



## Foundation Certificate in Marketing - Stage 2

### REGULATORY ENVIRONMENT FOR MARKETING

THURSDAY, 24<sup>TH</sup> AUGUST 2000. TIME: 9.30 am - 12.30 pm

Please attempt **FIVE** questions.

(If more than the specified number of questions are attempted, delete those you do not wish to have marked. Otherwise the Examiner will mark the **FIRST** five questions in your Answer Book).

All questions carry equal marks.

Do **NOT** repeat question in answer, but show clearly the number of the question attempted on the appropriate page of the Answer Book.

1. Indicate in each of the following if there is a legally binding contract. State the reasons for your answer.
  - (a) Michael is writing a book and he offers his wife £100 if she will do the typing for him. (7 marks)
  - (b) John agrees to buy a suit from Casualwear priced at only £50; the salesman, who has priced it wrongly, refuses to sell. (7 marks)
  - (c) Sarah agrees to work as hard as possible if she gets a raise of £30 per month. (6 marks)
2. Discuss precedent as a source of Irish law.
3. Discuss each of the following elements/statements in respect of misrepresentation:
  - (a) There must be a statement. (10 marks)
  - (b) The statement must relate to an existing and verifiable fact or past event. (6 marks)
  - (c) The statement must induce the contract. (4 marks)
4.
  - (a) Detail the duties of an agent to a principal. (14 marks)
  - (b) **List** the methods by which an agency may be terminated. (6 marks)

5. Critically assess the significance of the concept of 'dealing as a consumer' in respect to the exclusion of the implied terms in sale of goods contracts as provided for by the Sale of Goods and Supply of Services Act 1980.
6. The general rule in respect of the transfer of title to goods by a non-owner is expressed in the maxim *nemo dat quod non habet* (no one can give what he has not got). It follows that, if the seller's title is defective, so is the buyer's. There are, however, exceptions to the rule.

Discuss and, as appropriate, illustrate the main exceptions to the rule.

7. In respect to the Competition Acts 1991-96 discuss any **two** of the following:
  - (a) The meaning of 'undertakings' to which the Acts apply. (10 marks)
  - (b) Dominant position and defining the relevant market. (10 marks)
  - (c) The significance of 'an agreement' being granted a licence under the Acts. (10 marks)
  - (d) The criminal offences under the Acts and the role of the Competition Authority in respect to prosecuting such offences. (10 marks)
8. Analyse the significance of the statutory protection afforded to intellectual property rights for the marketing of such intellectual property.