Santa Clara
University

Advertising & Marketing Law (Law 712)
Prof. Eric Goldman
Spring 2015

1.   SESSIONS. The course meets Mondays 1:10 to 2:50 from January 12 through April 20, excluding January 19 (MLK Day), February 16 (President's Day), and March 2 (Spring Break). We will also meet on Tuesday, February 17 and Wednesday, March 25, both at 1:10 to 2:50. You may not take this course if you are enrolled in another course whose meeting time overlaps with this course at all.

2.   CASEBOOK. The course reader is Rebecca Tushnet & Eric Goldman, *Advertising and Marketing Law: Cases and Materials* (2014 ed.). You may download the course reader PDF for free from Camino. You may take the PDF to a copyshop if you want a printout. I've provided a copyshop authorization letter in Camino. Or if you prefer, you can buy a hard copy version from CreateSpace for $45 plus tax and shipping: https://www.createspace.com/4953960 and https://www.createspace.com/5001930.

3.   GRADING.

Your grade is based on attendance/participation (20%), a midterm exercise (30%) and a final exercise (50%). You may also earn extra credit for writing a reflection paper.

Attendance and Participation. I expect you to attend every class, so every unexcused absence may reduce your participation grade. I excuse absences sparingly. You don't need to tell me in advance that you will be absent *unless* you're asking 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 consider:

- Your contributions to class discussions.
- Your engaged attention during class. I'm not opposed to computer/Internet usage in class, especially when it enriches your learning. 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 or your peers' in-class 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 what you liked, what you didn't like, what confused you or where you wanted more information.

Midterm Exercise. The midterm exercise will contain a print ad. I will ask you to 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 a word count cap in the 1,000 word range.

Every student will then "critique" another student's exercise answer. I'll spell out the mechanics later. The critique should discuss what you like about your peer's answer and what you think your peer could have done to improve the answer.

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

I plan to distribute the exercise by February 23. Your answer will be due before class on March 9. Your critique will be due before class on March 16. I may impose draconian penalties—up to a failing grade—for late exercises or critiques.

Final Exercise. Your final exercise will ask you to critique another print ad, like the midterm exercise. It may also have a doctrinal component. I will impose a word count cap on each answer. Currently, I plan to make the final exercise available by April 28, and it will be due before May 14 at noon Pacific. 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 14 at noon—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. I'm not looking for you to recycle material you sent in the chapter-by-chapter comments you'll be submitting each week; I'm looking for a more holistic perspective.

I will grade the reflection paper as either "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 isn't 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. I am regularly in my office between 9 and 6 M-F. Drop by at your convenience, or email me a few times that would be convenient for you and we'll schedule an appointment.

5. **RECORDINGS.** I hope to record all course sessions (except guest lectures) and make the audio recordings available via iTunesU (which is available to the public). If you have any concerns about being recorded, please let me know ASAP.

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

NOTE: Most reading assignments are extremely long! There's no need to tell me that in your weekly feedback. Instead, you can help more by telling me what you'd recommend cutting!

Week 1 (Jan. 12): Overview. Read Chapter 1 and parts 1-2 of Chapter 2.
Week 2 (Jan. 26): What is an Ad? Read parts 3-4 of Chapter 2.
Week 3 (Feb. 2): False Advertising: Overview. Read Chapter 3.
Week 4 (Feb. 9): False Advertising: Deception. Read Chapter 4 (parts 1, 2, 3 and 8 only) and Chapter 5 (parts 1 and 2 only).
Week 5 (Feb. 17): False Advertising: Competitor Suits. Read Chapter 6.
Week 6 (Feb. 23): False Advertising: Practice and Remedies. Read Chapter 8.
Week 7 (March 9): Copyrights. Read Chapter 10.
Week 8 (March 16): Brand Protection and Usage. Read Chapter 11.
Week 9 (March 23): Competitive Restrictions. Read Chapter 12.
Week 10 (March 25): Featuring People in Ads. Read Chapter 13.
Week 11 (March 30): Privacy. Read Chapter 14.
Week 12 (April 6): The Advertising Industry Ecosystem. Read Chapter 16.
Week 13 (April 13): Guest Lecture. Read Chapter 15 (Promotions) and Chapter 17 pages 1314-44.
Week 14 (April 20): Wrap-up/In-Class Exercises.

7. **CONTACT INFORMATION.**

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Email: egoldman@gmail.com [I auto-forward emails sent to my egoldman@scu.edu address, which sometimes introduces a delay, so my Gmail account is always the fastest way to reach me]

When emailing me, please reference "Advertising Law" in the subject line to avoid unintentional deletion as spam and confusion with my other course.

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 https://twitter.com/ericgoldman. More course-related materials, including an electronic copy of this syllabus, are available at http://www.ericgoldman.org/advertisinglaw.html.