



MKTG350

Marketing and Management Law

S2 Day 2014

Dept of Marketing and Management

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General Information

Unit convenor and teaching staff

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Credit points

3

Prerequisites

39cp

Corequisites

Co-badged status

Unit description

This unit examines the law relating to marketing and media issues with a focus on the regulation of advertising and promotional activities. The law relating to defamation and the potential defences available to journalists and information providers is analysed. The laws governing copyright, designs, trademarks and patents are considered with close reference to the case law and legislation. Competition law is examined in some detail and includes the law relating to exclusive dealings and misuse of market power. Finally, the consumer protection provisions in the trade practices legislation are analysed in the context of modern marketing practice.

Important Academic Dates

Information about important academic dates including deadlines for withdrawing from units are available at <https://www.mq.edu.au/study/calendar-of-dates>

Learning Outcomes

On successful completion of this unit, you will be able to:

Identify and define key terms, concepts and principles related to marketing and management law

Examine the legal issues and apply the laws protecting intellectual property to the development and marketing of a variety of new products and ideas

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

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

General Assessment Information

Important:

It is the responsibility of students to view their marks for each within session assessment on iLearn within 20 working days of posting. If there are any discrepancies, students must contact the unit convenor immediately. Failure to do so will mean that queries received after the release of final results regarding assessment marks (not including the final exam mark) will not be addressed.

Assessment Tasks

Name	Weighting	Due
Quiz	15%	week 5 (1 September)
Reflective Journal	45%	7 October/3 November
Final Examination	40%	University Examination Period

Quiz

Due: **week 5 (1 September)**

Weighting: **15%**

The quiz is held in tutorial time and consists of multichoice/short answer and will be held in week 5 (beginning 1 September). It is worth 15 marks. No extensions will be granted. Students who have not sat a designated tutorial quiz will be awarded a mark of 0 for the task, except for cases in which an application for special consideration is made and approved.

On successful completion you will be able to:

- Identify and define key terms, concepts and principles related to marketing and management law

Reflective Journal

Due: **7 October/3 November**

Weighting: **45%**

The Reflective Journal is comprised of **Part A** and **Part B** components. **Part A** includes a written case study worth 20 marks and a short written media critique worth 10 marks for a combined total of 30 marks. **Part A** will be submitted on 7 October. **Part B** consists of the reflection part of the journal (written and verbal). It consists of class participation and class attendance activities and is worth 15 marks. **Part B** is submitted 3 November. The total of the combined Reflective Journal (Part A and Part B) is 45 marks. No extensions will be granted for the due dates set down for Reflective Journal submission dates. Late tasks will be accepted up to 48 hours after the submission deadline. There will be a deduction of 20% of the total available marks made from the awarded mark for each 24 hour period or part thereof that the submission is late (for example, 25 hours late in submission - 40% penalty). This penalty does not apply to cases in which an application for special consideration is made and approved.

On successful completion you will be able to:

- Identify and define key terms, concepts and principles related to marketing and management law

- Examine the legal issues and apply the laws protecting intellectual property to the development and marketing of a variety of new products and ideas
- Analyse, evaluate and apply the consumer protection laws to a variety of marketing and advertising strategies
- Evaluate and apply the laws regulating a variety of marketing practices including pricing, distribution, e-marketing and e-commerce

Final Examination

Due: **University Examination Period**

Weighting: **40%**

Closed book examination. A three hour final examination for this unit will be held during the University Examination period. The University Examination period in the Second Half Year 2014 is from November 17 - to December 5.

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.

On successful completion you will be able to:

- Identify and define key terms, concepts and principles related to marketing and management law
- Examine the legal issues and apply the laws protecting intellectual property to the development and marketing of a variety of new products and ideas
- Analyse, evaluate and apply the consumer protection laws to a variety of marketing and advertising strategies
- Evaluate and apply the laws regulating a variety of marketing practices including pricing, distribution, e-marketing and e-commerce

Delivery and Resources

Delivery:

- 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.
- The timetable for classes can be found on the University web site at: <http://www.timetables.mq.edu.au/>
- Attendance will be taken in the tutorials.
- Class participation in order to enhance student learning is expected in this unit. You must attend at least 10 of the 12 tutorials.

- 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.
- 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.

Assessment/Standards:

- Details of each assessment task will be available on iLearn

Consultation with staff:

- Julie Zetler (unit convenor) will be available for consultation on Monday 9.30-11am by appointment, E4A 528 julie.zetler@mq.edu.au
- 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. Students experiencing significant difficulties with any topic in the unit must seek assistance immediately.
- Teaching staff will generally respond to emails within 48 hours (excluding weekends). Accordingly, students must be organise their study schedule to ensure that they do not feel the need for urgent email replies.

Prizes: None

Required and Recommended Texts and/or Materials

Prescribed text:

Clarke B and Sweeney B, *Marketing and the Law*, 4th ed, LexisNexis Butterworths, 2011, ISBN 9780409327434

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:

Gibson, A. and Fraser, D., *Business Law*, (5th ed, 2011, Pearson Australia).

Pentony, B., Graw, S., Lennard, J and Parker, D. *Understanding Business Law*, (5th ed, 2011 LexisNexis Butterworths).

Corones S G, *The Australian Consumer Law* (2011, Lawbook Co)

Bowrey K, Handler M, Nicol D, *Australian Intellectual Property* (2010, Oxford University Press)

Bowrey K, Handler M, Nicol D, Emerging Challenges in Intellectual Property (2011, Oxford University Press).

Butler D, Roderick S, Australian Media Law (3rd ed, 2007, Thomas Reuter)

Griggs L, Clark E, Iredale I (eds) Managers and the Law (5th ed, 2011, Pearson Australia)

Rimmer M, Digital Copyright and the Consumer Revolution (2007, Edward Elgar Publications)

Internet:

1. Australasian Legal Information Institute at <http://www.austlii.edu.au>
2. Australian Competition & Consumer Commission (ACCC) <http://www.accc.gov.au>
3. Consumers' Online Directory <http://www.dist.gov.au/consumer/policy/index.html>
4. Copyright Society: <http://www.copyright.org.au>
5. IP Australia www.ipaustralia.gov.au (Responsible for granting rights in patents, trademarks and design in Australia).

Technology Used and Required

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

Unit Web Page

Course material is available on the learning management system (iLearn)

The web page for this unit can be found at: <http://ilearn.mq.edu/login/MQ/>

iLearn:

- Students are required to access iLearn on a regular basis for Unit updates, clarifications, activities and announcements in relation to this subject.
- important materials and announcements for preparation and consolidation of content will be available on iLearn

Teaching and Learning Strategy

- The unit is taught in lecture and tutorial 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.
- All current legislation and common law changes are reflected in the 2014 semester offering

Unit Schedule

Session	Lecture Topic	Required Readings & Tutorial Questions
1	Introduction: Legal Framework, Regulatory Bodies and Compliance in Marketing Law. Intellectual Property Law and Marketing, International Considerations	Chapters 1, Clarke & Sweeney No Tutorials
2	Protecting Inventive Ideas through the Patent System Tutorial groups start (see iLearn for tutorial questions)	Chapter 2, Clarke & Sweeney. Tutorial Chapter 1 questions 1,2,3
3	Protecting Commercial Secrets-obligation of confidence and protection and protection of trade secrets Protecting Commercial Designs	Chapter 3 & 5, Clarke & Sweeney. Tutorial Chapter 2 questions 1,2,3,4
4	Protecting Copyright Material	Chapter 4, Clarke & Sweeney Tutorial Chapter 3 & 5 questions (Chapter 3 questions 1,3 - Chapter 5 questions 4,5)
5	Protection of Tort of Passing Off and Unfair Trading Laws (Quiz)	Chapter 6, Clarke & Sweeney Quiz - Tutorial Chapter 4 questions 1,2,4
6	Protection of Trademarks and Franchising	Chapter 7 & 18, Clarke & Sweeney Tutorial Chapter 6 questions 1,2,4.
7	Product Liability, Advertising, Product Packaging and Labelling and Selling Technique	Chapter 8, 9, 10 & 11 Tutorial Chapters 7 & 18 (Chapter 7 questions 2,3,4,5 - Chapter 18 questions 3,5)
Mid Semester Break		
8	Public Holiday - no lecture/tutorials (submit Part A Reflective Journal)	No Tutorials
9	e-Marketing & e-Commerce	Chapter 19, Clarke & Sweeney Tutorial Chapters 8,9,10,11 (Chapter 8 question 1 - Chapter 9 question 4 - Chapter 10 question 2 - Chapter 11 question 2)
10	Introduction to Competition Law Misuse of Market Power	Chapter 12 & 14, Clarke & Sweeney Tutorial Chapter 19 questions 1,2,3,4,5
11	Collusive Conduct and Defamation Law	Chapter 13, Clarke & Sweeney, notes on Defamation Law available on iLearn Tutorial Chapters 12,14 (Chapter 12 questions 2,4 - Chapter 14 questions 2,5)

12	Resale Price Maintenance, Exclusive Dealing (submit Part B Reflective Journal)	Chapter 16 & 17, Clarke & Sweeney Tutorial Chapter 13 questions 1,3 (Defamation Law questions available on iLearn)
13	Review and revision for final examination Student generated revision questions	Review and revision

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](#). Students should be aware of the following policies in particular with regard to Learning and Teaching:

Academic Honesty Policy http://mq.edu.au/policy/docs/academic_honesty/policy.html

Assessment Policy <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy <http://mq.edu.au/policy/docs/grading/policy.html>

Grade Appeal Policy <http://mq.edu.au/policy/docs/gradeappeal/policy.html>

Grievance Management Policy http://mq.edu.au/policy/docs/grievance_management/policy.html

Disruption to Studies Policy http://www.mq.edu.au/policy/docs/disruption_studies/policy.html *The Disruption to Studies Policy is effective from March 3 2014 and replaces the Special Consideration Policy.*

In addition, a number of other policies can be found in the [Learning and Teaching Category](#) of Policy Central.

Student Code of Conduct

Macquarie University students have a responsibility to be familiar with the Student Code of Conduct: https://students.mq.edu.au/support/student_conduct/

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>

Students are required to obtain 50% in order to pass this course

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.

http://www.businessandconomics.mq.edu.au/new_and_current_students/undergraduate_current_students/how_do_i/grade_appeals/

Student Support

Macquarie University provides a range of support services for students. For details, visit <http://students.mq.edu.au/support/>

Learning Skills

Learning Skills (mq.edu.au/learningskills) provides academic writing resources and study strategies to improve your marks and take control of your study.

- [Workshops](#)
- [StudyWise](#)
- [Academic Integrity Module for Students](#)
- [Ask a Learning Adviser](#)

Student Services and Support

Students with a disability are encouraged to contact the [Disability Service](#) who can provide appropriate help with any issues that arise during their studies.

Student Enquiries

For all student enquiries, visit Student Connect at ask.mq.edu.au

IT Help

For help with University computer systems and technology, visit <http://informatics.mq.edu.au/help/>.

When using the University's IT, you must adhere to the [Acceptable Use Policy](#). The policy applies to all who connect to the MQ network including students.

Graduate Capabilities

Capable of Professional and Personal Judgement and Initiative

We want our graduates to have emotional intelligence and sound interpersonal skills and to demonstrate discernment and common sense in their professional and personal judgement. They will exercise initiative as needed. They will be capable of risk assessment, and be able to handle ambiguity and complexity, enabling them to be adaptable in diverse and changing environments.

This graduate capability is supported by:

Learning outcomes

- Identify and define key terms, concepts and principles related to marketing and management law
- Analyse, evaluate and apply the consumer protection laws to a variety of marketing and advertising strategies
- Evaluate and apply the laws regulating a variety of marketing practices including pricing, distribution, e-marketing and e-commerce

Assessment tasks

- Quiz
- Reflective Journal
- Final Examination

Discipline Specific Knowledge and Skills

Our graduates will take with them the intellectual development, depth and breadth of knowledge, scholarly understanding, and specific subject content in their chosen fields to make them competent and confident in their subject or profession. They will be able to demonstrate, where relevant, professional technical competence and meet professional standards. They will be able to articulate the structure of knowledge of their discipline, be able to adapt discipline-specific knowledge to novel situations, and be able to contribute from their discipline to inter-disciplinary solutions to problems.

This graduate capability is supported by:

Learning outcomes

- Identify and define key terms, concepts and principles related to marketing and management law
- Examine the legal issues and apply the laws protecting intellectual property to the development and marketing of a variety of new products and ideas
- Analyse, evaluate and apply the consumer protection laws to a variety of marketing and advertising strategies
- Evaluate and apply the laws regulating a variety of marketing practices including pricing, distribution, e-marketing and e-commerce

Assessment tasks

- Quiz
- Reflective Journal
- Final Examination

Problem Solving and Research Capability

Our graduates should be capable of researching; of analysing, and interpreting and assessing data and information in various forms; of drawing connections across fields of knowledge; and they should be able to relate their knowledge to complex situations at work or in the world, in order to diagnose and solve problems. We want them to have the confidence to take the initiative in doing so, within an awareness of their own limitations.

This graduate capability is supported by:

Learning outcome

- Examine the legal issues and apply the laws protecting intellectual property to the development and marketing of a variety of new products and ideas

Assessment tasks

- Reflective Journal
- Final Examination

Research and Practice

This unit uses research by:

- Julie Zetler, Rodney Bonello, Essentials of Law, Ethics and Professional Issues for CAM (2011, Elsevier Press)
- Julie Zetler, 'Legal and Ethical Impact of Electronic Health Records on Privacy and Confidentiality' (Doctorate, Faculty of Law, University of Sydney, complete 2012)

- Julie Zetler, Verity Greenwood, 'Lost in Space: Impact of Sessional and Contract Employment on Academia' (February, 2010) East Asian Law Conference, Hong Kong.
- Julie Zetler, Verity Greenwood, 'Trapped in a Time Warp: Managing the Effects of Academic Workplace Changes' (July, 2010) Australasian Law Teachers Association (ALTA), Auckland New Zealand.
- Robin Woellener, Julie Zetler, 'Telemedicine and the Law: Some Emerging Issues' 2011
- Julie Zetler, Karolyn White, 'Healthcare Identifiers Act: Issues for Research Ethics', International Law, Medicine and Science Conference Paper, Rhodes, 2011
- Karolyn White, Julie Zetler 'E-Health: Issues for Human Research Committees', Australian Ethics Network Conference, 2012.
- Robin Woellner, Julie Zetler, "Judge Not, Lest Ye Be Judged: The Trials of a Model Litigant" (14 November, 2013) Journal of Australian Law Teachers Association.

This unit uses research from the following journals:

- Journal of Business Law
- Journal of Marketing
- Journal of Intellectual Property Law
- Journal of Advertising