



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

2024_2 EXAMINATION

COURSE CODE: CLL307

COURSE TITLE: COMMERCIAL LAW

CREDIT UNITS: 3

INSTRUCTIONS:

- (a) Indicate your Matriculation Number clearly
- (b) Attempt Question one (1) and any other three (3) questions
- (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 a straightforward, coherent and orderly manner.

TIME ALLOWED: 3 hours

QUESTION 1.

Engr. Fashola has been in business for the past 10 years selling spare parts for heavy duty vehicles. Recently his friend was elected the Chairman of Otakikpo Mayoral District. He has offered Engr. Fashola, based on his experience, a contract to supply spare parts to the General Foundries Unit in the District. Engr had thought that his friend, Engr Fashola, had a registered Company, having been in business for so long. Engr. Fashola is confused and has come to meet you to help explain what a Company is, because he does not want to disappoint his friend. Carry Engr Fashola through on what is a company, the different types of companies and advise him on the most appropriate type for his business.

QUESTION 2.

Solemate Nigeria Limited has just released its shoes for the back-to-school promotion. It has become popular with its signature red soles and are popularly called Lovelylegs amongst customers. Four months later, another company Soulmay Industries Limited has just released its own Christmas shoe collection. It carries the red soles of the Solemate brand, and it also goes ahead to name it “Lovelegs”. Solemate Nigeria Limited has seen a slowdown in sales and is wondering what is happening. It discovers Soulmay Industries shoes have flooded the market hence the slowdown in sale. Upon close inspection it found the name “Lovelegs” amongst products in the market and he immediately understand why his market share has gone down.

Using your understanding of the principles of passing off, advise Soulmate Nigeria Limited of the next steps to take.

QUESTION 3.

Udombasi is a very talented basketball player who plays for his schools under 13-basketball team as a striker. At the last inter collegiate games, Udombasi 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.

Commercial arbitration is gaining traction everyday as a reliable means of dispute resolution in commercial transactions. In fact, on account of its numerous advantages, we now have the Arbitration and Mediation Act 2023, which repealed the Arbitration and Conciliation Act 2004. Discuss.

QUESTION 5.

Identify and explain at least three rules of consideration known to you.

QUESTION 6.

Although taxation is viewed negatively by the people, this does not in any way affect or diminish the fact that if well administered it has its positives. Discuss this statement in the context of components of a good tax system