

LAW EXAM CHEAT SHEET

JUDGES MAKING LAW

★ First Essay Question

EXAMPLE QUESTIONS

1. Do judges make the law? Should they? Do they have more freedom to make law when applying the common law, compared with statutes? How is their power to make law constrained?
2. "Judges in New Zealand have a remarkable amount of discretion to make law; this is inconsistent with the democracy and the rule of law "

Analyse the extent to which judges have the powers to make law, any limits on that power, and the problems associated with it. Refer to cases studied in the course where relevant.

3. In New Zealand, do judges have unchecked power to make law according to **judicial discretion**?
4. Discuss how the common law, equity, statute law and judicial making is relevant to trade mark law.

HOW JUDGES MAKE LAW

COMMON LAW

- Have freedom to develop the law in response to the changing circumstances of society. → Can set new doctrines of precedents when needed.
- Invent foundational things under common law.
 - ◆ E.g. causes of action, negligence and defamation.
- Example: the tort of 'intrusion into seclusion'
 - ◆ *C v Holland* 2012 saw the high court invent this tort.
 - ◆ Entitled to damages when your reasonable expectation of privacy is breached, e.g. sitting in your backyard and having some take and publish pictures of you.

PASSING OFF

- The tort of passing off is part of trade mark law.
- It developed to protect brands.
- Common law developed this tort to prevent various traders from taking advantage of someone else's brand, and 'passing it off' as their own.
- The tort of passing off was set as a precedent in the case of *Perry v Truefit*

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Lei Huang



Judges Cheat Sheet 20classroom Law Project:

Embracing the Song of Term: An Mental Symphony within **Judges Cheat Sheet 20classroom Law Project**

In a world consumed by displays and the ceaseless chatter of instantaneous connection, the melodic elegance and psychological symphony produced by the written word usually fade into the back ground, eclipsed by the relentless sound and distractions that permeate our lives. However, situated within the pages of **Judges Cheat Sheet 20classroom Law Project** a marvelous fictional value overflowing with raw thoughts, lies an immersive symphony waiting to be embraced. Constructed by a masterful composer of language, this charming masterpiece conducts viewers on a psychological trip, skillfully unraveling the hidden melodies and profound impact resonating within each carefully crafted phrase. Within the depths of the touching analysis, we will discover the book is main harmonies, analyze its enthralling publishing design, and surrender ourselves to the profound resonance that echoes in the depths of readers souls.

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