



COURSE DATA

DATA SUBJECT

Code: 35845
Name: Legal aspects of marketing and advertising
Cycle: Undergraduate Studies
ECTS Credits: 4.5
Academic year: 2026-27

STUDY (S)

Degree	Center	Acad. year	Period
1313 - Degree in Business Management and Administration	Facultat d'Economia	4	First quarter

SUBJECT-MATTER

Degree	Subject-matter	Character
1313 - Degree in Business Management and Administration	Legal aspects of marketing and advertising	ELECTIVES

COORDINATION

CUESTA LOPEZ JOSE VALERIANO

SUMMARY

The Legal Aspects of Marketing and Advertising subject is taught in the first semester of the fourth year of the Bachelor's Degree in Business Administration and Management as an elective in the Business Management curricular itinerary.

This subject is important in the training of the student since it introduces him to the basic legal concepts necessary to know the legal regime of advertising and marketing.

It is intended that the Graduate in Business Administration and Management know the fundamental concepts and the regulations applicable to advertising activity.

The student must also know the legal regime of sales promotions, product design, brands, sponsorship and patronage contracts, intellectual property and sales techniques.

From these data we can point out as essential points of the subject the following:

Legal control of advertising. Illegal advertising in our legal system. Knowledge of the elementary aspects of the regulations on the design of products and their distinctive signs as ways of presenting products to the consumer. Sponsorship and patronage contracts, and the transmission of industrial and intellectual property. Regulation of sales techniques, especially off-site, remote and electronic sales.

PREVIOUS KNOWLEDGE

RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE



There are no specified enrollment restrictions with other subjects of the curriculum.

OTHER REQUIREMENTS

COMPETENCES / LEARNING OUTCOMES

1313 - Degree in Business Management and Administration

Acquire interdisciplinary knowledge of the company and its social, economic, institutional and legal environment, and of the basic elements of the management process, such as organisation and administration, accounting, taxation, operations, human resources, marketing, financing and investment.

Be able to adapt to new situations.

Be able to analyse and search for information from different sources.

Be able to learn autonomously.

Be able to make decisions.

Be able to work in a team.

Demonstrate capacity for analysis and synthesis.

Have critical and self-critical capacity.

Have initiative and entrepreneurial spirit.

Know the basic concepts and legal regulations of marketing, advertising, sales, sponsorship and patronage.

Manage time effectively.

Show creativity.

DESCRIPTION OF CONTENTS

1.

2.



- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

WORKLOAD

PRESENCIAL ACTIVITIES

Activity	Hours
Theory	22,50
Classroom practices	22,50
Total hours	45,00

NON PRESENCIAL ACTIVITIES

Activity	Hours
Attendance at other activities	0,00



Individual or group project	30,00
Independent study and work	0,00
Preparation of lessons	10,00
Preparation for assessment activities	20,00
Resolution of case studies	7,50
Total hours	67,50

TEACHING METHODOLOGY

The appropriate methodology for teaching the subject of Commercial Law combines the lectures with the active work of the student, both in the theoretical classes and in the practical, through the completion of exercises and presentation of work.

The active work of the student is basic to achieve the objectives described in the learning results, for this, it is recommended to prepare the different subjects before the corresponding face-to-face class. The teacher will not explain all the issues that make up the syllabus, but will focus the class on the most complex issues of each of the lessons and will not limit himself to repeating the information contained in the legal texts, which the student must learn to handle, and in the basic bibliography.

In addition, students will carry out in groups and present orally, a work on one of the topics that make up the program.

In the practical part, the materials included in the practical dossier will be worked on in class. Individual and team work will be encouraged in order for the student to acquire the ability to identify legal sources for the resolution of the practical cases raised, promoting in any case the capacity for analysis and synthesis.

EVALUATION

The subjects that make up this subject will be evaluated based on the consideration of the following aspects:

Synthesis test that evaluates the level of achievement of the learning results and especially those focused on the specific competences of the subject with respect to content and application. The percentage of the synthesis test will represent 60% of the total of the final assessment and will be divided into two parts, theoretical and practical.

Continuous evaluation of the student: based on their participation and involvement in the teaching-learning process. The continuous evaluation will be carried out through seminars, resolution of cases and other activities oriented to the practical application of the theoretical contents. The preparation of works / reports and / or oral presentations will also be included, with defense of the positions developed by the student. This section will represent 40% of the total assessment of the subject.

Continuous assessment activities (directed or complementary) will not be recoverable on second call when, due to their nature, it is not possible to design a test that assesses the acquisition of learning results on second call. This fact will be determined in the annex of the teacher who will specify the directed and complementary activities that will be carried out within the framework of this teaching guide.

To pass the course it is necessary to have passed the synthesis test, which will be unique for all groups. Although the continuous evaluation has been followed, totally or partially, if the student does not appear for the final evaluation test, the note that will be included in the minutes will be NOT PRESENTED. Exceptionally, if the student requests it, and in view of the circumstances of the specific case, they may qualify with SUSPENSO, with the percentage mark resulting from the continuous evaluation.

The minimum qualification in the global calculation will be 5 points.

In case of not passing the synthesis test, the grade that will appear in the minutes will be determined from the weighted sum of the scores obtained in continuous evaluation and final synthesis test without, in any



case, exceeding 4.5 (failure).

The date of the exam will be determined by the CAT and approved by the Center Board.

Regardless of the general evaluation system (written or oral), the teacher may determine in the annex the possibility of changing the examination system when he is forced to take the objective test on dates other than the official one in application of the rules provided for case of coincidence in the dates of examinations in the Regulation of evaluation and qualification of the University of Valencia.

REFERENCES

- PRINCIPIOS DE DERECHO MERCANTIL, Fernando Sánchez Calero, Editorial MacGraw-Hill.
INTRODUCCIÓN AL DERECHO MERCANTIL, Francisco Vicent Chuliá, Editorial Tirant lo Blanch,
INSTITUCIONES DE DERECHO MERCANTIL, Fernando Sánchez Calero, Editorial MacGraw-Hill.
LECCIONES DE DERECHO MERCANTIL, Guillermo J. Jiménez Sánchez, Editorial Tecnos.
MANUAL DE DERECHO MERCANTIL, Manuel Broseta Pont, Editorial Tecnos.
- AA.VV, Comentarios a la Ley de Competencia Desleal (dir. BERCOVITZ RODRIGUEZ-CANO), Thomson-Aranzadi, 2011. AA.VV, Comentario a la Ley de Marcas, 2ª edición, (dirs. BERCOVITZ RODRIGUEZ-CANO y GARCÍA-CRUCES GONZÁLEZ, J.A), Thomson-Aranzadi, 2008. BERCOVITZ RODRÍGUEZ-CANO, A. "Algunas nociones preliminares para el estudio del Derecho de Patentes, Revista de Derecho Mercantil, núms. 105-106, 1967, págs. 79 a 142. BERCOVITZ RODRÍGUEZ-CANO, A. "La competencia desleal, Derecho de los negocios, Año nº 3, Nº 20, 1992, págs. 1-12. BERCOVITZ RODRÍGUEZ-CANO, A. Denominaciones sociales, signos distintivos de la empresa y nombres de dominio, Libro homenaje al profesor Fernando Sánchez Calero, Vol. 1, 2002, págs. 3-23. BERCOVITZ RODRÍGUEZ-CANO, A. Los códigos de conducta, la autorregulación y la nueva Ley de Competencia Desleal, El Derecho Mercantil en el umbral del siglo XXI: Libro homenaje al Prof. Dr. Carlos Fernández-Novoa (coords. Gómez Segade, García Vidal, Olivencia Ruiz), 2010, págs. 271-280. BERCOVITZ RODRÍGUEZ-CANO, A. Marcas y derecho de autor, Revista de Derecho Mercantil, nº 240, 2001, págs. 405-419. BERCOVITZ RODRÍGUEZ-CANO, A. Introducción a las marcas y otros signos distintivos en el tráfico económico, Aranzadi, 2002.
- BOTANA AGRA, M. J., España: Precisiones del Tribunal Supremo (Sala de lo Civil) sobre el término a quo del plazo de prescripción de las acciones en el ámbito de las Marcas y de la Competencia Desleal (Noticia), ADI 30 (2009-2010), págs. 1114-1117. CORREDOIRA Y ALFONSO, L., El Patrocinio, Bosh, Barcelona, 1991. COUSIDO GONZÁLEZ, M.P., Derecho de la comunicación audiovisual y de las telecomunicaciones, Colex, 2001. COUSIDO GONZÁLEZ, M. P., Derecho de la comunicación en Internet, Colex, 2001. CUESTA RUTE, J. Mª., Curso de Derecho de la Publicidad, Universidad de Navarra, Pamplona, 2002. CUESTA RUTE, J. Mª., Régimen jurídico de la publicidad, Tecnos, 1973. DÍAZ MARTÍNEZ, A., Publicidad, medicina y protección de consumidores, ADI 31 (2010-2011), págs. 81-108. DIEZ PICAZO, L., El contrato de esponsorización, Anuario de Derecho civil, tomo IV, 1994, págs. 5-15. GARCÍA INDA, A., Régimen jurídico de la actividad publicitaria de las Administraciones Públicas, Revista de Autocontrol de la Publicidad, nº 69, 2002, págs. 21-30. GARCÍA VIDAL, A., Derecho de marcas e Internet, Tirant Lo Blanch, 2002. GARCÍA VIDAL, A., Publicidad ilícita y competencia desleal: [comentario a la sentencia de la Audiencia Provincial de Madrid (Sección 28.ª), núm. 18/2008, de 24 de enero], ADI 28 (2007-2008), págs. 703-724.



- GARCÍA VIDAL, A., Unión Europea. Inclusión en la publicidad de medicamentos dirigida al personal facultado para prescribirlos o dispensarlos de información sobre el medicamento que no está incluida en la ficha técnica (Noticia), ADI 31 (2010-2011), págs. 968-969. GOMEZ LOZANO, M^a M. El tratamiento de la imagen de la mujer en la publicidad: el asunto Dolce&Gabbana, en Igualdad efectiva entre mujeres y hombres: diagnóstico y prospectiva (coord. por Ana María Pérez Vallejo, 2009), págs. 488-496. GONZÁLEZ FERNÁNDEZ, M^a B., Creaciones publicitarias y uso marcario de los elementos definitorios de una campaña publicitaria, en Marca y Publicidad Comercial, Martínez Gutiérrez, A. (dir.), La Ley, Madrid, 2009, p. 755- 775. JIMENEZ DE PARGA, R., Otras modalidades de publicidad desleal: la publicidad confusionista y la protección de las creaciones publicitarias, Revista Autocontrol Publicitario, núm. 63, 2002, págs.. 16-26. LAZARO SÁNCHEZ, E. (coord.), Comentario a la Ley General de Publicidad, Civitas, 2009. MARCO ARCALÁ, L. A. / RUS ALBA, E., El nuevo marco jurídico de los argumentos ecológicos y medioambientales en la publicidad: entre la regulación y la autorregulación, ADI 30 (2009-2010), págs. 323-349. MARTÍN GARCÍA, M.L., La publicidad. Su incidencia en la contratación, Dykinson, 2002.
- MASSAGUER FUENTES, J., Publicidad comparativa, MASSAGUER FUENTES, J., Régimen legal de la publicidad de alimentos, Autocontrol, núm. 94, 2005. MASSAGUER FUENTES, J., Las prácticas comerciales engañosas en la Directiva 2005/29/CE, Actualidad Jurídica Uría Menéndez, núm. 13, 2006. MENDEZ R./VILALTA, A., La publicidad ilícita: engañosa, desleal, subliminal y otros, Bosh, 1999. MIGUEL ASENSIO, PEDRO A.: Régimen jurídico de la publicidad transfronteriza, Iustel, 2005. MIRANDA SERRANO, L. M^a., "La Marca Comunitaria. [Comentario al Reglamento CEE núm. 40/94 del Consejo, de 20 de diciembre de 1993, sobre la Marca Comunitaria]", elaborado en su totalidad en coautoría con en Prof. Dr. Pagador López, Noticias de la Unión Europea, año XI, número 123, abril de 1995, páginas 51 a 74. ORTUNO BAEZA, M. T., Las condiciones de licitud de la publicidad comparativa tras la Ley 29/2009: Un análisis a la luz de la jurisprudencia comunitaria, ADI 31 (2010-2011), págs. 347-372.
- PALAU RAMÍREZ, F., El consumidor medio y los sondeos de opinión en las prohibiciones de engaño en el Derecho español y europeo (Comentario a la Sentencia del TJCE de 16 de julio de 1998, caso "Gut Springenheide"), ADI 19 (1998), págs. 367-396. PALAU RAMÍREZ, F., La distribución masiva de mercancías mediante regalos publicitarios (Comentario a la Resolución del TDC de 29 de enero de 1999, caso Wilkinson c. Gillete), ADI 20 (1999), págs. 511-532 PERALES ALBERT, A./PÉREZ CHICA, A., Los menores ante la publicidad. RAMOS, F., Autorregulación, mediación y consulta previa, la nueva frontera de la ética publicitaria, ZER, Revista de Estudios de Comunicación, núm. 11, 2001 (<http://www.ehu.es/zer/es/hemeroteca/articulo/autorregulacion-mediacion-y-consulta-previa-la-nueva-frontera-de-la-etica-publicitaria/157>).
- SANTAELLA LÓPEZ, M., Derecho de la publicidad, Civitas, 2003. TATO PLAZA, A., En torno a la reciente evolución de la jurisprudencia publicitaria, Revista de Autocontrol de la Publicidad, núm. 71, 2003, págs.. 41-59. TATO PLAZA, A., Aspectos generales del régimen jurídico de las promociones publicitarias, Revista de Autocontrol de la Publicidad, núm. 60, 2002, págs.. 27-34. TATO PLAZA, A., La publicidad comparativa, Marcial Pons, 1996. TATO PLAZA, A., Aspectos jurídicos de la publicidad en Internet, Revista de Autocontrol de la Publicidad, núm. 42, 2000. TATO PLAZA, A., La reforma del Derecho español contra la competencia desleal: rasgos



generales, ADI 30 (2009-2010), págs. 455-471. VÁZQUEZ PENA, M. J., El nuevo código deontológico de Farmaindustria: un sistema de autorregulación en materia de promoción de medicamentos, ADI 29 (2008-2009), págs. 773-792. VÁZQUEZ PENA, M. J., La ley de publicidad institucional de Castilla y León, ADI 30 (2009-2010), págs. 569-582 VÁZQUEZ PENA, M. J., La Ley gallega de prevención del consumo de bebidas alcohólicas en menores de edad: especial referencia a la regulación de la publicidad, la promoción y el patrocinio, ADI 31 (2010-2011), págs. 401-422