



UCAM
UNIVERSIDAD
CATÓLICA DE MURCIA

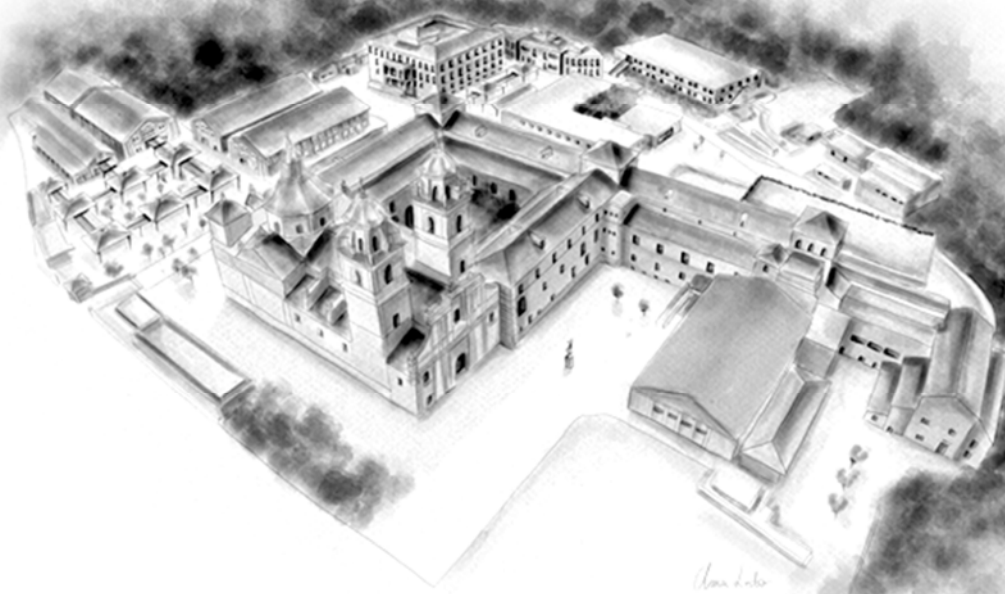
20 años
de educación,
amor y servicio

Teaching Guide 2017/2018

Commercial Law

Bachelor Business Administration

Face-to-face mode



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Commercial Law

Commercial Law

Module: **Legal environment.**

Field: **Legal environment.**

Character: **Compulsory Education.**

ECTS: **6 ECTS.**

Time period: **First Course, second semester**

Teacher: **María de la Luz Sánchez García**

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Student's attention timetable: **Mondays 17.30h-18.30h**

Module coordinator teacher: **José Ruiz Espinosa**

Brief Description

The main objective of this subject is to provide the student with knowledge of the relevant part of Commercial Law aimed primarily at regulating legal relationships which include the participation of at least one entrepreneur or organized financial operator. Special attention would be aimed at the creation of corporate entities, financing, shares and stock. The different forms of administration will be studied. Transformation and structural modifications.

Previous requisites

The business legal aspects have their roots in social world and therefore, the student of this subject must be able to take a stage in terms of the social, political and economic phenomena that define it. Therefore, it is considered that the student has no previous knowledge further than the pre-university training.

Aims

In this subject the student will know the basic institutions of Commercial Law. Entrepreneur Legal Status and Corporate Law, from the origination of corporation, to the financing, dissolution and liquidation. They will also study about the agreements of shareholder's general meeting and the Board appointment and tasks.

Competences and training results

Cross curricular subjects

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- (T1) Ability for analysis and synthesis
- (T3) Written and oral communication in native language
- (T6) Ability to manage information
- (T7) Problem solving
- (T9) Team work
- (T10) Interdisciplinary team work
- (T11) Work in international context
- (T13) Recognition of diversity and multiculturalism
- (T14) Critical reasoning
- (T15) Ethic compromise
- (T16) Autonomous learning
- (T17) Adaptation to new situations
- (T20) Knowledge of other cultures and customs
- (T10) Interdisciplinary team work
- (T11) Work in international context
- (T13) Recognition of diversity and multiculturalism
- (T14) Critical reasoning
- (T15) Ethic compromise
- (T16) Autonomous learning
- (T17) Adaptation to new situations
- (T20) Knowledge of other cultures and customs
- (T24) Reflection capacity

UCAM 3 :) Be able to project knowledge, abilities and skills acquired to promote a society based in freedom, justice, equality and pluralism values.

E15: Know and apply basic concepts of Business Law

E 33: Understand Law principles and relate them with management knowledge.

E 49: Issue advice reports about particular situations of corporations and markets

E 57 Communicate fluently within the work scope and work in team

Learning results

- Understand, think thoroughly and synthesize contents of the different areas that make the legal environment.

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- Put into words the field ideas correctly either in written or oral format
- Organize and know how to use the information from different contexts to value the effects of the legal environment in the business management.
- Acquire the necessary abilities to solve the problems taking into account the legal environment.
- Acquire and implement collaboration strategies and abilities to favor team work.
- Recognize and promote the contributions of other knowledge fields as rewarding factors of the professional practice to the legal environment.
- Develop the professional practice in a globalized environment within the legal scope.
- Value plurality and enrichment that involves getting in touch with other cultures and legal environments.
- Issue a sentence and take a critical stage facing the different situations in the resolution to which the legal environment leads to within the business management.
- Recognize and defend the fundamental rights of any individual.
- Manage in a proactive way the learning process in the legal environment.
- Generate learning abilities to allow the student to follow subsequent studies within the legal scope with a high level of autonomy.
- Adjust the behavior to the changes and demands that lay out the new situations in the legal scene.
- Recognize and value the different contributions of other cultures and legal environments to the construction of a plural society.
- Think in a critical reasoned way about question related to the study within the scope of legal environment.
- Acquire an ethic compromise in the construction of a democratic and plural society.
- Have and understand concepts of corporate law supported by books with some aspects that involve knowledge from the avant-garde in their field of study.
- Acquire and apply basic knowledge of the Dealer legal Status.
- Acquire and apply basic knowledge of the Corporate Law.
- Acquire and apply basic knowledge of the Competition Law.
- Acquire and apply basic knowledge of the Consumption Law.
- Know how to apply the general principles of Community Legal Order to civil, commercial, labor and financial environment.
- Be able to apply the general principles of Spanish Community Legal Order, particularly those from the Spanish Constitution, to the civil, commercial, labor and financial environment.
- Know and understand the basic legal order and institutions of Commercial Law.
- Acquire the necessary ability to issue legal reports about situations in the corporation.
- Ability to issue legal reports about situations in trade environment.
- Communicate appropriately and effectively ideas, information, problems and solutions in the business legal scope.
- Solve practice cases in team works.
- Criticize and debate the results obtained.
- Use correct terminology when presenting works.
- Use a logical structure and write with correct orthography.

Methodology

Methodology	Hours	Hours of work Face-to-face	Hours of work Non Face-to-face
Lectures (65%)	39	60 hours (40%)	
Practice: (8%) Workshops	4,8		
Assessment (7%)	4,2		
Tutorials (20%)	12		
Personal study (45%)	40,50		67,5 hours (60%)
Tasks (30%)	27		
Practice tuition (15%)	13,50		
Bibliographic search (10%)	9		
TOTAL	150	60	90

Contents

Chapter 1 Concept, historical evolution and sources of Commercial Law

1. Concept of Commercial Law
2. Commercial Law as historical category
3. Commercial codification
4. Contemporary Commercial Law
5. Commercial Law sources

Chapter 2 The entrepreneur (I)

1. The entrepreneur
2. Types of entrepreneur
3. The entrepreneur's third-party liability. Consumers law.

Chapter 3 The entrepreneur (II)

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1. The individual entrepreneur
2. The exercise of commercial activity of a married person.
3. The entrepreneur legal entity.

Chapter 4 Trading establishment (I)

1. Trading establishment
2. Types of trading establishment
3. Establishment open to the public
4. The elements of the trading establishment.
5. The facility as element of trading establishment.

Chapter 5 Trading establishment (II)

1. Transfer of trading establishment.
2. The purchase-sale of trading establishment.
3. The usufruct and rental of trading establishments.

Chapter 6 Trade registry

1. Trade registry
2. Subjects and Documents subject to compulsory registration.
3. The organization and functioning of the Trade registry.
4. The entries
5. The registered act.
6. Other functions of the registry.

Chapter 7 The entrepreneur's representation

1. Introduction
2. The general representative.
3. Singular authorized officers
4. The modifications and the extinction of power
5. Relationship between the voluntary and organic representation.

Chapter 8 Industrial Law (I)

1. Patents
2. Utility models

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3. Industrial design
4. Other modalities

Chapter 9 Industrial Law (II)

1. Brands
2. Commercial names
3. Geographical identification and Denomination of origin

Chapter 10 Competition Law

1. Competition defense
2. Unfair competition

Chapter 11 Corporate Law

1. Corporate General theory
2. Constitution
3. Transmission of share actions.
4. Bodies. Administration and general board.
5. Dissolution. Liquidation and extinction.

Practice teaching program

Different training activities that make up the subject will be assessed by correcting exercises and issuing tasks, practice cases and problems, performed individually or in groups, the public defense of some of these works and the participation in debates.

Connection with other subjects of the study plan

This subject has a special connection with the Commercial Law and Civil Law.

Assessment system

- a) Assessment system of the apprenticeship learning results:
 - **Written exams (80%)**

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There will be two exams with theory-practice questions of conceptual development and some practice item, about the contents studied. First exam is worth 35% and second exam 45% of the total grade.

- Student's involvement (20%)

The student's involvement in the training activities that conform the subject will be assessed through the issuing and correction of the exercises, tasks, case studies and problems carried out individually and in groups; the public presentation of some of these tasks and the taking part on the debate forums.

Ranking system

The ratings system (RD 1.125/2003. from 5th September) as follows:

0-4,9 Fail (SS)

5,0-6,9 Pass (AP)

7,0-8,9 Good (NT)

9,0-10 Distinction (SB)

The "Honors" mentions can be awarded to those students with a degree of 9,0 or higher. This cannot be awarded to more than 5% of the students registered in a subject in each academic year, unless the number of students registered is less than 20, when there will be awarded **only one mention**.

Bibliography and reference sources

Basic bibliography

- MENÉNDEZ, A.: *Lecciones de Derecho Mercantil*, Thomson-Cívitas, Madrid, 14ª Edición, volumen I

Complementary bibliography

- JIMENEZ SÁNCHEZ, G.J (coordinación) y otros autores, *Derecho mercantil*, tomo I, Ariel, Barcelona, última edición.
- BROSETA PONT, M /MARTÍNEZ SANZ, F.: *Manual de Derecho Mercantil*, tomo I, Tecnos, Madrid, última edición.

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- SÁNCHEZ CALERO, F.: *Instituciones de Derecho Mercantil*, tomo I, Thomson-Aranzadi, Cizur Menor (Navarra), última edición.
- URÍA, R.: *Derecho mercantil*, Marcial Pons, Madrid, última edición.
- BERCOVITZ RODRÍGUEZ, A. .: *Apuntes de Derecho Mercantil*, Thomson-Aranzadi, Cizur Menor (Navarra), última edición.

Webs associated

- Ministerio de Justicia. traducciones del Derecho español
- <http://www.mjusticia.gob.es/cs/Satellite/es/1288774502225/TextoPublicaciones.html>
- www.elderecho.com/
- www.laley.es
- www.aranzadi.es/
- www.notariosyregistradores.com/
- www.tirant.com/
- www.tecnos.es/
- www.rmc.es/
- www.boe.es

Study recommendations

It is fundamental for the correct understanding of the subject attendance to classes, daily study of all contents complete it with the knowledge of the legal fountains of reference that will be quoted daily study of all contents explained. Attendance to practice classes is essential to a better understanding of the theoretical contents.

Didactic material

Commercial and complimentary laws.

It will be necessary to use the university institutional mail and tolls such as hangouts, messengers to ease to follow the classes. It will be necessary to have a PC with all the necessary programs installed (text editor, spreadsheet, presentation tools, etc.) We also recommend students to use memory devices (USB, CDs or DVDs) to make easier the interchange of information in presentations such as Power Point, exercises, case study, etc., during the face-to-face classes. We also recommend the use of calculator and access to the Internet.

Tutorials

Academic tutorial:

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These tutorials have the aim of consolidating knowledge and abilities taught in the classes of the subject, at the same time will help to solve problems and doubts asked by the students. There will be an assessment and follow up of the different tasks in order to contribute to the understanding of the subject methodology and systems of assessment.

Personal Tutorial:

The university also has a Special Team that offers tutorials for the students enrolled in the degree. All students registered in UCAM have a personal tutor from the Special Tutors Team, when they register for the first time in the university; hence the student has this accompaniment during the complete university period. Criteria and aspects can be consulted in:

<http://www.ucam.edu/servicios/tutorias/preguntas-frecuentes/que-es-tutoria>.