



**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 436

COURSE TITLE: INTELLECTUAL PROPERTY LAW II

TIME ALLOWED: 3 HOURS

INSTRUCTION: ANSWER QUESTION 1 AND ANY THREE (3) QUESTIONS.

QUESTIONS 1 CARRIES 25 MARKS; OTHERS CARRY EQUAL MARKS.

TOTAL = 70 MARKS

1. (a) Praise has a patent for a process for making optical discs. There were some intermediate steps, including making stampers from which the discs could be mass-produced. Bernard massed produced the product of the patented process but none of the discs was a direct product of the patented process. Praise intends to go to court as he considers the act of Bernard to be an infringement of his right. Bernard argues that he had not infringed the patent because none of his discs was a direct product of the patented process and that a causal link, however important was not sufficient. Advise Bernard
- (b) Discuss the categories of infringement
2. Discuss the defences to an action for trademark.
3. Zena has always believed that the registration of a patent is a very hectic and expensive process. Consequently, she never bothered to have her patent product registered. However, recently she was informed that her friend Sarah has relocated to another town and intends to register a patent that has close resemblance with Zena's own name. Zena has now come under pressure to register her patent. She has come to you for advice on criteria for patentability.
4. Discuss the following international conventions regulating patent.
 - i. Paris convention
 - ii. The Patent Co-operation Treaty(PCT)
 - iii. The European Patent Convention(EPC)
5. Ella always buy her hair products from First Class ventures which has a reputation for selling quality products. Recently she bought a pack of Dr Mayacle hair relaxer believing that it is a Dr Miracle hair relaxer that she normally uses as the colour of the packet and the logo looks the same to her. However, the relaxer didn't give her the

desired result. On closer examination she discovered that the name is slightly different. She has brought an action against Dr Miracle seeking for the Comptroller of

trade mark to revoke the licence. Ella does not understand what a trademark means and its function.

(a) Explain the term trademark.

(b) With the aid of decided cases explain the functions of trademark.

6. (a) With the help of decided cases discuss whether the following products can be registered as trademark

- i. Sound marks
- ii. Shape marks ;
- iii. Colour marks
- iv. Fragrance;