

EXAMINATION FOR REGISTRATION OF TRADE MARK AGENT

(Under Rule 154 of the Trade Marks Rules, 2002)

(Trade Marks Law & Practice)

Date : 17th December, 2007

Time : 11.00 A.M. to 2.00 P.M.

Maximum Marks – 100

Important note : Answer question No. 3 & 4 compulsory and any four of the following questions.

1. Discuss the salient features of the Trade Marks Act, 1999 with special focus on the new provisions under the said Act. (15 marks)
2. What do you understand by absolute and relative grounds for refusal of registration under the Trade Marks Act, 1999. Please explain with few examples. (15 marks)

Or

1. Who can file notice of opposition and within what period of advertisement of trade mark in the Trade Marks Journal it can be filed? State the procedure in opposition proceeding and state whether the hearing officer can dismiss in default of opposition proceeding where neither the Opponent nor Applicant attends the hearing. (15 marks)
3. State the reasons whether the following words are registrable as a trade mark in respect of goods shown against them : (20 marks)

	<u>Marks</u>	<u>Goods</u>
i.	SMOOTH	Clothing
ii.	PRESIDENT	Fountain Pens
iii.	NEXT	Cigarettes
iv.	SOFT LENS	Contact Lens
v.	PIZZA	Pizza Pie
vi.	ALWAYS	Printed Matters
vii.	KENT	Mineral Water
viii.	NATIONAL	Transistors
ix.	HEAVENLY	Cosmetics
x.	BRISK	Dentifrices

4. What is the effect of registration under the Trade Marks Act, 1999? What are the rights conferred by the registration? When is a 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 the Trade Marks Act, 1999?
(20 marks)
5. Who can apply for rectification of Register of Trade Marks? State briefly the procedure for rectify a trade mark starting from filing the application to the stage of hearing. Can a registered proprietor whose trade mark has been removed on the ground of non-use file fresh application for registering the mark for same goods?
(15 marks)
6. What is the duration of registration of a 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 proprietor of a registered trade mark on the Register. Can an unregistered mark be assigned without goodwill of a business under the Trade Marks Act, 1999?
(15 marks)
