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REVISED 11/28/2018

# BLAW 430

## Marketing Law

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**Spring 2019 – Section 13644**  
**Tuesday 9:30 – 10:45am**  
**Classroom: BB 1129**

**Instructor:** Professor Carr

**E-Mail:** nanci.carr@csun.edu

**Phone:** 818/677-3984

**Office:** BB 3251

**Office Hours:** Tues 10:45am – 12:45pm,  
virtual as posted on Canvas, and by  
appointment

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### Overview

Marketing Law (BLAW 430): Prerequisites: BLAW 280; BUS 302/L for Business majors; Upper Division Writing Proficiency Exam (UDWPE) score of 8 or higher. This course explores the legal aspects of marketing strategy. The course considers the legal aspects of product ownership, distribution and competition, including liability aspects of particular business practices. Students study federal and state law related to consumer protection, trade secrets and unfair competition, selected topics in antitrust law (including pricing strategy, price fixing, predatory pricing, discriminatory pricing), marketing channel strategy (including resale price maintenance, territorial and customer restrictions, exclusive dealing, refusal to deal) and limits on market dominance.

You will analyze how law applies to factual settings. You will read appellate court decisions, prepare written briefs of the decisions, orally defend your interpretations of the cases and answer hypothetical questions in open class discussion. You will learn to distinguish the application of rules depending on changing circumstances in various cases and hypotheticals. You will learn to argue alternate sides of a dispute regardless of personal belief. You will learn to identify the functions, policies, and trends in the law, and to consider social, economic and ethical influences on the law.

### Class Preparation

This is a hybrid course that will meet once per week face-to-face. All other work will be done online in a [Canvas course](#) and with the use of the textbook.

The assignments are listed below. Normally we complete one assignment during each face-to-face class. If we begin but do not finish an assignment, prepare the next full assignment for the next class. Assignments include reading from the text, online videos and exercises, online quizzes, and writing case briefs. If you have questions about the assigned material, please ask. You may not audio or video record the face-to-face class meeting, nor take any photos in the classroom.

It is your responsibility to be prepared for every class. If you were absent for a face-to-face class, it is still your responsibility to be prepared for the next class and to make up the work that you missed. You'll have access to all of your classmates in the Canvas forum, so please be sure to find out any missed information from an absence. Once during the term, you may give me a note at the start of a face-to-face class stating that you are unprepared for class discussion and no negative mark will be made. You must be present in class to give such a note. It is not available as an excuse for an absence or a brief that is to be turned in through Canvas.

### Textbook

Lynda J. Oswald, The Law of Marketing, Second Edition, 2011. The textbook is available in hardcopy at the campus bookstore (no access code is required) and elsewhere.

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### Professionalism

You are expected to show respect for your classmates, your professor, and the university, and not to engage in disruptive behavior. If you walk in late, please do so quietly. Food is not permitted in the classroom, nor is sleeping during class or raising your voice to fellow students or the professor. You may be asked to leave class for disruptive behavior and you may be required to speak with the Student Conduct Coordinator before returning to class. The same is true for the online classroom. Improper online conduct may require a meeting with the Student Conduct Coordinator.

### Plagiarism

Plagiarism will not be tolerated on any assignment, quiz, or exam. **You may not copy from any source, including the textbook.** Your work must be your own, and turnitin will report on the amount of your turned-in briefs that are copied. Plagiarism will result in failure of the course.

Please note that on Canvas, [Course Summary](#) contains only those assignments that need to be submitted. There are additional reading and briefing assignments, so please be sure to follow this syllabus.

## Reading Briefs in Class and Submitting Through Canvas

**Briefs:** There are cases which must be briefed in writing. A "case" is an appellate court decision which is contained in the text. A "Discussion Question" ("DQ") is an end-of-chapter question, which, again, must be briefed. It will be your job to analyze the law in the context of the facts of the case. (Please do not confuse these with "Questions for Discussion" that appear at the end of each case.) All cases and DQs listed on the syllabus must be briefed and brought to class.

You will be called on at random throughout the semester to read your briefs in class. This is an opportunity for you to get assistance on your briefs because they are learning tools. If you are unprepared when called on, your grade will be negatively affected.

Some of these briefs, as noted on the assignment list, must be turned in, using [turnitin.com](https://turnitin.com), through Canvas, prior to the beginning of class, for credit. Hard copies and emails of the briefs will not be accepted for any reason, so don't wait until the last minute to turn in an assignment only to be frustrated by a technical difficulty. These briefs are learning tools as well, so they don't need to be perfect. I just want to see that you made a good faith effort to complete all elements of the assignment. **You may not copy from any source, including the textbook.** Your work must be your own, and turnitin will report the amount of your brief that is copied. It is expected that certain phrases will appear as copied because due to the nature of the case, everyone is using the same phrase. However, if your originality report is over 49%, you will not receive credit.

## How to Brief a Case - IRAC

To brief cases and DQs, use the "IRAC" format, which is explained on [Canvas](#).

Most briefs that you prepare for class will be about one typewritten page. If you choose to handwrite them, they will be longer. Each brief must be brought to class on the day it is scheduled to be discussed, and you should take notes on them as we discuss them. The briefs may be handwritten if they are not scheduled to be turned in.

## Mission Statement, Learning Goals and Objectives

Our mission is to equip students with the academic knowledge, problem solving, analytical and professional skills in the areas of business law, business ethics, and real estate necessary to achieve their personal and professional goals.

Classes are taught using the Socratic method, with its goal of participatory learning and the development of reasoning skills. This active learning process requires students to articulate, develop and defend positions, to think critically and to engage in problem-solving. Students learn to formulate an effective legal analysis by synthesizing information, identifying legal issues, distinguishing relevant from irrelevant facts, using facts and law to support

## Grading

Your grade is based upon participation (attendance, class discussion), turned-in briefs, quizzes, and two exams. Grade allocation is as follows:

<b>Participation:</b>	20 points
<b>Assignments/Quizzes:</b>	80 points
<b>First exam:</b>	45 points
<b>Second exam:</b>	<u>55 points</u>
<b>Total:</b>	200 points

Grading Scale: A-/A – 90% and above  
B-/B/B+ – 80% - 89%  
C-/C/C+ – 70% - 79%  
D-/D/D+ – 60% - 69%

Plus/minus grading may be used. The grade reached after calculating the grades above will be the minimum grade you can receive in the course. At the professor's sole discretion, your course grade may be raised based on effort and/or improvement.

**\*\*Late work will not be accepted.\*\***

## Attendance

Attendance is mandatory and will be taken at every class meeting. Tardiness is disruptive to the entire class and will negatively impact your grade. Your grade is affected by whether you have been late, left class early, are prepared when called on, and whether you have turned in required briefs. If you are late, absent, or unprepared when called on, that will be noted, and will have a negative impact when calculating your final grade.

## Exams

In-class exams are composed of one or more fact patterns which you will brief using IRAC. They require you to analyze factual situations, identify legal issues and apply the law in determining the outcome of hypothetical cases.

## No recording class; No photos

You may not audio or video record the class, nor take any photos in the classroom.

## Canvas

It is your responsibility to check Canvas regularly for announcements and other information related to the course.

argument, reasoning by analogy and reaching conclusions based on analysis. In addition, students in all BLAW courses study ethical issues in a business context, with actual topics depending on course content.

## General Instructions on Taking Exams

Answer each question fully, clearly, and in the order given. Mere conclusions receive no credit. You should:

- Use the IRAC format, just as we do in class. Discuss the issues involved, the applicable legal rules, and an application of the law to the facts to reach your conclusion.
- Do not ignore any facts.
- Write for “grandma.” Do not assume that the reader knows what you’re talking about, so be sure to define every legal term used.
- You must base your conclusions on complete and intelligent applications of the facts to the legal principles involved. Thoughtful arguments and detailed analysis are more important than the conclusion that you reach.
- A minimum of one point will be deducted from your exam grade for each instruction you fail to follow.
- Use Arial 12pt font; type single-spaced; print double-sided.

**In-class exams will be typed in the computer lab.**

## Disability Resources and Educational Services

If you have a disability and need accommodations, please register with the Disability Resources and Educational Services (DRES) office <http://www.csun.edu/dres> or the National Center on Deafness (NCOD) <http://www.csun.edu/ncod>. The DRES office is located in Bayramian Hall, room 110 and can be reached at 818/677-2684. NCOD is located on Bertrand Street in Jeanne Chisholm Hall and can be reached at 818/677-2611. If you would like to discuss your need for accommodations with me, please contact me to set up an appointment.

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## Exams are Closed Book

All exams are closed book. Make sure that all study materials are completely out of sight. Make sure that all books, notes, bookbags, and purses are placed in front of the class at the start of the exam. **Cell phones and smart watches must be turned off and stowed away.** There is a presumption of cheating if any study materials are in view during exams. There are no restroom breaks during exams as they, too, carry a presumption of cheating. Note: all cases of cheating result in a grade of "F" for the course and are referred to the Dean's office for further action.

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## Legal Advice

**Faculty members may not provide legal advice or legal services to students.** If you need legal advice or information regarding the law, resources can be found on the Department of Business Law web page at <http://www.csun.edu/blaw/student-resources>.

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## Questions

**If you have any questions about the material contained in this syllabus, please contact Professor Carr.**

Your continued enrollment in the course evidences your agreement to the policies contained herein.

**Course Topics and Assignments - Tentative**  
Please note that all online assignments are available on Canvas

Week	Date	Topics	Reading in addition to Canvas activities	Work due
One	1/22	Intro; Review IRAC	Read the syllabus	
Two	1/29	Product Development, patent and copyright	Read Ch. 2	<a href="#">Two assignments due online</a> . Ch. 2. Brief <i>Diamond v Chakrabarty</i> ( <i>turn in</i> ), <i>A.V. v iParadigms</i> , and DQ2
Three	2/5	Trademark Law	Read Ch. 6	Ch 6. Brief <i>Qualitex v Jacobson</i> ( <i>turn in</i> ), <i>TrafFix Devices v Marketing Displays</i> , & <i>Mattel v MCA Records</i>
Four	2/12			Ch 6. Brief DQs 5 ( <i>turn in</i> ), 7, & 8 ( <i>Harley Davidson</i> )
Five	2/19	Commercial Speech, False Advertising, and Right of Publicity	Read Ch. 7	<a href="#">Intellectual Property Quiz</a> due online. Ch 7. Brief <i>Rubin v Coors</i> ( <i>turn in</i> ), DQs 1 ( <i>Hot Wax</i> ), & 10 ( <i>Safety Can – As Seen on TV</i> )
Six	2/26			Ch 7. Brief <i>Kraft v FTC</i> , DQs 12, & 13 ( <i>turn in</i> )
Seven	3/5	Consumer Protection	Read Ch. 8	Ch 8. Brief <i>Mainstream Marketing v FTC</i> , <i>Gonzalez v Kay</i> ( <i>turn in</i> ), and DQ 5 Review for exam
Eight	3/12	<b>First exam</b>		<a href="#">Commercial Speech, False Advertising, Right of Publicity, Consumer Protection quiz</a> due online. First exam will be typed in the computer lab (BB2212).
Spring Break	3/19	Spring Break – no class		
Nine	3/26	Antitrust Law	Read Ch. 4	Ch. 4. Brief <i>Palmer v BRG</i> , <i>Leegin v PSKS</i> ( <i>turn in</i> ), DQ 1
Ten	4/2	Sale of Goods	Read Ch. 9	Ch 9. Brief DQ 3
Eleven	4/9	Finish Sale of Goods		Ch 9. Brief DQ 6 & 11
Twelve	4/16	Corporate Social Responsibility	Read materials posted on Canvas	Participate in online <a href="#">Discussion</a> regarding social responsibility
Thirteen	4/23	Franchise Law	Read Ch 5	Ch. 5. Brief <i>Mary Kay v Isbell</i> , DQs 6, & 8
Fourteen	4/30	Warranties	Read Ch. 10	Ch 10. Brief <i>Dunleavy v Paris Ceramics</i> , <i>Higgins v Intex</i> , & DQ 1
Fifteen	5/7	<b>Second exam</b>		<a href="#">Sale of Goods, Franchise Law, and Warranties quiz</a> due online; Second exam typed in computer lab (BB2212).