



FACULTY OF INFORMATION TECHNOLOGY
BACHELOR OF BUSINESS INFORMATION TECHNOLOGY/BACHELOR OF
SCIENCE IN INFORMATICS AND COMPUTER SCIENCE/BACHELOR OF SCIENCE
IN TELECOMMUNICATIONS
BCM 4213: INFORMATION TECHNOLOGY AND BUSINESS LAW/BCM 4201:
TELECOMMUNICATION AND BUSINESS LAW/BCM 4201: COMPUTING AND
BUSINESS LAW
END OF SEMESTER EXAM

DATE: May 2021

Time: 2 Hours

Instructions

1. This examination consists of **FIVE** questions.
2. Answer **Question ONE (COMPULSORY)** and any other **TWO** questions.

Question One

The International Telecommunication Union (ITU) is a United Nation Specialized Agency for Information and Communication Technologies. It usually holds after every four years a conference dabbled The Plenipotentiary Conference. This conference consists of the representatives of the Member States of the Union. The Plenipotentiary Conference is the highest policy-making body of the ITU. It is the key event at which ITU Member States decide on the future role of the organization, thereby determining the organization's ability to influence and affect the development of information and communication technologies (ICTs) worldwide. This year in 2018 the ITU Plenipotentiary Conference will meet for the 20th time in Dubai, United Arab Emirates, from Monday, 29 October to Friday, 16 November 2018. You have been recently given a six

months internship at the Ministry of Information Communication Technology and the cabinet secretary has been appointed as one of the Kenya note speakers.

- a) You have been tasked to prepare his speech outlining in detail the three main highlights of the recently enacted Computer Misuse and Cybercrimes Act No 5 of 2018. **(15 Marks)**
- b) The Ministry has recently awarded tenders on supply of computer software. Elaborately discuss three vitiating factors of a contract that should be guarded against to ensure seem less contractual relationships. **(15 Marks)**

TOTAL 30 MARKS

Question Two

Distinguish or differentiate between:

- a) A contract and an agreement **(5 Marks)**
- b) Express and implied terms in a contract **(5 Marks)**
- c) Conditions and warranties **(5 Marks)**
- d) Differentiate between breach and frustration of a contract **(5 Marks)**

TOTAL 20 MARKS

Question Three

Defamation occurs when there is publication to a third party of words or matters containing an untrue imputation against the reputation of individuals, companies or firms which serve to undermine such reputation in the eyes of right thinking members of society generally, by exposing the victim to hatred, contempt or ridicule. The tort of defamation acts to redress unjustified injury to the claimant's reputation and can be divided into two areas, slander and libel. **Ben Evans of Blake and Morgan**

- i) Briefly describe any two defences to the tort of defamation **(6 Marks)**
- ii) Clearly explain two differences between slander and libel **(6 Marks)**
- iii) Critically analyse the four exceptions where slander is actionable without proof of special damage (actionable *per se*) under the Defamation Act Chapter 36 Laws of Kenya. **(8 Marks)**

TOTAL 20 MARKS

Question Four

Mwenye Biashara has recently set up her business in providing hardware and software computer related services. The business environment is highly competitive and this has necessitated Mwenye Biashara to take the initiative and attend trainings on how to build and sustain business brands through the proper development and protection on intellectual property. As a recent graduate with a first class from a reputable private university Mwenye Biashara seeks your advice on the following issues to enable her properly implement what she learned in the training:

- a) What is intellectual property and where can it be bought? **(4 Marks)**
- b) Elaborately clarify any four types of intellectual property that she should invest in to grow her business. **(16 Marks)**

TOTAL 20 MARKS

Question Five

Discuss in detail the role of the following agencies with regards to Information and Communication Technology law in Kenya:

- a) The Ministry of Information, Communication and Technology **(5 Marks)**
- b) Communication Authority **(5 Marks)**
- c) Commission of Administrative Justice (Office of the Ombudsman) **(5 Marks)**
- d) National Computer and Cybercrime Coordination Committee **(5 Marks)**

TOTAL 20 MARKS