



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE EXPRESS WAY, JABI – ABUJA
FACULTY OF LAW
DEPARTMENT OF PRIVATE AND PROPERTY LAW

2020_2 EXAMINATION

COURSE CODE: PPL 435

COURSE TITLE INTELLECTUAL PROPERTY 1

INSTRUCTIONS:

- (a) Indicate your Matriculation Number clearly
- (b) Attempt Question one (1) and any other three questions – four (4) questions in all
- (c) Question one (1) is compulsory and carries 25 marks; while the other questions carry 15 marks each.
- (d) Using appropriate statutory and judicial authorities, present all your points in coherent and orderly manner.

TIME ALLOWED: 3 Hours

QUESTION 1.

Triple T a popular Music band in Nigeria comprising of 3 identical twins are the most talked about Music group in Nigeria and have won various awards together as a group in Nigeria. Recently, the President of Namibia invited Tolu one of the twins to the Namibian Independence Day celebration gala night. While at the gala night, he was convinced to perform for a live audience, which after much persuasion he accepted and got on the stage. He performed hits from the group's albums, and everyone was happy. Taiwo, watching from Nigeria gets angry and wonders why Tolu would perform the songs without their permission. He calls the other 2 twins together and they have decided to come to your law firm.

With the aid of decided cases, discuss the validity of any action and state the ways in which copyrights can be infringed and any remedies available to the parties.

QUESTION 2:

Mr Solomon is an employee of Worldwide Music in its creative arts department. He has risen to become a senior staff and has hands on experience in providing and directing of artists ideas and turning same into money-spinners. On resumption of work, he signed a non-disclosure agreement (NDA), which states that he cannot reveal any of the information he has to any other company as long as he is in the employ of Worldwide Music. He also signs a clause that states that he cannot take up employment with any rival firm without express permission of Worldwide Music, and that if he gets the approval, he cannot reveal any trade secrets from Worldwide Music for the next 4 years of his employment at the new company. Mr Solomon was recently part of a team at Worldwide Music that has come up with some new business ideas that will revolutionize the way music is distributed. Before Worldwide Music is able to launch the product, Mr Solomon applies to leave Worldwide Music and gets their approval to join a rival firm. 2 months after joining the rival firm, AMG records, Worldwide Music finds that AMG records are about to launch a product with similar characteristics as the one it had been developing. They have reached out to

your law firm and seek for advice. With your knowledge of Intellectual Property Rights and using decided cases, discuss the following:

- a) Copyright Laws and Confidential Information
- b) Employer/ Employee Relationship as it relates to confidential information
- c) Trade Secrets
- d) Unauthorized use of information
- e) Official Secrets
- f) Defence and Remedies for breach of confidence

QUESTION 3

Sylvester is an award-winning movie scriptwriter. He recently decided to turn one of his scripts into a novel and has engaged the services of a publishing company to do so. He sends the script to them and it is rejected as not meeting the requirements for publishing set by the company. His script was returned to him after two months. Nine months later, at the Nigerian Novel Writers Award show, he is discovered that the first prize award winner's book "Clap of an Angel" that has sold 2 million copies worldwide and is published by the same publishers that rejected the publication of his book. Upon a closer look, he finds the story to be an exact copy of his script with some little modifications. He places a call to his agent to contact the publishers and has also come to you to advise him. With your knowledge of copyrights please advise him and proffer solutions to his questions with the aid of decided cases and statutory provision.

QUESTION 4

Philip has been thinking of writing a story book. He shared the story line with his bossom friend Google. Google gave him some suggestions on how to improve the story. One year after Google launched a storybook the content of which is similar to the ideas Phillip shared with Google. Philip feels betrayed and wishes to go to court. Advise him

QUESTION 5

In Savory (EW) Ltd v. The World of Golf Ltd (1914) 2. Ch. 244, the court held that a written receipt for card designs 'inclusive of all copyrights' was sufficient to assign copyright to the purchaser.

With the aid of the decided cases discuss

- (a) the nature of assignment of copy right
- (b) The difference between licensing and assignment
- (c) Pre-Trial Remedies for copy right infringement

QUESTION 6

Discuss the following headings under Copyright law:

- a) Works eligible for Copyright
- b) The Requirement of Originality
- c) The requirement of permanent form