



Foundation Certificate in Marketing - Stage 2

REGULATORY ENVIRONMENT FOR MARKETING

THURSDAY, AUGUST 22, 2002. 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. John invited Eamon and Maurice to dinner at his home. The first item on the menu was caviar which John had bought earlier at Mark's Fishmarket, a local retailer, who had in turn bought the caviar from Unique Seafoods Ltd.

As a result of eating the caviar all three were violently ill for a number of days. The doctor informed them that they were suffering from a rare form of food poisoning caused by a bacteria which is only to be found in caviar which has not been stored at the proper temperature over a period of a number of days.

Advise John, Eamon and Maurice if they have any course of action in this matter so as to claim compensation for the injuries they have suffered.

2. For an acceptance to be valid it must normally be communicated. However, there are **two** exceptions to this rule.

Discuss **each** of these exceptions as follows:

- (a) Unilateral contracts (or waiver).
- (b) The 'Postal Rule'.

3. Commencing in 1992 a series of legislative provisions have been introduced in Ireland to bring the Irish law on intellectual property into line with best international practice.
Provide an overview of these legislative provisions.

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4. In the context of the exclusion of implied terms in **both** sales of goods and supply of services contracts, critically assess the significance of the concept of “dealing as a consumer” as defined by the Sale of Goods and Supply of Services Act, 1980.
5. Explain the principle that a registered company is a separate and distinct legal person from those who own and control such a company.
6. A misrepresentation is an untrue statement of a fact which induces a party to enter into a contract.

Detail the elements which the Courts will require to be present before treating a statement as a misrepresentation.

7. (a) List only the possible methods by which the relationship of principal and agent may be created. (5 marks)
- (b) Discuss the duties only of an agent to his/her principal. (15 marks)
8. *“The object of Competition Law and Policy is to both promote and protect fair competition in the market place”.*

Critically assess from the perspective of a small business in the retail grocery market how this objective is supported and facilitated by the provisions of the Competition Acts, 1991-96.