



**NATIONAL OPEN UNIVERSITY OF NIGERIA
UNIVERSITY VILLAGE, PLOT 91 CADASTRAL ZONE
NNAMDI AZIKIWE EXPRESSWAY, JABI, ABUJA
FACULTY OF LAW
DEPARTMENT OF PRIVATE AND PROPERTY LAW
2020_1 EXAMINATION**

COURSE CODE: PPL436

**COURSE TITLE: LAW OF INTERLLECTUAL PROPERTY II / INDUSTRIAL
PROPERTY LAW II**

COURSE UNIT: 4

TIME ALLOWED: 2 ½ HRS

INSTRUCTION: ANSWER QUESTION 1 AND ANY OTHER THREE QUESTIONS.

Question 1 carries 25 marks, each other question carries 15marks. Total=70marks

1. Mary told her dad of her idea to produce unique coffee mugs for her mom's 50th birthday. She showed initial sketches to her boyfriend, Wale. While testing the first mould, it shattered and injured her. She was forced to take time off work for treatment under health insurance paid for by her employers. To cheer her up, Mary's dad deposited the sum of N200,000.00 in her account. After 6 months, dozens of failed attempts and expenditure totalling over N500,000.00, Mary produced a unique mug shaped like '50'. She named the mug 'Aisha' in honour of her mum. Wale encouraged Mary to unveil the mug at the San Francisco design fair and register the design of the mug. Mary's father contends that he is proprietor of the design, having financed it. Wale also contends that he made the mug famous and is entitled to be included as co-proprietor. To Aisha, the mug was named after her and should therefore be registered with her as proprietor or at worst co-proprietor with Mary's dad. Mary's employer has heard about the furore and claims that he design should belong to the company since Mary is still and employee and enjoyed health insurance and time off at the company's expense while designing the mug. Advise the parties. **25 Marks**
2. Differentiate between a process invention and a product invention giving relevant examples.
15 marks
3. Justify the applicability of the term 'industrial property law' in the following scenarios.

- i. Jumbo Foods challenges Food Specialties Limited's application to register the 'Maggi song' contending that it was composed by market women at Oil Mill Market and has been sung by market women all over the South-South region for countless generations.
 - ii. Oodua Peoples Congress pursues the development of Yoruba dance culture through the protection of intellectual property rights in the Bata dance. **15 marks.**
4. The Pope has granted Chinua and twenty other catholic bakers the right to bake communion wafers for use in all catholic churches forever. The grant is valid in every country with no limits on designs or means of production. A grant ceremony is organised every first Sunday of the Church calendar year with similar honour granted to 20 new bakers each year. All grantees enjoy the privilege concurrently regardless of time or location. Chinua contends that the grant is a patent. Do you agree? **15 marks**
5. Coca Cola Plc. describes its' Coke drink as 'a gaseous brownish sugary liquid with a tinge of cocaine to its taste, together with its container to wit: a transparent glass bottle with a red metal cork which is shaped like a voluptuous woman with a red and white ribbon device the phrase 'Coca-Cola is it! Imprinted thereon.' Identify which part of the above description constitutes:
 - i. Patent
 - ii. Design
 - iii. Trademark**15 marks**
6. Guguru established a secondary school named 'Open Secondary School.' The logo of the school is a green shield with a Nigerian coat of arms in a yellow circle at the top and the words 'work and learn' emblazoned in red at the bottom of the shield. He calls his continuous assessment tests and examinations 'TMA' and 'E-exams' respectively. He distributed handbills and paid advertisements on TV claiming that the school is affiliated with the largest 'university' in Nigeria and all arts students are guaranteed admission into the law faculty of the university. He also organised a publicity rally where he played the university's anthem and announced that the VC is coming for an admission visit for all SS3 students in his school. Due to these 'marketing' tactics, admission has increased. Discuss the legal issues. **15 marks**