

LA-29275, Trade Marks in Context: Branding, Law, and Regulation

Academic year: **26/27**

Department: **School of Law**

Level: **Undergraduate Level 3**

Module leader: **Luminita Olteanu**

Credit value: **15**

Module duration: **10 weeks**

Assessment: **100% coursework**

Study location: **University of Warwick Main Campus, Coventry**

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 Understand the principles and operation of the UK's self-regulatory advertising system Analyse the relationship between trade mark law, advertising regulation, and consumer 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
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Study time

Type	Required
Lectures	18 sessions of 1 hour (12%)
Seminars	8 sessions of 1 hour (5%)
Private study	74 hours (49%)
Assessment	50 hours (33%)
Total	150 hours

Private study description

Students are expected to engage in approximately 74 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.

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%	25 hours	Yes (extension)

	Weighting	Study time	Eligible for self-certification
<p>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.</p>			
Reassessment component is the same			
Assessment component			
Advertising sanction report	50%	25 hours	Yes (extension)
<p>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.</p> <p>After submission, students may be required to attend a short oral viva to discuss their work and demonstrate their understanding of the issues analysed.</p>			
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.

Courses

This module is Optional for:

Year 2 of ULAA-M130 Undergraduate Law

ULAA-M131 Undergraduate Law (4 Year)

- Year 2 of M131 Law (4 year)
- Year 3 of M131 Law (4 year)
- Year 4 of M131 Law (4 year)

ULAA-M132 Undergraduate Law (Year Abroad)

- Year 2 of M132 Law (Year Abroad)
- Year 4 of M132 Law (Year Abroad)

ULAA-M135 Undergraduate Law and Sociology

- Year 3 of M135 Law and Sociology
- Year 4 of M135 Law and Sociology

ULAA-M133 Undergraduate Law with French Law

- Year 2 of M133 Law with French Law
- Year 4 of M133 Law with French Law

ULAA-M134 Undergraduate Law with German Law

- Year 2 of M134 Law with German Law
- Year 4 of M134 Law with German Law

ULAA-M136 Undergraduate Law with Humanities (3 Year)

- Year 2 of M136 Law with Humanities (3 year)
- Year 3 of M136 Law with Humanities (3 year)

UPHA-V7MW Undergraduate Politics, Philosophy and Law

- Year 2 of V7MW Politics, Philosophy and Law
- Year 3 of V7MW Politics, Philosophy and Law