



Kings University College, Ghana

Faculty of Law, Governance & International Relations

INTELLECTUAL PROPERTY LAW 1

COURSE CODE: FLG 219

LEVEL 200

8<sup>TH</sup> DECEMBER 2022

END OF FIRST SEMESTER EXAMINATION

Time Allowed: 120 minutes (2 hours)

60% of Final Grade

LECTURER: WIDAD BAGIGAH

**INSTRUCTIONS:**

- Answer all questions in Section A. Answer the compulsory question in Section B under part 1 and select two questions under part 2 in section B
- All answers are to be written in the University Exam Booklet.
- Your approach must be analytical not descriptive. You must craft and defend arguments. Think carefully about the question before you start to write.
- No effort has been made to achieve legal verisimilitude, and laws that are included in questions should be considered accurate only hypothetically, and for purposes of answering the questions on this exam. Do not assume any additional fact or law, except those laws studied in the course, without stating explicitly your assumption and explaining why such additional information is necessary for your answer.
- Do NOT write your name anywhere on the exam paper. Only write your student number.

## SECTION A

ANSWER ALL QUESTION (10 MARKS)

1) The moral right of an author protects the \_\_\_\_\_ of the author

- a) Economic right
- b) Pecuniary right
- c) Non-economic right

2) The right of attribution is also referred to as \_\_\_\_\_

- a) Paternity right
- b) Exclusive right
- c) Inherent right

3) The term CDPA refers to \_\_\_\_\_

- a) Copyright Design and Patent Act 1988
- b) Copyright Design and Publishing Act 1988
- c) Copyright Design and Property Act 1988

4) In \_\_\_\_\_, Lord Oliver said that producing a good copy of a painting or an enlarged photograph from a negative would not create an original artistic work, even though the copy painting or positive print would require great skill, judgement and labour.

- a) Interlego AG v Tyco Industries [1988] RPC 34
- b) IPC Magazines v MGN Ltd [1998] FSR 431
- c) CFAO v Archibold [1966] GLR 79-86

5) \_\_\_\_\_ of Ghana Copyright Act excludes subject-matter such as ideas, concepts, procedures, methods or other things of a similar nature from copyright protection.

, section 1

b) Section 2

c) Section 3

6) In Civil law jurisdictions, reduction of a work into material form is a pre-condition of Copyright Protection.

a) True

b) false

7) For an employer to qualify as the initial or first owner of copyright which of the following is not considered

a) there must be no agreement to the contrary

b) the employee must be the best fit for the work

c) The literary, dramatic, musical, artistic work or film must be made by the employee

8) Common law Jurisdictions like the United Kingdom and Canada describe the concept of fair dealing as \_\_\_\_\_

a) fair utilization

b) Fair use

c) Fair usage

9) Under common law, \_\_\_\_\_ suggests that there has to be a display by the author of a certain degree of skill, labour and judgement for his or her work to qualify as original

a) the objective theory

b) the originality theory

c) the sweat of the brow theory

10) Copyright law originated in the United Kingdom from \_\_\_\_\_

a) the Statute of Alexander

b) The statute of Anne

c) The statute of Alexis

## SECTION B

### PART I

THIS QUESTION IS COMPULSORY

1) The Millennium Group, a popular performance group in Ghana acted a play named " Sorrows of a Mother" on 1<sup>st</sup> January, 1948. The ticket was very limited in numbers therefore only a few people witnessed the play. One Mohammed secretly recorded the play and decided in the year 2021 to copy the play he recorded on a pen drive selling it to members of the General public. This was brought to the notice of The Millennium group members. The members of the performance group decided to take an action against Mohammed. As a lawyer, Advise the Millennium group [20 MARKS]

### PART II

ANSWER TWO QUESTIONS FROM THIS PART

2) Infringement of a moral right in Ghana is actionable as a breach of statutory duty and the right owner may seek relief in a civil action under section 43 of the Ghana Copyright Act 2005.

Discuss the moral rights of an author with the aid of relevant authorities. [15 MARKS]

3) . Certain actions may be undertaken by another person other than the author or creator of a work which does not require the authorization of the author. With the aid of relevant authorities give a detailed discussion on the defences to the offence of Copyright infringement [15 MARKS]

Write an essay discussing the events leading to copyright law in Ghana. [15 MARKS]

*fair dealing*  
*sufficient*  
*acknowledgment*  
*\*related to*  
*contract*  
*\*lawful user*  
*\*non-com*  
*mic use*

Define work according to ~~Lord~~ Lord Pearce in *Ladbroke* vrs *William Hall* states that work constitutes a form of work and skill or expense. The millennium group put skills together to form work therefore their performance is defined as work. Define copyright. Define copyright infringement. Relate it to Mohammed recording without their permission ~~for~~ violating the Section 29 of the performer's right. The play was recorded in 1948 and Mohammed reproduced it in 2021. According to the copyright Act duration for work is protected within 70 years during and after the death of the author. The duration elapsed the 70 years provided for in the act the ~~of~~ Mohammed is not liable for copyright infringement.