

Roll No. _____

SET CODE-C

**Trade Marks Agent Examination 2024
(Under Rule 144 of Trade Marks Rules, 2017)**

Paper-I
Max. Marks -100

Time: 10 am to 12 pm (Two Hours)

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 up to date.
7. No candidate should leave or will be allowed to leave the Examination Hall (i) without signing the Attendance Sheet; and (ii) without properly handing over her/his OMR sheet/Answer Booklet to the Invigilator.
8. If any candidate wants to leave the Examination Hall after the completion of the half time but before the paper completion time, she/he can do so by surrendering the question paper.
9. After the completion of the paper time, the candidate can take the Examination Paper with her/him.

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1. The proprietor of a registered Trade Mark wants to make minor changes in his registered Trade Mark not substantially affecting its identity. He can:
 - (a) File an application on form TM-M
 - (b) File an application on form TM-P
 - (c) File an application on form TM-G
 - (d) None of the above
 2. In an opposition proceeding, the applicant has to file a counterstatement:
 - (a) Within two months from the receipt by the applicant of the copy of the notice of opposition from the Registrar
 - (b) Within three months from the date of the receipt by the applicant of the copy of the notice of opposition from the Registrar or within such further period, not exceeding one month in the aggregate, as the Registrar, on application made to him in the prescribed manner and on payment of the prescribed fee, allows
 - (c) Within four months from the receipt by the applicant of the copy of the notice of opposition from the Registrar.
 - (d) Within the time specified by the Registrar

3. In normal course, a notice on form RG-3 is served by the Registrar to the Registered Proprietor:
- (a) not more than three months before the expiration of registration of the Trade Mark
 - (b) not more than six months before the expiration of registration of the Trade Mark
 - (c) not more than one year before the expiration of registration of the Trade Mark
 - (d) as per the Registrar's discretion
4. Once a mark is declared well-known by the judicial order of a court, such declaration does not automatically entitle such marks to be included in the list of well-known Trade Marks maintained by the Trade Marks Registry. Even after such a declaration, proprietor of such marks would be required to file a request in form TM-M along with prescribed fee as required under Rules 124 of the TM Rules for inclusion of such marks in the list of well-known Trade Marks.
- The above statement is supported by which of the following judicial pronouncements:
- (a) Tata Sia Airlines Limited v. Union of India
 - (b) Brahmos Aerospace Pvt. Ltd. v. Fiit Jee Limited & Anr.
 - (c) Kabushiki Kaisha Toshiba Trading as Toshiba Corp. v. Mr. S.K.Sil & Anr.
 - (d) General Electric Company v. Mr. J. Singh And Ors.
5. When you argue that your client's mark has acquired trans-border reputation, which of the following case law will cite as precedent
- (a) Toyota Prius
 - (b) Whirlpool
 - (c) Gluvita - Glucovita
 - (d) Nandhini
6. According to Rule 30 an application shall be treated as abandoned if applicant fails to remedy any deficiency so notified to him within-
- (a) One month
 - (b) Two months
 - (c) Three months
 - (d) Six months
7. Discrepancy letter issued by WIPO concerning MM2 is known as
- (a) Irregularity notice
 - (b) Deficiency letter
 - (c) Fee notice
 - (d) Letter of Discrepancy
8. Choose the right statement in cases of IRDI applications
- (a) rule of 18 months is not applicable to IRDI application
 - (b) Within 18 Months, Protection must be granted to the IRDI Application
 - (c) Within 18 months, the DCP (Designated contracting Party) must communicate its first course of action.
 - (d) Notice of opposition must be communicated within 18months
9. The remedy available for the protection of a registered Trade Mark are
- (a) Criminal Proceeding
 - (b) Civil Remedy
 - (c) Administrative Remedies
 - (d) All of these

10. Who can sue for infringement of a Trade Mark?
(a) Unregistered Trade Mark owner
(b) State Govt. on behalf of the owner
(c) Registered Trade Mark owner only
(d) Central Govt. on behalf of the owner
11. Fees payable to WIPO in Madrid application is
(a) American Dollars (c) Euros
(b) Swiss Francs (d) All of the above
12. India is not a member of which of the following international agreement/protocol/treaty:
(a) Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks
(b) Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks
(c) Madrid Agreement Concerning the International Registration of Marks
(d) Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks
13. The renewal of a multiclass registered application (which is registered in class 05 and 10) is due on 15.02.2024. The registered proprietor approaches you to file the renewal application before the due date. What would be the prescribed fee payable at the time of renewal considering it is to be filed online:
(a) Rs. 18,000/- (c) Rs. 9,000/-
(b) Rs. 20,000/- (d) Rs. 10,000/-
14. In case the validity of the assignment or transmission is in dispute between the parties, the Registrar:
(a) May refuse the pending request to register the assignment or transmission
(b) May refuse the pending assignment or transmission request until the rights of the parties are determined by the competent court
(c) May allow the request to register the assignment or transmission subject to outcome of the court proceedings
(d) May allow the pending request to register the assignment or transmission as the decision of Registrar can subsequently be reviewed
15. Which one of the following is not a location external office of WIPO:
(a) Algiers, Algeria (c) Moscow, Russian Federation
(b) Abuja, Nigeria (d) India
16. An Applicant filed an application in respect of classes 32 & 33 for the registration of trade mark POPSI. After advertisement of the mark in the Trade Marks Journal, the Opponent filed a Notice of Opposition, opposing the registration of both the classes with fees Rs.6,000/- under No. 783501. On receipt of the copy of Notice of Opposition bearing No. 783501, Applicant decided to file Counter Statement. How much fees the

Applicant has to pay while filing Counter Statement in person.

- (a) Rs. 6,000/- (c) Rs. 3,000/-
(b) Rs. 5,400/- (d) Rs. 2,000/-

17. Who is currently holding the post of Director General of the World Intellectual Property Organization (WIPO)?

- (a) Daren Tang (c) Kamil Idris
(b) Francis Gurry (d) Georg Bodenhausen

18. A company has approached you for filing a trade mark application for the packaging of its products where photograph of a famous cine star also appears. What would be your advice to him regarding the photograph:

- (a) I will straightway advice to remove the photograph as it makes the application not registrable
(b) I will straightway file the application as I do not see any issue as per trade marks law
(c) I will advise him to bring letter of consent from the cine star
(d) I will advise him to put a disclaimer regarding the photograph

19. Which statement is true in respect of the Trade Marks?

- (a) A registered Trade Marks can be assigned with or without goodwill
(b) An unregistered Trade Marks can be assigned with or without goodwill
(c) A Trade Marks ones registered in favor of one person cannot be assigned to any other person
(d) Both (a) & (b) are true

20. "In an opposition proceeding, the Registrar may take into account a ground of objection whether relied upon by the opponent or not." Which of the following is correct in respect of foregoing statement:

- (a) The statement is correct as the Registrar is empowered by law to raise such ground in the interest of purity of Register
(b) The statement is incorrect the registrar is bound by the grounds raised in the notice of opposition
(c) Such exercise of the discretionary power by the Registrar would lead to illegality
(d) None of the above statements are true

21. Who can file an application for Rectification?

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

22. Which Section of the Trade Marks Act deals with special provisions relating for applications for registration from citizens of convention countries

- (a) 154 (c) 148
(b) 151 (d) 131

23. For the purposes of relative grounds of refusal before the Registrar of Trade Marks, which of the following is not considered as a 'earlier trade mark':
- (a) A registered Trade Mark
 - (b) An application under section 18 bearing an earlier date of filing
 - (c) An international registration referred to in section 36E or convention application referred to in section 154 which has a date of application earlier than that of the trade mark in question
 - (d) All the above
24. As per the Trade Marks Rules, 2017, where a matter has been referred to the Registrar for his opinion under proviso to sub-section (4) of section 115 such opinion shall be forwarded under a sealed cover within:
- (a) Seven working days
 - (b) Fifteen days
 - (c) One month
 - (d) As per convenience of the Registrar
25. Who has the power to declare any mark to be a Well Known Trade mark?
- (a) Registrar of Trade Marks
 - (b) High Courts
 - (c) Both (a) and (b)
 - (d) District Courts
26. How many countries are members of Madrid Protocol as on date 1 August 2023?
- (a) 114 members covering 130 countries
 - (b) 113 members covering 130 countries
 - (c) 114 Members covering 120 countries
 - (d) 113 members covering 120 countries
27. Trade Mark application can be filed to protect
- (a) Shape of the Product
 - (b) Trade Dress
 - (c) both (a) and (b)
 - (d) Only (b) and not (a)
28. India became signatories of Nice Agreement, Vienna Agreement and the Locarno Agreements. These mentioned Agreements came into force in India on
- (a) September 7, 2019
 - (b) August 7, 2019
 - (c) September 7, 2018
 - (d) August 7, 2018
29. Restriction on registration of textile goods In respect of textile goods being piece goods under section 80 (1), which is not applicable-
- (a) No mark consisting of a line heading alone shall be registrable as a Trade Mark;
 - (b) A line heading shall be deemed to be capable of distinguishing;
 - (c) The registration of Trade Mark shall not give any exclusive right to the use of a line heading.
 - (d) All the above statements are correct
30. Which statement is true in case of Every International registration at WIPO designated to India
- (a) IRDI Number is allotted
 - (b) Application is received as Birth Notification
 - (c) Both A and B are correct
 - (d) Both A and B are wrong

31. To file Madrid application, one must be
- (a) Indian National or be domicile of India
 - (b) Must Have a real and effective establishment in India
 - (c) Any establishment/ individual who has address for service in India
 - (d) Both option (a) and (b)
32. Automated vending machines falls under class
- (a) Class 7
 - (b) Class 8
 - (c) Class 9
 - (d) Class 10
33. The current membership strength of the World Intellectual Property Organization (WIPO) is:
- (a) 109 Member States
 - (b) 113 member states
 - (c) 167 member states
 - (d) 193 member states
34. A legal practitioner or a registered Trade Mark agent or a person in the sole and regular employment of the principal can sign which of the following documents on behalf of an Applicant:
- (a) All applications or documents on behalf of Applicant
 - (b) All applications or documents except making an Affidavit on behalf of the Applicant
 - (c) All applications which are on prescribed form and with prescribed fee including making of an Affidavit on behalf of the Applicant
 - (d) Only those applications which are on prescribed form and with prescribed fee
35. TRIPS stands for-
- (a) Trade Related Intellectual Property Rights
 - (b) Trade Related Asset of Intellectual Property Rights
 - (c) Trade Related Article of Intellectual Property Rights
 - (d) Trade Related Aspects of Intellectual Property Rights
36. As per Rule 58(3) how much time the registered proprietor will get to renew the Trade Mark, in case, same is registered after the renewal period.
- (a) Six months
 - (b) Ten years
 - (c) One year
 - (d) Two years
37. Specification of goods "life jackets" shall fall under which class as per the 10th edition of NICE Classification.
- (a) 09
 - (b) 24
 - (c) 25
 - (d) 10
38. A person approaches you to file an application in his name where he himself does not intend to use the Trade Mark but intends to subsequently assign the Trade Mark to a

company which is about to be formed and registered under the Companies Act, 1956. How would you advise him regarding legality of such an application:

- (a) Such an application is very well possible by virtue of Section 46 of the Trade Marks Act, 1999
 - (b) Such an application is not possible because of Section 18 the Trade Marks Act, 1999
 - (c) It is impermissible under the provisions of the Trade Marks Act, 1999 as the company is yet to be incorporated
 - (d) I would advise him to not file such an application as subsequently it may be cancelled on the ground of fraud
39. Who can be a registered user of a Trade Mark?
- (a) Those who are the proprietors of a Trade Mark
 - (b) Proprietor of a Trade Mark and the other person who wants to be a registered user has to jointly apply.
 - (c) Those who want to be a registered user
 - (d) Those who are not the proprietors of a Trade Mark
40. The Full form of the IAIOI and OO are
- (a) "International Applications originating from India" and "Office of Origin"
 - (b) "International Application from India" and "Origin office"
 - (c) Indian Application for International and office of origin
 - (d) "International application from Office of India" and "office of origin".
41. While filing Madrid application and designating USA it is mandatory to declare intention to use the mark along with MM2. The Prescribed form is
- (a) MM4
 - (b) MM5
 - (c) MM18
 - (d) MM17
42. The ninth edition of Vienna classification comprises of
- (a) 28 categories
 - (b) 29 categories
 - (c) 25 categories
 - (d) 27 categories
43. The registration of Trade Mark conflicting with geographical indication is refused/ Invalidated under section
- (a) Section 116
 - (b) Section 106
 - (c) Section 117
 - (d) Section 107
44. Which of the following statement is true in case of a registered trade mark?
- (a) The registration of the trade mark is *prima facie* evidence of the validity
 - (b) The registered trade mark can be renewed for a period of ten years at a time
 - (c) The registered trade mark can not be cancelled on the ground of non-use
 - (d) Both (a) & (b)
45. Which of the following would be a good Trade Mark?
- (a) "Krystal" for car cleaning products
 - (b) "Istay" for temporary Accommodation
 - (c) "woody" for wooden furniture
 - (d) "Measure it" for measuring instruments

46. Cancellation of Registered user and notice of Intention to intervene in Proceeding in cancellation/ variation is filed under the form

(a) Form TM-O

(c) Form TM-P

(b) Form TM- M

(d) Form TM-U

47. Arrange the process of application filed by applicant under Madrid system of India as Office of origin. Choose the right order

i. Verifying and certifying such International Applications and transmitting the same to the WIPO

ii. Communicating the ceasing of effect of international registrations to WIPO.

iii. Receives International Applications- MM2

iv. In case of irregularities, communicated by the WIPO, same is complied by communicating responses to the Irregularities in consultation with Applicants.

Options:

(a) ii, iv and iii

(c) ii, iii, iv and i

(b) iii, i, iv and ii

(d) iii, i, ii and iv

48. There is possibility that a subsequent similar mark for similar goods or services may be accepted for registration when:

(a) There is honest concurrent user or other special circumstances

(b) There is prior user of the subsequent mark

(c) Both (a) & (b)

(d) There is no such possibility

49. Section 19 of the Trade Marks act 1999 deals with

(a) Names of chemical elements

(b) Marks which have become customary in the current language

(c) International Non-proprietary names

(d) None of the above.

50. The term "Appellate board" was omitted from Trade Marks Act, 1999 as amended by The Tribunals Reforms Act, 2021 (33 of 2021) on

(a) 3.3.2021

(c) 5.5.2021

(b) 4.4.2021

(d) 6.6.2021

- : End of Question Paper: -