



RHODES UNIVERSITY

# COMMERCIAL LAW 201

## PAPER 2

2014

Lecturer: Sarah Driver

[s.driver@ru.ac.za](mailto:s.driver@ru.ac.za)

## **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**

Please refer to the Commercial Law 201 2014 General Information handout for full details of the tests that will be written during the course. 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.

The examination for Commercial Law 201 Paper 2 will be written in June 2014. The paper will contain three questions of which students are required to answer two. One question will take the form of an MCQ (multiple choice question) to which negative marking will be applied, and the remaining two questions will be theory/problem type questions.

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

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

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

## 5. RESOURCES

Readings are prescribed for parts of this course and the relevant text book that is available on short loan in the Law Library is:

- Havenga *et al General Principles of Commercial Law* 7<sup>th</sup> ed (2010) Juta & Co: Cape Town

This course also requires students to read reported case law and legislation. There are full hard copy sets of the South African Law Reports and South African Statutes in the Main Library and the Law Library. Case law and legislation can also be access

electronically through the Rhodes Library webpage. The South African Law Reports can be accessed through the Jutastat database and legislation can be accessed through the Netlaw database.

## **6. COURSE OUTLINE**

The topics covered in this course comprise the following:

### Part A

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

