



# University of Pretoria Yearbook 2023

## Law of competition 420 (SCL 420)

**Qualification** Undergraduate

**Faculty** [Faculty of Law](#)

**Module credits** 10.00

**NQF Level** 08

**Programmes** [Bachelor of Laws \[LLB\]](#)

**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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## Regulations and rules

The regulations and rules for the degrees published here are subject to change and may be amended after the publication of this information.

The [General Academic Regulations \(G Regulations\)](#) and [General Student Rules](#) apply to all faculties and registered students of the University, as well as all prospective students who have accepted an offer of

a place at the University of Pretoria. On registering for a programme, the student bears the responsibility of ensuring that they familiarise themselves with the General Academic Regulations applicable to their registration, as well as the relevant faculty-specific and programme-specific regulations and information as stipulated in the relevant yearbook. Ignorance concerning these regulations will not be accepted as an excuse for any transgression, or basis for an exception to any of the aforementioned regulations.

#### **University of Pretoria Programme Qualification Mix (PQM) verification project**

The higher education sector has undergone an extensive alignment to the Higher Education Qualification Sub-Framework (HEQF) across all institutions in South Africa. In order to comply with the HEQSF, all institutions are legally required to participate in a national initiative led by regulatory bodies such as the Department of Higher Education and Training (DHET), the Council on Higher Education (CHE), and the South African Qualifications Authority (SAQA). The University of Pretoria is presently engaged in an ongoing effort to align its qualifications and programmes with the HEQSF criteria. Current and prospective students should take note that changes to UP qualification and programme names, may occur as a result of the HEQSF initiative. Students are advised to contact their faculties if they have any questions.