

INTELLECTUAL PROPERTY LAW

17TH JANUARY 2020 – 13H

This is an individual exam.

The use of **electronic devices** during the exam is **absolutely forbidden**.

You may consult any written printed document.

You may answer the questions in **English** or in **Portuguese** languages.

Duration: 3 hours

Grades: Question 1: 6 points; Question 2: 7 points; Question 3: 7 points.

1.

Ron-Brandt is a famous artist. He produces engraving works (prints) using a machine and a special process, both developed by him.

He decided to obtain a European patent for the printings he creates using the said machine and process, and also to patent the machine and the process themselves.

Is that possible? Why/how? Justify.

2.

Mary Green owns a small business where she produces a range of vegan cookies. She decided to expand her business and to start producing vegan cosmetics and perfums.

So, she decided to register a soft tonality of lima green as a European trade mark to signalize “cookies, biscuits, cakes, other pastry, chocolates, natural juices, cosmetics and perfums”.

In the European trade mark application she identified the requested trade mark by printing the said colour in the application form.

Considering these facts, **do you think Mary may obtain the requested European trade mark? Why/how? Justify.**

3.

Joana Vasco Cello is a Portuguese artist. One of her works is a giant golden spoon (exactly like a common tablespoon).

John Iron is a businessman and a cutlery fabricant that likes Joana’s works very much. He would love to have the giant golden spoon but found its price very high. So, he decided to make a replica of the giant golden spoon and put it in his garden’s lawn.

Joana came to know about this and wrote to John asking him to immediately destroy the golden spoon replica, since she didn’t allow him to make a copy of her art work. John wrote back saying: “I’ve done nothing illegal. It’s just a common spoon, anyone can make one. Besides, I’m not selling it”.

Considering European copyright legislation: **Who do you think is right? Why? Justify.**

Good luck!