

Question 1

The South African Patent Office recently accepted an application citing artificial intelligence as an inventor. Do you agree with this decision? In your answer consider how the Patents Act, 57 of 1978 deals with who or what is considered an inventor and compare the South African approach to that of the United States and Europe.

[25]

Question 2

It has been argued that the current Patents Act, 57 of 1978 does not reflect current international best practice. Explain how the South African IP Policy 2018 (First Phase) aims to address this and discuss whether, in your view, the Policy will achieve its objective.

[25]

Question 3

The Patents Act, 57 of 1978 and the National Environmental Management: Biodiversity Act 10 of 2004 share a common philosophy. Discuss how effect is given to these fundamental aspects of each of the legislation.

[25]

Question 4

The Designs Act, 195 of 1993 makes provision for both an aesthetic design and a functional design. Compare and contrast each of these species of design and give an example of how each might be applied in practice. Which of the two is preferable from a licensor's point of view? Give reasons for your answer.

[25]

Total

[100]