NATIONAL OPEN UNIVERSITY OF NIGERIA
Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja
FACULTY OF LAW
DEPARTMENT OF COMMERCIAL LAW

2019_2 EXAMINATION

COURSE CODE: CLL 307

COURSE TITLE COMMERCIAL LAW 1

CREDIT UNITS: 3

INSTRUCTIONS:
(a) Indicate your Matriculation Number clearly
(b) Attempt Question one (1) and any other three questions – four (4) questions in all
(c) Question one (1) is compulsory and carries 25 marks; while the other questions carry 15 marks each.
(d) Using appropriate statutory and judicial authorities, present all your points in coherent and orderly manner.

TIME ALLOWED: 3 Hours

QUESTION 1

Mr. Chibuzo has been in business for the past 10 years selling generator spare parts. Recently his friend became the Chairman of Ikene Local Government and has offered Mr. Chibuzo, based on his experience, a contract to supply Generator spare parts to the General Hospital in Ikene, thinking that he had a registered company, having been in business for so long. Mr. Chibuzo is confused and has come to meet you to help explain what a company is. With the aid of statute, define a company and enumerate on the different types of companies as provided by the Companies and Allied Matters Act 2004 (CAMA). Conclude by advising him on the most appropriate for his business.

QUESTION 2

Balenciaga Nigeria Limited has just released it shoes for the back to school promotion. It has become popular with its signature red soles and is popularly called Balencia amongst customers.

Another company Balentiaga Integrated Limited has just released its own Christmas shoe collection four (4) months after. It carries the red soles of the Balenciaga brand and it also goes ahead to name it “Balentia”.

Balenciaga Nigeria Limited has seen a slowdown in sales and is wondering what is happening. It discovers Balentiaga Integrated shoes have flooded the market hence the slowdown in sales. Upon close inspection it finds the name “balentia” amongst products in the market and it immediately understands why its market share has gone down.

Define the principles of ‘passing off’’ and advise Balenciaga Nigeria Limited of the next steps to take.

QUESTION 3.

Effiong is a very talented football player who plays for his school’s under 13-football team as a striker. At the last inter collegiate games; Effiong scored the winning goal of the tournament enabling his school to lift the trophy for the first time in 10 years. This has brought not only fame to him and the school but also made him have bitter rivals in the other school. On his way to school for practice one evening, he ran into soccer players from the opposing team and got into a fight with when they refused him passage on the walkway. He was subsequently stabbed on the arm and left bleeding. The boys from the rival school are caught and will be charged to court.
With your knowledge of the structure of Nigerian Courts, explain which court has jurisdiction over this case, enumerating the structure and sentencing procedures for such a crime.

QUESTION 4

Define and explain Commercial Arbitration and also enumerate the advantages of Arbitration.

QUESTION 5

Explain, using decided cases, the rules of consideration under the following headings

a. Consideration must not be past
b. Consideration must not be adequate
c. Consideration must be real and for value
d. Consideration must be Legal

QUESTION 6

Define taxation and explain the components of a good tax.