

School of Accounting and Commercial Law

COML 308: MARKETING LAW

Trimester 2, 2016

COURSE OUTLINE

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.

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; illustrate the interplay between business, Government and the law in relation to marketing in “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 and competition law and
- liability towards consumers

Trimester Dates

Teaching Period: Monday 11 July – Friday 14 October 2016

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 Friday 22nd July 2016.

2. The standard last date for withdrawal from this course is Friday 23rd September 2016. 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](#)

Names and Contact Details

| | | | |
|--|---|--------|----------|
| <i>Course Coordinator & Lecturer</i> | Susan Corbett susan.corbett@vuw.ac.nz Office hours: By email appointment | RH 722 | 463 5480 |
| <i>Lecturer</i> | Jessica Lai jessica.lai@vuw.ac.nz Office Hours: By email appointment | TBA | TBA |
| <i>Course Administrator</i> | Emma McLean emma.mclean@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 5775 |

Class Times and Room Numbers

| | | |
|----------|--------------|-----------|
| Monday | 15.40 -16.30 | in RH LT2 |
| Thursday | 15.40- 16.30 | in RH LT2 |

Tutorials

Tutorials will start in the **third** week of the trimester, i.e. in the week commencing 25 July 2016. Tutorial sign up instructions for ‘MyAllocator’ can be found on Blackboard under ‘Tutorials’.

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.

Lecture Schedule – COML 308 2016

| Week | Dates | Topic | Lecturer |
|------|--------------------|---|----------|
| 1 | 11 July 14 July | Introduction to course; Privacy | SC |
| 2 | 18 July 21 July | Online Marketing and privacy Trade marks | SC |

| | | | |
|---|-----------------|--|-----|
| 3 Tutorial One: Privacy (SC) | 25 July | Trade marks (cont.) Passing off | SC |
| | 28 July | Major Events Management Act 2007 | |
| 4 Tutorial Two: Trade marks (SC) | 1 August | Major Events Management Act 2007 (cont.) | SC |
| | 4 August | | |
| 5 Tutorial Three: Major Events Management Act 2007 (SC) | 8 August | Consumer Law for marketers (an overview) | SC |
| | 11 August | | |
| 6 No Tutorial | | TEST (16 August 5:40pm) Labelling, Packaging, and Safety | SC |
| Mid Trimester Break | | | |
| 7 No Tutorial | 5 September | Copyright/registered designs | JCL |
| | 8 September | | |
| ASSIGNMENT DUE 12 SEPTEMBER at 2 pm. | | | |
| 8 Tutorial Four: Copyright, designs (JCL) | 12 September | Confidential information/trade secrets/patents | JCL |
| | 15 September | | |
| 9 | 19 September | Marketing approval of chemicals and pharmaceuticals | JCL |
| | 22 September | Character merchandising | |
| 10 Tutorial Five: Patents, confidential information, trade secrets (JCL) | 26 September | Right to use own name | JCL |
| | 29 September | Domain name law | |
| 11 Tutorial 6: Using characters and names (JCL) | 3 October | Anti-competition law | JCL |
| | 6 October | | |
| 12 | 10 October | Abuse of market power and remedies | JCL |
| | 13 October | Course Review | |

Readings

- COML 308 Readings on Blackboard
- 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>

Recommended: 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.

Mandatory course 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 – 16 August 5:40pm (1 hour, open book) | 20% |
| Assignment (1200 words) | 20% |
| <u>Final Exam (2 hours, open book)</u> | <u>60%</u> |
| TOTAL | <u>100%</u> |

The Assignment is due at 2 pm on Monday 12 September. 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.

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 21 October – Saturday 12 November (inclusive).

Penalties

In fairness to other students, any assignment submitted after the deadline will be subject to a penalty of 5% of the total marks available for every day or part of a day (including Saturdays and Sundays) that the assignment is submitted late. For example, an assignment marked out of 100 due by 2pm on Monday 1 January but submitted at 1pm on Wednesday 3 January, would be marked out of 100 and then have 10 marks deducted from the marks awarded. No marks will be awarded to any assignment submitted after the assignment has been discussed in class or marked and returned to other students or after 10 days have elapsed, whichever occurs first.

Extensions will only be allowed in exceptional circumstances such as illness or bereavement. Please note: it will be necessary to provide supporting documentation such as a medical certificate in support of any application for an extension.

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.

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.

Student feedback

Student feedback on University courses may be found at www.cad.vuw.ac.nz/feedback/feedback_display.php. This course will be taught for the first time this trimester. Feedback from this trimester is likely to result in adjustments to the course in the future.

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 communicated via email or Blackboard.

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.
