

ISTANBUL UNIVERSITY

Department of Transport and Logistics

Commercial Law Final Examination

NAME.....SURNAME.....ID.....

Exam Instructions and Rules

1. The exam consists of 40 questions.
2. Each question is worth 2.5 points, making the total score 100 points.
3. The exam will be conducted between 15.00 and 15.50 on 27/05/2024
4. You will have 50 minutes to complete the exam.
5. Students are allowed to use their textbooks during the exam. Printouts of presentations, other notes, and papers are not allowed.
6. Carefully read all instructions on the question paper and listen to any verbal instructions from the invigilators.
7. Maintain silence throughout the exam.
8. No talking or exchanging of materials with other students. Ensure your eyes remain on your own work.
9. Use your time effectively. Monitor the clock and pay attention to any time warnings provided by the invigilators.
10. Stop writing immediately when the end of the exam is announced. Continuing to write after time is called may result in penalties.
11. Ensure your name, student ID, and any other required information are on all answer booklets and sheets.
12. Hand your completed exam papers to the invigilators as instructed. Do not leave the room with any exam materials.
13. Any form of cheating, including copying from others, using unauthorized materials, or communicating with others, will result in disciplinary action.
14. If you witness any form of academic dishonesty, report it to an invigilator immediately.
15. If you have any questions or need clarification during the exam, raise your hand, and an invigilator will assist you.
16. Do not discuss the exam content with peers immediately after the exam

Best of luck with your exam! Study well and perform to the best of your ability.

MULTIPLE CHOICE TEST QUESTIONS

- 1) Which is not one of the books of the Turkish Commercial Code?
 - a) Commercial Enterprise Law
 - b) Negotiable Instruments Law
 - c) Insurance Law
 - d) Maritime Trade Law
 - e) **Law of Obligations**
- 2) Which system is based on “commercial transaction”?
 - a) Commercial Enterprise
 - b) Mixed
 - c) **Objective**
 - d) Subjective
 - e) Freedom
- 3) Which is one of the characteristics of a “commercial enterprise”?
 - a) Making profit
 - b) **Aiming to make profit**
 - c) Creating new products
 - d) Dealing with trade, not manufacturing
 - e) To operate for at least 12 months
- 4) Which is not necessary for a workplace to be considered a branch?
 - a) Separate accounting
 - b) **Smaller than the center**
 - c) Not being dependent on the center in external relations
 - d) Being owned by the same person as the center
 - e) Operating in different locations
- 5) Which of the following can be on the pledging party in the pledge agreement for movable pledge in commercial transactions?
 - a) Real person merchant
 - b) Agricultural cooperative
 - c) Tradesmen
 - d) Self-employed
 - e) **All**
- 6) Which of the following is not one of the consequences of a commercial business?
 - a) Joint and several liability applies in commercial business
 - b) In commercial transactions, interest can be demanded even if it is not stipulated beforehand

- c) The default interest rate is higher in commercial transactions
- d) Interest can sometimes be charged on interest in commercial transactions
- e) **In disputes arising from commercial transactions, the merchant party is considered to be more justified.**
- 7) In which respect is interest in commercial business different from non-commercial business?
- a) **The rate of legal default interest**
- b) The rate of contractual interest
- c) The parties can freely agree on the interest rate
- d) Whether the interest can exceed the principal
- e) The date when interest will start to accrue
- 8) What is the “presumption of commercial business”?
- a) **The debts of the merchant are in the nature of commercial business**
- b) Commercial transactions are subject to commercial provisions
- c) Everything that concerns the commercial enterprise is considered as commercial business
- d) Considering the works regulated in the TCC as commercial works
- e) A decision on whether a business is a commercial business or not
- 9) In terms of the order of the provisions applicable to commercial transactions, which one is in the third place?
- a) Commercial customs and traditions
- b) Mandatory provisions
- c) Contract provisions
- d) **Commercial provisions**
- e) General provisions
- 10) When are natural persons considered as merchants?
- a) On the date of registration in the trade registry
- b) On the date of registration and announcement in the trade registry
- c) **When you start operating a commercial enterprise**
- d) When you have your commercial books certified
- e) When you start using a trade name
- 11) When do commercial companies gain the title of merchant?
- a) When they start to operate a commercial enterprise
- b) **When they are registered in the trade registry**
- c) When the general assembly meeting is held
- d) When it is announced that it has opened a commercial enterprise
- e) When registered in the chamber of commerce or industry
- 12) Which one is never considered a merchant?
- a) Foundation
- b) Association
- c) SOE
- d) Married woman
- e) **University**
- 13) Which one is not a consequence of being a merchant only?
- a) **To comply with the rules of honesty**
- b) To act as a prudent businessman
- c) To be registered in the trade registry
- d) To be subject to bankruptcy
- e) Being subject to the presumption of commercial business
- 14) What is the document sent to the other party of the contract in order to put the terms of the contract made verbally or by means of tools such as telephone into written form by reaching an agreement with the other party?
- a) Invoice
- b) Notice
- c) Remittance
- d) Invitation
- e) **Confirmation letter**
- 15) Which is essential in the trade registry?
- a) Ex officio registration
- b) Temporary registration
- c) Registration upon notification
- d) **Registration upon written application**
- e) Registration by court decision
- 16) Which one is a name that distinguishes a merchant from other merchants?
- a) Trademark
- b) Business name
- c) **Trade name**
- d) Industrial design
- e) Patent

- 17) Which is necessary and sufficient for unfair competition to occur?
- The competitor being at fault
 - Loss arising
 - Danger of harm
 - Coexistence of fault and damage
 - Abuse of the right of commercial competition**
- 18) Which is not necessary for commercial books to be evidence in favor of the owner?
- Both parties must be merchants
 - The case. It is a commercial business for both parties
 - All mandatory books are kept
 - Book records verify each other
 - Keeping the books personally by the merchant**
- 19) Which one is an independent (not subject to) merchant assistant?
- Commercial representative
 - Transportation broker**
 - Commercial agent
 - Marketer
 - Unauthorized employees
- 20) Which of the following can a commercial agent do without special authorization from the merchant?
- To take a loan on behalf of the merchant
 - To sign a bill of exchange
 - To sell immovables
 - To carry out usual business activities**
 - Filing a lawsuit on behalf of the Merchant
- 21) Which of the following statements regarding the statute of limitations in unfair competition is correct?
- The statute of limitations for unfair competition expires after two years from the date on which the right to sue is learned and ten years from the date of its birth
 - The statute of limitations for unfair competition expires one year from the date on which the right to sue is learned and three years from the date of its birth.**
 - The statute of limitations for unfair competition shall expire one year from the date on which the right to sue is learned and twenty years from the date of its birth.
 - The statute of limitations for unfair competition shall expire one year from the date on which the right to sue is learned and twenty-one years from the date of its birth.
- 22) In which of the following options is the definition of a commercial enterprise correctly stated?
- It is a business that continues its activities continuously and independently even if it does not aim to generate income.
 - A community of persons with a legal personality formed by at least seven natural or legal persons by continuously combining their knowledge and efforts in order to realize a specific and common purpose not prohibited by law.
 - It is an enterprise in which activities that aim to provide income at a level exceeding the limit stipulated for a craftsman enterprise are carried out continuously and independently.**
 - These are enterprises that actually generate income regardless of their purpose and where activities are carried out continuously and independently.
 - Legal entities established by individuals or institutions and whose duties and powers are determined by law.
- 23) Which statement regarding the termination of the current account and statute of limitations is incorrect?
- The current account is terminated upon expiration of the agreed term, notice of termination if the contract is of indefinite duration, and bankruptcy of one of the parties.
 - In the event of attachment of the balance, failure to remove the attachment within fifteen days shall result in the right of termination for the other party and consequently the termination of the contract.
 - Pursuant to Article 101 of the TCC, actions relating to the current account are subject to a statute of limitations of 5 years from the date of termination of the contract.**
 - In the event of death or restriction in fixed-term contracts, the parties and their legal representatives and successors may terminate the contract with ten days' notice.

- e) Payment of the balance cannot be demanded at the time when the account should be closed pursuant to Article 94 of the TCC.
- 24) Which of the following information about a commercial enterprise is correct?
- If a business incurs a loss, it is not considered a commercial enterprise.
 - Seasonal activities cannot be carried out under the roof of a commercial enterprise, as the commercial enterprise must be continuous.
 - Businesses that carry out activities carried out in connection with another business may also be commercial enterprises.
 - The level of income generated by the enterprise is also important for it to be considered a commercial enterprise.**
 - Incidental activities do not prevent the existence of a commercial enterprise
- 25) What is the name given to the type of company that can be found in practice as a company type in its own right, from the simplest everyday relationships to the most complex ones
- Ordinary partnership**
 - Incorporated partnership
 - Limited partnership
 - Collective partnership
 - Unlimited partnership
- 26) Three friends, Bora, Murat and Ayşen, decide to open a restaurant together. They organize a contract between them and open the restaurant, but their business does not go as they had hoped and they end up 300.000 TL in debt to the market. Ahmet, who decorated the restaurant and was not paid, initiated a proceeding against Bora, who he considered to be in a better financial situation than the partners, in order to collect his receivable amounting to 50.000 TL, and Bora objected to this proceeding on the grounds that the debt belonged to the partnership. Which of the following statements regarding the liability of shareholders is correct?
- Since there is an ordinary partnership in the case, all partners are unlimitedly and jointly liable for the debts of the partnership.**
 - Since the case involves an ordinary partnership, a partner to be determined by the partnership is unlimitedly and jointly liable for the debts of the partnership.
 - Since the case involves an ordinary partnership, the legal entity of the partnership is unlimited and jointly and severally liable for the debts of the partnership.
 - Since there is an ordinary partnership in the case, each partner is responsible for the debts of the partnership in proportion to his/her share.
 - Since there is an ordinary partnership in the case, there is no unlimited and joint and several liability of the partners for the debts of the partnership.
- 27) How should the representation authority of the general commercial agent be limited?
- Since the powers of the general commercial agent are not broad, they cannot be limited.
 - It may be limited as desired by the merchant provided that it is announced to third parties.**
 - With the official gazette.
 - With registration in the trade registry.
 - By registration and announcement in the trade registry.
- 28) What is the maximum number of partners a limited liability company can have?
- 1
 - 2
 - 5
 - 50**
 - Unlimited
- 29) What is the maximum number of shareholders a joint stock company can have?
- 1
 - 2
 - 5
 - 50
 - Unlimited**
- 30) Which of the following companies is not a capital company?
- Collective company**
 - Limited company
 - Joint stock company
 - Public joint stock company
 - Limited partnership with shares

- 31) Which of the following company partners is liable for the debts of the company unlimited 1st degree and jointly and severally?
- Collective company
 - Limited company
 - Joint stock company
 - Public joint stock company
 - Ordinary Partnership**
- 32) Which of the following company partners is liable for the debts of the company unlimited 2st degree and jointly and severally?
- Collective company**
 - Limited company
 - Joint stock company
 - Public joint stock company
 - Ordinary Partnership
- 33) Mehmet, who opened a flour factory, wants to register his business with the trade registry through his legal representative Ahmet, but the registry director rejects the request, saying that the registration request must be made in writing and in person. Mehmet then goes to the registry office for registration and asks to see the registry records of a friend. The registry director says that he cannot show him the registry records unless he can prove that he is related. In this case, which of the following statements about the registry director's statement regarding the registry records is correct?
- The trade register is open to everyone, provided they can prove that they are interested.
 - The trade register is open to everyone without the need to prove that it is relevant.**
 - The trade registry is open only to the registrant and his legal successors.
 - The trade registry is open only to the registrant and its legal representatives.
 - Trade registry records can only be examined pursuant to a court order.
- 34) Which of the following information regarding the transfer of a commercial enterprise is incorrect?
- It is not possible to transfer only the assets of a commercial enterprise.
 - The validity of the transfer agreement is not subject to any formal requirements.**
 - In case of transfer of the business, the transferee and the transferor shall remain jointly and severally liable for a period of two years.
- 35) Which of the following does not fall under the category of "inducing a breach or termination of a contract", which constitutes unfair competition according to the Turkish Commercial Code?
- To induce them to violate contracts they have already concluded with others, so that they can conclude contracts with customers themselves.
 - Attempting to benefit himself or others by providing or offering benefits to third parties' workers, agents, and other auxiliary persons that they do not deserve and that may lead them to act contrary to their obligations in the performance of their work.
 - Inducing workers, agents, or other auxiliary persons to disclose or obtain the production and business secrets of their employers or clients.
 - Not clearly stating its title in public announcements regarding instalment sale contracts or similar legal transactions, not stating the cash or total sales price or the additional cost arising from the sale in instalments in Turkish Lira and annual rates.**
 - Directing the buyer or borrower who has entered into an instalment sale, cash sale or consumer credit contract to withdraw from this contract or directing the buyer or borrower who has entered into a cash sale contract to terminate this contract in order for him to conclude such a contract with him.

36) Merchant (A) transferred his commercial enterprise to merchant (B) on 01.06.2019. What is the liability of (A) for the debts of the business?

- a) The transferor is not liable for the debts of the business.
- b) The transferor is liable for all debts of the business for one year.
- c) The transferor is liable for the overdue debts of the enterprise for a period of two years from the moment of the due date.**
- d) The transferor is liable for the outstanding debts of the enterprise for a period of one year from the date of the announcement of the transfer or notification to the creditors.
- e) The transferor is liable for the outstanding debts of the enterprise for a period of five years from the date of the announcement of the transfer or notification to the creditors.

37) Which of the following is not one of the lawsuits that can be filed in cases of unfair competition?

- a) Detection of unfair competition
- b) Prevention of unfair competition
- c) Cancellation of unfair competition**
- d) Elimination of the material situation resulting from unfair competition
- e) Moral compensation

38) Which of the following statements about the business name is correct?

- a) The business name is the name used by the merchant in its commercial business and actions.
- b) The merchant is obliged to use a business name.
- c) It is not possible for shopkeepers to use a business name.
- d) The actions and claims for the protection of a trade name are also applicable to the protection of a registered business name.**
- e) The unregistered business name shall be protected in accordance with the provisions of the Decree Law No. 556 on the Protection of Trademarks.

39) How long should the trade registry request period be from the date of issue of the deed or document?

- a) 10 days
- b) 15 days**
- c) 30 days
- d) 60 days
- e) 90 days

40) Which of the following is not a commercial business?

- a) Agreement with an architect to draw a project for the merchant's business
- b) License agreement regarding the trademark right of the merchant
- c) Trader's agreement with hospital to provide health care for his workers
- d) Renting lodgings for the trader's employees
- e) Trader buys bracelet for his daughter on her birthday**

THANK YOU! THIS IS THE END OF YOUR FINAL EXAMINATION

PS 1: Can I kindly require you to check your name, student ID, and any other required information on all answer booklets and sheets.

PS 2: Please hand your completed exam papers to the invigilators as instructed. Do not leave the room with any exam materials.

PS 3: Kindly require you to not discuss the exam content with peers immediately after the exam, especially if others are taking the exam at different times or locations.

Best of luck with your exam! Study well and perform to the best of your ability.

Kindly remind you to review me on the system.

Asst. Prof. Dr. Fatih SERBEST

27.05.2024

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