I. GENERAL INFORMATION

II. COURSE INFORMATION

COURSE OBJECTIVES
This course aims to teach the student the fundamental concepts of the law of commerce with the help of case studies and practical examples, so that the student may conduct the necessary research and arrive at the correct conclusions by using the methodology mastered during the course.

COURSE DESCRIPTION
Commercial enterprise law and the law of negotiable instruments shall be covered. The topics to be dealt with under commercial enterprise law are the definition of commercial transactions, commercial enterprise and merchant, principles relating to the commercial register, commercial account books and running accounts, the types of and provisions applicable to merchant assistants and the intellectual assets of the commercial enterprise. Under negotiable instruments law, the definition of and principles applicable to negotiable instruments and the types of negotiable instruments shall be analysed. The bills of exchange shall be examined in detail.

COURSE METHODOLOGY
Although the main teaching material is followed during the course, the topics shall be covered with the help of examples and by explaining the logical link between them. Case studies shall be carried out in class as well. Students may freely ask their questions during class; however, the instructor may request them to wait until she finishes explaining a particular topic. At least two case studies shall be carried out before the mid-term and the final exams. During these case studies, questions from past year exams as well as individual cases may be taken at hand.

COURSE REQUIREMENTS
The first year courses "Fundamental Principles of Law" and "Law of Obligations" contain the information necessary to properly comprehend this course; however having passed from these two courses is not a prerequisite for taking the Law of Commerce. Attending classes is not obligatory; nevertheless it is absolutely beneficial for the student to do so while he/she shall be expected to have mastered only the issues dealt with in the classroom during the exams. Attending the classes is necessary, but not adequate for success. The students are expected to participate actively in the class discussions and try to establish the logical link among the topics covered towards being able to apply the information to the particular case at hand. The instructor may judge in favour of students who attend classes. There will be a mid-term exam and a final exam. The mid-term exam will include the topics covered so far whereas in the final exam the questions shall be from all the issues covered during that term. The questions shall aim at enabling the student to use his/her judgement and to apply his/her knowledge.

GRADING INFORMATION & CRITERIA
40% of the midterm exam and 60% of the final exam constitute the raw grade of the course. Raw grade is then converted into letter grade through the curve system. The outcomes are e-mailed to the students.
REQUIRED & PROPOSED MATERIALS

Required Materials:

Türk Ticaret Kanunu ve İlgili Mevzuat (Turkish Commercial Code and Relevant Legislation);
Kayar, Ticari İşletme Hukuku (Law of Commerce)
Kayar, Kıymetli Evrak Hukuku (Law of Negotiable Instruments)

Proposed Materials:

Poroy/Yasaman, Ticari İşletme Hukuku, Beta Yayinevi, İstanbul
Poroy/Tekinalp, Kıymetli Evrak Hukuku, Beta Yayinevi, İstanbul
Arkan, Ticari İşletme Hukuku, Banka ve Ticaret Hukuku Enstitüsü, Ankara
Deryal, Ticaret Hukuku (Law of Commerce), Derya Kitabevi, Trabzon
İmregün, Kara Ticaret Hukuku Dersleri, Güray Matbaası, İstanbul
Teoman, Yaşayan Ticaret Hukuku, Kazancı Hukuk Yayınları, Ankara

EXTRA INFORMATION

The students are expected to have studied the topic to be dealt with in advance from any source which they find easy to follow together with the relevant legislation. They should attend class, ready to forward any queries pertaining to the issues they have not been able to comprehend during their preparation. They are also expected to have prepared for the case studies distributed at least one week in advance. It is requested that the students attend the class on time and not to leave class before the lesson ends unless necessary. Cheating in exams shall be penalised pursuant to the relevant regulations of the Faculty.

COURSE OUTLINE

Week 1: Explanation of the course aim and scope, assessing the mutual expectations of the instructor and the students, introduction to the law of commerce, history, introduction to the law of the commercial enterprise, legal definition of the "commercial enterprise", fond de commerce, headquarters/branches division, transfer of the commercial enterprise.
Week 2: Setting up a mortgage on the commercial enterprise, definition of "commercial transaction" and its provisions (joint and several liability, provisions on interest, keeping the validity of contracts contrary to mandatory provisions, limitation provisions)
Week 3: Definition of "commercial provisions", order of application, commercial adjudication, definition of "merchant" (for natural and legal persons), acquisition and loss of the title of merchant.
Week 4: Legal consequences of being defined as "merchant".
Week 5: The types of and provisions applicable to merchant assistants (including dependent and independent merchant assistants)
Week 6: Commercial register, running accounts, commercial account books, Case Study I
Week 7: Commercial title of the merchant, title of the commercial enterprise, trademarks, unfair competition
Week 8 - Introduction to negotiable instruments law, definition and relevant concepts, principle of naked acknowledgment of debt, classification of negotiable instruments, types of negotiable instruments classified according to their transfer method (not to order, payable to order and payable to bearer negotiable instruments)
Week 9: The plea system in the payable to order negotiable instruments, loss and annulment of negotiable instruments
Week 10: Definition of bills of exchange, the promissory note (the formal requirements, the clauses that may be added, blank bill, transfer by endorsement, bill guarantee)
Week 11: The non-payment of the promissory note and its legal consequences
Week 12: The policy (bill of exchange)(the formal requirements, acceptance and payment)
Week 13: The cheque (the formal requirements, postdated cheques, transfer, withdrawal, forbidding payment, uncovered cheques)
Week 14: Case Study II
Final Exams
9 Ocak 2004 - Genel değerlendirme
12 Ocak 2004 - Final sınavları