



BL741 Marketing Law

Unit Outline

School/Division: Business

Unit Title: Marketing Law

Unit Code: BL741

Level: **Introductory**

Advanced

Prerequisites: BL502 Fundamentals of Law
Plus at least six other units of study
JM501 Introduction to Marketing (highly recommended)

Corequisites: Nil

Exclusion(s): Nil

Credit Points: 15

ASCED Code: 091103

Objectives: This unit is designed to enable students to:

Knowledge

- understand the impact of the legal environment on marketing decisions and the need for legal compliance
- understand the policy behind regulating for competition and consumer protection
- know how the *Trade Practices Act 1974* (Cth) (and any equivalent state legislation) affects product/service standards, pricing, distribution and promotion strategies in Australia
- understand in general terms what laws and processes exist to protect the intellectual property in products/services to be or being marketed and consider the use of trade marks to protect the interests and reputation of business traders
- understand how the laws of contract, negligence, intellectual property and trade practices intersect and the compliance challenges that presents for organisations

Skills

- recognise legal issues that could affect marketing strategies



- assess the legal implications of marketing strategies so that a risk management approach can be taken
- use your knowledge in a way that promotes the ability of organisations to comply with the law whilst at the same time achieving their goals
- further develop analytical, critical thinking and problem solving skills
- further develop writing and oral communication skills
- further develop the ability to undertake independent research
- further develop an ability to work co-operatively with others in groups
- reflect on your own learning
- evaluate the work of your peers

Values

- enjoy learning
- learn from other students in the class by encouraging those with a marketing background and those with a law background to work together and share their accumulated knowledge
- be curious and inquiring
- accept responsibility for your own learning
- appreciate the interconnectedness of various laws and other fields of study
- appreciate that learning is a lifelong endeavour

Content:

Topic One - The impact of the Australian legal system on the management of marketing strategy

- Why do marketers need to understand the legal environment?
- What is that regulatory/legal environment?
- What is the policy behind regulating for competition and consumer protection?
- Who and what do the *Trade Practices Act 1974* (Cth) and state fair trading laws regulate?
- Who administers the *Trade Practices Act* and state fair trading laws and how?
- How can marketers and managers ensure that they 'comply' with the laws and manage their legal risks?

Topic Two - Laws regulating the standards expected of products and of services

- What labelling and other requirements must be checked?
- What standards must products meet according to, for example, the law of negligence (product liability) and the fair trading laws?
- How can the risk of defective products and potential liability be managed?
- What standards of fairness in the provision of services are required by the fair trading laws?
- How can the intellectual property in products be protected?

Topic Three - Laws regulating the advertising of products and services

- What are the laws, regulatory bodies and industry bodies that impact on advertising practices?
- What particular advertising and selling practices 'attract' the attention of the law and how can these be managed?
- When will advertising be 'misleading' and how can this be managed?
- How can the legislation and common law be used in a positive way, e.g. to give protection to reputation, goodwill, trade marks?



Topic Four - Laws regulating pricing and distribution strategies

- What is the purpose of Part IV, *Trade Practices Act* and how does it impact on marketers and managers?
- How is anti-competitive conduct such as price fixing and resale price maintenance regulated?
- How do the 'misuse of market power' provisions affect marketing practices?
- How are franchising and exclusive dealing arrangements regulated?
- How can competition issues be managed?

Learning Tasks & Assessment: To achieve a pass in this unit all assessable tasks must be submitted.

Learning Task	Assessment	Weighting
Comprehension of reading material, research, analysis, reflection, discussion between marketing and law students, writing	Group tutorial presentation and/or report	10-20%
Identifying legal issues, research, comprehension, analysis, planning, writing, reflecting, problem solving	Essay or assignment	30-40%
Participation in class, reading, comprehending, writing notes, revising knowledge, discussion, practice problem solving	Examination	40-60%

Adopted Reference Style

- APA
 Australian
 MLA
 Chicago
 Other (please specify)

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