

**NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELOW WAY, VICTORIA ISLAND, LAGOS
FACULTY OF LAW
JANUARY 2018**

COURSE CODE: PPL 435

COURSE TITLE: LAW OF INTELLECTUAL PROPOERTY I

TIME ALLOWED: 3 HOURS

INSTRUCTIONS: ANSWER QUESTION ONE AND ANY OTHER THREE QUESTIONS

1. In 2015, Olabode Joshua, a graduate of the prestigious National Open University of Nigeria, wins an award from the Nigerian society for arts and culture for N2, 000,000.00 best sculpture prize with his master piece “obgodo” a giant tin metal sculpture. Mr Joshua says the work reflects the notion that beyond literal legibility and metaphorical ideas, sculptures should be ambivalent in the meaning and identity. The winning “Obgodo” sculpture will be displayed at Freedom Park in Lekki. Judges praised the sculpture as a great intellectual depth and exceptional beauty.

olu shoyinka, a journalist and an art critic writes an article in an art magazine that is highly critical of Mr Joshua’s sculpture. The article includes photographs of a series of a giant tin mental sculptures that look alot like the “obgodo” claiming that they are other works of genius by Babajide otumba.

After a month on display at Freedom Park in Lekki, Emeka Uba, who resides in Lekki near Freedom Park, decides to recreate the “obgodo” in clay in a miniature version. She gives one of the clay sculptures to Kelechi Obi as a wedding gift.

A buyer for ShopRite sees it while visiting kelechi obi after the wedding reception and places an order for 100 more clay sculptures for his store in the palms mall.

- a. Advise the parties as to whether or not any of them have infringed intellectual property rights and any remedies that may be available.

2. In January 2017, Big Brother Najia production released a 60mins DVD documentary into the life of Ese, the winner of the Big Brother Najia show “Big Brother Naija

Ninja”. Through a tip off from an informant at Balogun market, followed up by private investigations, Big Brother Naija discovered that a young man Sule has based his operation at his flat in Ajah. The informant confirmed that Sule had stored 100 creates of pirate “Big Brother Naija Ninja” DVD at his flat.

- a. Critically discuss the benefits of the copyright law regime and its benefits.
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3. Critically analyse the concept of fair dealing under CDPA 1988.
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4. (i) Critically analyse and discuss the traditional justification for the existence of the systems of intellectual property protection?

(ii) Explain with the end of relevant authorities the defences and remedies which could be raised in an action for breach of confidence.
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5. (i) Explain the interim remedies that may be available to a copyright owner before an infringement action comes to trial.

(ii) Discuss the Civil Remedies that may be available to such copyright owner
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6. Jane a well known sopranist gives a live performance of an operatic aria by Mozart, unknown to the sopranist, a member of the audience makes a recording of the performance on a magnetic tape and then makes copies which he sells to the public without the singers’ permission. Advice the rights of the sopranist as to her rights