

Business Law
Module 9 [Taxation]

The module covers the basics of national taxation (relying on examples from the US, UK and India), concentrating further on international taxation law, focused, predominantly, on the prevention of double taxation via bilateral double taxation treaties, as well as the other cooperation efforts in this domain.

Basic Notions:

Tax
Major types of taxes
Progressive tax
Corporate tax
Double taxation of corporate profit
Pass – through entities
Corporate tax expenditures (incentives)
Corporate tax revenue
Tax regime of non-incorporated forms of doing business
Capital gains
Ordinary income
Double Taxation Treaty (DTT)
Source country
Residence country
Residence
Physical presence
Fiscal domicile
Dual tax residency problem
Controlled Foreign Corporation (CFC)
Jurisdiction to tax
The Arm's Length standard
Related Entities
Transfer pricing
Foreign tax credit
Foreign tax deduction
Global taxation scheme
Schedular taxation scheme
Foreign tax exemption
Foreign source income credit
Single tax principle in cross-border transactions
The benefits principle
Tax arbitrage
Double non-taxation
Tax avoidance
Tax evasion
Dual consolidated loss principle
OECD Model Tax Convention on Income and on Capital 2010
UN Model Double Taxation Treaty
Tax haven

General Reference Materials:

Black's Law Dictionary Free Online Legal Dictionary 2nd Ed.:

<http://thelawdictionary.org/#ixzz2dKQavCad>

Articles, Book Chapters, Other Overviews and Summaries

Keightley Mark P., Sherlock Molly F., The Corporate Income Tax System: Overview and Options for Reform, Congressional Research Service, September 2013, available at <http://www.fas.org/sgp/crs/misc/R42726.pdf>

Lederman, Leandra, Understanding corporate taxation (Understanding series), Lexis Nexis, 2002, available at http://www.lexisnexis.com/documents/pdf/20080710094611_large.pdf

Taxation Basics, http://www.cob.sjsu.edu/nellen_a/TaxationBasics.pdf

The VAT (UK example), handout

Avi-Yonah, Reuven S., Double Tax Treaties: An Introduction. Available at SSRN: <http://ssrn.com/abstract=1048441> or <http://dx.doi.org/10.2139/ssrn.1048441>

Avi-Yonah, Reuven S., International Tax as International Law. U of Michigan Law, Public Law Research Paper No. 41; Michigan Law and Economics Research Paper No. 04-007. Available at SSRN: <http://ssrn.com/abstract=516382> or <http://dx.doi.org/10.2139/ssrn.516382>

Avi-Yonah, Reuven S., Tax Competition, Tax Arbitrage, and the International Tax Regime. U of Michigan Law & Economics, Olin Working Paper No. 07-001; U of Michigan Public Law Working Paper No. 73. Available at SSRN: <http://ssrn.com/abstract=955921> or <http://dx.doi.org/10.2139/ssrn.955921>

OECD Model Tax Convention on Income and on Capital 2010 – text and commentary - http://www.keepeek.com/Digital-Asset-Management/oecd/taxation/model-tax-convention-on-income-and-on-capital-2010_9789264175181-en#page103

UN Model Double Taxation Treaty – text and commentary - http://www.un.org/esa/ffd/documents/UN_Model_2011_Update.pdf

Other resources

OECD Tax Treaties Database: <http://www.oecd.org/tax/treaties/>

Worldwide personal tax guide 2012/2013 (India):

http://www.expats.hsb.com/1/PA_ES_Content_Mgmt/content/hsbc_expats/pdf/en/global_tax_navigator/going_to_india.pdf