

# Unit 40: Consumer and Intellectual Property Law

<b>Unit code</b>	<b>K/617/0740</b>
<b>Unit level</b>	<b>5</b>
<b>Credit value</b>	<b>15</b>
<b>Prerequisite</b>	<b>Unit 7</b>

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## Introduction

An increasing number of business models in the digital economy rely on consumers' personal data as a key input. In exchange for sharing their data, online users benefit from personalised and innovative services. However, consumer privacy and fundamental rights need to be protected against unfair practices in the marketplace.

The aim of this unit is to give students knowledge of the law relating to consumer transactions, consumer credit and intellectual property in terms of everyday dealings. They will learn to recognise that a business operates in a diverse legal framework and that consumer transactions are governed by statutes and regulations, creating specific legislation for sale of goods and consumer protection.

Students will explore intellectual property as a creation of the mind, to deal with industrial property and copyright. Intellectual property rights allow creators and owners of intellectual property to benefit from their own work. Students will have opportunities to apply knowledge and understanding to a range of consumer scenarios and evaluate case law relating to consumer rights and protection.

## **Learning Outcomes**

By the end of this unit students will be able to:

- LO1 Analyse the main principles affecting the legal relationship between business organisations and their consumers
- LO2 Examine the legal rules on consumer credit agreements
- LO3 Evaluate the key provisions relating to intellectual property rights
- LO4 Recommend appropriate legal solutions based on relevant legislation, case law and regulations.

## Essential content

### LO1 Analyse the main principles affecting the legal relationship between business organisations and their consumers

#### *Sale of goods:*

Consumer rights and remedies.

Statutory implied terms, transfer of property and possession, seller's remedies against the buyer, consumer's remedies against the seller, relevant legislation.

Consumer guarantees exclusion and limitation clauses.

#### *Digital content rights:*

Statutory rights and remedies, e.g. repair or replacement when digital products are faulty.

#### *Supply of services:*

Statutory implied terms and remedies, e.g. right to repeat performance, right to price reduction.

#### *Product liability:*

Defective products and liability.

Product safety at common law and under statute, liability consequences, defences.

### LO2 Examine the legal rules on consumer credit agreements

#### *Forms of consumer credit agreements:*

Classification of consumer credit agreements and different types.

Pre- and post-contract requirements.

Restricted use of credit, unrestricted use of credit, debtor-creditor supplier agreements, debtor-creditor agreements, relevant legislation.

Rights and obligations under consumer credit agreements.

#### *Consumer credit licensing:*

General licensing requirements, e.g. the issue of licences.

Termination of consumer credit agreements, early repayment, right to terminate, termination statements, enforcement of consumer credit agreements, creditor's remedies, default notices, relevant legislation.

### **LO3 Evaluate the key provisions relating to intellectual property rights**

#### *Intellectual property:*

Definition of intellectual property.

The purpose of intellectual property law.

Registration of patents, designs and design rights, trademarks and copyright, role of the Intellectual Property Office (UK), European Patent Office.

How to manage effectively intellectual property rights

The law in practice.

#### *Patents:*

Patent legislation, patent rights, inventions, patents and employees.

#### *Trademarks and business names:*

Defining trademarks, applying to register a trademark, registering business names.

### **LO4 Recommend appropriate legal solutions based on relevant legislation, case law and regulations.**

#### *Different types of consumer-related disputes:*

Consumer complaint, consumer authority, inquiry and possible remedies.

#### *Infringement of intellectual property rights:*

Unauthorised use of intellectual property, patent rights, copyright tribunal, passing off and legal action in courts, arbitration and alternative remedies.

## Learning Outcomes and Assessment Criteria

Pass	Merit	Distinction
<p><b>LO1</b> Analyse the main principles affecting the legal relationship between business organisations and their consumers</p>		<p><b>LO1, LO2 and LO3</b></p> <p><b>D1</b> Critically evaluate the legal rules relating to consumer transactions and intellectual property rights, using a range of specific examples.</p>
<p><b>P1</b> Analyse the legal rules on implied terms relating to the sale of goods and supply of services.</p> <p><b>P2</b> Appraise the statutory provisions relating to sale of goods and product liability, using a range of case law examples.</p>	<p><b>M1</b> Critically analyse the statutory provisions relating to consumer transactions using a range of case law examples.</p>	
<p><b>LO2</b> Examine the legal rules on consumer credit agreements</p>		
<p><b>P3</b> Discuss different types of consumer credit agreements and the legal rules of consumer credit, using a range of specific examples.</p>	<p><b>M2</b> Assess different types of credit agreement and legal rules, termination rights and default notices, using a range of specific examples.</p>	
<p><b>LO3</b> Evaluate the key provisions relating to intellectual property rights</p>		
<p><b>P4</b> Assess the principles relating to intellectual property rights.</p> <p><b>P5</b> Compare and contrast the main areas of intellectual property, providing specific examples from each area.</p>	<p><b>M3</b> Evaluate how to manage intellectual property rights effectively, giving specific examples from each of the four main areas.</p>	

Pass	Merit	Distinction
<b>LO4</b> Recommend appropriate legal solutions based on relevant legislation, case law and regulations.		
<b>P6</b> Recommend different forms of remedies for breach of statutory provisions relating to sale of goods and intellectual property rights.	<b>M4</b> Assess the positive and negative impacts of recommended forms of remedies.	<b>D2</b> Justify recommendations with case law and statutory provisions in comparison with alternative solutions.

## Recommended Resources

### Textbooks

FARRAND, B. and HOWELL, C. (2017) *Law Express: Intellectual Property Law*. 5th Ed. Edinburgh: Pearson Education Limited.

TWIGG-FLESNER, T., CANAVAN, R. and MACQUEEN, H. (2020) *Sale of Goods*. 14th Ed. Harlow: Pearson Education Limited.

TILLSON, J. (2016) *Law Express: Consumer and Commercial*. 4th Ed. Edinburgh: Pearson Education Limited.

WAEDELDE, C., BROWN, A., KHERIA, S. and CORNWELL, J. (2019) *Contemporary Intellectual Property: Law and Policy*. 5th Ed. Oxford: Oxford University Press.

### Websites

<a href="http://www.chambersstudent.co.uk">www.chambersstudent.co.uk</a>	Chambers Student (General reference)
<a href="http://www.lawdonut.co.uk">www.lawdonut.co.uk</a>	Business Law Donut (General reference)
<a href="http://www.lawinfo.com">www.lawinfo.com</a>	LawInfo Legal resources (General reference)

### Links

This unit links to the following related unit:

*Unit 7: Business Law*