

ESPEME

Lille - Nice

EDHEC
BUSINESS SCHOOL



Accounting **Law &**
Finance Department

E D H E C

G R A N D E

E C O L E

MSc Legal & Tax Management 2009/2010

Intellectual Property Law in Globalized
and Digitalized Economies

Final exam - Duration: 3 hours

Documents allowed

Students will answer to questions 1 to 3 on one sheet, and to
questions 4 and 5 on a separate sheet

Professors:

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How many times did this happen to you? You were in a party discussing with friends, you were at the coffee machine talking with colleagues, you were in a family dinner... when suddenly someone came up with a quotation from a movie. From which movie does this sentence come from? Is the citation correct? Who said it, and under which circumstances? The conversation can last for long before you find the answer...

"When there is a need, there is a market", Emma and Sean reminded their audience as they opened a meeting with potential investors. A few business angels were gathered to discover their project, called "Bit Parts". The website Emma and Sean envision would provide users with a mean to find the exact quotation, the name of the character or actor who said it, and the title of the movie. Once logged in, users would then be lured to download, rent or buy the whole movie, or would be invited to subscribe to other services provided by a company incorporated under the name 'Sean & Emma'. The website would target users in North America and Europe, to begin with.

In the first year, the service would be launched in beta, and would feature 10,000 classic film excerpts. Users will be able to search by actor, director, keyword, or line of dialog to call up the snippet they seek.

At a further stage, Emma & Sean plan to have a crowdsourced video-editing option, to lets users cut clips themselves or add additional search tags to improve the service.

At this point of their presentation, Emma and Sean feel they have not convinced the investors. But they have not reached yet the stage where they show concrete examples of the way the website functions.



- A. "You talking to ____?"
- B. "You're cool, fuck you, I'm ____!"
- C. "Gentleman, you can't ____ in here, this is a war room."
- D. "Nobody fucks with the ____."
- E. "The price is ____, bitch!"
- F. "Say hello to my little ____."
- G. "These go to ____."
- H. "Did you see the ____ about this?"
- I. "You mess with the ____, you get the ____."

Now the investors want more! And some of them say they would be ready to fund the project. Nevertheless, two of them raise copyright objections.

1. Is the proposed service contrary to copyright law(s), and why?

If your answer is yes, would there be a mean to circumvent the risk?

[10 points]

2. In which country/countries should Sean & Emma register the trademark "Bit Parts"? Justify.

[5 points]

3. The domain name bitparts.com is already registered, by a company which uses it for spare parts of projection machines. What would you advise them?

[5 points]

→ Please answer to questions 4 and 5 on a separate sheet

4. In order to facilitate and optimize the access to "Bit Parts" service, a specific process has been built. This process seems totally new and original. Emma and Sean think that this process is patentable but they are cautious because of the litigation risk in the patent domain and the cost of patent filing in an international context. They wonder to what extent the recourse to patents could increase the level of the legal protection for their business.

[10 points]

5. It seems that Google could be interested in a partnership with "Bit Parts" company. The aim of this partnership would be to share contents and to develop some co-branding projects. What would be the key-clauses of such an agreement?

[10 points]

Answers:

- A. *me* [Taxi Driver]
- B. *out* [Half Baked]
- C. *fight* [Dr. Strangelove]
- D. *Jesus* [The Big Lebowski]
- E. *wrong* [Happy Gilmore]
- F. *friend* [Scarface]
- G. *eleven* [This Is Spinal Tap]
- H. *memo* [Office Space]
- I. *bull/horns* [The Breakfast Club]