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Portfolio
Concept Map

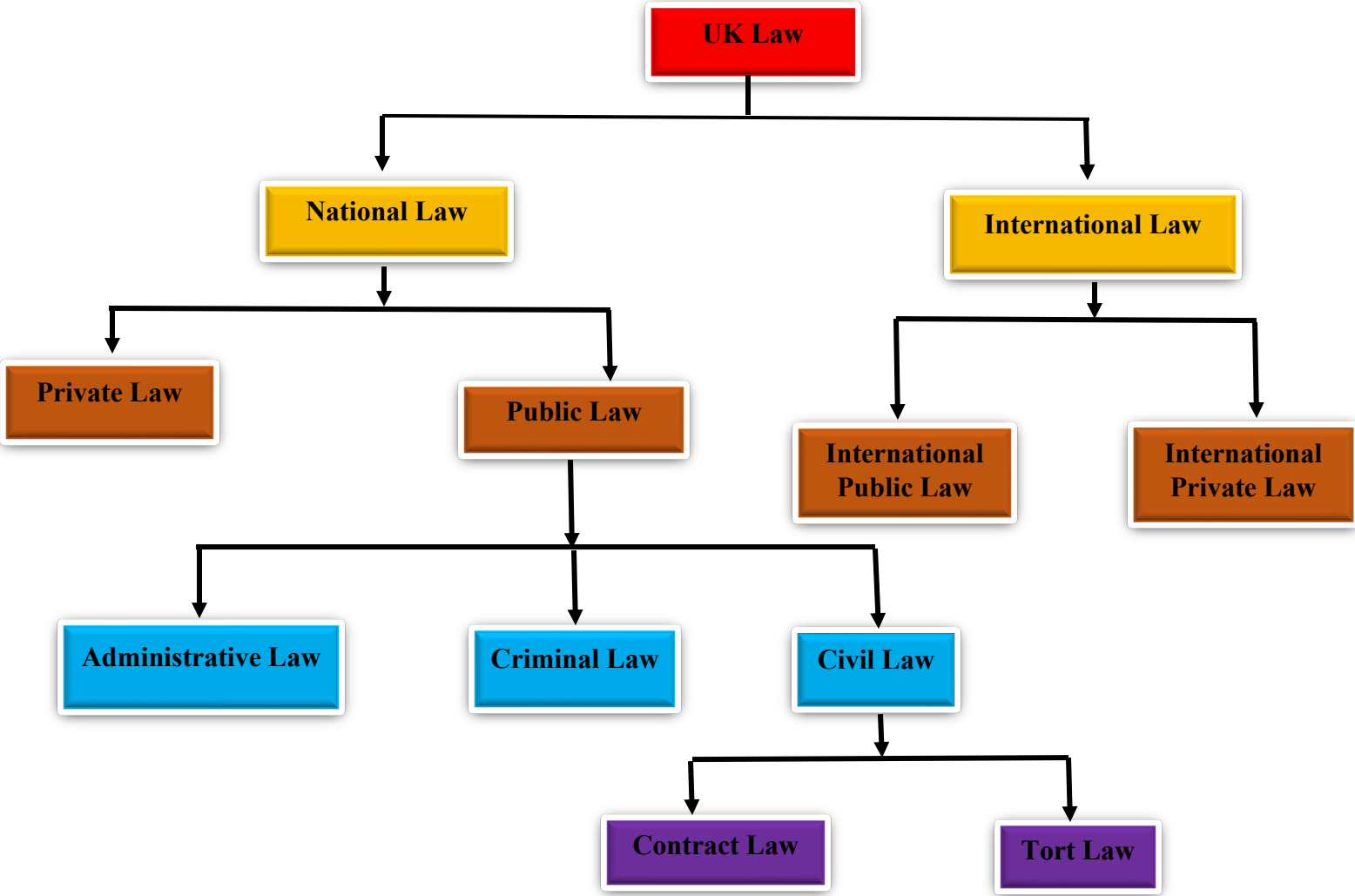


Figure 1: Concept map of different types of laws in the UK.

The United Kingdom (UK) is a constitutional monarchy where the Head of State is currently the Queen (part of the monarch) rather than the president. The roles, functions, and power are considered via convention, among them being that the monarch should be neutral politically (Bodleian Libraries 2021). The UK has three legal systems for England and Wales, Scotland, and

Northern Ireland (Rab 2021). The former two nations use the common law system combining the approval of legislation by parliament, which includes the Monarch, House of Commons, and House of Lords, and the creation of precedents via case law (Rab 2021). The House of Commons is elected the population, with the Prime Minister being a traditional member of the House (Rab 2021). On the other hand, the judiciary is appointed to control the Court System and case law and is separate from the Parliament (Bodleian Libraries 2021). However, these systems are the UK law emanating from applicable laws to the UK, including its citizens. The UK law is summarized in the concept map highlighting the different types of laws governing the UK [Figure 1].

International law: This law comprises principles and rules that govern the relationships and dealing of countries with each other, including the relationship between individuals and states, including international organizations' relations (Legal Information Institute n.d.).

International public law: The law is concerned with questions regarding the rights between nations, nations and citizens, and/or other nations' subjects (LII n.d.).

International private law: The law is concerned with the controversies between private individuals that emerge from situations significantly tied to multiple nations (LII n.d.).

National law: This is also known as domestic law and are the existing principles and rules governing a specific nation/state often entrenched in the constitution (Clegg et al. 2016, p. 3).

Private law: This is concerned with the relations between persons with each other: private relationships between citizens and firms which are not important to the public (The Open University 2020).

Public law: These are rules regulating the relationships between private individuals and the state, and they are prepared and imposed on behalf of the community by the government (The Open University 2020).

Administrative law: These are laws that guide the government's executive branch and its departments in the activities and primarily deal with the powers of the government (Craig 2015, p. 12).

Civil law: These are rules where certain behaviors/actions, for instance, traffic violations, are punished by the state for ensuring the protection and safety of the state (Slater and Gordon Lawyers 2020). These laws do not significantly emphasize the precedent but rather focus on the law's codification and are dependent on written statutes including other legal codes which are consistently updated and that establish the procedures for legal cases, punishments, and admissible evidence in court (Cromwell 2019).

Criminal law: These are laws employed to establish legal solutions when there are conflicting persons, for instance, in a divorce/lawsuit (Slater & Gordon Lawyers 2020). The law hence offers a definition of the criminal offenses and regulates suspect's apprehension, charging, and trial, including fixing the penalties and applicable treatment for convicted offenders (Norton 2020).

Contract law: The laws here deal with contractual agreements between multiple parties and the penalties for breaching the agreement (Allen & Overy Lawyers 2016). A contract herein is an agreement that gives rise to obligations that can be enforced/recognized by law (Allen & Overy Lawyers 2016). The agreement here is between two/more person that creates reciprocal legal obligation between the parties either to engage or not engage in specific activities (Allen & Overy

Lawyers 2016). However, it is critical to note that not every agreement can be enforced through the law.

Tort law: These laws handle civil wrong perpetrated by one entity/person to another and causes an injury/unliquidated damage (Laver n.d.). A tort is described as an act/omission that results in an injury/harm to another person and amounting to a civil wrong that courts can impose liability (LII n.d.). Injury herein refers to the invasion of one legal right while harm is a loss/detriment in fact suffered by an individual (LII n.d.).

Factsheet Summarising Contract Laws in European Union (EU) and the UK

Factsheet of the Summary of the EU and UK contract laws

Definition	The laws governing the agreement between private parties which creates mutual obligation (Information Institute n.d.). A set of promises which can be enforced by the law (Collins 2008, p. 208). Laws that offer a remedy to the breach of a promise/set of promises or the breach in the performance of a duty (Srivastava 2020, p. 88). Legal rule via private regulation forming rights and duties that are enforceable in court (Brownsword et al. 2017, p. 348).
Types of contracts	Oral, written, and partially oral and written (Poole 2016).
Users	Anyone conducting business (Poole 2016). Companies and consumers when purchasing and selling goods (Poole 2016). Those licensing products/activities (Poole 2016). Those entering into employment and insurance agreements (Poole 2016). Lawyers and any parties entering an agreement (Poole 2016).
Application	When licensing products/services (Poole 2016). In employment contracts (Poole 2016).

	In insurance contracts (Poole 2016).
Sources	Statute of Frauds: In England, this is considered the source of contract law. The Statute was enacted in 1677 in the country and has been adopted in different forms, which today form the Statutory Law (Law n.d.).
	Common/Case Law: This is law derived from judicial decisions rather than statutes; therefore, they are unwritten laws founded on legal decisions made by the court (Poole 2016).
Primary Sections	Offer, acceptance, consideration, and the intention to create legal relations (Allen & Overy Lawyers 2016).

The Concept of Intellectual Property

Intellectual property (IP) are the mental creations of persons, for instance, inventions and innovations, literature, artwork, designs, symbols, names, and images used for commercial purposes (Mazzarol & Reboud 2019, p. 485). Therefore, IP law relates to laws for protecting and enforcing the rights of creators and those who own inventions, writing, music, designs, and other novel works (Grama 2020, p. 251). The objective of IP law is to encourage creativity and the development of a broad range of intellectual goods and services by giving businesses and people the rights to the information and intellectual goods/services they often create for a limited time; however, in other instances, the protections may be indefinite (Grama 2020, p. 251). There are various forms of protection/rights provided to IP under IP law, and these are summarized in the table below.

Table summarizing existing rights/protection provided under IP law.

IP Rights Protections	Description	Features	Examples
Copyright	The rights/protections offered to creators under IP law over their	Divisible, transferable, intangible asset lasting for a	Books, music, paintings, sculpture

	literary and/or artistic work (World Intellectual Property Organization n.d.).	limited period, restricts unauthorized use of another person's work, offers automatic protection, is suable, and creates financial benefits (Canadian Institute of for Knowledge Development 2020).	and films, computer programs, advertisements, maps, and technical drawings, to mention a few (WIPO n.d.).
Patents	An exclusive right is given for an invention; hence the inventor has the right to determine how/whether the invention can be used by other parties (WIPO n.d.).	Novelty, usefulness, and not obvious (DeBie 2009).	Pen with a scanner, Steel kidneys, The blood rocker, and Breastfeeding shirts (Swedish Intellectual Property Office 2014).
Trademark	A sign that can distinguish the goods/services of one enterprise from others (WIPO n.d.).	A mark, including a device, heading, brand, label, ticket, signature, word, letter, name, numeral, packaging, or color combinations or any combination of the attributes above, is easily spoken/spelled, memorable, short and simple, unique, coined words, suggestive, and permitted under IP laws (Intellectual Property Office n.d.).	Brand names, product names, Company logos, and Slogans (UpCounsel 2020).
Industrial designs	They are ornamental/aesthetic elements of an article (WIPO n.d.).	The dimensions of the element: three/two dimensions (WIPO n.d.).	Patterns, lines, color, shape, or

			surface (WIPO n.d.).
Geographical indications/appellations	These are signs used on goods from a particular origin and have the qualities, reputation, or attributes specific to the place of origin (WIPO n.d.).	Name of where the goods originated from (WIPO n.d.).	Made in China, Made in Thailand, or Made in Japan.
Trade secrets	These are rights to confidential information that may be sold/licensed (WIPO n.d.).	Private, have economic value and are actively protected (Frankenfield 2021).	Google's search algorithm and Coca-Cola formula (Frankenfield 2021).

Interview

(a)

At the core of consumer protection is recognizing that every individual has the right to access goods and/or services that are safe and of high quality. In addition, they should receive fair treatment, and where a wrong is done to them, they should be provided with effective solutions. To ensure consumer protection, various consumer protection laws have been established to prevent firms from engaging in fraudulent or non-specific unfair business practices to gain competitive advantage or mislead consumers (Department for Business Enterprise & Regulatory Reform 2008). The most recent Act is the Consumer Rights Act 2015 enforced on 1st October 2015 (Flynn & Broadhurst 2019). The Act consolidated and replaced the following Acts, Sale of Goods (1979), Trade Description (1968), Supply of Goods and Services (1982), Consumer Protection (1987), and the General Product Safety Regulations (1994) (French 2021).

The introduction of the Consumer Rights Act 2015 has been accompanied by numerous benefits, among them, being providing more strength, including the modernization of consumer rights in the country (French 2021). In addition, the Act has provided greater clarity and eased the understanding of the consumer protection laws (Citizens Advice 2021). The implication here is that consumers can purchase, and firms can confidently sell goods and services (Citizens Advice 2021). Further, in case of disputes, the current Act allows for rapid and inexpensive dispute resolution. For instance, it has provided alternative channels for dispute resolution, such as via the Ombudsman, which allows a quicker and more affordable dispute resolution approach than the court system (Citizens Advice 2021). Moreover, the changes apply to all consumers and businesses directly selling to them (Citizens Advice, 2021).

Furthermore, by consolidating the previous Acts, the 2015 Act strengthened the legislation of rights and remedies tied to consumer products and services, for instance, by providing new rights and remedies regarding digital content to the consumers (French 2021). Also, the reforms inherent in the Act have made significant changes tied to unfair practices in customer contracts and has added more legal provision tied to secondary ticketing sales (French 2021). In addition, the transparent rights bass has offered consumers in the UK an opportunity for making an optimal decision that ensures they save time and money (Flynn & Broadhurst 2019). Notably, the remedies and rights of consumers have significantly improved through the changes in definitions. In the Act, a consumer is described as a person working for purposes completely/primarily outside the areas of trade, profession, or business (Flynn & Broadhurst 2019). This definition is broader than the previous definition that considered consumers but operated mainly compared to wholly for purposes unrelated to business (Flynn & Broadhurst 2019). Moreover, fully refundable laws have also changed. Under the new Act, consumers have a 30-day window to be fully refunded for

defective products, which is significantly more compared to previous Acts (French 2021). The refunds can also be made for second-hand products purchased from a retailer (French 2021). Finally, digital content, for instance, music and films purchased online, are also refundable if they do not work correctly and in case they introduce a virus to the consumer's device (Flynn & Broadhurst 2019).

(b)

Employment laws govern the employer-employee relationship. The laws offer guidelines to the actions of employers and employees within the working environment. These laws are enforced to ensure fair practices towards employees in every firm, for instance, when recruiting and terminating employees, making it crucial for businesses in the country to implement employment laws to guide their engagement with employees. A lack of or poor implementation of these laws would result in unfair/illegal employment practices.

The UK has multiple laws, including the Employment Rights Act 1996, an updated version of the country's labour law, and comprises the termination, paternity and maternity leave, and unfair dismissal rights (Croner 2020). In addition, there is the National Minimum Wage Act 1998 that sets the employees and employers National Minimum Wage (NMW) in the country (Croner 2020). Furthermore, there is the Maternity and Parental Leave, etc. Regulations 1999, which is a statutory legislation governing time spent outside work (Croner 2020). Moreover, there is the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, a labour law measure requiring employees under part-time contracts to be treated the same way as persons on full-time contracts and doing similar work (Croner 2020). In addition, there is the Transfer of Undertakings (Protection of Employment) Regulations 2006, which protects the rights of current employees,

including the employment contracts/promises during the company's transfer (Croner 2020). There is also the Equality Act 2010, which prevents workplace discrimination, including discriminative practices during recruitment, and the Agency Workers Regulations 2010, which is a statutory legislation preventing the discrimination of employees working for employment agencies.

Finally, there is the Employment Relations Act 2004 that is an amendment of the Employment Relations Act 1999 and was enacted on 16th September 2004. This has allowed the country's government to fund the operations of trade unions and the union's federations (Hall 2004). The Act's primary focus compared to the previous Act is the establishment of statutory processes for recognizing trade unions for collective bargaining (Hall 2004). Despite the previous Act being properly operational, it was noted that it was possible to improve the recognition process and make trade union advancements in multiple areas (Hall 2004).

The scope of the 2004 Act includes implementing the European Court of human rights analysis to ensure the clarity of the union members' rights to use the union's services (Hall 2004). In addition, it has improved the process of statutory recognition as it offers a more precise description of the purpose of collective bargaining (Hall 2004). Moreover, improvements have been made to the statutory recognition process through a more concise description of the purpose of bargaining (Hall 2004). Furthermore, it offers employee termination protection where there is a possibility of legal action through the extension of the protection period from 8 to 12 weeks and has also extended the lockouts of protection by 12 weeks (Hall 2004). Moreover, it clarifies the companion role regarding grievance and disciplinary committee, and racism-related activities are also strengthened within the Act as provoked by trade unions (Hall 2004). Finally, the Act offers new protections against dismissal for employees and has enhanced the provision of the NMW (Hall 2004).

Infomercial

(a)

Various types of business exist and vary depending on the ownership and registration requirements. As discussed below, the types of businesses are sole proprietorships, partnerships, limited liability companies, and corporations and have varying legal implications.

Sole proprietorship: This is an incorporated firm with a single owner and is a simple business with minimal legal and financial protection to the owner (Corporate Finance Institute n.d.). Compared to partnerships and corporations discussed later, the owner is not legally separate from the business; hence the business identity is shared with the owner (CFI n.d.). Therefore, the owner has full liability; however, the business is easy to establish with minimal legal requirements and costs.

Partnership: This is a business formed by two or more persons (CFI n.d.). In such a business, the flow via taxation advantage is taken by the partners similar to sole proprietorships; therefore, income is considered to be that of the owners hence taxed once, and the owners become responsible for the liabilities of the company (CFI n.d.).

Limited liability Company (LLC): This is a hybrid business and shares attributes inherent in partnerships and corporations. The LLC can take tax benefits of partnerships and LLCs and benefit from the limited liability status (CFI n.d.). The company is deemed separate from the owners, who are hence not liable for the firm's liabilities and operations (CFI n.d.).

Corporations: This is a business that is separate as an entity from its owners (CFI n.d.). Hence, the owners are not personally responsible for the obligations and legal issues related to the

company (CFI n.d.). Corporations are increasingly complex than the other forms of business, and the shareholders have limited liability and minimal engagement with the firm's operations (CFI n.d.).

(b)

A company's formation process refers to the procedures for incorporating a business (Bagrial 2009, p. 79). This is the critical first step of establishing a business with numerous legal requirements and procedures at the start (Bagrial 2009, p. 79). Therefore, all legal requirements should be met before launching the business, and each company must follow an established process to commence. The formation process comprises for stages discussed below.

Promotion: This is the first stage and involves all activities required for building the enterprise, including its organization and strategies for executing the business plan (Bagrial 2009, p. 79). Promotion is critical in creating awareness of the business products and/or service and a positive perception of the business (Bagrial 2009, p. 79). Consideration should be made on the best approaches for promoting the company's ideas, and the development of an effective and attractive strategy is critical (Bagrial 2009, p. 79).

Registration: A firm exists when it is registered, and the company formation becomes complete after it is registered under the Companies Act (Bagrial 2009, p. 79). Registration requires several documents that include the Memorandum of Association (MOA), Articles of association (AOA), directors list, director's written consent, and statutory declaration (Bagrial 2009, p. 79).

Re-registration: This process involves making amendments to the company's legal status, and the revised certificate is given to the company's house and contains the company's new legal status, name, and date of re-registration (Bagrial 2009, p. 79).

Commencement: This stage occurs after the company receives the certificate of incorporation for private companies and after receiving the certificate of commencement for public companies (Bagrial 2009, p. 79).

(c)

An agent from a legal perspective is an individual that has legal permission to act on behalf of others/an entity (Principal) (Rendtorff,2017, p. 231). They can negotiate on behalf of the company/client and enter into agreements on behalf of the Principal and a third party as per agency law (Rendtorff 2017, p. 231). The law is often applicable in contractual settlements and commercial relationships. For example, in employer-employee relationships, the employer provides the employee with the right to perform the company's activities on their behalf. The agency law has three parties: the Principal, agent, and a third party (Pathak 2013, p. 408). Therefore, it is focused on different relationships within and outside the company (Pathak 2013, p. 408). The relationships include Principal-agent, Principal-third party, and agent-third party (Busch et al. 2016, p. 248). Therefore, the law acts as a contract by one party to trust another to engage in the business operations on its behalf. The law can be established in multiple ways: oral and written express settlement, inference, and the Principal's conduct (Busch et al. 2016, p. 248). According to the law, one cannot become an agent on behalf of another without having permission (Busch et al. 2016, p. 248). The agency conducts all prearranged human and commercial activities, and the firm cannot exist without having an agent and agency law (Busch et al. 2016, p. 248). For

example, Toyota Motors manufacturing cars in India, but the activities conducted by the same company in other countries can not be linked to the Indian firm.

Memo

Memorandum

To:

From:

Date:

Subject: Mergers and Acquisition for Market Domination/Survival and the Competition Act 1998 and EU Competition Law as Barriers.

Mergers and acquisitions have been effective strategies for ensuring market dominance and survival for organizations. However, with the Competition Act 1998 and EU Competition Law, challenges have been experienced in engaging in mergers/acquisitions. The purpose of this

memorandum is to make a case for mergers and acquisitions for market dominance/survival and highlight how and why the Competition Act 1998 and EU Competition Law act as barriers to mergers and acquisitions.

In the UK, significant legislative changes have been made over the years to adopt the competition law to the market demands and developments, including the implementation of the European Commission (EC) Legislation. Multiple Acts have been enforced, among them being the Competition Act 1998, which repealed nearly all the provisions in the Competition Act 1980. Therefore, competition regulation in the UK is mainly through the Fair-Trading Act 1973, the Competition Act 1998, and the EC Legislation. The legislation is implemented/directly applied, for instance, European Council Regulations.

The laws within this jurisdiction refer to mergers and monopolies under the 1973 Act, anti-competitive agreements, and dominant position abuse under the 1998 Act. The 1998 bans agreements are considered to be against competition between firms where businesses can, for instance, not get into an agreement with their competitors to fix prices/trading terms, such as minimum price/price increases. In addition, firms cannot agree with their competitors to limit production for competition reduction. Any agreement restricting competition is contained in the Act, especially for firms with a significant market presence but including for smaller firms.

Therefore, such legal requirements prevent companies from merging or the engagement in acquisition as this is deemed to be unfair competitive practices.

Sincerely,

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