



## Foundation Certificate in Marketing - Stage 2

### REGULATORY ENVIRONMENT FOR MARKETING

THURSDAY, MAY 3, 2007. 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. You are employed as a marketing executive by a Japanese company which is expanding into Ireland. You have been asked to give a presentation of the main sources of law in Ireland to the Board of Directors.  
Outline the sources of law in Ireland, giving examples where appropriate and in particular using examples relevant to the business environment.
2. In the area of contract law explain:
  - (a) The concept of misrepresentation including the possible effects on a contract if one party makes a misrepresentation. (10 marks)  
AND
  - (b) The main provisions of the Electronic Commerce Act 2000 and the importance of the provisions in today's business environment. (10 marks)
3. (a) You have been asked to organise and market an organic produce fair. Explain the obligations of the sellers of organic produce at the fair with regard to the description and quality of the goods under the Sale of Goods Acts. (10 marks)  
AND  
(b) Outline the range of rights and remedies of consumers if there is a breach of the Sale of Goods Acts. (10 marks)
4. Give explanations of the concepts of *principal* and *agent* and illustrate these concepts by reference to appropriate case law and examples.

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5. With reference to the Competition Acts 2002 and 2006:
- (a) Assess the role and enforcement powers of the Competition Authority. (10 marks)
  - (b) Define and illustrate the key terms of:
    - (i) Abuse of a dominant position and
    - (ii) Anti- competitive agreements. (10 marks)
6. In the area of product liability critically examine how and to what extent the Liability for Defective Products Act 1991 (as amended) achieves high level of consumer protection against damage caused to health or property by a defective product.
7. (a) Explain the terms implied into a supply of services contract under the Sale of Goods and Supply of Services Act 1980. (8 marks)
- (b) Describe the extent to which these implied terms may be excluded or varied. (12 marks)
8. A colleague who is an engineer has developed a new leisure product, a partially inflatable tent which is easily staked into the ground using a newly devised tool. She asks you to market the product, which she is calling *Comfycanvas*. Explain to her the relevant forms of intellectual property protection in Ireland that may be relevant to her product. You should explain the characteristics, nature and extent of the protection offered by the law and the necessary procedural requirements and limitations of the protection.