



## 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:** Private Law

**Type of learning:** Classroom-based learning

**Languages in which it is taught:** Spanish

### Lecturer/-s:

311	<u>Antonio José Orero Clavero</u> (Responsible Lecturer)	antonio.orero@ucv.es
311B	<u>Antonio José Orero Clavero</u> (Responsible Lecturer)	antonio.orero@ucv.es



## 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 I 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

Single evaluation: In accordance with article 9 of the General Regulations for the Evaluation and Qualification of Official Teachings and Own Degrees of the UCV, the continuous evaluation system is the preferred evaluation system at the UCV. The art. 10 allows, however, for those students who in a justified and accredited manner express their inability to attend in person (or to synchronous communication activities for virtual and/or hybrid teaching modalities), their evaluation on an extraordinary basis in the so-called single evaluation. Said single evaluation must be requested within the first month of each semester to the Dean of Faculty through the Vice-Deaneries or Master's Directorates, with the express decision on the admission of said request from the student concerned being the responsibility of the latter. The evidence to be presented and/or the test/s to be carried out in the single evaluation by the student will be carried out through the same theoretical test as for the rest of the students and through a practical test consisting of the delivery of work and practices carried out during the course, although the percentages awarded to the different evaluation instruments will be the following: 50% practical tests and 50% theoretical tests. The theoretical written tests can be replaced by the final oral test, this being the preferred modality for said evaluation system.



## CLASS ATTENDANCE IN FACE-TO-FACE DEGREES

In accordance with the development guidelines of the General Regulations for the Evaluation and Qualification of Official Teachings and Own Degrees of the UCV, in face-to-face degrees, class attendance with a minimum of 80% of the sessions of each subject will be required as a requirement to be evaluated. This means that, if a student does not attend the sessions of each subject, in a percentage greater than 20%, he/she will not be able to be evaluated, neither in the first nor in the second call, unless the person responsible for the subject, with the approval of the person responsible for degree, in view of duly justified exceptional circumstances, exempt from the minimum attendance percentage. The same criterion will be applicable for hybrid or virtual degrees in which teachers must maintain the same percentage in the requirement of "presence" in the different training activities, if any, even if these are carried out in virtual environments.

### MENTION OF DISTINCTION:

The mention of "Honors" may be awarded to students who have obtained a grade equal to or greater than 9.0. Their number may not exceed five percent of the students enrolled in a group in the corresponding academic year, unless the number of students enrolled is lower.

## 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
<b>TOTAL</b>		<b>60,00</b>	<b>2,40</b>

## LEARNING ACTIVITIES OF AUTONOMOUS WORK

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





## 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.	Topic I.- Commercial Law: concept, development history, current status and trends of law Commercial 1.1. Historical formation of Law Commercial 1.2. Concept of Spanish Commercial Law 1.3. Trends in the evolution of Commercial Law. Topic II.- The sources of commercial law 2.1. Concept and types of sources 2.2. Hierarchy of sources 2.3. Commercial Law 2.4. The uses of commerce 2.5. Sources indirect: General Conditions of Contract and Commercial Jurisprudence.



## SECOND PART. THE ENTREPRENEUR AND THE INDIVIDUAL MERCHANT. THE COMMERCIAL REGISTRY. THE COMPANY AND THE COMMERCIAL ESTABLISHMENT

Topic III.- The mercantile entrepreneur 3.1. Concept and classes of mercantile entrepreneur 3.2. Special reference to commercial entrepreneur natural person. Trade exercise per married person 3.3. The legal status of the employer mercantile. 3.3.1. Acquisition and loss of status entrepreneur. 3.3.2. Ability to be an entrepreneur, prohibitions and incompatibilities to exercise the trade 3.4. The responsibility of the employer. Topic IV.- Commercial representation 4.1. The mercantile representation. Concept and kinds of representation 4.2. The power of representation 4.3. Representation exercised by the representatives dependents of the merchant. 4.4. The figure of the agent. Topic V.- The Mercantile Registry 5.1. The Commercial Registry and commercial legal advertising 5.2. Subjects and objects submitted for registration 5.3. Organization and functions of the Commercial Registry 5.4. Basic principles of advertising registry. Topic VI.- Company accounting 6.1. The obligation to keep the accounts 6.2. The books accountants. Protected interests. The principles accounting 6.3. The annual accounts. Structure, formulation, approval and deposit 6.4. The accounts auditor. Topic VII.- The company 7.1. The economic notion of business. Classification 7.2. The company as object of legal business. Sale, lease, usufruct and mortgage.



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

Topic VIII.- Competition Law 8.1. Concept of competition .8.2. Behaviors prohibited in Law 3/1991 of Unfair Competition. 8.3. Defense of competition. 8.3.1. Restrictive agreements and concerted practices contrary to free competition. 8.3.2. Abuse of the position of dominance. 8.3.3. Concentrations of companies. 8.4. Competent bodies, procedures and sanctioning regime. Topic IX.- The protection of inventions industrial: 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 system 9.2.2. Concept and classes 9.2.3. Right to obtain the patent: Special reference to labor inventions 9.2.4. Patentability requirements 9.2.5. The content of the patent law 9.2.6. The patent as object of Legal business 9.2.7. Brief reference to the system of European patents 9.3. Utility models 9.4. The industrial designs. Topic X.- The distinctive signs.10.1. Concept and functions of distinctive signs.10.2. The brand. 10.2.1. Concept, requirements and classes 10.2.2. The content and protection of trademark rights. 10.2.3. Prohibitions absolute and relative 10.2.4. Assignment and license. 10.2.5. Extinction of the trademark right 10.3. Name commercial.10.4. Geographical indications and names 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 MERCHANT. THE COMMERCIAL REGISTRY. THE COMPANY AND THE COMMERCIAL ESTABLISHMENT	14,00	28,00
THIRD PART. THE INDUSTRIAL PROPERTY RIGHT: THE LEGAL PROTECTION OF INDUSTRIAL INVENTIONS, DESIGN AND DISTINCTIVE SIGNS.	12,00	24,00



## References

### MANUALS

BROSETA PONT, M.; MARTÍNEZ SANZ, F. Manual de Derecho Mercantil, Vol I. Ed. Tecnos.Madrid (30ª edición) 2023.

VICENT CHULIA, F. Introducción al Derecho Mercantil, Tirant loBlanch. Vigésimo quinta edición. 2024.

URÍA, R., MENENDEZ MENENDEZ, A. y otros. Lecciones de Derecho Mercantil, Civitas, Decimonovena edición. 2021.

SÁNCHEZ CALERO, F. Instituciones de Derecho Mercantil, T.I., Aranzadi, 37ª edición. 2015.

### LEGAL TEXT

Código de Leyes Mercantiles Jurisprudencia Sistematizada, Tirant lo Blanch. Edición 2024.

Código de comercio y legislación mercantil. Tecnos. Edición actualizada Septiembre 2024