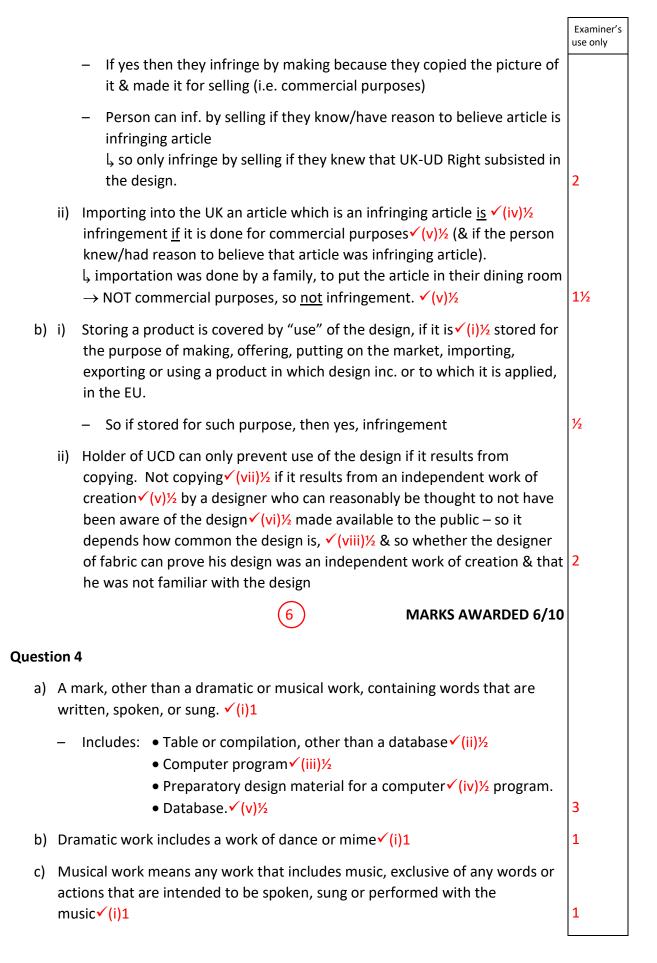
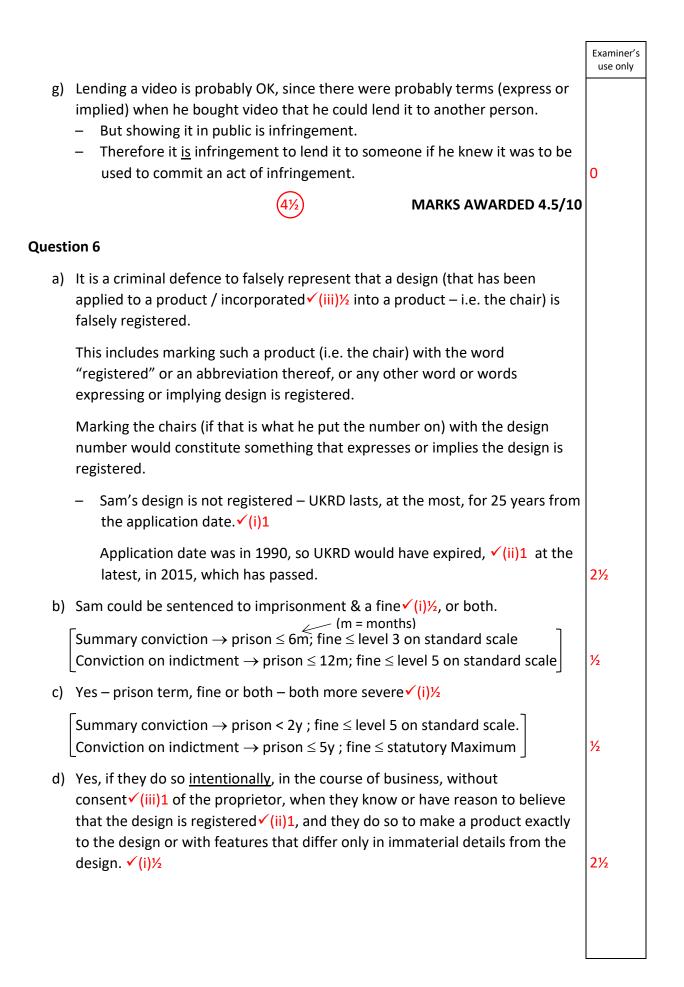
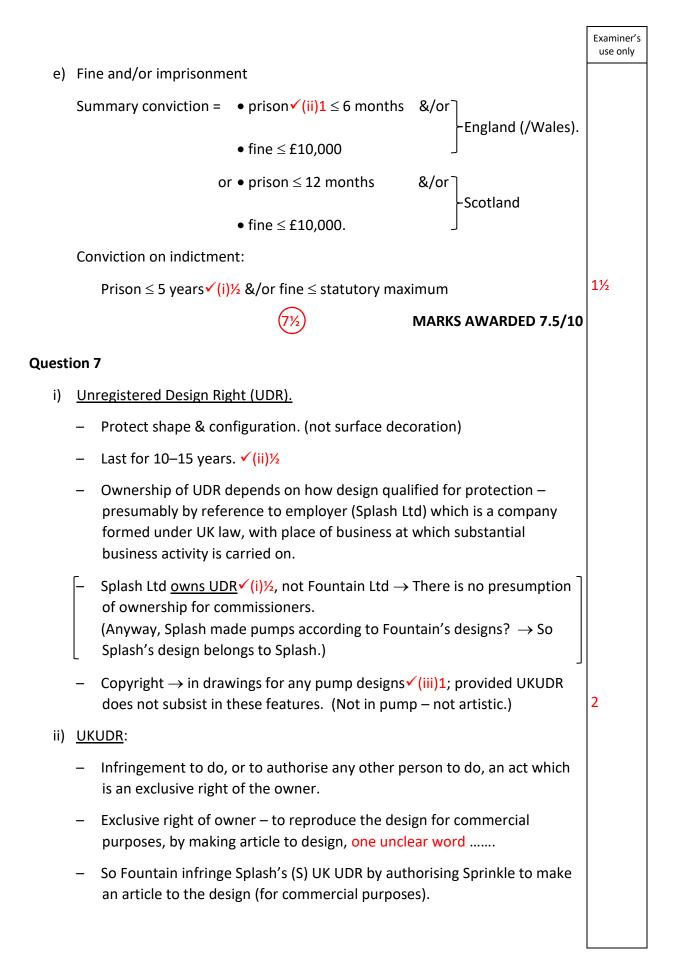
PERCENTAGE MARK AWARDED: 57%

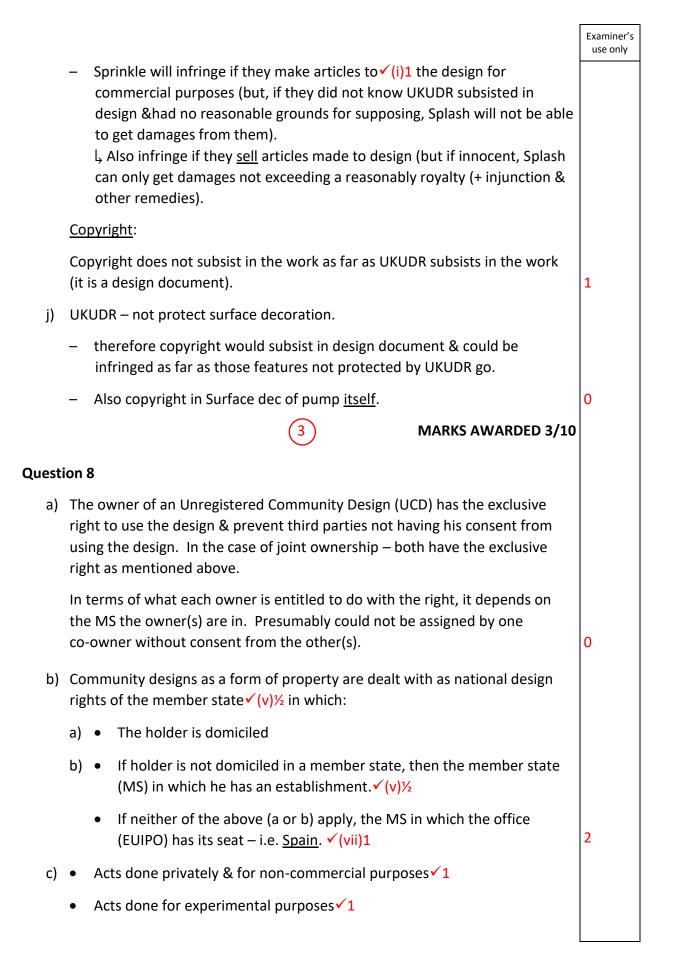
			Examiner's use only		
Question 1					
a)	was f was f	otect the same design for which an application for design registration filed in Canada, must file within 6 months of the date that application filed (presuming there was no priority claimed – otherwise 6 months that date). So July + 6 months \approx January 2018 \checkmark (i)1	1		
b)		e are no qualification requirements to <u>file</u> a CRD (Community Registered m) <u>application</u> .			
	– tł	ne <u>designer</u> is entitled to the CRD.			
	– Ir	this case that seems to be Anne. \checkmark (i)1			
	р	ut anyone can file the application (– Anne may bring entitlement roceedings). The designer has a right to be cited as such in the pplication.	1		
c)	multi	there are multiple designs for the same product, type, could file a ple application <a>(i)½)/deferment fee & registration fee for each design after the first are ced.			
	С	roducts as indicated in the application must be in the same locarno lass✔(i)½, unless the designs relate to ornamentation. (so multiple pplications for bottles, & for bags &✔(ii)½ for mats).	1½		
		(3½) MARKS AWARDED 3.5/10			
Question 2					
a)		is infringement to do anything which is an exclusive right of the design ght owner.			
	-	Design right owner has exclusive right to reproduce the <mark>√(i)1</mark> design for commercial purposes by making articles to the design (or by making design doc to enable such articles to be made).			
	-	Reproducing design by making articles to the design means copying the design so as to make articles exactly or substantially to the design. ✓ (ii)½			
	_	So it depends whether a miniature version of the desk lamp constitutes an article made "exactly or substantially to the design". <a>(ii) /2			

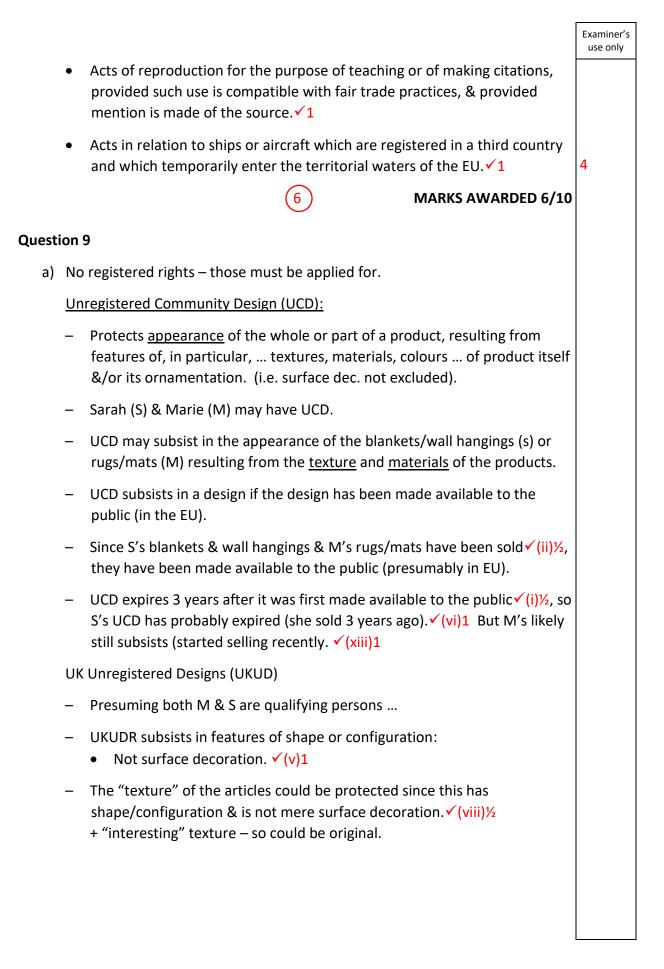


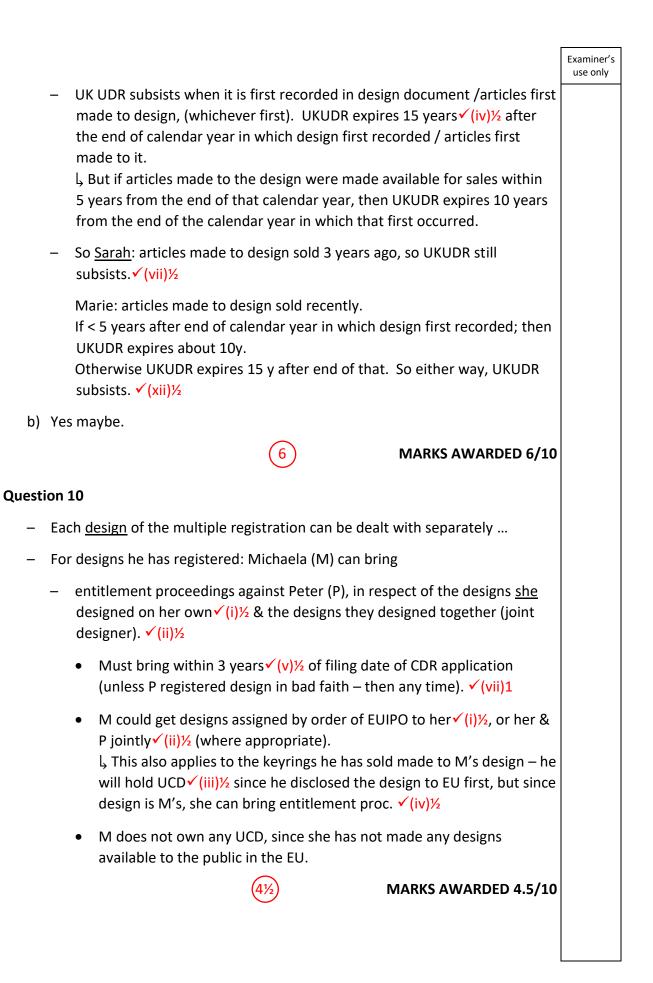
		Examiner's use only
d)	Artistic work means any	
	 Graphic work, photo, sculpture or collage, irrespective of artistic quality. ✓ (i)1 	
	 Work of architecture, being a building or a model for a building √(ii)1 Work of artistic craftmanship √(iii)1 	3
e)	 Graphic work means any Drawing, painting, diagram, map, chart or plan ✓ (i)1 engraving, etching, lithograph, woodcut or similar work ✓ (ii)1 	2
	MARKS AWARDED 10/10	2
Questi	ion 5	
d)	No√(i)½ – Acts done for the purpose of research & private study are excluded from infringing acts.	1/2
b)	Yes. <mark>√ (ii)</mark> ½	
	• Copying the photos is infringement (artistic work – reproduce the work in	
	 any material form = copy ✓ (iv)½). And selling the book = issuing copies (of the photos) to the public. 	1
c)	Yes – publishing = showing the work in public.	0
d)	Yes√(i)½ – Infringement can be direct or indirect√(ii)½ (i.e. whether	
,	intervening acts are infringement does not matter, since copying the article	
	<u>is</u> .)	1
e)	Yes ✓ (i)½ – Artistic work – copying includes making a 2–D copy of a 3-D work ✓ (ii)½ & vice-versa.	
	 Also copying includes reproducing in any material form. 	1
f)	 Copying includes copying all or a substantial part of the work. ; + issue copies to the public is infringement but is this a copy or <u>original</u>? 	
	 Original → Showing the work/communicating the work to the public is infringement. But social media site – is that public √ (iv)½ or just his "friends"? 	
	 Probably <u>is</u> infringement ✓ (i)½, since it probably does constitute showing 	1
	the work/communicating it to <u>public</u> .	1











Question 11

Unregistered Community Design – UCD

Registered Community Design – RCD.

 RCD & UCD protect the appearance of the whole or a part of a product, resulting from feature of, in particular, the lines, contours, colours, shape, texture &/or materials of the product itself &/or its ornamentation. Examiner's use only

- where product is industrial or handicraft item

... including, inter alia, <u>parts</u> to be assembled into a <u>complex product</u> ...

- Complex product is a product containing multiple component parts which are replaceable, permitting disassembly & re-assembly of the complex product.
- − A vehicle is a complex product. ✓ (xiii)½
- Spark plugs & bumpers (& other spare parts) are component parts of a vehicle. (i.e. replaceable permitting disassembly + re-assembly of car)
- So far protectable

But – RCD & UCD only protects component part if (& to extent that) the component part, as incorporated into the complex product is visible during normal use. \checkmark (x)1

- (− These <u>visible features</u> must fulfill the requirements for protection (be novel & have individual character ✓ (xi)1)).
- Normal use means normal use by the end user, excluding servicing, maintenance & repair. ✓ (xii)1
- In this case, end user would be a <u>driver</u> of the vehicle.
- So spare parts will be protectable provided they would be visible during normal use by a driver of the vehicle (i.e. – during the driving of the car)
- So spark plugs would be excluded from protection ✓ (xiv)½ by UCD & RCD since it would not be visible during normal use. (normal use excludes servicing, maintenance & repairs)
 ↓ As would most parts that are "under the hood" (engine, etc.)

		Examiner's use only
-	Bumper is on the outside, & would be visible during normal use (by end user), so is not exclude by virtue of this provision. L As would other parts that are visible during normal use (e.g. wing mirror, etc)	
_	But there is a "must-fit" exclusion L Cannot protect features of appearance which must necessarily be reproduced in their exact form and dimensions \checkmark (iv)½ to enable the product to be mechanically connected to or placed in, around or against another product \checkmark (vi)½ so that either product may perform its function. \checkmark (vii)½ So, for example, petrol cap not protectable (as far as its shape goes).	
-	There is no "must-match" exclusion in UCD & RCD. L, So no need to worry about e.g. car door needing to "look" the same as car.	
-	There is an exclusion of features which solely perform technical function. \checkmark (i) $\frac{1}{2}$	
_	Designs would have to fulfill requirements of novelty & individual character to be protectable.	
	6 MARKS AWARDED 6/10	