

Prof. Andrea M. Matwyszyn  
Fall 2013  
Wednesday – 3-6p  
JMHH 260

### Law of Marketing

Welcome.

1. Overview: The course explores the legal aspects of marketing. The course considers the criminal law, tort law, regulatory, technology and intellectual property dimensions of marketing, as well as federal and state laws pertaining to unfair competition and consumer protection. The focus is primarily on U.S. law, but the challenges posed by diverse domestic, foreign, and international regimes will also be emphasized.

2. Grading: 50% Exam; 50% Final Project and participation.

Exam: 25 question multiple choice/short answer exam, covering material in assigned readings and covered in class - IN CLASS ON NOVEMBER 20

#### Final Project:

- STEP 1:
  - Pick a startup off Kickstarter or Indiegogo
  - Sign up on Canvas under “Project Signup” identifying your “client” no later than October 1.
- STEP 2:
  - Create powerpoints with an elevator pitch for your client.
    - Identify corporate mission
    - Identify marketing goals and strategy
    - Identify target markets and demographics
  - Plan a cutting-edge marketing campaign for that company which includes digital media.
    - Include at least three sets of ideas/proposals/promotions for the company
  - Submit through Canvas email no later than November 1.
- STEP 3:
  - Using information you have learned in this class as well as outside research, demonstrate your mastery of marketing regulation by authoring a joint memo with detailed commentary explaining the legal issues implicated in the proposed marketing strategy you have been assigned. The memo should be footnoted (approximately 3 pages).
  - Present your legal analysis of the marketing campaign in class.
  - Memo is due at exam time for this period, emailed through Canvas.

#### Participation:

- Preparation when cold-called in class and in workshop exercises
- Participation in final project presentations in class (15 min. per person)

3. Reading Materials: Rebecca Tushnet & Eric Goldman – download (~\$10)

<http://www.scribd.com/doc/99904133/Advertising-and-Marketing-Law-Casebook-July-2012-by-Tushnet-and-Goldman>

Readings linked off Canvas - If you are not a Wharton student, go to

<http://accounts.wharton.upenn.edu> to request a Wharton Computing Account so that you can access Canvas.

5. Office Hours and Location: By appointment - email to schedule: [amatwysh@wharton.upenn.edu](mailto:amatwysh@wharton.upenn.edu).

Suite 600 JMHH

4. Visitors: Visitors are welcome with prior consent of the instructor upon not less than 24 hours advance notice.

5. Technology policy:

- Email will be used for various class communications. Check email daily.
- All gadgets must be on mute during class. Laptop usage is permitted only for pedagogical purposes.

Participation points may be deducted in the sole discretion of the instructor for any class disruption.

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Class 1 Introduction and Marketing and the First Amendment

- Sorrell v. IMS Health, Inc.  
[http://scholar.google.com/scholar\\_case?case=838098438403992670&hl=en&as\\_sdt=2&as\\_vis=1&oi=scholar](http://scholar.google.com/scholar_case?case=838098438403992670&hl=en&as_sdt=2&as_vis=1&oi=scholar)
- Chapter 1: Pages 33-39
- Optional: <http://i.bnet.com/blogs/toyota-saatchi-ruling-2.pdf?tag=contentMain;contentBody>

Class 2 Unfair trade practices and marketing

- Chapter 2 – read all excerpted cases
- Chapter 3 – ""
- Chapter 4 – ""

Class 3 Criminal law restrictions on marketing

- Chapter 5
- Chapter 15

Class 4 Tort law restrictions on marketing

- Chapter 7
- Chapter 8

Class 5 Competitors and marketing

- Chapter 6
- Chapter 11

Class 6 Intellectual property issues in marketing

- Chapter 9
- Chapter 10

Class 7 Children and marketing

<http://business.ftc.gov/documents/Complying-with-COPPA-Frequently-Asked-Questions>

Class 8 Privacy and marketing

- Chapter 12
- Chapter 13

Class 9 New technology issues in marketing

TBD

Guest speaker: Alka Tandan, Research Director, Vision Critical

Class 10 Promotions

- Chapter 14
- Review

Class 11 Internet of Things and Marketing

- TBD

November 20 - EXAM

PRESENTATIONS