



## **UNIVERSITY OF NAMIBIA**

<b>FACULTY</b>	FACULTY OF LAW
<b>DEPARTMENT</b>	PRIVATE AND PROCEDURAL LAW
<b>SUBJECT</b>	LAW OF INTELLECTUAL PROPERTY
<b>SUBJECT CODE</b>	LPIP 3871
<b>DATE</b>	June 2020

### **Winter Term Examinations**

**Examiner:** Ms L Usebiu

**Moderator:** Prof P Osode

This question paper consists of THREE (3) pages, including the cover page.

***Instructions:***

1. Answer Section A, and any FOUR (4) questions in Section B.
2. Kindly number the answers appropriately on the front of the answer book in the sequence you have answered them.
3. Please write legibly, to the point and cite authorities where appropriate.
4. Underline all authorities.

## **Section A- Compulsory**

### **Question 1**

Nangula is a lawyer. She is briefed and paid by Max to draft and submit a brief to Court on a legal issue involving alleged criminal behaviour by Max. The Court accepts Nangula's argument and issues an order absolving Max of any criminal responsibility in the matter. The matter is published in the NaLaw Reports of Namibia.

Ms Usebiu, an academic at the Faculty of Law, wishes to compile a set of case studies into a book to be used for teaching legal writing. She wishes to incorporate four critical paragraphs from the court papers which Nangula prepared, as well as write a case study on the matter based on the published NaLaw report.

She asks Nangula's permission to use part of her court papers in the book, but she refuses. Ms Usebiu then comes to you asking whether she can publish the court papers in her book, anyway. She also asks, if the answer to the question is "No," whether she can at least use the four paragraphs appearing in the published law report. Advise her.

In the course of your answer, and with reference to relevant case law, you must:

1.1 List and discuss the requirements for a valid copyright and; **20 Marks**

1.2 Address the question of whether either source is copyright protected. **20 marks**

**Total 40 Marks**

## **Section B \_ Answer any FOUR (4) questions**

### **Question 2**

What relief can a proprietor of a trademark registration obtain in the event that he/she institutes infringement proceedings against an infringer? **15 Marks**

### **Question 3**

Provide the exclusions from patentability in terms of section 18 of the Industrial Property Act of 2012 and give a brief reason for each of the exclusions. **15 Marks**

### **Question 4**

Provide a short explanation of the three basic requirements for obtaining a Plant Breeders' right for a variety. **15 Marks**

**Question 5**

TRIPS requires that protection be accorded to computer programs. Explain how computer programs are protected under Namibian law. **15 Marks**

**Question 6**

Provide 3 main objectives of the Paris convention. **15 Marks**

**Total      100 Marks**