



Foundation Certificate in Marketing - Stage 2

REGULATORY ENVIRONMENT FOR MARKETING

THURSDAY, MAY 9, 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. Discuss each of the following methods by which the relationship of principal and agent may be created:
 - (a) Implied agency
 - (b) Agency of necessity
2. John offered to sell his car to Susan for €5000 on 1 April stating that the offer will remain open for one week. Susan told her brother Michael that she would like to accept John's offer and, unknown to Susan, her brother told John of this on 3 April. On 4 April, John with his lodger present, sold the car to Deirdre. The lodger informed Susan of this fact on the same day. On 5 April, Susan delivered a letter of acceptance to John.

Advise John if he is in breach of a contract which exists between Susan and himself as a result of the series of events detailed above.
3. Critically assess the provisions of the Consumer Information Act, 1978, in respect to advertisements and consider the possible role of the Director of Consumer Affairs and Fair Trading in this regard.
4. *"The main object of Irish competition law is to protect the public interest"*. Critically analyse how this objective is supported and facilitated by the provisions of the Competition Acts, 1991-96.

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5. By the use of references to relevant illustrative precedents, explain the rule that “consideration need not be adequate but must be sufficient or real”.
6. (a) Name the main institutions of the European Union. (4 marks)
- (b) Detail the extent to which the European Union is now a substantial source of Irish law. (16 marks)
7. Maurice requires a computer for his new business. He recently saw an advertisement in a local newspaper placed there by Turbo-computers Ltd., advertising for sale second hand computers suitable for small businesses and stating that the computers were “in excellent condition and the latest models”. Maurice visited Turbo-computer Ltd.’s shop and was shown a second hand computer. The salesperson confirmed that it was only 2 months old, was the latest model and had been used for only two weeks and was in excellent condition.

Maurice purchased the computer. Three months after taking delivery of it, he discovers that the computer has had a major repair to its disk-drive following an accident. He has also discovered that it is not the latest model. Maurice now wishes to return the computer and recover his money.

Advise him as to his rights, if any, under the Sale of Goods and Supply of Services Act, 1980.

8. Provide an overview of the significant changes and provisions of each of the following acts:
- (a) The Patents Act, 1992
- (b) The Trade Marks Act, 1996