



**SCANDINAVIAN ACADEMY**  
For Training and Development

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# Course: Business and Commercial Law (CBCL)

Code	City	hotel	Start	End	price	Hours
803	Kuala Lumpur (Malaysia)	Hotel Meeting Room	2024-12-30	2025-01-03	4450 €	25

## Why Attend

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

## Course 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

## Target Competencies



- Drafting Contracts
- Contract Negotiation
- Understanding Commercial Terms
- Understanding Employment Law
- Implementing Organizational Employment Practices
- Understanding Intellectual Property
- Understanding corporate restructuring
- Understanding the effect of breach of commercial contract terms

## **outline :**

### **Overview of commercial & business law**

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

### **Commercial contracts in the civil law and common law systems**

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

### **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

### **Preliminary documents in international transactions**



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

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

- Force majeure v Frustration
- Notices
- Set off
- No waiver
  - Entire Agreement/ non- reliance clause
  - Times 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

## **International dispute resolution**

- Litigation
- Importance of Alternative Dispute Resolution (ADR)
  - Arbitration
  - Mediations
  - Conciliation
  - Negotiation

## **Remedies for breach of contract**

- Damages
- Specific performance



- Injunctions

## **Advantages and disadvantages of different business forms**

- Types of business vehicles
  - Sole trader
  - Partnerships
  - Limited Liability Partnerships
  - Companies

## **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

## **Corporate insolvency**

- Tests identifying insolvency
- Consequence for directors who fail to react to insolvency
- Types of insolvency
  - Administration
  - Receivership
  - Creditor Voluntary Liquidation
  - Compulsory Liquidation

## **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
- Intellectual Property in the GCC

## **Employment law issues in the common law systems and the GCC**

- Types of employment contracts
- Grounds for dismissal
  - Wrongful dismissal
  - Redundancy
  - Unfair dismissal

## **Commercial real estate in the GCC**

- Leasehold
- Freehold



**The Scandinavian Academy for Training and Development employs modern methods in training and skills development, enhancing the efficiency of human resource development. We follow these practices:**

• **Theoretical Lectures:**

- We deliver knowledge through advanced presentations such as PowerPoint and visual materials, including videos and short films.

• **Scientific Assessment:**

- We evaluate trainees skills before and after the course to ensure their progress.

• **Brainstorming and Interaction:**

- We encourage active participation through brainstorming sessions and applying concepts through role play.

• **Practical Cases:**

- We provide practical cases that align with the scientific content and the participants specific needs.

• **Examinations:**

- Tests are conducted at the end of the program to assess knowledge retention.

• **Educational Materials:**

- We provide both printed and digital scientific and practical materials to participants.

• **Attendance and Final Result Reports:**

- We prepare detailed attendance reports for participants and offer a comprehensive program evaluation.

• **Professionals and Experts:**

- The programs scientific content is prepared by the best professors and trainers in various fields.

• **Professional Completion Certificate:**

- Participants receive a professional completion certificate issued by the Scandinavian Academy for Training and Development in the Kingdom of Sweden, with the option for international authentication.

• **Program Timings:**

- Training programs are held from 10:00 AM to 2:00 PM and include coffee break sessions during lectures.