

School of Accounting and Commercial Law

COML 308 MARKETING LAW

Trimester Two 2010

COURSE OUTLINE

Names and Contact Details

Course Coordinator & Lecturer:	Assoc. Prof Yvonne van Roy Yvonne.vanRoy@vuw.ac.nz	RH 605	463 6762
Lecturer:	Mr Leslie Brown Leslie.Brown@vuw.ac.nz	RH 714	463 6787
Administrator:	Ms Pinky Shah Pinky.Shah@vuw.ac.nz	RH 708	463 5775
	Office hours:	Monday-Friday 8.30am-5pm	
	Office is closed:	10.30-10.45am and 3.30-3.45pm	

Trimester Dates

Teaching Period: Monday 12th July – Friday 15th October 2010

Study Period: Monday 18th October – Thursday 21st October 2010

Examination Period: Friday 22nd October – Saturday 13th November 2010 (inclusive)

Withdrawal from Courses:

Your fees will be refunded if you withdraw from this course on or before **23 July 2010**

The last date for withdrawal from this course is the three-quarter point of the teaching period, i.e. **Friday 24 September**. After that date, withdrawal requires the permission of the Associate Dean (Students) as set out in section 8 of the Personal Courses of Study Statute

<http://policy.vuw.ac.nz/Amphora!~~policy.vuw.ac.nz~POLICY~000000001743.pdf>

To apply for permission, fill in the Late Withdrawal form available from either of our Student Customer Service Desks.

Class Times and Room Numbers

Lectures will be held on:

Mondays and Wednesdays: 4.40-5.30pm in GB LT3;

Thursdays: 2.40-3.30pm in GB LT4

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 and competition law
- liability towards consumers

Tutorials

All students are required to attend at least 4 of the 6 tutorials. Tutorials will start in the **third** week of the trimester, i.e. in the **WEEK COMMENCING 26 July 2010**

Tutorial Sign-up

Tutorial sign-up will be via website at: <https://signups.victoria.ac.nz> and should be done during the first week of the trimester. The instructions for signing up are on page 8 of this Course Outline and will also be posted on the Tutorial Sign-Up section of **Course COML 308** on Blackboard.

The completed tutorial lists will be posted on the Commercial Law notice board on the Mezzanine Floor of Rutherford House and on Blackboard.

The tutorial programme has been carefully developed to address the course objectives and to cover 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 once during the tutorial programme. For *all* tutorials everyone should be able to demonstrate that they have prepared for discussion of all questions.

An attendance register will be kept. If you find it necessary to miss a tutorial please try to notify the tutor or administrative coordinator in advance, so arrangements can be made for you to attend another tutorial stream. There are 6 tutorials in total. As emergencies and unexpected occurrences can occur, it is only mandatory to attend 4 of the tutorials as a course requirement. Accordingly you do not need to produce medical certificate or other documentation if you do not attend 1 or 2 of the 6 tutorials.

However if you attend less than 4 of the tutorials, you will need to produce medical certificate or equivalent documentation for all tutorials missed.

Course Learning Objectives

By the end of this course, students should be able to:

1. describe the strategic implications (both positive and negative) of commercial laws relating to marketing activities, in particular, consumer laws, laws relating to product liability, and intellectual property laws;
2. apply relevant law to fact situations;
3. critically analyse the case law and academic writings;
4. explain the policy underpinnings, both social and economic, of the laws relating to marketing;
5. illustrate the interplay between business, Government and the law in relation to marketing in “real-life” fact situations.

Lecture Schedule

The topics are listed below in the approximate order in which they are covered.

Attendance at Lectures

A significant part of this course is lecture based. Therefore, you are strongly recommended to attend *all* lectures and tutorial group sessions. Much information, which is examinable, is conveyed by the *spoken word only* and is not posted on Blackboard or otherwise distributed!

Mon 12 July	YvR	Introduction; Overview of course	
Wed 14 July	YvR	Consumer Law: Consumer Guarantees Act	No tutorial
Thurs 15 July	YvR	Consumer Law: Consumer Guarantees Act	
Mon 19 July	YvR	Consumer Law: Consumer Guarantees Act	
Wed 21 July	YvR	Consumer Law: Fair Trading Act	No tutorial
Thurs 22 July	YvR	Consumer Law: Fair Trading Act	
Mon 26 July	YvR	Consumer Law: Fair Trading Act	Tutorial 1 (YvR)
Wed 28 July	YvR	Consumer Law: Fair Trading Act	
Thurs 29 July	YvR	Consumer Law: Fair Trading Act	
Mon 2 Aug	YvR	Self Regulation of Advertising	Tutorial 2 (YvR)
Wed 4 Aug	YvR	Self Regulation of Advertising	
Thurs 5 Aug	YvR	Unsolicited Goods and Services Act	
Mon 9 Aug	YvR	Door to Door Sales Act	Tutorial 3 (YvR)
Wed 11 Aug	YvR	Door to Door Sales Act	
Thurs 12 Aug	YvR	Anti-Competitive Conduct in the Market Place	
Mon 16 Aug	YvR	Anti-Competitive Conduct in the Market Place	No tutorial
Wed 18 Aug	YvR	Anti-Competitive Conduct in the Market Place	
Thurs 19 Aug		Test	
Mid-Trimester Break, 23 Aug – 5 Sept			
Mon 6 Sept	LB	Information Privacy	No tutorial
Wed 8 Sept	LB	Information Privacy	
Thurs 9 Sept	LB	Information Privacy	
Mon 13 Sept	LB	Labelling, Packaging & Safety	No tutorial
Wed 15 Sept	LB	Labelling, Packaging & Safety	
Thurs 16 Sept	LB	Labelling, Packaging & Safety	
Mon 20 Sept	LB	Marketing Agreements, Franchising	Tutorial 4 (LB)
Wed 22 Sept	LB	Marketing Agreements, Franchising	
Thurs 23 Sept	LB	Marketing Agreements, Franchising	
Mon 27 Sept	LB	Intellectual Property Law	Tutorial 5 (LB)
Wed 29 Sept	LB	Intellectual Property Law	
Thurs 30 Sept	LB	Intellectual Property Law Research Report due 5pm Thursday 30 September	
Mon 4 Oct	LB	Intellectual Property Law	No tutorial
Wed 6 Oct	LB	Intellectual Property Law	
Thurs 7 Oct	LB	Intellectual Property Law	
Mon 11 Oct	LB	Intellectual Property Law	Tutorial 6 (LB)
Wed 13 Oct	LB	Intellectual Property Law	
Thurs 14 Oct	LB	Events Management	

Course Delivery

The course will be delivered by lectures and tutorials. Before lectures you should read any assigned material and for tutorials, students need to read and consider the tutorial questions before each tutorial. Some tutorials will be problem solving. It is recommended that students attempt to answer such questions before the tutorial by identifying the key issues, analysing the applicable law and applying to the facts. Other tutorials may require reading of relevant pages of the text book or additional material before the tutorial.

Expected Workload

As a 24-point paper, it is expected that students will work for 240 hours across this course (this includes the 12 teaching weeks, mid-trimester break, study week and the examination period). Class accounts for 36 hours of this time. Accordingly, students are expected to give 7 hours per week during the teaching weeks outside of class to lecture preparation, lecture review, and readings (84 hours). We would expect students to spend 70 hours on the preparation for tutorials, the test and assignment, and a further 50 hours spent on preparing for the exam.

Course Material and Texts

COM 308 Course Materials (2010).

CCH New Zealand Contract and Commercial Legislation (2010 edition) or Brookers Contract and Commercial Law Handbook (2010 edition). Similar and equally acceptable books of legislation are published by Butterworths.

Richard J Varey (et al) New Zealand Law for Marketers, LexisNexis, Wellington, 2009.

You can purchase the Course Materials from the Student Notes shop. The CCH Contract and Commercial Legislation statute book and the New Zealand Law for Marketers 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.

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 permitted in test and examination

The 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 test and final exam if relevant to the examinable material.**

Assessment Requirements

The items of assessment for this course are a 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 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	Test	100 marks	20%
	Research Report	150 marks	30%
	Final Exam	<u>250 marks</u>	50%
	TOTAL	<u>500 marks</u>	100%
OR	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 Test will not count)		

The Test is a 50-minute open book test, to be held during lecture time on Thursday 19 August. Further details are to be advised.

The Research Report is 2000 words (max), due 5.00pm Thursday 30 September (see below). Completed reports should be placed in the COML 308 Report Box (on the Mezzanine Floor, Rutherford House).

Research Report (Please note that this is compulsory)

The research report is due by 5pm on Thursday 30 September 2010. 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.

Your assessed work may also be used for quality assurance purposes, such as to assess the level of achievement of learning objectives as required for accreditation and audit purposes. The findings may be used to inform changes aimed at improving the quality of FCA programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.

Research Topic

Please refer to page 9 for more details on the Research Report.

Basic Requirements for your Report

1. Do not grossly exceed the word limit (10% excess 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. The due date will be strictly adhered to. However, if you consider you have a good reason for not meeting this deadline, please see the course co-ordinator as soon as you know you will have this problem. Otherwise, the penalty will be 5% per day (after the due date).
4. All ideas or quotations from another work must be referenced. You could either use footnotes (for guidance, look at the way this is done in the text or see the 'New Zealand Style Guide'), or use the APA system. Remember to include the page reference, not just the title of the work being referenced.
5. There should be a bibliography, listing the sources of information you have used for your report; (note that a bibliography is not a substitute for referencing).
6. Provide a separate cover sheet that shows:
The Title
Your Name
The Course Code
The word count
7. Leave a 5cm (2 inch) margin and adequate spacing, to enable room for comments.
8. Write clearly or type your work.
9. Do not plagiarise (see p.106 of the University Calendar for further information). Plagiarism is defined as "the presentation of the work of another person or other persons as if it were one's own work, whether intended or not. This includes published and unpublished work, material on the Internet and the work of other students and staff". If you want to include a passage from another person's work, use quotation marks at the beginning and end of the passage, then include the appropriate reference. If you want to include the ideas of another person, but not their exact words, you must include a reference to that person's work (but no quotation marks are necessary).

Examinations

Students who enrol in courses with examinations are obliged to attend an examination at the University at any time during the formal examination period.

The final examination for this course will be scheduled at some time during the period
Friday 22nd October – Saturday 13th November 2010 (inclusive)

It is an open book examination.

Penalties

See "Basic Requirements for your Report" (above).

Mandatory Course Requirements

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

1. Sit the Test.
2. Submit a Research Report (and obtain at least 40% average mark for the Test and the Research Report).
3. Attend and participate in at least 4 of the 6 tutorials.

Class Representative

A class representative will be elected in the first class, and that person's name and contact details will be available to VUWSA, the Course Coordinator and the class. The class representative provides a communication channel to liaise with the Course Coordinator on behalf of students.

Communication of Additional Information

Additional information concerning this course will be provided in lectures and posted on the web-based **Blackboard** system at <http://blackboard.vuw.ac.nz>.

Use of Turnitin

Student work provided for assessment in this course may be checked for academic integrity by the electronic search engine <http://www.turnitin.com>. Turnitin is an on-line plagiarism prevention tool which compares submitted work with a very large database of existing material. At the discretion of the Head of School, handwritten work may be copy-typed by the School and subject to checking by Turnitin. Turnitin will retain a copy of submitted materials on behalf of the University for detection of future plagiarism, but access to the full text of submissions will not be made available to any other party.

For the following important information follow the links provided:

Academic Integrity and Plagiarism

<http://www.victoria.ac.nz/home/study/plagiarism.aspx>

General University Policies and Statutes

<http://www.victoria.ac.nz/home/about/policy>

AVC (Academic) Website: information including: Conduct, Academic Grievances, Students with Impairments, Student Support

http://www.victoria.ac.nz/home/about_victoria/avcacademic/Publications.aspx

Faculty of Commerce and Administration Offices

<http://www.victoria.ac.nz/fca/studenthelp/>

Manaaki Pihipihinga Programme

http://www.victoria.ac.nz/st_services/mentoring/

Detailed Tutorial Signup Instructions

1. Go to the signup website at: <https://signups.victoria.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.

Research Report Topic

The Rugby World Cup (RWC) 2011 is drawing near. In a major town in New Zealand you have a part time job in a SME size business while you complete your business degree. The proprietor of the business knows you are studying the law about marketing, and asks you to think about three situations that may cause problems while the RWC 2011 is on.

First, the business has been in the habit of displaying in its windows settings that are topical. For instance, at Christmas there will be a Christmas setting. Will it be appropriate to display during RWC 2011 a setting of rugby jerseys, boots etc lent by rugby players from the families of staff? These premises are situated on a major road leading to the town's stadium where several RWC 2011 games will be played. The premises are within 1km of the stadium, are in the 'clean zone', and many of those attending will use that route. The business does not sell any products that could be used in a rugby game but the proprietor has looked at the town's website and wants to do what the town is trying to encourage – that is create a great atmosphere for visitors.

Next, one of the products the SME does sell is supplied by a major company. That company from time to time creates advertising campaigns including TV advertisements. The SME has been advised that a TV ad is proposed which will screen during RWC 2011. The TV ad features scenes from a rugby game but makes no mention of RWC 2011. This is because the major company is not a RWC 2011 sponsor. None of the major company's competitors are sponsors either. The SME has the chance to be associated with this TV ad (in which case the closing part of the ad will identify the SME by name and location). However, the SME proprietor is uncomfortable about this. Will it be appropriate to advertise during RWC 2011 in this way?

Last, the SME proprietor and staff have a uniform that they wear everyday at work. The uniform has been designed to be practical during daily wear rather than colourful. However, the uniforms do display the SME's name visible from about 2m and are made from material the same colour as the SME's building is painted and its signs are coloured. Will it be appropriate for the SME proprietor to buy tickets to one of the RWC 2011 games so they can all attend that game wearing their work uniforms? They will have to go straight from work and in the past have typically worn their uniforms when going out together.

What you have to do:

Write a report to the SME proprietor about these 3 situations. In this report you must use the legal problem solving steps to consider whether there will be a breach of the Major Events Management Act 2007. Find the Act at: www.legislation.govt.nz

For a typical town's approach go to: www.wellington.govt.nz and follow the RWC2011 links.

You do not need to consider other law, such as the terms of tickets sold for games.

To remind you, the legal problem solving steps are:

1. Facts: state what you consider to be the relevant facts
2. Issue: state what you consider to be the issue, that is the questions that must be answered to get to a conclusion
3. Law: state what you consider to be the law that applies
4. Application: state how the law might be applied to the facts
5. Conclusion: state the conclusion you reach