



جامعة دمشق

كلية الحقوق

قسم القانون الخاص

مقرر "القانون الخاص باللغة الإنكليزية"

لطلاب ماجستير الدراسات العليا (القانون الخاص)

### المحاضرة الرابعة بعنوان "FORMATION OF CONTRACT":

تتناول هذه المحاضرة "تكوين العقد"، وهو موضوع تم إدراجه ضمن الأوراق الموزعة عليكم قبل تعليق الدوام، وتحديدًا في الصفحات من ٢ إلى ٨ في القسم المتعلق بقانون العقد - **THE LAW OF CONTRACT**. سوف أسلط الضوء على الأفكار الرئيسة حول تكوين العقد، والتي ينبغي عليكم دراسة محتواها من الأوراق، مراعية الترتيب ذاته الوارد في الأوراق المذكورة، وذلك على النحو الآتي:

First, you should know the main idea of this lecture: the existence of a contract is dependent upon the agreement of the parties when an unqualified offer by one of them is met by an unqualified acceptance of that offer from the other.

## Page: 2

### OFFERS AND INVITATIONS TO TREAT

What is the difference between offer & invitation to treat?

## Page: 3

We will talk about situations of offer & situations of invitation to treat.

- **Shop window displays.**

1- The rule: the display of goods in a shop window is invitation to treat. What is the reason?

2- /A/ Retailers, who have limited stocks of the goods, make offer (while stocks last).

/B/ Innkeepers make offer (subject to availability of accommodation).

## Page: 4

- **Self-service displays.**

1- The rule: the display of goods on the shelves of a self-service shop is invitation to treat. What is the reason?

2- How can retailer retain a measure of control over the persons to whom he will supply goods?

- **Vending machines.**

## Page: 5

1- We have two possibilities:

/A/ the presence of the machine is offer.

/B/ the presence of the machine is invitation to treat.

2- In these possibilities, what is the difference between action for breach of contract & action for repetition?

### **Page: 7**

#### **▪ Advertisements.**

1- The rule: advertisements are invitations to treat.

2- What is the exception of this rule?

#### **▪ Auction sales.**

1- Auction sale is invitation to treat.

2- What is the meaning of "fall of the hammer"?

### **Page: 8**

#### **▪ Tenders and quotations.**

1- Tenders are invitations to treat.

2- Quotation by tradesman of the price at which he is prepared to carry out a particular job of work is offer.

مُدْرَسَةُ الْمُقَرَّر

الدكتورَة رشا أيوبي