

Syllabus

Course: Civil and Commercial Law

Credits: 6 ECTS

Program: Business Administration and Management

Module: Core Education

Subject: Civil and Commercial Law

Code: 802403

Abbreviation: MA10

Subject coordinator: Joaquín Marqués, PhD

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01 Faculty

01.1 Subject coordinator

Dr. Joaquín Marqués

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02 Presentation

02.1 Description

The subject intends, mainly, to introduce the student in the legal world related to the field of Private Law and specifically with aspects related to Civil Law and Commercial Law, thus becoming familiar with the legal terminology and the contents related to Hiring.

It is also intended to promote the search for information in order to be able to apply it to the resolution of practical cases that are planted during the classes, also encouraging the discussion of the different solutions, which may occur in the same factual event in which raise a legal labor dispute.

02.2 Relevant Professional Applications

Through the study of the programmed material, the student will be able to receive the necessary training to be able to better orientate themselves in the field of both civil and commercial contracting, an issue that is useful both personally and professionally since it has a direct relationship with an important part of the business activity.

03 Competencies

03.1 Course Competencies

Basic Competencies

- CB03 -** That students have the ability to gather and interpret relevant data (usually within their area of study) to make judgments that include a reflection on relevant social, scientific or ethical issues.
- CB04 -** Students can transmit information, ideas, problems and solutions to a specialized and non-specialized public.

Specific Competencies

- CEDPR03 -** Being able to achieve a goal through an organized collective task, with roles and responsibilities distributed among the different members.
- CEDPR04 -** Acquire autonomy and commitment to learn and be able to assess whether the information obtained is reliable or relevant. In addition, to identify if the approach is adequate to solve a problem in relation to the knowledge that is intended to be obtained.
- CEDPR05 -** Being able to take actions for oneself in new and unforeseen situations, in order to improve processes and results.
- CEDPR06 -** Set own goals and objectives to exceed established standards.
- CEDPR08 -** Being able to actively listen, understand and recognize the thoughts, feelings and concerns of others.
- CEDPR09 -** Develop an adaptation to changes and different situations, people or groups, enriching themselves with diversity.

General Competencies

- CG02 -** Communicate orally and in writing with others about learning outcomes, thinking development and decision making; participate in debates on topics of the specialty itself.
- CG09 -** Know and understand the organization of a company and the sciences that define its activity; ability to understand labor standards and the relationships between planning, industrial and commercial strategies, quality and profit.

Transversal competencies

- CT04 -** Integrating into any functional area of the company and / or organization and perform professionally any assigned management work.
- CT10 –** Usar habitualmente las Tecnologías de la Información y Comunicación (TIC) en todo su desempeño profesional.

04 Program

SUBJECT 1- CIVIL LAW

- 1.1 Introduction
- 1.2 The Objective and Subjective right: the person
- 1.3 The family
- 1.4 The contracts
- 1.5 Obligations
- 1.6 The Royal Rights
- 1.7 The Registry

SUBJECT 2- COMMERCIAL LAW

- 2.1 Introduction
- 2.2 Principle of correction of economic traffic: free competition and unfair competition
- 2.3 Industrial and intellectual property
- 2.4 Electronic commerce
- 2.5 Marketing and digital communication: electronic commerce and computer illicit
- 2.6 The company and the entrepreneur
- 2.7 Consumers
- 2.8 Personalist societies
- 2.9 Capital companies:
 - The foundation of capital companies
 - Bodies of capitalist societies
 - Modification of the Statutes
 - Dissolution and Statutory Modification
- 2.10 Commercial contracts.
- 2.11 Application of Corporate Social Responsibility in the business management to ensure a better sustainable community and continuity in the awareness of its importance.

05 Teaching methodology

Considering the student's profile, the teaching model is articulated around different types of methodologies:

- ME1.** Participatory Exhibition Class
- ME2.** Co-operative work
- ME3.** Autonomous work
- ME4.** Problem-based learning
- ME7.** Assessment

06 Educational Activities

Considering the competencies of the subject and based on the proposed teaching methodologies, the following training activities are scheduled:

Evaluation Activities	Hours	Classroom Teaching Tiem
AF1. Contents presentation with student participation	24	100%
AF2. Problem solving, exercises and case studies with student participation.	24	100%
AF4. Study and preparation of teaching units	46	0%
AF5. Performance of exercises and case studies	25	0%
AF6. Problem solving	25	0%
AF13. Written/oral evaluations	6	100%

07 Assessment

Evaluation Items $0.6 \cdot EV1 + 0.2 \cdot EV2 + 0.2 \cdot EV3$	Specific assessed competencies	Weight
EV1. Final written exam of all subject matter	CEMAT01, CEMAT03, CEMAT06, CEMAT07, CEMAT08	40%
EV2. Control or midterm written test	CEMAT01, CEMAT03, CEMAT06, CEMAT07, CEMAT08	20%
EV3. Exercises, problems, reports development, assignments - Exercises and problems	CEMAT01, CEMAT02, CEMAT03, CEMAT06, CEMAT07, CEMAT08, CEMAT09	40%

"The maximum grade that students will be able to obtain in the revaluation tests [...] shall be 5,0. In addition, "the grade of the revaluation tests shall in any case constitute the final grade of the subject". Thus, **only students who, having completed the midterm exam, the final exam and having carried out 100% of the continuous evaluation activities of the subject**, and have suspended (final grade of the subject below 5) will be entitled to the revaluation examination.

08 Learning Resources

Topics	Resources	Type
Topic	Transparencies, notes and exercises	Class and Blackboard

The maximum grade that students will be able to obtain in the revaluation tests [...] will be 5.0. In addition, "the assessment of the revaluation tests will constitute, in any case, the final assessment of the subject". Only those students who, having completed the continuous evaluation of the subject as well as the midterm and final, and failed the course, will be entitled to the revaluation exam (final grade course less than 5).

09 Code of Academic Conduct

Plagiarism is a fraudulent activity whose commission can lead to serious sanctions, both academic and legal. Academic honesty is one of the pillars on which the educational commitment of the School is based, and the members of the teaching unit are specially sensitized and prepared to detect this type of actions. Given the difficulty that often involves the conceptualization of plagiarism, it has been considered convenient to clearly delineate its content and scope in these regulations and policies.

Plagiarism is understood as the appropriation of other people's works or works by making them happen as their own; that is, without proving its origin explicitly. Plagiarism may consist of the unauthorized total or partial copy of a third-party work, or the presentation of the copy as its own original work, supplanting the true author. Some examples of plagiarism are:

- Deliver a third-party job as if it were their own, regardless of whether the copy is total or partial.
- Paraphrase a text to translate it with other words but make small changes in the language to hide and without citing sources.
- Buy or get a job and present it as your own.
- To base on an idea or phrase from another to write a new work without citing the author of the work.

As provided for in art. 10 of the Student Code of Academic Conduct (EAE Barcelona or EAE Madrid), notwithstanding the academic sanctions resulting from its application, the Academic Committee shall promote the corresponding legal actions in the event that plagiarism could contravene the applicable regulations regarding intellectual property.

10 Bibliography

10.1 Basic bibliography

- WHALEY, Douglas J.; MCJOHN, Stephen M. Problems and materials on commercial law. Lippincott Williams & Wilkins, 2021.

10.2 Complementary bibliography

- Tratado de la Unión europea, Directivas europeas y jurisprudencia del Tribunal europeo de derechos humanos www.curia.europa.eu
- Compendio de legislación Civil
- Compendio de legislación Mercantil
- Manuel Alvadalejo. Derecho Civil II. Derecho de Obligaciones. 14a Edición
- Aurelio Menéndez. Lecciones de Derecho Mercantil. Ed. Thomson- Civitas. Sexta edición
- Ión
- Alberto Bercovitz Rodríguez- Cano. Apuntes de Derecho Mercantil. Ed. Thomson-Aranzadi.9ª Edición.
- Del Pozo Carrascosa, Pedro, Vaquer Aloy, Antoni, Bosch Capdevila, Esteve. Derecho Civil de Cataluña, Derechos Reales, Marcial Pons-2018.
- Código Civil y anexos legislativos: Ley de Consumidores y Usuarios. Ley sobre Condiciones Generales de la Contratación. Ley de Contratos de... del Menor (Derecho - Práctica Jurídica) – 13 sep 2018- de Ruiz-Rico Ruiz, José Manuel (Autor, Coredactor).
- Códigos La LEY: Código de Comercio y Leyes Mercantiles 2019. Redacción La LEY y Alonso Ureba.
- Lecciones de derecho civil patrimonial, María José SANTOS MORÓN (coord.), Segunda Edición 2017, Editorial Tecnos.
- Lecciones de derecho mercantil (21ª ED.) Guillermo J. JIMENEZ SANCHEZ; Alberto DIAZ MORENO , 2018, Editorial Tecnos
- Constitución española y jurisprudencia del tribunal constitucional