



Advertising & Marketing Law (Law 712)

Eric Goldman

Spring 2013

1. SESSIONS. The course meets Mondays 1:10 to 2:50 from January 14 through April 29, excluding January 21 (MLK Day), February 18 (in observance of President's Day, that session will meet on Tuesday at 1:10), and March 4 (Spring Break). Note: if you are enrolled in another class whose meeting time overlaps at all with this course, you must pick one or the other.

2. CASEBOOK. The course reader is REBECCA TUSHNET AND ERIC GOLDMAN, ADVERTISING AND MARKETING LAW: CASES AND MATERIALS (July 2012 version). Please download the course reader PDF for free from Claranet (note: it's a 40MB file). If you want a hard copy, you may print the PDF. In Claranet, I've posted a letter authorizing copyshops to print the course reader file if you encounter any copyright trouble.

3. GRADING.

Your grade is based on three components:

- 1) Attendance and Participation (20%)
- 2) Midterm Exercise (30%)
- 3) Final Exercise (50%)

In addition, you may earn extra credit for writing a reflection paper.

If you would prefer to write a wiki entry as part of your grade, we can individually negotiate your workload and grading allocation. If your wiki entry is ambitious enough, we may be able to qualify it for the SAWR, and I may be willing to add a 1 unit independent study to the course's 2 units. I will supervise no more than 5 wiki entries, and you should let me know of your interest no later than Friday, January 18, 2013, 5 pm.

More details about the grading components:

Attendance and Participation

I expect you to attend every class, so every unexcused absence may affect your participation grade. I excuse absences sparingly. You don't need to tell me in advance that you will be absent *unless* you want me to excuse the absence. I may, at my option, drop or fail you if you have 3 or more unexcused absences.

For your participation grade, I will subjectively evaluate your contributions to the course, including:

- Your contributions to class discussions.
- Your engaged attention during class. I'm not opposed to computer/Internet usage in class, especially when it enriches the pedagogy. However, in an interactive class like ours, unrelated multi-tasking may degrade the experience for everyone. Therefore, I may reduce your participation grade for any activity, including computer/Internet usage, that interferes with your participation.
- Your constructive feedback about the casebook. Each week (by the Friday after the class session where the material was assigned), I'd like you to email me at least one comment about the week's reading materials. It can be as small as a typo, but preferably you'll comment on something you liked, something you didn't like, something that confused you or something where you wanted more information. Class participation and casebook feedback aren't complete substitutes for each other—I'd like you to do both—but if you aren't participating orally in class, you can help your participation grade by providing more casebook feedback.

Midterm Exercise

For the midterm, I will give you a choice between at least two print ads. I will ask you to pick one of the ads, identify all of the claims that the ad makes, and decide if those claims are puffery or need substantiation. Where you think claims need substantiation, I will ask you to describe what kind of evidence you think would adequately substantiate those claims and if you have any suggestions on ways to "fix" any claims you think need fixing. I anticipate the exercise will take you less than 2 hours to do (possibly much less), and I'll probably set a word count limit in the 800-1,000 word range (but it may be possible to successfully do this exercise in much less—possibly less than 500 words).

Every student will then "critique" another student's exercise answer. I'll spell out the mechanics later. The critique should enumerate claims not identified by the peer's answer, claims identified by the answer that you don't think are claims, and any comments you have about the substantiation discussion. I expect your critique to be respectful but constructive where you see potential improvement. If you rave about your peer's work when the exercise doesn't deserve it, then you aren't doing your peer (or yourself) any favors. It can be hard to critically evaluate a peer's work, but that's part of the exercise.

I will grade both your exercise and your critique of your peer's exercise.

I plan to distribute the exercise around February 25. Your answer will be due to me and your peer before class on March 11. Your critique will be due before class on March 18. I may impose draconian penalties—up to a failing grade—for late exercises.

Final Exercise

Your final exercise probably will have two components: (1) critique ad copy (like the midterm exercise), and (2) evaluate an ad campaign. I anticipate the exam will take around 3 hours of work. I will impose a word count cap on each answer.

Currently, I plan to make the exam available no later than May 6, and it will be due before May 20, 4 pm. I may impose draconian penalties—up to a failing grade—for late exercises.

Extra Credit

You have the option to write a reflection paper about your learning experience in the course. The deadline is May 20, 4 pm—NO EXCEPTIONS. I'm especially interested in a thoughtful critique of the casebook and your overall assessment of what worked and what didn't, and what would have improved your learning from the course; but anything related to the course is fair game, including our in-class activities and the out-of-class graded components. You won't get credit for recycling material you sent during your weekly comments, and I'm looking for a more holistic perspective than the chapter-by-chapter comments you'll be submitting each week.

I will grade the reflection paper on a binary basis—"good" or not. If it's good in my subjective discretion, I will bump your entire course grade a half-grade (i.e., if you earned a B+ otherwise from the three other graded components, your final course grade will be an A-). The class isn't curved, so the extra credit is not a zero-sum game with your peers. I can't tell you what attributes will make a "good" reflection paper—I'll know it when I see it—but some considerations:

- * I doubt a good reflection paper will be less than 1,000 words, but there are no absolute minimums or maximums.
- * The paper should demonstrate that you've thought about how you personally learn best and how the course's pedagogical approaches fit with that.
- * I am looking for your personal reactions rather than ideas about what might work or not for a hypothetical student.

4. OFFICE HOURS. Unless I am teaching class, at a meeting or traveling, I am typically in my office between 9:30 and 6 M-F. I can schedule a time to speak with you at your convenience. Please email me to make an appointment. I'm also happy to talk by email.

5. COURSE RECORDINGS. I plan to record class lectures using a digital voice recorder, which may also pick up your in-class contributions. If you have any concerns about this, please let me know. You can download lecture recordings from iTunesU (iTunes client software required).

6. SCHEDULE (reading assignments are estimates; schedule subject to change).

Week 1 (Jan. 14): Overview. Read Chapter 1 and parts 1-2 of Chapter 2 (pages 12-32).
Week 2 (Jan. 28): What is an Ad? Read remainder of Chapter 2.
Week 3 (Feb. 4): False Advertising: Overview. Read Chapter 3.
Week 4 (Feb. 11): False Advertising: Deception. Read Chapter 4 (160-206 and 223-246 only) and Chapter 5 (248-278 only).
Week 5 (Feb. 19): False Advertising: Competitor Suits. Read Chapter 6.
Week 6 (Feb. 25): False Advertising: Practice and Remedies. Read Chapter 8.
Week 7 (March 11): Copyrights. Read Chapter 9.
Week 8 (March 18): Brand Protection and Usage. Read Chapter 10.
Week 9 (March 25): Competitive Restrictions. Read Chapter 11.
Week 10 (April 1): Featuring People in Ads. Read Chapter 12.
Week 11 (April 8): Privacy. Read Chapter 13.
Week 12 (April 15): The Advertising Industry Ecosystem. Read Chapter 15
Week 13 (April 22): Guest Lecture. Read Chapter 14.
Week 14 (April 29): Wrap-up/In-Class Exercise.

7. CONTACT INFORMATION.

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In all emails to me related to this course, please put the words “Advertising Law” in the subject line to avoid unintentional deletion as spam.

If you want to see some of the Advertising Law issues I’m tracking, consider reading my blogs [<http://blog.ericgoldman.org> or <http://blogs.forbes.com/ericgoldman>] or following me at Twitter [username [@ericgoldman](https://twitter.com/ericgoldman)]. More course-related materials, including an electronic copy of this syllabus, are available at my personal website, <http://www.ericgoldman.org/advertisinglaw.html>.