

**EXAMINATION FOR REGISTRATION OF TRADE MARKS AGENTS
TRADE MARKS LAW AND PRACTICE
18TH DECEMBER, 2000**

TIME: 11.00 A.M. TO 2.00 P.M. (3 HRS.)

MARKS: 100

ANSWER QUESTION NO. 1 & 2 AND ANY FOUR OF THE FOLLOWING

Q.NO.1 Discuss briefly stating your reasons whether the following trade marks are registrable?

| | MARKS | GOODS |
|----|--------------|---------------------|
| a) | LIVER POOL | Cables |
| b) | SOLIO - | Photographic papers |
| c) | VINOD | Fans |
| d) | SMOOTH | Clothing |
| e) | SOFLENS | Contact Lens |

(20)

Q.NO.2 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 an opposition proceeding and state whether the hearing officer can dismiss in default an opposition proceeding where neither the opponents nor applicant attends the hearing

(20)

Q.NO.3 Write short notes on any three of the following:

- (a) TRIPLE IDENTITY in opposition proceedings.
- (b) Concurrent Registration.
- (c) Renewal of Registered Trade Mark.
- (d) Registration of Trade Marks having direct reference to character and quality of goods.
- (e) Review of an order or decision under The Trade and Merchandise Marks Act, 1958



(15)

Q.No.4 Who can apply for rectification of Register of Trade Marks. State briefly the procedure for rectifying a trade mark starting from filing the application to the stage of hearing? Can a registered proprietor whose trade mark has been removed on ground of non-use file fresh application for registering the mark for the same goods?

(15)

Q.No.5 Define the procedure for registration of Trade Mark Agent and also state the grounds on which the name of the Registered Trade Mark Agent can be removed by the Registrar of Trade Mark? Is there any right of appeal or review against such order of removal? If yes, where such appeal or review is required to be filed?

(15)

cont'd2/-

- Q.No.6 Explain the provisions for assignment of Trade Marks (15)
- Q.No.7 Define "Deceptive similarity of trade marks. What are the tests laid down for determining whether the two marks are deceptively similar or not and give reference to reported cases. (15)
- Q.No.8 'A' a dealer for B who is the registered proprietor of the mark LION for fluorescent lamps left the dealership and started using the mark for incandescent lamps in the state of West Bengal from 1989. 'A' is interested in registering his mark. He approaches you for advice. What advise would you give, along with justification for the same. (15)