



## Foundation Certificate in Marketing - Stage 2

### REGULATORY ENVIRONMENT FOR MARKETING

THURSDAY, 4<sup>TH</sup> MAY 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. Fully discuss the rule that consideration must be sufficient (real) but need not be adequate. The answer should be illustrated by reference to relevant precedents.
2. Define each of the following legislative provisions of the European Union and in each case indicate how such a provision becomes part of the domestic law of this State:
  - (a) A Regulation (8 marks)
  - (b) A Directive (8 marks)
  - (c) A Decision (4 marks)
3. When parties enter into a contract it is virtually impossible for them to include express terms to cover every eventuality. If a dispute later arises it may then be necessary for terms to be implied into the contract.

Explain when these terms will be implied:

- (a) by the courts, and (12 marks)
  - (b) by statute (8 marks)
4. Detail the various methods by which a contract of agency may be created.

**P.T.O.**

5. (a) In respect to the law of product liability, distinguish between the basis of liability in the law of negligence and the Liability for Defective Products Act, 1991. (12 marks)
- (b) In what circumstances will a possible defence be available within the 1991 Act to the producer of a defective product? (8 marks)
6. Discuss the significance of the Office of Director of Consumer Affairs and Fair Trading in the context of the protection of consumer rights.
7. In relation to Irish Competition Law and Policy, discuss any **two** of the following:
- (a) The functions of the Competition Authority.
- (b) The relative role of 'licences' and 'certificates' issued under the Competition Acts.
- (c) Abuse of a dominant position.
8. The law recognised, principally through various legislative provisions, the right to 'own' and 'protect' intellectual property. Provide an overview of how a series of recent legislative measures have provided improved protection in the area of intellectual property.