURSE CODE: RETH 9009
TITLE: PhD Law Thesis
CREDITS: 0
COURSE DESCRIPTION
Students produce a thesis of approximately 80,000 words, exclusive of footnotes, under the supervision of a member of the Faculty.

ASSESSMENT
Pass/Fail
The requirement to register every semester continues while students are doing the Thesis element. If a student registers for the Thesis and does not complete this in the first semester of registration, regulations require him/her to re-register every subsequent semester until the Thesis has been submitted and graded. If a student experiences any difficulty registering or re-registering it is his/her responsibility to inform the School for Graduate Studies and Research within the first 3 weeks of the semester by email to gradstudies@uwimona.edu so that problems can be resolved.

COURSE CODE: GRSM 6701 (COMMON TO ALL MPHIL STUDENTS)
TITLE: MPHIL RESEARCH SEMINAR 1
TYPE: COMPULSORY FOR MPHIL STUDENTS
CREDITS: 0
COURSE DESCRIPTION
This course is the first of two research seminars to be presented by the MPhil student.

ASSESSMENT
Pass/Fail

COURSE CODE: GRSM 6702 (COMMON TO ALL MPHIL STUDENTS)
TITLE: MPHIL RESEARCH SEMINAR 2
TYPE: COMPULSORY FOR MPHIL STUDENTS
CREDITS: 0
COURSE DESCRIPTION
This course is the second of two research seminars to be presented by the MPhil student.

ASSESSMENT
Pass/Fail

COURSE CODE: GRSM 9701 (COMMON TO ALL PHD STUDENTS)
TITLE: PHD RESEARCH SEMINAR 1
TYPE: COMPULSORY FOR PHD STUDENTS
CREDITS: 0
COURSE DESCRIPTION
This course is the first of three research seminars to be presented by the PhD student.

ASSESSMENT
Pass/Fail

COURSE CODE: GRSM 9702 (COMMON TO ALL PHD STUDENTS)
TITLE: PHD RESEARCH SEMINAR 2
TYPE: COMPULSORY FOR PHD STUDENTS
CREDITS: 0
COURSE DESCRIPTION
This is the second of three research seminars to be presented by the PhD student.

ASSESSMENT
Pass/Fail

COURSE CODE: GRSM 9703 (COMMON TO ALL PHD STUDENTS)
TITLE: PHD RESEARCH SEMINAR 3
TYPE: COMPULSORY FOR PHD STUDENTS
CREDITS: 0
COURSE DESCRIPTION: This is the last of three research seminars to be presented by the PhD student.

ASSESSMENT
Pass/Fail

UWI

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