

Syrian Arab Republic	 SYRIAN VIRTUAL UNIVERSITY	الجمهورية العربية السورية
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Course Description: Commercial Law 1 (Business, Merchant and Store)

1- Basic Information:

Course Name	Commercial Law 1
course code	COM302
Contact Hours (Synchronized Sessions)	28
Instructor Contact Hours Off Simultaneous Sessions	10
Contact Hours (Registered Sessions)	24
Exam	2
Registered Sessions Work Load	26
Synchronized Session Work Load	34
Credit Hours	5
Course	5

2- Pre-Requisites:

Code	Course
Introduction to Law	IL106

3- Course General Objectives:

Study the basic principles of commercial rights that enable the student to study various private commercial legislation. It is necessary to start studying the basic topics regulated by the new Trade Law No. 33 of 2007 in four books, namely:

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1. Trade in general: In this book, the legislator shows the commercial business by virtue of its intrinsic nature, and the practice of any of them as a profession entitles a person to the status of a merchant. These businesses are divided into legal original business (in terms of the will of the legislator), business by analogy (in terms of the judge's will) and business by extension. The legislator singled out these acts and the obligations arising from them with legal provisions different from those regulating the obligations resulting from civil acts. The provisions governing business range from flexibility, speed, and strength of credit, on the one hand, to harshness and strictness in treating merchants as professionals for trade. Moreover, the legislator also regulates the conditions for a person acquiring the status of a merchant and the effects of acquiring this trait in terms of rights and obligations resulting from the acquisition of this capacity. A merchant is defined as a natural or legal person whose profession is to carry out a business.

The legislator also organizes in this book the conditions for establishing the store and mentions the most important elements that must be available. It specifies the legal actions that can occur on the store. There is no doubt that the law of commercial and industrial property, the law of band marks, industrial designs and geographical indications are closely related to the law of commerce. They regulate the competition that takes place between merchants with the aim of eliminating or limiting unfair competition through the unfair competition lawsuit approved by law for the merchant whose store items have been attacked.

2. Commercial contracts: The legislator organizes in this book a set of commercial contracts (commercial mortgage contract, land transport contract, agency contract, brokerage and a number of banking contracts).

3. Commercial attributions: In this book, the legislator regulates the bill of exchange, the promissory note and the check. These attributions are defined as formal instruments drawn up

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according to a specific formula and negotiable by commercial methods and used as tools for stabilizing and repaying debts. The legislator also dealt in this book with other commercial tradable attributions.

4. Protective Composition and Bankruptcy: In this book, the legislator regulates the fate of the merchant who stops paying his commercial debts, as this merchant can be declared bankrupt by virtue of a judicial decision to protect his creditors.

Finally, it can be said that the subject of the first book of the commercial law - which deals with business, the merchant and the store - is what is focused on in this course only, because the topics of the other books of this law constitute special or independent topics of commercial law topics. The study of business, merchant and shop constitutes a basic basis for understanding the rest of the commercial law topics, whether they are mentioned in the commercial law itself or in other special commercial legislation.

4- Intended Learning Outcomes (ILO):

Code	Intended Learning Objectives/Outcomes
ILO	Intended Learning Objectives/Outcomes
ILO1	Knowing the historical development of commercial law.
	Knowing what is meant by commercial law and differentiating between it and commercial law.
	Knowledge of the two topics regulated by the Commercial Law, namely: business and the merchant.
	Knowing the characteristics of commercial law of commercial law sections

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	Knowing the relationship of commercial law with other sciences from legal sciences to economic sciences.
ILO2	Knowledge of basic and complementary sources of commercial law Knowing the arrangement of these sources, taking into account the exclusion of the provisions of Islamic Sharia by the legislator from them. Knowing the critical role of commercial customs and norms in commercial materials.
ILO3	Understand the concept of business. Knowing the jurisprudential criteria to distinguish between civil work and commercial work.
ILO4	Knowing the mechanism of business classification. Knowing the mechanism of distinguishing between the original legal business and the original business by analogy. Knowing the mechanism of distinguishing between single businesses and commercial projects. Knowing the mechanism of distinguishing between the original business and the subsidiary business. Knowing the two types of business by subordination (business by personal subordination and business by substantive subordination) and the scope of business by personal subordination.
ILO5	Knowing the general legal system of business through studying: The principle of freedom of evidence in commercial obligations.

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	<p>The legal provisions related to the fulfillment of commercial obligations, associated with the solidarity of debtors in a commercial debt, the harshness of deadlines in commercial debts, the principle of assuming interest in commercial debts, and the principle of allocating payment.</p> <p>The legal provisions related to non-fulfillment of commercial obligations, coupled with the flexibility of the notice mechanism, the judge's right to reconsider the terms of the contract, especially in time contracts, and the creditor's right to request the judiciary to replace the debtor who refrained from fulfilling his obligation in some cases, and with a commercial prescription that is different from the statute of limitations in the law civil.</p>
ILO6	The student's knowledge of the conditions for acquiring the status of a merchant: the availability of the necessary eligibility to acquire this status and the necessity of professionalism in the commercial activity, and that this professionalization be done in the name of the person and for his own benefit.
ILO7	The student knows the legal duties that result from the person enjoying the status of a merchant.
ILO8	The student's knowledge of the legal regulating aspects of trade.
ILO9	The student's familiarity with the definition of the store jurisprudence, law and its nature.
ILO10	The student's knowledge of the tangible and intangible elements of the store, which are indispensable to the establishment of the store.

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ILO11	The student's knowledge with the issue of protecting the store from unfair competition and the legal mechanism to achieve this protection represented in the right of the abused merchant to file an unfair competition lawsuit.
ILO12	The student's knowledge of the legal actions of the store as a financial unit in itself, or the actions of some elements of the store individually.

5- Course Syllabus (24 hours of total Recorded Sessions, 28 hours of total synchronized sessions)

- **RS:** Recorded Sessions; **SS:** Synchronized Sessions;

ILO	Course Syllabus	RS	SS	Types	Additional Notes
ILO1	Definition of the commercial law by stating its subject, characteristics and its relations with other science.	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> (TD) <input type="checkbox"/> Jobs <input type="checkbox"/> Seminars <input type="checkbox"/> Experiences <input type="checkbox"/> Other...	Distinguish between public commercial law and private commercial laws and draw the relationship of commercial law to other. sciences.
ILO2	Determining the sources of commercial law and arranging them between basic and supplementary	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> (TD) <input type="checkbox"/> Jobs <input type="checkbox"/> Seminars <input type="checkbox"/> Experiences <input type="checkbox"/> Other...	Practical issues in which the student can clarify the legal judgment

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ILO3	Defining the concept of commercial work and clarifying the mechanism for distinguishing between civil work	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> (TD) <input type="checkbox"/> Jobs <input type="checkbox"/> Seminars <input type="checkbox"/> Experiences <input type="checkbox"/> Other...	Practical issues The student can clarify the legal judgement and distinguish between the two tasks
ILO4	Classification of businesses based on the nature of the business and the purpose of the business	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> (TD) <input type="checkbox"/> Jobs <input type="checkbox"/> Seminars <input type="checkbox"/> Experiences <input type="checkbox"/> Other...	Practical matters involving civil or commercial business with a view to determining the nature of the business
ILO5	Clarify the characteristics of the legal system for both business and mixed business	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> (TD) <input type="checkbox"/> Jobs <input type="checkbox"/> Seminars <input type="checkbox"/> Experiences <input type="checkbox"/> Other...	Practical issues aimed at determining the legal provisions applicable to pure commercial and mixed disputes
ILO6	The formation of the student with complete scientific knowledge of the conditions that must be met by a person in order to acquire the status of a merchant	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> (TD) <input type="checkbox"/> Jobs <input type="checkbox"/> Seminars <input type="checkbox"/> Experiences <input type="checkbox"/> Other...	The student's knowledge of what commercial jurisprudence has settled on these conditions
ILO7	Forming the student, a complete theoretical	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> (TD) <input type="checkbox"/> Jobs	Familiarize the student with the practical aspect of these duties, which

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	knowledge of the duties of a legal trader			<input type="checkbox"/> Seminars <input type="checkbox"/> Experiences <input type="checkbox"/> Other...	consist in keeping commercial books and identifying the principles of keeping them
ILO8	The student's knowledge of the legal aspects of regulating trade as stipulated in the Syrian Trade Law	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> (TD) <input type="checkbox"/> Jobs <input type="checkbox"/> Seminars <input type="checkbox"/> Experiences <input type="checkbox"/> Other...	Familiarity with the student with the practical procedures in terms of registering the merchant in the trade register and his affiliation with the chambers of commerce
ILO9	Knowing the student fully knowledge of the store or legal institution and distinguishing it from the stone property	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> (TD) <input type="checkbox"/> Jobs <input type="checkbox"/> Seminars <input type="checkbox"/> Experiences <input type="checkbox"/> Other...	The student's knowledge of the nature of the store or its legal adaptation: whether it is movable or real estate
ILO10	The student's knowledge of the elements that make up the store and his knowledge of each of these elements separately. The importance of each of these elements to the store	2	4	<input type="checkbox"/> Exercises <input type="checkbox"/> (TD) <input type="checkbox"/> Jobs <input type="checkbox"/> Seminars <input type="checkbox"/> Experiences <input type="checkbox"/> Other...	Familiarize the student with practical cases that allow him to distinguish the physical elements of the store from the intangible ones

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ILO11	The student's knowledge of the conditions for protecting the store, specifically the filing of an unfair competition lawsuit	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> (TD) <input type="checkbox"/> Jobs <input type="checkbox"/> Seminars <input type="checkbox"/> Experiences <input type="checkbox"/> Other...	Familiarize the applicant with the mechanism of filing this lawsuit and the purpose of it
ILO12	The student's knowledge of the legal system for the behavior of the store	2	4	<input type="checkbox"/> Exercises <input type="checkbox"/> (TD) <input type="checkbox"/> Jobs <input type="checkbox"/> Seminars <input type="checkbox"/> Experiences <input type="checkbox"/> Other...	The practical consequences of the actions on the store, especially with regard to the merchant's creditors

6- Assessment Criteria (Related to ILOs)

ISC	Interactive Synchronized Collaboration	Ex	Exams	Rpt	Reports
PF2F	Presentations and Face-to-Face Assessments	PW	Practice Work		

ILO Code	ILO	Intended Results	Assessment Type				
			ISC	PW	Ex	PF2F	Rpt
ILO1	Student's Knowledge Of The Commercial Law Principles	The student,s ability to express and understand the laws of commercial law	-	-			
ILO2	The student's knowledge of the sources of commercial law from basic and supplementary	Issues clarifying which of the sources a judge uses to resolve the cases he is considering	-	-			

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ILO3	Knowing The Business Concepts	Practical issues by which he can distinguish between civil work and commercial work		-			
ILO4	Understand the types of businesses and how to classify them	Practical examples with the goal of attaching a business to the list of original or subsidiary businesses					
ILO5	The student's knowledge of what distinguishes the rules of commercial law from the rules of civil law in resolving commercial disputes	Examples and jurisprudence	-				
ILO6	The student knows the conditions for acquiring the merchant	Practical examples of conditions for gaining merchant status		-			
ILO7	Knowledge of the student's obligations of the merchant	Clarify the results of the merchant's failure to comply with these obligations	-				
ILO8	Knowledge of the legal aspects of doing business.	Practical examples of the regulating aspects of trade	-				
ILO9	Knowing the legal nature of the store or commercial establishment	Practical examples that highlight the insignificance of the property in the composition of the store	-				-

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ILO10	The student knows the role and importance of each of the store elements in the development of the store	Practical examples of how store items relate to each other	-				-
ILO11	Learn the concept of store protection	Practical examples of infringement of store items and the consequences of harm to the merchant as a result of this infringement	-				
ILO12	Learn about the legal actions of the store, such as selling, renting or mortgaging	Practical examples of these actions and their consequences for store creditors	-	-			

7- Practice Tools:

Mean's Name	Description
1. Lawyers' offices	-----
2. Attending court sessions at the Palace of Justice	-----
3. Follow up on conferences held by the Ministry of Justice and the Bar Association	-----
4. Legal groups established via social media platforms	-----
5. Arbitration courses	-----
6. Legal Clinics	-----

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8- Main References

1. Rizkallah Antaki, mediator in land commercial rights, part 1, Damascus University Publications, 1984
2. Hafez Muhammad Ibrahim, Commercial Law, Modern Cairo Library, Cairo, 1950
3. Aziz Al-Akaili, Commercial Law, Dar Al-Thaqafa Library for Publishing and Distribution, Amman, 1996
4. Abdul Qader Burghul, Companies Law, Publications of the Faculty of Law, University of Aleppo, 2020
5. Alaa Al-Din Al-Husseini and Hussein Shehadeh Al-Hussein, Commercial Attribution and Banking Operations, Publications of the Faculty of Law at the University of Aleppo, 1st Edition, 2008
6. Mohsen Shafiq, Egyptian Commercial Law: Commercial Papers, volumes 1, first edition, Dar Al Maaref, Alexandria, 1954, part 1
7. Ali Al-Baroudi, Commercial Custom: Its Status and the Role of the Judiciary and Jurisprudence in Respecting and Developing it, Tunisian Judicial and Legislation Locality, May 1987
8. Hisham Pharaoh, Land Commercial Law, Part 1, Aleppo University Publications, Edition 1994
9. Samiha al-Qalyubi, Summary in Commercial Law, Volume 1, Arab Culture House for Printing, Cairo, 1st Edition, 1972
10. Zakaria Otri, Intellectual Property: Protection of Literary and Artistic Property Rights, Aleppo University Publications, 1st Edition, 2005

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11. Jack Youssef Al-Hakim, Commercial Rights, Part 1, University Books Directorate, Damascus University, 1987
12. Samiha Al-Qalyubi, Brokerage in Kuwaiti Law, A Comparative Study, Tunisian Journal of Judiciary and Legislation, Tunisian Ministry of Justice, January 1979 issue
13. Elias Haddad, Commercial Law, Al-Wahda Institution Press, Damascus, 1987
14. Jack Al-Hakim, Maritime Warranty, Al-Insha Press, Damascus, 1982
15. Abdul Razzaq Gajan, Abdul Qader Burghul and Omar Fares, Introduction to Commercial Law, Publications of the Faculty of Law, University of Aleppo, 2008
16. Hani Dowidar, Business by analogy, New University House, Alexandria, 2003

9- Additional References

1. Syrian Civil Law
2. Syrian Trade Law
3. Lawyers Magazine
4. Law Journal