



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_1 EXAMINATION

COURSE CODE: PPL 435

COURSE TITLE INTELLECTUAL PROPERTY 1

CREDIT UNITS: 4

- 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 a coherent and orderly manner.

TIME ALLOWED: 2 1/2 Hours

QUESTION 1.

SlimJim Fashion House has just launched its summer collection for White Shirts which it plans to sell in its Nigerian Law School Outlet. These shirts are particularly suited for Law Students as they are pure cotton and airy. The white shirts also have the iconic lawyer winged collars. It has engraved on the white shirt collars the SlimJim logo “SJF” and also has a signature black stripe down the buttonholes in a style never seen before. All of these designs are contained in a drawing by the artistic director.

After it launches, it discovers that someone is selling the exact kind of shirt they have. Same black stripe, winged collars and logo. They are concerned with how they were able to replicate the designs. Subsequently they discover that someone had stolen the designs from the artistic director and sold to a company which in turn made polyester replicas.

Highlight the nature of Copyright Infringements

QUESTION 2.

Ayden and Jonathan are two poets who met back in Secondary School. They decided to publish an anthology of poems together, both writing half of each poem. After publication, they are having problems with who owns the poems and who can licence it.

- a. Discuss ownership rights under Copyrights
- b. Discuss how they can go about the licensing/assignment of the work

QUESTION 3

Ayden and Jonathan are having problems with Copyrights Infringement by a 3rd party.

Discuss the nature of primary infringement or restricted acts of Copyrights.

QUESTION 4

Discuss defences to Copyrights infringement under:

- a. Statutory defence
- b. Non-statutory defence

QUESTION 5

Mr Afam wrote a poem about mermaids. It's a fictional poem about a mermaid that appeared to him at the riverbank when he was a child. 4 years later, Mr Okon took the poem and rewrote it. He however twisted the poem saying that the character in the poem killed the mermaid. He still leaves Mr Afam's name as the author of the poem.

Mr Afam read the poem and is so angry. He feels that the poem now depicts him in a bad light.

Advice Mr Afam of any rights and remedies available to him.

QUESTION 6

The case of *Donogue v. Allied Newspaper* is famous for the determination that Copyrights protects original forms of expression and not ideas or fact. Using Section 9(3) of the Copyright Act LFN 2004 and other decided cases, discuss the exceptions to this basic rule of Ownership/authorship.