



Foundation Certificate in Marketing - Stage 2

REGULATORY ENVIRONMENT FOR MARKETING

THURSDAY, AUGUST 17, 2006. 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. Examine the provisions of the Consumer Information Act 1978 regarding the following. As appropriate the answer should be illustrated by reference to relevant examples drawn from the activities of the Director of Consumer Affairs:
 - (a) False or misleading information regarding the provision of a service.
 - (b) False or misleading price indications.
2. Critically analyse the elements that are contained in the implied terms that goods must be of merchantable quality and reasonable fit for their purpose as provided for by the Sale of Goods and Supply of Services Act 1980. An adequate answer to this question can only be provided by reference to appropriate illustrative case law.
3. The relationship of principal and agent normally arises from agreement between the parties, but exceptions exist in the interest of commercial efficiency and to avoid injustice to a third party or the agent. In this context, discuss the following:
 - (a) Agency by estoppel and
 - (b) Agency arising from necessity.

P.T.O.

4. Examine the extent to which the objective that competition law and policy should protect the consumer is achieved by the provisions of the Competition Act 2002 and the implementation of these provisions in practice.
5. It has been suggested that Legislation is the most significant source of Irish law in the modern context. Critically assess this statement. The answer should be supported by reference to examples of recent legislative measures which have a particular significance in the business context.
6. Examine the extent to which the Electronic Commerce Act 2000 has facilitated and underpinned the legal rules and principles which relate to electronic commerce.
7. By an analysis of appropriate case law, explain the approach of the courts to the incorporation of an exclusion clause into a contract in the following circumstances:
 - (a) Where the clause is contained in a signed document and
 - (b) The clause is contained in a ticket or receipt.
8. You have recently developed a new product which you believe will revolutionise the home decorating market. The product is a paint which changes colour depending on the volume and intensity of light to which it is exposed. In developing an intellectual property strategy for the life cycle of this product, detail the possible application of the main forms of intellectual property to your new product.