

COMMERCIAL LAW 201: PAPER 2

Intellectual property, franchising, credit agreements, consumer protection and commercial crimes

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1. INTRODUCTION

1.1. Overview

Commercial Law 201 is offered at second year level to students registered in the Faculty of Commerce. Paper 2 focuses on intellectual property and franchising, credit agreements and consumer protection, and commercial crimes.

The purpose of the course is to familiarise students with aspects of South African commercial law that are not considered in Commercial Law 1.

2. OUTCOMES

2.1. Critical cross-field outcomes

It is intended that students will be able to:

- Identify and solve problems;
- Organise and manage themselves;
- Communicate effectively;
- Use technology; and
- Analyse and evaluate information.

2.2. Intended specific outcomes

It is intended that students will be able to do the following on successful completion of the course:

- Distinguish between different categories of intellectual property;
- Describe and apply the basic legal principles of the various branches of intellectual property;
- Demonstrate an understanding of the legal aspects involved in franchising;
- Describe the main provisions of the National Credit Act and the Consumer Protection Act;

- Identify and demonstrate an understanding of different types of commercial crimes; and
- Accurately use legal concepts and terminology related to the relevant area of law.

3. TEACHING METHODS

A fairly comprehensive module and bibliography are provided for the course. Students are expected to read ahead in the module for the next lecture in order to acquire a basic familiarity with the relevant topic. Lectures are conducted in a structured but discursive manner allowing for questions and discussion. The module is not designed to provide all the information required to pass this part of the course and various concepts will be dealt with in lectures that are not comprehensively dealt with in the module.

4. STUDENT ASSESSMENT

Two tests will be written and it is a DP requirement that both tests are written unless students have a valid leave of absence. The test marks amount to 30% of the final mark obtained for Commercial Law 201.

TEST DATES

Test No. 1: 02 March 2018 (in the lecture venue at 8:40am)

Test No. 2: 07 May 2018 (in the lecture venue at 9:35am)

Specific outcomes	Assessment criteria	Assessment tasks
Distinguish between different categories of intellectual property	<ul style="list-style-type: none"> • Identify and distinguish between the subject matter of trade marks, copyright, patents and designs with reference to factual situations • Compare and contrast the legal protection that applies to each category of intellectual property 	<ul style="list-style-type: none"> • Class discussion and questioning (formative) • Problem and theory questions in tests and examination (summative)
Describe and apply the basic legal principles of the various branches of intellectual property	<ul style="list-style-type: none"> • Describe and explain the relevant legislation and case law • Apply the legislation and case law to problem questions/factual situations 	<ul style="list-style-type: none"> • Class discussion and questioning (formative) • Problem and theory questions in tests and examination (summative)

<p>Demonstrate an understanding of the legal aspects involved in franchising</p>	<ul style="list-style-type: none"> • Identify the legal principles that apply to franchising • Explain and evaluate the roles of the franchisor and the franchisee 	<ul style="list-style-type: none"> • Class discussion and questioning (formative) • Problem and theory questions in tests and examination (summative)
<p>Describe the main provisions of the National Credit Act and the Consumer Protection Act</p>	<ul style="list-style-type: none"> • Describe and explain the relevant legislation • Apply the legislation to problem questions/factual situations 	<ul style="list-style-type: none"> • Class discussion and questioning (formative) • Problem and theory questions in tests and examination (summative)
<p>Identify and demonstrate an understanding of</p>	<ul style="list-style-type: none"> • Identify and distinguish between different kinds of commercial crimes 	<ul style="list-style-type: none"> • Class discussion and questioning (formative)

different types of commercial crimes	<ul style="list-style-type: none"> • Discuss the legal principles that apply in a factual situation 	<ul style="list-style-type: none"> • Problem and theory questions in tests and examination (summative)
Accurately use legal concepts and terminology related to the relevant area of law	<ul style="list-style-type: none"> • Use of appropriate and accurate terminology in intellectual property, franchising, credit agreements, consumer protection and commercial crimes 	<ul style="list-style-type: none"> • Class discussion and questioning (formative) • Problem and theory questions in tests and examination (summative)

5. RESOURCES

Please note that there are **no** prescribed texts for this course. However, there are several general Commercial Law textbooks which are very useful, as well as the relevant volumes of LAWSA (the Law of South Africa) which you will be able to find in the reference section of the Law Library (see some examples listed below). You will also need to consult legislation from time to time (specifically in reference to labour law). Legislation can be accessed on the internet via the Rhodes library webpage.

S Kopel	<i>Guide to Business Law (2012) OUP: Cape Town.</i> <i>This textbook is particularly recommended as it covers the topics in Com Law 201 as well as 202</i>
Schultz <i>et al</i>	<i>General principles Commercial Law</i> 8 ed (2015) Juta and Company: Claremont
Scott <i>et al</i>	<i>The Law of Commerce in South Africa</i> 2 nd ed. (2015) Oxford University Press Southern Africa: Cape Town

6. COURSE CONTENT

The topics covered in this course comprise the following:

Part A

1. Introduction to intellectual property law
2. Trade Marks
3. Image rights
4. Copyright
5. Patents
6. Designs
7. Franchising

Part B

1. Credit agreements
2. Consumer protection

Part C

1. Selected commercial crimes

7. EVALUATION

Evaluation is carried out every three years by using the Rhodes University Web-Based Evaluation Assistant and it is conducted by a staff member who has not been involved in the course. Students respond to a list of questions by awarding a rating in addition to responding to free-form global questions. The responses are analysed by the Academic Development Centre who compile a report for the lecturer. The results of the report are then conveyed to students. This provides an opportunity for the lecturer to interact with students and reach consensus on how aspects of the course can be improved. It also provides an opportunity for students to reflect on their own learning strategies and commitment to the course.