International Encyclopaedia of Laws

Commercial and Economic Law - Outline

The Author

General Introduction

§1. General background of the country
   I. Geography
   II. Cultural composition
   III. Political system
   IV. Population, employment and production statistics
   V. Social and cultural values

§2. Economic system (the role of markets and government in economic life)

§3. The legal system

Part I. Commercial Law [1]

Chapter 1. Concepts and sources of commercial law (including observations on the existence of a separate body of law for merchants)

Chapter 2. The economic operators

§1. Personal status of merchants (legal capacity of minors, foreigners, women, special duties for married merchants)

§2. Partnerships and corporations

Chapter 3. The economic institutions

§ 1. Professional organizations, chambers of commerce
§ 2. Advisory bodies and committees
§ 3. Commercial courts and commercial arbitration
§ 4. Miscellaneous

Chapter 4. General obligations of economic operators (commercial registers, commercial records [2] and books, opening of a bank account, etc.)

Chapter 5. Business assets, goodwill and commercial property rights

§1. Business assets
§2. Intellectual property (patents, designs and models, trademarks, protection of biotechnical inventions, chips protection, protection of know-how, copyright and neighbouring rights, ...)
§3. Trade names
§4. Other elements (see also unfair competition below)

Chapter 6. Bankruptcy and related institutions

Chapter 7. Negotiable instruments (bills of exchange, cheques, etc.)

Chapter 8. Stock and commodity exchanges

Chapter 9. Commercial contracts

§ 1. General principles of contract law
§ 2. Sale of goods (briefly discuss sale of goods in general, with commercial sales treated in more detail)
§ 3. Commercial services
   I. Distribution (including distribution franchising, authorised dealer contracts)
   II. Contracts with middlemen (commercial agency, commission, brokerage)
Chapter 10. Commercial securities

Part II. Economic Law

Chapter 1. General principles
(basic principles of economic law [free movement, equality, free competition, state planning], state intervention in economic activities, institutional framework, planning and/or regulation, state shareholdings)

Chapter 2. Law of establishment and supervision of economic activities
(restrictions on the freedom to exercise a particular trade or profession: professional qualification requirements, quantitative limitation of the number of enterprises, financial requirements for prudential control of banks, insurance companies, etc.)

Chapter 3. State incentives for economic activities
(subsidies, tax incentives, the State as a shareholder)

Chapter 4. Competition Law
§1. Antitrust law
I. Restrictive practices
II. Monopolies and abuse of dominant position
III. Mergers and acquisitions

§2. Law of unfair competition and trade practices

Chapter 5. State regulation of the conditions of commercial transactions
§1. Price and supply regulation

§2. Consumer law
I. Institutional aspects, general principles, and representation of consumer interests
II. Consumer information
III. The safety of goods and services
IV. The quality of goods and services
V. Consumer contracts
VI. Sales promotion and commercial practices (possibly with reference to Chapter 4, 2)
VII. Consumer redress
VIII. Miscellaneous
   A. Environmental rules affecting economic output
   B. Miscellaneous

Selected bibliography

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[1] It is understood that company law, which in many legal systems is a part of commercial law, will not be discussed in this encyclopaedia, since a separate encyclopaedia is devoted to company law.
