

<<新编国际商法英语教程>>

图书基本信息

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### 前言

随着当今世界经济全球化的日益加深,对于许多行业,尤其是国际商务领域的从业人员来说,了解并熟悉国际通行的法律及惯例是事业成功的必要前提和重要保障。

因此,对于国际商务相关专业的高校学生来说,很有必要熟练掌握相关的专业知识和英语词汇,这样才能够为将来的就业做好充分准备。

为了帮助广大学生更好地完成这一任务,特编写这本《新编国际商法英语教程》,作为国际商务相关专业学生的核心专业课教材。

本书参考国际商法经典中文教材编写,内容较为全面,涵盖合同法、商事组织法、票据法等重要内容

。本书将专业知识与英语能力紧密地结合起来,旨在帮助读者在熟悉国际商法基础知识的同时提高英语水平。

本书既可以用作国际贸易等专业学生的国际商法教材和相关专业教师进行双语教学的参考书,还可以为国际商务及涉外法律等行业的人士提供帮助。

与其他同类教材相比,本书具有以下特色。

1. 形式丰富新颖 本书每章开篇设有学习目标、开篇案例、热身问答,章末设有小组讨论题和真实案例,并且穿插一些有关重点或热点问题的阅读材料或图表,以帮助读者拓宽视野,加深理解。

2. 注重联系现实 本书力图把握当今的全球化与时代感,就新出现的一些国际商法领域,如反倾销和反补贴法、竞争法、知识产权法、电子商务法等也进行了相应的介绍。

全书各章(除“国际商法导论”外)都附有相关的真实案件和判例,以帮助读者更好地将书本理论与法律实践联系起来,并有利于提高学生的学习兴趣。

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### 内容概要

本书共10章，涵盖国际商法导论、合同法、商事组织法、票据法、产品责任法、代理法、反倾销法与反补贴法、竞争法、知识产权法等内容，系统阐述了上述各个领域的重要国际条约、两大法系主要国家的重要法律规定，以及我国的相关法律法规。

全书各章（除“国际商法导论”外）都附有相关的真实案件和判例，以帮助读者联系实际，加深理解。

本书既可以用作国际贸易等专业学生的国际商法教材和相关专业教师进行双语教学的参考书，还可以为国际商务及涉外法律等行业的人士提供帮助。

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## 章节摘录

插图：1.3.3 Characteristics and Sources of English Law 英国法的特点及渊源

1. Characteristics of English law English law is divided into common law and equity, which represents the primary characteristic of it. The origins of the English common law lay in the justice of the king, exercised through his curiae, together with the customary law exercised in the old communal courts of shire and hundred, and the feudal law exercised by the lord in relation to his own vassals. As overlord of all subjects, the king had a residual right to give justice to all, and as feudal lord of the tenants-in-chief he had the right and the duty to sit in his curiae to hear their disputes. Until the time of Henry II, royal justice was available to subjects who were not tenants-in-chief only in exceptional cases. However, in the reign of Henry II, access to the king's justice was extended by the enactment of a principle that "no man need answer for his freehold land without the king's writ being obtained". As these royal writs became popular with litigants, they increasingly sought the justice of the king's courts rather than the local or feudal courts, which slowly declined. The king's justice was dispensed by the itinerant justices of the curiae. When the courts of Common Pleas, King's Bench, and Exchequer developed as separate entities, the law they applied was the common law. By the time of Edward I there was in existence a "common law" the law administered in the king's courts throughout the land and therefore "common" to the whole kingdom. As early as the 15th century, people started petitioning the King for relief against unfair judgments and as the number of petitioners rapidly grew, the King delegated the task of hearing petitions to the Lord Chancellor. The Chancellors were required to pass judgment guided by conscience and based on morals and equality. It has been suggested that ecclesiastics were chosen for this position as they belonged to the small class of people who were able to read and write. Since these early Chancellors had no formal legal training, and were not guided by precedent, their decisions were often widely diverse. In 1529, a lawyer, Sir Thomas More, was appointed as the Lord Chancellor, marking the beginning of a new era. After this time, all future Chancellors were lawyers, and from around 1557 onwards, records of proceedings in the courts of chancery were kept, leading to the development of a number of equitable doctrines.

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