

School of Accounting and Commercial Law

COML 308 MARKETING LAW

Trimester Two 2006

COURSE OUTLINE

Contact Details

<i>Course Co-ordinator</i>	<i>Room</i>	<i>Phone</i>	<i>Email</i>	<i>Office Hours</i>
Mr Leslie Brown	RH 714	463 6787	Leslie.Brown@vuw.ac.nz	TBA
<i>Lecturer</i>				
Ass Prof Yvonne van Roy	RH 605	463 6762	Yvonne.vanRoy@vuw.ac.nz	TBA
<i>Admin Assistant</i>				
Marina Dobrovolskaya	RH 708	463 5775	Marina.Dobrovolskaya@vuw.ac.nz	Mon-Fri 8.30-5pm

(Note: Office closed 10.30am-10.45am and 3.30pm-3.45pm.)

Class Times and Room Numbers

Lectures

Tuesday, Wednesday, Friday 8.30-9.20am in GB LT 2

Tutorials

Tutorial sign-up will be via **Blackboard** at **Course COML 308** and should be done during the first week of term. The instructions for signing up are attached as page 7 of this Course Outline and will also be posted on the Announcements section of **Course COML 308** on Blackboard.

The completed tutorial lists will be posted on Blackboard.

Tutorial classes will meet weekly, starting in the **third week** of the trimester. There are 8 tutorials in all, and a “rest week” is scheduled for the middle of the course so the tutorials do not run ahead of the lectures.

The tutorial programme has been carefully developed to address the course objectives and to cover in depth all of the major topic areas in the course. The tutorials follow the lecture sequence and aim to develop oral and analytical skills. You will be expected to lead the tutorial discussion on topics assigned to you. Everyone can expect to be assigned a topic at least twice during the tutorial programme. For *all* tutorials everyone should be able to demonstrate that they have prepared for discussion of all questions.

Course Objectives

- 1) An understanding of the strategic implications (both positive and negative) of commercial laws relating to marketing activities: In particular, an appreciation of the impact of consumer laws, laws relating to product liability, and intellectual property laws.
- 2) An ability to apply relevant law to fact situations.
- 3) An ability to critically analyse the case law and academic writings.
- 4) An appreciation of the policy underpinnings, both social and economic, of the laws relating to marketing.
- 5) An awareness of the interplay between business, Government and the law in relation to marketing through the study of “real-life” fact situations.

Course Content

Marketing: “The performance of business activities that direct the flow of goods and services from producers to consumers.”

Runyon, K.E, *The Practice of Marketing*. Columbus, Ohio: C.E. Merrill, 1982.

The Marketing Law course will examine selected legal issues affecting the marketing of a new product, from its inception and development by a firm or individual, to its promotion and distribution to the consumer. Topics covered include:

- the protection of intellectual property in the product
- other laws governing development, promotion, and distribution of the product including privacy law
- consumer liability.

Readings

COML 308 Course Materials (2006)

CCH New Zealand Contract and Commercial Legislation (22nd edn, 2006) Earlier editions, from 1995 onwards (11th-20th edns), will also be suitable.

Skinnon, McDermott (et al) Law of Marketing in New Zealand, (2nd edn) Butterworths, Wellington, 2001.

Research Materials

The Law Library, located in the Old Government Building, contains some resources you might use for completing the Research Essay. The Law Library is a University resource and is open to students of all Faculties. Library staff will assist with reasonable research requests, however students should be prepared to find most of the materials they need without assistance. Note that the Law Library is a reference library only and no books may be removed from the premises. However photocopying cards may be purchased.

Materials and Equipment

Materials permitted in test and examination

The Terms Test and the Final Exam are open book and you may bring whatever materials you like into the exam room. **Note:** That during the course additional copies of legislation and/or cases and articles may be distributed during the course. **These should be brought to the terms test and final exam if relevant to the examinable material.**

Course Materials and Additional Handouts

You can purchase the Course Materials from the Student Notes shop. The CCH Contract and Commercial Legislation statute book and the Law of Marketing textbook may be purchased from the University bookshop.

There is no charge for class handouts, and limited spare copies of these will be made available. Certain handouts will also be available on Blackboard.

Assessment Requirements

1 Hour Terms Test (open book)	Wednesday 9 August 8.30-9.20am
Research Report (2000 words)	12 noon Thursday 28 September
Final Exam	October/November exam period

All items of assessment are compulsory and necessary for terms. The marks for these items of assessment will be totalled as follows:

Terms Test	100 marks
Research Report	150 marks
Final Exam	<u>250 marks</u>
TOTAL	500 marks

Research Report

The research report is due by 12 noon on Thursday 28 September 2006. Reports should not exceed 2000 words (not including footnotes which should be limited to referencing and citations). You will need to do research beyond the recommended reading and course materials.

You should pay particular attention to the requirements for adequate references and citations in order to avoid the appearance of plagiarism.

Report Topic

The Report Topic will be available as a separate class handout in the first week of lectures.

Note: *In your report you should consider areas of law covered in this course up to the end of week 9.*

Basic Requirements for your Report

1. Do not grossly exceed the word limit (10% tolerance is acceptable) – after this point the work will not be marked. Please state your word count on the front page of the Report.
2. Note that spelling, punctuation and format also form a component of the mark, although marks are not awarded for a fancy folder or clip art!! A staple in the top left corner is sufficient.
3. As the report topic is given out in the first week of lectures, the due date will be strictly adhered to. Extensions will not be granted after the due date unless in exceptional circumstances, and late reports will have a flat 5% penalty deducted per day late. (For example, a mark of 67% would become 62% if a day later). Reports can of course be handed in early.
4. Use footnotes to reference all ideas or quotations from another work. For guidance, look at the way this is done in your text.

5. Please include a bibliography of all research sources that you have used for writing your report.

6. Provide a separate cover sheet that shows:

The Title
Your Name
The Course Code
The word count

7. Leave a 2 inch (5 cm) margin and adequate spacing, to enable room for comments.

8. Write clearly or type your work.

9. Do not plagiarise.

Any special requirements which students must fulfil should be included under mandatory course requirements. As far as possible, sufficient assessment should be scheduled in the first 75% of a course to allow a fair evaluation of each student's performance in case of an aegrotat application (see section 4.4 of the Assessment Handbook).

Mandatory Course Requirements

You must complete both the Terms Test and Research Report and obtain at least a 40% average mark for these two items of course work.

Attendance and satisfactory participation in at least 6 of the 8 tutorials, and regular attendance at lectures (and preparation), is also required. Please note that terms will be awarded on the last lecture day, 13 October, and will be published on Blackboard.

Communication of Additional Information

Additional information concerning this course will be posted on Blackboard.

Faculty of Commerce and Administration Offices

Railway West Wing (RWW) - FCA Student and Academic Services Office

The Faculty's Student and Academic Services Office is located on the ground and first floors of the Railway West Wing. The ground floor counter is the first point of contact for general enquiries and FCA forms. Student Administration Advisers are available to discuss course status and give further advice about FCA qualifications. To check for opening hours call the Student and Academic Services Office on (04) 463 5376.

Easterfield (EA) - FCA/Education/Law Kelburn Office

The Kelburn Campus Office for the Faculties of Commerce and Administration, Education and Law is situated in the Easterfield Building - it includes the ground floor reception desk (EA005) and offices 125a to 131 (Level 1). The office is available for the following:

- Duty tutors for student contact and advice.
- Information concerning administrative and academic matters.
- Forms for FCA Student and Academic Services (e.g. application for academic transcripts, requests for degree audit, COP requests).
- Examinations-related information during the examination period.

To check for opening hours call the Student and Academic Services Office on (04) 463 5376.

General University Policies and Statutes

Students should familiarise themselves with the University's policies and statutes, particularly the Assessment Statute, the Personal Courses of Study Statute, the Statute on Student Conduct and any statutes relating to the particular qualifications being studied; see the Victoria University Calendar available in hard copy or under 'About Victoria' on the VUW home page at www.vuw.ac.nz.

Student and Staff Conduct

The Statute on Student Conduct together with the Policy on Staff Conduct ensure that members of the University community are able to work, learn, study and participate in the academic and social aspects of the University's life in an atmosphere of safety and respect. The Statute on Student Conduct contains information on what conduct is prohibited and what steps are to be taken if there is a complaint. For information about complaint procedures under the Statute on Student Conduct, contact the Facilitator and Disputes Advisor or refer to the statute on the VUW policy website at www.vuw.ac.nz/policy/studentconduct. The Policy on Staff Conduct can be found on the VUW website at www.vuw.ac.nz/policy/staffconduct.

Academic Grievances

If you have any academic problems with your course you should talk to the tutor or lecturer concerned; class representatives may be able to help you in this. If you are not satisfied with the result of that meeting, see the Head of School or the relevant Associate Dean; VUWSA Education Coordinators are available to assist in this process. If, after trying the above channels, you are still unsatisfied, formal grievance procedures can be invoked. These are set out in the Academic Grievances Policy which is published on the VUW website at www.vuw.ac.nz/policy/academicgrievances.

Academic Integrity and Plagiarism

Academic integrity is about honesty – put simply it means **no cheating**. All members of the University community are responsible for upholding academic integrity, which means staff and students are expected to behave honestly, fairly and with respect for others at all times.

Plagiarism is a form of cheating which undermines academic integrity. The University defines plagiarism as follows:

The presentation of the work of another person or other persons as if it were one's own, whether intended or not. This includes published or unpublished work, material on the Internet and the work of other student or staff.

It is still plagiarism even if you re-structure the material or present it in your own style or words.

Note: It is however, perfectly acceptable to include the work of others as long as that is acknowledged by appropriate referencing.

Plagiarism is prohibited at Victoria and is not worth the risk. Any enrolled student found guilty of plagiarism will be subject to disciplinary procedures under the Statute on Student Conduct and may be penalised severely. Consequences of being found guilty of plagiarism can include:

- an oral or written warning

- cancellation of your mark for an assessment or a fail grade for the course
- suspension from the course or the University.

Find out more about plagiarism, and how to avoid it, on the University's website at www.vuw.ac.nz/home/studying/plagiarism.html.

Students with Impairments

The University has a policy of reasonable accommodation of the needs of students with disabilities. The policy aims to give students with disabilities the same opportunity as other students to demonstrate their abilities. If you have a disability, impairment or chronic medical condition (temporary, permanent or recurring) that may impact on your ability to participate, learn and/or achieve in lectures and tutorials or in meeting the course requirements, please contact the Course Coordinator as early in the course as possible. Alternatively you may wish to approach a Student Adviser from Disability Support Services (DSS) to discuss your individual needs and the available options and support on a confidential basis. DSS are located on Level 1, Robert Stout Building, telephone (04) 463 6070, email disability@vuw.ac.nz. The name of your School's Disability Liaison Person is in the relevant prospectus or can be obtained from the School Office or DSS.

Student Support

Staff at Victoria want students to have positive learning experiences at the University. Each Faculty has a designated staff member who can either help you directly if your academic progress is causing you concern, or quickly put you in contact with someone who can. Assistance for specific groups is also available from the Kaiwawao Māori, Manaaki Pihipihinga or Victoria International.

In addition, the Student Services Group (email student-services@vuw.ac.nz) is available to provide a variety of support and services. Find out more at www.vuw.ac.nz/st_services/.

VUWSA employs Education Coordinators who deal with academic problems and provide support, advice and advocacy services, as well as organising class representatives and Faculty delegates. The Education Office (tel. 04 463 6983 or 04 463 6984, email education@vuwsa.org.nz) is located on the ground floor, Student Union Building.

Manaaki Pihipihinga - Maori and Pacific Mentoring Programme (Faculty of Commerce and Administration)

This is a mentoring service for Maori and Pacific students studying at all levels. Weekly one hour sessions are held at the Kelburn and Pipitea Campuses in the Mentoring Rooms, 14 Kelburn Parade, and Room 210 and 211, Level 2, Railway West Wing. Sessions cover drafting and discussing assignments, essay writing, and any questions that may arise from tutorials and/or lectures. A computer suite networked to Cyber Commons is available for student use.

To register with Manaaki Pihipihinga, please contact one of the following:

Puawai Wereta
Room 210, Level 2
Railway West Wing
Tel. (04) 463 8997
Email: Puawai.Wereta@vuw.ac.nz

Fa'afai Seiuli
Room 109 B
14 Kelburn Parade
Tel. (04) 463 5842
Email: Faafoi.Seiuli@vuw.ac.nz

TUTORIAL SIGN-UP INSTRUCTIONS

To sign up for your tutorial you need to follow the instructions below:

1. Log in to *Blackboard*. To log in to *Blackboard* you must use your Victoria University student domain (SCS) user name and password.
2. Select the **Discussion Board** button on the left-hand side of the screen.
3. Click on **Tutorial Sign-up**, which will open a list of tutorial times. Click on the tutorial time of your choice. Note that **only 15 students per tutorial are accepted**. Count the number of names under the tutorial to ensure that there are no more than 15 names. If there are fewer than 15 names and you want to register your name for this tutorial, you must click on the **Reply** button at the bottom of the page.
4. Place an 'x' in the **message** box, which is below **subject** and click on **submit** at the bottom of the page. You have now registered for this tutorial. Your name should appear under the tutorial of your choice.
5. If you need to change your tutorial group, please **remove** your name from the tutorial you signed up for. To do this, follow Steps 1 and 2 above. Select **Tutorial Sign-up** and double click on the tutorial time beside your name. Click the **remove** button, followed by **OK**. You can now choose a different tutorial time by following Steps 4 and 5.
6. If you sign up more than once you will be placed into your last requested tutorial, provided there are vacancies. All previous requests will be deleted.
7. If you sign up after a tutorial group has been filled, you will be placed into the next available tutorial group that has vacancies.

COML 308 Provisional Timetable 2006

Week 1 Starting Monday 10 July	LB	Introduction Product Development
Week 2 Starting Monday 17 July	LB	Product Development (Unlawful Product)
Week 3 Starting Monday 24 July Tutorial 1 set by LB	LB	Product Protection (Introduction to Intellectual Property)
Week 4 Starting Monday 31 July Tutorial 2 set by LB	LB	Product Protection (Intellectual Property Issues)
Week 5 Starting Monday 7 August No Tutorial	LB	Distribution TERMS TEST Wednesday 9 August
Week 6 Starting Monday 14 August Tutorial 3 set by LB	LB	Information Privacy
2 weeks Starting Monday 21 August		MID TRIMESTER BREAK
Week 7 Starting 4 September Tutorial 4 set by LB	YvR	Consumer Law (Fair Trading Act)
Week 8 Starting 11 September Tutorial 5 set by YvR	YvR	Consumer Law (Fair Trading Act - continued)
Week 9 Starting 18 September Tutorial 6 set by YvR	YvR	Consumer Law (Consumer Guarantees Act)
Week 10 Starting 25 September Tutorial 7 set by YvR	YvR	Consumer Law (Consumer Guarantees Act - continued)
		ASSIGNMENT DUE Thursday 28 12 noon
Week 11 Starting 2 October Tutorial 8 set by YvR	YvR	Anti-Competitive Conduct (Commerce Act)
Week 12 Starting 9 October No tutorial	YvR	Anti-Competitive Conduct (Continued)
16 October – 12 November		Year-end study/Exam periods