

QP Code : **11835**

(3 Hours)

[Total Marks : 100

- N. B. :** (1) Answer any **four** questions.
(2) **All** questions carry **equal** marks.
(3) Cite case laws to support your answer.

1. Explain the procedure for registration of a Trade Mark in India. Who is the proprietor of a Trade Mark? What are the advantages of registration of a Trade Mark? 25
2. What are the offences for the commission of which a person may be prosecuted under Trade Marks Act, 1999? 25
3. What is a trade mark? What are its functions? Explain the terms :— 25
 - (a) Service Mark
 - (b) Trade Name
 - (c) Collective Mark
4. What is infringement of a trademark? Under what circumstances, as per Trade Marks Act, 1999, is the use of a registered mark not treated as infringement? 25
5. Explain the provisions relating to composition, jurisdiction, power and procedure of Intellectual Property Appellate Board under Trade Marks Act, 1999. 25
6. Explain the provisions of Trade Marks Act, 1999 regarding Assignment and Transmission of registered and unregistered Trade Marks. What are the conditions for assignment otherwise than in connection with the goodwill of a business? 25
7. Write short notes on :— 25
 - (a) Common Law Marks
 - (b) Deceptive Similarity
 - (c) Difference between 'Registered Users' and 'Permitted Users' of a Trade Mark