

H8ML: Marketing Law

Module Code:	H8ML
Long Title	Marketing Law APPROVED
Title	Marketing Law
Module Level:	LEVEL 8
EQF Level:	6
EHEA Level:	First Cycle
Credits:	10
Module Coordinator:	MICHAEL BANE
Module Author:	KAREN MURRAY
Departments:	School of Business
Specifications of the qualifications and experience required of staff	
Learning Outcomes	
<i>On successful completion of this module the learner will be able to:</i>	
#	Learning Outcome Description
LO1	Demonstrate a comprehensive knowledge of the structure and function of the legal system and the regulation of marketing practices.
LO2	Critically analyse the fundamentals of contract and commercial law which apply in a marketing context.
LO3	Evaluate the legal protections afforded to personal data in the context of marketing goods and services.
LO4	Critically analyse laws and standards protecting consumers in sales and advertising.
LO5	Distinguish between and assess different methods of protecting intellectual property domestically and internationally.
LO6	Apply marketing laws and standards to hypothetical scenarios, and evaluate appropriate legal remedies, redress and best practice.
Dependencies	
Module Recommendations	
No recommendations listed	
Co-requisite Modules	
No Co-requisite modules listed	
Entry requirements	

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Module Content & Assessment			
Indicative Content			
The Irish Legal System • Sources of Irish law • Civil law and criminal law • Administration of justice • Alternative methods of resolving disputes • Regulators			
Contract Law • Differentiating duty of care and contractual obligations. • Formation of contracts • Terms – Governing law/jurisdiction clauses. • Matters affecting a contracts validity • Discharge of contracts and remedies for breach.			
Commercial and Consumer Protection • Commercial Actors (sole traders, partnerships, corporations). • Regulation of advertisements– Legal framework – Advertising standards, role of regulatory structures. • Consumer protection legal framework including the regulation of marketing practices • Data Protection Law – Legal Framework – personal data, processing operations, obligations on the data controller, lawful basis, principles, rights, enforcement, redress, direct marketing rules, data protection and new marketing technologies.			
Intellectual Property Law • Introduction to Intellectual Property law and Exploitation - Licences and Assignments. • Patent Law: Registration, International Protection, Duration, Infringements and Remedies. • Copyright Law: Protected works, Duration, Rights, Infringement and Remedies. • Trademark Law: Domestic. International Protection. Registration, Grounds for Refusal, Infringement and Redress. • Regulation of domain name disputes. • Design protection • Duty of confidence: scope of protection, remedies. • Tort of Passing Off.			
Assessment Breakdown			%
Coursework			30.00%
End of Module Assessment			70.00%
Assessments			
Full Time			
Coursework			
Assessment Type:	Continuous Assessment	% of total:	30
Assessment Date:	n/a	Outcome addressed:	1,2,3,4,5,6
Non-Marked:	No		
Assessment Description: The first assessment will examine key legal principles and may take the following form: Multiple Choice Quiz which will be a mix of conventional multiple-choice questions and scenario based questions; or a bespoke case study question; or seen case study question; or presentation style assessment.			
End of Module Assessment			
Assessment Type:	Terminal Exam	% of total:	70
Assessment Date:	End-of-Semester	Outcome addressed:	1,2,3,4,5,6
Non-Marked:	No		
Assessment Description: 2 hour in person examination – mix of problem and essay style questions			
No Workplace Assessment			
Reassessment Requirement			
Repeat examination <i>Reassessment of this module will consist of a repeat examination. It is possible that there will also be a requirement to be reassessed in a coursework element.</i>			
Reassessment Description Learners will be required to undertake a terminal examination which will assess all learning outcomes.			

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Module Workload				
Module Target Workload Hours 0 Hours				
Workload: Full Time				
Workload Type	Workload Description	Hours	Frequency	Average Weekly Learner Workload
Lecture	Classroom and demonstrations	36	Per Semester	3.00
Tutorial	Mentoring and small-group tutoring	12	Per Semester	1.00
Independent Learning Time	Independent learning	202	Per Semester	16.83
Total Weekly Contact Hours				4.00

Module Resources

Recommended Book Resources

White F., (2020), Commercial and Economic Law in Ireland, The Netherlands: Wolters Kluwer.

EBOOK,
<https://library.ncirl.ie/items/33471?query=white%2C+fidelma&resultsUri=items%3Fquery%3Dwhite%252C%2Bfidelma%26target%3Dcatalogue=catalogue>).

Supplementary Book Resources

Clark, R., Smyth, S. and Hall, N.. (2017), Intellectual Property Law in Ireland, Bloomsbury Professional, Dublin.

Clark R.. (2016), Contract Law in Ireland, 8th Ed. Roundhall, Dublin.

Forde M.. (2020), Commercial Law, 4th Ed. Bloomsbury Professional, Dublin.

Keenan A., (2021), Essentials of Irish Business Law,, 7th Ed. Boru Press, Dublin.

Kelleher D. and Murray K.. (2018), EU Data Protection Law, Bloomsbury Professional, Dublin.

This module does not have any article/paper resources

Other Resources

[Website], Courts service. website,
<http://www.courts.ie>

[Website], History of Law. website,
<http://courts.ie/Courts.ie/Library3.nsf/>

[Website], Legal Database. website,
<http://www.westlaw.com>

[Website], Legal Database. website,
<http://www.justis.com>

[Website], The Irish Statute Book. URL,
<http://www.irishstatutebook.ie>

[Website], Privacy and Data protection Commissions website.. URL,
<http://www.dataprotection.ie>

[Website], The patents office (and trademarks). URL,
<http://www.patents.ie>

[Website], The Competition and Consumer Protection Commission. URL,
<http://www.ccpc.ie>

[Website], The Law Society. URL,
<http://www.lawsociety.ie>

[Website], The structure of the courts. URL,
<http://www.lawlibrary.ie/viewdoc.asp?Doc ID=13>

[Website], Advertising Standards Authority for Ireland. URL,
<http://www.asai.ie/>

[Website], Internet Corporation for Assigned names and Numbers: Uniform Domain-Name Dispute-Resolution Policy. URL,
<http://www.icann.org/en/udrp/udrp.htm>

[Website], Domain Names: Dispute Resolution. URL,
<http://www.wipo.int>

[Website], Attorney General Office and restatements of the law.,
<http://www.attorneygeneral.ie/slr/restatements.html>

[Website], Academic Integrity,
<https://libguides.ncirl.ie/referencinganddavoidingplagiarism/academicintegrity>

[Website], Bar Council of Ireland,
<http://www.lawlibrary.ie>

[Website], BAILI,
<http://www.bailii.org/>

[Website], Competition and Consumer Protection Commission,
<http://www.ccpc.ie>

[Website], Courts of Justice of the European Union,
<http://curia.europa.eu>

[Website], Dispute Resolution,
<http://www.wipo.int>

[Website], Intellectual Property of Ireland,
<http://www.ipoi.gov.ie>

[Website], Full text of the Irish Constitution 1937,
<http://www.irishstatutebook.ie/eli/cons/en/html>

[Website], Data Protection Commission,
<http://www.dataprotection.ie>

[Website], Obligations:.,
<https://www.dataprotection.ie/en/organisations/know-your-obligations>

[Website], Guidance on Direct Marketing,
<https://www.dataprotection.ie/en/organisations/rules-electronic-and-direct-marketing>

[Website], Breach notifications:.,
<https://www.dataprotection.ie/en/dpc-guidance/breach-notification-practical-guide>

[Website], DPC Podcasts:.,
<https://www.dataprotection.ie/en/dpc-guidance/podcasts>

[Website], DPC Case Studies (annual reports),
<https://www.dataprotection.ie/en/dpc-guidance/case-studies-annual-report>

[Website], Department of the Taoiseach,
<http://www.taoiseach.gov.ie>

[Website], European Union Law,
<http://eur-lex.europa.eu/en/index.htm>

[Website], Gazette : Law Society of Ireland,
<http://www.lawsociety.ie>

[Website], Glossary of Legal Terms,
<https://www.courts.ie/glossary>

[Website], Houses of the Oireachtas,
<http://www.oireachtas.ie>

[Website], Intellectual Property Office of Ireland,
<https://www.ipoi.gov.ie/en/>

[Website], Legislation,
<http://www.irishstatutebook.ie>

[Website], Lexology database,
<http://www.lexology.com>

[Website], NCI Library Law Portal,
<https://libguides.ncirl.ie/library/>

[Website], Oireachtas,
<http://www.oireachtas.ie>

[Website], Westlaw,
<https://libguides.ncirl.ie/az.php?a=w>

[Website], Discrimination in advertising Workplace Relations Commission Labour Court decisions Resolution of statutory claims Click on Find a Decision at the top of the page). For Guidance (click on Publications and Guidance),
<http://www.workplacerelations.ie>

Discussion Note:	
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