

Roll No. _____

TRADE MARKS AGENT EXAMINATION, 2026

[Under Rule 148 of the Trade Marks Rules, 2017]

PAPER – II

Duration: Three Hours

Max. Marks: 100

Instructions:

1. This paper consists of 3 parts and all questions in Part A, B and C are compulsory.
2. Candidates should read the questions carefully before answering.
3. Candidates should write the examination either with Blue or Black Ball point Pen only.
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 up to date.
7. Possessions of any kind of study materials and/or electronic gadgets and/or discussing with other candidates in any manner inside the examination hall are/is strictly prohibited.
8. No candidate should leave or will be allowed to leave the Examination Hall (i) without completion of One hour (ii) without signing the Attendance Sheet; (iii) without properly handing over her/his Answer Booklet to the Invigilator.
9. If any candidate wants to leave the examination Hall before the completion of scheduled time, with the permission of the Invigilator he/she can leave by surrendering question paper also.
10. Candidates who have been seating in the Examination Hall till the end of the examination can take their question paper along with them.

PART – A

Answer all the SIX questions

(6 x 5 = 30)

1. M/s. Shyam Foods Pvt. Ltd., a company, applied for registration of a word mark "Narmada" in Class 30 for wheat flour. During the examination stage, the Examiner raised an objection under Section 11 of the Trade Marks Act, 1999, citing a prior registered mark "Narmadha (device)" in Class 30 for rice. Draft a reply to the examination report addressing the objection with the help of relevant legal provisions and appropriate case laws.
2. What are the circumstances under which the Registrar can remove the name of a Trade Marks Agent from the Register under rule 151 of the Trade Marks Rules, 2017?
3. What are the Requirements of Notice of Opposition as per Rule 43 of Trade Marks Rules, 2017?

4. Mr. X has been using an unregistered Trade Mark continuously for several years and has built substantial goodwill and consumer recognition in the market. Mr. Y subsequently adopts a deceptively similar mark for similar goods, causing confusion among consumers. Since the original mark is unregistered, the proprietor (Mr. X) is unable to seek statutory infringement remedies. In light of the above situation, discuss the scope and limitations of the legal protection available to Mr. X of unregistered Trade Mark under Indian law.
5. Write short notes on the following.
 - a) TRIPLE IDENTITY TEST in opposition proceedings.
 - b) Honest Concurrent use
6. M/s. Medico Plus, a company, has filed a multi-class Trade Mark application for the mark 'XYZ' covering Classes 03, 05, and 10. Following publication in the Trade Marks Journal, an opposition has been filed only against Class 05, while Classes 03 and 10 remain unopposed.

Question:

As the Trade Mark agent for M/s. Medico Plus, advise the client on:

- i. The procedure for ensuring that the unopposed classes (Classes 03 and 10) proceed toward registration.
- ii. The next steps to be taken in response to the opposition filed against Class 05, including the appropriate form, documentation, timeline, and prescribed fees.

PART – B

Answer all the FOUR questions

(4 x 10 = 40)

7. Two companies, JRB Textile Private Limited and JRB Fashion Private Limited, were amalgamated into JRB Group Private Limited pursuant to an order passed by the National Company Law Tribunal, Delhi, dated 15 December 2025.

JRB Group Private Limited now approaches you for recording its name in the Register of Trade Marks as the subsequent proprietor of Indian Trade Mark Registration Nos. XXX123 and YYY456, both in Class 25. Trade Mark Registration No. XXX123 stands registered in the name of JRB Textile Private Limited, while Trade Mark Registration No. YYY456 stands registered in the name of JRB Fashion Private Limited.

The aforesaid Trade Marks were filed through an earlier Trade Mark attorney. JRB Group Private Limited now seeks to record its name as proprietor and amend the address for service in the records of the Trade Marks Registry.

You are required to advise the client on the prescribed forms for change of address for service and recording of name in the Register, the total prescribed fees, the most cost-effective mode of filing, the

mode of payment, and the supporting documents required under the procedure before the Registrar of Trade Marks, India.

8. Mr. Rahul Patel, a proprietor from Ahmedabad, holds a registered Trade Mark in India under Application No. 32XXXX, which completed its first ten years on the Register and was valid until 26th January 2025. Although the proprietor received an RG-3 notice from the Registrar of Trade Marks within time, he missed the deadline for renewal of the Trade Mark. Mr. Rahul Patel has now approached you on 20th December 2025 seeking assistance in renewing his Trade Mark. In these circumstances, is renewal of the Trade Mark still possible?. If yes, advise Mr. Rahul Patel with reference to the applicable rules, prescribed forms, fees, and relevant procedure under the Trade Marks Act and Rules.
9. What are the procedures for determination of the well-known Trade Mark by the Registrar of Trade Marks?
10. ABC Private Limited, a small enterprise from Maharashtra, intends to file a Trade Mark application for the word mark “APSARA” in relation to “Fishing leaders and Fishing Spinners.” The company wishes to expedite the Trade Mark registration process due to the urgency of launching the product in the market.

As a Trade Mark consultant, advise the applicant on:

- i. The appropriate class for the goods?
- ii. The official form for filing of the Trade Mark application?
- iii. The official fee for filing the application?
- iv. The additional form for requesting expedited process?
- v. The fee for requesting the expedited process?

PART – C

Answer all the TWO questions

(2 x 15 = 30)

11. The applicant, ABC Studios Pvt. Ltd., filed the present application on 14th April 2025 for registration of the word mark “BROCODE” (hereinafter referred to as the *impugned Trade Mark*), claiming user since 06th October 2024 with respect to “education, training, entertainment, sporting and cultural activities” falling under Class 41. The application was accepted and advertised in the Trade Marks Journal No. 2045 dated 01st December 2025, which was made available to the public on the same date.

The Trade Mark “BROCODE” (label mark) was adopted by XYZ Beverages Pvt. Ltd. (hereinafter referred to as the *Opponent*) on 05th May 2015. The Opponent is the registered proprietor of the Trade Mark “BRO CODE”, which constitutes a key, essential, and dominant part of the Opponent’s and its group companies’ corporate name and trading style. The said Trade Mark is registered in India in Class 32 for “non-alcoholic beverages, beers, mineral and aerated waters, fruit drinks, juices, syrups, and preparations for making beverages”, with a user claim since 05th May 2015. The Opponent has also filed applications for the Trade Mark “BRO CODE” in other classes, including Classes 03, 05, 13, 16, 25, 41, and 45, on a “proposed to be used” basis.

Based on the above facts, draft a Notice of Opposition against the impugned application, taking all possible grounds, pleas, and reasonable assumptions in the pleadings to oppose the registration of the mark. You are also required to cite the relevant provisions of the Trade Marks Act, 1999 and the Trade Marks Rules, 2017.

12. An application for registration of the Trade Mark “LONDON PRIDE” (device mark) was filed on 01st June 2021 under Application No. 199XXX with respect to “alcoholic beverages (except beers)” falling under Class 33 by M/s XYZ Pvt. Ltd., Delhi. The applicant claimed user since 15th May 2005 and has filed user affidavit along with the necessary user supporting documents. The application was accepted and advertised in accordance with the provisions of the Trade Marks Act, 1999, and got registered on 11th July 2022.

On 20th May 2024, M/s ABC Pvt. Ltd., Mumbai, initiated rectification proceedings against the registered Trade Mark “LONDON PRIDE” of M/s XYZ Pvt. Ltd. by filing an application for rectification of the Register of Trade Marks. It is submitted that M/s ABC Pvt. Ltd. is the registered proprietor of the Trade Mark “BLENDERS PRIDE” (device mark), which was adopted on 01st April 1994. The Applicant for rectification is the registered proprietor of the Trade Mark “BLENDERS PRIDE” under Trade Mark Application No. 123XXX in Class 33. The Applicant is engaged in the manufacture and distribution of wines, liquors, and spirits, and has been selling whisky since 1994.

M/s ABC Pvt. Ltd. has alleged that its whisky brand has acquired substantial goodwill and reputation, and that the word “PRIDE” constitutes the most distinctive and essential component of its Trade Mark “BLENDERS PRIDE”.

M/s XYZ Pvt. Ltd., Delhi, now approaches you to file a counter statement in response to the application for rectification, on its behalf, before the Trade Marks Registry. Based on the facts provided, draft a counter statement, incorporating all possible grounds, pleas, and legal arguments to rebut the claims made in the rectification application. You are also required to cite the relevant provisions of the Trade Marks Act, 1999 and the Trade Marks Rules, 2017, as applicable to the facts and circumstances of the case.

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