Students in this unit should read this unit outline carefully at the start of semester. It contains important information about the unit. If anything in it is unclear, please consult one of the teaching staff in the unit.

**ABOUT THIS UNIT**

- This unit provides an understanding of the fundamental principles of marketing law. It is designed to give a knowledge of the legal environment for marketing of goods and services with an emphasis on consumer protection. This unit examines the impact of common law, legislation and self-regulating codes of practice in the marketplace. The areas that will be covered in the subject include intellectual property rights, product development and promotion, product safety and quality, the regulation of unfair and anti-competitive conduct and electronic marketing and the law. At the end of this unit students will be able to explain the impact of legal rules, remedies and sanction on marketing decisions, explain the principle rules that apply to consumer protection and their application in a competitive system. The unit provides students with a grounding in marketing law that will assist them in understanding the legal framework which operates in relation to marketing decisions and practice.

- This unit is worth 3 credit points

**TEACHING STAFF**

- Convenor and Lecturer: Julie Zetler ([juliezetler@mq.edu.au](mailto:juliezetler@mq.edu.au)) E4A Room 528. Telephone 9850-7994 or (ext. 7994)

- Tutor/Lecturer: Prasan Ulluwishewa ([prasan ulluwishewa@mq.edu.au](mailto:prasan ulluwishewa@mq.edu.au))
- Tutor/lecturer: Vera Babicheva ([vera babicheva@mq.edu.au](mailto:vera babicheva@mq.edu.au))

**CONSULTATION TIMES**

- Consultation time with Julie Tuesday 11am-12, E4A room 528.
• Consultation time with Prasan, Monday by appointment, E4B room 104.
• Consultation time with Vera, Tuesday by appointment, E4A room 104

You are encouraged to seek help at a time that is convenient to you from a staff member teaching on this unit during their regular consultation hours. In special circumstances, an appointment may be made outside regular consultation hours.

• Staff will not conduct consultation by email. You may, however, phone staff during their consultation hours.
• In order to gain access to staff located at levels, 1, 2 and 3 of building E4A during their consultation hours please ring the staff member from the phone available in the lobby.

• Students experiencing significant difficulties with any topic in the unit must seek assistance immediately.

**CLASSES**

• Number and length of classes: 3 hours face-to-face teaching per week, consisting of 1 x 2 hour lecture and 1 x 1 hour tutorial.
• Lecture Friday 2pm C5C T1 Theatre (please confirm day and location closer to teaching time).
• There is no iLecture.
• The timetable for classes can be found on the University web site at: [http://www.timetables.mq.edu.au/](http://www.timetables.mq.edu.au/)
• Once the tutorial groups are formed, students cannot change their classes.
• Attendance will be taken in the tutorials.
• **Warning:** You must attend at least 10 of the 12 tutorials – failure to do so will lead to major deduction from your group-work contribution.
• Medical certificates must be provided if you are not able to attend a class without incurring a penalty.
• Students are expected to arrive on time, and not to leave until the class ends.
• If you have a recurring problem that makes you late, or forces you to leave early, have the courtesy to discuss this with your lecturer/tutor.
• Students must be quiet during classes, unless of course when class participation is required.
• Mobile phone must be turned OFF and not simply set to ‘silent’.
• All laptops must be turned OFF in class, unless student is using the laptop to write class notes.
• Students who disturb or disrupt in lectures and tutorial class will be asked to leave.

**PRIZES**

• None
REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

Prescribed text:
- Clarke B and Sweeney B, *Marketing and the Law* a required text and can be purchased from the University Co-op Bookshop.
- This text book is available in the library.

References:

- Internet:
  - Australasian Legal Information Institute at [http://www.austlii.edu.au](http://www.austlii.edu.au)
  - Copyright Society: [http://www.copyright.org.au](http://www.copyright.org.au)
  - IP Australia [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au) (Responsible for granting rights in patents, Trademarks and designs in Australia)

- Week-by-week list of topics – refer attached lecture schedule

TECHNOLOGY USED AND REQUIRED

- Students are required to learn how to use power point, word processing and iLearn.

UNIT WEB PAGE

The web page for this unit can be found at: iLearn [http://ilearn.mq.edu.au](http://ilearn.mq.edu.au)

LEARNING OUTCOMES

The learning outcomes of this unit are to:
(1) Identify and define key terms, concepts and principles related to marketing
Examine the legal issues and apply the laws protecting intellectual property to the development and marketing of a variety of new products and ideas.

(3) Analyse, evaluate and apply the consumer protection laws to a variety of marketing and advertising strategies.

(4) Evaluate and apply the laws regulating a variety of marketing practices including pricing, distribution, e-marketing and e-commerce.

(5) Consider the legal protection of a product or idea using the intellectual property, marketing and consumer protection laws.

GRADUATE CAPABILITIES

In addition to the discipline-based learning objectives above, all academic programs at Macquarie University seek to develop the capabilities the University’s graduates will need to develop to address the challenges, and to be effective, engaged participants in their world.

This unit contributes to this developing the following graduate capabilities:

1. Legal Critique and Analysis
   - Legislation
   - Case law
   - Legal mechanisms

2. Critical, Analytical and Integrative Thinking
   - Critical analysis through exploring legal issues and factual problems in a range of topics related to the course
   - Participating in class discussion and debate;
   - Critical analysis and discussion in class on current media reports on marketing issues;
   - Analysing legal case studies in class and via the exam process.

3. Problem Solving and Research Capability
   - Application of legal principles to solve factual marketing problems
   - Researching in preparation for written assessment assignment;

4. Creative and Innovative
   - Creative thinking skills in determining and evaluating strategies and policies to improve the effectiveness and operation of the present marketing laws

4. Effective Communication
   - Participation in class discussions;
   - Expressing relevant views and opinions;
   - Communicating with people from various background/countries/cultures
   - Presenting in class and writing one assignment and answering exam questions

5. Engaged and Ethical Local and Global citizens
   - Understand that law requires the highest of ethical standards at all times
6. Socially and Environmentally Active and Responsible
- Relevant practical examples applied to enrich the discussion and critique of marketing problems
- Reading current journal, newspapers and magazine articles;

7. Capable of Professional and Personal Judgement and Initiative
- Approach marketing law with the ability to make excellent judgments of the situations presented via problems considered in the course.

8. Commitment to Continuous Learning
- Self-discipline and time management skills;
- Identifying and setting targets;
- Actively participating in class discussions and debate;
- Contribution to a broad range of original and personal insights by other class members

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TEACHING AND LEARNING STRATEGY

- The unit is taught in lecture and tutorial discussion format.

- What is expected from students? Attend tutorials; read in advance; prepare case studies and questions for tutorials; follow current developments in the media; be able to apply concepts in tutorial exercises; respond to questions raised during lectures; demonstrate enthusiasm for the subject. Work effectively individually and in small groups.

- Students please note: The readings, study and assessment for this subject will require approximately 6 hours per week above the 3 hours allocated for the formal seminar time.

The topics to be covered each week are as follows (NB: I am using teaching weeks)

**Week 1: week commencing 27 February**
- ✓ Read: Chapters 1 and 2 – Clarke & Sweeney

**Week 2: week commencing 5 March**
Protecting Inventive Ideas through the Patent system
- ✓ Read: Chapters 2 – Clarke & Sweeney
- ✓ Group finalisation (in tutorials)

**Week 3: week commencing 12 March**
Protecting Commercial Secrets- obligation of confidence and protection of trade secrets
Protecting Commercial Designs
- ✓ Read: Chapter 3 & 5 - Clarke & Sweeney
Week 4: week commencing 19 March
Protecting Copyright Material
✓ Read: Chapters 4 – Clarke & Sweeney

Week 5: week commencing 26 March
Protection of Tort of ‘Passing Off’ and Unfair Trading Laws
✓ Read: Chapter 6, Clarke & Sweeney

Week 6: week commencing 2 April
Protection of Trademarks
✓ Read: Chapter 7, Clarke & Sweeney

6-20 April __EASTER LONG-WEEKEND AND SEMESTER BREAK_____________________

Week 7: week commencing 23 April
Misleading or Deceptive Practices; Advertising Regulation
✓ Read Chapter 8 & 10

ANZAC DAY 25 APRIL

Week 8: week commencing 30 April
Product Liability and introduction to Agency Law
✓ Read Chapter 9, notes will be provided on iLearn on Agency Law

Week 9: week commencing 7 May
Legal Regulation of Selling Techniques in the Marketplace
e-marketing & e-commerce
✓ Read Chapter 11 & 19

ASSIGNMENT DUE ON MONDAY 7 MAY (WEEK 9)

Week 10: week commencing 14 May
Introduction to Competition Law
Misuse of Market Power
✓ Read Chapter 12 & 14

Week 11: week commencing 21 May
Collusive conduct and Defamation Law
✓ Read Chapter 13, notes on Defamation Law available on iLearn.

ASSIGNMENTS HANDED BACK IN TUTORIAL SESSION (Week 11)

Week 12: week commencing 28 May
Resale Price maintenance
Exclusive dealing
✓ Read Chapter 16 & 17

Week 13: week commencing 4 June
❑ Review and revise for final examination
✓ Student generated revision questions
TUTORIAL TIMES AND TUTORIAL QUESTIONS:

Please note: that tutorial questions are posted on iLearn under each tutorial week/date and students are expected to prepare an answer before their tutorial session. There are NO tutorial classes in week 1 of semester. The tutorials start in week 2 and students must attend the tutorial class that they are enrolled in.

RESEARCH AND PRACTICE

- This unit uses research by:
  - Julie Zetler, ‘Legal and Ethical Impact of Electronic Health Records on Privacy and Confidentiality’ (Doctorate, Faculty of Law, University of Sydney, complete 2012)

- This unit uses research from the following journals:
  - Journal of Business Law
  - Journal of Marketing
  - Journal of Intellectual Property Law
  - Journal of Advertising

- This unit gives you practice in applying research findings in your assignments
- This unit gives you opportunities to conduct your own research.
The assessment of the course has the following components:

<table>
<thead>
<tr>
<th>Assessment Task 1: Essay (35%)</th>
<th>Assessment Task 2: Presentation (15%)</th>
<th>Assessment Task 3: Final Examination (50%)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description</td>
<td>Description</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>Each student will be required to answer a research question relating to Marketing Law. The word limit is 1,200 words. Assignment topic will be available to download in Week 2 from unit iLearn website.</td>
<td>Students will form a group (of no more than 3) and pick 1-2 short answer questions or 1 long answer question from the tutorial questions and present the answer followed by discussion to the tutorial group. The group will also hand in a 200-300 word answer to the question at time of presentation.</td>
<td>The duration of the exam is 3 hour plus 10 minutes held during the exam period. There are 20 multiple choice questions worth 1 mark each for a total of 20. Plus one scenario problem-solving question worth 30 marks. This is an open book examination.</td>
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<tr>
<td>Due date</td>
<td>Due date</td>
<td>Due date</td>
<td></td>
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<tr>
<td>The completed written assignment is due to be handed into BESS on 7th May, 2011</td>
<td>From tutorial 2 - 12</td>
<td>Please check the exam timetable for location and time.</td>
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</tr>
<tr>
<td>Marking criteria/standards &amp;</td>
<td>Marking criteria/standards &amp;</td>
<td>Marking criteria/standards &amp;</td>
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<tr>
<td>An assignment marking criteria will be</td>
<td>A group presentation</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Assessment Task 1: Essay (35%)</td>
<td>Assessment Task 2: Presentation (15%)</td>
<td>Assessment Task 3: Final Examination (50%)</td>
<td>Total</td>
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<tr>
<td>expectations</td>
<td>marking criteria will be given to each group. It will be available on iLearn under assessment icon for students to download. Students will be expected to reference answers appropriately</td>
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</table>

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<thead>
<tr>
<th>Submission method</th>
<th>BESS</th>
<th>In Seminar time</th>
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</thead>
<tbody>
<tr>
<td>Feedback</td>
<td>Written feedback for the assignment will be given at completion of marking prior to final exam</td>
<td>Feedback will be given the following week after the group presentation.</td>
<td>n/a</td>
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<thead>
<tr>
<th>Estimated student workload (hours)</th>
<th>30 hours</th>
<th>5 hours</th>
<th>40 hours</th>
<th>75 hours</th>
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<table>
<thead>
<tr>
<th>Learning outcomes assessed:</th>
<th>1. Understand legal principles applicable to marketing of goods and</th>
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<tbody>
<tr>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Graduate capabilites assessed:</td>
<td>Assessment Task 1: Essay (35%)</td>
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<tr>
<td>-------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Problem Solving &amp; research</td>
<td>✓</td>
</tr>
</tbody>
</table>

2. Appreciate the effect of laws on manufacture, packaging, labelling, promotion, distribution and retailing of goods and services

3. Understand the principal rules that emphasise a need for compliance and impose controls on marketing activities

4. Appreciate the legislation and case law that is relevant to Marketing & Management Law

5. Critically assess and make judgments on the merit of legal arguments

Total

services in Australia

5%
<table>
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<tr>
<th>capability</th>
<th>Assessment Task 1: Essay (35%)</th>
<th>Assessment Task 2: Presentation (15%)</th>
<th>Assessment Task 3: Final Examination (50%)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Creative and innovative</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>10%</td>
</tr>
<tr>
<td>3. Effective communications</td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>10%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>30%</strong></td>
<td><strong>10%</strong></td>
<td><strong>60%</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>
• Students must attend at least 10 of the 12 tutorials – failure to do so will lead to major deduction of individual work contribution.

• Students may only present once in your enrolled tutorial class. Failure to present on given day will result in a zero grade. Students will only be given special consideration for non-attendance under exceptional circumstances, supported by documentary proof (e.g., medical certificates).

• Late submissions (up to 24 hours) will be penalised at 50% of the grade.

Examinations

A final examination is included as an assessment task for this unit to provide assurance that:
  i) the product belongs to the student and
  ii) the student has attained the knowledge and skills tested in the exam

A 3-hour final examination for this unit will be held during the University Examination period.

Successful completion of the unit is conditional on a satisfactory assessment in the final exam.

The University Examination period in First Half Year 2012 is from 12 to 29 June.

You are expected to present yourself for examination at the time and place designated in the University Examination Timetable. The timetable will be available in Draft form approximately eight weeks before the commencement of the examinations and in Final form approximately four weeks before the commencement of the examinations. http://exams.mq.edu.au/

The only exception to not sitting an examination at the designated time is because of documented illness or unavoidable disruption. In these circumstances you may wish to consider applying for Special Consideration. Information about unavoidable disruption and the special consideration process is available at: http://www.mq.edu.au/policy/docs/special_consideration/procedure.html

If a Supplementary Examination is granted as a result of the Special Consideration process the examination will be scheduled after the conclusion of the official examination period. (Individual Divisions may wish to signal when the Division's Supplementary are normally scheduled.)
The Macquarie university examination policy details the principles and conduct of examinations at the University. The policy is available at: http://www.mq.edu.au/policy/docs/examination/policy.htm

**ACADEMIC HONESTY**

The nature of scholarly endeavour, dependent as it is on the work of others, binds all members of the University community to abide by the principles of academic honesty. Its fundamental principle is that all staff and students act with integrity in the creation, development, application and use of ideas and information. This means that:

- all academic work claimed as original is the work of the author making the claim
- all academic collaborations are acknowledged
- academic work is not falsified in any way
- when the ideas of others are used, these ideas are acknowledged appropriately

Further information on the academic honesty can be found in the Macquarie University Academic Honesty Policy at: http://www.mq.edu.au/policy/docs/academic_honesty/policy.html

**GRADES**

Macquarie University uses the following grades in coursework units of study:

- HD - High Distinction
- D - Distinction
- CR - Credit
- P - Pass
- F - Fail

Grade descriptors and other information concerning grading are contained in the Macquarie University Grading Policy which is available at: http://www.mq.edu.au/policy/docs/grading/policy.html

**GRADING APPEALS AND FINAL EXAMINATION SCRIPT VIEWING**

If, at the conclusion of the unit, you have performed below expectations, and are considering lodging an appeal of grade and/or viewing your final exam script please refer to the following website which provides information about these processes and the cut off dates in the first instance. Please read the instructions provided concerning what constitutes a valid grounds for appeal before appealing your grade.
SPECIAL CONSIDERATION

The University is committed to equity and fairness in all aspects of its learning and teaching. In stating this commitment, the University recognises that there may be circumstances where a student is prevented by unavoidable disruption from performing in accordance with their ability. A special consideration policy exists to support students who experience serious and unavoidable disruption such that they do not reach their usual demonstrated performance level. The policy is available at: http://www.mq.edu.au/policy/docs/special_consideration/procedure.html

STUDENT SUPPORT SERVICES

Macquarie University provides a range of Academic Student Support Services. Details of these services can be accessed at: http://www.student.mq.edu.au

IT CONDITIONS OF USE

Access to all student computing facilities within the Faculty of Business and Economics is restricted to authorised coursework for approved units. Student ID cards must be displayed in the locations provided at all times.

Students are expected to act responsibly when utilising University IT facilities. The following regulations apply to the use of computing facilities and online services:

● Accessing inappropriate web sites or downloading inappropriate material is not permitted. Material that is not related to coursework for approved unit is deemed inappropriate.
● Downloading copyright material without permission from the copyright owner is illegal, and strictly prohibited. Students detected undertaking such activities will face disciplinary action, which may result in criminal proceedings. Non-compliance with these conditions may result in disciplinary action without further notice.

Students must use their Macquarie University email addresses to communicate with staff as it is University policy that the University issued email account is used for official University communication.