

School of Taxation and Business Law

TABL2731 MARKETING AND DISTRIBUTION LAW

Course Outline Semester 2, 2017

Course-Specific Information

The Business School expects that you are familiar with the contents of this course outline. You must also be familiar with the Course Outlines Policies webpage which contains key information on:

- Program Learning Goals and Outcomes
- Academic Integrity and Plagiarism
- Student Responsibilities and Conduct
- Special Consideration
- Student Support and Resources

This webpage can be found on the Business School website:

<https://www.business.unsw.edu.au/degrees-courses/course-outlines/policies>

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COURSE-SPECIFIC INFORMATION

1 STAFF CONTACT DETAILS

Lecturer-in-charge: Dr Rob Nicholls

Room Quad 2062

Phone No: +61 2 9385 3251

Email: r.nicholls@unsw.edu.au

Consultation Times – by appointment on Tuesday, Wednesday or Thursday

2 COURSE DETAILS

2.1 Teaching Times and Locations

Seminars start in Week 1 and run to Week 12.

The time and location are 10:00 – 13:00 on Tuesdays in Quad1048 then Quad 2063.

There are no separate tutorial sessions.

2.2 Units of Credit

The course is worth 6 units of credit.

2.3 Summary of Course

This course provides an introduction to marketing and distribution law within both an Australian and international business context. The course focuses on issues in competition and consumer law and policy.

2.4 Course Aims and Relationship to Other Courses

TABL2731 Marketing and Distribution Law course is an elective offered by the School of Taxation and Business Law. The course aims to equip students with an understanding of law impacting on the marketing and distribution of goods or services. The course can be completed on its own or as part of a major offered by the School of Taxation and Business Law.

2.5 Student Learning Outcomes

By the end of this course, you should be able to:

1. construct written and oral arguments relevant to competition and fair trading law;
2. to analyse legal issues in a logical and structured way (i.e. to identify problems, research relevant sources, propose an outcome and identify possible challenges to the proposed outcome); and
3. identify the policy choices that underpin and are reflected in competition and consumer law.

The Course Learning Outcomes are what you should be able to DO by the end of this course if you participate fully in learning activities and successfully complete the assessment items.

The Learning Outcomes in this course also help you to achieve some of the overall Program Learning Goals and Outcomes for all undergraduate students in the Business School. Program Learning Goals are what we want you to BE or HAVE by the time you successfully complete your degree (e.g. 'be an effective team player'). You demonstrate this by achieving specific Program Learning Outcomes - what you are able to DO by the end of your degree (e.g. 'participate collaboratively and responsibly in teams').

For more information on the Undergraduate Program Learning Goals and Outcomes, see:
<https://www.business.unsw.edu.au/degrees-courses/course-outlines/policies>

The following table shows how your Course Learning Outcomes relate to the overall Program Learning Goals and Outcomes, and indicates where these are assessed (they may also be developed in other activities):

Program Learning Goals and Outcomes		Course Learning Outcomes	Course Assessment Item
<i>This course helps you to achieve the following learning goals for all Business undergraduate students:</i>		<i>On successful completion of the course, you should be able to:</i>	<i>This learning outcome will be assessed in the following items:</i>
1	Knowledge	<ol style="list-style-type: none"> 1. comprehend and apply issues arising from competition and consumer law in the context of the marketing and distribution functions of a business; 2. be aware of intellectual property issues in the context of the marketing and distribution functions of a business; 3. be able to analyse legal cases associated with the marketing and distribution functions of a business; and 4. analyse the legal risks associated with marketing and distribution. 	<ul style="list-style-type: none"> • Seminar Presentation • Forum • Class participation • Research essay
2	Critical thinking and problem solving	<ol style="list-style-type: none"> 1. apply critical thinking skills in the analysis of legal issues in competition and consumer law and determining appropriate courses of action; and 2. analysis of cases that raise legal risks in business. 	<ul style="list-style-type: none"> • Seminar presentation • Forum • Class participation • Research Essay
3a	Written communication	Construct written work, analysing the law, which is logically and professionally presented.	<ul style="list-style-type: none"> • Seminar outline • Research essay
3b	Oral communication	Communicate legal ideas in a succinct and clear manner.	<ul style="list-style-type: none"> • Seminar presentation
4	Teamwork	Work in a group to address business decisions in the context of legal risk.	<ul style="list-style-type: none"> • Class participation
5b.	Social and cultural awareness	Identify and assess ethical issues in a business environment.	<ul style="list-style-type: none"> • Research essay

3 LEARNING AND TEACHING ACTIVITIES

3.1 Approach to Learning and Teaching in the Course

Our meetings will use a mix of lecture style teaching, examination of cases, case studies, business decision making and student led seminars. The student led seminars are an essential part of learning in this course. The purpose of the seminars is to discuss in detail cases relating to the aspect of the law looked at in the previous week. Active student involvement is encouraged as a way of promoting a deeper awareness and understanding of

legal principles. In Week 1, students will be allocated two seminar presentations to be presented during class in a week scheduled on Moodle and the seminar presentation topics will also be scheduled on Moodle. Seminar presentations commence in Week 2. Students must do their seminar presentations in their allocated weeks. The purpose of student seminar presentations is for the group to lead discussion on specific laws that impact on the marketing and distribution functions of businesses.

The business simulation will involve teams addressing business problems in the context of the legal issues raised in the week and will be explained in Week 1.

3.2 Learning Activities and Teaching Strategies

This course is conducted with the aim of promoting student-centred learning. This aim will be achieved by encouraging students to engage with the topics presented in the course through independent research on the internet and electronic databases as part of the weekly seminar presentations and contributions to Moodle forums on a case study for each week. The assessment in this course is designed to promote students' understanding of the law associated with marketing and distribution.

4 ASSESSMENT

4.1 Formal Requirements

In order to pass this course, you must:

- achieve a composite mark of at least 50;
- attend at least 10 meetings; and
- make a satisfactory attempt at all assessment tasks (see below).

4.2 Assessment Details

Assessment Task		Weight	Length	Due Date
Seminar presentations		20%	15 minutes plus 10 minutes of questions	Scheduled on Moodle
Forum Contribution	Part A	20%	12 pm on Wednesday in each of Weeks 3 to 12	10 am on Tuesday in each of Weeks 3 to 12
	Part B		Scheduled on Moodle	Scheduled on Moodle
	Part C		6 pm on Friday 20 October on Turnitin	6 pm on Friday 20 October on Turnitin
Class participation		10%	200-word advocacy piece	6 pm on Friday 20 October on Turnitin
Research Essay		50%	3,000 words	6 pm on Friday 27 October on Turnitin
Total		100%		

4.3 Assessment Format

4.3.1 Seminar presentation

Students are expected to present on the cases set provided on Moodle. If the presentation is in a group, all members must make an equal contribution to the oral part of the seminar. A marking rubric for the seminar presentation will be posted on Moodle. The presentation (or a link to it) must be emailed to the Course Coordinator by close of business of the day of the presentation and a two-page summary of the key points must be attached to that email.

4.3.2 Forum contribution

For each of ten weeks there will be a question for online discussion by the whole class. Each student is expected to contribute to that discussion. The discussion for each week will be on a forum on Moodle. A rubric for contributions will be provided on Moodle. Each week one or more students will summarise the discussion as an assessed task worth a quarter of the forum marks. Students will be asked to reflect on their forum contributions by selecting their best three contributions and supporting those with a 300-word reflective piece to be submitted in Week 12 (6 pm on Friday 20 October on Turnitin). The maximum mark available will be 20% times the number of forum posts divided by ten.

4.3.3 Class participation

For each of ten weeks, students will work in teams to address business problems. There will also be work on fictitious cases to assist in comprehension of the legal issues raised in the week's readings. At times these will be small groups (one sixth of the total class size) and at other times this will be as the whole class. Students will be asked to recommend a mark and to support that recommendation with a 200-word advocacy piece to be submitted in Week 12 (6 pm on Friday 20 October on Turnitin). There will be no marks for missed sessions. That is, the mark awarded will be scaled by the proportion of sessions attended.

4.3.4 Research essays

Students will undertake a research essay as part of their assessment. Students will be required to undertake research in areas related to the course and to analyse a problem designed to assess students understanding of key issues raised in the course. A marking rubric for the research essays will be posted on Moodle. The research essays must be submitted using the Turnitin box on Moodle by 6 pm on Friday 27 October on Turnitin.

4.4 Late Submission and Penalties

Late submission is not expected except where Special Consideration has been applied for and granted. If you anticipate being late in submitting the research essay, please email the Course Coordinator as soon as is practicable. Assessment tasks that are submitted after the due date and time without prior written approval will have 20% deducted per day late. Please note: penalty marks will be imposed immediately after the due date. Any paper submitted 5 or more days late (that is, 5 or more days after the due date) will not be marked and you will be awarded a score of zero.

If circumstances beyond your control mean that you cannot complete an assignment by the due date you should make an application for special consideration (see <https://www.business.unsw.edu.au/degrees-courses/course-outlines/policies>). These applications are reserved for illness or misadventure, not work commitments. Work commitments and clashes with other courses are not a valid reason for special consideration applications.

Quality Assurance

The Business School is actively monitoring student learning and quality of the student experience in all its programs. A random selection of completed assessment tasks may be used for quality assurance, such as to determine the extent to which program learning goals are being achieved. The information is required for accreditation purposes, and aggregated findings will be used to inform changes aimed at improving the quality of Business School programs. All material used for such processes will be treated as confidential.

5 COURSE RESOURCES

The website for this course is on Moodle at: <http://moodle.telt.unsw.edu.au>

The textbook for this course is:

Marketing and the Law, 5th edition by Brendan Sweeney, Mark Bender and Nadine Courmadias. This book is available from the UNSW Bookstore and each of the required readings is drawn from this book.

The Moodle website will include recommended readings for each week as well as the case studies for the student led seminars and the online discussions.

Electronic Databases:

The UNSW library subscribes to several electronic databases. The UNSW library database can be accessed at: <https://www.library.unsw.edu.au/study/information-resources/databases>

The website for this course is on Moodle at: <https://moodle.telt.unsw.edu.au/login/index.php>

6 COURSE EVALUATION AND DEVELOPMENT

Each year feedback is sought from students and other stakeholders about the courses offered in the School and continual improvements are made based on this feedback. UNSW's myExperience survey is one of the ways in which student evaluative feedback is gathered. In this course, we will seek your feedback through end of semester myExperience responses. Feedback from previous students indicated that a greater weight should be given to class participation and the business simulation. Students also indicated that the quiz used in previous courses was too onerous and that doing team exercises outside of meeting times led to some issues. As a result of this feedback, the quiz has been dropped and the business simulation will be done in class. The class participation mark has been increased to reflect these changes. Feedback from previous students indicated that there should be forum summaries and that the forum work should be better reflected in the marks available. As a result of this feedback, the forum summary will be completed by students and the weighting of the forum component has increased.

7 COURSE SCHEDULE

COURSE SCHEDULE			
Week	Topic	Required reading from set text	Other activities / assessment
Week 1 25 July	Introduction	Chapter 1 - Introduction to the Law and Marketing	
Week 2 1 August	Protecting innovation	Chapter 2 - Protecting Inventive Ideas	Student seminar topic 1 Forum 1
Week 3 8 August	Unfair trading	Chapter 6 - Passing Off and Unfair Trading	Student seminar topic 2 Forum 2
Week 4 15 August	Packaging	Chapter 8 - Product Packaging and Labelling	Student seminar topic 3 Forum 3
Week 5 22 August	Product liability	Chapter 9 - Product Liability	Student seminar topic 4 Forum 4
Week 6 29 August	Advertising and selling	Chapter 10 - Advertising and Chapter 11 - Selling Techniques	Student seminar topic 5 Forum 5
Week 7 5 September	Coordinated conduct	Chapter 13 - Collusive conduct	Student seminar topic 6 Forum 6
Week 8 12 September	Abuse of a dominant position	Chapter 14 - Misuse of market power	Student seminar topic 7 Forum 7
Week 9 19 September	Mergers	Chapter 15 - Mergers	Student seminar topic 8 Forum 8
Mid-semester break: Monday 23 September – Monday 2 October inclusive			
Week 10 3 October	Resale price maintenance	Chapter 16 - Resale Price Maintenance	Student seminar topic 9 Forum 9
Week 11 10 October	Exclusive dealing	Chapter 17 - Exclusive Dealing	Student seminar topic 10 Forum 10
Week 12 17 October	Franchising	Chapter 18 - Franchising	Student seminar topic 11 Class participation advocacy piece due by 6 pm on Friday 20 October on Turnitin Forum reflective piece due by 6 pm on Friday 20 October on Turnitin
Week 13	<i>NO LECTURE</i>		Research essay due by 6 pm on Friday 27 October on Turnitin