



## Teaching Guide

Teaching Guide				
Identifying Data				2023/24
Subject (*)	Business Law		Code	612G01011
Study programme	Grao en Dereito			
Descriptors				
Cycle	Period	Year	Type	Credits
First and Second Cycle	1st four-month period	Second	Basic training	6
Language	Spanish			
Teaching method	Face-to-face			
Prerequisites				
Department	Dereito Privado			
Coordinador	Vazquez Pena, Manuel Jose	E-mail	manuel.jose.vazquez.pena@udc.es	
Lecturers	Arevano Fuentes, Mª de la Cruz Cachafeiro Garcia, Fernando Cernadas Lázare, Marta Vazquez Pena, Manuel Jose	E-mail	m.arevano@udc.es fernando.garcia@udc.es marta.cernadas.lazare@udc.es manuel.jose.vazquez.pena@udc.es	
Web				
General description	<p>In this subject, first of all, the essential elements of commercial law are analysed. Not only the concept and sources of this discipline are studied, but also the legal status of the company, the entrepreneur, his accounting, his necessary legal publicity, as well as the legal status of his employees. The second part of the course deals with intellectual property and competition law. In particular, the different rights on industrial creations, distinctive signs, copyright and related rights, antitrust and unfair competition law.</p> <p>This course focuses on the Law of Intellectual Property and Competition. In particular, the different rights on industrial creations, distinctive signs, copyright and related rights, competition law and, finally, unfair competition and advertising are studied.</p> <p>PART ONE. INTELLECTUAL PROPERTY</p> <p>1. Introduction to IP Law.</p> <p>2.Trademarks.</p> <p>3. Patents.</p> <p>4. Copyright.</p> <p>5. Designs.</p> <p>6. Geographical Indications.</p> <p>PART TWO. COMPETITION LAW</p> <p>7. Introduction to the Laws of Competition.</p> <p>8. Unfair Competition Law.</p> <p>9. EU Competition Law.</p>			

## Study programme competences

Code	Study programme competences
A1	Knowledge of the main legal institutions
A2	Knowledge of the role of law as a regulatory system of social relations
A3	Grasping the systematic nature of the legal system
A4	Appreciating the interdisciplinary nature of legal problems
A5	Knowing the constitutional principles and values.
A6	Understanding the different manifestations of law in its historical evolution and in its current reality.
A8	Basic knowledge of legal argumentation.
A9	Ability to handle legal sources (legal, jurisprudential and doctrinal).
A10	Ability to interpret and critically assess the legal system.
A11	Ability to understand and write legal documents.



B2	Ability to know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study.
B3	Ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on social, scientific or ethical relevant issues.
B4	Ability to transmit information, ideas, problems and solutions to a specialized and non-specialized public.
B5	Acquisition and assessment of those learning skills necessary to undertake further studies with a high degree of autonomy
B7	Effective problem solving.
B8	Critical, logical, and creative thinking.
C3	Using ICT in working contexts and lifelong learning.
C4	Exercising an open, educated, critical, committed, democratic and supportive citizenship for the sake of the common good.
C5	Understanding the importance of entrepreneurial culture and knowing the useful means for enterprising people.
C6	Critically assess the knowledge, technology and information available to solve the problems they face.
C7	Assume as a professional and citizen the importance of lifelong learning.
C8	Valuing the importance of research, innovation and technological development for the socioeconomic and cultural progress of society.

Learning outcomes			
Learning outcomes	Study programme competences		
Knowledge of the concept and general characteristics of commercial law.	A1 A2 A3 A4 A5 A6	B8	C3 C4 C5 C7
Proper handling of the sources of commercial law.	A1 A2 A3 A4 A6 A8 A9 A10	B7 B8 B2 B3 B5	C3 C4 C5 C7
Knowledge of the fundamental concepts of the legal status of the company and the practical problems it raises.	A1 A2 A4 A8 A9 A10 A11	B7 B8 B2 B3 B5	C3 C4 C5 C6 C7 C8
Knowledge of the fundamental concepts of the legal status of the entrepreneur and the practical problems it raises.	A1 A2 A4 A8 A9 A10 A11	B7 B8 B2 B3 B5	C3 C4 C5 C6 C7 C8



Basic skills in the operation of the Commercial Register.	A1	B7	C3
	A2	B8	C6
	A9	B2	
	A10	B3	
	A11	B5	
Basic knowledge of the legal regime governing company accounts.	A1	B7	C3
	A4	B8	
	A9	B2	
	A10	B3	
		B5	
Knowledge of the legal status of the various employees of the employer and the practical problems that this raises.	A1	B7	C3
	A2	B8	C5
	A8	B2	
	A9	B3	
	A10	B5	
	A11		
Basic skills in the General Theory of Intellectual Property and Competition Law.	A1	B7	C3
	A2	B8	C4
	A3	B2	C5
	A4	B3	C7
	A5	B4	
	A6	B5	
	A10		
Proper management of the legal categories of rights in industrial creations (patents, designs, etc.).	A1	B7	C3
	A2	B8	C4
	A3	B2	C5
	A4	B3	C6
	A6	B4	C7
	A8	B5	C8
	A9		
	A10		
	A11		
Proper management of the legal categories of the Law of distinctive signs /trade marks, etc.).	A1	B7	C3
	A2	B8	C4
	A4	B2	C5
	A6	B3	C6
	A8	B4	C7
	A9	B5	C8
	A10		
	A11		
Knowledge of Copyright and related rights, as well as the practical problems they pose.	A1	B7	C3
	A2	B8	C4
	A4	B2	C5
	A6	B3	C6
	A8	B4	C7
	A9	B5	C8
	A10		
	A11		



Proper management of the legal categories of the Competition Law.	A1	B7	C3
	A2	B8	C4
	A4	B2	C5
	A6	B3	C6
	A8	B4	C7
	A9	B5	C8
	A10		
	A11		
Proper management of the legal categories of the Law of Unfair Competition and Economic Advertising.	A1	B7	C3
	A2	B8	C4
	A4	B2	C5
	A6	B3	C6
	A8	B4	C7
	A9	B5	C8
	A10		
	A11		

Contents	
Topic	Sub-topic
Lesson 1.- Concept and general characteristics of Commercial Law.	1.- The concept of Commercial Law. 2.- Commercial Law as a historical category. 3.- Contemporary Commercial Law: The Economic Constitution.
Lesson 2.- The sources of Commercial Law.	1.- General approach: The speciality of Commercial Law. 2.- Commercial Laws. 3.- Commercial usages. 4.- Commercial Courts, arbitration and mediation in commercial matters.
Lesson 3.- The company.	1.- The concept of the company. 2.- The purchase and sale of the company. 3.- The leasing of the company. 4.- The transfer of the company mortis causa.
Lesson 4.- The entrepreneur.	1.- The concept of entrepreneur. 2.- Types of entrepreneurs. 3.- The liability of the entrepreneur. 4.- The capacity of the entrepreneur. 5.- The exercise of commercial activity by a married person. 6.- Prohibitions and restrictions on the exercise of the business activity. Loss of the status of entrepreneur.
Lesson 5.- The Commercial Register.	1.- Fundamental notions about the Mercantile Register. 2.- Subjects and registrable acts. 3.- The Territorial Mercantile Registries and their functions. 4.- The Central Mercantile Register and its functions.



Lesson 6.- Business accounting.	<ol style="list-style-type: none"><li>1.- Introductory notions.</li><li>2.- Formal accounting: The duty to keep accounts, accounting secrecy and accounting as a means of proof.</li><li>3.- Material accounting: The annual accounts and the auditing of accounts.</li></ol>
Lesson 7.- The representation of the employer.	<ol style="list-style-type: none"><li>1. Introductory notions.</li><li>2.- The general attorney-in-fact or factor.</li><li>3.- Singular attorneys-in-fact.</li></ol>
Lesson 8.- General theory of Intellectual Property and Competition.	<ol style="list-style-type: none"><li>1.- Intellectual Property and Competition Law.</li><li>2.- Characteristics of the Intellectual Property regime.</li><li>3.- Characteristics of the Competition Law regime.</li><li>4.- Modalities.</li></ol>
Lesson 9.- Patents.	<ol style="list-style-type: none"><li>1.- The patent of invention: Concept, nature and classes.</li><li>2.- Spanish regulation of patents for invention.</li><li>3.- Supranational patent law.</li></ol>
Lesson 10.- Other industrial creations.	<ol style="list-style-type: none"><li>1.- Utility models.</li><li>2.- Industrial design.</li><li>3.- Other modalities.</li></ol>
Lesson 11.- Trade marks.	<ol style="list-style-type: none"><li>1.- Concept and functions of the trade mark.</li><li>2.- The birth of the right over the trade mark: Prohibitions.</li><li>3.- Content of the right over the trade mark.</li><li>4.- Nullity and revocation of the registered trade mark.</li><li>5.- International trade marks and trade marks of the European Union.</li></ol>
Lesson 12.- Other distinctive signs.	<ol style="list-style-type: none"><li>1.- The trade name.</li><li>2.- The shop sign.</li><li>3.- Geographical product designations.</li><li>4.- Domain names.</li></ol>
Lesson 13.- Copyright.	<ol style="list-style-type: none"><li>1.- Copyright in literary, artistic and scientific works. 2.</li><li>2.- Related rights.</li><li>3.- Copyright protection.</li></ol>
Lesson 14.- Antitrust.	<ol style="list-style-type: none"><li>1.- Legal regime of Antitrust: Spanish regulation and Community Law.</li><li>2. Agreements and concerted practices. Abuse of dominant position.</li><li>3.- Distortion of competition through unfair acts. Control of business concentrations.</li><li>4.- State aid.</li><li>5.- Bodies and sanctions.</li></ol>
Lesson 15.- Unfair competition and economic advertising.	<ol style="list-style-type: none"><li>1.- Loyalty in commercial competition and the Law on Unfair Competition.</li><li>2.- The general prohibition clause.</li><li>3.- Acts of unfair competition.</li><li>4.- Economic advertising.</li></ol>



Methodologies / tests	Competencies	Ordinary class hours	Student?s personal work hours	Total hours
Case study	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C3 C4 C5 C6 C7 C8	26	0	26
Directed discussion	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C3 C4 C5 C6 C7 C8	16	0	16
Guest lecture / keynote speech	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 C4 C5 C6 C7	28	0	28
Mixed objective/subjective test	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C4 C5 C6 C7	2	40	42
Long answer / essay questions	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C4 C5 C6 C7	2	12	14
Personalized attention		24	0	24

(\*)The information in the planning table is for guidance only and does not take into account the heterogeneity of the students.

Methodologies	
Methodologies	Description
Case study	Judgments of the courts will be analyzed and, especially, legal problems raised in case studies.
Directed discussion	The teacher will raise a legal problem in class and will try to reach its solution with the interventions of students.
Guest lecture / keynote speech	Oral presentation of each of the lessons that integrate the contents of the subject, with the purpose of transmitting knowledge and facilitate learning.
Mixed objective/subjective test	Evaluation method consisting of a written test (exam) that each student must take individually.
Long answer / essay questions	Throughout the course, from time to time, students will take a test that they will have to give to the teacher for their evaluation. It will also help students to check their progress in the subject matter of the subject.

Personalized attention	
Methodologies	Description



Mixed objective/subjective test	Generic personalized attention consists of the traditional tutoring through which the teacher makes himself available to students at a specific time, so that they can consult or solve any problem with him individually.
	Personalized attention in the mixed test takes place after your evaluation. In the traditional exam's review, the teacher will attend personally to the student who requests it, showing the test already done and explaining the correctness of it.
	PERSONALIZED CARE MEASURES SPECIFIC TO STUDENTS WITH RECOGNITION OF PARTIAL TIME DEDICATION will focus, always taking into account student availability, in establishing substitute options for those evaluation parties that, due to their special circumstances, cannot be fully developed. In this way, the continuous evaluation of students with recognition of dedication on time Partial will not be exactly the same as that of students with full dedication, being modulated and adapted to each case specifically, in attention to the personal circumstances of each one.

Assessment			
Methodologies	Competencies	Description	Qualification
Long answer / essay questions	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C4 C5 C6 C7	Proba, de moi variada índole (test, análise xurisprudencial, estudo e análise xurídico de casos concretos, elaboración de contratos ou documentos, discusións dirixidas, etc.), que realizan os/as alumnos/as ao longo do curso para comprobar os coñecementos adquiridos.	30
Mixed objective/subjective test	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C4 C5 C6 C7	Tests, of a very varied nature (test, jurisprudential analysis, study and analysis legal of concrete cases, elaboration of contracts or documents, discussions directed, etc.), which students do throughout the course to check the acquired knowledge.	70
Case study	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C3 C4 C5 C6 C7 C8	Students during the face-to-face sessions will speak orally exposing its solution to the proposed cases, discussing, where appropriate, with the teacher and his companions.	0
Directed discussion	A1 A2 A3 A4 A5 A6 A8 A9 A10 A11 B7 B8 B2 B3 B4 B5 C3 C4 C5 C6 C7 C8	Students will participate in the discussion, trying to show their knowledge and skills.	0

Assessment comments
<p>IMPORTANT: TEST / DEVELOPMENT TESTS, WHICH ALLOW THE CONTINUOUS ASSESSMENT OF THE STUDENT, ONLY MAY BE PERFORMED BY THOSE STUDENTS WHO ATTEND AND REGULARLY PARTICIPATE IN THE CLASSES OR CLASSROOMS OF THE SUBJECT. The evaluation in the SECOND CHANCE will follow exactly the same criteria as in the first. Thus, it should be taken into account that IN THE SECOND OPPORTUNITY, THE EXAM GRADE ALWAYS SUPPOSES 70% OF THE COURSE'S GRADE.</p> <p>In the case of students with recognition of part-time dedication, the test must be taken into account for mandatory evaluation, Mixed and test tests. The mixed test, as with the other students, will be worth seventy percent of the final grade. In this case, also the essay / development tests will account for thirty percent of the final grade for the subject. But in the latter case it will be taken into account the availability of the students, being able to establish substitute dates of those initially planned for the rest of the students.</p> <p>Any attempt at fraud or plagiarism in any of the activities that take place during the course, in the essay tests or in the final exam, will be penalized with an automatic failure in the matter (score: 0).</p>

Sources of information
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<b>Basic</b>	<ul style="list-style-type: none"><li>- SÁNCHEZ CALERO, F./SÁNCHEZ-CALERO GUILARTE, J. (Última edición). Principios de Derecho Mercantil, t. I. Aranzadi</li><li>- Aurelio MENÉNDEZ &amp; Ángel ROJO (directores) (Última edición). Lecciones de Derecho Mercantil, vol. I. Thomson Reuters</li></ul> <p>É absolutamente necesario manexar as Leis mercantís relativas aos contidos da asignatura.</p>
<b>Complementary</b>	<ul style="list-style-type: none"><li>- BERCOVITZ RODRÍGUEZ-CANO, A. (Última edición). Apuntes de Derecho Mercantil. Aranzadi</li><li>- BROSETA PONT, M./MARTÍNEZ SANZ, F. (Última edición). Manual de Derecho Mercantil, t. I. Tecnos</li><li>- JIMÉNEZ SANCHEZ, G. J./ANGULO RODRÍGUEZ, L. (Última edición). Lecciones de Derecho Mercantil. Tecnos</li><li>- VARIOS AUTORES (Última edición). Lecciones de Derecho Empresarial. Tirant lo Blanch</li></ul>

## Recommendations

### Subjects that it is recommended to have taken before

### Subjects that are recommended to be taken simultaneously

### Subjects that continue the syllabus

Commercial Law: Company Law and Securities/612G01022

Commercial Law: Business, Contracts, Bankruptcy Law and Maritime Law/612G01035

### Other comments

Continuous study is advisable, and from the beginning of the course, of the subject.

(\*)The teaching guide is the document in which the URV publishes the information about all its courses. It is a public document and cannot be modified. Only in exceptional cases can it be revised by the competent agent or duly revised so that it is in line with current legislation.