

Course Outline

COURSE: LAWS 4209C – Topics in Business Law: Protecting Consumer Rights in the Marketplace

TERM: Winter 2013

PREREQUISITES: There are no prerequisites, but previous course work in legal studies, economics and social policy may be helpful.

CLASS: Fridays, 11:35 to 2:25
Room: Please check Carleton Central for current room location

INSTRUCTOR: Janet Lo
(Contract)

CONTACT: Office Hours: by appointment
Telephone: (613) 562-4002 x 24
E-mail: janetlo@connect.carleton.ca

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

COURSE DESCRIPTION:

This course is designed to engage students in the research and study of issues associated with the delivery of products and services to consumers, primarily by the private sector. There will be an emphasis on those products and services that are considered as necessary, or very important in connecting the citizen with society. The course will examine issues that arise in the delivery of those services by applying an analysis that includes principles derived from contract

and commercial law, consumer protection legislation, competition law and regulatory approaches. The course will also identify forces external to the consumer transaction that may affect the legal and economic result. The course will review the general principles of application from the above, as well as concerns specific to particular industries, as well as the need for reform. The course approach will try to combine the theoretical framework provided by the governing statutes with the practical experience of current consumer issues. The objective of the course is to enable the development of an approach to marketplace issues that can identify the various factors that affect consumer rights and remedies and their relative importance, with a view to enabling the student to articulate a position on these issues.

READINGS:

Because the course covers a wide range of legal areas, there is no required text. Required readings will be posted on cuLearn for every lecture. There will also be a resource list posted here that should be valuable in dealing with the development of the framework for the analysis of consumer issues and in the completion of assignments.

The book “Consumer Policy Toolkit” is available online at the OECD website and highly recommended for use in the preparation of the term paper/case study.

COURSE ORGANIZATION:

The first six classes will set out the framework for consumer analysis. We will walk through application of the framework to hypothetical case studies to see the application of law to facts. The last five classes will examine specific consumer protection topics suggested by the instructor, but may change according to students’ interests.

COURSE EVALUATION:

Class Participation	5%	every class
Short Written Reflection on Consumer Issues	5%	due January 25
Wireless Code Proceeding Assignment	30%	due March 8
[note: in the event that the proceeding is delayed or cancelled, a Legislative Briefing Note will be assigned]		
Term Paper		
Proposal & Annotated Bibliography	20%	due February 8
Paper	40%	due April 10

Detailed instructions for assignments will be provided in class and specific resources will be provided on cuLearn. Topics and guidelines for the term paper will be discussed in class within the first few weeks of term.

The evaluation for participation will depend on both regular attendance and consistent involvement in case study discussions in ways that indicate engagement with course material.

Students must complete all components of the evaluation scheme in order to obtain a passing grade.

ADMINISTRATIVE NOTES:

cuLearn will be the primary method of electronic communication with students outside of class. It will be used to submit assignments and term papers, post marks, and post announcements. Students are expected to check cuLearn on a weekly basis.

Assignments and term papers are due at the beginning of class. If students cannot attend class on the date an assignment or term paper is due, the assignment may be submitted by email (through cuLearn) prior to the beginning of class. Please retain a copy or secure file copy of the submitted essay.

Requests for an extension must be made with the instructor prior to the due date and will only be considered if there is an extreme reason supported by supporting documentation. Late assignments will be marked down one half letter grade for each day submitted after the due date. Late papers will not be accepted unless there is a documented emergency.

Please note University regulations on academic integrity and academic offences and refer to the Department of Law Policy and Procedure Statement: <http://www1.carleton.ca/law/ccms/wp-content/ccms-files/Policy-July-10.pdf>.

COURSE SCHEDULE:

<p>Week 1 January 11</p>	<p>Introduction to the course</p> <ul style="list-style-type: none"> • Aims and objectives of the course. Expectations (student and instructor). • What do we know and what don't we know? What do we want to know? • Overview of consumer rights and consumer policy making • Traditional consumer marketplace problems
<p>Week 2 January 18</p>	<p>Framework of Consumer Protection</p> <ul style="list-style-type: none"> • Contract law and commercial law • Consumer protection: sources, provincial and federal • Introduction to competition/anti-trust law
<p>Week 3 January 25</p>	<p><i>Short Written Reflection and Discussion due in class</i></p> <p>Competition Law</p> <ul style="list-style-type: none"> • Fair Business Practices – presentation from the Competition Bureau on misleading advertising and deceptive claims • Continuation of competition/anti-trust law
<p>Week 4 February 1</p>	<p>Competition Law Wrap Up</p> <ul style="list-style-type: none"> • Case study discussions <p>Regulation and Consumer Protection</p> <ul style="list-style-type: none"> • Purpose of regulation and the “public interest” • Forms of regulation • Discussion of deregulation
<p>Week 5 February 8</p>	<p><i>Term Paper Proposal and Annotated Bibliography due in class</i></p> <p>Regulation and Telecom and Wireless Regulation</p> <ul style="list-style-type: none"> • Continuation of regulation • Regulation of telecommunications • Discussion of issues in wireless regulation

	<ul style="list-style-type: none"> • Case study discussions
<p>Week 6 February 15</p>	<p>No class. Students are expected to spend the equivalent of class time attending the CRTC proceeding on developing a Wireless Code and working on the Wireless Code Assignment. This is a very timely public hearing and a rare real-world learning opportunity in consumer protection as the Commission will develop a mandatory code for wireless carriers designed to inform Canadian consumers of their rights and set standards for consumer protection for wireless services.</p>
<p>February 22</p>	<p>WINTER BREAK – NO CLASS</p>
<p>Week 7 March 1</p>	<p>External Factors of Consumer Protection</p> <ul style="list-style-type: none"> • Influence of stakeholders – economic, political, regulatory, media • Multilateral trade agreements <p>We will then examine specific consumer protection issues, with a focus on class discussion on these issues. These classes will cover suggested topics by the instructor, but may change according to student interests.</p> <p>Issues in Consumer Protection: Electronic-Commerce</p> <ul style="list-style-type: none"> • <i>Uniform Electronic Commerce Act and Consumer Protection Act</i> • Jurisdiction for disputes • Common consumer problems and international solutions
<p>Week 8 March 8</p>	<p><i>Assignment on Wireless Code due in class</i></p> <p>Issues in Consumer Protection: Consumer Privacy</p> <ul style="list-style-type: none"> • <i>Personal Information Protection and Electronic Documents Act</i> and substantially similar provincial legislation • Consumer issues: online advertising, online tracking and profiling, social networking
<p>Week 9 March 15</p>	<p>Issues in Consumer Protection: Broadcasting and Television Services</p> <ul style="list-style-type: none"> • Media concentration and vertical integration • Consumer choice and flexibility
<p>Week 10 March 22</p>	<p>Issues in Consumer Health and Safety</p> <ul style="list-style-type: none"> • Developing safety standards and testing • Product advisories and recalls
<p>March 29</p>	<p>GOOD FRIDAY – NO CLASS</p>
<p>Week 11 April 5</p>	<p>Issues in Consumer Protection: Financial Services and Banking</p> <ul style="list-style-type: none"> • Guest lecture
<p>April 10</p>	<p>Course Wrap Up</p> <p><i>Term paper due in class</i></p>