



<u>FACULTY</u>	: LAW
<u>DEPARTMENT</u>	: MERCANTILE LAW
<u>CAMPUS</u>	: APK
<u>MODULE</u>	: HRA0021/CML41B0 CAPITA SELECTA MERCANTILE LAW
<u>SEMESTER</u>	: SECOND SEMESTER
<u>EXAM</u>	: FIRST SUPPLEMENTARY EXAMINATION 2020

<u>DATE</u>	: 08 JANUARY 2020	<u>SESSION</u>	: 08:00-10h00
<u>ASSESSOR(S)</u>	: PROF RW ALBERTS		
<u>MODERATOR</u>	: PROF E HURTER		
<u>DURATION</u>	: 2 HOURS	<u>MARKS</u>	: 80

NUMBER OF PAGES: **2 PAGES** (Including the cover page)

INSTRUCTIONS:

1. Answer ALL THE QUESTIONS.
 2. Number your answers clearly.
 3. Refer to relevant case law.
-

QUESTION 1

A obtains knowledge about a trade secret/confidential information from B. Discuss B's remedies by differentiating between various principles.

[10]

QUESTION 2

AA commences use of the trade mark VOLKSWAGEN in relation to wheelbarrows. Volkswagen, the owner of the VOLKSWAGEN trade mark, wishes to interdict this use. Consider and evaluate the protection that might be available under the "unfair advantage" rubric in section 34(1)(c) of the Trade Marks Act 194 of 1993, with reference to overseas case law.

Exclude from your answer the case of Laugh It Off Promotions CC v South African Breweries International (Finance) BV t/a Sabmark International and Another [2005] ZACC 7.

[15]

QUESTION 3

Ms X, a well-known business woman, visits a shop, and her photo is taken without her being aware thereof. The shop later places an advertisement alongside her photo. Delineate her remedies.

[20]

QUESTION 4

Mrs Neledi designs a computer program that causes a dispenser to release food for pets every few hours. Assuming that the program otherwise complies with the requirements of the Patents Act 57 of 1978, would the program be patentable? Analyse the legal position by referring to the various relevant provisions of the Act, and case law.

[20]

QUESTION 5

Describe each of the three main pillars of competition law - restrictive agreements, abuse of dominance and merger control.

[15]

TOTAL: 80
