



## Foundation Certificate in Marketing - Stage 2

### REGULATORY ENVIRONMENT FOR MARKETING

**THURSDAY, AUGUST 21, 2003. 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. Explain by reference to relevant illustrative examples and legislative provisions why the protection offered to the various forms of intellectual property is significant in the development and marketing of new products and services.
2. Michael wrote to Mary on 1<sup>st</sup> February offering to sell her his car for €6,000 and asking Mary to reply by post. Mary received the letter on 2<sup>nd</sup> February and the same day posted a letter of acceptance. On 3<sup>rd</sup> February, Michael phoned Mary to say he was increasing the price of the car to €7,500, but Mary is insisting on buying at €6,000. Advise Michael as to the legal position.
3. When an agent agrees to perform services for his principal for reward, there is a contract between them. In these circumstances the agent has certain obligations to his principal. Define these duties of an agent.
4.
  - (a) Discuss the terms of merchantable quality and fitness for purpose as implied by the Sale of Goods Act. (12 marks)
  - (b) Detail the extent to which these implied terms can be excluded in appropriate circumstances. (8 marks)

**P.T.O.**

5. (a) List only the possible methods by which a contract may be discharged. (5 marks)
- (b) John phones the Eastin Hotel in Dublin and books a room for the week-end. He provides details of his credit-card for the purpose of payment. Whilst in Dublin, John had intended to visit an exhibition in the National Gallery, but he learns on the morning of his departure for Dublin that the exhibition will be closed over the weekend. He now phones the Eastin Hotel to cancel his reservation, but he is informed that the hotel has refused other business because it was fully booked and they will be deducting the full cost of the room from his credit card. Advise John in this situation. (15 marks)
6. *Irish competition law is only relevant to large trading organisations and has little or no relevance for the small and medium business.*  
Critically analyse how this statement is supported by the provisions of Competition Acts.
7. Discuss the provisions of the Consumer Information Act 1978 in respect to false or misleading information concerning services, goods or price indications. Illustrate the answer by reference to the enforcement role of the Director of Consumer Affairs and Fair Trading under the 1978 Act.
8. Detail the significance of **each** of the following legislative provisions of the European Union and indicate in **each** case how such provisions become part of the law of this state.
- (a) A Regulation (8 marks)
- (b) A Directive (8 marks)
- (c) A Decision (4 marks)