

School of Accounting and Commercial Law

COML 308 MARKETING LAW

Trimester Two 2007

COURSE OUTLINE

Contact Details

| <i>Course Co-ordinator</i> | <i>Room</i> | <i>Phone</i> | <i>Email</i> | <i>Office Hours</i> |
|----------------------------|-------------|--------------|--|--|
| Assoc Prof Yvonne van Roy | RH 605 | 463 6762 | Yvonne.vanRoy@vuw.ac.nz | Wed, 2-4pm |
| <i>Lecturers</i> | | | | |
| Mr Leslie Brown | RH 714 | 463 6787 | Leslie.Brown@vuw.ac.nz | Monday-Friday 9.30-10.30am during the weeks Leslie is lecturing |
| Mrs Susan Corbett | RH 722 | 463 5480 | Susan.Corbett@vuw.ac.nz | Mon, Tue 3-4pm |
| <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

Monday, Wednesday, Thursday 10.30-11.20am in GB LT 2.

Tutorials

Tutorial sign-up will be via website at: <https://signups.vuw.ac.nz> 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

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
- liability towards consumers

Course Materials

COML 308 Course Materials (2007)

CCH New Zealand Contract and Commercial Legislation (2007 edition) Earlier editions, from 1995 onwards (11th-21st edns), will also be suitable. Similar and equally acceptable books of legislation are published by Brookers and Butterworths.

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. Most handouts will also be available on Blackboard.

Assessment Requirements

The items of assessment for this course are a terms test, a research report, and a final examination. Students must do **all three** items of assessment and are required to obtain at least 40% average mark for the Terms Test and the Research Report. The marks for the items of assessment will be totalled in whichever of the following three ways is most favourable to the student.

| | | | |
|---------------|--|------------------|------|
| EITHER | Terms Test | 100 marks | 20% |
| | Research Report | 150 marks | 30% |
| | Final Exam | <u>250 marks</u> | 50% |
| | TOTAL | <u>500 marks</u> | 100% |
| OR | Terms Test | 100 marks | 20% |
| | Final Exam | <u>400 marks</u> | 80% |
| | TOTAL | <u>500 marks</u> | 100% |
| | (In this case the mark for the Research Report will not count) | | |
| OR | Research Report | 150 marks | 30% |
| | Final Exam | <u>350 marks</u> | 70% |
| | TOTAL | <u>500 marks</u> | 100% |
| | (In this case the mark for the Terms Test will not count) | | |

The **Terms Test** will be held on Thursday 16th August, 10.30-11.20am (Location to be advised.) It is an open book test.

The **Research Report** is 2000 words (max), due 12noon Thursday 27th September (see attached information).

The **Final Examination** is in October/November. It is an open book examination.

Research Report

The research report is due by 12 noon on Thursday 27 September 2007. 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

Jane Smith has recently been made redundant from her position as a veterinary nurse and has decided to go into business as an importer of pet food. She intends to sell the pet food to pet shops and vets and also directly to consumers through a mail order service.

On her first overseas buying trip to the United States, Jane comes across a nutritional product for dogs with the brand name: *Meaty Olympic Form*. The packaging of the product and the promotional materials for the product each feature various breeds of dogs with glossy coats and healthy bodies. The slogan on the packaging and promotional materials reads as follows: “Give your dog *Meaty Olympic Form* - and a body like *Shrek the champion*, who’s fit for any major event”.

Jane is very interested in *Meaty Olympic Form*, particularly as its slogan mentions the famous Shrek, a world-champion dog who has starred in his own television series which has recently been shown in New Zealand. Jane knows that in 6 months time New Zealand will be hosting the World Dog Championships at the Wellington Stadium which Shrek is likely to attend.

Jane brings some of the product back to Wellington and has its content analysed. It contains mainly soya beans, milk powder, colouring and sugar. Jane’s own dog, a miniature poodle called Mitzi, loves the taste of *Meaty Olympic Form* and quickly becomes addicted to the taste. Mitzi seems to thrive on the product so Jane decides to import *Meaty Olympic Form* to sell in New Zealand. She is able to locate a large quantity at a very good price from a United States business which has gone into receivership. The product duly arrives in Wellington complete with its original packaging and promotional materials.

Jane consults you for marketing advice. Write a report in which you advise Jane of

- (1) any potential legal problems with her plan to market *Meaty Olympic Form* in its original packaging using the promotional materials provided from the United States;

(90 marks)

And

- (2) your detailed advice as to how she might be able to sell the product in New Zealand without risking legal problems.

(60 marks)

[TOTAL MARKS: 150]

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 available 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.

Mandatory Course Requirements

In addition to obtaining an overall mark of 50% or more, students must:

1. Sit the Terms Test;
2. Submit a Research Report (and obtain at least 40% average mark for the Terms Test and the Research Report).
3. Attend and participate in at least 6 of the 8 tutorials.

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 or go to www.vuw.ac.nz/policy.

For information on the following topics, go to the Faculty's website www.vuw.ac.nz/fca under Important Information for Students:

- Academic Grievances
- Academic Integrity and Plagiarism
- Student and Staff Conduct
- Meeting the Needs of Students with Impairments
- Student Support

Manaaki Pihipihinga Programme

Manaaki Pihipihinga is an academic mentoring programme for undergraduate Māori and Pacific students in the Faculties of Commerce and Administration, and Humanities and Social Sciences. Sessions are held at the Kelburn and Pipitea Campuses in the Mentoring Rooms, 14 Kelburn Parade (back courtyard), Room 109D, and Room 210, Level 2, Railway West Wing. There is also a Pacific Support Coordinator who assists Pacific students by linking them to the services and support they need while studying at Victoria. Another feature of the programme is a support network for Postgraduate students with links to Postgraduate workshops and activities around Campus.

For further information, or to register with the programme, email manaaki-pihipihinga-programme@vuw.ac.nz or phone (04) 463 5233 ext. 8977. To contact the Pacific Support Coordinator, email pacific-support-coord@vuw.ac.nz or phone (04) 463 5842.

Detailed Tutorial Signup Instructions

1. Go to the signup website at: <https://signups.vuw.ac.nz>
2. Enter your SCS username and password to login the system.
3. The “Signup Home” page opens. It displays all courses you are enrolled for and that use the S-Cubed Tutorial & Workshop Signup system. Click on the course you wish to sign up for.
4. The selected course page opens. It will show the course contact and brief details of the signup instructions. A “key” is provided at the bottom that explains all buttons and what they do.
5. The schedule of tutorials includes the day/time, location, maximum group size, and spaces left in the tutorial sessions.
6. If there are spaces left in a particular session, you will see the “ENROL” button next to it. You can click this button to enrol yourself into that tutorial session.
7. If there are NO more spaces left in a particular session, you will see the “JOIN WAITLIST” button, if available. You can click this button to join the waitlist for that tutorial session. Please note that you will be removed from any other waitlist you may have joined earlier. If somebody withdraws from this session, you will automatically be moved up the waitlist or enrolled into the session. In this case you are enrolled in the session; an email will be sent to you if you are enrolled into the session from a waitlist.
8. You can only “JOIN WAITLIST” if you have already enrolled in one of the other available sessions. In other words, “ENROL” in one session and then you can choose to join the waitlist for another preferred session.
9. You can choose to “WITHDRAW” from a session you have already enrolled for. You can also choose to “CANCEL WAITLIST” to remove yourself from a particular waitlist.
10. A “FULL” button indicates all seats and waitlist are full for that tutorial session. You must choose another session.
11. More details on the various buttons are available in the “Key” section at the bottom of the signup page.
12. You should “ENROL” in only ONE tutorial session and may “JOIN WAITLIST” for only ONE other tutorial session.
13. You can login and signup (or change your signup) anytime before the **closing date of the tutorial signup. You will NOT be able to sign up or change your choice after the tutorial signups have closed.**
14. You can view/confirm details of the sessions you are enrolled and waitlisted for, such as day/time and location by clicking on “My Signups” on the left hand menu.
15. Click on “Support” on the left hand menu if you are having problems.

This online signup system is available around the clock over the internet. Any requests after this date will need to be manually handled by the course administrator. You will need to submit a written application stating the reason why you were not able to sign up on time using the online system, along with other relevant documentation such as medical certificate etc.

Finally, **you must always attend the tutorial sessions that you have signed up for.** If you attend a different session, your attendance may not be recorded.

COML 308 Provisional Timetable 2007 (Mon, Wed, Thur 10.30-11.20)

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| Week 1 Starting Monday 9 July | SC | Introduction Intellectual Property Law (i) Confidential information, trade secrets (ii) Indigenous Rights |
| Week 2 Starting Monday 16 July | SC | (iii) Patents (iv) Trade Marks, Domain Names and Passing off |
| Week 3 Starting Monday 23 July Tutorial 1 set by SC | YvR | Consumer Law Fair Trading Act |
| Week 4 Starting Monday 30 July Tutorial 2 set by SC | YvR | Consumer Law Self-Regulation Door to Door Sales Act |
| Week 5 Starting Monday 6 August Tutorial 3 set by YvR | SC | Intellectual Property Law (v) Copyright (vi) Events Marketing |
| Week 6 Starting Monday 13 August No Tutorial | SC | Intellectual Property Law (vii) Character merchandising Terms Test – Thursday 16 August |
| 2 weeks Starting Monday 20 August | | MID TRIMESTER BREAK 20 Aug – 2 Sept |
| Week 7 Starting 3 September Tutorial 4 set by SC/Yvr | YvR | Consumer Law Consumer Guarantees Act |
| Week 8 Starting 10 September Tutorial 5 set by YvR | YvR | Anti-Competitive Conduct Commerce Act |
| Week 9 Starting 17 September Tutorial 6 set by YvR/LB | LB | Product Development |
| Week 10 Starting 24 September Tutorial 7 set by LB | LB | Product Protection ASSIGNMENT DUE Thursday 27, 12 noon |
| Week 11 Starting 1 October Tutorial 8 set by LB | LB | Distribution |
| Week 12 Starting 8 October No tutorial | LB | Information Privacy |
| | | Year-end study/Exam periods |