

School of Accounting and Commercial Law

COML 308 MARKETING LAW

Trimester 2, 2014

COURSE OUTLINE

Names and Contact Details

<i>Course Coordinator & Lecturer</i>	Susan Corbett susan.corbett@vuw.ac.nz Office Hours: Friday 2 - 4 p.m.	RH 722	463 5480
<i>Lecturer</i>	Yvonne Van Roy yvonne.vanroy@vuw.ac.nz Office Hours: TBA	RH 605	463 6762
<i>Course Administrator</i>	Lucy May lucy.may@vuw.ac.nz Office hours: Monday-Friday, 8.30am-5pm (Note: Office closed 10.30am-10.45am and 3.30pm-3.45pm)	Enquiries Counter, RH Level 7	463 5775

Trimester Dates

Teaching Period: Monday 14 July – Friday 17 October

Study Period: Monday 20 October – Thursday 23 October

Examination Period: Friday 24 October – Saturday 15 November (inclusive)

Withdrawal from Course

1. Your fees will be refunded if you withdraw from this course on or before Friday 25 July 2014.
2. The standard last date for withdrawal from this course is Friday 26 September 2014. 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

Tuesday 10.30-11.20 in RH LT2

Thursday 10.30-11.20 in RH LT2

Tutorials

Tutorials will start in the **third** week of the trimester, i.e. in the **week commencing 28 July 2014**.

Tutorial sign-up will be via <https://signups.victoria.ac.nz>. The instructions for signing up are on page 7 of this Course Outline and will also be posted in the Tutorial section of the **COML 308** Blackboard site. Your tutorial information can also be found at this link.

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.

Prescription

This course examines selected legal issues affecting the marketing of a new product, from its inception and development to its promotion and distribution. To a lesser extent, legal issues affecting the marketing of a new service are also considered.

2014 Lecture Schedule

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

	Date	Lecturer	Topic
Week 1 (No Tutorial)	Tues 15 July Thurs 17 July	SC	Introduction to course. Privacy law for marketers: the Privacy Act 1993; the tort of invasion of privacy.
Week 2 (No Tutorial)	Tues 22 July Thurs 24 July	SC	Online marketing and privacy. Spam and the Unsolicited Electronic Messages Act 2007.
Week 3 (Tutorial 1 – SC)	Tues 29 July Thurs 31 July	YvR	Recent amendments to NZ consumer laws: the Fair Trading Act (FTA) – misleading or deceptive conduct
Week 4 (Tutorial 2 - YvR)	Tues 5 August Thurs 7 August	YvR	FTA - uninvited direct sales & unfair contract terms FTA - Contracting out, offences, remedies & penalties
Week 5 (Tutorial 3 –YvR)	Tues 12 August Thurs 14 August	YvR	Self-regulation of advertising. Advertising standards.
First Assignment Due Friday 15 August (800 words 15%)			
Week 6 (No Tutorial)	Tues 19 August Thurs 21 August	YvR	Auctions- the new Auctioneers Act; Auctions and the Fair Trading Act.
Mid Trimester Break			
Week 7 (Tutorial 4 –YvR)	Tues 9 Sept Thurs 11 Sept	SC	Confidential information, Trade Secrets, Patents.
Week 8 (Tutorial 5-SC)	Tues 16 Sept Thurs 18 Sept	SC	Indigenous rights; Trade Marks Passing off; Character merchandising.

Week 9 (No Tutorial)	Tues 23 Sept Thurs 25 Sept	SC	Copyright; Registered designs.
Second Assignment due Monday 29 September (1200 words 25%)			
Week 10 (Tutorial 6– SC)	Tues 30 Sept Thurs 2 Oct	SC	The Major Events Management Act 2007
Week 11	Tues 7 Oct Thurs 9 Oct	YvR	Anti-competitive conduct in the market-place:- cartels and other anti-competitive arrangements.
Week 12	Tues 14 Oct Thurs 16 Oct	YvR	Anti-competitive conduct in the market place:-exclusive dealing, resale price maintenance & abuse of market power. 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 (2014).

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. Alternatively, legislation can be downloaded free of charge from <http://www.legislation.govt.nz/default.aspx>

Richard J Varey (et al) New Zealand Law for Marketers, (2nd edn) LexisNexis, Wellington, 2013.

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 (2nd edn) LexisNexis, Wellington, 2011.

P Sumpter Intellectual Property Law: Principles in Practice CCH Limited, New Zealand, 2013.

Richard J Varey (et al) New Zealand Law for Marketers, LexisNexis, Wellington, 2013.

Research Materials

The Law Library, located in the Old Government Building, contains some resources you might use for completing the assignments. 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

From Trimester 1, 2014, a revised Assessment Handbook will apply to all VUW courses: see

<http://www.victoria.ac.nz/documents/policy/staff-policy/assessment-handbook.pdf>.

In particular, there will be a new grade scheme, in which the A+ range will be 90-100% and 50-54% will be a C-.

The items of assessment for this course are Assignments One and Two and a final examination. Students **must do all three items of assessment** and are required to obtain at least 40% average mark for the two Assignments.

Assignment One (800 words)	15%
Assignment Two (1200 words)	25%
<u>Final Exam (2 hours)</u>	<u>60%</u>
TOTAL	<u>100%</u>

- Assignment One is due at 2 pm on Friday 15 August. Completed assignments with attached coversheet should be placed in the COML 308 Assignment Box (on the Mezzanine Floor, Rutherford House). Further details will be provided on Blackboard. The topic will be placed on Blackboard or distributed during or before the second week of lectures.
- Assignment Two is due at 2 pm on Monday 29 September. Completed assignments with attached coversheet should be placed in the COML 308 Assignment Box (on the Mezzanine Floor, Rutherford House). Further details will be provided on Blackboard. The topic and instructions will be placed on Blackboard or distributed during or before the sixth week of lectures.

Penalties

If either of the Assignments is submitted later than the due date and time, without prior permission from either of the lecturers, 5% of the mark will be deducted for each additional day.

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 following period:

Friday 24 October – Saturday 15 November (inclusive)

Mandatory Course Requirements

You are required to obtain an **overall mark of 50% or more for this course**. You are also required to:

1. Submit Assignment One.
2. Submit Assignment Two
3. Obtain **at least 40% average mark** for the two assignments.

If you cannot complete an assignment or sit a test or examination, refer to

www.victoria.ac.nz/home/study/exams-and-assessments/aegrotat

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 submitted to Turnitin. A copy of submitted materials will be retained 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.

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>.

Student feedback

Student feedback on University courses may be found at

www.cad.vuw.ac.nz/feedback/feedback_display.php

Link to general information

For general information about course-related matters, go to

<http://www.victoria.ac.nz/vbs/studenthelp/general-course-information>

Note to Students

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 academic audit. The findings may be used to inform changes aimed at improving the quality of VBS programmes. All material used for such processes will be treated as confidential, and the outcome will not affect your grade for the course.

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.