

契約法專題研究

2011 年秋季

—上課大綱 —

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上課時間：週三 10：20-12：10

上課地點：法律學院—法研？教室

[第 1 週]9/14 The Current Rules and New Tendency of the Contract Law

* The New Development of European and Japanese Contract Law

[第 2 週]9/21 New Rules of the Contract Law I

1. Michael Bonell, The Unidroit Principles and CISG, in AN INTERNATIONAL RESTATEMENT OF CONTRACT LAW, at 301-334 (Transnational Publishers, 2005).
2. Michael Bonell, The Unidroit Principles and the Principles of European Contract Law, in AN INTERNATIONAL RESTATEMENT OF CONTRACT LAW, at 335-359 (Transnational Publishers, 2005).

[第 3 週]9/28 New Rules of the Contract Law I

3. Study Group on a European Civil Code: Introduction to DCFR, at 1-79 (European Law Publishers, 2009).

[第 4 週]10/5 Good Faith and Fair Dealing

4. Filomena Chirico, *The Economic Function of Good Faith in European Contract Law*, in Pierre Larouche and Filomena Chirico (eds.), ECONOMIC ANALYSIS OF THE DCFR, at 31-43 (2010).

[第 5 週]10/12 Freedom of Contract I

5. Barbara Dauner-Lieb, *A Special Law for B2C? Silver Bullet or Blind Alley?*, in Reiner Schulze (ed.), NEW FEATURES IN CONTRACT LAW, 107-117 (European Law Publishers, 2007).
6. Geraint Howells, *Consumer Concepts for a European Code?* in Reiner Schulze (ed.), *supra* 5, at 119-135.

[第 6 週]10/19 Freedom of Contract II

7. Hanneke Luth and Katalin Cseres, *The DCFR and Consumer Protection: an Economic Assessment*, in Pierre Larouche and Filomena Chirico (eds.), *supra* 4,

at 233-273.

[第 7 週]10/26 Formation of the Contract I

8. Giuditta Cordero Moss, *The Function of Letter of Intents and their Recognition in Modern Legal Systems*, in Reiner Schulze (ed.), *supra* 5, at 139-159.

[第 8 週]11/02 Formation of the Contract II

9. *Formation: Writing Requirements*, in Larry Dimatteo et. al., *INTERNATIONAL SALES OF LAW: A CRITICAL ANALYSIS OF CISG JURISPRUDENCE*, at 32-50 (Cambridge University Press, 2005).

[第 9 週]11/09 Formation of the Contract III

10. Thomas Pfeiffer, *New Mechanisms for Concluding Contracts*, in Reiner Schulze (ed.), *supra* 5, at 162-168.
11. Gerrit De Geest, *The Formation of Contracts in the Draft Common Frame of Reference*, in Pierre Larouche and Filomena Chirico (eds.), *supra* 4, at 67-82.

[第 10 週]11/16 Interpretation of Contracts

12. Geerte Heslen, *Contract Interpretation-Interpretive Criteria*, in Pierre Larouche and Filomena Chirico (eds.), *supra* 4, at 83-95.

[第 11 週]11/23 Standard Terms

13. Hans-Bernd Schafer, *Judicial Control of Standard Terms and European Private Law*, in Pierre Larouche and Filomena Chirico (eds.), *supra* 4, at 97-119.

[第 12 週]11/30 Performance of Contracts

14. *Obligation of Sellers*, in Larry Dimatteo et. al., *supra* 9, at 101-120.

[第 13 週]12/07 Breach of Contracts I

15. Martin Schmidt-Kessel, *Remedies for Breach of Contract in European Private Law*, in Reiner Schulze (ed.), *supra* 5, at 183-196.

[第 14 週]12/14 Breach of Contracts II

16. Gerrit De Geest, *Specific Performance, Damages and Unforeseen Contingencies in the DCFR*, in Pierre Larouche and Filomena Chirico (eds.), *supra* 4, at 123-131.

[第 15 週]12/21 Remedies of Contract

17. Anthony Ogus, *Measure of Damages: Expectation, Reliance and Opportunity Cost*, in Pierre Larouche and Filomena Chirico (eds.), *supra* 4, at 133-145.

[第 16 週]12/28 Termination of Contract I

18. Fernando Gomez, *Termination and Compensation in Long-Term Distribution Contracts: An Economic Perspective of EU Law*, in Pierre Larouche and Filomena Chirico (eds.), *supra* 4, at 171-198.

[第 17 週]1/4 Termination of Contract II

19. Mitja Kovac, *Variation and Unilateral Termination of an Agreement in the DRFR*, in Pierre Larouche and Filomena Chirico (eds.), *supra* 4, at 203-221.

[第 18 週]1/11 Review and Evaluation