



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

DEPARTMENT OF LAW

EXAMINATION PAPER

MODULE CODE : LLB301
MODULE TITLE : INTELLECTUAL PROPERTY LAW
DURATION : 3 HOURS
LEVEL : 3.1
DATE : JUNE 2024 14 JUN 2024

INSTRUCTIONS TO CANDIDATES:

1. Answer three (3) questions, at least one question from each section.
2. Each question carries twenty-five (25) marks
3. Number of marks for part questions are shown in brackets
4. Start each question on a new page
5. This paper consists of three (3) pages



SECTION A

QUESTION 1

Mr Daniel Dandadzi approaches you for legal advice pertaining to a new water pump he has invented and wants to patent. He is particularly fascinated about the idea of a water pump because he comes from Manhenga a rural area in Bindura district where many people do not have access to clean drinking water. He has tested his water pump which is light, very easy to operate and made from locally available materials in his community. In addition, unlike other such pumps invented before it, Mr Dandadzi's pump can purify and chlorinate the water as it is pumped from the ground and indicate to the user how much water is left in the underground water reservoir as the pumping progresses. The water pump can be used to make well, dam and other water sources clean and suitable for human consumption at a very affordable cost. The local community, which is already using the pump at no cost, is very excited about the invention.

a) Assess the requirements with which Mr Daniel Dandadzi's invention has to comply with in order to qualify as a patentable invention in terms of the Patents Act?

(10)

b) Advise Mr Daniel Dandadzi on the step-by step legal process he would have to undergo in order to register his invention as a patent in Zimbabwe.

(10)

c) Mr Daniel Dandadzi discovers that his neighbour, Mr Hazviite is secretly producing the pump on a commercial scale and supplying mines and villages in Shamva. He approaches the court and manages to prove a case of infringement against Mr Hazviite, explain the possible remedies that may be available for him.

(5)

[25 Marks]

SECTION B



QUESTION 2

Analyse the justifiability of granting compulsory licenses in modern day Zimbabwe giving reference to the theories of Intellectual property.

(25)

QUESTION 3

Discuss the effectiveness of the intellectual property laws in guaranteeing and protecting the right to intellectual property in Zimbabwe.

(25)

QUESTION 4

a) Explain originality as one of the requirements for the subsistence of copyrights.

(5)

b) In order for work to be eligible for protection as copyright, the author must be a qualified person. With reference to appropriate authority, explain the requirements that must be met in order for the author to be a qualified person.

(10)

c) Explain how adaptation as a possible form of copyright infringement arises with specific respect to literary works, musical works, artistic works and computer programmes.

(10)



[25 Marks]

QUESTION 5

X has designed a new oil container the advantage of the design is found in the fact that the oil freely flows from the container when tilted. The design also draws the attention owing to its particular shape while the planer areas along the sides present a neat pattern.

a) Is this design registrable under the Industrial Designs Act Chapter 26:02? Motivate your answer in the light of the requirements of design protection. In the process also assess whether it does not perhaps qualify for both aesthetic and functional protection while indicating in which aspects the design resides.

(15)

b) Y has an aesthetic design registration for an article that is used in a place where it is not visually exposed. Z also makes and sells identically similar articles. Y sues Z for infringement of her design. Advice Y on her chances to succeed in the claim?

(10)

[25marks]

END.

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