

Q.P. Code :10865

[Time: 3 Hours]

[Marks:100]

Please check whether you have got the right question paper.

- N.B:**
1. Answer **any four** questions
 2. All questions carry equal marks
 3. Cite relevant case law to support your answers.

- Q.1 Explain the procedure for registration of a Trade Mark in India. What are the advantages of registration of a Trade Mark? 25
- Q.2 Explain the provisions relating to composition, jurisdiction, powers and procedure of Intellectual Property Appellate Board under Trade Marks Act, 1999? 25
- Q.3 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
- Q.4 What is a Trade Mark? Give an overview of the provisions of TRIPS agreement regarding Trade Marks. 25
- Q.5 Explain the following with illustrations and examples: 25
- a) Well known Trade Marks
 - b) Associated Trade Marks
 - c) Certification Trade Marks
- Q.6 What are the offences for the commission of which a person may be prosecuted under Trade Marks Act, 1999? 25
- Q.7 Write short notes on the following 25
- a) Common law marks
 - b) Deceptive similarity
 - c) Collective mark

Please check whether you have got the right question paper.

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

1. How does Trade Marks Act, 1999 define the terms 'mark' and 'trade mark'? Has Trade Marks Act, 1999 led to the recognition of new kinds of Trade Marks in Indian Law? Analyse if 'smell marks' are registrable under Indian Law. **25**
2. 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**
3. What is infringement of a 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 of Trade Marks Act, 1999 relating to 'Registered Users'. What are their rights and obligations? How are the rights of 'registered users' different from those of 'permitted users'? **25**
5. Explain the provisions of Trade Marks Act, 1999 regarding Rectification and Correction of the Register. **25**
6. What are the offences for the commission of which a person may be prosecuted under Trade Marks Act, 1999? Explain the statutory provisions regarding the same. **25**
7. Write notes on the following : **25**
 - a) Deceptive similarity
 - b) Common Law Marks.
