

ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

INTELLECTUAL PROPERTY LAW - LLB 301

2022

DURATION: 3 HOURS

INSTRUCTIONS TO CANDIDATES

1. This exam is out of 70
2. Answer Three questions.
3. **SECTION A** is compulsory.
4. Choose any two questions from **SECTION B**

INFORMATION FOR CANDIDATES

1. Notes, handouts and textbooks **are not** allowed into the examination.
2. Cellphones **are not** allowed into the examination room.
3. Begin each answer to a full question on a fresh page

NB: DO NOT TURN OVER THE QUESTION PAPER OR COMMENCE WRITING UNTIL INSTRUCTED TO DO SO.

SECTION A

Answer all questions in this section

Question One

In June 2021, a group of white youths from the Northern Part of Zimbabwe wanted to register a Trade-Mark which had the following features

- a) An emblem with the Zimbabwean Bird
- b) An African traditional attire scantily dressed by a black teenage girl almost resembling the famous and known Mbuya Nehanda exposing her private parts
- c) A slogan written 'Black skin is Black sin, this color of simps has no skills'

You have been approached by concerned citizens to offer legal advice as to whether this trade-mark can be validly registered whether in Zimbabwe, Regionally, Continentally or Globally and any other implications that may flow from the operation of intellectual property law. **[30 Marks]**

SECTION B

Answer any two questions from this section.

Question Two

You have been approached by a local newspaper to write a legal piece explaining how the Zimbabwean constitutional framework influence, permit and limit the exercise of Intellectual Property Rights. **[20 Marks]**

Question Three

Give a general overview and commentary of each piece of legislation that is relevant in the regulation of all conceivable and protected intellectual property rights in Zimbabwe. Your discussion should expose your understanding of the purpose of each and every statute regulating IP i.e purpose of the Trade Marks Act, Copyright and Neighboring Rights Act etc **[20 MARKS]**

Question Four

- i. Discuss the composition, role and functions of the following offices
- a) WIPO
 - b) ARIPO
 - c) ZIPO

[8 Marks]

- ii. Write a legal piece commenting on International Instruments that regulate or influence Intellectual Property Rights across the globe. Your discussion should pay particular attention to dates, treaties, affiliated member states and degree of influence for each selected international Instrument.

[12 Marks]

Question Five

Write a casenote on the '*Laugh it off case*'. Your casenote should pay particular attention to the facts of the case; the issues raised; the decision reached in that case; and the likely implications and influence that may flow from this decision.

[20 Marks]