

Certificate in Business and Commercial Law (CBCL)

Course code: CM-013



SPARK TRAINING

Professional training courses for leaders, specialists, and organizations seeking practical capability development.

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— Workshop Overview

This course is designed for professionals with little or no prior legal background but who are required to make organizational decisions involving legal matters. It will provide participants with the fundamental principles of commercial law, including commercial contracts and negotiation, sale of goods, intellectual property rights and employee relations. It also covers all the legal aspects of setting up a business, running a business and closing a business. Participants will gain an in-depth understanding of international commercial law with emphasis on the common law system. Participants will have the opportunity to learn and analyze key legal issues regarding contracts and the business as a whole which they are likely to encounter within their organization.

Why Attend

In this interactive training course participants will frequently work in pairs as well as in larger groups to complete exercises as well as regional and international case studies.

Who Should Attend

This course is suitable for those with little or no formal training in commercial law yet would be required to understand the fundamentals of commercial law as it may directly impact their work. It will particularly benefit directors and executives who have direct responsibility for legal decisions within the organization. In-house

— Learning Objectives

- Apply legal rules and principles to specific commercial situations through consideration of relevant case law
- Negotiate commercial contracts complying with commercial and legal requirements
- Increase profitability within their organization by selecting appropriate methods of distribution of goods
- Recognize and analyze how intellectual property rights affect their organization
- Evaluate and modify organizational employment practices complying with labor law requirements

— Course Outline

DAY
1

Overview of commercial & business law

- Areas of commercial and business law
- Types of commercial contracts

DAY
2

Commercial contracts in the civil law and common law systems

- Sources of English law
- Civil law v Common law
- Civil law in the GCC

DAY
3

Formalities for a binding contract

- Elements required for an enforceable contract
- Rules for contract interpretation:
- Implied terms v express terms
- Identifying risks and how to minimise risks
- Structure of a commercial contract

DAY
4

Preliminary documents in international transactions

- Memorandum of Understanding/ Heads of Terms. Are they legally binding?
- Commercial implications

DAY
5

Boilerplate/ miscellaneous provisions- the important but forgotten clauses- beware!

- Force majeure v Frustration
- Notices
- Set off
- No waiver
- Entire Agreement/ non- reliance clause
- Time is of the essence
- Assignment v Novation
- Governing law
- Common mistakes in choice of law
- Jurisdiction clause
- Exclusive v Non-exclusive
- Factors in deciding the jurisdiction clause

- Day 6: International dispute resolution
- Litigation
- Importance of Alternative Dispute Resolution (ADR)
- Arbitration
- Mediations
- Conciliation
- Negotiation
- Day 7: Remedies for breach of contract
- Damages
- Specific performance
- Injunctions
- Day 8: Advantages and disadvantages of different business forms
- Types of business vehicles
- Sole trader
- Partnerships
- Limited Liability Partnerships
- Companies
- Day 9: Cross Border Transactions
- Distributorship
- Agency
- Joint Venture
- Acquisitions
- Share purchase v Business purchase
- Apportioning risks and liabilities through warranties and indemnities
- Negotiating warranties and indemnities
- Day 10: Corporate insolvency
- Tests identifying insolvency
- Consequence for directors who fail to react to insolvency
- Types of insolvency
- Administration
- Receivership
- Creditor Voluntary Liquidation
- Compulsory Liquidation
- Day 11: Commercial Tort
- Tort of negligence

- Defamation
- Libel
- Slander
- Recent case law on defamation
- Managing risk
- Prevention is better than cure: Effective risk management
- Intellectual Property Rights management
- Types of Intellectual Property
- Copyright
- Trademark
- Patent
- Design rights
- Confidential information
- Assignment v Granting a license
- The law of passing off

— Upcoming Classroom Dates

Schedule available on request. Contact SPARK Training for current dates, locations, and fees.

— Certificate and Registration

Participants who attend and complete the full programme receive a SPARK Training Certificate of Completion. For registration, in-house delivery, or availability questions, contact info@sparktraining.eu or +31 85 115 0004.