



## **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>	May/ June 2020		
<b>DURATION</b>	180 MINUTES	<b>MARKS</b>	100

### **Supplementary 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

One of Namibia's largest grain processing company Bimma Milling (Pty) Ltd has approached you alleging that Moko Meal Namibia Namibia has copied the former's packaging style found on its FreshBake "vetkoek" flour. Bimma states that the packaging color schemes, brown for brown bread, blue for white bread flour, have been copied to Moko's vetkoek flour. This specific flour is not packaged in the in the get-up (style) of the other Moko flour products but has adopted get-up with similarities to the FreshBake range, and more importantly, has appropriated the mustard yellow colour appearing on the Moko vetkoek flour product. The Bimma Milling company approaches you seeking advice on how to go about banning Moko from selling flour in the same packaging.

With reference to statute, common law and case law, set out a discussion on the likelihood of succeeding.

**Total 40 Marks**

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

### Question 2

Provide a brief summary of your understanding of:

6.1. A patent 5 Marks

6.2. Exclusive rights of the Patentee 5 Marks

6.3. What constitutes "made available to the public" in relation to disclosures?

5 Marks

**15 marks**

### Question 3

"Certain geographical names have acquired a lot of importance in the commercial market, particularly with regard to goods uniquely associated with such names". Discuss in the context of the International Law relating to Geographical Indications.

**15 Marks**

**Question 4**

Three of the basic requirements for obtaining a Plant Breeders' right for a variety are that the variety is Distinct, Uniform and Stable. Provide a short explanation for each of these requirements. **15**

**Marks****Question 5**

Provide 3 main objectives of the Berne Convention. **15 marks**

**Question 6**

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

**Total 100 Marks**