INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS - APRIL 2025

PROGRAMME: LLB
YEAR/SEM: YEAR 4/SEMESTER 2
COURSE CODE: LLB 4212
NAME: INTELLECTUAL PROPERTY LAW II (ELECTIVE)

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

Question is mandatory

Question 1:

Maystill Research Centre, a research centre that has specializes in research on medical products has over the last 10 years employed Rukundo Mwerire, PhD as a Researcher.

In Rukundo Mwerire, PhD's employment contract, it states that whatever products and/or scientific inventions or inventions he develops during the course of his employment as long as he uses the centre's equipment and resources, those products and/or inventions belong to Maystill Research Centre and whatever Intellectual Property rights thereto.

During the course of his employment, in 2021, Rukundo developed a device that can suck poisonous substances from the human body. This is momentous for the research institution and enables them get millions of dollars in grants and they have been to sell the device to a number of medical facilities all over the world.

Maystill Research Centre has recently, this year 2025 filed for Patent regarding the device. Quietly Rukundo Mwerire is aggrieved having gotten wind of this development.

As an Intellectual Property lawyer working at IP Associates & Co, he approaches you for legal advice. In a comprehensive legal memorandum, advice Rukundo Mwerire, PhD on the legal issues herein.

(25 marks)

Question 2:

A Ugandan doctor/ scientist, Dr. Lucy Patra has recently developed a

herbal drug, “Hila” that he claims from his clinical trials can cure diabetes. He is however employed by Sciencer University whose laboratories and equipment he has been using for his research and clinical trials. Sciencer University because of the fame that the drug has gotten in the press issues a press statement claiming ownership of the drug and Dr. LucyPatra as its employee as their employment contract that had developed the herbal drug for and on their behalf.

Sciencer University to consolidate its ownership through its University Council resolves to apply for a patent regarding Hila.

As an IP lawyer working at Kans Attorneys Sciencer University approaches you for legal advice regarding this. Advise the university.

(25 marks)

SECTION B

Choose any 1 question from both questions available

Question 1:

Write short notes:

(Prior art and Right of priority. (25 marks)

(Patents and Utility Models (25 marks)

Question 2:

a.

W Write short notes:

a. Inventive step and Industrial Application (25 marks)

b. Licensing and Assignment of patents (25 marks)

Question 3:

Write short notes:

a. Technovations (25 marks)

b. Invention (25 marks)

Question 4:

Write short notes:

a. Patent Co-operation Treaty (PCT) (25 marks)

b. Plant Varieties (25 marks)

SECTION C

Choose any two from the four questions

Question 1:

Patents rights have become centre stage in the recent years regarding health matters. Citing the relevant law and authorities, discuss how Patent law deals with health rights. **(25 marks)**

Question 2:

“Not everything that is seemingly patentable is patentable”. Discuss this statement citing the relevant law and authorities. **(25 marks)**

Question 3:

Discuss Compulsory Licensing in Patent law citing the relevant law and authorities. **(25 marks)**

Question 4:

Discuss Industrial Designs as an area of Intellectual Property citing the relevant law and authorities.

(25 marks)

Question 5:

"Our health as human beings and patents have a strong connection" as per Professor Muloya. Discuss this statement citing relevant examples, authorities and case law taking into account recent developments.

(25 marks)