



**STRATHMORE LAW SCHOOL
BACHELOR OF LAWS
SUPPLEMENTARY EXAMINATION
SLS 4142: INTELLECTUAL PROPERTY LAW**

DATE: Tuesday, 16th May 2023

Time: 2 Hours

Instructions

1. This examination consists of **FIVE** questions.
2. Answer **Question ONE (COMPULSORY)** and any other **TWO** questions.
3. Marks will be lost for illegibility.
4. Marks will be awarded for brevity and conciseness.

Question One

- (a) With reference to statute, discuss the territoriality of intellectual property rights in the context of patents. **(6 Marks)**
- (b) Discuss the doctrine of pre-emption as utilised by the court in *Alice Corp. Vs CLS Bank International*, 134 S. Ct. 2347 (2014) **(9 Marks)**

Question Two

- (a) With reference to statute, discuss the content and eligibility criteria for utility models and technovation certificates in Kenya. **(6 Marks)**
- (b) With reference to statute, discuss the applicability of “functionality” of items in the context of industrial design rights. **(3 Marks)**
- (c) With reference to statute, comment on the copyrightability of object code in Kenya. **(6 Marks)**

Question Three

Discuss the relevance of the following concepts to intellectual property rights theory:

- (a) Externalities **(3 Marks)**
- (b) Public goods theory **(3 Marks)**
- (c) Economic theory of property **(3 Marks)**
- (d) Labour theory of property **(3 Marks)**
- (e) Legal theory of property **(3 Marks)**

Question Four

- (a) Discuss the rationale behind “sui generis” protection of traditional knowledge and traditional cultural expressions. **(9 Marks)**
- (b) Briefly discuss at least two other approaches to the sui generis protection of traditional knowledge. **(6 Marks)**

Question Five

- (a) Discuss comprehensively the holding of the Court in *Agility Logistics Limited & 2 Others Vs Agility Logistics Kenya Limited* [2012] eKLR. **(10 Marks)**
- (b) Discuss the exclusive rights of a holder of a registered trade mark in Kenya (5 Marks)