



NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE EXPRESS WAY, JABI – ABUJA
FACULTY OF LAW
2021_2 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

Question 1

Bobi and Marvel registered their invention as a patent in 2018. In 2020 Marvel assigned the licence to his friend Ham. Ham's food ventures has patent on machines that crush dry beans to powder and has been in use in the company for over a decade. However Marvel assigned a patent to Ham without telling Bobi. The new patent Ham received from Marvel peels the beans before grinding it into powder. Ham has not used it since it was acquired. Early this year Ham showed the machine to Mark who got fascinated by it. Mark reproduced it and started using it for processing and grinding of dry beans for export. After the first two shipments to London Bobi got to know. Bobi was displeased with Marvel and Ham but was too sick to take action. Bobi's brother, who will be the beneficiary of Bobi's share of the patent according to Bobi's Will (Testamentary disposition) decided to file an action in court alleging infringement of the patent. Advice Marvel and Bobi.

(b) Distinguish with the aid of statute and case laws between ownership of a patent and the inventor

Question 2

Jack and Philip were employed by the Glory ventures in 2012. Jack works as a researcher in the Physics lab while Philip was employed as an administrative officer. In 2015 both of them decided to go into research on bottle designs for vaccine protection. In 2019 they came up with

some ground breaking designs which made global news. They wanted to register it in their names but their company insisted that it should be registered in the name of Glory ventures. Advise the Jack and Philip.

Question 3

- (a) Discuss the defences to an action for patent infringement
- (b) Explain the grounds on which a patent may be revoked.
- (c) What are remedies to a patent infringement?

Question 4

Examine the grounds for the refusal of a trademark.

Question 5

- (a) With the use of decided cases discuss the defences available to a defendant in an action by plaintiff for the infringement of his trademark rights
- (b) With the aid of decided cases discuss the conditions for determining the registrability of a sign as a trademark

Question 6

With the aid of decided cases write notes on the following;

- i. Circumstances under which a trademark could be surrendered.
- ii. Registration of marks generally and in particular olfactory marks
- iii. Rights of Owner and Infringements
- iv. The different industrial property rights available to protect merchandising activities.