

Group Number: _____ Date: _____

Dimension: Legal

Your Full Name: _____

Common Law Contracts

1. The Nature of Contract Law

Contracts are “_____”. In defining contract, these two elements: _____ between the parties and some form of _____ thereof, are crucial.

“A” advertises a watch on the Internet and seeks bids. “B” offers to buy for \$10,000 and “A” immediately accepts. Subsequently, “B” claimed that he was “by mistake” and meant to offer to buy the watch for \$1,000 only.

Was there a contract to sell the watch for \$10,000? Yes or No? _____

Why? _____

Agreement is generally viewed as comprising two elements; an _____ by one party and an _____ of that offer by the other.

It is generally accepted that a contract requires an _____ to be bound by both parties.

3. Agreement

In order to establish the existence of a contractual agreement, a claimant can adduce _____ evidence and may also be able to rely on the conduct of the parties.

A valid contract requires agreement. This is usually defined in terms of a clearly defined _____ being unambiguously _____.

“Offer” Distinguished from “Invitation to Treat”

Display of Goods in a Shop Window

The customer was allowed to select goods from the shelves and take them to the cash desk.

4. Consideration

Each party to a contract must give the other party something of value called a _____.

Consideration is a token of a party’s intention to make a legally binding contract as opposed to a non-binding social arrangement. That token takes the form of the giving of _____ in the eyes of the law.

Intellectual property

Referring to the cases below, do you think their actions are right or wrong in consideration of the intellectual property laws in Hong Kong? Explain briefly for your answers.

- a. A student copy pictures and texts over the Internet and email them to his classmates for posting on their personal websites.
- b. A student wants to photocopy the teaching material given by her teacher and distribute the copies to her friends who are students of other schools.
- c. A product designer invent a “smart” device and he is applying patent registration for it. He wants to promote his invention via the media to the public prior to patent registration.