

**EXAMINATION FOR REGISTRATION OF TRADE MARKS AGENTS.
TRADE MARKS LAW AND PRACTICE.**

9TH JUNE, 2005

Time : 11.00 A.M. to 2.00 P.M. (3 Hours).

Marks - 100

Answer question No. 10 (25 marks) and any five (each 15 marks) of the following

- 1) What do you mean by the word 'Trade Mark'? Who can file an application for registration of a trade mark under the Trade Marks Act, 1999? Innumerate in brief the complete procedure for registration of a trade mark with reference to the particular section & rules under the Trade Marks Act & Rules.
- 2) When the Trade Marks Act, 1999 came into force? What are the main new provisions in the Trade Marks Act, 1999 vis-à-vis Trade and Merchandise Marks Act, 1958? Innumerate.
- 3) Define the expression "deceptively similar" under the Trade Marks Act, 1999? What are the main tests laid down for determining whether the two marks are deceptively similar or not with reference to the specific provisions of the Trade Marks Act and judicial pronouncements in this regard?
- 4) Who can file an opposition to a trade mark which has been advertised in the Trade Marks Journal and what is the time limit for filing such an opposition under the Trade Marks Act, 1999? State briefly the procedure in an opposition proceedings with possible grounds of objections which are normally raised by an opponent to the registration of a trade mark.
- 5) What is a rectification? Who can initiate a rectification proceeding under the Trade Marks Act, 1999 with complete procedure in brief? Can a registered proprietor, whose trade mark has been removed from the Register on the ground of non-use, file a fresh application for registration of the same mark for the same goods?
- 6) What do you understand by the expression 'absolute and relative grounds of refusal for registration of a trade mark' under the Trade Marks Act, 1999? Describe briefly with examples.
- 7) What is an assignment of a trade mark? Given in brief the procedure to bring on the record the subsequent proprietor of a registered trade mark on the Register. Is an unregistered trade mark assignable without goodwill of business under the Trade Marks Act, 1999?
- 8) What are the benefits of a registered trade mark under the Trade Marks Act, 1999 vis-à-vis an unregistered trade mark? What constitutes infringement of a registered trade mark under the Trade Marks Act, 1999?
- 9) What is a "well-known" trade mark? What should be the criteria for holding a trade mark as a well-known trade mark under the Trade Marks Act, 1999 and which are the factors which the Registrar of Trade Marks should take into consideration while determining a trade mark as a "well-known" trade mark under the Act?
- 10) Please explain any five of the following concepts/terms under the Trade Marks Act, 1999 :-
 - (a) Service Mark, (b) Multiple class application, (c) Withdrawal of an acceptance, (d) Appropriate office of the Trade Marks Registry, (e) Divisional application, (f) Triple identity in an opposition proceedings, (g) Concurrent registration, (h) An associated trade mark, (i) Person aggrieved,
- 11) What is the procedure for renewal and restoration of a registered trade mark? How many times a registered trade mark can be renewed and for upto what period/duration? What are the major changes in respect of renewal and restoration of a trade mark under the Trade Marks Act, 1999 with reference to the relevant provisions of the Act?