

Tentin päivämäärä / Date of exam:	13.05.2015
Opintojakson koodi, nimi ja tentin numero / The code and the name of the course and number of the exam:	7215415 Legal Issues in International Business and Innovation, additional exam
Tentaattori(t)/ Examiner(s):	Pia Hurmelinna-Laukkanen (Jenni Myllykoski)
Sallitut apuvälineet / The devices allowed in the exam:	<p><input type="checkbox"/> Laskin, ei graafinen/ei ohjelmoitava/ Calculator (not graphic, not programmable)</p> <p><input type="checkbox"/> Laskin, graafinen/ohjelmoitava/ Calculator (graphic, programmable)</p> <p><input checked="" type="checkbox"/> Sanakirja/Dictionary</p> <p><input type="checkbox"/> Muu materiaali, tarkennettu alla / Other material, specified below</p> <p>Click here to enter text.</p>
Tenttiin vastaaminen / Please answer the questions	<input checked="" type="checkbox"/> suomeksi/ in Finnish <input checked="" type="checkbox"/> englanniksi/ in English
Kysymyspaperi on palautettava / Paper with exam questions must be returned:	<input checked="" type="checkbox"/> Kyllä/Yes <input type="checkbox"/> Ei/No

Instructions

Statements/ definitions: Use the given space to give answers. Keep answers concise and short.

Essays: Use max 2 pages for answering questions. For descriptive answers, discuss as many sides of the topic as possible; for comparisons, genuinely compare different aspects (instead of providing separate descriptions of each)

Cases: Use max 2 pages for answering.

When answering the questions, (1) give names/labels to all legal phenomena in the case description, (2) tell the general rules related to them briefly and (3) apply the rules to the case(s).

Remember to take into account different alternatives (if a certain type of issue is present/real, then certain consequences apply; if the issue is not true, other types of consequences apply, etc.):

Justification/reasoning is more important than just plain final answer.

Name: _____ student id no. _____

- 1) Consider the following statements and indicate whether they are *true (Yes)* or *not (No)*. Provide also a short *explanation* why you have chosen the alternative in question. (use the given space)

	Yes/No	Explain
Civil law follows the principle of stare decisis, which means that established views should not be unsettled and earlier precedents should be followed		
Agents bind the principal into a contract with the customers, thereby becoming entitled to get commission for their work		
Trade secret right covers any piece of a knowledge that the firm considers to be confidential		
Collective marks are (trade) marks owned by an organization and used by its members, while certificate marks can be used by anyone who complies with the standards		
In most countries, an acceptance with modifications is seen always as a counteroffer rather than an acceptance that would create a valid contract between the parties		

2) What kind of legal issues may emerge in relation to cross-border mergers and acquisitions? Why are these good from *legal* point of view, and what kind of challenges *legislation* may introduce considering the business goals? (max 2 pages)

3) An employee (N.N.) of a German firm called INNOVATOR creates a new invention as a part of a research and development process within the firm. The firm also has been collaborating with another company (COLLABORATOR) located in France for certain parts of the R&D endeavor. After the invention has surfaced, discussions soon start on the terms under which INNOVATOR AND COLLABORATOR can use the invention freely in their businesses in their home markets. This escalates rapidly into a dispute between the firms, and it is relatively urgent that the situation be resolved quickly so as not to endanger the whole collaboration.

Your task, with this much background information, is to *identify decisive legal issues* in determining the *right to use the created invention in Germany and France*, and the *basic rules with regard marketing it* in the international environment. Consider, for example, who is allowed to do what and under which conditions, and with what types of (potential) limitations. (max 2 pages)

