



**NATIONAL OPEN UNIVERSITY OF NIGERIA
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKIWE EXPRESS WAY, JABI ABUJA
FACULTY OF LAW
DEPARTMENT OF PRIVATE AND PROPERTY LAW
2023_1 POP EXAMINATION.**

COURSE CODE: PPL 435

COURSE TITLE: INTELLECTUAL PROPERTY LAW I

TIME ALLOWED: 3 HOURS

**INSTRUCTION: ANSWER QUESTION 1 AND ANY THREE (3) QUESTIONS.
QUESTIONS 1 CARRIES 25 MARKS; OTHERS CARRY 15 MARKS EACH.**

TOTAL = 70 MARKS

QUESTIONS

1. Cardiff was employed by Zenith Xero creations, a leading computer outfit in 2019. However, in 2020 Cardiff got a fantastic offer from Metito Leon Ltd. A clause in his contract of employment stated among other things that he cannot take up employment with any rival firm without express written permission of Zenith Xero creations, and cannot also reveal any trade secrets from Zenith Xero creations for the next 3 years of his employment at the new company. Last year his approval to leave the company and join another rival computer company, Metito Neon Ltd was approved although some of his entitlements was not paid. Last month Cardiff and his team at Metito Leon were able to Launch a well computer product which his former company Zenith Xero creations alleges to be of similar characteristics to what Zenith Xero creations proposed to release into the market few weeks before Cardiff left the company.
 - (a) Zenith Xero creations believes Cardiff has breached their contract agreement and has approached you for advise by way of explanation of the following;
 - i. trade secrets
 - ii. Employer/ Employee Relationship as it relates to confidential information
 - iii. Unauthorized use of information
 - iv. Official secrets
 - (b) Will your answer be different assuming the computer product is yet to be published
 - (c) Possible Defence and Remedies for breach of confidence
2. (a) Discuss the various rights of a performer

3. It has been argued in some quarters that there is really no difference between ownership and authorship of copyright. Do you agree?
4. Philip and Fabulous had a thriving publishing outfit which they established in England some five years ago. The partnership agreement was executed in Ghana where the parties were holidaying at the time. Philip later moved to England but Fabulous remained in Ghana although a Nigerian. The partnership is subject to Nigerian law. The published works are sold mainly in Nigeria, Ghana and United Kingdom. The partners recently had a major disagreement in their business and wish to go to court. With the help of decided cases discuss the issues that will be relevant in determining the proper forum for the adjudication of the case.
5. Discuss the risks associated with the exploitation of intellectual property internationally?
6. Peter has copyright in his recently published book. He has just discovered that the sale is very slow as his main marketer mass produced the book for sale at cheaper price and for personal gains. Peter is very angry and wants to prevent such unjust enrichment. In the light of *Potton Ltd v. York close Ltd* (1990) FSR11. advise Peter.