



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**FACULTY OF LAW, DEPARTMENT OF PRIVATE AND PROPERTY LAW**  
**Plot 91, Cadastral Zone, Nnamdi Azikiwe Express Way, Jabi – Abuja**  
**2022\_2 POP EXAMINATION**

**COURSE CODE: PPL435**

**COURSE TITLE: INTELLECTUAL PROPERTY LAW I**

**TIME ALLOWED: 3 HOURS**

**INSTRUCTION: ANSWER QUESTION 1 (COMPULSORY) AND ANY THREE (3) OTHERS. QUESTION 1 (ONE) IS FOR 25 MARKS, OTHERS ARE 15 MARKS EACH**

- 1(a) Murray worked in cosmetics company for some years during which she created some powder recipe which has over the years become very popular among women. She left the company after five years. Recently she ran into a product by the company that looked like her own. She visited the company and protested but the company waived it aside arguing that what the company copied from her was very insignificant, that she was a former employee of the company and what is more that the names are different. Advice Murray on his right to sue against infringement.
- (b) Examine the possible statutory defences that could be available to the company.
- 2(a) The non-statutory defences of copyright infringement are inventions of case law. Explain and discuss with the aid of decided authorities.
- (b) Discuss the permitted acts under infringement
- 3(a) Using the case of *Kotoye v. CBN*, discuss the conditions for the grant of the interim injunction in a case for copyright infringement.
- (b) With the aid of decided authorities, explain the purpose of forum shopping.

4. The Zara hospital authority monitored telephone calls made by high risk patients having violent or dangerous predilection. The monitoring was random and involved about 10% of calls but excluded privileged calls like calls made to patients' legal advisers. One of the patients, Jude has sued for breach of his right to privacy. Explain with the aid of relevant authorities the defences which could be raised in an action for breach of confidence.
5. Maurine a soprano, gives a live performance of an operatic aria by Mozart. One of the spectators recorded the performance on a magnetic tape and then made copies which she sells to the public without the singer's permission. Examine the rights of the soprano.
6. Explain using case law, whether copyright can subsist in formula tables and other computer generated works.