

TRƯỜNG ĐẠI HỌC VĂN LANG  
ĐƠN VỊ: KHOA NGOẠI NGỮ

**ĐỀ THI VÀ ĐÁP ÁN**  
**THI KẾT THÚC HỌC PHẦN**  
**Học kỳ 2, năm học 2023-2024**

**I. Thông tin chung**

Tên học phần:	TIẾNG ANH HỢP ĐỒNG VÀ LUẬT THƯƠNG MẠI		
Mã học phần:	71ELAN40242	Số tin chỉ:	2
Mã nhóm lớp học phần:	232_71ELAN40242_03, 04		
Hình thức thi: Trắc nghiệm kết hợp Tự luận	Thời gian làm bài:	60	phút
<i>Thí sinh được tham khảo tài liệu:</i>	<input type="checkbox"/> Có	<input checked="" type="checkbox"/> Không	

**1. Lưu ý phòng Khảo thí**

- Khóa copy-paste trên bài thi

**II. Các yêu cầu của đề thi nhằm đáp ứng CLO**

Ký hiệu CLO	Nội dung CLO	Hình thức đánh giá	Trọng số CLO trong thành phần đánh giá (%)	Câu hỏi thi số	Điểm số tối đa	Lấy dữ liệu đo lường mức đạt PLO/PI
(1)	(2)	(3)	(4)	(5)	(6)	(7)
<b>CLO1</b>	Sử dụng được kiến thức về Luật Thương mại và các loại Hợp đồng	Trắc nghiệm, tự luận	20	1-10 21-25	1 1.5	PI4.1
<b>CLO2</b>	Sử dụng được hệ thống thuật ngữ liên quan đến luật thương mại và các điều khoản trong một hợp đồng	Trắc nghiệm	20	11-17	0.7	PI4.2
<b>CLO3</b>	Vận dụng tốt các ý chính, chi tiết, mối quan hệ của các điều khoản trong hợp đồng, và các văn bản trong luật thương mại.	Trắc nghiệm, tự luận	40	18-20 26-30 31	0.3 1.5 1	PI6.1

<b>CLO4</b>	Phối hợp làm việc nhóm, lựa chọn thông tin để thực hiện được văn bản liên quan đến hợp đồng và luật thương mại.	Tự luận	20	32-33	4	PI6.2, 7.3
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### III. Nội dung câu hỏi thi

#### **PHẦN TRẮC NGHIỆM (2 điểm) (20 câu hỏi, mỗi câu 0.1 điểm)**

#### **CHOOSE THE BEST ANSWER**

It is a bill of exchange when the payor sees it, he/she must pay immediately.

- A. Sight Bill
- B. Time Bill
- C. Accommodation Bill
- D. Inland Bill

**ANSWER: A**

The offer should be accepted within a specified period which is known as...

- A. validity period
- B. effect period
- C. duration
- D. time limit

**ANSWER: A**

This term means the seller delivers the goods to the buyer at the appointed place after finishing customs clearance but still loaded at the destination.

- A. DDP
- B. FOB
- C. CIF
- D. EXW

**ANSWER: A**

The situation when either of the parties fails to fulfill the contract due to force majeure.

- A. frustration
- B. repudiation
- C. arbitration
- D. termination

**ANSWER: A**

In case of any dispute and controversy arising during the contract performance, the parties to the contract may seek this without taking any court actions.

- A. arbitration
- B. frustration
- C. termination
- D. repudiation

**ANSWER: A**

Any items, goods, equipment, materials, data, or other items purchased, or to be purchased by a party under a Contract.

- A. Contract objects
- B. Contract subjects
- C. Contract objectives
- D. Products

**ANSWER: A**

This range should be clarified in the contract to avoid disputes between the parties regarding to differences in the quantity of bulk cargo for a specific product at a specific time.

- A. quantity latitude
- B. quantity tolerance
- C. quantity difference
- D. quality tolerance

**ANSWER: A**

Look at the price quoted for rice 5% broken exported to the Philippines from Vinafood 1: "Price: USD 574/ MT FOB Ho Chi Minh City Port. Quantity: 10,000 MTS +/- 5%". According to INCOTERMS 2020, with FOB price, the Seller's obligations and risks will be ended \_\_\_\_\_

- A. when the cargo is loaded onboard the vessel
- B. when the cargo passes over the rails of the vessel
- C. when the cargo arrives at the loading port
- D. when the cargo is shipped to the unloading port

**ANSWER: A**

Look at the price quoted for rice 5% broken exported to the Philippines from Vinafood 1: "Price: USD 574/ MT FOB Ho Chi Minh City Port. Quantity: 10,000 MTS +/- 5%". The quantity as quoted above means \_\_\_\_\_

- A. The cargo can be more or less than 10,000 MTS by 5%
- B. The cargo will not be over 5% of 10,000 MTS
- C. The cargo cannot be lower than 5%
- D. 10,000 MTS is a fixed quantity.

**ANSWER: A**

During the performance of an international commercial contract, when the quality and quantity of goods are not in accordance with the provisions of the contract, it is not always the responsibility of one party (The Seller) to the contract but sometimes under the responsibility of \_\_\_\_\_

- A. insurance companies, shipping companies or other transport units
- B. insurance companies and inspection companies
- C. quality control department and shipping companies
- D. managing board and insurance companies

**ANSWER: A**

This is the standard to determine whether the contract is executed on time or late.

- A. contract performance period
- B. time limit
- C. validity
- D. shipment date

**ANSWER: A**

The document drafted by the Buyer saying that they disagree with the terms and conditions given by the Seller

- A. counteroffer
- B. offer
- C. quotation
- D. letter of acceptance

**ANSWER: A**

“We would like to point out that since your present Quotation is on CPT terms, freight for container shipment is lower than the usual freight, the increase in price can be well set off by the saving in freight....”. What does CPT stand for?

- A. carriage paid to
- B. cash paid to
- C. charge paid to
- D. carry paid to

**ANSWER: A**

The contract that stipulates rights and obligations in the sale and purchase of good between parties of different nationalities.

- A. international sale and purchase contract
- B. international technology transfer contract
- C. international business cooperation contract
- D. business contract

**ANSWER: A**

When one party transfers all or part of its contributed capital to a third party, who has the right to purchase first?

- A. the other party
- B. the third party
- C. the arbitrator
- D. None is correct.

**ANSWER: A**

If the Buyer fails to pay any amount when due, the Buyer shall be liable to pay to the Seller \_\_\_\_\_ on such unpaid amount from the due date until the actual date of payment at the rate of XXX percent per annum.

- A. overdue interest
- B. higher interest
- C. penalty
- D. no interest

**ANSWER: A**

The main difference between FOB and \_\_\_\_\_ is that, applying the FOB term, the price does not include insurance and freight.

- A. CIF
- B. DDP
- C. FCA
- D. EXW

**ANSWER: A**

The amount of money paid in advance before taking the delivery of the product.

- A. deposit
- B. commission
- C. discount
- D. budget

**ANSWER: A**

The parties to contracts for Vietnam-foreign joint ventures are .....

- A. companies/enterprises/businesses/organizations of different nationalities
- B. an individual and a foreign company
- C. 2 individuals of different nationalities
- D. any entities

**ANSWER: A**

If the goods can't be sent directly from HCMC to New York because there is no direct line, they should be \_\_\_\_\_ to Hongkong or Seoul.

- A. transshipped
- B. shipped
- C. delivered
- D. dispatched

ANSWER: A

### PHẦN TỰ LUẬN (8 điểm)

**Phần A: Điền từ (10 câu, mỗi câu 0.3 điểm)**

**Phần B: Viết: (3 câu, 2 câu 2 điểm, 1 câu 1 điểm)**

#### PART A: GAP-FILLING (3 pts)

Complete the sentences with ONE word only from the list.

<i>Destination</i>	<i>Enquiry</i>	<i>Offer</i>	<i>Practice</i>	<i>Acknowledge</i>
<i>Mortgage</i>	<i>Pledge</i>	<i>Endorser</i>	<i>A penalty</i>	<i>Fine</i>
<i>Knowledge</i>	<i>Endorsee</i>	<i>Metric Ton</i>	<i>Warning</i>	<i>Long Ton</i>

1. Property \_\_\_\_\_ is used when the securities provided is an immovable asset/property by the borrowers to obtain the loans.
2. Thank you for your \_\_\_\_\_ dated 20 December 2021 asking for our range of security systems. We are pleased to offer our products under the following terms and conditions.
3. We \_\_\_\_\_ receipt of your letter of 1 January 2022 from with we learned that you are interested in our product.
4. One of the objects of contracts for international technology transfer is intangible technical \_\_\_\_\_
5. The parties to an international business contract may select appropriate foreign law, or international \_\_\_\_\_, provided that it is not against the law of Vietnam.
6. When preparing export contracts, an international unit system should be used. For example, we can have \_\_\_\_\_ in the French system equivalent to 1,000 kgs.
7. In the event the Seller for its own sake fails to make delivery of all the goods on time as stipulated in this Contract, the Seller shall pay \_\_\_\_\_ to the Buyer.
8. \_\_\_\_\_ signs also called dangerous signs, indicate the drawings and letters that attract attention to the packaging of dangerous goods such as *flammable*, *explosive*, *toxic*, *radioactive material*, etc.
9. When applying the CIF condition, specify the name of the port of \_\_\_\_\_. For example: CIF Kuala Lumpur, CIF Hai Phong Port, CIF Los Angeles.
10. \_\_\_\_\_ is a person who is authorized to sign negotiable security in order to transfer ownership from one party to another. That means the bill holder signs his / her name on the back of the document for the purpose of transferring it to another person.

**PART B: Finish the tasks given (5 pts)****1. What's wrong with the following quotation? (1 pts)**

Item: Printed cotton sheeting

Specification: 34.36 inches in width

40 meters per piece

Quantity: 40,000 yards

Price: VND 65,000 per meter Antwerp (Belgium)

Provide your explanation.

**2. Use the following notes to draft a clause/an article about Terms of Payment (2pts)**

Method: TT

Time: 20 days after delivery

Bank: Bank of Tokyo

Currency: USD

Amount: 100,000

**3. Use the following notes to draft a clause/an article about Force Majeure (2 pts)**

- War, fire, acts of Gods
- Responsible: no party
- How: notice in writing, 14 days after the event, evidence issued by the local authority

**ĐÁP ÁN PHẦN TỰ LUẬN VÀ THANG ĐIỂM**

Phần câu hỏi	Nội dung đáp án	Thang điểm	Ghi chú
<b>II. Tự luận</b>		<b>8.0</b>	
Part A	1. Mortgage 2. Enquiry 3. Acknowledge 4. Knowledge 5. Practice 6. Metric Ton 7. A penalty 8. Warning 9. Destination 10. Endorser	3	
Part B – 1	The discrepancies herein are the unit of measurement which is not consistent: between yards (British system) and meters (Metric system) and the currency (VN dong) is not freely convertible and used in international trade, quote the price	1	

	with conditions, i.e CIF Antwerp or FOB Antwerp.		
Part B – 2	Answers may vary.	2	
Part B – 3	Answers may vary.	2	
	Điểm tổng	10.0	

*TP. Hồ Chí Minh, ngày 21 tháng 2 năm 2024*

**Trưởng bộ môn**

**Giảng viên ra đề**

**Nguyễn Hải Long**

**Trần Thị Bích Trâm**