

The  
Management  
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**DIPLOMA UNIVERSITY EXAMINATIONS**  
**SCHOOL OF MANAGEMENT AND LEADERSHIP**  
**DIPLOMA IN ENTREPRENEURSHIP**

**DES 105: PATENTING FOR INTELLECTUAL PROPERTY RIGHTS**

**DATE: 8<sup>TH</sup> APRIL 2026**

**DURATION: 2 HOURS**

**MAXIMUM  
MARKS: 70**

**INSTRUCTIONS:**

1. Write your registration number on the answer booklet.
2. **DO NOT** write on this question paper.
3. This paper contains **SIX (6)** questions.
4. Question **ONE** is compulsory.
5. Answer any other **FOUR** questions.
6. Question **ONE** carries **30 MARKS** and the rest carry **10 MARKS** each.
7. **Write all your answers in the Examination answer booklet provided.**

## QUESTION ONE

**Read the Case Study below carefully and answer the questions that follow:**

### **“THE SMART AGRO-INNOVATION DILEMMA”**

A Kenyan agritech startup, GreenGrow Ltd, has developed a multi-functional drone that can monitor crop health, apply fertilizers in a precision manner, and collect soil data to improve productivity. The drone incorporates novel sensors, AI-based software, and a unique rotor system that the founders claim is patentable.

As GreenGrow Ltd prepares to file patents locally and internationally, several challenges emerge:

- Some of the drone’s AI algorithms were adapted from open-source software, raising questions about ownership and rights.
- A competitor has filed a patent in the US and Europe for a similar multi-functional drone, claiming prior art.
- The founders are unsure about licensing agreements, and whether they can license the technology while retaining ownership.
- Gender inclusivity in the development team and community adoption raises ethical and legal considerations.
- Kenya’s Industrial Property Act, 2001, and international PCT requirements must be adhered to, but the startup lacks experience in filing procedures.

### **Required:**

- (a) Identify and discuss what aspects of the GreenGrow drone innovation can be patented under Kenyan law and internationally. Include in your discussion matters excluded from patenting.

**(10 Marks)**

- (b) Explain how the startup should handle issues related to open-source components and prior art disputes.

**(8**

**Marks)**

- (c) Propose a comprehensive patenting and IP strategy for GreenGrow Ltd that addresses local and PCT filings, licensing arrangements, infringement protection, and compliance with national and international IP laws. **(12 Marks)**

## QUESTION TWO

- (a) Discuss how duties, responsibilities, and rights of a patentee contribute to the sustainable protection, commercialization, and enforcement of an invention.

**(5 Marks)**

- (b) Describe the practical methodology for filing a patent in Kenya.

**(5 Marks)**

## QUESTION THREE

- (a) Compare local versus global protection of patents. **(6 Marks)**

- (b) Using examples, discuss how intellectual property rights incentivize innovation and economic development.

**(4 Marks)**

## QUESTION FOUR

- (a) Examine patent infringement and the legal remedies available to a patentee under Kenyan law.

**(4 Marks)**

- (b) Explain how licensing arrangements they can be structured to maximize innovation adoption while protecting the patentee's rights.

**(6 Marks)**

## QUESTION FIVE

- (a) Assume you are an IP consultant for a tech startup. Explain how you would develop IP assessment tools to evaluate a company's inventions and innovations for patentability and commercial potential. **(6 Marks)**
- (b) Discuss ethical considerations in patenting, particularly in situations involving collaborative innovations.  
**(4 Marks)**

### **QUESTION SIX**

- (a) Analyze the Industrial Property Act, 2001 in the context of requirements for non-PCT applications, and the scope of protection.  
**(4 Marks)**
- (b) Propose strategies to help a Kenyan innovator secure global patents efficiently while minimizing costs, duplication, and legal risks.  
**(6 Marks)**