

<<跨国合资企业>>

图书基本信息

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前言

截至2008年，教育部已批准对外经济贸易大学、广东外语外贸大学和上海对外贸易学院等所高校设立商务英语本科专业。

目前，全国已有近700所院校开设了商务英语专业方向或课程，商务英语教学内容由语言能力、跨文化交际、商科知识、人文素养四个课程群组成，如何建设和完善商务英语教材已成为办好商务英语专业的关键因素之一。

上海外语教育出版社经过精心策划，适时推出了商务英语知识群的教材——“简明商务英语系列教程”。

这套原版商务英语专业知识阅读教材从美国世界贸易图书出版社最新引进，共12本，涉及商科知识的各个领域，包括国际经济学、国际贸易、管理学、营销学、国际商法、商务谈判、商业伦理、商业文化、商业合同、商业支付等。

本系列教材的特点是：知识体系完整，内容简明扼要，语言文字流畅，理论联系实际。

为了帮助读者更好地理解商务英语学习所必备的商务专业知识，本套教材组织了阵容强大的专家委员会，还特邀对外经济贸易大学商务英语的专家教授为本系列教材撰写导读，相信一定会对学习者的学习大有裨益。

本系列教材可以作为大专院校商务英语、国际贸易、工商管理等专业学生的相关课程的教材，同时也可作为企业各类管理人员的培训教材或辅导资料，以及广大商务英语学习者的自学教程或阅读丛书。

“简明商务英语系列教程”专家委员会

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内容概要

本书涉及到建立和管理跨国合资企业的所有关键问题与步骤，针对各个方面进行了详细的分析，并进行了有意义的点评与建议。

全书可以划分为五大部分。

第一部分为国际合资企业概述；第二部分为国际合资企业建立前期的筹备工作，包括合资经营所涉及的法律法规问题、市场分析、合资方的角色与选择、影响合资企业成败的因素、保密协议、企业法人实体的选择等；第三部分为建立国际合资企业的实际步骤，包括合资企业条款的谈判、为合资企业制定商业计划书、获得政府的批准、融资与保险、合资企业的建立；第四部分为合资企业建立后的管控、运作、危机管理直至合资企业的终止；第五部分提供了一些有用的资料，包括合资方协议样本及点评、术语、参考书目等。

本书为读者提供了一个国际视角。

书中内容适应所有商界人士的普遍需求。

本书可供各类读者使用，包括全球的商界人士、企业家、商务英语师生、商学类相关专业教师和学生，以及广大社会读者。

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作者简介

艾伦·S·古特曼 (Alan Cutterman)，拥有MBA学位、法学博士学位、哲学博士学位，有20多年的法律代表经验，为企业与投资方提供法律咨询服务，目前任职于加利福尼亚一家传媒服务公司，任公司运营总监 (COO) 和总顾问，出版过数本跨国交易、战略联盟及技术转移等方面的书籍，同时兼职任教于数所高校，包括加州大学伯克利分校 (University of California, Berkeley)、金门大学 (Golden Gate University)、圣塔克拉拉大学 (Santa Clara University)、旧金山大学 (University of San Francisco) 等，教授研究生课程，包括公司财务、风险资本、公司法、日本商业法、法律与经济发展等。

书籍目录

Chapter 1: INTRODUCTION TO INTERNATIONAL JOINT VENTURES
Chapter 2: LEGAL AND REGULATORY ASPECTS OF JOINT VENTURE ACTIVITIES
Chapter 3: ANALYSIS OF THE MARKET
Chapter 4: PARTIES TO THE JV : THE ROLES
Chapter 5: PARTIES TO THE JV : THE SELECTION
Chapter 6: FACTORS AFFECTING SUCCESS OR FAILURE
Chapter 7: CONFIDENTIALITY AGREEMENTS
Chapter 8: SELECTING A LEGAL ENTITY FOR THE JV
Chapter 9: NEGOTIATING THE JOINT VENTURE TERMS
Chapter 10: DEVELOPING A BUSINESS PLAN FOR THE JV
Chapter 11: SECURING GOVERNMENT APPROVALS
Chapter 12: FINANCING AND INSURING THE JV
Chapter 13: FORMING THE JOINT VENTURE
Chapter 14: MANAGEMENT AND CONTROL OF THE JV
Chapter 15: OPERATING THE JV
Chapter 16: CRISIS MANAGEMENT : SAVING THE TROUBLED RELATIONSHIP
Chapter 17: TERMINATING THE JV
Chapter 18: VENTURERS AGREEMENT
Chapter 19: GLOSSARY
Chapter 20: RESOURCES

章节摘录

necessary when hiring domestic workers as well as when importing personnel from overseas to train, manage, set up, or otherwise work on the JV staff. Health, safety, and environmental laws, long a significant factor for JVs with operations in the United States and the EU, are now becoming more important in the developing countries. The cost of compliance with these and similar national laws and regulations must be considered in establishing the budget and economic objectives of the JV. Competition and sales of goods laws are not adequate to protect consumers from harmful product defects or from unfair competitive practices, such as publication of false or misleading information regarding goods and services. To achieve these safeguards, countries have developed legal standards for consumer protection and product quality. Consumer protection laws address the quality and accuracy of information provided to consumers regarding products and services, as well as the quality of the products themselves. For example, laws may require that products not be sold if they present "unreasonable dangers" with respect to their use. Similarly, some products can only be sold if they have been produced, stored, and transported in accordance with specified safety and hygiene standards. There are also laws regarding warranties and product performance which include the responsibilities of the manufacturer and seller with respect to damages caused by defective goods. The parties to a JV must carefully consider the steps to be taken in the event that disagreements arise over the course of the relationship. Arbitration and other dispute resolution procedures are often preferred as a means for settling disputes involving any economic transaction. In many Asian countries, arbitration is consistent with traditional preferences for settling disputes through "negotiation and mediation." and a number of these countries have promulgated laws and regulations that dictate the rights of parties with respect to arbitration. In addition, many countries with developed court systems have promulgated laws and rules of civil procedure that provide not only for litigation of civil cases, but also for encouraging conciliation and the honoring of arbitration clauses that might be included in foreign economic trade, transport and maritime contracts. Dispute resolution is clearly an important issue for prospective foreign investors and it is generally reflected in the negotiations relating to choice of law provisions and enforcement of awards and judgments. While there is still no generally accepted international agreement that requires recognition of foreign judgments, the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 ("New York Convention") provides parties with comfort that foreign arbitral awards rendered in any jurisdiction that is a member of the New York Convention will be honored in any other jurisdiction that is also a member of that Convention.

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