



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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MAIN EXAMINATION

AUGUST - DECEMBER 2014 TRIMESTER

FACULTY OF LAW

EVENING PROGRAMME

CLS 404: INTELLECTUAL PROPERTY LAW

Date: DECEMBER 2014

Duration: 3 Hours

INSTRUCTIONS: Answer question ONE and any other two questions

Q1. As the Dean, School of Law, Kisii University Campus, you have been invited by the Ministry of Trade and Industry in collaboration with the Attorney General Office to give a talk on works eligible for copyright & how the same is protected under Kenyan Law. That presentation shall help authors of such production know more of their rights to freedom of expressions as provided by article 33 of the constitution.

Making reference to the applicable law discuss on the issues your paper shall be based upon including but not limited to the nature of copyright, works eligible for copyright and the rights of copyright owners. **(30 marks)**

Q2. It is often said that a copyright interest is a negative right because it allows the owner to prevent others from doing certain things. Discuss **(20 marks)**

Q3. "Rewarding of inventor with exclusive right over certain activities must involve specifying what these activities are. Unless a patent spells out this, its worthless as a shield against attack of this activities that may be patented.

Anonymous.

Basing your reasoning on the above, discuss the jurisdiction of a patent system and the nature and usefulness of patents. **(20 marks)**

Q4. Write short notes on the following:

- a) Limitations to a copyright (10 marks)
- b) Infringement of copyright (10 marks)

Q5. Explain the process of registering the a trademarks as provided under Kenyan Legal framework. (20 marks)

END