



COURSE OUTLINE

COMPETITION LAW

Adv Shuaib Rahim *M.Inst.Dir*

and

Mr Phumelele Jabavu

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1. OVERVIEW

Competition Law is an elective course offered in the final year of the LLB programme. The course is aimed at students wishing to enter large law firms focussing on corporate clients. The principal objective is to provide such students with a practical working knowledge of important areas of competition law which they are likely to encounter in their future working environments. The secondary objective is to raise students' awareness of the South African and international business environment, and in particular the legal and regulatory challenges facing large corporations.

2. LECTURERS

The course is lectured by Adv. Shuaib Rahim and Mr Phumelele Jabavu.

Please feel free to contact your lecturers at:

Adv Shuaib Rahim: s.rahim@ru.ac.za

Mr Phumelele Jabavu: p.jabavu.ac.za

3. CREDIT VALUE

The credit value of this course is 10 semester credits.

4. ASSUMPTIONS OF PRIOR LEARNING

The following assumptions of prior learning are made:

- the ability to communicate effectively in both spoken and written English;
- the ability to read, interpret and extract legal principles from legislation, court decisions, and other source materials;
- the ability to learn independently;
- the ability to apply problem-solving techniques to practical situations.

It will be assumed that students have knowledge of company law gained from completion of the Company Law 'A' and 'B' courses, or equivalent courses at another university.



5. OUTCOMES

Critical Outcomes

The course intends to develop in students the skills set out below which are essential to the study and practice of law:

- problem identification and solving;
- successful completion of given tasks on time and without supervision ;
- collection, analysis and evaluation of legal information;
- effective communication in both the spoken and written word;
- working alone and in groups in dispensing practical advice to clients.

Specific outcomes

Following the successful completion of this course, the students should be able to:

- demonstrate knowledge of the objectives and rationale for the regulation of competition.
- recognise examples of restrictive practices, and of the abuse of market dominance.
- understand the functions of the Competition Commission, Competition Tribunal and Competition Appeal Court.
- demonstrate knowledge of the competition authorities' powers of investigation and enforcement, and the penalties which may be imposed on companies.
- recognise and demonstrate an understanding of the various methods by which companies may infringe the rights of their competitors.
- demonstrate an understanding of the civil remedies available to protect companies from unlawful competition.
- demonstrate an awareness of competition law from an international perspective.



6. TEACHING METHODS & STUDENTS' LEARNING RESPONSIBILITIES

Teaching will take the form of remote online teaching. This will include slides, augmented slides, voice notes and where appropriate, the use of other multimedia tools. Students are expected to take responsibility for their own learning and must therefore read the relevant source material to which they will be referred in lectures and must complete any tasks assigned. Pre-reading ahead of lectures is recommended so as to facilitate better understanding of concepts.

Students must also stay abreast of current developments in the South African and international business community by reading relevant publications and consulting web-sites to which reference will be made below. For discussions, tests and alternative methods of assessment, practical examples and cases will be used as the basis of learning the principles of law in question.

7. COURSE CONTENT

The course is divided into three parts.

Part 1: Competition Law from a public law perspective: Adv Shuaib Rahim

This part of the course will be constructed around the Competition Act (89 of 1998) as the core document. The main textbook used for this part of the course will be Brassey (see below).

It will cover:

1. The objects of, and rationale for, competition law.
2. A brief history of the regulation of competition.
3. Restrictive horizontal practices: legislation and cases.
4. Restrictive vertical practices: legislation and cases.
5. The abuse of dominance: legislation and cases.
6. Merger control.
7. Institutions, procedures and remedies.



Part 2: Competition Law from a private law perspective: Mr Phumelele Jabavu

This part of the course will be constructed around case law. The main textbook used for this part of the course will be Neethling (see below).

It will cover:

1. The right to goodwill.
2. Misrepresentation and passing-off.
3. Undue influencing of customers.
4. Use of a competitor's trade secrets and business ideas.
5. Interference with a competitor's contractual relationships.
6. Disparagement of a competitor's business.
7. Instigation of a boycott against a competitor.

Part 3: Competition Law from an international perspective: Adv Shuaib Rahim

The vast majority of large companies operate in multiple jurisdictions. It is therefore essential for students, as the future advisors of these companies, to have some international perspective on competition law.

This part of the course will cover:

1. International institutions and competition law (anti-trust law).
2. Competition policy in developing countries.

8. RESOURCES

There is no prescribed textbook for this course. Students are nevertheless urged to purchase at least one of the three textbooks listed below. Students will be referred in lectures to academic articles, reported cases, statutes, websites and relevant sections of various textbooks, notably but not exclusively those listed below, some of which are available in the Law Library.



Books

1. Brassey, M. *et al.* 2002. *Competition Law*. Juta.
2. Neuhoff, M. *et al.* 2006. *A Practical Guide to the South African Competition Act*. LexisNexis.
3. Neethling, J. 2008. *Unlawful Competition*. 2nd ed. LexisNexis.

Reading Lists

A comprehensive reading list of cases and journal articles are uploaded separately.

Statutes

1. The Competition Act, 89 of 1998.
2. The Companies Act, 71 of 2008.

Internet sources

1. www.fin24.com
2. www.moneyweb.co.za
3. www.bloomberg.com
4. www.comptrib.co.za
5. www.compcom.co.za

9. ASSESSMENT

The course will be assessed in the following manner:

Public Competition Law: 50%

Private Competition Law: 50%

The combined total will be the final mark for this course and there will be no traditional exam. Assessments may be in the form of assignments or alternative methods of assessments.

Kind Regards,



Adv Shuaib Rahim and Mr Phumelele Jabavu