



## Foundation Certificate in Marketing - Stage 2

### REGULATORY ENVIRONMENT FOR MARKETING

**THURSDAY, AUGUST 18, 2005. 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. In the context of the need to protect consumers from dangerously defective products, compare and contrast the basis of liability for such products as provided for by the law of negligence and the Liability for Defective Products Act 1991, as amended. The answer should indicate the possible advantages to a consumer of pursuing liability under either of the alternatives indicated above.
2. (a) List only, the terms implied in a sale of goods contract by the Sale of Goods and Supply of Services Act 1980. (5 marks)  
(b) Detail the extent to which such implied terms can be excluded in appropriate circumstances (15 marks)
3. The agent may bind the principal in contract by reason of actual authority or usual/ostensible authority. Detail the extent to which the usual or ostensible authority of an agent may bind the principal in contract.
4. 'The object of Competition Law and Policy is to both promote and protect fair competition in the market place'. Critically assess how this objective is supported and facilitated by the provisions of the Competition Act 2002.

**P.T.O.**

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. It is a principle of contract law that although consideration need not be 'adequate', it must be 'real' or 'legally sufficient'. Explain and as appropriate illustrate this statement.
7. Michael recently agreed to purchase an original Jack Yeats painting from Deirdre. He is delighted with his purchase because in recent years very few paintings by this artist have become available for purchase. Shortly afterwards, Deirdre contacts Michael and informs him that she will not be parting with possession of the painting and that she is returning the purchase money plus 10% for any inconvenience that Michael may have suffered. Michael still wants the painting and he asks your advice in this matter.
8. You have recently established a new software business which specialises in the development of software for the computer games market. Explain how the issue of intellectual property rights would be relevant to such a business area and indicate the types of intellectual property protection that you would need to provide for as part of your business development strategy.