

EXAMINATION FOR REGISTRATION AS TRADE MARKS AGENT
(RULE 154 of the Trade Marks Rules, 2002)
Trade Marks Law & Practice.
Monday the 15th December, 2003

Time 11 a.m. to 2 p.m.

100 marks.

Answer question No.4 and 8 compulsory and any four of the following questions.

1. State briefly the procedure for registering a trade mark in Part A of the Register including the steps to be taken by the Applicants in case the application is opposed under Section 21 of the Trade Marks Act, 1999.
(15 marks)
2. Please explain on any five of the following concepts under Trade Marks Act, 1999. (15 marks)
 - a) Service mark
 - b) Well-known mark
 - c) Collective marks
 - d) Multiple class application
 - e) Certification trade mark
 - f) Common to the trade
 - g) Withdrawal of acceptance.
3. Discuss the salient features of the Trade Marks Act, 1999 with special focus on new provisions under the said Act. (15 marks)
4. State the reasons whether the following words are registrable as trade marks in respect goods shown against them. (20 marks)
 - a) PRESIDENT - Pens
 - b) LORD BUDDHA - Sambrani incense sticks
 - c) USTIKON - Rubber soles for boots and shoes
 - d) OVULEN - Pharmaceutical preparations
 - e) MADAME - Cigarettes
5. What do you understand by absolute and relative grounds for refusal of registration under the Trade Marks Act, 1999? Please explain with examples. (15 marks)

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6. Who can apply for rectification of the Register of trade marks? State briefly the procedure to apply for rectification registration on the ground of non-use. Can the registered trade mark be removed from the Register merely because the registered proprietor has not filed counter statement? (15 marks)
7. What is the duration of registration of trade mark? What is the procedure for renewal and restoration of a registered trade mark? What changes have been effected in respect of renewal under the Trade Marks Act, 1999? (15 marks)

Or

State briefly the procedure to bring the subsequent proprietors of a registered trade mark on the Register.? Can an unregistered trade mark be assigned without goodwill of business under the Trade Marks Act, 1999? (15 marks)

8. What is the effect of registration under the Trade & Merchandise Marks Act, 1958? What are the rights conferred by the registration? When is the registered trade mark infringed? What is the relief in a suit for infringement or passing-off? What constitutes an infringement of an registered trade mark under Trade Marks Act, 1999?

(15 marks)

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