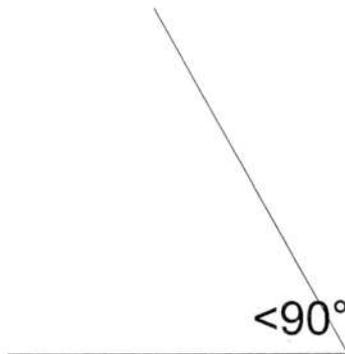


Exam in: Fundamentals of IP Law,
Course code: 3774
Date: 20.10.2010
Examiner: Marcus Norrgård
Duration: 5 h

Help Aids: -

1. X Corporation, which is a company dealing in the clothes industry, turns to you for legal advice. They are about to start selling a new line of jeans, which they want to protect as broadly as possible. Please advise them on whether the following can be protected as Community trademarks. Do also provide legal reasons for your advice.
- "Blue J", "B Jeans" or "BJ"
 - The colour combination green and purple. They specifically want to protect any possible combination of the two colours. Does it matter whether international colour codes are used for the colours?
 - The laugh of a baby (5 seconds long).
 - A few bars of Frederic Chopin's (1810-1849) Valse no. 7.
 - Part of the refrain of the song "Wanted Dead or Alive" (by the rock group Bon Jovi, from the album Slippery When Wet (1986)). The part to be used is "I'm a cowboy. On a steel horse I ride" the whole refrain is as follows: "I'm a cowboy. On a steel horse I ride. I'm wanted Dead or alive. Wanted. Dead or alive"
 - The jeans themselves. They do not however want to protect a certain jeans type or design, but rather in a general and abstract manner, all the conceivable shapes of such jeans. (20 points)

2. N Oy, a Finnish limited liability company, is the holder of the Finnish patent FI191919 which protects a chair that does not have its backrest turned backwards but forwards (at an angle less than 90 degrees). In the patent description it was stated that the problem to be solved was that people with a very specific kind of lower back pain cannot sit in normal chairs, but are helped considerably by this new and inventive solution. The chair is claimed as follows: "A chair comprising a seat, a backrest, armrests and 2-5 legs where the seat is to the backrest at an angle of less than 90 degrees, preferably 83-85 degrees."



Another Finnish Company B bought and sent out brochures to its customers in Finland and abroad in order to start selling chairs called "Chair 1234" from a company P, based in Poland. This chair has a seat, a backrest, armrests and one leg. The seat is to the backrest at an angle of 86 degrees. The chairs have been sold "Ex Works Warsaw", i.e. B has collected the chairs in Poland and transported them to Finland.

N accuses B and P of patent infringement saying that B by marketing and P by manufacturing the product infringes the patent. You act as counsel for B and P. Present your arguments against patent infringement. (20 points)

3. Exhaustion of copyright (20 points)