

HERBERT CHITEPO LAW SCHOOL

BACHELOR OF LAWS HONOURS DEGREE

LEVEL 5 SEMESTER 1

EXAMINATION QUESTION PAPER

MODULE CODE	LLB 511
MODULE NARRATION	INTELLECTUAL PROPERTY LAW
DATE	NOVEMBER 2025
DURATION	3 HOURS
TOTAL MARKS	70

INSTRUCTIONS TO CANDIDATES:

1. Write legibly.
2. Section A is compulsory, and answer any other TWO questions from section B.
3. Students are permitted to take into the examination unannotated copies of Zimbabwean Intellectual Property Law statutes as well as unannotated copies of Conventions and Treaties they may deem necessary.
4. This question paper is 4 pages long.

SECTION A

THIS QUESTION IS COMPULSORY.

QUESTION 1

James Sonny is employed at Chiguma Investments where he is employed as a full-time messenger. To make ends meet he starts exploring singing as an option and he is referred to Psychiatric Ward Studios by a friend who advised him that the owner of the studio, Joseph was a good friend. Joseph and James Sonny struck a good relationship because James Sonny would steal some tumbwa alcoholic beverages for consumption with Joseph in the hope of getting a studio session with Joseph.

One day the bottle store was so busy to the extent Mr Chiguma could not manage the pressure of his loyal customers and impeters. In a bid to manage the pressure he roped in James Sonny who had just returned from adventures with Joseph during working hours. In the process of assisting Mr Chiguma at the point-of-sale terminal, James Sonny started typing the lyrics of a song titled Kumashops, describing the scenes and chaos transpiring in the bottle store. As pressure subsided James Sonny was sent back to his usual duties as a messenger. When James Sonny finished work, he stole 5 bottles of his favourite tumbwa remedy and headed off straight to Psychiatric Ward Studios. As was the practice as usual, Joseph and James Sonny then recorded the song Kumashops. As the song was released James Sonny and Joseph became household names as the song was an instant success. James Sonny quits employment and leaves in search for his newly found fame. One day as Mr Chiguma was doing his stock he figures out that the lyrics of the song Kumashops were written on his point of sale machine while James Sonny was employed at the Bottle Store.

Mr Chiguma approaches you intending to sue James Sonny and Joseph for copyright infringement and claim damages and all future income from the song as he is the copyright owner. Critically discuss the prospects of success of Mr Chiguma. **[30 Marks]**

SECTION B

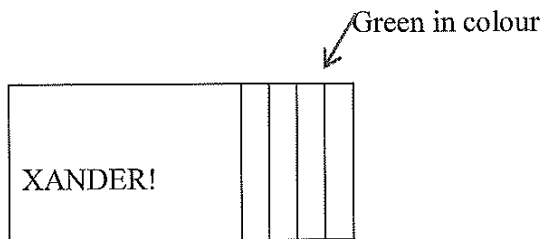
ANSWER TWO QUESTIONS FROM THIS SECTION.

QUESTION 2

- a) Define in your own words what is meant by Intellectual Property. In your view are the laws put in place adequate in protecting and enforcing Intellectual Property Rights considering the fast growing of technology? What would be your recommendations if the answer is negative?
- b) Explain with reference to case law and relevant practical examples, the application of the theories of Intellectual Property and the basic Principles of Intellectual Property in Intellectual Property Law. **[20 Marks]**

QUESTION 3

Alexander Shumba is self-employed as a clothes designer. From as early as 2019, he has been making/ designing suits carrying his label as shown below:



The label is normally placed on the inside pocket of the jacket, on the outer cuff of the jacket as well as on the inner side of the trousers' pockets.

He has acquired a reasonable market for his designer suits and would like to protect his label by registering it as a Trade Mark.

With the aid of case law, other authorities and examples, advise Alexander Shumba on the,

- a) various requirements which ought to be satisfied before the Registrar can register a Trademark. In your advice, highlight the probability or chance of him managing to register his label under the Trade Marks Act (Chapter 26: 04).

- b) requirements of passing off in Zimbabwe that Alexander Shumba can satisfy if there is any infringement before he registers his label as a Trade Mark. **[20 Marks]**

QUESTION 4

Critically discuss the requirements that determine the patentability of an invention.

[20 Marks]

QUESTION 5

Patentee rights vs Patients' rights. Discuss instances where there is a call for a balance between Patent holder's rights and the Public rights. **[20 Marks]**

QUESTION 6

Outline the test and requirements of Industrial Designs and with the aid of case law discuss remedies for Industrial Designs infringement available under the Zimbabwean Law. **[20 Marks]**

QUESTION 7

The intellectual property system is currently undergoing what is termed the 'second enclosure movement' where knowledge in the public domain is privatised under the auspices of intellectual property. However, despite the existence of an effective legal framework that protects Intellectual property, traditional knowledge has remained in the periphery because it is deemed to be old and superstitious and archaic.

Critically examine the efficacy of and how traditional knowledge are protected in Zimbabwe?

[20 Marks]

*****END OF EXAMINATION*****

TOTAL MARKS: 70