

University of Pretoria Yearbook 2022

Law of competition 420 (SCL 420)

Qualification	Undergraduate
Faculty	Faculty of Law
Module credits	10.00
NQF Level	08
Programmes	LLB
Prerequisites	No prerequisites.
Contact time	2 lectures per week
Language of tuition	Module is presented in English
Department	Private Law
Period of presentation	Semester 2

Module content

*For LLB

Section A: Law of Unlawful Competition – the Common Law of Competition

The following aspects will be dealt with:

- i. The role of competition in commerce
- ii. The concept and definition of competition
- iii. The historical development of the law of unlawful competition
- iv. Rights affected by unlawful competition
- v. The common law basis for action against unlawful competition
- vi. Capita Selecta: (Recognised Forms of Unlawful Competition):
 - a. Passing Off and Leaning On
 - b. Deception concerning one's enterprise, goods or services
 - c. Interference with a trader's enterprise or business affairs
 - d. Misappropriation of confidential information
 - e. Counterfeit goods
 - f. Ambush marketing
- vii. Defences against unlawful competition

Section B: Statutory Competition Law - the Competition Act, 1998

The following aspects will be dealt with:

- i. The development of statutory competition
- ii. The Competition Act: goals and scope of application
- iii. The administrative framework of the Competition Act.
- iv. Practices and transactions governed by the Competition Act
 - a. Restrictive horizontal practices
 - b. Restrictive vertical practices
 - c. Abuse of Dominance
 - d. Mergers
- v. Other Important Enforcement and Administrative Procedures
 - a. Corporate Leniency
 - b. Exemptions
 - c. Criminalisation of Cartel Conduct
 - d. Market Inquiries
 - e. Private Damages Claim

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