



TECHNICAL UNIVERSITY OF MOMBASA

SCHOOL OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF COMMUNICATION STUDIES

UNIVERSITY EXAMINATION FOR:

DIPLOMA IN GRAPHIC DESIGN
HGD 2217: LAW FOR DESIGNERS

END OF SEMESTER EXAMINATION

SERIES: AUGUST 2019

TIME: 2 HOURS

DATE: Pick Date Aug 2019

Instructions to Candidates

You should have the following for this examination

-Answer Booklet, Examination Pass and Student ID

This paper consists of five questions.

Attempt question ONE (Compulsory) and any other TWO questions.

Do not write on the question paper.

QUESTION ONE – COMPULSORY

- a. Explain the main difference between a “Crime” and a “Tort”. (6 marks)
- b. Outline SIX exclusive rights of the author. (6 marks)
- c. Explain the work of a Tribunal and why concerned parties might prefer to take a matter before a tribunal rather than before court in the first instance. (6 marks)
- d. Draw an illustration showing the hierarchical organization of the Kenyan courts. (4 marks)
- e. Outline FIVE functions of law in the society. (5 marks)
- f. Explain “*Actus reus*”. (3 marks)

QUESTION TWO

- a. Discuss FIVE reasons why it is important for you to study Law for Designers. (8 marks)
- b. Advertising messages must comply with certain societal norms and limits. Highlight any SIX ethical guidelines of the Advertising Code. (6 marks)
- c. Discuss THREE causes of piracy of copyright in the country. (6 marks)

QUESTION THREE

- a. An unknown graphic artiste recently generated a photo shop image of a governor and a women representative lying together on a posh bed. It is likely that one of the two or both would sue the artiste were they to find who he/she is.
Discuss the likely nature of their complaint in court and what they would be required to demonstrate to succeed in their claim. (8 marks)
- b. Suppose you've published a picture on your online platform that has thousands of followers whereby the picture portrays the MP for Majengo Mapya dishing out money to some youth during an electioneering season. Although you've captioned the image "Majengo Mapya MP bribing voters", the MP has since claimed he was simply paying the youth after they printed T-shirts for him. He sues you for Libel.

In reference to this case, discuss FOUR possible defenses you can use to counter the case in court. (10 marks)
- c. Explain "Slander". (2 marks)

QUESTION FOUR

- a) Indicate the copyright owner and then calculate the expiry date for the following copyrights:
 - i. Photographs that you took on your own initiative and presented in a photo exhibition held at local cultural center this week. (2 marks)
 - ii. A video documentary of TUM prepared this week by employees of this Institution working at the Public Relations Office. (2 marks)

- iii. The Kenya National Anthem. (2 marks)
- b) Outline THREE important criteria that your works must fulfill to qualify for copyright protection. (3 marks)
- c) Discuss FOUR circumstances in which one can use another person's creative works without facing a legal action. (8 marks)
- d) Explain the concept of "Account for profits" in copyright matters. (3 marks)

QUESTION FIVE

- a. Explain how the following concepts are applied in Privacy law and their impact on the work of a Graphic Designer/Artiste:
 - i. Appropriation (4 marks)
 - ii. Intrusion (4 marks)
 - iii. Disclosure of Private Records (4 marks)
 - iv. False Light Portrayal (4 marks)
- b. Explain TWO possible defenses you can use in court as a graphic designer/artiste when accused of intruding into privacy of an individual. (4 marks)