

School of Accounting and Commercial Law

COML 308 MARKETING LAW

Trimester 2, 2015

COURSE OUTLINE

Names and Contact Details

<i>Course Coordinator & Lecturer</i>	Susan Corbett susan.corbett@vuw.ac.nz Office Hours: Thursday 2 - 4pm	RH 722	463 5480
<i>Lecturer</i>	Yvonne Van Roy yvonne.vanroy@vuw.ac.nz Office Hours: Monday 10.30am – 12.30pm	RH 611	TBC
<i>Course Administrator</i>	Rachel Qi rachel.qi@vuw.ac.nz 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 13 July – Friday 16 October

Study Period: Monday 19 October – Thursday 22 October

Examination Period: Friday 23 October – Saturday 14 November (inclusive)

Withdrawal from Course

1. Your fees will be refunded if you withdraw from this course on or before Friday 24 July 2015.
2. The standard last date for withdrawal from this course is Friday 25 September 2015. 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 or [online](#).

Class Times and Room Numbers

Monday 12.40- 13.30 in RH LT2
Friday 12.40- 13.30 in RH LT2

Tutorials

Tutorials will start in the **third** week of the trimester, i.e. in the week commencing 27 July 2014. Tutorial sign up instructions for 'MyAllocator' can be found on Blackboard under 'Tutorials'.

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 it 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.

2015 Lecture Schedule

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

	Date	Lecturer	Topic
Week 1 (No Tutorial)	Monday 13 July Friday 17 July	SC	Introduction to course. Privacy law for marketers: Privacy Act 1993; the tort of invasion of privacy.
Week 2 (No Tutorial)	Monday 20 July Friday 24 July	SC	Online marketing and privacy. Major Events Management Act 2007
Week 3 (Tutorial 1 – SC) <i>Topics: Privacy and Major Events Management</i>	Monday 27 July Friday 31 July	SC	Major Events Management Act 2007 (continued)
Week 4 (No Tutorial)	Mon 3 August Fri 7 August	YvR	Recent amendments to NZ consumer laws: the Fair Trading Act (FTA) – misleading or deceptive conduct FTA - Contracting out, offences, remedies & penalties
Week 5 TEST (evening) 11 August at 6 pm			
Week 5 (Tutorial 2 – YvR) <i>Topic: Fair Trading Act</i>	Mon 10 August Fri 14 August	YvR	Auctions- the new Auctioneers Act; Auctions and the Fair Trading Act.
Week 6 (No Tutorial)	Mon 17 August Fri 21 August	YvR	Self-regulation of advertising. Advertising standards.
Mid Trimester Break (24 August – 6 Sept)			
Week 7 (Tutorial 3 – YvR) <i>Topic: Auctions and Advertising standards</i>	Monday 7 Sept Friday 11 Sept	SC	Confidential information, Trade Secrets, Patents.
Week 8 (Tutorial 4 - SC) <i>Topics: Confidential Information, Trade secrets, Passing Off</i>	Monday 14 Sept Friday 18 Sept	SC	Indigenous rights; Trade Marks Passing off; Character merchandising.

Assignment due 2 pm Monday 21 September (1200 words)			
Week 9 (No Tutorial)	Monday 21 Sept Friday 25 Sept	SC	Copyright; Registered designs.
Week 10 (Tutorial 5 - SC) <i>Topics: Copyright and Trade marks</i>	Monday 28 Sept Friday 2 Oct	YvR	Anti-competitive conduct in the market-place:-cartels and other anti-competitive arrangements.
Week 11 (No Tutorial)	Monday 5 Oct Friday 9 Oct	YvR	Anti-competitive conduct in the market place:-exclusive dealing, resale price maintenance & abuse of market power.
Week 12 (Tutorial 6 - YvR) <i>Topics: anti-competitive conduct.</i>	Monday 12 Oct Friday 16 Oct	YvR	Abuse of market power and remedies

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 Book (2015).
- 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.

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 assignment. 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.

Assessment Requirements

The Assessment Handbook will apply to all VUW courses: see <http://www.victoria.ac.nz/documents/policy/staff-policy/assessment-handbook.pdf>.

The items of assessment for this course are the Test, the Assignment 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.

Test – Tuesday 11 August (1 hour, open book)	15%
Assignment (1200 words)	25%
Final Exam (2 hours, open book)	60%
TOTAL	<u>100%</u>

The Assignment is due at 2 pm on Monday 21 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 the assignment 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. If the word limit is exceeded, the additional words will not be marked.

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

In addition to obtaining an overall course mark of 50 or better, students must:

1. Sit the Test.
2. Submit the Assignment

Any student who is concerned that they have been (or might be) unable to meet any of the MCRs because of exceptional personal circumstances, should contact the course coordinator as soon as possible.

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 will be available on Blackboard.

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.
