



MKTG350

Marketing and Management Law

S2 Day 2016

Dept of Marketing and Management

Contents

<u>General Information</u>	2
<u>Learning Outcomes</u>	3
<u>General Assessment Information</u>	3
<u>Assessment Tasks</u>	3
<u>Delivery and Resources</u>	7
<u>Unit Schedule</u>	8
<u>Policies and Procedures</u>	10
<u>Graduate Capabilities</u>	11
<u>Changes from Previous Offering</u>	13
<u>Research and Practice</u>	13

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General Information

Unit convenor and teaching staff

Unit Convenor

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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
<u>Quiz 1</u>	10%	week 5 (30 August)
<u>Individual Essay</u>	35%	week 9, 10 October

Name	Weighting	Due
Quiz 2	15%	week 11, 25 October
Final Examination	40%	University Examination Period

Quiz 1

Due: **week 5 (30 August)**

Weighting: **10%**

The quiz is held in tutorial time and consists of 5-7 multichoice/short answer questions and will be held in week 5, 30 August in your tutorial class. The quiz questions are based on week 1-3 (lectures/tutorial content). It is worth 10 marks and is a closed book quiz, which runs for 10 minutes under exam conditions. In order to sit the quiz students must display their current student identification card.

Non-Attendance:

Students that do not attend the class quiz time will be awarded a mark of '0' for the task, except for cases in which an application for disruption of studies is made and approved.

This Assessment Task relates to the following Learning Outcomes:

On successful completion you will be able to:

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

Individual Essay

Due: **week 9, 10 October**

Weighting: **35%**

This is an individual essay with a maximum of 1800 words (+/- 10%), excluding references. All finalised essays MUST be uploaded to the iLearn ('turnitin') by the due date, which is 10 October by 12mm.

All assignments must adhere to the following standards:

- Cover page with full student details and exact word count
- Presentation of essay should adhere to normal academic and professional standards of presentation, including: name and student number on each page, page numbers, double spacing, appropriate page margins (2.4cm default margin setting), Times New Roman font and 12 point should be used.
- Essays should be edited and free from typographical and grammatical errors (polished work)
- Legal referencing and citation required (this legal referencing standard is explained in tutorial class and on iLearn)

- e) Bibliography required, as well as properly executed 'footnotes' (do not use in-text referencing)
- f) Students are required to 'individually' research and write their response to the essay question (it is not a collaborative exercise and must be the sole work of the student)
- g) All use of 'other' ideas and work (quotes, paraphrasing, internet sites, etc.) must be appropriately acknowledged in your work
- h) Students *may be* required to discuss submitted essay topic content with their tutor to ensure student authorship

Submission Procedure:

Students are required to submit their electronic copy of the essay to 'turnitin' via the iLearn as part of the submission process. Your essay will then be automatically compared to work of your classmates, previous students from Macquarie and other universities, with material available on the Internet, both freely available and subscription-based electronic journals and other sites.

Late Submissions:

No extensions will be granted. There will be a deduction of 10% of the total available marks made from the total awarded mark for each 24 hour period or part thereof that the submission is late (The penalty for late submission starts 8 hours after the 12midnight submission date/time (8am on Tuesday 8 September). No further extensions will be granted. (for example, 25 hours late in submission - 20% penalty). This penalty does not apply to cases in which an application for disruption of studies is made and APPROVED. No submission can be accepted after solutions/feedback have been discussed.

Essay topic and marking criteria/rubric can be viewed on iLearn (under assessment)

This assessment task relates to the following Learning Outcomes:

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

Quiz 2

Due: **week 11, 25 October**

Weighting: **15%**

Quiz 2 consists of 6-8 multiplechoice/short answers questions based on weeks 6-9 (lecture/tutorial content) and held in week 11, 25 October in your tutorial class. The quiz will take approximately 15 minutes to complete. It is a closed book quiz and students must display their current student identification card.

Non-Attendance:

No alternative quiz will be granted. Students that do not attend the class quiz time will be awarded a mark of '0' for the task, except for cases in which an application for disruption of studies is made and APPROVED.

This assessment task relates to the following Learning Outcomes:

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

On successful completion you will be able to:

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

Final Examination

Due: **University Examination Period**

Weighting: **40%**

Open book examination. A final examination for this unit will be held during the University Examination period. The University Examination period in the Second Half Year 2016 is from November 14 - December 2. 'Open-book' exam means that you are able to take any printed (written) material (e.g. lecture notes, student summaries, text books, etc.) into the exam room. However, you cannot take any electronic devices/recordings into the exam room such as, for example, computers, laptops, calculators, electronic dictionaries, iPhones, iPads, iWatches or other 'smart devices', see iLearn for specific details.

Examination format and other relevant information will be posted on iLearn closer to the exam period

The examination is three (3) hours and you are expected to present yourself for examination at the time and place designated in the University Examination timetable. This timetable is available in 'draft' form approximately eight weeks before the commencement of the examination and in final form approximately four weeks before the commencement of the examination -

<http://mq.edu.au/exam/>

The only exception for not sitting the examination at the designated time is because of documented illness or unavoidable disruption. In these circumstances you are expected to consider applying for Disruption of Studies. Information about unavoidable disruption and disruption of studies is available at - http://mq.edu.au/policy/docs/disruption_studies/policy.html

If a Supplementary Examination is granted as a result of the Disruption of Studies process the examination is scheduled after the conclusion of the official examination period

The Macquarie University Examination Policy details and conduct of the examinations at the University. The policy is available at - <http://www.mq.edu.au/policy/docs/examination/>

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.

Examination Grading:

- Students are required to gain a pass in all assessment used in this subject in order to achieve an overall pass grade in the subject
- See the University policies and procedures - for example 'Grading Policy'
<http://mq.ed.au/policy/docs/grading/policy.html>

Important Consideration:

- It is the responsibility of students to check University Policy and Rules regarding being granted disruption of studies policy requirements for missed assessments/exams
- It is advisable that student's *do not organise* overseas or family trips during any of the formal examination period

This assessment task relates to the following Learning Outcome:

On successful completion you will be able to:

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- 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

Classes

Number and length of classes: 1 X2 hour lecture and 1 X 1 hour tutorial for a total of 3 hours face-to-face teaching per week

You **MUST** attend the tutorial class that you have officially enrolled in

The timetable for classes can be found on the University web site at:

<http://www.timetable.mq.edu.au/>

You must attend at least 10 out of 12 tutorials. Please note that class participation is graded in this subject failure to attend may affect your final mark

Students are to arrive on time and not leave until the end of class

Mobile phones must be switched off and not simply put on 'silent'

No photographs or recording without prior permission from lecturer/tutor

Laptops must be utilised for official class purposes such as writing notes. Not as entertainment or a 'catch-up' with social media

Students who disturb or disrupt in lectures and/or tutorial will be asked to leave

Students are required to prepare reading/questions for tutorial classes

Technology Used

The course will make use of iLearn and email for communication with the teaching staff and between students.

Students will need access to a reliable Internet service to complete this unit.

Course material is available on the learning management system (iLearn). <https://ilearn.mq.edu.au/login.MQ/>

Number and length of classes: 3 hours face-to-face teaching per week for 13 weeks

Students are expected to participate in lectures. Attendance will be taken in class.

Unit Schedule

Session	Lecture Topic	Required Readings & Tutorial Questions
1	Introduction to Law and Marketing : Legal Framework, Regulatory Bodies and Compliance in Marketing Law, Law of Competitive Advantage and International Law	Chapters 1, Sweeney & Bender No Tutorials this week
2	Introduction to Intellectual Property and Marketing: Protecting Inventive Ideas through the Patent System Tutorial groups start this WEEK (see iLearn (assessment icon) for tutorial questions)	Chapter 2, Sweeney & Bender. Tutorial Chapter 1 questions 1,2,3 (on iLearn)

3	Introduction to Breach of Confidence: Protecting Commercial Secrets-obligation of confidence and protection and protection of trade secrets Protecting Commercial Designs	Chapter 3 Sweeney & Bender. Chapter 5 Sweeney & Bender Tutorial Chapter 2 questions 1,2,3,4 (on iLearn)
4	Introduction to Copyright Material: Protecting Copyright Material	Chapter 4, Sweeney & Bender Tutorial Chapter 3 & 5 questions (Chapter 3 questions 1,3 - Chapter 5 questions 4,5) (on iLearn)
5	Passing Off and Unfair Trading (QUIZ 1, 30 August)	Chapter 6, Sweeney & Bender Quiz - in class quiz 10%. 10 minutes, closed book Tutorial questions 1 and 2 (on iLearn)
6	Protection of Trademarks Franchising	Chapter 7 Sweeney & Bender Chapter 18 Sweeney & Bender Tutorial Chapter 6 questions 1,2,4. (on iLearn)
7	Product Liability Advertising	Chapter 9, Sweeney & Bender Chapter 10, Sweeney & Bender Tutorial Chapters 7 & 18 (Chapter 7 questions 2,3,4,5 - Chapter 18 questions 3,5)
	MID SEMESTER BREAK	
8	Product Packaging and Labelling Selling Techniques	Chapter 8 Sweeney & Bender Chapter 11 Sweeney and Bender
9	e-Marketing & e-Commerce (ESSAY DUE - 10 October)	Chapter 19, Sweeney & Bender 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, Sweeney & Bender Chapter 14, Sweeney & Bender Tutorial Chapter 19 questions 1,2,3,4,5
11	Collusive Conduct (QUIZ 2, 25 October) Defamation Law	Chapter 13, Sweeney & Bender, 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	Chapter 16 Sweeney & Bender Chapter 17, Sweeney & Bender 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

New Assessment Policy in effect from Session 2 2016 http://mq.edu.au/policy/docs/assessment/policy_2016.html. For more information visit http://students.mq.edu.au/events/2016/07/19/new_assessment_policy_in_place_from_session_2/

Assessment Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/assessment/policy.html>

Grading Policy prior to Session 2 2016 <http://mq.edu.au/policy/docs/grading/policy.html>

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

Complaint Management Procedure for Students and Members of the Public http://www.mq.edu.au/policy/docs/complaint_management/procedure.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/

Results

Results shown in *iLearn*, or released directly by your Unit Convenor, are not confirmed as they are subject to final approval by the University. Once approved, final results will be sent to your student email address and will be made available in [eStudent](#). For more information visit ask.mq.edu.au.

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://www.mq.edu.au/about_us/offices_and_units/information_technology/help/.

When using the University's IT, you must adhere to the [Acceptable Use of IT Resources 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 1
- Individual Essay
- Quiz 2
- 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 1
- Individual Essay
- Quiz 2
- 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

- Individual Essay
- Final Examination

Changes from Previous Offering

Please Note: The assessment for MKGT350 has been updated from the previous year

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*.
- Robin Woellner, Julie Zetler, Satisfying the Taxpayer's Burden of Proof in Challenging a Default Assessment: The Modern Labours of Sisyphus? (December 2014) *Journal of the Australasian 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