

# University of Pretoria Yearbook 2021

## 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

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## 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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