

QUESTION PAPER

EXAMINATION FOR REGISTRATION OF TRADE MARK AGENT

(Rule 154 of the Trade Marks Rules, 2002)

TRADE MARKS LAW & PRACTICE

Monday the 25th May 2009.

PART-I

Time: 11.00 A.M. – 2.00 P.M.

Full Marks – 100

1. What do you understand by absolute and relative grounds for refusal of registration under the Trade Marks Act, 1999? Please explain with examples (15)
2. Write Short notes on **any five** of the following:- (15)
 - (i) Service mark,
 - (ii) Earlier trade mark,
 - (iii) Registration of geographical names as a trade mark,
 - (iv) Advertisement of application before acceptance,
 - (v) Well known mark,
 - (vi) Entry made without sufficient cause.
3. What is a trade mark? Who may apply for registration of a trade mark? (15)
What are the functions of a trade mark in modern business?

4. Explain on **any five** of the following concepts under the Trade Marks Act 1999. (20)
- (a) Bad faith.
 - (b) Triple identity.
 - (c) Certification trade mark
 - (d) Register of Trade Marks
 - (e) Convention application
 - (f) Trade Dress
 - (g) Well Known Trade Mark.
5. What are the rights conferred by the Registration? What is the relief in a suit for infringement or passing off? What constitutes an infringement of a registered trade mark under the Trade Marks Act, 1999? (15)
6. Please answer on any ten with reasons whether the following words are registerable as trade marks in respect of goods shown against them. (20)
- (a) UPDATE - printed matters and other articles in class 16
 - (b) CENTURY - machines
 - (c) SOLAR - studio lights, projections and photographic apparatus.
 - (d) DROPOVIT - medicinal preparation
 - (e) ORLWOOLA - woolen goods
 - (f) ALLMINOX - paints, dry colours, enamels.
 - (g) LIVRON - Tonic preparation

- (h) VAPORUB - Medicines
- (i) TARZAN - Films, taper recorded games, toys and gymnastic
- (j) THERMAWEAR - Underwear
- (k) HOTPOINT - Electrical appliances for heating and cooking purposes.
- (l) NEELAM - Soaps
- (m) ITALA - Motor cars.
