

THE JOINT EXAMINATION BOARD

LAW PAPER

BASIC ENGLISH LAW

3rd March, 1992

10.00 a.m. - 12.00 noon

Please read the following instructions carefully. This is a TWO HOUR Paper.

1. You should attempt no more than 4 questions from Part A and no more than 4 questions from Part B.
2. The number of marks allotted to each question is placed in brackets at the end of the question.
3. Where a question permits of reasons being given for the conclusions reached, such reasons should be given.
4. Start each question (but not necessarily each part of each question) on a fresh sheet of paper and number it clearly in the margin. Write on one side of the paper only using BLACK ink. You must write your examination number and the designation of the Paper in the top right hand corner of the sheet. You must NOT state your name anywhere in the answers.
5. Unless specifically requested answers are NOT required in letter form.
6. NO printed matter or other written material may be taken into the examination room.

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PART A

You should attempt 4 (but no more than 4) questions from this section.

1. Give an outline of the civil courts structure in England and Wales indicating the routes of appeal. A diagram may be used if preferred.
(10 marks)
2. What are the four essential elements of a simple contract? Give a one sentence explanation of each.
(10 marks)
3. What is legal professional privilege? How is it applied to dealings with registered Patent Agents and registered Trade Mark Agents?
(10 marks)
4. What is hearsay evidence? When is hearsay evidence admissible in IP civil litigation?
(10 marks)
5. Compare the standard of the burden of proof required in civil and criminal cases. When does the defence bear the burden of proof in criminal cases?
(10 marks)
6. List the remedies available for breach of contract. Give a one sentence explanation of each.
(10 marks)

PART B

You should attempt 4 (but no more than 4) questions from this section.

7. What do you understand by the term "precedent". How is the doctrine applied in the different levels of the Courts hierarchy and when may a judge decline to follow precedent?
(15 marks)
8. Give an outline of the pre-trial procedure necessary to bring an action to the High Court.
(15 marks)
9. Comment on the use of survey evidence in Intellectual Property Cases. What are the necessary elements of a valid survey?
(15 marks)
10. Comment on the functions, practice and jurisdiction of the Patents County Court.
(15 marks)
11. (i) What are the elements of trade libel?
(ii) What are the defences to the above?
(iii) What are the remedies (a) at the interlocutory stage and (b) at a full trial, in such cases?
(15 marks)

