

JOSEPH AYO BABALOLA UNIVERSITY, IKEJI-ARAKEJI, OSUN STATE,
NIGERIA
COLLEGE OF LAW

FIRST SEMESTER EXAMINATION, 2023/2024 SESSION
COURSE: INTELLECTUAL PROPERTY LAW I
COURSE CODE: CIL 312

INSTRUCTION: ANSWER ANY FOUR (4) QUESTIONS
TIME ALLOWED: THREE HOURS

1. "The Law of intellectual property aims at protecting the rights in the works of authors. These works generally include literary works, art works, musical works among others. Being intangible rights, intellectual property law therefore has a unique and peculiar nature. It protects what is referred to as chose in action. In the main, Intellectual Property Law aims at protecting the moral and economic rights of the author from being infringed by an unauthorized person." In view of the above, critically examine the various theories underlying Intellectual Property Law. (17 ½ marks)
2. "Originality is a fundamental theme of copyright, so also is the requirement of sufficient effort...It is relevant to note that originality in this context does not refer to novel or new works that have never been seen or heard of as nothing is new under the sun. As such, two works can be original notwithstanding the fact that it is not novel. A central theme to have in mind (as has been noted in *Ladbroke Ltd V, Hill*) is that the work must not be copied. It must have originated from the author's independent skill and judgment." Critically evaluate the above submission in line with the principle of "sufficient effort" as a fundamental theme of copyright. (17 ½ marks)
3. It is not in all cases that works are eligible for copyright protection. In similar vein, not every person who applies for copyright is entitled to same. With the aid of statutory and judicial authorities critically discuss eligible works that can be protected under the Copyright Act and non eligible works that cannot be protected under the Act. (17 ½ marks).
4. With the aid of relevant statutory and judicial authorities, critically discuss who can enjoy copyright and who cannot enjoy copyright. (17 ½ marks).
5. (a) In order to prevent infringement of copyright there are some actions and remedies that a copyright owner can explore which include but not limited to Anton Pillar injunction. Critically discuss Anton Pillar injunction, its process and effects on infringed materials. (7 ½ marks).
(b) Mention and discuss other remedies that a copyright owner can explore in enforcing his copyright. (10 marks).
6. Jurisdiction of a court to adjudicate on a matter is fundamental and it is often described as the threshold issue which goes to the power of the Court to adjudicate on a matter before it. Critically discuss the issue of jurisdiction of Court in matters relating to copyright, patent and other intellectual properties. (17 ½ marks)

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LL.B DEGREE EXAMINATION

SESSION: 2021/2022

FIRST SEMESTER

COURSE TITLE: LAW OF INTELLECTUAL PROPERTY I

COURSE CODE: CIL 312

INSTRUCTIONS: Answer 4 Questions in all

TIME ALLOWED: 3 Hours

1. (a) In 2019, Mr Tokunbo, the Principal of Irawo Grammar School, designed and put out for sale a school record book entitled "Bright Success Scheme of Work and Record Book". Mr Tokunbo's effort in respect of the book consisted, in the most part, of the drawing of various vertical and horizontal lines, and nothing more. In December, 2021, Mr Tokunbo discovered that Alujibiti Coy Ltd, a printing outfit, was mass producing and selling "Standard Scheme of Work and Record Book", a book of exactly the same kind as his own. Upon investigation, Mr Tokunbo discovered that one Mr Mumu, a former teacher at Irawo Grammar School, gave Alujibiti Coy Ltd a sample of Mr Tokunbo's book.

Mr Tokunbo intends to sue Alujibiti Coy Ltd.

Advise Mr Tokunbo.

- (b) Do a brief discussion of the type of individuals and corporate entities whose works are eligible for protection under Nigeria's Copyright Act

2. "Protection of copyright is the best means of promoting creativity, stimulating men and women of talent to create further works, and thus; building up the national heritage. Lack of protection kills talent and even national prestige"—**Abdul Hassan**, Copyright and Development (1982) Vol 26, No 1 and 2, Copyright Bulletin, p.11

Against the background of the above statement, analyse the provisions made by Nigeria's Copyright Act to protect copyright owners in Nigeria.

3. Taco Inc, Jim Roy Coy Ltd, Cool K Inc, and Harrison Ford & Sons were companies registered in France, USA, UK and Australia respectively. All these firms were musical recording companies. The 4 companies jointly entered into an agreement with Ibukun Orisun Iye Records and Mavin Records, which were musical recording companies registered in Nigeria. The 6 companies jointly recorded, in Nigeria, a musical piece, "My Heart Is On Fire For You", done by Toto, a celebrated hip-hop artist of Ghanaian origin. A month after the recording and during which the musical piece had topped the charts, both in Nigeria and overseas, another musical recording company, SugarPussy, registered in Nigeria, started mass producing and selling copies of Toto's musical piece "My Heart Is On Fire For You", to the annoyance of the 6 recording companies that jointly recorded the song.

All the 6 recording companies intend to sue SugarPussy, for infringing on their copyright.

Advise the 6 companies.

4. The administration of copyright has a well-defined framework in Nigeria.

Examine the pattern of this framework, and analyse the merits and the demerits of the framework.

5. Examine the question of jurisdiction under the Nigerian Copyright Law

6. Write brief notes on the following:

(a) The Nigerian Copyright Commission

(b) Duration of Copyright

(c) Exclusive and Non-Exclusive Licences to Copyright in Nigeria.