



***“Investing in Africa’s future”***

**SCHOOL OF LAW**

**NMIP101: INTRODUCTION TO INTELLECTUAL PROPERTY**

**END OF SECOND SEMESTER FINAL EXAMINATIONS**

**APRIL 2025**

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**DURATION: 3 HRS**

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**INSTRUCTIONS**

**QUESTION 1** from **Part A** is **COMPULSORY**.

Answer any **THREE** questions from **Section B**.

Marks allocated to each question are indicated in brackets at the end of the question.

**DO NOT** repeat material.

Write legibly.

## Part A (Compulsory)

### Question 1

- a) What are the general legal requirements for the registration of a patent? (6 marks)
- b) Outline potential Intellectual Property Regimes that can be harnessed to protect Indigenous Knowledge Systems and Genetic Resources. (15 marks)
- c) Explain how trade secrets protect Intellectual Property. (4 marks)

## Part B (Answer any three questions from this section).

### Question 2

“Mere use of ideas in a work does not infringe a copyrightable work. The mere taking of an idea would not be an infringement” per Judge Dale in *Bauman v Fussell* [1976] R.P.C.485.

- a) Discuss the correctness of the above statement. (10 marks)
- b) Outline the exceptions to copyright protection. (15 marks)

### Question 3

Read the cases below carefully, and answer the questions that follow.

- a) **Case:** A Café plays popular music without paying for a public performance license.

What actions should be taken by the copyright holder in this case? (5 marks)

- b) **Case:** A user streams pirated movies from an illegal website.

What legal steps can the copyright holder take? (5 marks)

- c) **Case:** A graphic designer disputes ownership of a local logo created for a company that engaged him under a contract.

Who owns the copyright? (5 marks)

d) What is a Geographical indication (GI)? Identify potential GIs in Zimbabwe that could be commercially exploited and protected. (10 marks)

#### **Question 4**

- a) Using 2 examples of protected and registered GI from anywhere in the world discuss how Africa can benefit from well protected GI systems. (20 marks)
- b) Differentiate a patent and a trademark right. (5 marks)

#### **Question 5**

- a) Explain “The Madrid System”, its advantages and disadvantages. (10 marks)
- b) Explain “The Hague System”, its advantages and disadvantages. (10 marks)
- c) Can someone get IP protection in the whole world? (5 marks)

#### **Question 6**

#### **Insight Analytics and Data Dynamics**

Insight Analytics, a data analytics firm, developed a sophisticated predictive modelling technique that is a key component of their services. This technique is not patented but is considered a valuable trade secret. Data Dynamics, a competitor, hired a former Insight Analytics employee, Praise, who had significant knowledge of the predictive modelling technique. During his employment at Data Dynamics, similar techniques were implemented in their products. Insight Analytics suspects Praise disclosed confidential information.

#### **Answer the following questions:**

- a. Is it ethical to hire someone who possesses knowledge of a competitor's trade secrets? Explain your answer. (5 marks)
- b. What could happen to Data Dynamics if they are found to have misappropriated Insight Analytics' trade secrets? (5 marks)
- c. How can Insight Analytics prevent similar situations in the future? (5 marks)

- d. How does this situation affect competition and innovation in the data analytics industry? (5 marks)
- e. What laws might, Data Dynamics have broken by hiring Praise and potentially using her knowledge of Insight Analytics' trade secrets? (5 marks)

**End of Paper**