

Eva Feldbaum | Stefanie Kisgen | Werner G. Faix (Eds.)

INTERNATIONAL BUSINESS LAW PROJECTS

VOLUME 1



SCHOOL OF INTERNATIONAL
BUSINESS AND ENTREPRENEURSHIP

STEINBEIS UNIVERSITY

Eva Feldbaum | Stefanie Kisgen | Werner G. Faix (Eds.)

International Business Law Projects. Volume 1



Steinbeis-Edition



Eva Feldbaum | Stefanie Kisgen | Werner G. Faix (Eds.)

INTERNATIONAL BUSINESS LAW PROJECTS

Volume 1



SCHOOL OF INTERNATIONAL
BUSINESS AND ENTREPRENEURSHIP

STEINBEIS UNIVERSITY

Imprint

© 2019 Steinbeis-Edition

All rights reserved. No part of this book may be reprinted, reproduced, or utilised in any form by any electronic, mechanical, or other means now known or hereafter invented, including photocopying, microfilming, and recording or in any information storage or retrieval system without written permission from the publisher.

Eva Feldbaum, Stefanie Kisgen, Werner G. Faix (Eds.)
INTERNATIONAL BUSINESS LAW PROJECTS Volume 1

1st edition, 2019 | Steinbeis-Edition, Stuttgart
ISBN 978-3-95663-220-4

Editorial staff: Tina Burgel, Katsiaryna Kaliayeva
Layout and cover design: Katsiaryna Kaliayeva
Cover picture: Frank Wagner / stock.adobe.com
Production: WIRmachenDRUCK GmbH, Backnang

209800-2019-09 | www.steinbeis-edition.de

FOREWORD

SIBE Law School, Steinbeis University Berlin presents with great pleasure a selection of law projects worked out by our LL.M. students during their 16 months study time.

With this compendium, we intend to give an insight into one of the LL.M. program's essentials, the law project, and to show the high actuality and their particular importance in the fields of international business law.

Our LL.M. program which is carried out totally online and in English language combines the study with practical relevance and the individual professional interests of the participants. The book gathers summarized works in selected fields of international business law.

The subjects of the works presented in this compendium refer to a great variety of important topics: unification tendencies in international sales law, the developments of competition law and the specific fields of its application such as sports, the harmonization in international intellectual property law, the piercing of the veil doctrine in corporation law, post-merger integration, business successions in a comparative view, public-private partnership as a new cooperation form, and transnational data protection. These topics are examples and show the broad orientation of the program in the multiple and dynamically developing area of international business law.

We thank very much the students and alumni for their contributions to this book. It is a pleasure for us, teaching staff as well as coordinators, to accompany the elaboration of the works during the study time, with supervisory help and practical advice.

Eva Feldbaum, Stefanie Kisgen, Werner G. Faix (Eds.)
October 2019

TABLE OF CONTENTS

INTERNATIONAL CONTRACT LAW	9
---	----------

Juliana Goetzke de Almeida

International Sales Law: the Vienna Convention of 1980 and the European Commission's Proposal for a Common European Sales Law in a Critical Perspective	11
---	----

COMMERCIAL & CORPORATE LAW	55
---	-----------

Archil Janibegashvili

PPP as a new cooperation form in law: the national (Georgian) and international perspective	57
--	----

Giorgi Ustiashvili

Piercing of the corporate veil on the basis of georgian, german and the U.S. Legal doctrine	77
--	----

Jessica Weng

The ongoing development of transformation law from a German and European as well as comparative law point of view	109
--	-----

Angela Miriam Huttemann

Business Successions in Germany and Great Britain	129
---	-----

Alina Moise-Balasa

Post-merger integration risk mitigation plan	141
--	-----

Beril Aral

The fight against economic crime with a view to cybercrime: Efficiency of instruments and restrictions by law and fundamental rights	171
--	-----

Jan Alexander Linxweiler

Transnational Data Protection:
 The implication of the European General Data Protection Regulation
 for transnational business models and their data transfer..... 199

SPECIAL FIELDS OF LAW 231

Hanspeter Kümin

Competition Law in development:
 a comparative analysis and evaluation EU – Switzerland..... 233

Julian Rübsaamen

Antitrust Law and Sports:
 Major Problems and Solution Proposals..... 273

Jenny Höricke

The power of accounting standards:
 A comparison of the impact of IFRS and German GAAP
 on leasing in Germany 309

Dr. Kathrin Setter

Towards harmonization and unification of international intellectual
 property law 341

Authors biographies 373

Legal profession of today is not conceivable without a special expertise in the field of International Business Law.

SIBE's Handbook intends to offer a solid knowledge basis herein with numerous contributions of experts, in accordance to the study schedule of the LL.M. program in International Business Law of Steinbeis-SIBE. It addresses to the participants of the LL.M. program and, moreover, to all lawyers with the professional focus in international business affairs.

The Handbook refers to all the major fields of International Business Law, such as International Contract Law, European Law, Commercial Law, Antitrust Law, Competition Law, Corporate Law, Mergers & Acquisitions, Insolvency Law, Compliance, International Economic Law (incl. WTO), Public Economic Law, Capital Markets Law, Corporate Taxation Law, Labor Law, Residence Law, International Civil Procedure and Mediation, all fields with a strong international perspective.



ISBN 978-3-95663-220-4



Steinbeis-Edition