

Mercantile Law I

Code: 102271
ECTS Credits: 9

Degree	Type	Year	Semester
2500786 Law	OB	2	2

The proposed teaching and assessment methodology that appear in the guide may be subject to changes as a result of the restrictions to face-to-face class attendance imposed by the health authorities.

Contact

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Use of Languages

Principal working language: spanish (spa)
Some groups entirely in English: No
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: Yes

Prerequisites

There are no previous requirements.

Groups 1, 2, 3 and 52 of the Law Degree are in Spanish. Groups 51 of the Law Degree and 70 of Law and Business Management Administration are in Catalan.

Objectives and Contextualisation

To reach a good knowledge of the principal institutions of Commercial law related to its legal sources, the businessperson, the industrial property, anti-trust and unfair competition law and corporate enterprises.

Competences

- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
- Identifying, assessing and putting into practice changes in jurisprudence.
- Identifying, knowing and applying the basic and general principles of the legal system.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Presenting in front of an audience the problems of a concrete law suit, the applicable legal regulations, and the most consistent solutions.
- Searching, interpreting and applying legal standards, arguing every case.

Learning Outcomes

1. Contextualising the Commercial Law within the legal system, its role and its usefulness in the business traffic.
2. Critically distinguishing the historical trajectory in the approval of commercial standards and in the training of trade uses, and being ready to anticipate alternative legal solutions.
3. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.

4. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
5. Managing bibliographic and documentary resources: databases, browsing, etc.
6. Providing a fair and efficient response to the practical cases proposed from the acquired knowledge.
7. Publicly presenting practical cases and its possible legal solutions.
8. Summarising the basic principles of jurisprudence in the main aspects relatives to the economic and business activity.

Content

Concept, historical evolution and sources of commercial law.

The individual entrepreneur. Business accountancy. The Business Registry. The commercial establishment.

Industrial property rights on patents and other industrial inventions and on trademarks and other distinctive signs

Competition law: Antitrust law and unfair competition law.

General theory of company law

The general partnership and the simple limited liability partnership.

Capital companies: Basic aspects. Procedures of foundation. Stakes and shares. Obligations The general meeting and the managing. Financial statements. Amendments to the by- laws. Separation and exclusion of partners and shareholders. Structural changes in commercial companies. The dissolution and liquidation of the commercial companies.

Other commercial companies and Groups of companies.

Methodology

For the Business Administration and Law degree, the subject is lectured at the first semester and teaching will be offered on campus or in an on-campus format: master classes will be virtual and exercises/practices will take place in the classroom.

The proposed teaching methodology may undergo some modifications according to the restrictions imposed by the health authorities on on-campus courses.

Lecturers will put into practice the educational activities they deem appropriate in order to facilitate the study and learning of the student.

The development of the teaching of the subject and of the learning of the student is based on the following formative activities:

1. Guided activities: activities where the teacher develops the active part of the class. It includes master classes where the student reaches the conceptual bases of the subject and its legal and regulatory framework and jurisprudential.

Also, the practical classes, where students, individually or in small groups, analyze and solve along with the professor practical cases. Supervised activities: activities that students will develop individually or in small groups, with the support of the lecturer, in order to prepare the evaluable practices, such as discussion and resolution of cases, comments, debates, simulations of judgments, others.

2. Autonomous activities: activities that students will develop autonomously. It includes among others the search and reading of bibliography, norms and jurisprudence, study, preparation of practical cases.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Exercises (practices and cases, comments, debates, simulation of trials...)	35	1.4	7
Master classes	35	1.4	3, 7, 4, 5
Type: Autonomous			
Tasks and study out the class	110	4.4	1, 3, 2, 7, 4, 6, 8

Assessment

For each group, the specific date or the week of carrying out the evaluable activities will be published before the beginning of the teaching, notwithstanding the fact that, exceptionally and due to reasons of force majeure, these may, with prior notice and sufficiently in advance, be modified.

The mark of the practices and the participation in the class will be made public before the final exam.

To pass the subject, the student must have obtained a minimum mark of 3.5 in the final exam and participated in the other two evaluation activities.

Students who have not pass the subject, have right to retake the final exam if they have obtained at least 3 in each of the three evaluation activities (final exam, assignments and participation in class).

These three evaluation activities will be taken into account to determine the final grade resulting from the evaluation as well as the reevaluation. Students who retake exam may obtain a maximum grade of 7.

A student who cheats or try to cheat an exam will have a 0 as a mark. A Student who submits a paper o practical in which there is evidence of plagiarism will have a 0 as a mark and will receive a warning. In case of repetition, the students will fail the subject.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Active participation in lecturers	20%	35	1.4	3, 7, 4, 5
Assignments	30%	5	0.2	3, 7, 4, 5
Final exam	50%	5	0.2	1, 2, 6, 8

Bibliography

RECOMMENDED BOOKS

Broseta Pont, Manuel - Martínez Sanz, Fernando, *Manual de derecho mercantil*, vol. I, last edition, Madrid, Tecnos.

Jiménez Sánchez, Guillermo - Díaz Moreno, Alberto (dirs.), *Derecho mercantil I*, Barcelona-Madrid-São Paulo, Marcial Pons

Menéndez, Aurelio - Rojo, Angel (dirs.), *Lecciones de derecho mercantil*, vol. I, last edition, Cizur Menor, Thomson Reuters Civitas

Sánchez Calero, Fernando, *Instituciones de derecho mercantil*, vol. I, last edition, Cizur Menor, Thomson Reuters Aranzadi.