



ASSIGNMENT 1ST SEMESTER : INTERNATIONAL TRADE LAW 2 (ITL2)
INTERNATIONAL TRADE LAW 3 (ITL301)

STUDY UNITS : 5 & 6

DUE DATE : 3:00 p.m. 20 MARCH 2012

TOTAL MARKS : 100

INSTRUCTIONS TO CANDIDATES FOR COMPLETING AND SUBMITTING ASSIGNMENTS

The complete 'Instructions to Students for Completing and Submitting Assignments' must be collected from the IMM GSM office, or the relevant Student Support Centre, or can be downloaded from the IMM GSM website. It is essential that you study the complete instructions prior to beginning your assignment. The following points highlight only a few important notes:

1. You are required to submit ONE assignment per subject.
2. The assignment will contribute 20% towards the final examination mark, and the other 80% will be contributed by the examination, however, the examination papers will count out of 100%.
3. Although your assignment will contribute towards your final examination mark, you do not have to earn credits for admission to the examinations; you are automatically accepted on registering for the exam.
4. Number all the pages of your assignment (e.g. page 1 of 4), and write your name and surname, student number and subject at the top of **each** page.
5. The IMM GSM requires assignments to be presented in a typed format and on plain A4 paper. This assignment must be completed within a limit of 1500 words, excluding the bibliography. Students who exceed the word limit may find that only part of the submitted assignment will be marked
6. A separate assignment cover, which is provided by the IMM GSM, must be attached to the front of each assignment.
7. Retain a copy of each assignment before submitting in case the original does not reach the IMM GSM.
8. The assignment due date refers to the day up to which assignments will be accepted for marking purposes. The deadline is 3:00 p.m. on 20 March 2012. Late assignments will be accepted, but **25 marks** will be deducted from the maximum mark, if received after 3:00 p.m. on 20 March 2012 and up to 5:00 p.m. the following day, after which no assignments will be accepted.
9. If you fail to follow these instructions carefully, the IMM Graduate School of Marketing cannot accept responsibility for the return of the assignment. It may even result in your assignment not being marked.

Results will be available on the IMM GSM website, www.immgsm.ac.za, on Friday, 4 May 2012.

QUESTION 1**[90]**

“The Counterfeit Goods Act No. 37 of 1997 came into operation by proclamation on 1 January 1998. This body of law provides the essential protection for trade marks and copyright matters being copied. The Counterfeit Goods Act, at its most basic level seeks to prevent and provide an active means of preventing and curbing trading in counterfeit goods. The Act introduced dramatic and far-reaching measures to assist brand owners in dealing with counterfeiting goods.” (www.bowman.co.za)

In a well-structured report clearly show that you understand the phenomenon of counterfeiting in the context of international trade and the laws that govern counterfeiting both locally and internationally.

Learners are expected to do desk research in order to increase their understanding of the extent of counterfeiting in South Africa today and the main debates/issues that are being raised with regard to counterfeiting.

The following report structure is recommended:

1. What is counterfeiting and what are the aims of the Act mentioned above?
2. The extent of counterfeiting in South Africa today. (Facts, figures and examples relevant to the South African Economy must be provided in this section.) What effect does counterfeiting have on those companies whose rights are being violated?
3. South African Law that deals with counterfeiting. What remedies are available to rights holders who feel their property rights have been violated? Give examples of companies that have successfully defended their rights against violators in the South African economy.
4. The main debates/concerns surrounding South African counterfeiting law at present.
5. International laws that deal with the counterfeiting of goods and South Africa's application/recognition of these laws. (Information is provided in the course pack but further reading is recommended.)
6. Is South Africa winning the battle against counterfeiting? Motivate your own opinion here.

This is an exercise in exploring and thinking about counterfeiting in South Africa, what laws apply to it (nationally and internationally), and how successful we are in ensuring that intellectual property rights are protected in the South African economy.

This assignment is not intended to be a 20 page essay. The issues listed above can comfortably be explained and argued in a concise 5 to 6 page report within the word limit.

Remember to acknowledge all sources of information at the end of your report.
A simple listing of sources used can be given at the end of your report.

PRESENTATION

[10]

ASSIGNMENT TOTAL: 100