



Foundation Certificate in Marketing - Stage 2

REGULATORY ENVIRONMENT FOR MARKETING

THURSDAY, MAY 12, 2005. 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. On Friday, John sends a letter to Brian offering to buy 100 tonnes of coal at current market prices. The letter is received by Brian on Monday and he immediately sends a reply accepting the offer. Later that day, Brian regrets his haste in replying and he telephones John revoking the acceptance. The letter of acceptance from Brian arrives on Tuesday and John is anxious to proceed with the original proposal. Advise John as to whether or not he has a contract with Brian.
2. In the context of the Consumer Credit Act 1995 detail each of the following:
 - (a) The definition of and the formalities necessary to constitute a valid hire-purchase agreement.
 - (b) The duties and remedies of both the hirer and owner of the good.
3. Discuss the duties of an agent and illustrate the answer by the use of relevant case-law.

P.T.O.

4. Electro Ltd. is the manufacturer of a range of domestic electrical goods. The Kitchen Shop, an electrical retail outlet, ordered fifty automatic washing machines from Electro Ltd. The machines were supplied to the shop on the standard terms of Electro Ltd. including that the ownership of the supplied goods would only pass to the Kitchen Shop when payment in full was received by the supplier. This payment was to be received within 90 days. Some six months later, Electro Ltd has received no payment from the Kitchen Shop and is now seeking the return of all the machines that remain in the possession of the shop and that the shop should account for the proceeds of the sale of any machines to date. Advise the Kitchen Shop.
5. Critically assess the functions and powers of the Competition Authority as provided for by the Competition Act 2002. The answer must be illustrated by reference to relevant examples of the exercise of these functions and powers by the Competition Authority.
6. With reference to two forms of intellectual property of your choice, detail the requirements that must be met to achieve the statutory protection available; the nature of such statutory protection; and the benefits of such protection to the owner of the intellectual property rights involved
7. Develop the principles that are applied by the courts in deciding what damages should be awarded to a claimant who has successfully established that the defendant was in breach of his contractual obligations.
8. Examine each of the following legislative provisions of the European Union both as to the policy objectives of such provisions and as a source of Irish Law:
 - (a) A Regulation (8 marks)
 - (b) A Directive (8 marks)
 - (c) A Decision (4 marks)