



MKTG350

Marketing and Management Law

S2 Day 2018

Archive (Pre-2019) - Dept of Marketing and Management

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General Information

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Credit points

3

Prerequisites

39cp at 100 level or above

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, values and principles related to marketing and management law and ethics

Examine the legal and ethical considerations related to the protection of intellectual property development and marketing of a variety of new products and ideas

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

Evaluate and apply ethical considerations and 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 piece of assessment on iLearn within 20 working days of posting. If there are any discrepancies, students must contact their tutor 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) may not be addressed.

Assessment Tasks

Name	Weighting	Hurdle	Due
Quiz 1	10%	No	week 5 (27 August)
Individual Essay	30%	No	week 9, (8 October)

Name	Weighting	Hurdle	Due
Quiz 2	10%	No	week 11, (22 October)
Final Examination	50%	No	University Examination Period

Quiz 1

Due: **week 5 (27 August)**

Weighting: **10%**

The quiz is held in tutorial time and consists of 5-7 multiple-choice/short answer questions and will be held in week 5, 27 August in your tutorial class. The quiz questions are based on weeks 1-3 (lectures and 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.

Details of the assessment task to be completed including the format, submission details and marking criteria will be available on iLearn.

Non-Attendance:

Students who do not attend the class quiz will be awarded a mark of '0' for the task, except for cases in which an application for special consideration is submitted and approved.

On successful completion you will be able to:

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

Individual Essay

Due: **week 9, (8 October)**

Weighting: **30%**

This is an individual essay with a maximum of 1600 words (+/- 10%), excluding references. All finalised essays MUST be uploaded to iLearn ('turnitin') by 12 midnight on the due date, which is Monday 8 October.

All assignments must adhere to the following standards:

- Cover page with full student details and exact word count
- Ensure that your full name and page number is marked on the top of every page of your essay
- Presentation of essay should adhere to normal academic and professional standards of presentation, including: name and student number on each page, page numbers, one and half line spacing, appropriate page margins (2.4cm default margin setting) and Times New Roman font
- 12 point font *must be* used. Do not use 10 point or less (unless it is a direct quote), as this is

too hard to read (even electronically) for the marker.

e) Essays should be edited and free from typographical and grammatical errors (polished work)

f) Legal referencing and citation required (this legal referencing standard is explained in tutorial class and on iLearn)

g) Bibliography required, as well as properly executed 'footnotes' (do not use in-text referencing)

h) 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.

Please note: **only** your final essay submission can be uploaded to 'turnitin' (i.e. you cannot upload preliminary versions to 'turnitin')

It is advised that you do not leave it to the last minute to submit your essay (as this can potentially overload the system)

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 12 midnight submission time (that is, 8 am on Tuesday 9 October). Thus for example if an essay is 25 hours late in submission, a 20% penalty will be imposed.

This penalty does not apply to cases in which an application for special consideration is submitted and approved.

No submission can be accepted after solutions/feedback have been discussed.

Details of the assessment task to be completed including the format, submission details and marking criteria will be available on iLearn (under assessment).

On successful completion you will be able to:

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

Quiz 2

Due: **week 11, (22 October)**

Weighting: **10%**

Quiz 2 consists of 5-7 multiple choice/short answers questions based on weeks 6-9 (including relevant lecture/tutorial content) and will be held in week 11 (commencing 22 October) in your tutorial class. The quiz will take approximately 10 minutes to complete. It is a closed book quiz and students must display their current student identification card.

Details of the assessment task to be completed including the format, submission details and marking criteria will be available on iLearn.

Non-Attendance:

There is no right to an alternative quiz. Students that do not attend the class quiz will be awarded a mark of '0' for the task, except for cases in which an application for special consideration is submitted and approved.

On successful completion you will be able to:

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

Final Examination

Due: **University Examination Period**

Weighting: **50%**

The examination is an 'open book' exam worth 50% of your overall marks in the subject.

'Open-book' exam means that you are able to take any printed (written) material (e.g. lecture notes, lecture slides, 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 in length 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 apply for approval under the University Special Consideration process. Information about Special Consideration is available at - http://mq.edu.au/policy/docs/special_consideration/policy.html

If a Supplementary Examination is granted as a result of the Special Consideration 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 not required to gain a pass mark in the exam in order to gain a pass in the subject
- See the University policies and procedures - for example 'Grading Policy'
<http://mq.edu.au/policy/docs/grading/policy.html>

Important Consideration:

- It is the responsibility of students to check University Policy and Rules regarding 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

On successful completion you will be able to:

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

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

Delivery and Resources

Textbook

Sweeney BJ, Bender M and Courmadias N, *Marketing and the Law* (5th edn) Lexis Nexis Butterworths, 2015.

Classes

Number and length of classes: 1 X 2 hour lecture (Friday 12-2pm) and 1 X 1 hour tutorial for a total of 3 hours face-to-face teaching per week

Please note: the above information may be subject to timetable room change - students must check final timetable before classes commence for confirmation of lecture/tutorial locations. The timetable for classes can be found on the University web site at <http://www.timetable.mq.edu.au/>

Lecture Information

Lectures are recorded for the main purpose of student 'revision' - not generally as a substitute for attending 'face-to-face' lectures. You are strongly encouraged to attend all the lecture program.

Signed attendance sheet is not required for lectures

Due to the evolving legal environment in the marketing/management/law area - lecture slides on iLearn may be subject to updates and other changes.

Tutorial Information

Students must attend their assigned tutorial class

Tutorials start in week 2 of the semester

Please note: The Unit Convenor/Lecturer/Tutors cannot change your tutorial times, any tutorial changes must be finalised through formal Department online processes

It is expected that you come to tutorial classes prepared to discuss relevant materials and concepts. This means doing the necessary readings and answering tutorial problems before the tutorial class

Attendance record will be taken at each tutorial session.

Please ensure that you sign the tutorial attendance sheet: if you miss a tutorial please contact your tutor via email (not the Unit Convenor), and provide the necessary documentation if required (e.g. medical certificate, etc.) to your tutor. In special circumstances, if your tutorial absence is going to be longer than two weeks (continuing) you may need to notify the Unit

Convenor, as well as your tutor.

Warning: students must attend at least 10 out of 12 tutorials - failure to do this may affect your final grade

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/computers must only 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 and engage in class discussion

The tutorial questions and sessions are designed to initiate active student participation of the subject material. **Please note:** tutorials are not a catch-up substitute mini lecture!

Summary of Requirements:

You need the required tutorial attendance, as well as *attempting each of the assessment tasks* outlined in the unit guide in order to gain a minimum pass of 50% in the course. Students are not required to gain a pass mark in the exam (or in other assessment tasks) to pass the subject.

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

You are required to check for updated iLearn information for this subject on a weekly bases.

Your assessment grades, i.e. quiz, essay, etc (once finalised) will be posted on Grade Book - it is your responsibility to contact your tutor within a reasonable time frame in relation to any discrepancies.

Unit Schedule

Session	Lecture Topic	Tutorial Questions
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1 (30 July)	<p>Introduction to Law and Marketing : Legal Framework, Regulatory Bodies and Compliance in Marketing Law, Law of Competitive Advantage and International Law</p> <p>Chapter 1 Sweeney, Bender and Courmadias, <i>Marketing and the Law</i> (textbook)</p>	No Tutorials this week (Week 1)
2 (6 August)	<p>Introduction to Intellectual Property and Marketing: Protecting Inventive Ideas through the Patent System</p> <p>Chapter 2, Sweeney, et al.</p> <p>Tutorial groups commence this WEEK (see iLearn (assessment icon) for tutorial questions)</p>	<p>Tutorial Requirement:</p> <p>Chapter 1: Answer questions 1,2,3 (Tutorial questions located under assessment icon iLearn)</p>
3 (13 August)	<p>Introduction to Breach of Confidence: Protecting Commercial Secrets -obligation of confidence and protection and protection of trade secrets: Sweeney et al Chapter 3</p> <p>Protecting Commercial Designs: Chapter 5, Sweeney, et al.</p>	<p>Tutorial Requirement:</p> <p>Chapter 2: Answer questions 1,2,3,4 (on iLearn)</p>
4 (20 August)	<p>Introduction to Copyright Material: Protecting Copyright Material: Chapter 4, Sweeney,et al.</p> <p>QUIZ 1 NEXT WEEK</p>	<p>Tutorial Requirement:</p> <p>Chapters 3 & 5 - answer:</p> <p>Chapter 3: questions 1,3</p> <p>Chapter 5: questions 4,5</p>
5 (27 August)	<p>Passing Off and Unfair Trading: Chapter 6, Sweeney,et al</p> <p>QUIZ 1</p> <p>QUIZ 1 - in-class (Chapters 1-3, Sweeney et al). Content includes lecture and tutorial content in weeks 1-3.</p>	<p>Quiz - in class quiz 10%. 10 minutes, closed book</p> <p>Tutorial Requirement:</p> <p>Chapter 4: answer questions 1 and 2</p>
6 (3 September)	<p>Protection of Trademarks: Chapter 7, Sweeney, et al</p> <p>Franchising: Chapter 18, Sweeney et al</p>	<p>Tutorial Requirements:</p> <p>Chapter 6: answer questions 1,2,4.</p>
7 (10 September)	<p>Product Liability: Chapter 9, Sweeney, et al</p>	<p>Tutorial Requirement:</p> <p>Chapters 18 answer questions 3,5</p> <p>Chapter 7 answer questions 2, 5</p>

17 September - 28 September. Classes resume (Tuesday) 2 October	MID SEMESTER BREAK	
Week 8 (2 October)	<p>Product Packaging and Labelling: Chapter 8, Sweeney, et al</p> <p>Selling Techniques: Chapter 11, Sweeney, et al</p> <p>ESSAY is due next week</p>	<p>Tutorial Requirements:</p> <p>Chapter 9: answer questions 1,2</p>
Week 9 (8 October)	<p>Advertising: Chapter 10, Sweeney, et al</p> <p>ESSAY SUBMISSION (Monday 8 October, upload on 'turnitin' by 12 midnight)</p>	<p>Tutorial Requirements:</p> <p>Chapter 8: answer questions 1, 2 and 4</p> <p>Chapter 11: answer questions 1, 2</p>
Week 10 (15 October)	<p>e-Marketing and e-Commerce: Chapter 19, Sweeney et al</p> <p>Introduction to Competition Law: Chapter 12, Sweeney, et al</p> <p>QUIZ 2 NEXT WEEK</p>	<p>Tutorial Requirement:</p> <p>Chapter 10 answer questions 1,2,3</p>
Week 11 (22 October)	<p>Misuse of Market Power: Chapter 14, Sweeney, et al</p> <p>Collusive Conduct: Chapter 13, Sweeney, et al</p> <p>In-class QUIZ 2 (Chapters 6-9 Sweeney et al, including lecture and tutorial content on those topics)</p>	<p>Tutorial Requirement:</p> <p>In-class QUIZ (2) - 10 minute, closed book QUIZ</p> <p>Chapter 19: answer questions 1,2</p> <p>Chapter 12: answer questions 1,2</p>
Week 12 (29 October)	<p>Resale Price Maintenance: Chapter 16, Sweeney, et al</p> <p>Exclusive Dealing: Chapter 17, Sweeney, et al</p>	<p>Tutorial Requirement:</p> <p>Chapter 13: answer questions 1,2,3</p> <p>Chapter 14: answer questions 1,2</p>
Week 13 (5 November)	<p>Review of RPM and Exclusive Dealing, and</p> <p>Revision for Final Examination</p>	<p>Tutorial Requirements:</p> <p>Chapters 16 answer question 1</p> <p>Chapter 17 answer question 2</p>

Policies and Procedures

Macquarie University policies and procedures are accessible from [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central>). Students should be aware of the following policies in particular with regard to Learning and Teaching:

- [Academic Appeals Policy](#)
- [Academic Integrity Policy](#)
- [Academic Progression Policy](#)
- [Assessment Policy](#)
- [Fitness to Practice Procedure](#)
- [Grade Appeal Policy](#)
- [Complaint Management Procedure for Students and Members of the Public](#)
- [Special Consideration Policy](#) (**Note:** *The Special Consideration Policy is effective from 4 December 2017 and replaces the Disruption to Studies Policy.*)

Undergraduate students seeking more policy resources can visit the [Student Policy Gateway](https://students.mq.edu.au/support/study/student-policy-gateway) (<https://students.mq.edu.au/support/study/student-policy-gateway>). It is your one-stop-shop for the key policies you need to know about throughout your undergraduate student journey.

If you would like to see all the policies relevant to Learning and Teaching visit [Policy Central](https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policy-central) (<https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/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/study/getting-started/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, values and principles related to marketing and management law and ethics
- Analyse, evaluate and apply the consumer protection and relevant market manipulation laws to a variety of marketing and advertising strategies
- Evaluate and apply ethical considerations and 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, values and principles related to marketing and management law and ethics
- Examine the legal and ethical considerations related to the protection of intellectual property development and marketing of a variety of new products and ideas
- Analyse, evaluate and apply the consumer protection and relevant market manipulation laws to a variety of marketing and advertising strategies
- Evaluate and apply ethical considerations and 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 and ethical considerations related to the protection of intellectual property development and marketing of a variety of new products and ideas

Assessment tasks

- Individual Essay
- Final Examination

Changes from Previous Offering

In light of student feedback, the order of topic presentation has been adjusted and assessment modes retained.

Global Context and Sustainability

Global Context and Sustainability:

This unit teaches marketing law and management principles that apply to Australia but can also be applied in a global context. Sustainability issues are included in Corporate Social Responsibility materials, as well as the development and management of ethical and legal component of this unit

Research and Practice:

In addition to the required textbook for this unit, students should familiarise themselves with the relevant periodical section of the library as well as access quality newspapers and journals. We recommend the following:

- Marketing Magazines
- Daily Newspapers
- Australasian Journal of Marketing
- Legal Journals Devoted to Marketing and Management Considerations
- Harvard Law and Business Review
- Australian Business Monthly
- Journal Articles Relating to Intellectual Property (both in Australia and Overseas)
- Australian Law Reform Commission Reports
- Business Review Weekly

Students are able to access these and other important resource materials through the library home page. Under 'research' select search for journals and type the name of the journal or the area that you wish to access.

Recommended Research Databases:

Students should also familiarise themselves with key research databases available for access through the library. Databases recommended (but not limited) for your study in marketing and law include:

- Austlii (case law and legislation, some journal articles, special interest law)
- Business Source Premier

- ABS Statistics
- Anstat
- www.agps.gov.au
- LBC (Law Book)
- ALRC (Australian Law Reform Commission)
- Google Scholar (only when logged in via Macquarie University website)

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 Woellner, 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

