



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE EXPRESS WAY, JABI – ABUJA
FACULTY OF LAW
2021_1 EXAMINATION

COURSE CODE: PPL436

COURSE TITLE: INTELLECTUAL PROPERTY LAW II

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 (COMPULSORY) AND ANY THREE (3) OTHERS. QUESTION 1 (ONE) IS FOR 25 MARKS, OTHERS ARE 15 MARKS EACH

1. (a) Mary is desirous of registering her new invention but does not know the procedure. She has come to you for advice as an expert in industrial property law. Explain to her the nature of a patent and the procedure of granting a patent right.

(b) Explain the right of a proprietor in a trade mark as a property.
2. Precious has just invented automated equipment that can be used to resuscitate spent dead phone batteries. She has been advised to register the patent. The registrar believes that the invention is not obvious and there is nothing completely new about the product as one Mr. Booth from Germany had invented a bigger manual equipment with similar function. Dissatisfied by this decision, Precious is considering going to court. Advise her.
3. (a) Discuss the circumstances under which a trademark can be revoked and the implication of such revocation

(b) Explain what is malicious falsehood. Using the case of *Schulke & Mayr UK Ltd v. Alkapharm UK Ltd* explain the things that plaintiff must prove in order to succeed in an action for malicious falsehood.
4. (a) Define the term trademark

- (b). With the help of decided cases and statute discuss the nature of functions of a trade mark
5. Williams had a joint invention with Joshua which was registered in 2020. While Joshua was undergoing COVID treatment in London Williams assigned the licence to Jacob who currently used it to produce goods for exports to various parts of the world. Joshua found the product in a shop in London and alleges an infringement of his patent right. Advise him.
6. (a) Discuss the requirement for Registrability and Registration of a design.
- (b) Discuss the exceptions to the infringement of a registered design.