INSTRUCTIONS

1. This paper consists of FOUR (4) pages. Please ensure that you have all of the pages.

2. Please answer ALL QUESTIONS.

3. This paper contains TWO sections and students MUST answer the TWO sections in separate answer booklets.

4. Each section constitutes 35 Marks and the paper counts for a total of 70 marks.

5. Please ensure that you number the questions correctly.

6. Students are requested, in their own interest, to WRITE LEGIBLY.

7. Students are entitled to retain the question paper.
SECTION A

QUESTION 1

The following illustration forms part of the specifications of a patent application lodged by South African inventor John Mason. Mason believes he has devised a method of salvaging wrecked ships from the bottom of the ocean that is both cost efficient and quick. It involves the use of a vessel on the surface of the ocean (See label 1 on diagram), and the running of a hollow tube from this vessel to the sunken ship on the ocean floor (See label 4 on diagram). Hollow bodies are pumped into the sunken vessel via this hollow tube and are then inflated with air. As a result of the hollow bodies in the sunken ship being filled with air, the sunken vessel achieves buoyancy and it will then float to the surface for further salvage operations to commence. Mason applies for patent registration on the 5th of April 2015.
Whilst waiting for the outcome of his application, Mason discusses the application with his grandfather. Upon hearing his explanation of the invention, Mason’s grandfather indicates that he has heard of a very similar invention. Mason’s grandfather excuses himself and goes up to the attic to search his old books and papers. After a short while he returns and hands Mason an old and weathered “Duck Tales” comic from the late 1970’s. His grandfather then says to him, “I told you this whole thing sounded familiar. Donald Duck did the same thing in this old comic book I used to read when I was younger!”

Answer the following questions:

1.1 List and describe the requirements for patentability in terms of the South African Patents Act 57 of 1978.

[10 Marks]

1.2 Advise Mason as to whether his application for a patent will be granted.

[5 Marks]
QUESTION 2
What is the relevance of ‘propriety’ in South African trade mark and copyright law?

[10 Marks]

QUESTION 3
Set out the principal differences, giving examples of each, between fair, unfair and automatically unfair dismissals. You are also required to discuss which labour legislation applies to these types of dismissals.

[10 Marks]

TOTAL SECTION A: 35 MARKS

SECTION B

QUESTION 4
Set out the difference between an ‘order’ cheque and a ‘bearer’ cheque. Include in your discussion the meaning of endorsement (special and blank), the liability of the endorser to the endorsee and the effects of the words ‘not negotiable’ and ‘not transferable’ on cheques.

[20 Marks]

QUESTION 5
List the ways by which payment by electronic funds transfer can be effected. Write them in full NOT in abbreviation form.

[3 Marks]

QUESTION 6
Name and identify any two principal parties in an international sale agreement.

[2 Marks]

QUESTION 7
Critically discuss the differences between stop orders and debit orders.

[10 Marks]

TOTAL SECTION B: 35 MARKS

TOTAL FOR PAPER: 70 MARKS