

**Course Outline 2016**  
**COMLAW 306: MARKETING LAW (15 POINTS)**  
**Semester 2 (1165)**

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### **Course Prescription**

Marketers are not free to say what they want. A variety of laws and codes govern the claims made about goods and services and the ways in which they are presented and sold. Marketing Law covers consumer legislation, product distribution, advertisement regulation, branding, privacy and competition law. It builds skills in problem solving, decision making and written communication.

### **Programme and Course Advice**

Prerequisite: COMLAW 101, MKTG 201; or COMLAW 201 or 203; or COMLAW 101 and at least 30 points at Stage II.

### **Goals of the Course**

To provide an option for students who wish to major in Commercial Law in the Bachelor of Commerce (BCom) degree programme and to provide a complementary paper for students undertaking a Marketing Major. The focus of the course is on developing students' skills for:

- applying legal concepts and theory to real-world marketing practice;
- analysing statutes, case law and non-regulatory decisions; and
- formulating and justifying recommendations when faced with legal issues in a marketing context.

### **Learning Outcomes**

By the end of this course it is expected that the student will be able to:

1. Identify how intellectual property law can be used by a business to protect elements of a brand and be able to identify and analyse legal issues that arise in relation to the use of signs and brand elements by businesses;
2. Recognise the legal issues that may arise for a business under the Fair Trading Act 1986 and identify and justify recommendations for addressing such issues;
3. Identify and analyse how the Consumer Guarantees Act 1993 impacts on the activities of manufacturers and suppliers of goods and services;
4. Analyse and explain how issues related to advertising goods and services are regulated;
5. Identify and propose solutions to issues that arise when using personal information in the marketing of goods and services; and
6. Apply legal reasoning skills to problems that arise in various marketing situations.

## Content Outline

Week 1	Introduction to Marketing Law/Introduction to Passing Off
Week 2	Passing Off
Week 3	Passing Off and Section 9 of the Fair Trading Act
Week 4	Registered Trade Mark Law
Week 5	Other laws affecting the use of signs and brand elements
Week 6	Statements and Representations
Week 7	Statements and Representations
Week 8	Unfair Practices, Labelling and Packaging
Week 9	Consumer Guarantees Act
Week 10	Advertising Self-Regulation
Week 11	Privacy issues
Week 12	Character Merchandising and Ambush marketing

## Learning and Teaching

There are three hours teaching time per week organised as 1 one-hour session and 1 two-hour session.

Office hours will be advised during lectures and the times also posted on Canvas. There are no tutorials for this course. Students will be expected to carry out required readings and prepare for in-class discussion.

## Teaching Staff

### Rob Batty

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## Learning Resources

A course book for this course is available for purchase at the Business School bookshop, Owen Glenn Building, Room 062.

There are no prescribed texts. The recommended texts for this paper are:

*Varey et al, (2014) New Zealand Law for Marketers, LexisNexis: Wellington*  
*CCH Editors, (2007) Sales and Marketing Law in New Zealand. CCH: Auckland*

All these books are on short loan at the Davis Law Library. If you are going to buy one of the books, the most important book to buy is the text by Varey as it covers the majority of the course.

## Assessment

Assessment consists of one partial take home test, one in-class test and a final examination that is two hours in length. There is no plussage for this course.

Learning Outcome	(Partial) Take Home Test (25%)	In-class test (15%)	Final Exam (60%)
1	X		X
2		X	X
3			X
4			X
5			X
6	X	X	X

## Inclusive Learning

Students are urged to discuss privately any impairment-related requirements face-to-face and/or in written form with the course convenor/lecturer.

## Student Feedback

Student feedback was positive in 2014.

## Lecture Recordings

As has happened in previous years, a decision has been made to use lecture recordings. Please note that lecture recordings will not go up immediately following lectures. You are strongly encouraged to attend lectures in person. Attending lectures ensures that you are exposed to all the nuances of the lecture and you are encouraged to ask questions at an appropriate time in the lecture.

Please note that the lecturer is not responsible for any technical failings in the recording system.

## In the Event of an Unexpected Disruption

We undertake to maintain the continuity and standard of teaching and learning in all your courses throughout the year. If there are unexpected disruptions the University has contingency plans to ensure that access to your course continues and your assessment is fair, and not compromised. Some adjustments may need to be made in emergencies. In the event of a disruption, the University and your course coordinators will make every effort to provide you with up to date information via canvas and the university web site.