

Contratos Comerciales Modernos

Art. 263.- En la interpretación del contrato mercantil celebrado entre dos comerciantes o empresarios prevalecerá la intención de las partes. La intención se podrá determinar con base en los términos de relación precontractual, a los términos del contrato mismo a negociaciones previas sobre la misma materia u otras a fines, a las prácticas entre los contratantes, a la conducta de estos después de celebrado el contrato a la causa del mismo y al sentido dado a los términos y expresiones en el respectivo sector de actividad económica.

En otras palabras el Contrato Comercial es aquel contrato celebrado entre dos partes con el fin de obligarse en dar o hacer alguna cosa sujetándose a las normas del código de comercio.

Contrato Leasing

Las actividades de leasing en el Ecuador se iniciaron legalmente en diciembre de 1979, con el Decreto Supremo No.3121, en que el Consejo Superior de Gobierno presidido por el Almirante Alfredo Poveda Burbano, expidió lo que se conoce como Ley de Arrendamiento Mercantil (Torrontegui, 1993, p. 73).

El leasing financiero nace cuando una empresa comercial, industrial o de servicios requiere comprar o modernizar sus equipos de producción o sus instalaciones para obtener mejores niveles de eficiencia y competitividad. En sí, el contrato de leasing es una operación de financiación de mediano o largo plazo, es una relación entre una sociedad de leasing y una empresa (De Umaña, B. T. 1979, p.22).

Características:

- **Típico:** Por cuánto se halla regulado por el Derecho Positivo.

Contratos Comerciales Modernos

Gustavo Ordoqui Castilla

Contratos Comerciales Modernos:

Contratos comerciales modernos Juan M. Farina,2005 Edición homenaje ,2005 **Modernos contratos del derecho** Gloria Yolanda Portillo,1993 *Contratos empresariales nacionales e internacionales - 6ta edición* Lisandro Peña Nossa,2017-03-01 Un negocio sin contrato no existe pues este le da vida a la actividad u objeto social del comerciante o productor Tambi n es el eje de un negocio porque establece el objeto los derechos y obligaciones de las partes el t rmino para realizarlo y el precio por ello es una herramienta vital en el desarrollo y crecimiento de la empresa como generadora de riqueza y fuente de empleo Esta nueva edici n del libro De los contratos mercantiles ha sido retitulada para dar cuenta del rol fundamental de los contratos en la actividad empresarial Para ello el autor describe la teor a general de las obligaciones y los contratos empresariales los principios del derecho contractual la contrataci n mercantil internacional y los precontratos y provee una til clasificaci n de los contratos en t picos atpicos intermediaci n y nancieros Se incluye un nuevo capitulo sobre las garant as empresariales *Contratos de distribuci n comercial* Eliana Fernanda Romero Vivas,2018-06-01 Los contratos de distribuci n son instrumentos con los que cuenta el ordenamiento jur dico para regular el mercado y la econom a Son contratos que adem s buscan crear empresa de una manera menos r gida ya que le permiten a los fabricantes dise ar y organizar sus propias redes de distribuci n otorg ndoles la posibilidad de optar por distintos sistemas en funci n de su presencia en el mercado en beneficio de una distribuci n homog nea que les permite defender la calidad y la identificaci n del bien o servicio distribuido De otra parte se puede decir que los contratos de distribuci n son una de las categor as de los contratos que mejor muestra la evoluci n propia del derecho comercial pues surgieron de la pr ctica comercial con la intenci n de ganar mercado en los que se comprueba como el legislador ha dejado en buena parte la organizaci n del mercado a los particulares La Agencia Comercial la Concesi n y la Franquicia son tres de los principales contratos de distribuci n que son tratados por la autora en los que el lector descubrir el estado del arte y los aportes que la autora hace Es muy interesante a prop sito de la internacionalizaci n que suponen muchas de estas relaciones contractuales el capitulo sobre la buena fe y el trato justo como mecanismo modificadorio del contrato de franquicia dentro del derecho Norteamericano Contratos Carlos Alberto Ghersi,1996 *Contrataci n comercial moderna* Alvaro Puelma Accorsi,1991 Executory Contracts in Insolvency Law Jason Chuah,Eugenio Vaccari,2019 Executory Contracts in Insolvency Law offers a unique comprehensive and up to date transnational study of the topic including an analysis of certain countries which have never previously been undertaken in English Written by experts in the field with extensive experience of both research and professional experience this is a groundbreaking investigation into the philosophies and rationales behind the different policy choices adopted and implemented by a range of over 30 jurisdictions across the globe **Tratado de derecho comercial: Contratos comerciales modernos** Ernesto Eduardo Martorell,2010 *Aspectos legales de la log stica comercial y los contratos de servicios log sticos* Javier Andr s Franco Z rrate,2018-07-25 A pesar de la importancia que la log stica ha tomado en el marco

de la actividad empresarial poco se ha dicho sobre los alcances que desde una perspectiva legal puede llegar a tener el concepto El presente libro presenta un estudio de dicho fenómeno desde un ángulo jurídico analizando en particular el rol del operador lógico como nuevo jugador de la actividad empresarial los posibles riesgos legales derivados de su actividad y los contratos que se utilizan para instrumentar este tipo de operaciones *La responsabilidad contractual en los contratos de colaboración empresarial* Luisa Fernanda Jiménez Mahecha, 2020-02-01 La responsabilidad contractual se ha estudiado sobre la base de los contratos unilaterales y bilaterales No obstante con la llegada de los contratos de colaboración empresarial como un fenómeno jurídico y económico intermedio surgen nuevos interrogantes en cuanto al régimen de responsabilidad aplicable Cuáles es su alcance Quáles acciones pueden ejercer las partes ante el incumplimiento contractual Cuáles son las causales de exoneración de responsabilidad aplicables Existe responsabilidad solidaria por pasiva y por activa en los contratos de colaboración empresarial Cómo se puede regular la responsabilidad contractual frente a los terceros con que contraten El Derecho debe amoldarse y responder a los nuevos requerimientos que el mercado actual necesita para la ejecución de estas formas de agrupación empresarial horizontal en el que las partes deciden compartir riesgos para poder obtener utilidades

Curso de derecho mercantil Alfredo Morles Hernández, 1998 **contratos bancarios**, *El tratado de libre comercio, la integración comercial y el derecho de los mercados* Erick Rincón Cárdenas, 2007 *Derecho de los contratos comerciales modernos* Gustavo Ordoqui Castilla, 2022 **Contratos aleatorios** Ediltrudis Panadero de la Cruz, Jorge Luis Ordelín Font, Leonardo Bernardino Pérez Gallardo, Marcos González Montoya, Luigi Balestra, Nancy de la C. Ojeda Rodríguez, Noadys Milán Morales, Freddy Andrés Hung Gil, Caridad del Carmen Valdés Díaz, Ársul José Vázquez Pérez, Alejandro Vigil Iduate, Raúl José Vega Cardona, Rafael Roselló Manzano, Filippo Di María, Ana Catalina Echeverri Mesa, Teresa Delgado Vergara, Massimo Franzoni, 2012-01-01 El azar o riesgo o alea es presente en sentido general en cualquier tipo de contrato Introducirse en el mercado es hoy un riesgo incluso para el más avezado mercader Toda contratación lleva a sus autores a asumir una posibilidad de ganancia o pérdida El alea en consecuencia ha devenido en un elemento perenne del mundo de la contratación Empero en ocasiones las partes pueden elevarlo a elemento causal y por consiguiente puede llegar a formar parte de la propia naturaleza de un tipo contractual determinado Sobre estos derroteros transitó la apretada agenda académica de la X Jornada Internacional de Derecho de Contratos celebrada en La Habana en enero de 2011 Durante tres intensos días de invierno tropical se debatió en cada sesión sobre el alea con alcance general la distinción entre los contratos aleatorios y los condicionales de su regulación en la codificación civil iberoamericana la revisión judicial de los contratos aleatorios y la particular regulación de los contratos de juego apuesta renta vitalicia y por supuesto se hizo especial hincapié en el contrato de seguro calificado como el último de los contratos sobrevenido en tiempo durante el siglo XIX figura jurídica que derivaría en vedette durante estos días con especial estudio de los contratos de seguro de responsabilidad civil de personas y marítimos en lo que concierne además a la interpretación de sus cláusulas su proyección jurisprudencial personas

no asegurables cl usulas limitativas de responsabilidad las declaraciones inexactas y las declaraciones reticentes entre otros tantos temas El libro para una mejor comprensi n y did ctico tratamiento se ha subdividido en tres secciones generales la primera dedicada a los t picos de alcance m s general sobre el alea en los contratos y concretamente sobre los contratos aleatorios se incluyen aqu los trabajos dedicados a su distinci n de los contratos condicionales su regulaci n en la codificaci n civil iberoamericana y la posibilidad de la revisi n judicial de los contratos aleatorios por circunstancias sobrevinientes La segunda secci n se reserva a los estudios realizados sobre los tipos contractuales de naturaleza aleatoria en especie distintos al seguro Se incluyen aqu las figuras cl sicas del juego y de la apuesta y la de la renta vitalicia esta ltima en su dimensi n tuitiva de personas dependientes econ micamente y con discapacidad la figura de la fianza en una posici n doctrinal minoritaria pero no menos interesante que la ubica dentro de los contratos aleatorios y los negocios a riesgo en la inversi n extranjera La ltima secci n se propone para el seguro subdividi ndose en dos subsecciones Una primera donde se estudia el contrato de seguro dentro de los contratos aleatorios su construcci n dogm tica la hermen utica de sus cl usulas las cl usulas inexactas y las reticentes su tratamiento en distintos ordenamientos jur dicos y la consecuencia que ello tiene para la vida del contrato En la segunda se incluyen dos trabajos dedicados al seguro de personas La coordinaci n y nota introductoria del texto la ha asumido Leonardo B P rez Gallardo Profesor Titular de Derecho Civil en la Universidad de La Habana y Notario quien preside el comit acad mico de estas jornadas desde su propia creaci n

Manual dos contratos empresariais

Fernando Schwarz Gaggini,2022-04-18 Este livro tem por proposta tratar o tema dos contratos empresariais sob uma tica integrada entre a teoria e a pr tica buscando ser um manual de uso para estudantes e profissionais Para atender a tal prop sito a obra estruturada em tr s partes PARTE I ASPECTOS GERAIS DOS CONTRATOS a primeira parte se dedica a tratar da teoria geral dos contratos com nfase nos contratos empresariais Dentro de tal tem tica s o analisadas quest es como o conceito jur dico de contrato respectiva legisla o forma e instrumentaliza o Tamb m nesse contexto s o tratados os princ pios contratuais as limita es liberdade contratual e a atua o judicial quanto mat ria Referida abordagem avalia tamb m o impacto da rela o entre as partes considerando os contratos parit rios os contratos celebrados por ades o e os contratos de consumo O estudo da teoria geral tamb m abrange diversas classifica es aplic veis ao tema bem como o estudo das diferentes fases presentes em uma rela o contratual PARTE II ASPECTOS PR TICOS a segunda parte do livro tem por proposta aplicar o conte do te rico pr tica contratual mediante a apresenta o de t cnicas de estrutura o reda o an lise e confer ncia de contratos e outros instrumentos como documentos pr contratuais aditamentos distratos etc Ao longo dos respectivos cap tulos s o apresentadas quest es pr ticas que devem ser consideradas por profissionais que lidem com a mat ria al m de propostas de estrutura o do conte do de um instrumento contratual escrito sugest es de reda o para o texto contratual sugest es de reda o para cl usulas de solu o de conflitos al m de considera es pr ticas quanto atividade de an lise e confer ncia de contratos PARTE III CONTRATOS EMPRESARIAIS EM ESP CIE a ltima parte do livro se dedica a apresentar as regras espec ficas aplic

veis a diversos tipos contratuais enfocando sua definição e função legislativa e características gerais. Neste tópico são tratados de forma individualizada os seguintes contratos: compra e venda, prestação de serviços, locação e arrendamento, locação de coisas em veículos, locação de imóveis em shopping centers, locação de bens built-to-suit, mandato comissarial, franquia, representação comercial, concessão comercial, distribuição e revenda de contratos bancários envolvendo aspectos regulatórios e diversos tipos de contratos bancários ativos e passivos, alienação fiduciária em garantia, leasing, arrendamento mercantil, factoring, faturização e seguro.

Global Sales and Contract Law Ingeborg Schwenzer, Pascal Hachem, Christopher Kee, 2012-01-26. This comprehensive analysis of domestic and international sales law covering over sixty jurisdictions is the most detailed work in the field. It includes all aspects of a sale of goods transaction and provides answers to complex issues in practice.

Manual de Derecho Privado. Tomo III Aída Kemelmajer de Carlucci, Mauricio Boretto, 2020-11-01. Manual de Derecho Privado Tomo III fue escrito para que los estudiantes puedan comprender las nociones fundamentales del Derecho Privado argentino y adquirir conocimiento sobre las normas más relevantes del nuevo Código Civil y Comercial.

Manual dos Contratos Empresariais - 3a Ed - 2025 Fernando Schwarz Gaggini, 2025-03-28. Este livro tem por proposta tratar o tema dos contratos empresariais sob uma ótica integrada entre a teoria e a prática buscando ser um manual de uso para estudantes e profissionais. Para atender a tal propósito, a obra estruturada em três partes: PARTE I ASPECTOS GERAIS DOS CONTRATOS. A primeira parte se dedica a tratar da teoria geral dos contratos com ênfase nos contratos empresariais. Dentro de tal temática são analisadas questões como o conceito jurídico de contrato, respectiva legislação, forma e instrumentalização. Também nesse contexto são tratados os princípios contratuais, as limitações à liberdade contratual e a atuação judicial quanto à matéria. Referida abordagem avalia também o impacto da relação entre as partes considerando os contratos paritários, os contratos celebrados por adesão e os contratos de consumo. A análise da teoria geral também abrange diversas classificações aplicáveis ao tema bem como o estudo das diferentes fases presentes em uma relação contratual.

PARTE II ASPECTOS PRATICOS. A segunda parte do livro tem por proposta aplicar o conteúdo teórico-prático contratual mediante a apresentação de técnicas de estruturação, redação, análise e conferência de contratos e outros instrumentos como documentos prazos, contratos de aditamentos, distratos, etc. Ao longo dos respectivos capítulos são apresentadas questões práticas que devem ser consideradas por profissionais que lidam com a matéria, além de propostas de estruturação e conteúdo de um instrumento contratual escrito, sugestões de redação para o texto contratual, sugestões de redação para cláusulas de solução de conflitos, além de considerações práticas quanto à atividade de análise e conferência de contratos.

PARTE III CONTRATOS EMPRESARIAIS EM ESPAÇO. A terceira parte do livro se dedica a apresentar as regras específicas aplicáveis a diversos tipos contratuais enfocando sua definição, função, legislação e características gerais. Neste tópico são tratados de forma individualizada os seguintes contratos: compra e venda, prestação de serviços, locação e arrendamento, locação de coisas em veículos, locação de imóveis em shopping centers, locação de bens built-to-suit, mandato comissarial, franquia, representação comercial, concessão comercial, distribuição e revenda de contratos bancários, alienação fiduciária em garantia, leasing, arrendamento mercantil, factoring.

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