

**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

**Teachers**

Francisco Mercadal Vidal  
Carles Górriz López  
Ramón Morral Soldevila  
Carlos Alberto Molina Solano  
Concepcion Blazquez Gimenez  
Angel Lafoz Torres  
Joan Carles Codina Campaña  
Oriol Puig Bordas  
Isabel Soria Rodríguez  
Francisco R. Lara Payán

**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.

Group 1 Theory JORGE MIQUEL RODRIGUEZ (spanish)

Seminar in spanish

Grup 2 Theory FRANCISCO MERCADAL VIDAL (spanish)

Seminars in spanish

Grup 52 Theory RAMON MORRAL SOLDEVILA (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.
- Memorising and utilising legal terminology.
- 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. Demonstrating the acquisition of new knowledge from the learning of the main principles and standards of Commercial Law.
5. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
6. Managing bibliographic and documentary resources: databases, browsing, etc.
7. Providing a fair and efficient response to the practical cases proposed from the acquired knowledge.
8. Publicly presenting practical cases and its possible legal solutions.
9. 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

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 seminars, 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.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

## Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Master classes	29.25	1.17	3, 8, 5, 6
Seminars (practical cases, comments, debates, simulation of trials...)	29.25	1.17	1, 4, 3, 2, 8, 5, 6, 7, 9
Type: Autonomous			
Tasks and study out the class	161.5	6.46	1, 4, 3, 2, 8, 5, 6, 7, 9

## 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 4 in the final exam and participated in the other evaluation activities with a minimum mark of 4 taking in account the average mark of all them.

Therefore, students who do not get a minimum mark of 4 in the average of the different activities made in seminars will fail the subject

Students who do not pass the subject, have right to retake the final exam.

Only the final exam will be reevaluated.No mimimm mark is required to take the reevaluation exam

Seminars and assignments won't be object of reevaluation

Marks obtained in seminars will be taken in account to calculate the final mark, in evaluation and also in reevaluation

Seminar activities will be 5. Their weight on the final mark will be 10 % each (making a total of 50% of the final mark of the subject). These activities can be for example jurisprudence comments, drafting legal documents (like articles of association of companies or challenging general assembly decisions), study of new legislation or resolution of practical cases

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.

#### SPECIFIC RULES FOR DRET MERCANTIL I (ADE+ DRET)

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 in the final exam and participated in the other evaluation activities.

Students who do not pass the subject, have right to retake the final exam if they have obtained at least a mark of 3 in the final exam and in the average of the different evaluation activities.

Only the final exam will be reevaluated. Evaluation activities marks will be taken in account for the final mark of the subject, in the evaluation and in the reevaluation of the exam

The final mark of the subject will be 50% the mark of the final exam and 50% of the evaluation activities. Professor will evaluate all items made (30%) and attendance and participation at the lectures (20%) Final exam will be a test and professor will inform about its specific requirements, and how count the answers, correct incorrect or balank

Seminars and assignments won't be object of reevaluation

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
Final exam	50%	5	0.2	1, 4, 3, 2, 8, 5, 6, 7, 9

### Bibliography

#### RECOMMENDED BOOKS

Broseta Pont, Manuel - Martínez Sanz, Fernando., *Manual de Derecho mercantil*, vol. I, 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, Cizur Menor, Thomson Reuters Civitas (Available at the UAB digital library).

Sánchez Calero, Fernando, Sánchez-Calero, Juan, *Instituciones de Derecho mercantil*, vol. I, Cizur Menor, Thomson Reuters Aranzadi. (Available at the UAB digital library).

Vicent Chulià, Francisco.: *Introducción al Derecho mercantil*, última edició, Valencia, Tirant lo Blanc (Available at the UAB digital library)

Further bibliography will be recommended specifically

## **Software**

Not required any specifically