

School of Accounting and Commercial Law

**COML 308 MARKETING LAW**

Trimester Two 2011

**COURSE OUTLINE**

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Names and Contact Details		Office	Telephone
<i>Course Coordinator &amp; Lecturer</i>	Susan Corbett <a href="mailto:Susan.Corbett@vuw.ac.nz">Susan.Corbett@vuw.ac.nz</a> Office Hours: TBA	RH 722	463 5480
<i>Lecturer</i>	Yvonne Van Roy <a href="mailto:Yvonne.vanRoy@vuw.ac.nz">Yvonne.vanRoy@vuw.ac.nz</a> Office Hours: Fridays 1-3pm	RH 605	463 6762
<i>Course Administrator</i>	Rebekah Sage <a href="mailto:Rebekah.Sage@vuw.ac.nz">Rebekah.Sage@vuw.ac.nz</a> Office hours: Monday-Friday, 8.30am-5pm (Note: Office closed 10.30am-10.45am and 3.30pm-3.45pm)	RH 708	463 7465

**Trimester Dates**

Teaching Period: Monday 11 July – Friday 14 October

Study Period: Monday 17 October – Thursday 20 October

Examination Period: Friday 21 October – Saturday 12 November (inclusive)

**Withdrawal from Course**

1. Your fees will be refunded if you withdraw from this course on or before 22 July 2011.
2. The standard last date for withdrawal from this course is Friday 23 September. After this date, students forced to withdraw by circumstances beyond their control must apply for permission on an 'Application for Associate Dean's Permission to Withdraw Late' including supporting documentation.

The application form is available from either of the Faculty's Student Customer Service Desks.

## **Class Times and Room Numbers**

### *Lectures*

Wednesday 4.40-5.30pm in RH LT2

Friday 3.40-4.30pm in RH LT2

### *Tutorials*

Tutorials will start in the **third** week of the trimester, i.e. in the **week commencing 25 July 2011**.

### *Tutorial Sign-up*

Tutorial sign-up will be via <https://signups.victoria.ac.nz> and should be done during the first week of the trimester. The instructions for signing up are on page 7 of this Course Outline and will also be posted on the Tutorial Sign-Up section of the **COML 308** Blackboard site.

The completed tutorial lists will be posted 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, and prepare you for the final examination.

## **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

## **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, privacy laws, 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.

## **Course Delivery**

The course will be delivered by lectures and tutorials. Before lectures you should read any assigned material. You also need to read any allocated materials and attempt to respond to the tutorial questions before each tutorial. Some tutorial questions will be problem solving and such questions are an opportunity for students to practice answering problem-style questions in law. There will be some problem style questions in the final examination. 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.

## Lecture Schedule

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

	Date	Lecturer	Topic
Week 1	Wed 13 July Friday 15 July	SC	Introduction to course; Privacy Law for marketers.
Week 2	Wed 20 July Friday 22 July	YvR	Proposed amendments to New Zealand Consumer Laws The Fair Trading Act for marketers
Week 3 (Tutorial 1 – SC)	Wed 27 July Friday 29 July	YvR	FTA: contracting out; general misleading and deceptive conduct
Week 4 (Tutorial 2 - YvR)	Wed 3 August Friday 5 August	YvR	FTA: Layby Sales; Uninvited Direct Sales; extended Warranties; Offences and Penalties.
Week 5 (Tutorial 3 - YvR)	Wed 10 August Friday 12 August	SC	Confidential information, Trade Secrets, Patents.
<b>First Assignment Due Monday 15 August (800 word case study: 15%)</b>			
Week 6	Wed 17 August Friday 19 August	SC	Indigenous rights; Trade Marks; Passing off. Domain names
<b>MID-TRIMESTER BREAK</b>			
Week 7	Wed 7 September Friday 9 September	SC	Character merchandising; Copyright; Registered Designs.
Week 8 (Tutorial 4- SC)	Wed 14 September Friday 16 September	YvR	Self-regulation of advertising. Advertising standards
Week 9 (Tutorial 5 SC )	Wed 21 September Friday 23 September	YvR	Anti-competitive conduct in the market place.
<b>Second Assignment due Monday 26 September (1500 word Business Report 35%)</b>			
Week 10 (Tutorial 6 - YvR)	Wed 28 September Friday 30 September	YvR	Anti-competitive conduct in the market place.
Week 11	Wed 5 October Friday 7 October	SC	Ambush marketing: the Major Events Management Act 2007
Week 12	Wed 12 October Friday 14 October	SC	Labelling, packaging, safety. Course Review.

## **Expected Workload**

As a 15-point paper, it is expected that students will work for 150 hours across this course (this includes the 12 teaching weeks, mid-trimester break, study week and the examination period). Class accounts for 24 hours of this time. Accordingly, students are expected to give 10 hours per week outside of class to lecture preparation, lecture review, and readings.

## **Readings**

COML 308 Course Materials (2011).

CCH New Zealand Contract and Commercial Legislation (recent edition) or Brookers Contract and Commercial Law Handbook (recent 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.

## **The following materials are on Reserve for COML 308 in the Commerce Library.**

S Frankel Intellectual Property in New Zealand (2<sup>nd</sup> edn) LexisNexis, Wellington, 2011.

P Sumpter Intellectual Property Law: Principles in Practice CCH Limited, New Zealand, 2006

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

Sales and Marketing Law in New Zealand CCH Limited, New Zealand, 2007.

## *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 examination*

The Final Exam is open book and you may bring whatever materials you like into the exam room.

**Note:** Additional copies of legislation and/or cases and articles may be distributed during the course. **These should be brought to the final exam if relevant to the examinable material.**

## Assessment Requirements

The items of assessment for this course are a case study, a business 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 case study and the research report.

Case study (800 words)	15%
Business report (1500 words)	35%
Final Exam	50%
<b>TOTAL</b>	<b><u>100%</u></b>

- The case study is due at 3 p.m. on Monday 15 August. Completed case studies should be placed in the COML 308 Report Box (on the Mezzanine Floor, Rutherford House). The case study will involve a critical analysis of an area of consumer law relevant to marketers. The case study topic will be distributed in the second week of lectures.
- The business report is due at 3 p.m. on Monday 26 September. Completed reports should be placed in the COML 308 Report Box (on the Mezzanine Floor, Rutherford House). This will require students to write a report for the CEO of a (fictitious) business regarding a legal situation that has arisen in connection with the marketing strategy of that business and advising the CEO on their most appropriate course of action. The topic and instructions will be distributed during the fourth week of lectures.

### Quality Assurance Note

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.

## 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 from Friday 21 October – Saturday 12 November.

## Penalties

See “Basic Requirements for your business report and the case study” (above).

## Mandatory Course Requirements

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

1. Submit a case study.
2. Submit a business report (and obtain at least 40% average mark for the case study and the business report).

## Class Representative

A class representative will be elected in the first class, and that person’s name and contact details made 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 Blackboard: <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**

Find key dates, explanations of grades and other useful information at [www.victoria.ac.nz/home/study](http://www.victoria.ac.nz/home/study)

Find out about academic progress and restricted enrolment at <http://www.victoria.ac.nz/home/study/academic-progress.aspx>

The University's statutes and policies are available at [www.victoria.ac.nz/home/about/policy](http://www.victoria.ac.nz/home/about/policy), except qualification statutes, which are available via the Calendar webpage at <http://www.victoria.ac.nz/home/study/calendar.aspx> (See Section C).

Further information about the University's academic processes can be found on the website of the Assistant Vice-Chancellor (Academic) at [www.victoria.ac.nz/home/about\\_victoria/avcacademic/default.aspx](http://www.victoria.ac.nz/home/about_victoria/avcacademic/default.aspx)

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

[http://www.victoria.ac.nz/home/about\\_victoria/avcacademic/Publications.aspx](http://www.victoria.ac.nz/home/about_victoria/avcacademic/Publications.aspx)

### **Faculty of Commerce and Administration Offices**

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

### **Te Pūtahi Atawhai**

### **Maori and Pacific Mentoring Programme**

[http://www.victoria.ac.nz/st\\_services/tpa/index.aspx](http://www.victoria.ac.nz/st_services/tpa/index.aspx)

## 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.