

Syrian Arab Republic	 الجامعة الافتراضية السورية SYRIAN VIRTUAL UNIVERSITY	الجمهورية العربية السورية
Ministry of Higher Education and Scientific Research		وزارة التعليم العالي والبحث العلمي
Syrian Virtual University		الجامعة الافتراضية السورية

Course Description: Commercial Law 3 (Commercial Papers)

1- Basic Information:

Course Name	Commercial Law 3 (Commercial Papers)
Course ID	CL503
Contact Hours (Synchronized Sessions)	28
Hours of communication with the teacher outside of simultaneous sessions	10
Contact Hours (Registered Sessions)	24
Exam	75 min
Registered Sessions Work Load	26
Synchronized Session Work Load	34
Credit Hours	5
Course Level	5

2- Pre-Requisites Courses:

Course	ID
Commercial Law 3 (Commercial Business and the merchant and the store)	COM302

Syrian Arab Republic	 الجامعة الافتراضية السورية SYRIAN VIRTUAL UNIVERSITY	الجمهورية العربية السورية
Ministry of Higher Education and Scientific Research		وزارة التعليم العالي والبحث العلمي
Syrian Virtual University		الجامعة الافتراضية السورية

3- Purpose of the course:

The course aims at introducing commercial papers, their importance, characteristics, and their most important economic functions, and showing the three types of commercial papers mentioned by the Syrian Trade Law No. 33 of 2007, as well as clarifying what is meant by the exchange law and studying its basic principles on which it is based.

After that, to study the legal rules governing each of these commercial papers, by introducing the definition of the bill of exchange, its legal form, clarifying the legal relations between its parties, then talking about its creation, methods of negotiation, guaranties for payment of its value and rules for its payment, as well as addressing the hypothesis of abstaining from the Drawee of payment and the morphological return.

Then to study the legal rules of the second commercial paper, which is the promissory note, its definition, displaying its legal form, and clarifying the extent to which it is subject - in a manner appropriate to its nature - to the rules of the bill of exchange.

Finally, studying the rules of the check, by introducing it, stating its legal form, and comparing it to the bill of exchange, then dealt with the legal rules related to its creation, negotiation, guaranties for payment of its value and rules for its payment.

4- Intended Learning Outcomes (ILO):

Code	Intended Learning Outcomes
ILO1	<ol style="list-style-type: none"> 1. Understanding the nature of commercial papers. 2. Identify the types of commercial papers and their description. 3. Learn about the characteristics and functions of commercial papers. 4. Identify the exchange law and its basic principles. 5. Knowledge of the legal rules regulating commercial papers at the international level.
ILO2	<ol style="list-style-type: none"> 1. Knowing the bill of exchange, its legal form and the legal relations between its parties. 2. Learn about the mandatory data for the bill of exchange, and the effects of the formal defect.

Syrian Arab Republic	 الجامعة الافتراضية السورية SYRIAN VIRTUAL UNIVERSITY	الجمهورية العربية السورية
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Syrian Virtual University		الجامعة الافتراضية السورية

ILO3	<ol style="list-style-type: none"> 1. Understand the methods of negotiation of bill of exchange. 2. Know the types of endorsement, its conditions and legal effects.
ILO4	- Accommodating guaranties for payment of bill of exchange.
ILO5	<ol style="list-style-type: none"> 1. Identify the presentation of the bill of exchange to payment and the conditions of validity of the payment. 2. Payment of the bill of exchange by intervention.
ILO6	<ol style="list-style-type: none"> 1. Identify the requirements for the morphological return of the holder of the bill of exchange for the obligors. 2. Morphological return cases and rules thereof.
ILO7	- Identify the drop and abatement of the morphological right of return.
ILO8	<ol style="list-style-type: none"> 1. Identify the promissory note, its legal form and parties. 2. Learn about creating the promissory note. 3. The application of the rules of the bill of exchange to the promissory note.
ILO9	<ol style="list-style-type: none"> 1. Identify the check and its legal form. 2. Learn about creating the check.
IL10	- Understand the methods of negotiation the check and guaranties for payment of its value.
IL11	<ol style="list-style-type: none"> 1. Knowing when the check is presented for payment and the penalty for breaching it. 2. conditions of validity of the payment of the check.
IL12	<ol style="list-style-type: none"> 1. Identify the requirements for the morphological return based on the check. 2. Drop of the right of the check holder and the expiration date of his case.

Syrian Arab Republic	 الجامعة الافتراضية السورية SYRIAN VIRTUAL UNIVERSITY	الجمهورية العربية السورية
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Syrian Virtual University		الجامعة الافتراضية السورية

5- The content of the course:

ILO	Course Syllabus	RS	SS	Type	Additional Notes
ILO1	Basics at Commercial Paper	2	2	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO2	Definition and Creation of Bill of Exchange	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> <u>Assignments</u> <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	A practical case that deals with the implications of a formal defect in the bill of exchange
ILO3	Negotiation of Bill of Exchange	2	3	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO4	Guaranties for Payment of Bill of Exchange	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> <u>Assignments</u> <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	A practical case that deals with the points of difference between the morphological solidarity of the signatories of the bill of exchange and the general rules for solidarity in the civil law

Syrian Arab Republic	 الجامعة الافتراضية السورية SYRIAN VIRTUAL UNIVERSITY	الجمهورية العربية السورية
Ministry of Higher Education and Scientific Research		وزارة التعليم العالي والبحث العلمي
Syrian Virtual University		الجامعة الافتراضية السورية

ILO5	The Rules for Payment of Bill of Exchange	2	2	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO6	Abstaining from the Drawee of Payment and the Morphological Return	2	2	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO7	Drop and Abatement of the Morphological Right of Return	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> <u>Assignments</u> <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	A practical case that deals with the implications of the availability of a case in which the holder of the bill of exchange is considered negligent
ILO8	Promissory Note	2	2	<input type="checkbox"/> <u>Exercises</u> <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO9	Definition and Creation of Check	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> <u>Assignments</u> <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	A practical case that deals with the points of difference between a check and a bill of exchange
IL10	Negotiation and Guaranties of	2	2	<input type="checkbox"/> <u>Exercises</u>	

Syrian Arab Republic	 الجامعة الافتراضية السورية SYRIAN VIRTUAL UNIVERSITY	الجمهورية العربية السورية
Ministry of Higher Education and Scientific Research		وزارة التعليم العالي والبحث العلمي
Syrian Virtual University		الجامعة الافتراضية السورية

	Check			<input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
IL11	The Rules for Payment of Check	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
IL12	The Morphological Right of Return at Check	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	A practical case that deals with the cases of morphological right of return of the check holder to the obligors

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	Knowing the nature of commercial papers and the legal rules governing them	The student defines the commercial bond and explains its characteristics and functions	✓	✓			
		The student clarifies the intended exchange law and explains its basic					

Syrian Arab Republic	 الجامعة الافتراضية السورية SYRIAN VIRTUAL UNIVERSITY	الجمهورية العربية السورية
Ministry of Higher Education and Scientific Research		وزارة التعليم العالي والبحث العلمي
Syrian Virtual University		الجامعة الافتراضية السورية

		principles					
		The student presents the international legal regulation of commercial papers					
ILO2	Knowing the concept of a bill of exchange, its parties, and the conditions for its creation	The student defines the bill of exchange and identifies its primary parties					
		The student explains the objective and formal conditions for creating a bill of exchange	✓	✓	✓		
		The student shall explain the formal defects in the bill of exchange and the effects of each					
ILO3	Knowing the methods of Negotiation of Bill of Exchange	The student explains the types and forms of endorsement					
		The student explains the conditions for endorsement and its legal implications	✓	✓	✓		
ILO4	Knowing guaranties for payment of bill of exchange	The student explains morphological solidarity					
		The student clarifies rules for fulfilling the bill of exchange	✓	✓	✓		✓
		The student explains the Acceptance					

Syrian Arab Republic	 الجامعة الافتراضية السورية SYRIAN VIRTUAL UNIVERSITY	الجمهورية العربية السورية
Ministry of Higher Education and Scientific Research		وزارة التعليم العالي والبحث العلمي
Syrian Virtual University		الجامعة الافتراضية السورية

		rules					
		The student explains the rules of the Auxiliary Guaranty					
ILO5	Knowing the rules for payment of bill of exchange	The student indicates the necessity to present the bill of exchange for fulfillment and its time					
		The student explains the conditions for the correct fulfillment of the bill of exchange	✓	✓	✓		
		The student demonstrates fulfillment of the method of intervention					
ILO6	Knowing the cases of morphological return in the bill of exchange and its rules	The student clarifies the requirements for the morphological return in the bill of exchange	✓	✓	✓		✓
		The student explains morphological return, methods and rulings					
ILO7	Knowing the drop of the morphological right of return and its abatement	The student explains cases of the holder's negligence and its effects					
		The student explains the statute of limitations provisions in the bill of exchange	✓	✓			

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Syrian Virtual University		الجامعة الافتراضية السورية

ILO8	Knowing the concept of promissory note and its legal rules	The student knows the promissory note and compares it with the bill of exchange					
		The student explains the conditions for creating the promissory note	✓	✓	✓		
		The student demonstrates the extent to which the rules of the bill of exchange are applied to the promissory note					
ILO9	Knowing the concept of the check and the conditions for its creation	The student defines the check and compares it with the bill of exchange	✓	✓	✓		
		The student explains the conditions for creating the check					
IL10	Knowing the methods of negotiation the check and the rules for its fulfillment	The student demonstrates the methods of negotiation the check					
		The student explains the rules for the payment of the check and the evidence for its negation	✓	✓	✓		
IL11	Knowing the rules for payment of check	The student displays the rules regarding presenting the check for payment	✓	✓	✓		
		The student explains the conditions for					

Syrian Arab Republic	 الجامعة الافتراضية السورية SYRIAN VIRTUAL UNIVERSITY	الجمهورية العربية السورية
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Syrian Virtual University		الجامعة الافتراضية السورية

		correct payment of the check					
IL12	Knowing the rules of morphological return at check	The student indicates the requirements for morphological return at check	✓	✓	✓		
		The student submits the drop of the right of return under the check due to negligence					
		The student displays the limitation of rights arising from the check					

7- Practice Tools:

Tool Name	Description
1- Lawyers' offices	
2- Enforcement departments in the courts	

8- Main References:

١- د. أبو زيد رضوان، الأوراق التجارية وفقاً لأحكام قانون التجارة الجديد، ج١، الكمبيالة، بلا دار نشر، ٢٠٠١.
٢- د. إلياس حداد، القانون التجاري، الأسناد التجارية، منشورات جامعة دمشق - نظام التعليم المفتوح، برنامج الدراسات القانونية، الجمهورية العربية السورية، ٢٠١٧ - ٢٠١٨.
٣- د. بسام عبد الرحمن شيخ العشرة، القانون التجاري (٣) / الأسناد التجارية، منشورات جامعة الشام الخاصة، ٢٠٢٠/٢٠٢١م.
٤- د. سميحة القليوبي، الأوراق التجارية، دار النهضة العربية، القاهرة، الطبعة الرابعة، ٢٠٠٥.
٥- د. محمود مختار أحمد بري، القواعد الخاصة بالشيك وفقاً لأحكام قانون التجارة الجديد رقم ١٧ لسنة ١٩٩٩ وتعديلاته، دار النهضة العربية، القاهرة، طبعة أولى، ٢٠٠٥.

Syrian Arab Republic	 الجامعة الافتراضية السورية SYRIAN VIRTUAL UNIVERSITY	الجمهورية العربية السورية
Ministry of Higher Education and Scientific Research		وزارة التعليم العالي والبحث العلمي
Syrian Virtual University		الجامعة الافتراضية السورية

٦- د. هاني دويدار، الأوراق التجارية والإفلاس، دار الجامعة الجديدة للنشر، الإسكندرية، ٢٠٠٦.

9- Additional References:

- ١- د. إدوار عيد، الأسناد التجارية (مبادئ عامة-سند السحب-السند للأمر)، مطبعة النجوى، بيروت، ١٩٦٦.
- ٢- د. جاك يوسف الحكيم، الحقوق التجارية، ج ٢، الطبعة الرابعة، منشورات جامعة دمشق، ١٩٩٥-١٩٩٦.
- ٣- د. حسين شحادة الحسين و د. علاء الدين الحسيني، الأسناد التجارية وعمليات المصارف، منشورات جامعة حلب، مركز التعليم المفتوح، برنامج الدراسات القانونية العملية، مديرية الكتب والمطبوعات الجامعية، ٢٠٠٨.
- ٤- د. محمد فريد العريني و د. هاني دويدار، أساسيات القانون التجاري، دار الجامعة الجديدة، الإسكندرية، ٢٠٠٤.
- ٥- د. علاء الدين محمد حسيني، الرجوع الصرفي "دراسة مقارنة"، رسالة لنيل درجة الدكتوراه في الحقوق، قسم القانون التجاري، كلية الحقوق، جامعة القاهرة، ٢٠٠٣.

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