



**National University of
Science and Technology**
Think in Other Terms



**FACULTY OF COMMERCE
DEPARTMENT OF FINANCE
MASTER OF SCIENCE DEGREE IN FISCAL STUDIES P.II
FINAL EXAMINATION- APRIL/MAY 2014
INTERNATIONAL AND COMPARATIVE INTELLECTUAL PROPERTY
[CFS5203]
TIME ALLOWED: 3 HOURS**

INSTRUCTIONS TO CANDIDATES:

1. Attempt Four Questions, Two from Section A and Two from Section B.
2. All Questions carry equal marks (25 Marks)
3. Start each solution/ answer on a new page in your answer book
4. Write Legibly

SECTION A

QUESTION 1

- (a) State and explain any three (3) reasons why it is important for any holder of intellectual property rights to protect and enforce their rights. **[5 Marks]**
- (b) Identify and explain five (5) key elements for an effective strategy/ approach to enforcement of intellectual property rights **[5 Marks]**
- (c) Identify and explain three (3) ways in which an intellectual property rights holder may curb/ reduce infringement of his/ her rights. **[5 Marks]**
- (d) State and explain any three (3) steps one should take in the enforcement of their rights. **[5 Marks]**
- (e) If someone wishes to use the civil route for the enforcement of their intellectual property rights, what procedure are they expected to follow? **[5 Marks]**

QUESTION 2

- a) Give examples of unfair competition. **[5 Marks]**
- b) List and explain the major categories of unfair competition. **[8 Marks]**
- c) Explain some of the variations in different countries' approach to Unfair Competition. **[5 Marks]**
- d) How do the laws of unfair competition relate to those designed to combat the abuse of a dominant market position? **[7 Marks]**

QUESTION 3

For each of the following intellectual property examples, state the area of IP law that would be most appropriate for their protection and give reasons:

- a) A company wishes to ensure that no-one else can use their logo. **[5 Marks]**
- b) A singer wishes to assign the rights to reproduce a video she made of her concert. **[5 Marks]**
- c) A new way to process milk so that there is no fat in any cheese made from it. **[5 Marks]**
- d) A company has decided to invest in packaging, which is distinctive, and they wish to ensure that they have sole use. **[5 Marks]**
- e) A company decides to use a logo that has the same shape as its competitor but with a different colour. **[5 Marks]**

QUESTION 4

- a) With reference to the Doha declaration, Hong Kong Declaration and the Trade Related Aspects of Intellectual Property (TRIPS) Agreement, critically assess the role of compulsory licensing. **[15 marks]**
- b) Discuss how the Patent System and the Trade Related Aspects of Intellectual Property (TRIPS) have affected the Social and Economic Development of Least Developed Countries (LDCs) **[10 Marks]**

SECTION B

QUESTION 5

Two companies, **KAYBI** (farm products) and **ANGELOSI** (a perfumery) have both approached **SMART CONSULT** and asked for help to increase their sales and the reputation of their respective companies. As part of the **SMART CONSULT** team, explain the following concepts to **KAYBI** and **ANGELOSI**:

- a) The difference between a trademark and a brand; **[3 Marks]**
- b) At least two (2) important strategies for brand development; **[4 Marks]**
- c) The differences, advantages and disadvantages of assignment, licensing and franchising. **[10 Marks]**
- d) Briefly discuss the following methods of commercialization of IP Assets
- (i) Own exploitation of IP Assets **[2 Marks]**
 - (ii) Sell of IP Assets **[2 Marks]**
 - (v) Licensing of IP Assets **[2 Marks]**
 - (vi) Joint Ventures **[2 Marks]**

QUESTION 6

- a) What do you consider to be the main objectives of the Trade Related Aspects of Intellectual Property (TRIPS) in relation to Intellectual Property Laws and Global Trade? **[15 Marks]**
- b) How relevant are the objectives of the TRIPS Agreement to Africa. **[10 Marks]**

QUESTION 7

Effective utilization of intellectual property rights as a tool for business development of an enterprise, presupposes existence of certain conditions in the economy. Identify and discuss those prerequisite conditions. **[25 Marks]**

END OF EXAMINATION PAPER