



NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
FACULTY OF LAW
JANUARY 2018 EXAMINATION

COURSE CODE: PPL 436

COURSE TITLE: LAW OF INTELLECTUAL PROPOERTY II

TIME ALLOWED: 3 HOURS

INSTRUCTIONS: ANSWER QUESTION ONE AND ANY OTHER THREE QUESTIONS

1. It is now settled that an inventor owns a property right in respect of his invention. The central role of the patent system is to guarantee a limited term of protection in return for the inventor's agreement to disclose details of his invention and consequently to abandon his property right in it. Discuss.

2(a.) What is the significance of a well known mark protection for the development of passing off.

2(b). Explain how an initially distinctive product name may become generic. How can passing off actions help to prevent this?

3. Explain with statutory authority and case law, the defences available to the defendant in a registered design case.

4(a.) Franks Design was registered in Nigeria March but a few months after it was discovered that patent has been granted in Nigeria as the result of a prior

application or an application benefiting from an earlier foreign priority. The government want to revoke the registration .Frank wants to go to court. Advise him.

4(b). Define a patent and trace the historical development of patent law.

5(a). With the aid of case law, distinguish between ownership of a patent and the inventor.

(b.) Write short notes on the following

- i. Patent.
- b. Designs.
- iii. Trademark.

6(a.) What are the Functions and the nature of Trademark

(b.) Consider whether each of the following could be registered under the provisions of the Trademark Act LFN 2004:

- i. The sound of a bird for breakfast cereal.
- ii. The red and white colour for a telecommunications company.
- iii. Heart shape of a soap.