

## Course Outline

<b>COURSE:</b>	<b>LAWS 4209 C – Protecting Consumer Rights in the Marketplace</b>
<b>TERM:</b>	<b>Winter 2010</b>
<b>PREREQUISITES:</b>	<b>There are no prerequisites, but previous course work in legal studies and economic and social policy may be helpful.</b>
<b>CLASS:</b>	<b>Day &amp; Time: Wednesday, 2:30 – 5:30 PM</b>
	<b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Michael Janigan</b>
<b>CONTACT:</b>	<b>Office: Room D-585 Loeb</b>
	<b>Office Hrs: By appointment</b>
	<b>Telephone: 613 526-4002 x26</b>
	<b>Email: <a href="mailto:mjanigan@connect.carleton.ca">mjanigan@connect.carleton.ca</a></b>

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 16, 2009 for December examinations** and **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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**COURSE DESCRIPTION**

The course is organized to engage students in the research and study of issues associated with the delivery of products and services, primarily by the private sector, 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 both review the general principles of application derived from the above, as well as concerns specific to particular industries, as well as the need for reform. The course approach will be to combine the theoretical framework provided by the governing statutes with the practical experience of research of current consumer issues.

This is a 3 hour seminar class. The first classes will establish a framework for examining the treatment of key consumer interests in the industry concerned. Thereafter, a specific consumer issues will be discussed. Students will be able to use the principles developed to analyze issues and problems for their assigned work and to prepare a business case study from a consumer perspective for submission as the term paper. The issues of particular focus in the course involve the interaction between consumer interests, supplier interests and the overarching public interests. These will be studied so that each component may be defined and the appropriate framework for arriving at a conclusion as to the requisite policy fix may be evolved.

**REQUIRED TEXTS**

Because the course covers a wide range of areas of legal study, there is no required text. There is a list of resources 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. This list will be augmented from time to time.

**SUPPLEMENTARY TEXTS**

See above

**EVALUATION**

There are three formal components for evaluation in this course: two take-home examinations and one term paper/case study assignment. Each take home exam will comprise 20% of the final grade, and the term paper will make up the remaining 60%. A suggested template for the term paper will be posted on the course page. Term papers must be submitted no later than April 10, 2010.

**SCHEDULE**

<b>Lecture No.</b>	<b>Date</b>	<b>Lecture Topic</b>
1.	Jan. 6	Introduction and Framework of Consumer Protection
2.	Jan. 13	Framework of Consumer Protection – Contract and Commercial Law, Consumer Protection Law, introduction to competition law
3.	Jan. 20	Framework of Consumer Protection – Competition Law
4.	Jan. 27	Framework of Consumer Protection – Summary of Competition Law, Application of Framework to sample fact situations Introduction to Regulation
5.	Feb.3	Framework of Consumer Protection – Review of consumer market problems CBCTV Marketplace – “Sins of the Marketplace” Principles of Regulation completed
6.	Feb. 10	Issues in Consumer Protection- Telecommunications Introduction – Introduction to Net Neutrality Take home exam posted
	Feb. 17	<b>SPRING BREAK – NO CLASS</b>
7.	Feb. 24.	Issues in Consumer Protection- The Regulation of Consumer Privacy Telecommunications Regulation completed Take home exam#1 due
8.	Mar. 3	Issues in Consumer Protection – Net Neutrality External Factors Consumer Protection Framework – Corporate Influence
9.	Mar. 10.	Review Take Home exam Review Consumer Protection Framework Review External Factors on Consumer Protection framework – Economic Political Regulatory Influence of Stakeholders,
10.	Mar. 17	Issues in Consumer Protection – Misleading Advertising – Enforcement External Factors on Consumer Protection completed Multilateral trade agreements Introduction to Electronic Commerce

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| 11. | Mar. 24 | Issues in Consumer Protection – Electronic Commerce, Cable Broadcasting Regulation, Mobile Wireless Regulation<br>Take home exam #2 posted |
| 12. | Mar. 31 | Wrap up of Consumer Issues - Discussion of class –generated consumer issues<br>Discussion of term paper<br>Take home exam #2 due           |

**WEB-CT:**

Web-CT will be the primary method of electronic communication with students outside of class. It will be used to submit exam assignments and term papers post marks, to post announcements, to host email communications and electronic discussion boards. Students should make sure that they sign-on to Web-CT in the first week of classes and should check the Web-CT page for this course on a weekly basis.

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## Useful Reading List January 6/2010

### Consumer Law Texts, Articles, Resources

- S. Ben-Ishai, et al. *Contracts, Cases and Commentaries*, Eighth Edition, (Toronto: Carswell, 2009)  
*Canadian Consumer Handbook*, Consumer Measures Committee, online at  
[http://www.ic.gc.ca/eic/site/oca-bc.nsf/vwapj/en\\_handbook2007.pdf/\\$FILE/en\\_handbook2007.pdf](http://www.ic.gc.ca/eic/site/oca-bc.nsf/vwapj/en_handbook2007.pdf/$FILE/en_handbook2007.pdf)
- Consumer Protection in Canada and the European Union: A Comparison*, Public Interest Advocacy Centre, (Ottawa, PIAC 2009) online at [www.piac.ca](http://www.piac.ca)
- E. MacNaughton et al., *A Guide to the Ontario Consumer Protection Act*, 2010 Edition (Toronto: International Press Publication Inc.)
- M.H. Ogilvie, *Consumer Law, Cases and Materials*, Canadian Legal Studies Series, Third Edition, (Concord: Captus Press, 2007)
- J. Ziegel and A.J. Duggan, *Commercial and Consumer Sales Transactions*, 4<sup>th</sup> edition, (Toronto: Emond Montgomery, 2002)

### Competition Law Texts, Articles, and Resources

- 2010 Competition Act and Commentary*, Stikeman Elliott LLP, 2010 Edition (Markham: Lexis Nexis)
- P. Affleck and W. McCracken, *Canadian Competition Law*, Subscription Service, (Toronto: Carswell)
- A. Asher "Enhancing the standing of Competition Authorities with Consumers -Do we need them and do they need us?", ICN conference Korea, April 15, 2004 online at:  
<http://www.internationalcompetitionnetwork.org/uploads/library/doc509.pdf>
- Consumers International, "Consumers and Competition", 2007 online at  
[http://www.consumersinternational.org/shared\\_asp\\_files/GFSR.asp?NodeID=96969](http://www.consumersinternational.org/shared_asp_files/GFSR.asp?NodeID=96969)
- Global Competition Law Centre – online at: <http://www.coleurope.eu/template.asp?pagename=gclcworkingpapers>
- Derek Ireland, "Competition Policy and Consumer Protection", Policy Options, October 1997 online at:  
<http://www.irpp.org/po/archive/oct97/ireland.pdf>
- J. Madill and A. Mexis, "Consumers at the heart of EU competition policy", , online at  
[http://ec.europa.eu/competition/publications/cpn/2009\\_1\\_7.pdf](http://ec.europa.eu/competition/publications/cpn/2009_1_7.pdf)

### Regulation Law Texts and Materials

- M. Armstrong, S. Cowan, and J. Vickers, ***Regulatory Reform: Economic Analysis and British Experience*** (Cambridge, MA: The MIT Press, 1999), Chapter 7.
- J.C. Bonbright et al, *Principles of Public Utility Rates*, (Arlington: Public Utility Reports, 1988)
- E. Iacobucci, et al. , "The Political Economy of Deregulation in Canada", Phelps Centre for the Study of Government and Business, (Vancouver, 2006), online at: [http://csgb.ubc.ca/files/2006\\_05\\_iacobucci.pdf](http://csgb.ubc.ca/files/2006_05_iacobucci.pdf)
- A. Kahn, ***The Economics of Regulation: Principles and Institutions***, ( Cambridge, MA: MIT Press, 1988), Reissue Edition, Chapter 1.
- J. Lardner and R. Kuttner, "Flying Blind: Airline Deregulation Reconsidered", Demos, online at:  
<http://www.demos.org/publication.cfm?currentpublicationID=13A2281E-3FF4-6C82-5EB53F023A456D3A>
- "Markets Are Not Magic", Economist's View, online at:  
[http://economistsview.typepad.com/economistsview/2007/02/markets\\_are\\_not.html](http://economistsview.typepad.com/economistsview/2007/02/markets_are_not.html)
- R. Weissman, "Deregulation and the Financial Crisis", Huffington Post, online at:  
[http://www.huffingtonpost.com/robert-weissman/deregulation-and-the-fina\\_b\\_82639.html](http://www.huffingtonpost.com/robert-weissman/deregulation-and-the-fina_b_82639.html)

## **Additional Resources**

### **Privacy**

*Personal Information Protection and Electronic Documents Act* (2000, c. 5), online:

<http://laws.justice.gc.ca/en/P-8.6/>

Office of the Privacy Commissioner of Canada: <http://www.priv.gc.ca>

Facebook finding: [http://www.priv.gc.ca/cf-dc/2009/2009\\_008\\_0716\\_e.cfm](http://www.priv.gc.ca/cf-dc/2009/2009_008_0716_e.cfm)

Office of the Information and Privacy Commissioner of Ontario: <http://www.ipc.on.ca/english/Home-Page/>

Barbara Mclsaac, Rich Shields, Kris Klein, *The Law of Privacy in Canada*, 7<sup>th</sup> edition (2009)

Samuel D. Warren & Louis D. Brandeis, "The Right to Privacy" (1890) 4 Harvard Law Review 193.

Daniel J. Solove, "I've Got Nothing To Hide' and Other Misunderstandings of Privacy" (2007) 44 San Diego Law Review 745. Accessible online at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=998565](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=998565)

The Public Interest Advocacy Centre (PIAC) on privacy: <http://piac.ca/privacy/>

The Canadian Internet Policy Public Interest Clinic (CIPPIC) on privacy: <http://www.cippic.ca/privacy/>

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### **Competition Law**

#### **Merger Efficiency Defense:**

T. Ross and R.A. Winter, "The efficiency defense in merger law: economic foundations and recent developments", at: <http://strategy.sauder.ubc.ca/winter/Ross-Winter%20on%20Efficiencies-unedited-proofs.pdf>

2009 Amendments to the Canadian Competition Act:

N. Campbell and E. Vallieres, "Canada: Competition Act Amendments: Increased Flexibility on Pricing and Distribution Practices; But Large Fines for Abuses by Dominant Firms", MacMillan LLP, at: <http://www.mondaq.com/canada/article.asp?articleid=76190>

### **Telecommunications**

#### **General**

M.H. Ryan, *Canadian Telecommunications Law and Regulation*, Carswell (Supplemented Book first edition 1993)

#### **Net Neutrality:**

J. Lawford, J. Lo and M. De Santis, *Staying Neutral; Canadian Consumers and the Fight for Net Neutrality*, PIAC 2009 at: [http://www.piac.ca/telecom/canadian\\_consumers\\_need\\_more\\_net\\_neutrality/](http://www.piac.ca/telecom/canadian_consumers_need_more_net_neutrality/)

S. Crawford, "U.S. Telecommunications Policy" (2008) at: <http://video.google.ca/videoplay?docid=5624241813303844838&ei=UJ-aS-bnPJiaqALV7MT6DA&q=Susan+Crawford+&hl=en#>