

Commercial Law 202

Paper 1

Lecturer

Mr P Jabavu

RHODES UNIVERSITY
2023



SECTION A: COMMERCIAL LAW 2 GENERAL INFORMATION

Welcome to Commercial Law 2! The information in this hand-out has been compiled to assist you. Please read it carefully to ensure that you are familiar with the contents.

1. COL 201 and COL 202 are separate courses, each of which gives a student one semester credit towards a degree. A credit in one course is not contingent upon passing or registering for the other course.
2. COL 201 is taught and examined in the first semester, and COL 202 is taught and examined in the second semester.
3. A student will obtain a credit for Commercial Law 2 according to the following rules:
 - 3.1. A credit will be given if a student has passed both courses irrespective of the year or examination in which they passed.
 - 3.2. An aggregated credit (ACR) will be given if a student has an aggregated mark of at least 50% for both courses combined (i.e. COL 201 and COL 202) and has obtained at least 45% in the course failed.
 - 3.3. Aggregation may only take place in respect of examinations written in the same academic year.**
4. COL 201 consists of two papers.
 - a. Paper 1 covers Special Contracts: Sale, Lease, Insurance, Carriage and Employment.
 - b. Paper 2 covers Banking, Security and Payment Methods.
5. COL 202 consists of two papers.
 - a. Paper 1 covers Intellectual Property, Franchising, Credit Agreements, Consumer Protection and Commercial Crimes.
 - b. Paper 2 covers Competition Law, Business Ethics and Alternative Dispute Resolution.

The lecturer for COL 202 paper 1 is **Mr P Jabavu** and she can be contacted at p.jabavu@ru.ac.za or in her office at the Law Faculty building. Any problems of an administrative nature should be directed to the coordinator while queries regarding the content of the course should be directed to the relevant lecturer.

6. It is recommended that students join the RUConnected pages for this course (COL 201 and COL 202). These pages will be used as the primary mode of communication with the class. Students will be provided with course materials and they will be directed to any further reading during lectures. Additional sources of information will be posted on RUConnected.
7. Two exams will be written in June 2023 and two in November 2023 i.e. one examination each for Papers 1 and 2 in June and November.
8. The class mark component of COL 201 and COL 202 amount to 50% of the final mark. COL 201 will be examined in June 2023 and COL 202 will be examined in November 2023. The marks for Papers 1 and 2 will be added together and reduced to a mark out of 50. The remaining 50 marks will be calculated on the basis of the tests written during the relevant semester.
9. Students who fail COL 201 or COL 202 may be granted supplementary examinations provided that they obtain at least 40%.
10. There will be two **compulsory** class tests written for both COL 201 and COL 202 (i.e. two tests for COL 201 and two tests for COL 202).

IT IS A DP REQUIREMENT FOR STUDENTS TO WRITE THE TESTS AND YOU WILL ONLY BE EXCUSED IF YOU HAVE A VALID LEAVE OF ABSENCE.

STUDENTS ARE REQUIRED TO IDENTIFY THEMSELVES AT TESTS BY PRODUCING A VALID STUDENT CARD OR SOME FORM OF PHOTOGRAPHIC ID.

The marks obtained for the tests will count 50% towards the final mark for COL 201 and COL 202 and so it is in students' interests to take them seriously. The test dates, times and venues are reflected in the course outlines for each module.

11. The tests will last for 60 minutes and will count out of 20 marks each.

SECTION B: COMMERCIAL LAW 202 PAPER 1

COURSE OUTLINE

1. INTRODUCTION

1.1. Overview

Commercial Law 201 is offered at second year level to students registered in the Faculty of Commerce. The purpose of the course is to familiarise students with aspects of South African commercial law that are not considered in Commercial Law 1. Paper 1 focuses on credit agreements and consumer protection, intellectual property, franchising and commercial crimes. This course runs from **July 2023 to 14 October 2023** (subjective to changes by university management).

2. OUTCOMES

2.1. Critical cross-field outcomes

By the end of this course, it is intended that students will be able to:

- Identify and solve problems;
- Organise and manage themselves;
- Communicate effectively;
- Use technology; and
- Analyse and evaluate information.

2.2. Intended specific outcomes

It is intended that students will be able to do the following on successful completion of the course:

- Distinguish between different categories of intellectual property;
- Describe and apply the basic legal principles of the various branches of intellectual property;
- Demonstrate an understanding of the legal rules that apply to franchising, as well as the relationship between intellectual property and franchising;
- Describe the main provisions of the National Credit Act 34 of 2005 and the Consumer Protection Act 68 of 2008 and apply them to a set of facts;

- Demonstrate an understanding of different types of commercial crimes, the role of and functions of the specialised courts and dispute forums created by legislation relating to the various units in this course.
- Accurately use legal concepts and terminology related to the relevant area of law.

3. RESOURCES

Please note that there are **no** prescribed textbooks for this course. However, there are several general Commercial Law textbooks which are very useful, as well as the relevant volumes of LAWSA (the Law of South Africa) which you will be able to find in the reference section of the Law Library (see some examples listed below). You will also need to consult legislation from time to time. Legislation can be accessed through the Rhodes library webpage or on www.saflii.org.za.

| | |
|-------------|---|
| S. Kopel | <i>Guide to Business Law</i> (2017) OUP: Cape Town. <i>This textbook is particularly recommended as it covers the topics in Com Law 201 as well as 202</i> |
| T. Woker | <i>The franchise relationship under South African Law</i> (2012) Juta: Claremont |
| J. Scott et | <i>The Law of Commerce in South Africa</i> 2 nd ed. (2015) Oxford University Press Southern Africa: Cape Town |

4. COURSE CONTENT

Theme 1: Introduction to Consumer Protection Law

Theme 2: Introduction to Intellectual Property Law

Theme 3: Franchise Agreements

Theme 4: Selected Commercial Crimes

5. EVALUATION

Towards the end of the third term, students will be presented with a questionnaire from CHERTL or Google Forms that they can fill in to provide feedback on the course. Students are encouraged to use this opportunity to provide constructive criticism and feedback for the lecturers of this course to engage with. Such feedback should be aimed at improving and transforming the course.

Last updated: June 2023