

The
Management
University
of Africa



Sponsored by the Kenya Institute of Management

DIPLOMA UNIVERSITY EXAMINATIONS

SCHOOL OF MANAGEMENT AND LEADERSHIP

DIPLOMA IN ENTREPRENEURSHIP

DES 105 : PATENTING FOR INTELLECTUAL PROPERTY RIGHTS

DATE: 29TH MARCH 2022

DURATION: 2 HOURS

MAXIMUM MARKS: 70

INSTRUCTIONS:

1. Write your registration number on the answer booklet.
2. **DO NOT** write on this question paper.
3. This paper contains **SIX (6)** questions.
4. Question **ONE** is compulsory.
5. Answer any other **FOUR** questions.
6. Question **ONE** carries **30 MARKS** and the rest carry **10 MARKS** each.
7. Write all your answers in the Examination answer booklet provided.

QUESTION ONE

Read the Case Study below carefully and answer the questions that follow:

PHOTOGRAPHY

Photographer R shot a photograph of a couple holding a line of puppies in a row and sold it for use in greeting cards and similar products. Internationally, a renowned artist K in the process of creating an exhibit on the banality of everyday items, ran across R's photograph and used it to create a set of statues based on the image.

K sold several of these structures, making a significant profit. Upon discovering the copy, R sued K for copyright. K responded by claiming fair use by parody.

The court found the similarities between the 2 images too close, and that a "typical person" would be able to recognize the copy. K's defense was rejected under the argument that he could have used a more generic source to make the same statement – without copying R's work. K was forced to pay a monetary settlement to Rodgers.

Required:

- a) Define the term Copyright (2 MARKS)
- b) Discuss the originality in copyright? (7 MARKS)
- c) In this case of photographers R and K, explain how to determine the ownership of copyright (6 MARKS)
- d) Was photography just a documentation of the world, or is it a creative and artistic product? Explain (5 MARKS)
- e) Explain the limitations and exceptions to copyright (10 MARKS)

QUESTION TWO

Discuss with examples the different forms of Intellectual Property rights

(10MARKS)

QUESTION THREE

- a) Define invention (2 MARKS)
- b) Describe the inventiveness requirement for patents (8 MARKS)

QUESTION FOUR

Describe step by step the application procedure for a patent in Kenya
(10 MARKS)

QUESTION FIVE

- a) Define Intellectual Property (2 MARKS)
- b) Differentiate between copyright and trademark protection?
(8 MARKS)

QUESTION SIX

- a) Define patent infringement (2 MARKS)
- b) Explain four types of patent infringement (8 MARKS)

