TABL2731
Marketing and Distribution Law

Course Outline
Semester 1, 2016

Part A: Course-Specific Information
Part B: Key Policies, Student Responsibilities and Support
# Table of Contents

## PART A: COURSE-SPECIFIC INFORMATION

1. **STAFF CONTACT DETAILS** ............................................. 1
2. **COURSE DETAILS** .................................................... 1
   - 2.1 Teaching Times and Locations ................................ 1
   - 2.2 Units of Credit .................................................. 1
   - 2.3 Summary of Course ............................................. 1
   - 2.4 Course Aims and Relationship to Other Courses .......... 1
   - 2.5 Student Learning Outcomes ................................ 1

## 3 LEARNING AND TEACHING ACTIVITIES

3.1 Approach to Learning and Teaching in the Course ............... 3
3.2 Learning Activities and Teaching Strategies ..................... 4

## 4 ASSESSMENT

4.1 Formal Requirements .................................................. 4
4.2 Assessment Details ................................................... 4
   - 4.2.1 Seminar presentation ......................................... 4
   - 4.2.2 Wiki/Forum contribution ...................................... 4
   - 4.2.3 Quizzes ........................................................ 5
   - 4.2.4 Research essays .............................................. 5
4.3 Late Submission ....................................................... 5

## 5 COURSE RESOURCES

5.1 .................................................................................. 5

## 6 COURSE EVALUATION AND DEVELOPMENT

6.1 .................................................................................. 5

## 7 COURSE SCHEDULE

7.1 .................................................................................. 6

## PART B: KEY POLICIES, STUDENT RESPONSIBILITIES AND SUPPORT

8. **PROGRAM LEARNING GOALS AND OUTCOMES** ............... 7

## 9 ACADEMIC HONESTY AND PLAGIARISM

10. **STUDENT RESPONSIBILITIES AND CONDUCT** ............... 8
    - 10.1 Workload .......................................................... 8
    - 10.2 Attendance ........................................................ 8
    - 10.3 General Conduct and Behaviour ............................. 9
    - 10.4 Health and Safety .............................................. 9
    - 10.5 Keeping Informed .............................................. 9

## 11 SPECIAL CONSIDERATION

12. **STUDENT RESOURCES AND SUPPORT** ....................... 10
PART A: 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

Lecturer: Dr Leela Cejnar
Room QUAD 2054C
Phone No: +61 2 9385 1035
Email: l.cejnar@unsw.edu.au
Consultation Times – by appointment

2 COURSE DETAILS

2.1 Teaching Times and Locations
Seminars start in Week 1 and run to Week 12.
The time and location are 14:00 – 17:00 on Thursday with the first hour in the Ritchie Theatre and the next two hours in Chemical Science M17.
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, antitrust 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 Part B of the course outline.

```
Business Undergraduate Program Learning Goals and Outcomes

1. Knowledge: Our graduates will have in-depth disciplinary knowledge applicable in local and global contexts.
   You should be able to select and apply disciplinary knowledge to business situations in a local and global environment.

2. Critical thinking and problem solving: Our graduates will be critical thinkers and effective problem solvers.
   You should be able to identify and research issues in business situations, analyse the issues, and propose appropriate and well-justified solutions.

3. Communication: Our graduates will be effective professional communicators.
   You should be able to:
   a. Prepare written documents that are clear and concise, using appropriate style and presentation for the intended audience, purpose and context, and
   b. Prepare and deliver oral presentations that are clear, focused, well-structured, and delivered in a professional manner.

4. Teamwork: Our graduates will be effective team participants.
   You should be able to participate collaboratively and responsibly in teams, and reflect on your own teamwork, and on the team’s processes and ability to achieve outcomes.

5. Ethical, social and environmental responsibility: Our graduates will have a sound awareness of the ethical, social, cultural and environmental implications of business practice.
   You should be able to:
   a. Identify and assess ethical, environmental and/or sustainability considerations in business decision-making and practice, and
   b. Identify social and cultural implications of business situations.
```

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 seminars and other activities):
<table>
<thead>
<tr>
<th>Program Learning Goals and Outcomes</th>
<th>Course Learning Outcomes</th>
<th>Course Assessment Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>This course helps you to achieve the following learning goals for all Business undergraduate students:</td>
<td>On successful completion of the course, you should be able to:</td>
<td>This learning outcome will be assessed in the following items:</td>
</tr>
<tr>
<td>1 Knowledge</td>
<td>1. understand 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. understand the legal risks associated with marketing and distribution.</td>
<td>Seminar Presentation  Wiki/Forum  Quizzes  Research essay</td>
</tr>
<tr>
<td>2 Critical thinking and problem solving</td>
<td>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.</td>
<td>Seminar presentation  Wiki/Forum  Quizzes  Research Essay</td>
</tr>
<tr>
<td>3a Written communication</td>
<td>Construct written work, analysing the law, which is logically and professionally presented.</td>
<td>Seminar outline  Research essay</td>
</tr>
<tr>
<td>3b Oral communication</td>
<td>Communicate legal ideas in a succinct and clear manner.</td>
<td>Seminar presentation</td>
</tr>
<tr>
<td>5b Social and cultural awareness</td>
<td>Identify and assess ethical issues in a business environment.</td>
<td>Research essay</td>
</tr>
</tbody>
</table>

### 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 and student led seminars. These 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 2, students will be allocated a seminar presentation to be done during class in a week scheduled on Moodle and the seminar presentation topics will also be scheduled on Moodle. Seminar presentations commence in Week 3. Students must do their seminar presentation in their allocated week. 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.
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 Wikis 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

<table>
<thead>
<tr>
<th>Assessment Task</th>
<th>Weighting</th>
<th>Length</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seminar presentation</td>
<td>15%</td>
<td>15 minutes plus 10 minutes of questions</td>
<td>Scheduled on Moodle</td>
</tr>
<tr>
<td>Wiki/Forum contribution</td>
<td>15% (1.5% for each week)</td>
<td>Depends on the contribution</td>
<td>Each of ten weeks with contribution by the beginning of the lecture in relevant week</td>
</tr>
<tr>
<td>Quizzes</td>
<td>10%</td>
<td>Five minute, five question quiz on required readings</td>
<td>On lecture days</td>
</tr>
<tr>
<td>Research Essay A</td>
<td>20%</td>
<td>1,200 words</td>
<td>5 pm on Friday 3 June on Turnitin</td>
</tr>
<tr>
<td>Research Essay B</td>
<td>40%</td>
<td>2,400 words</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.2.1 Seminar presentation

Students are expected to present on the problem provided on Moodle in a group with all members making 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.

4.2.2 Wiki/Forum contribution

For each of ten weeks there will be a case study for 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. There will be a Wiki page for the case study and students are expected to use the forum discussion to develop the Wiki. Fifty percent of the available marks can be achieved by making a contribution to the discussion and the balance of the marks will be allocated on the basis of the thinking behind the contribution.

4.2.3 Quizzes

Each week there will be a five question quiz on the required reading for that week. The quiz will be on Moodle and students will only be able to take the quiz during lecture time (in the second two hour block). There will be a trial quiz available for each week which will not be assessed.

4.2.4 Research essays

Students will undertake two research essays as part of their assessment. Students will be required to undertake research in areas related to the course and to analyse two problems 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 5 pm on Friday 3 June.

4.3 Late Submission

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.

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.

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 Course and Teaching Evaluation and Improvement (CATEI) Process is one of the ways in which student evaluative feedback is gathered. In this course, we will seek
your feedback through end of semester CATEI evaluations. This is the first time that this course has used the prescribed textbook and Any feedback on the structure of the course would be helpful.

7 COURSE SCHEDULE

<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
<th>Required reading from set text</th>
<th>Lecturer</th>
<th>Other activities / assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week 1</td>
<td>Introduction</td>
<td>Chapter 1 - Introduction to the Law and Marketing</td>
<td>Rob</td>
<td></td>
</tr>
<tr>
<td>3 March</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Week 2</td>
<td>Protecting invention</td>
<td>Chapter 2 - Protecting Inventive Ideas</td>
<td>Rob</td>
<td>Wiki/Forum 1</td>
</tr>
<tr>
<td>10 March</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Week 3</td>
<td>Unfair trading</td>
<td>Chapter 6 - Passing Off and Unfair Trading</td>
<td>Rob</td>
<td>Student seminar topic 1 Wiki/Forum 2</td>
</tr>
<tr>
<td>17 March</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Week 4</td>
<td>Packaging</td>
<td>Chapter 8 - Product Packaging and Labelling</td>
<td>Rob</td>
<td>Student seminar topic 2 Wiki/Forum 3</td>
</tr>
<tr>
<td>24 March</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mid-semester break: Friday 25 March – Sunday 3 April inclusive

| Week 5     | Product liability           | Chapter 9 - Product Liability                        | Rob      | Student seminar topic 3 Wiki/Forum 4                |
| 6 April    |                              |                                                       |          |                                                     |
| Week 6     | Advertising and selling     | Chapter 10 - Advertising and Chapter 11 - Selling Techniques | Rob    | Student seminar topic 4 Wiki/Forum 5                |
| 14 April   |                              |                                                       |          |                                                     |
| Week 7     | Coordinated conduct         | Chapter 13 - Collusive conduct                       | Leela    | Student seminar topic 5 Wiki/Forum 6                |
| 21 April   |                              |                                                       |          |                                                     |
| Week 8     | Abuse of a dominant position| Chapter 14 - Misuse of market power                  | Leela    | Student seminar topic 6 Wiki/Forum 7                |
| 28 April   |                              |                                                       |          |                                                     |
| Week 9     | Mergers                     | Chapter 15 - Mergers                                 | Rob      | Student seminar topic 7 Wiki/Forum 8                |
| 5 May      |                              |                                                       |          |                                                     |
| Week 10    | Resale price maintenance    | Chapter 16 - Resale Price Maintenance                 | Leela    | Student seminar topic 8 Wiki/Forum 9                |
| 12 May     |                              |                                                       |          |                                                     |
| Week 11    | Exclusive dealing           | Chapter 17 - Exclusive Dealing                       | Leela    | Student seminar topic 9 Wiki/Forum 10               |
| 19 May     |                              |                                                       |          |                                                     |
| Week 12    | Franchising                 | Chapter 18 - Franchising                             | Rob      | Student seminar topic 10                           |
| 26 May     |                              |                                                       |          |                                                     |
| Week 13    | NO LECTURE                  |                                                       |          |                                                     |

Research essays due by 5 pm on Friday 3 June on Turnitin
PART B: KEY POLICIES, STUDENT RESPONSIBILITIES AND SUPPORT

8 PROGRAM LEARNING GOALS AND OUTCOMES

The Business School Program Learning Goals reflect what we want all students to BE or HAVE by the time they successfully complete their degree, regardless of their individual majors or specialisations. For example, we want all our graduates to HAVE a high level of business knowledge, and a sound awareness of ethical, social, cultural and environmental implications of business. As well, we want all our graduates to BE effective problem-solvers, communicators and team participants. These are our overall learning goals for you and are sought after by employers.

You can demonstrate your achievement of these goals by the specific outcomes you achieve by the end of your degree (e.g. be able to analyse and research business problems and propose well-justified solutions). Each course contributes to your development of two or more program learning goals/outcomes by providing opportunities for you to practise these skills and to be assessed and receive feedback.

Program Learning Goals for undergraduate and postgraduate students cover the same key areas (application of business knowledge, critical thinking, communication and teamwork, ethical, social and environmental responsibility), which are key goals for all Business students and essential for success in a globalised world. However, the specific outcomes reflect different expectations for these levels of study.

We strongly advise you to choose a range of courses which assist your development of these skills, e.g., courses assessing written and oral communication skills, and to keep a record of your achievements against the Program Learning Goals as part of your portfolio.

<table>
<thead>
<tr>
<th>Business Undergraduate Program Learning Goals and Outcomes</th>
</tr>
</thead>
</table>
| 1. Knowledge: Our graduates will have in-depth disciplinary knowledge applicable in local and global contexts.  
You should be able to select and apply disciplinary knowledge to business situations in a local and global environment. |
| 2. Critical thinking and problem solving: Our graduates will be critical thinkers and effective problem solvers.  
You should be able to identify and research issues in business situations, analyse the issues, and propose appropriate and well-justified solutions. |
| 3. Communication: Our graduates will be effective professional communicators.  
You should be able to:  
  a. Prepare written documents that are clear and concise, using appropriate style and presentation for the intended audience, purpose and context, and  
  b. Prepare and deliver oral presentations that are clear, focused, well-structured, and delivered in a professional manner. |
| 4. Teamwork: Our graduates will be effective team participants.  
You should be able to participate collaboratively and responsibly in teams, and reflect on your own teamwork, and on the team’s processes and ability to achieve outcomes. |
| 5. Ethical, social and environmental responsibility: Our graduates will have a sound awareness of the ethical, social, cultural and environmental implications of business practice. |
You will be able to:

a. Identify and assess ethical, environmental and/or sustainability considerations in business decision-making and practice, and
b. Identify social and cultural implications of business situations.

9 ACADEMIC HONESTY AND PLAGIARISM

The University regards plagiarism as a form of academic misconduct, and has very strict rules regarding plagiarism. For UNSW policies, penalties, and information to help you avoid plagiarism see: https://student.unsw.edu.au/plagiarism as well as the guidelines in the online ELISE tutorials for all new UNSW students: http://subjectguides.library.unsw.edu.au/elise

To see if you understand plagiarism, do this short quiz: https://student.unsw.edu.au/plagiarism-quiz

For information on how to acknowledge your sources and reference correctly, see: https://student.unsw.edu.au/harvard-referencing

For the Business School Harvard Referencing Guide, see the Business Referencing and Plagiarism webpage (Business >Students>Learning support> Resources>Referencing and plagiarism).

10 STUDENT RESPONSIBILITIES AND CONDUCT

Students are expected to be familiar with and adhere to university policies in relation to class attendance and general conduct and behaviour, including maintaining a safe, respectful environment; and to understand their obligations in relation to workload, assessment and keeping informed.

Information and policies on these topics can be found in UNSW Current Students ‘Managing your Program’ webpages: https://student.unsw.edu.au/program.

10.1 Workload

It is expected that you will spend at least nine to ten hours per week studying this course. This time should be made up of reading, research, working on exercises and problems, online activities and attending classes. In periods where you need to complete assignments or prepare for examinations, the workload may be greater. Over-commitment has been a cause of failure for many students. You should take the required workload into account when planning how to balance study with employment and other activities.

We strongly encourage you to connect with your Moodle course websites in the first week of semester. Local and international research indicates that students who engage early and often with their course website are more likely to pass their course.

Information on expected workload: https://student.unsw.edu.au/uoc

10.2 Attendance

Your regular and punctual attendance at lectures and seminars, as well as in online activities, is expected in this course. University regulations indicate that if students attend less than 80% of scheduled classes they may be refused final assessment. For more information, see: https://student.unsw.edu.au/attendance
10.3 General Conduct and Behaviour
You are expected to conduct yourself with consideration and respect for the needs of your fellow students and teaching staff. Conduct which unduly disrupts or interferes with a class, such as ringing or talking on mobile phones, is not acceptable and students may be asked to leave the class. More information on student conduct is available at: https://student.unsw.edu.au/conduct

10.4 Health and Safety
UNSW Policy requires each person to work safely and responsibly, in order to avoid personal injury and to protect the safety of others. For more information, see http://safety.unsw.edu.au/.

10.5 Keeping Informed
You should take note of all announcements made in lectures, tutorials or on the course website. From time to time, the University will send important announcements to your university e-mail address without providing you with a paper copy. You will be deemed to have received this information. It is also your responsibility to keep the University informed of all changes to your contact details.

11 SPECIAL CONSIDERATION
You must submit all assignments and attend all examinations scheduled for your course. You should seek assistance early if you suffer illness or misadventure which affects your course progress.

General information on special consideration for undergraduate courses:
1. All applications for special consideration must be lodged online through myUNSW within 3 working days of the assessment (Log into myUNSW and go to My Student Profile tab > My Student Services > Online Services > Special Consideration). You will then need to submit the originals or certified copies of your completed Professional Authority form (pdf - download here) and other supporting documentation to Student Central. For more information, please study carefully in advance the instructions and conditions at: https://student.unsw.edu.au/special-consideration
2. Please note that documentation may be checked for authenticity and the submission of false documentation will be treated as academic misconduct. The School may ask to see the original or certified copy.
3. Applications will not be accepted by teaching staff. The lecturer-in-charge will be automatically notified when you lodge an online application for special consideration.
4. Decisions and recommendations are only made by lecturers-in-charge (or by the Faculty Panel in the case of UG final exam special considerations), not by tutors.
5. Applying for special consideration does not automatically mean that you will be granted a supplementary exam or other concession.
6. Special consideration requests do not allow lecturers-in-charge to award students additional marks.
12 STUDENT RESOURCES AND SUPPORT
The University and the Business School provide a wide range of support services for students, including:

- **Business School Education Development Unit (EDU)**
  https://www.business.unsw.edu.au/students/resources/learning-support
  The EDU provides academic writing, study skills and maths support specifically for Business students. Services include workshops, online resources, and individual consultations. EDU Office: Level 1, Room 1033, Quadrangle Building. Phone: 9385 5584; Email: edu@unsw.edu.au.

- **Business Student Centre**
  https://www.business.unsw.edu.au/students/resources/student-centre
  Provides advice and direction on all aspects of admission, enrolment and graduation. Office: Level 1, Room 1028 in the Quadrangle Building; Phone: 9385 3189.

- **Moodle eLearning Support**
  For online help using Moodle, go to: https://student.unsw.edu.au/moodle-support. For technical support, email: itservicecentre@unsw.edu.au; Phone: 9385 1333.

- **UNSW Learning Centre**
  www.lc.unsw.edu.au Provides academic skills support services, including workshops and resources, for all UNSW students. See website for details.

- **Library training and search support services**
  http://info.library.unsw.edu.au/web/services/services.html

- **IT Service Centre**

- **UNSW Counselling and Psychological Services**
  https://student.unsw.edu.au/wellbeing Provides support and services if you need help with your personal life, getting your academic life back on track or just want to know how to stay safe, including free, confidential counselling. Office: Level 2, East Wing, Quadrangle Building; Phone: 9385 5418; Email: counselling@unsw.edu.au

- **Student Equity & Disabilities Unit**
  http://www.studentequity.unsw.edu.au Provides advice regarding equity and diversity issues, and support for students who have a disability or disadvantage that interferes with their learning. Office: Ground Floor, John Goodsell Building; Phone: 9385 4734; Email: seadu@unsw.edu.au