



**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
SUPPLEMENTARY FINAL EXAMINATION- AUGUST 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) Discuss the factors that affect the enforcement of IPRs positively and negatively in Zimbabwe and other parts of the world **[15 Marks]**
- b) Discuss the specific acts of Unfair Competition laws recognized under the Paris Convention and the TRIPS Agreement. **[10 Marks]**

QUESTION 2

- a) What are the two types of moral rights provided for in the Berne Convention? Define them and give some examples of infringement **[7 Marks]**
- b) What are the four main categories of rights found in the Berne Convention? Give some examples for each one of them. **[8 Marks]**
- c) Which four types of measures, procedures or remedies are Contracting States to the TRIPS Agreement required to make available to rightholders? **[10 Marks]**

QUESTION 3

- a) Describe the basic concerns of the TRIPS agreement. **[5 Marks]**
- b) List the main features of trade secrets. **[5 Marks]**
- c) List at least three reasons why the enforcement of intellectual property is important? **[5 Marks]**
- d) Why is National Treatment one of the most important rules under the Paris Convention as well as TRIPS Agreement which adopted a similar rule? **[10 Marks]**

QUESTION 4

- a) Define Electronic Commerce in around 150 words. **[5 Marks]**
- b) For each of the following intellectual property examples, state the area of IP law that would be most appropriate for their protection:
 - i) A company wishes to ensure that no one else can use their logo.
 - ii) A singer wishes to assign the rights to reproduce a video she made of her concert.
 - iii) A new way to process an electronic payment on the Internet.
 - iv) A company has decided to invest in packaging, which is distinctive, and they wish to ensure that they have sole use.
 - v) A company decides to use a logo that has the same shape as its competitor but with a different colour. **[5 x 2 Marks]**

- c) Explain the remedies available in patent infringement actions? **[10 Marks]**

SECTION B

QUESTION 5

- a) Identify two methods of Alternative Intellectual Property Dispute Resolution?
[5 Marks]
- b) Indicate the exclusive rights of a trademark owner. **[5 Marks]**
- c) Identify and explain the main methods that a company could use to protect its investment in a trademark?
[15Marks]

QUESTION 6

- a) To what extent do you agree with the view that Intellectual property Laws on the one hand, and Anti-Trust / Unfair competition Laws on the other hand, involve an exchange which aims at seemingly different, but actually synergic objectives?
[15 Marks]
- b) What provisions exist within the intellectual laws to guard against over-protection of intellectual property.
[10 Marks]

QUESTION 7

- a) Describe in 100 words the nature and purpose of a geographical indication.
[5 Marks]
- b) Give some examples of geographical indications. **[5 Marks]**
- c) List the systems of international registration administered by WIPO **[5 Marks]**
- d) Explain the circumstances under which a compulsory License may be granted by the state.
[5 Marks]
- e) Describe the term “Domain Name” and explain how it is established and maintained.
[5 Marks]

END OF PAPER