

THE JOINT EXAMINATION BOARD
COMMON FOUNDATION LEVEL
UNITED KINGDOM DESIGNS AND COPYRIGHT LAW

6th November, 1997

2.00 p.m. - 5.00 p.m.

Please read the following instructions carefully. This is a **THREE HOUR** paper.

1. You should attempt no more than **four** questions from Part A and no more than **four** 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. In the appropriate boxes at the top of each sheet please enter the designations of the paper, the question number, and your Examination number. Write on **one** side of the paper only using **BLACK** ink. You must **NOT** staple pages together. 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.
7. Answers **MUST** be legible. If the examiners cannot read a candidate's answer no marks will be awarded.
8. Please put your answers in **QUESTION NUMBER ORDER** before placing in the envelope provided.

8 PAGES, INCLUDING THIS PAGE

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PART A You should attempt 4 (but not more than 4) questions from this section.

1. When are renewal fees due on the following registered designs and when do they expire (please give actual dates) and, in respect of registered design c), say if there is anything that the client should consider in particular with regard to the abandonment of registered design b) through failure to pay renewal fees:
 - a) a registered design filed on 1st. February, 1997 claiming no priority;
 - b) a registered design filed on 1st. February, 1997 that claims priority from a German design application dated 3rd. August, 1996;
 - c) a registered design filed on 1st February, 1997 that is dependent on the registered design mentioned under b) but is not entitled to convention priority, i.e. it is in the name of the same proprietor and is in respect of an article that differs from the article in the application in paragraph b) only by a minor variant.

(10 marks)

2. You are instructed to file a design application for a child's light in the name of a client, Mr. J. Smith, a U.K. citizen, of 1, Railway Cutting, Manchester, M1 2AX. The light is shown in the attached drawing, and you may assume is of overall unique appearance. The client has also commented the same design of lamp will be good for an ordinary domestic wall light. Prepare an application for filing at the Designs Registry using Designs Form 2A and the drawings provided.

(10 marks)

3. Your client has heard that he will obtain automatic Design Right protection for new products and asks why he should seek Registered Design protection. Advise in note form on the advantages and disadvantages.

(10 marks)

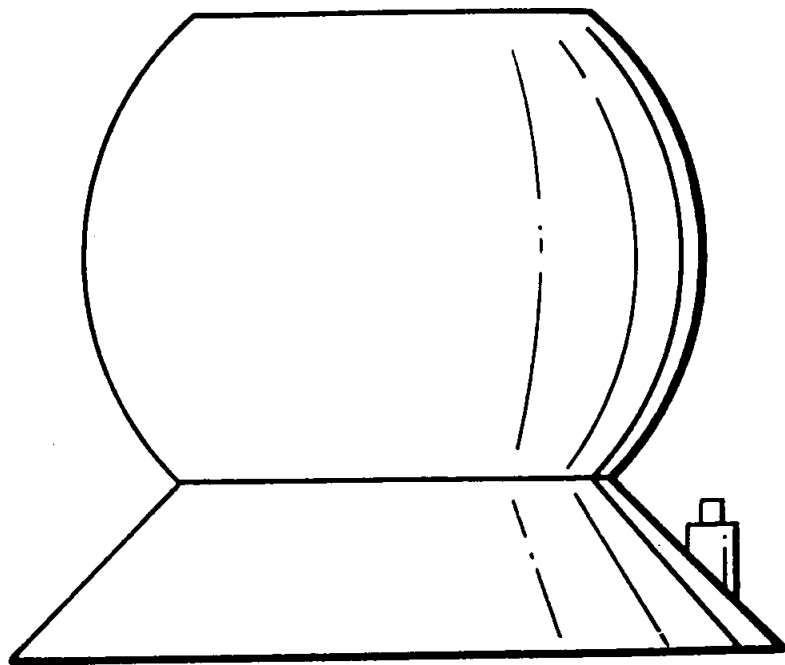
4. What is the duration of protection for the following, indicating why:
- (a) the Design Right in a design document made 31st. October, 1992 showing an article first sold in the United Kingdom from 1st. August, 1995?
 - (b) a design registered having a filing date of 1st. May, 1996 and claiming a priority date of 1st. February, 1996?
 - (c) a design of a car panel first registered 1st. June, 1989?
 - (d) the copyright in a unique statue unveiled in a city centre on 1st. November, 1990?
- (10 marks)

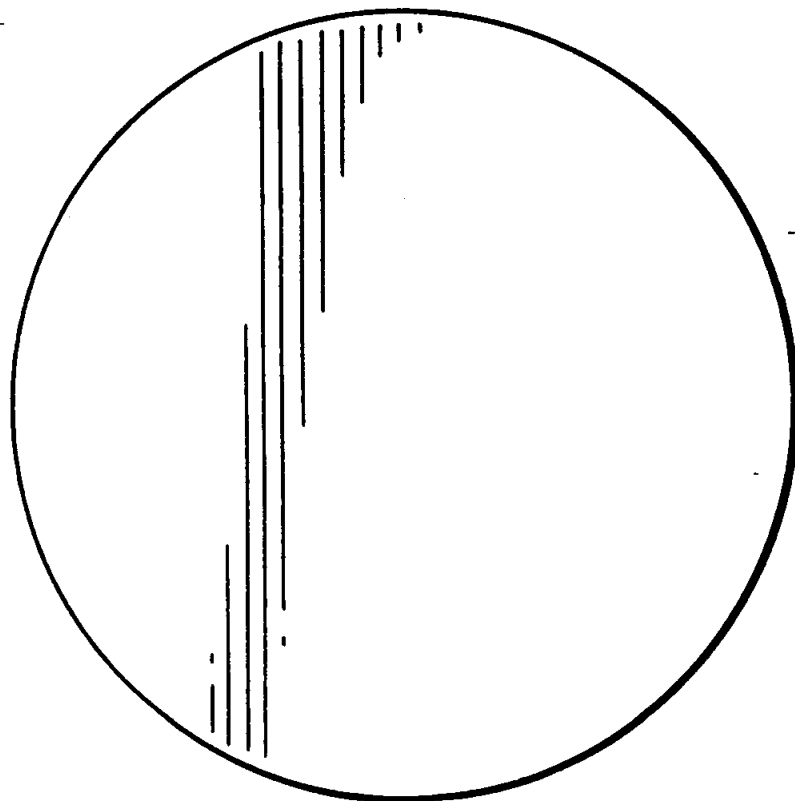
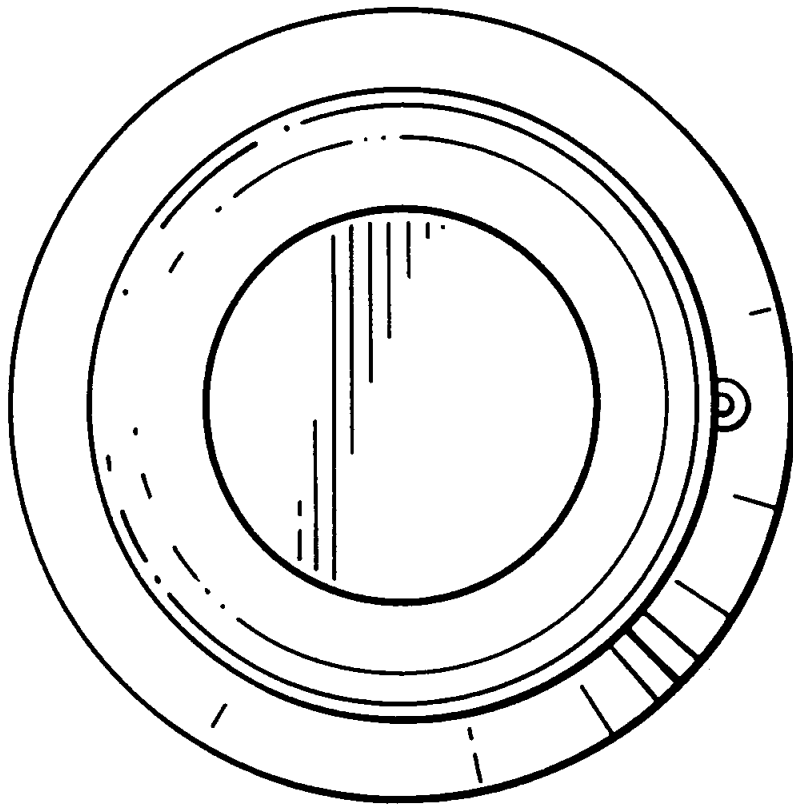
5. What is meant by the following terms:
- (a) applied industrially?
 - (b) secondary infringement of copyright?
 - (c) unjustifiable threats in respect of a registered design?
- (10 marks)

PART B You should attempt 4 (but not more than 4) questions from this section.

6. Your client makes dresses for a variety of retailers. One retailer has approached your client to make a dress similar in shape to that produced by a UK competitor, X, which has provide highly successful. The client appreciates that it is not possible to copy exactly X's dress, but wishes to adopt the most striking design features of the shape of X's dress. Outline in note form the considerations that you would take into account when advising your clients.
- (15 marks)

7. A client is an enthusiastic collector, and has a substantial collection, of United Kingdom comics dating back to the 1960s, most of which are out of print. Due to the quality of modern photocopying, he can make copies that are virtually indistinguishable from the original. He is considering setting up a club in which like-minded enthusiasts would provide copies of their comics to each other. He has two plans, one involving a substantial charge being made by the person providing the copy, and the second would involve the reimbursement for out-of-pocket photocopying expenses only. All copies supplied are for the private use of the recipient only and on the basis that they will not be further copied or circulated. Outline any problems that you foresee. (15 marks)
8. You are approached by a freelance designer who designs and writes publicity material and brochures for companies. The contract for writing one such brochure has recently included a provision that waived all moral rights in respect of any copyright work produced by him in the course of the contract. He enquires what these moral rights are. Outline the nature of the moral rights and whether the contract can waive them. (15 marks)
9. Your client is the exclusive licensee of a design registered in respect of a door handle. He has now found that a competitor is just starting to sell complete doors with the virtually identical door handles through a chain of DIY stores. This is going to have a serious impact on the client's business and the client wants to stop the competitor. Set out in note form the considerations. (15 marks)
10. You have a client who wants to make rechargeable internal batteries for video cameras that can replace the original manufacturer's batteries when they wear out. These batteries, which are of a special design for the camera, are insertable within the body of the camera and are removable from the camera for recharging, using a special design of charger supplied with the camera. It is apparent that your client's batteries must be shaped and have the necessary fitments to attach them to the camera and to the battery charger. Also the electrical contacts must be in certain locations on the battery to enable them to engage the corresponding contacts in the camera and on the charger. Ignoring any possible problems with patents and trade marks, set out the points that you would consider in advising your client. (15 marks)





Application for registration of a design

(See the notes on the back of this form.)

The Patent Office
Cardiff Road
Newport
Gwent NP9 1RH

Fee:

1. Your reference

2. Full name, address and postcode of the or of each applicant

(Names of individuals including all partners in a firm must be given in full. Underline the surname or family name. For a corporate body give its company name.)

Designs ADP number *(if you know it)*

If the applicant is a corporate body, give the country/state of incorporation

3. Name of agent *(if you have one)*

“Address for Service” in the United Kingdom to which all correspondence should be sent *(including the postcode)*

Patents ADP number *(if you know it)*

LEAVE BLANK

4. Name the particular article or set of articles to which the design applies.

Write the fee code S, T or O *(See note (f))*

5. Association: Enter the number of any earlier design application or registration with which the application seeks association under Section 4

6. Declaration of priority:
(if any)

Country

Date of filing
(day/month/year)

Give the Convention country and filing date of any previous application made abroad from which priority is claimed under Section 14

7. If 6 above applies, and the previous application was not made in the name *(s)* given at part 2, give details of the instrument *(for example, deed of assignment)* which gives the applicant the right to apply for registration. Include appropriate name*(s)* and date*(s)*.

(If this information is not given at the time this form is filed you must supply it before the design is registered.)

Designs Form 2A

8. Divisional application: Give the number and filing date of any relevant earlier application whose filing date is claimed under Rule 34

Number

(day)

StudentBounty.com

9. Declaration

I/We apply to register the design shown in the accompanying representations or specimens. I/We declare that the applicant(s) claim(s) to be the owner(s) of the design in relation to the article or set of articles specified at part 4 overleaf and to be the owner of any design right that exists in this design. I/We also declare in respect of any entry at part 6 above that the application made in the convention country upon which the applicant relies is the first application made for registration of the design in a convention country.

Signature(s)

LEAVE BLANK

Date

10. Name and daytime telephone number of person to contact in the United Kingdom

LEAVE BLANK

11. Checklist

Make sure you have enclosed:

- representations or specimens of the design (see note (c))
- any continuation sheets (see note (e))
- the relevant fee (see note (f))

Notes

- a) If you need help to fill in this form or you have any questions, please contact the Patent Office on 0645 500505.
- b) Write your answers in capital letters using black ink or you may type them.
- c) This form should be accompanied by four (five if the application is for a set of articles) identical representations (for example, drawings or photographs) or specimens of the design. Except in the case of an application for a design applied to lace, a textile article or wallpaper (or similar wall covering), a statement of the features of the design for which the novelty is claimed (a "statement of novelty") should appear on each representation or specimen. In the case of representations or specimens which consist of more than one sheet, the statement of novelty should only appear on the first sheet. If it is impracticable for the statement of novelty to appear on a specimen, it may be given on a separate sheet. Specimens may sometimes need to be replaced by representations.
- d) If words, letters or numerals appear in the design, the Registrar will normally require a disclaimer of any right to their exclusive use to appear on each representation or specimen.
- e) If there is not enough space for all the relevant details on any part of this form, please continue on a separate sheet of paper and write "see continuation sheet" in the relevant part. Any continuation sheet should be attached to this form.
- f) Different fees are payable according to whether the application relates to a design for:
 - a set of articles (fee code S)
 - a single lace article or textile article mainly of checks or strips (fee code T)
 - any other single article (fee code O)

For details of the fees and ways to pay please contact the Designs Registry of the Patent Office.

- g) Once you have filled in the form you must remember to sign and date it.