



Information about the subject

Degree: Bachelor of Arts Degree in Law

Faculty: Faculty of Legal, Economic and Social Sciences

Code: 310103 **Name:** Commercial Law I

Credits: 6,00 **ECTS Year:** 1 **Semester:** 2

Module: Commercial Law

Subject Matter: Commercial Law **Type:** Compulsory

Field of knowledge: Social and Legal Sciences

Department: -

Type of learning: Classroom-based learning

Languages in which it is taught: Spanish

Lecturer/-s:



Module organization

Commercial Law

Subject Matter	ECTS	Subject	ECTS	Year/semester
Commercial Law	24,00	Commercial Law I	6,00	1/2
		Commercial Law II	6,00	2/1
		Commercial Law III	6,00	2/2
		Commercial Law IV	6,00	3/1

Recommended knowledge

It is recommended to study Civil Law before



Learning outcomes

At the end of the course, the student must be able to prove that he/she has acquired the following learning outcomes:

- R1 Approach to the content and sources of Commercial Law.
- R2 Knowledge of the legal status of the trader.
- R3 Identification of the types of commercial representation and their legal regime.
- R4 Understanding of the general principles and operation of the Commercial Register.
- R5 Approximation to Competition Law and intangible goods.
- R6 Knowledge of the fundamentals of Commercial Law and its system of sources.



Competencies

Depending on the learning outcomes, the competencies to which the subject contributes are (please score from 1 to 4, being 4 the highest score):

GENERAL		Weighting			
		1	2	3	4
CG1	Knowledge of the Science being studied, in this case of the science of Law, fundamentally of the most practical branches, with their international and economic implications and their specialized language.				X
CG2	Analysis and synthesis capacity				X
CG3	Capacity for organization and planning			X	
CG4	Problem-solving capacity.				X
CG5	Computer skills related to the field of knowledge.		X		
CG6	To be able to effectively obtain information from books and specialized journals, and from other sources.				X
CG7	Critical reasoning when analysing information.				X
CG8	Ethical commitment to information management.				X
CG11	Professional relationships: be able to establish and maintain relationships with other relevant professionals and institutions.				X
CG13	Information management capacity.				X
CG15	Ability to work in interdisciplinary teams.				X
SPECIFIC		Weighting			
		1	2	3	4



CE3	Ability to use constitutional principles and values as a working tool in the interpretation of the legal system.			X
CE7	Ability to incorporate and manage legal entities and manage their rights and obligations and give legal form to their acts of will.			X
CE10	Ability to negotiate accounting instruments,		X	
CE16	Acquisition of a critical conscience in the analysis of the legal system and acquisition of values and ethical principles.			X
CE18	To learn how to use the existing legal bibliographic information.		X	
CE19	Ability to handle the different legal sources (legal, jurisprudential and doctrinal).			X
CE20	Mastery of computer techniques in obtaining legal information and communication of legal data (Internet, databases of legislation, jurisprudence, bibliography).		X	
CE21	Ability to read and interpret legal texts.			X
CE22	Ability to make legal arguments.			X
CE26	Assumption of the necessary interdisciplinary vision of legal problems.		X	
CE27	Capacity for negotiation and conciliation.		X	
CE28	Ability to give legal form to bilateral and multilateral relations of individuals.	X		
CE29	Ability to legally articulate projects, agreements, or disagreements.	X		



Assessment system for the acquisition of competencies and grading system

Assessed learning outcomes	Granted percentage	Assessment method
R1, R2, R3, R4, R5, R6	40,00%	Practical tests
R1, R2, R3, R4, R5, R6	40,00%	Written theoretical tests
R1, R2, R3, R4, R5, R6	20,00%	Attendance and active participation in seminars, tutored interviews and practical activities

Observations

MENTION OF DISTINCTION:

According to Article 22 of the Regulations governing the Evaluation and Qualification of UCV Courses, the mention of "Distinction of Honor" may be awarded by the professor responsible for the course to students who have obtained, at least, the qualification of 9 over 10 ("Sobresaliente"). The number of "Distinction of Honor" mentions that may be awarded may not exceed five percent of the number of students included in the same official record, unless this number is lower than 20, in which case only one "Distinction of Honor" may be awarded.

Learning activities

The following methodologies will be used so that the students can achieve the learning outcomes of the subject:

- M1 Group work sessions supervised by the teacher. Study of legal cases, both true and fictitious. Significant construction of knowledge through student interaction and activity. Critical analysis of values and social commitment.
- M8 Exposition of contents by the teacher, analysis of competences, explanation and demonstration of capacities, skills and knowledge in the classroom.
- M9 Supervised monographic sessions with shared participation.



- M11 Personalised attention and in small groups. Period of instruction and/or orientation carried out by a tutor with the aim of reviewing and discussing the materials and topics presented in the classes, seminars, readings, completion of assignments, etc.
- M12 Set of written and/or oral tests used in the initial, formative or summative evaluation of the student.
- M13 Group preparation of readings, essays, resolution of problems, seminars, papers, dossiers, etc., to be presented or delivered in theory classes, practical classes, and/or small group tutorials.
- M14 Student's study: individual preparation of readings, essays, problem-solving, seminars, works, reports, etc. to present or deliver in the theoretical classes, practical classes and/or small group tutorials.



IN-CLASS LEARNING ACTIVITIES

	LEARNING OUTCOMES	HOURS	ECTS
Practical cases. M1	R1, R2, R3, R4, R5, R6	25,00	1,00
Theoretical classes. M8	R1, R2, R3, R4, R5, R6	17,00	0,68
Seminar. M13	R5	6,00	0,24
Tutorial. M11	R1, R2, R3, R4, R5, R6	6,00	0,24
Assessment M12	R1, R2, R3, R4, R5, R6	6,00	0,24
TOTAL		60,00	2,40

LEARNING ACTIVITIES OF AUTONOMOUS WORK

	LEARNING OUTCOMES	HOURS	ECTS
Group work. M13	R1, R2, R3, R4, R5, R6	45,00	1,80
Individual work. M14	R1, R2, R3, R4, R5, R6	45,00	1,80
TOTAL		90,00	3,60



Description of the contents

Description of the necessary contents to acquire the learning outcomes.

Theoretical contents:

Content block	Contents
FIRST PART. CONCEPT, CONTENT AND SOURCES OF COMMERCIAL LAW.	UNIT I.- Commercial Law: concept, historical development, current status and trends of Commercial Law.1.1. Historical formation of Commercial Law.1.2. Concept of Spanish Commercial Law1.3. Trends in the evolution of Commercial Law.UNIT II.- The sources of commercial law.2.1. Concept and kinds of sources.2.2. Hierarchy of sources.2.3. Commercial law.2.4. The uses of commerce.2.5. Indirect sources: General Conditions of Contracting and Commercial Jurisprudence.



SECOND PART. THE ENTREPRENEUR AND THE INDIVIDUAL TRADER. THE COMMERCIAL REGISTRY. THE COMPANY AND THE COMMERCIAL ESTABLISHMENT.

UNIT III.- The mercantile entrepreneur.3.1. Concept and classes of commercial businessman.3.2. Special reference to the commercial entrepreneur, natural person. Exercise of trade by married person.3.3. The legal status of the commercial entrepreneur.3.3.1. Acquisition and loss of entrepreneur status.3.3.2. Ability to be an entrepreneur, prohibitions and incompatibilities to exercise trade.3.4. The employer's responsibility.

UNIT IV.- Commercial representation.4.1. Commercial representation. Concept and classes of representation.4.2. The power of representation.4.3. Representation exercised by the dependent representatives of the merchant.4.4. The figure of the agent.

UNIT V.- The Commercial Registry.5.1. The Commercial Registry and commercial legal advertising.5.2. Subjects and objects subject to registration.5.3. Organization and functions of the Mercantile Registry.5.4. Basic principles of registry advertising.

UNIT VI.- The accounting of the company.6.1. The obligation to keep accounting.6.2. The accounting books. Protected interests. Accounting principles.6.3. The annual accounts. Structure, formulation, approval and deposit.6.4. The auditor of accounts.UNIT VII.- The company.7.1. The economic notion of business. Classification.7.2. The company as an object of legal business. Sale, lease, usufruct and mortgage.



THIRD PART. INDUSTRIAL PROPERTY RIGHT: LEGAL PROTECTION OF INDUSTRIAL INVENTIONS, DESIGN AND DISTINCTIVE SIGNS.

UNIT VIII.- Competition law.8.1. Concept of competition and prohibited conduct in Law 3/1991 on Unfair Competition.8.2. Restrictive agreements and concerted practices contrary to free competition. Abuse of dominance position.8.3. Sanctions regime.UNIT IX.- The protection of industrial inventions: the patent and the utility model.9.1. General considerations on the protection of industrial property.9.2. Invention patents.9.2.1. Regulatory framework. The Spanish patent system9.2.2. Concept and classes.9.2.3. Right to obtain a patent: special reference to labor inventions9.2.4. Patentability requirements.9.2.5. The content of the patent right.9.2.6. The patent as an object of legal business.9.2.7. Brief reference to the European patent system9.3. Utility models.9.4. Industrial designs.UNIT X.- The distinctive signs.10.1. Concept and functions of the distinctive signs.10.2. The brand.10.2.1. Concept, requirements and classes10.2.2. The content and protection of trademark law.10.2.3. Absolute and relative prohibitions.10.2.4. Assignment and license.10.2.5. Extinction of the trademark right.10.3. The trade name.10.4. Geographical indications and designations of origin.10.5. Domain names.

Temporary organization of learning:

Block of content	Number of sessions	Hours
FIRST PART. CONCEPT, CONTENT AND SOURCES OF COMMERCIAL LAW.	4,00	8,00
SECOND PART. THE ENTREPRENEUR AND THE INDIVIDUAL TRADER. THE COMMERCIAL REGISTRY. THE COMPANY AND THE COMMERCIAL ESTABLISHMENT.	14,00	28,00
THIRD PART. INDUSTRIAL PROPERTY RIGHT: LEGAL PROTECTION OF INDUSTRIAL INVENTIONS, DESIGN AND DISTINCTIVE SIGNS.	12,00	24,00



References

BROSETA PONT, M.; MARTÍNEZ SANZ, F. Manual de Derecho Mercantil, Vol I. Ed. Técnos. Madrid (25ª edición) 2018. VICENT CHULIA, F. Introducción al Derecho Mercantil, Tirant lo Blanch. Vigésimo tercera edición. 2012. URÍA, R., MENENDEZ MENENDEZ, A. y otros. Lecciones de Derecho Mercantil, Civitas, Undécima edición. 2013. SÁNCHEZ CALERO, F. Instituciones de Derecho Mercantil, T.I., Aranzadi, 37ª edición. 2015.

Legal text:

Código de Leyes Mercantiles Jurisprudencia Sistematizada, Tirant lo Blanch. 2ª Edición 2018. Legislación Mercantil Básica, Tirant lo Blanch. 17ª Edición 2018