

ROLL NO. \_\_\_\_\_

SET CODE - B

**TRADE MARKS AGENT EXAMINATION, 2023**  
**[Under Rule 148 of the Trade Marks Rules, 2017]**

**PAPER-I**

**TIME: 10.30 a.m. to 12.30 p.m. (Two Hrs.)**

**Max Marks 100**

**Instructions:**

1. This paper consists of 50 questions each carries equal mark. One question is of two marks.
2. All questions are compulsory.
3. Candidates should read the questions carefully before answering.
4. No clarification will be provided during the examination on any technical/ legal matter.
5. There is no negative marking.
6. All references to "Act" and "Rules" may be read as the Trade Marks Act, 1999 and the Trade Marks Rules, 2017 respectively, as amended until now and their related applications.

1. **Can an International Registration replace a nationally filed trademark registration as per Madrid Protocol?**
  - (a) Yes, if the registered mark in the office of origin is also the subject matter of international registration, and the protection resulting therefrom extends to country of origin.
  - (b) No, international registration cannot replace nationally filed trademark registration
  - (c) Yes, international registration can replace nationally filed trademark registration though the subject concerned is different.
  - (d) None of the above
2. **With respect to sound mark which of the following statement is true; Where an application for the registration of a trade mark consists of a sound mark, the applicant is required to submit**
  - (a) Reproduction of the sound in MP3 format only, it cannot be in any other format like MP4
  - (b) Length of the audio should be not more than 30 seconds
  - (c) There should be graphical representation of its notations also.
  - (d) All of the above
3. **Which of the following statement is true with respect to certificate of registration**
  - (a) It can be used in legal proceedings
  - (b) It cannot be used in legal proceedings
  - (c) It cannot be used for obtaining registration abroad
  - (d) Both (b) and (c)
4. **Form MM2(E) is used for**
  - (a) For renewal of international trade mark
  - (b) For filing of international application where India is the country of origin
  - (c) For international applications where India is the country of designation
  - (d) Both (b) and (c)

5. Which one of the following is NOT a relative ground of refusal of trade mark
- Similar or identical trade mark for identical goods/ services.
  - Use of trade mark is prevented by virtue of copyright or passing off
  - Both (a) and (b)
  - Prohibited under the Emblems and Names (Prevention of Improper Use) Act, 1950
6. What is the indication for the applications filed through Madrid system and designating India
- IR
  - MM-2
  - IRDI
  - MM-1
7. Trademark law protects...
- Words, symbols or devices that differentiate goods or services from one another.
  - Inventions that feature some sort of utility function
  - Names of specific people and places
  - Ornamental layout
8. Who can file an application for Rectification
- Any Registered Proprietor
  - Any person
  - Any earlier Proprietor
  - Any Aggrieved person
9. Which form is to be filed for request of search and issue of certificate under Rule 22(1) of the Trade Marks Rules, 2017
- TM-C
  - TM-P
  - TM-M
  - TM-R
10. Section 13 of the Trade Marks Act, 1999 prohibits the registration of
- Names of chemical elements
  - International non-proprietary names
  - Name of Geographical Indications
  - Both (a) and (b)
11. Which of the following principle(s) is/are applicable for registration of any trade mark?
- A trademark should be distinctive and should be capable of distinguishing goods or services
  - A trademark should not cause confusion with earlier trademarks
  - A trademark should not be deceptive
  - All of the above
12. Which of the following CANNOT be registered as a trade mark as per the Trade Marks Act, 1999?
- Colour Combination of colours
  - Shape of goods
  - Sound
  - Smell

- 13. Transfer of Trade Marks rights are possible by way of**  
 (a) By the order of Court (c) WILL  
 (b) Assignment (d) All of the above
- 14. A Trade mark can be refused registration under section/s**  
 (a) 9 and 11 (c) 9 only  
 (b) 9, 11 and 13 (d) 11 only
- 15. An appeal against the order of Registrar of Trade Marks may be filed before**  
 (a) District Court (c) IPAB  
 (b) High Court (d) All of the above
- 16. A HUF (Hindu Undivided Family) can make an application for registration of Trade Mark through its**  
 (a) Eldest male member (c) Karta  
 (b) Eldest family member (d) Any adult member
- 17. Which is the correct statement as per the Trade Marks Act, 1999**  
 (a) An Act to amend and consolidate the law and procedure relating to trade marks, to provide for registration and for the prevention of the use of fraudulent marks.  
 (b) An Act to amend and consolidate the law and rules relating to trade marks, to provide for registration and better protection of trade marks for goods and services.  
 (c) An Act to amend and consolidate the law relating to trade marks and for the prevention of the use of fraudulent marks.  
 (d) An Act to amend and consolidate the law relating to trade marks, to provide for registration and better protection of trade marks for goods and services and for the prevention of the use of fraudulent marks.
- 18. The counter statement required under section 21(2) of the Trade Marks Act, 1999 shall be sent on Form TM-O within \_\_\_\_\_ from the date of the receipt of the copy of the notice of opposition from the Registrar.**  
 (a) 30 days (c) Two months  
 (b) 60 days (d) One month
- 19. A trade mark may be registered in respect of same or similar goods by two different proprietors**  
 (a) It may be registered in case of honest concurrent use  
 (b) It may be registered for other special circumstances which the registrar deems proper  
 (c) Both (a) and (b)  
 (d) It cannot be registered
- 20. Given below are two statements: One is labelled as Assertion(A) and the other is labelled as Reason (R)**

Assertion (A): Trademark registration gives exclusive proprietary rights to the trademark owner.

Reason (R): A trademark is recognizable sign, design or expression which identifies goods or services of a particular source from those of others and are used to claim exclusive proprietary rights of goods or services.

- (a) Both (A) and (R) are true and (R) is the correct explanation of (A)
- (b) Both (A) and (R) are true and (R) is not the correct explanation of (A)
- (c) (A) is true but (R) is false
- (d) (A) is false but (R) is true

**21. Which one of the following CANNOT be registered as a trade mark?**

- (a) The mark is device
- (b) The mark is made up of letters and numbers.
- (c) The mark is made up of a symbol with no words or letters.
- (d) The mark represents the natural or technical shape of the goods

**22. The Trade Marks Act, 1999 came into force on**

- (a) 15<sup>th</sup> September, 1999
- (b) 15<sup>th</sup> September, 2000
- (c) 15<sup>th</sup> September, 2001
- (d) 15<sup>th</sup> September, 2003

**23. What is the date of registration of any trade mark**

- (a) Date of filing of the application
- (b) Date of acceptance of the application
- (c) Date of publication of the trade mark in journal
- (d) Date of issuance of the Registration Certificate

**24. The registration of trade mark gives to the registered proprietor**

- (a) Exclusive right to use
- (b) Obtain relief in respect of infringement
- (c) Prima facie evidence of validity
- (d) All of the above

**25. In case, Ms. Anju falsely represented her device mark as registered, then she may be punished with an imprisonment for a term which may extend to**

- (a) 6 months
- (b) 1 year
- (c) 3 years
- (d) 5 years

**26. According to section 26, where a trade mark has been removed from the Register for failure to pay the fee for renewal, it shall nevertheless, for the purpose of any application for the registration of another trade mark during \_\_\_\_\_, next after the date of the removal, be deemed to be a trade mark already on the register**

- (a) 1 Year
- (b) 2 Years
- (c) 5 Years
- (d) 10 Years

**27. Who has the power to declare any mark to be Well-Known Mark in India**

- (a) Registrar of Trade Marks
- (b) High Courts
- (c) WIPO
- (d) Both (a) and (b)

- 28. For an application under Section 45 to register a subsequent proprietor in case of an assignment or transfer for trade mark through on-line mode, how much fee is to be paid for each trade mark?**
- (a) Rs. 4,500/- (c) Rs. 9,000/-  
 (b) Rs. 5,000/- (d) Rs. 20,000/-
- 29. What does Collective Trade Marks indicate?**
- (a) Connection of a Trade Mark with a proprietor Partnership Firm  
 (b) Trade Mark which cannot be subject to monopoly.  
 (c) A unified collection of all the registered Trade Mark.  
 (d) Connection of a Trade Mark with a proprietor Association.
- 30. For filing an application for International Registration, the applicant should have a basic application/registration at the Office of**
- (a) Country of Origin (c) WIPO  
 (b) Designating Country (d) None of the above
- 31. Which one of the following is NOT an absolute ground of refusal of trade mark**
- (a) The shape of goods which gives substantial value to the goods.  
 (b) Well known trade mark  
 (c) Contains scandalous matter  
 (d) Mark which has become customary in the current language
- 32. Passing Off is a remedy available for the proprietor of**
- (a) Registered Trade Mark (d) It is not available to anyone in  
 (b) Unregistered Trade Mark India as the same is a common  
 (c) Both (a) and (b) law remedy
- 33. Which will be the appropriate office for filing an application by joint applicants for registration of trade mark**
- (a) At a place where both the applicant mutually agreed to file  
 (b) At a place where any of the applicants has principal place of business  
 (c) At a principal place of business of the applicant whose name is first mentioned in the application  
 (d) At a principal place of business of the applicant whose name is last mentioned in the application
- 34. A Trade Mark can be removed from the Register for non-use within how many years from the mark actually put on Register**
- (a) 3 Years and 3 Months (c) 7 Years and 3 Months  
 (b) 5 Years and 3 Months (d) 10 Years and 3 Months
- 35. The Madrid Protocol was brought into force in India through which Amendment**
- (a) Trade Marks (Amendment) Act, 1999  
 (b) Trade Marks (Amendment) Act, 2003  
 (c) Trade Marks (Amendment) Act, 2010  
 (d) Trade Marks Rules, 2017
- 36. A Company from Japan filed an application at the Japan Patent and Trade Marks Office on 20/01/2017. Thereafter, filed another application in India on**

**24/07/2017 claiming convention priority. In case, said application is registered in India on 26/08/2021, what is the date of registration.**

- (a) 20/01/2017 (c) 20/07/2017  
(b) 24/07/2017 (d) 26/08/2021

**37. Which of the following statement is/are correct for assignment and transmission of the trade mark under The Trade Marks Act, 1999.**

- (a) A registered trade mark may be assigned or transmitted with or without the goodwill of the business concerned.  
(b) An unregistered trade mark may be assigned or transmitted with or without the goodwill of the business concerned.  
(c) A registered trade mark may be assigned or transmitted, in respect either of all the goods or services in respect of which the trade mark is registered or of some only of those goods or services.  
(d) All of the above.

**38. Specification of goods "Playing Cards" shall fall under which class as per the 10<sup>th</sup> edition of NICE Classification.**

- (a) 10 (c) 26  
(b) 16 (d) 28

**39. According to Section 21(1) of the Act, Notice of Opposition can be filed by**

- (a) Any Registered Proprietor (c) Any earlier Proprietor  
(b) Any Aggrieved person (d) Any person

**40. On 01/10/1998 an application was filed for the registration of trade mark ABC label. Said mark was registered vide Registration Certificate No. TM2023235689 dated 20/01/2023 and the Registration Certificate was received by the proprietor on the same day. The registered proprietor should file TM-R on or before ..... for the renewal of said trade mark.**

- (a) 01/10/2008 (c) 20/07/2023  
(b) 20/04/2023 (d) 20/01/2024

**41. In which language applicant may file an international application for registration under Madrid System**

- (a) In English only (d) English, French or German  
(b) Either in English or Spanish (Deutsch)  
(c) English, Spanish or French

**42. A proprietor has filed an application for the registration of a trade mark on 02/02/2020 on a proposed to be used basis and same has been registered vide Registration Certificate No. TM2023256897 dated 30/05/2022. How long a competitor should wait to file an application for Rectification on the grounds of non-use?**

- (a) 02/02/2025 (c) 30/05/2027  
(b) 02/02/2027 (d) 30/08/2027

**43. A trade mark has been published in the Trade Marks Journal No. 1987 dated 15/05/2020 which was made available to public on 17/05/2020. What is the last date to file Notice of opposition**

- (a) 15/08/2020  
(b) 17/08/2020
- (c) 15/09/2020  
(d) 17/09/2020

**44. A Company filed a multi-class application in respect of classes 3 & 25 for the registration of Series mark containing three images of mark. Calculate the fee how much Company has to pay in case of filing at the counter.**

- (a) Rs. 20,000/-  
(b) Rs. 40,000/-
- (c) Rs. 56,000/-  
(d) Rs. 60,000/-

**45. A Company from United States of America filed an application at USPTO on 02/05/2001 and another application on 02/06/2001 at EUIPO. Thereafter, said Company has filed an application in India on 02/10/2001 claiming convention priority based on USPTO application. In case, said application is registered in India on 02/05/2011, what is the date of registration.**

- (a) 02/05/2001  
(b) 02/06/2001
- (c) 02/10/2001  
(d) 02/05/2011

**46. According to Rule 50(2) of the Trade Marks Rules, 2017 a request for adjournment of the hearing should be filed**

- (a) Three days before the date of hearing  
(b) Three days after the date of hearing  
(c) On the date of hearing  
(d) On receipt of hearing notice

**47. A copy of Notice of Opposition dated 01/10/2022 was served to the Applicant vide letter dated 10/11/2022 which was received by them on 15/11/2022. According to Rule 44 counter-statement shall be filed by the applicant within**

- (a) 01/12/2022  
(b) 10/01/2023
- (c) 15/01/2023  
(d) 01/02/2023

**48. Before determining a trade mark as well-known, the Registrar may invite objections from the general public to be filed within**

- (a) 30 Days from the date of invitation such objection  
(b) 45 Days from the date of invitation such objection  
(c) 60 Days from the date of invitation such objection  
(d) 90 Days from the date of invitation such objection

**49. An Individual from the state of Madhya Pradesh approaches you to file an application. Which Registry will have the territorial jurisdiction to entertain his application?**

- (a) Delhi  
(b) Chennai
- (c) Kolkata  
(d) Mumbai

**50. In case, the use of the trade mark is claimed prior to the date of application, the applicant is required to file**

- (a) Statement of case  
(b) Documents  
(c) Declaration
- (d) Affidavit along with Supporting documents

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