



***“Investing in Africa’s future”***

**COLLEGE OF BUSINESS PEACE LEADERSHIP GOVERNANCE**

**NMPM216: INTELLECTUAL PROPERTY**

**END OF SECOND SEMESTER FINAL EXAMINATIONS**

**APRIL 2022**

**LECTURER: MR. GABRIEL MUZAH**

**DURATION: 3 HOURS**

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### **INSTRUCTIONS**

- **The paper contains four questions**
  - **Answer ALL Questions**
  - **Write your answer clearly. Use numbered headings or subheadings to show which part of your answer refers to which question. Example: Question 2 (a).**
  - **The extent of your response should be guided by the marks allocated to the question**
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## Question 1: Harry Potter Case

J.K. Rowling famously began writing the first *Harry Potter* book in a café in Edinburgh, as a single mum surviving on state benefits. In a newspaper interview she told her story: *“I was as poor as it’s possible to be in this country. I was a single parent. I remember 20 years ago not eating so my daughter would eat. I remember nights when there was literally no money.”* (J. K. Rowling)

J. K. Rowling, whilst inspired by other authors, created the story of *Harry Potter and The Philosopher’s Stone*. She was then able to license her copyright to *Bloomsbury Publishing Plc*, who published the book and rewarded her financially. Thereafter she was paid an advance to write more and continue the story of *Harry Potter* and complete the seven-book sequence, collectively selling over 400 million copies!

*“It happened very suddenly and it was marvellous on one level. I had security. I could buy a house. I could look at my daughter and think, “Wow, I can buy you some stuff!” ... The big moment was a large advance from America in 1997. We stopped renting and I could buy a house... Next it was not just advances, it was royalties coming in.”* (J. K. Rowling)

J. K. Rowling was able to do this because copyright gave her the exclusive rights to protect her story. She licensed that right to *Bloomsbury Publishing Plc*, giving them permission to print and distribute her work in return for royalty payments. J. K. Rowling and *Bloomsbury* were then able to sub-license the *Harry Potter* story in order to make more creations. For example, *Warner Bros Entertainment Inc.* had to pay for a licence to use J. K. Rowling’s story to create the *Harry Potter* film series. This is known as a derivative work. Other derivative creations of *Harry Potter* include the translation of the books into 67 different languages, audio books, computer games, an amusement park and more. In order to create these works a licence had to be obtained from the copyright holders. This means as well as *Warner Bros* and the other creators of the derivative works, J. K. Rowling and *Bloomsbury* can continue to benefit from royalty payments. For example, *Warner Bros* owns the copyright in the *Harry Potter* films, so when *Electronic Arts* wanted to create *Harry Potter* the video game using the characters and setting from the film, they had to obtain a licence from *Warner Bros*, who then earns royalties from the sales of the games.

Another way in which the *Harry Potter* stories have been used is to make parodies. For example, the Potter Puppet Pals is a *YouTube* series using the characters from *Harry Potter* to tell stories. The creator has spent his time and effort making the puppets, the storylines, the songs and music to produce 16 different parody videos. Until 1 October 2014, the use of the original work would have been copyright infringement. However with the introduction of the new parody exception within the scope of fair dealing, the original work can be parodied in certain circumstances. One of these videos, Potter Puppet Pals: The Mysterious Ticking Noise, has received over 156,365,229 views. At the beginning of this video is an advertisement. This usually means that the rightsholder is receiving a payment every time that the video is watched.

Source: J. K. Rowling quotes have been taken from [www.jkrowling.com](http://www.jkrowling.com)

a) You want to write an original story about a wizard and his adventures at wizardry school. How do you do this without infringing copyright law? [20 Marks]

b) Having created your own original story, how would you disseminate it? [10 Marks]

c) Your story is highly successful. Someone approaches you and they want to use one of your characters in their video game. What permission do you give them and why? [20 Marks]

**Total Possible Marks [50]**

### **Question 2**

What would be the most likely form of protection for the following? Justify your answer.

- a) A teapot [2 Marks]
- b) A new form of electric motor [2 Marks]
- c) The logo of the Open University [2 Marks]
- d) A cell - phone [2 Marks]
- e) Mr. Muzah's notes [2 Marks]

**Total Possible Marks [10]**

### **Question 3**

- a) Describe the nature and purpose of a geographical indication. [5 Marks]
- b) Give some examples of geographical indications. [3 Marks]
- c) Discuss the difference between the terms geographical indication, appellation of origin, and designation of source. [12 Marks]

**Total Possible Marks [20]**

### **Question 4**

- a) Explain what an Industrial Design is in about 50 words. [5 Marks]
- b) Explain the differences between Industrial Design protection, trademark and patent protection. [6 Marks]
- c) List the benefits of Industrial Design protection for:
  - i) The owner of the protection [3 Marks]
  - ii) The consumer of the product [3 Marks]
  - iii) The economy [3 Marks]

**Total Possible Marks [20]**

**END OF EXAMINATION**

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