

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

COURSE CODE: PPL 436

COURSE TITLE: LAW OF INTELLECTUAL PROPOERTY II

TIME ALLOWED: 3 HOURS

INSTRUCTIONS: ANSWER QUESTION ONE AND ANY OTHER THREE QUESTIONS

- 1. It is now settled that an inventor owns a property right in respect of his invention. The central role of the patent system is to guarantee a limited term of protection in return for the inventor's agreement to disclose details of his invention and consequently to abandon his property right in it. Discuss.
- 2(a.) What is the significance of a well known mark protection for the development of passing off.
- 2(b). Explain how an initially distinctive product name may become generic. How can passing off actions help to prevent this?
- 3. Explain with statutory authority and case law, the defences available to the defendant in a registered design case.
- 4(a.) Franks Design was registered in Nigeria March but a few months after it was discovered that patent has been granted in Nigeria as the result of a prior

application or an application benefiting from an earlier foreign priority. The government want to revoke the registration .Frank wants to go to court. Advise him.

- 4(b). Define a patent and trace the historical development of patent law.
- 5(a). With the aid of case law, distinguish between ownership of a patent and the inventor.
- (b.) Write short notes on the following
- i. Patent.
- b. Designs.
- iii. Trademark.

6(a.) What are the Functions and the nature of Trademark

- (b.) Consider whether each of the following could be registered under the provisions of the Trademark Act LFN 2004:
- The sound of a bird for breakfast cereal.
- ii. The red and white colour for a telecommunications company.
 - iii. Heart shape of a soap.