

LEGAL STATUS OF THE EMPLOYER, COMPETITION LAW AND GENERAL
THEORY OF SECURITIES
(Commercial Law I)

PROGRAM

Topic 1. Basis concept and sources of commercial law

1. Historical development of commercial law
2. Concept and content of commercial law
3. The sources of commercial law
4. The economic constitution: freedom of enterprise
5. The commercial court

Item 2. The employer and its legal status

1. The concept of entrepreneur and business classes
2. The trader or individual entrepreneur according to the Commercial Code
3. Prohibitions and incompatibilities for the exercise of commercial activity
4. The exercise of commercial activity by married person
5. The legal status of the commercial entrepreneur
6. The responsibility of the employer: against consumers and against nonusers
7. The limitation of the employer's responsibility
8. representation in commercial law: assistants and employees of the employer

Item 3. Legal status of accounting and the Commercial Register

1. Function, protected interests and nature of accounting regulation
2. Evolution of Spanish and European accounting law
3. The keeping of accounting books
4. The annual accounts: accounting principles, advertising and review
5. The audit
6. Introduction to Commercial Register: registration system and basic principles of land registration
7. Organization of RM and registration procedure
8. registrable Subject: Registration and publication
9. The advertising material: the effects on third parties

Item 4. The company and business on the same

1. Approach to the concept of company business and commercial establishment
2. The company as an object of legal business: general issues
3. The sale of company
4. leasing company
5. The usufruct company
6. The chattel mortgage company
7. mortis causes Company

Item 5. Competition Law I: free competition

1. The principle of freedom of competition, obstacles and their protection: free enterprise
2. Competition and market: relevant market and market power
3. European competition law: evolution and influence in the Spanish Law
4. Spanish Law: prohibited conduct
5. Conducts not prohibited or permitted
6. Control of economic concentrations
7. Public aid to companies
8. Organs of competition
9. Procedure and sanctions against prohibited conduct

Item 6. Competition Law II: unfair competition and advertising law

1. The new law unfair competition: the reform of the LCD LGP 1991 and 1988 by Law 29/2009
2. The dual structure of the new legal regime of unfair competition: unfair acts with consumers and unfair acts between entrepreneurs or professionals
3. The general conditions of unfair competition
4. disloyal acts against other entrepreneurs or professionals
5. disloyal acts against consumers
6. Commercial advertising: between freedom of expression and freedom of enterprise
7. Legal Cases of illegal advertising: contrary to the dignity of the person, misleading, unfair, aggressive, subliminally, and contrary to certain specific rules
8. Lawsuits against acts of unfair competition

Item 7. Industrial Property Law I: patents, utility models and industrial designs

1. Introduction: Law of intellectual property and industrial property law
2. Patent Law: Concept and requirements for patentability
3. Content of the right to the patent: claims
4. Infringement of patent law: the doctrine of equivalents
5. Duties of holder: obligation to operate and compulsory license
6. Special Patents: semiconductor products, biotechnological inventions and plant varieties
7. The utility model: concept and legal system
8. Right of industrial design: concept and requirements
9. Industrial design and fashion creations: Special issue
10. Industrial design registered
11. Industrial Design unregistered

Item 8. Industrial Property Law II: distinctive signs

1. Introduction to Trademark Law: brand concept and exemplary catalog
2. Birth of trademark rights
3. Prohibitions registration: absolute and relative
4. The likelihood of confusion (and partnership)
5. The known and famous trademarks
6. prohibendi ius: the exhaustion of trademark rights

7. Obligation to use the mark
8. Nullity brand: acquiescence
9. Approach to the international trademark law
10. Other distinctive signs

Item 9. General Theory of securities

1. Introduction: historical evolution, functionality, crisis, concept and function of the general theory of securities
2. Incorporation of rights to securities: causal and papery obligations obligations
3. Properties of securities: possession legitimation, literalism and autonomy
4. Basis of the obligation stated in the title value
5. Classification of securities
6. Documents without title character value
7. Electronification of securities

Item 10. Introduction to Insolvency

1. Introduction: concept, principles and purpose informers
2. The budgets of the contest: subjective, objective and formal
3. The organs of the contest: the judge, the bankruptcy administrator and the creditors' meeting
4. The effects of competition: on the debtor, creditors, credit and contracts
5. The masses of the competition: active and passive
6. The solution of the agreement
7. The liquidation of the contest
8. The qualification of the competition and its effects
9. The conclusion and the reopening of competition

TEXTBOOKS (manuals Trade Law):

- Bercovitz, A., Notes of Commercial Law, 9th ed., Tecnos, Madrid, 2008.
- Broseta / Martínez Sanz, Commercial Law Handbook, 16th ed., I-II, Tecnos, Madrid, 2009.
- Eizaguirre, Commercial Law, 5th ed., Thomson / Civitas, Cizur Minor, 2008.
- Gondra, J.M^a, Commercial Law I / 1, Introduction, Madrid, 1992.
- Illescas / Arroyo Vendrell, Lessons Business Law I, Copy Red, S.A., Madrid, 2009.
- Jiménez Sanchez, G., Commercial Law, Ariel, Barcelona, 11th ed., 2007.
- idem, Lessons commercial law, Tecnos, 13th ed., Madrid, 2009.
- Menéndez, A. (ed.), Lessons of Commercial Law, 5th ed., Thomson / Civitas, Cizur Minor, 2009.
- Menéndez / Uria (ed.), Course of Commercial Law, I, 2nd ed., Thomson / Civitas, Cizur Minor, 2006.
- Calero-Sánchez, Institutions of Commercial Law, 30th ed., I-II, Madrid, 2007.
- idem, Principles of Commercial Law, Thomson / Aranzadi, Cizur Menor, 13th ed., 2008.
- Vicent Chuliá, Introduction to Commercial Law, 20th ed., Valencia, 2007.

