

LA9H6-20 Trade Marks in Context: Branding, Law, and Regulation

26/27

Department

School of Law

Level

Taught Postgraduate Level

Module leader

Luminita Olteanu

Credit value

20

Module duration

10 weeks

Assessment

100% coursework

Study location

University of Warwick main campus, Coventry

Description

Introductory description

This innovative module addresses a gap in the current curriculum by connecting three interrelated areas: trade mark law, branding strategies, and the regulatory framework governing advertising. It explores how legal protections for trade marks intersect with the creative and strategic considerations of brand development and the rules that shape marketing communications. The module also examines broader implications of branding for consumer trust, particularly in relation to brand activism, environmental and health-related claims, and the socio-economic and competitive impact of brand messaging. Overall, the module offers students a comprehensive understanding of how brands function and are governed in contemporary marketplaces.

Module aims

Expand students' knowledge of trade mark law, focusing on misleading, offensive, and illegal

signs, as well as dilution
protection

Introduce the UK's self-regulatory system of advertising, including key institutions and codes

Explore the relationship between trade mark law, advertising regulation, and consumer protection

Examine branding strategies from a legal and marketing perspective

Encourage independent and critical thinking about the role and impact of brands in society

Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

Lecture 1: Introduction and Context Part 1: Introduction to the course Part 2: Brands in context

Lecture 2: Branding

Fundamentals Part 1: Creating and measuring brand equity Part 2: Brand activism Lecture 3:
Misleading Commercial

Communications Part 1: ASA and CAP – overview Part 2: Relevant provisions in the DMCCA
2024 Lecture 4:

Advertising Regulation in Practice Part 1: Rules and sanctions – Health and beauty products Part
2: Rules and

sanctions – Environmental claims Lecture 5: Trade Mark Law and Brands I Part 1: Trade mark
definition Part 2:

Exclusion of misleading signs Lecture 6: Trade Mark Law and Brands II Part 1: Exclusion of
offensive signs Part 2:

Exclusion of bad faith and illegal signs Lecture 7: Trade Mark Law and Brands III Part 1:
Measuring trade mark

reputation Part 2: Protection against dilution Lecture 8: Broader Implications of Branding Part 1:
Public and social

costs Part 2: Competition issues Lecture 9: Revision and Assessment Part 1: Revision Part 2:
Marking criteria and

assessment discussion

Learning outcomes

By the end of the module, students should be able to:

- Demonstrate a sound understanding of trade mark law in relation to misleading, offensive, and illegal signs, as well as dilution protection
- Communicate legal and regulatory concepts effectively in writing
- Critically assess legal and regulatory frameworks in the context of branding and advertising
Formulate and support arguments on the regulation and impact of brand communication
Integrate interdisciplinary perspectives in analysing branding issues
- Apply trade mark law and advertising codes to real-world branding scenarios
- Demonstrate awareness of the role of branding in corporate social responsibility and sustainability

- Conduct independent research using legal and regulatory databases and apply digital literacy skills to navigate and evaluate online advertising and branding practices
- Collaborate effectively in group discussions and tasks
- Critically assess the socio-economic impact of brand messaging and advertising practices and apply information literacy skills to assess the credibility and relevance of sources in legal and marketing contexts
- Use legal research methods to investigate regulatory issues and reflect on the ethical, legal, and strategic dimensions of branding in practice

Indicative reading list

[Reading lists can be found in Talis](#)

Research element

The module includes a research component that develops students' ability to critically analyse branding and advertising practices through independent legal and regulatory research. Students will engage with primary sources such as the UK Trade Mark Register and the ASA rulings database to investigate case studies and construct evidence-based arguments. They will apply legal research methods to explore the intersection of trade mark law, advertising regulation, and branding strategies. This research-led approach fosters analytical rigour, information literacy, and independent inquiry into contemporary legal and regulatory challenges in the branding and advertising context.

Interdisciplinary

The module integrates legal and marketing perspectives to explore how trade mark law and advertising regulation intersect with branding strategies. Students engage with key marketing concepts such as brand equity, consumer perception, and brand activism, alongside legal frameworks governing trade marks and advertising. This interdisciplinary approach enables students to critically assess how legal norms influence branding practices and how brands shape consumer trust, corporate responsibility, and market behaviour.

International

The module includes an international dimension by examining how global brands adapt their strategies across different legal and regulatory environments. While the primary focus is on the UK and EU

frameworks, students will also explore how branding practices vary in other jurisdictions. This comparative perspective enhances students' understanding of how legal and cultural contexts influence brand behaviour in international markets.

Subject specific skills

Application of trade mark law to assess the legality of brand signs, including misleading, offensive, and illegal marks

Interpretation of advertising codes and regulatory frameworks, particularly the UK's self-regulatory system (ASA, CAP) and the DMCCA 2024

Legal analysis of brand communication strategies, including green claims, health and nutrition advertising, and brand activism

Integration of legal and marketing perspectives to evaluate the protection and regulation of brands in commercial contexts

Case-based reasoning and problem-solving using real-world branding and advertising disputes to apply legal principles in practice

Transferable skills

Written communication skills, through structured legal analysis and assessment tasks

Digital literacy, including the ability to critically assess online advertising and use digital tools for research

Information literacy, by identifying, evaluating, and synthesising sources from legal, regulatory, and marketing domains

Teamwork and collaboration, developed through seminar-based group activities and discussions

Problem-solving and critical thinking, applied to real-world branding and regulatory challenges

Legal and regulatory research skills, including the ability to search and interpret decisions from the ASA database and entries in the UK Trade Mark Register

Study

Study time

Type	Required
Lectures	18 sessions of 1 hour (9%)
Seminars	8 sessions of 1 hour (4%)
Private study	114 hours (57%)
Assessment	60 hours (30%)
Total	200 hours

Private study description

Students are expected to engage in approximately 174 hours of private study and independent learning over the course of the module. This includes preparation for lectures and seminars, independent reading and research, and completion of formative and summative assessments. Activities will involve reviewing legal texts and regulatory materials, analysing ASA rulings and trade mark decisions, exploring branding literature, and conducting comparative research on international advertising practices. Students will also be encouraged to use legal and marketing databases to develop their information literacy and research skills.

Costs

No further costs have been identified for this module.

Assessment

You do not need to pass all assessment components to pass the module.

Assessment group A

	Weighting	Study time	Eligible for self-certification
Assessment component			
Trade mark report	50%	30 hours	Yes (extension)
Students will select a registered UK trade mark (other than those discussed in the course) from the UKIPO register and analyse it through the lens of advertising law. They will assess whether the use of the mark in marketing communications complies with relevant advertising rules and standards. After submission of their assessment, students may be required to sit an oral viva where they discuss with examiners the work that they have produced.			

Reassessment component is the same

Assessment component

Advertising sanction report	50%	30 hours	Yes (extension)
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Students will examine a selected advertising sanction issued by the Advertising Standards Authority

(ASA) (other than the ones discussed in the course) and evaluate its implications for trade mark registration and brand strategy. This analysis will require students to consider how regulatory decisions can influence the legal protection and commercial use of brand elements. After submission, students may be required to attend a short oral viva to discuss their work and demonstrate their understanding of the issues analysed.

Reassessment component is the same

Feedback on assessment

Students will receive individual written feedback on summative assessment (provided via Tabula or other

assessments systems in use in any particular year) and generic (cohort) feedback via the module's Moodle page.

Students will be able to speak to the module convenor with any follow-on queries arising from their written feedback.

In addition, feedback will be offered for formative assessment.

Availability

There is currently no information about the courses for which this module is core or optional.