



NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
SCHOOL OF LAW

COURSE CODE: Law 436

COURSE TITLE: INTELLECTUAL PROPERTY LAW II or INDUSTRIAL PROPERTY LAWII

TIME ALLOWED: 3 HOURS

INSTRUCTION: QUESTION ONE IS COMPULSORY AND YOU ARE TO ANSWER ANY OTHER THREE (3) QUESTIONS. All questions carry 17.5 marks.

1.
 - a. There was criticism of the over use of patent by Queen Elizabeth 1 which led to a lot of legal battle in Darcy v. Allin, a case which involved a monopoly for the making, importation and selling of playing cards. Is there any justification for granting of patent?
 - b. Okafor who was dismissed by Luckman is currently setting up a new business in the same area of business. Luckman had falsely issue a false statement that Okafor had broken into the company premises and stolen a cash box. What action can Okafor institute and what defences are available to Luckman under the Industrial Property Law?
2. List and explain the criteria for patentability in Nigeria.
3.
 - a. Discuss the concept of compulsory licence.
 - b. Distinguish with the aid of statute and case laws ownership of a patent and the inventor
4. Discuss the international and the national conventions/laws regulating patent in Nigeria.
5.
 - a. Discuss the function of trademark.
 - b. Discuss the defences to breach of trademark.
 - c. In Nigeria there are certain practical considerations before a patent is granted. Discuss.
6. Discuss the scope and the elements of passing off.