

QP Code : 27178

(3 Hours)

[Total Marks : 100

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

1. What is a Trade Mark? What are its functions? Explain the terms - 25
 - (a) Service Mark
 - (b) Trade Name
 - (c) Collective Mark

2. Is registration necessary for acquiring property in a Trade Mark? What are the rights and remedies available to the holder of an unregistered mark? What are the advantages of registration of a Trade Mark? 25

3. What is infringement of Trade Mark? Under what circumstances as per Trade Marks Act, 1999 is the use of a registered mark not treated as infringement? 25

4. Explain the provisions relating to composition, jurisdiction, powers and procedure of Intellectual Property Appellate Board under Trade Marks Act, 1999. 25

5. Write short notes on the following :- 25
 - (a) Special provisions for Textile Goods under Trade Marks Act, 1999.
 - (b) Groundless threats of legal proceedings
 - (c) Offence of falsifying and falsely applying Trade Marks.

6. Explain the provisions of Trade Marks Act, 1999 relating to 'Registered Users' and their rights and obligations. How are the rights of 'Registered Users' different from those of 'permitted users'? 25

7. Write short notes on :- 25
 - (a) Associated Trade Marks
 - (b) Certification Trade Marks
 - (c) Opposition to registration of a mark.
