

# IPSP033 - Essential Patent Law

Assignment 01 - 721244

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## Declaration

- I know that plagiarism is to use someone else's work and pass it off as my own.
- I know that plagiarism is wrong.
- I confirm that this assignment is my own work.
- I have acknowledged in the bibliography accompanying the assignment all the sources that I have used.
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## NOTE

Please note that footnotes will be denoted as <sup>1</sup> and will appear at the bottom of the page. References will be denoted by [1] and will appear at the end of the document.

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<sup>1</sup>This is a footnote.

# 1 Identify three forms of unlawful competition which are applicable in the given scenario. [6]

Brian may seek relief, amongst other grounds, on the basis of:

- **Passing off**, in light of the similarities of the registered trademarks both companies operate under, as per [article 10<sup>bis</sup>(3)(1)][2], [article 2(1)][3] and [article 16(1)][4].
- *Damage another's goodwill or reputation*, specifically the **Dilution of their goodwill or reputation**, in regard to the lessening of distinctive character or advertising value of the CHICKENBITE trademarks, as well as the appearance and presentation of the product, as per [article 3(2)][3]
- **Unfair competition in respect of secret information**, where Danny unlawfully acquired the memory stick with the recipe discovered by Brian, as per [article 39(2)][4] and [article 6(1)][3].

## 2 Citations to use

[2], [4]

Patent Cooperation Treaty [5]

## 3 Discuss whether the device qualifies as an invention for the purposes of patent protection.

## 4 Discuss whether the device meets the novelty requirement.

## 5 Discuss whether the device meets the inventiveness requirement.

## References

- [1] Patents Act No. 57, 1978. [Online]. Available: <http://www.wipo.int/wipolex/en/details.jsp?id=6256>.
- [2] Paris Convention for the Protection of Industrial Property, 1883. [Online]. Available: [http://www.wipo.int/treaties/en/text.jsp?file\\_id=288514](http://www.wipo.int/treaties/en/text.jsp?file_id=288514).
- [3] Model Provisions on Protection Against Unfair Competition, 1996. [Online]. Available: [ftp://ftp.wipo.int/pub/library/ebooks/wipopublications/wipo\\_pub\\_832\(e\).pdf](ftp://ftp.wipo.int/pub/library/ebooks/wipopublications/wipo_pub_832(e).pdf).
- [4] Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994. [Online]. Available: [https://www.wto.org/english/tratop\\_e/trips\\_e/trips\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/trips_e.htm).
- [5] Patent Cooperation Treaty, 1970. [Online]. Available: <http://www.wipo.int/pct/en/texts/articles/atoc.html>.