



KENYATTA UNIVERSITY

UNIVERSITY EXAMINATIONS 2020/2021

FIRST SEMESTER EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPL 301: INTELLECTUAL PROPERTY LAW

DATE: Tuesday 15th June 2021

TIME: 3.00p.m. - 5.00p.m.

INSTRUCTIONS

1. Answer **ALL** questions.
2. Support your answer with relevant illustrations from case la, statutory provisions and any other references
3. Your writing must be **NEAT** and **LEGIBLE**.
4. Your answer booklet must bear your assigned **REGISTRATION NUMBER**, both on the cover and every written page therein.
5. Do not scribble or draft answers on the inner or outer cover pages or your answer booklet.
6. Do not write anything except your **REGISTRATION NUMBER** on this question paper.
7. All Kenyatta university Examinations rules apply as if they were contained herein.

Question 1

Jasmine has developed a computer program, *Comp*, which is used in predicting rainfall patterns in Kenya. She has approached a local company, XYZ Limited, and has prospects of succeeding in working with the company to distribute the program to potential customers. In order to have the product succeed, she had discussions with the company's representatives regarding the working of the program.

Two weeks after her meeting, she has been informed that XYZ Limited is selling a computer program to predict rainfall. The program has similar working characteristics to *Comp* and is also sold in packaging similar to that of *Comp*.

Jasmine has approached you for a legal opinion regarding the above situation and possible solutions to the same in the field of intellectual property law.

Using relevant authorities, prepare the legal opinion using intellectual property law.

(30 marks)

Question 2

Leo has recently developed a new maize variety. His experiments have so far shown that the bean variety is resistant to pests and drought, characteristics which differentiate it from previously developed maize varieties currently grown in Kenya.

He would like to seek protection for the maize variety and be informed about his obligations under Kenya's intellectual property laws. He has therefore approached you to seek a legal opinion.

Using relevant authorities, prepare the legal opinion.

(20 marks)

Question 3

Using relevant authorities, critically evaluate the legal principles that underlie the issuance of compulsory licenses for patents in Kenya.

(20 marks)