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B.A. LL.B. (Semester-IX)
EXAMINATION OCTOBER 2019
Trademark and Design Law

[Duration : Three Hours]**[Max. Marks :75]****Instructions:-**

- a) Answer any Eight from Questions No. 1 to 12
- b) Q. No. 13 and 14 are compulsory.
- c) Write each answer on separate page.

8 × 8 = 64

1. Critically examine the importance, need of trademark to the consumer mention the essentials of good trademark in Indian scenario.
2. Answer the following
 - a. Mention the trademarks prohibited from registration
 - b. Types of trademarks
3. Enumerate in detail the idea of passing off and the modes of passing off with relevant cases in case of unregistered trademark.
4. Discuss the authorities established and remedies available in case of registered trademark infringement under the trademark legislation.
5. 'Registration is essential to get protection for trademark under trademark legislation'. Examine the procedure specified for the registration of trademark as per Trademark Act, 1999 as amended recently.
6. Explain the different methods of transfer of trademark from registered proprietor to any other person for consideration.
7. Critically highlight the procedural requirements for obtaining a design under the Indian Designs Act, 2000.
8. Define design. Explain the need and importance of design in Indian scenario.
9. Find out the differences between design and copyright with reference to artistic work with illustrations.
10. Write a note on the following:
 - a) Registered design and available rights
 - b) Authorities under Designs Ac, 2000
11. 'Design law used the word piracy in case of infringement'. Elucidate the perception

of pirated designs with cases/illustrations.

12. Spell out the prerequisites of a design and specify the articles prohibited from registration as a design under Designs Act, 2000.

13. Answer any Two of the following with reason and authority:

$2 \times 2.5 = 5$

- Domain name as trademark
- Sound as trademark
- Functions of trademark

14. Answer any Two of the following with reason and authority:

$2 \times 3 = 6$

- Certification mark
- Goodwill
- Property mark

BALBA- 1941

B.A.LL.B Semester IX, Examination April 2019

TRADEMARK AND DESIGN LAW

Duration : 3 hours

Total Marks : 75

Instructions :

- i) Answer any **EIGHT** questions from Q. No. 1 to 12.*
- ii) **Question No. 13 and 14 are compulsory.***

(8 x 8 = 64)

- 1) Define Trademark explain function and kinds of marks?
- 2) What is deceptive similarity? What are the factors taken into consideration to prove deceptive similarity?
- 3) Explain the procedure for Registration of Trademarks?
- 4) What are Non Conventional trademarks?
- 5) Explain the principles for Registration of Trademarks?
- 6) No man is entitled to represent his goods as those of another. Explain this statement.
- 7) What is distinctiveness in trademarks?
- 8) What are the conditions for registration of design?
- 9) Discuss the procedure for assignments and transmission of trade marks.
- 10) What is the procedure for registration of a design?
- 11) Define a design. What is piracy in a design?
- 12) What is the inter-relationship between copyright and designs? Can one have both copyrights and designs at the same time?

P.T.O

- 13) **Write Short Notes (Any Two)** **(2.5 X 2 = 5)**
- a) Well known trademark
 - b) IPAB
 - c) Controller General of Patents Designs and Trademarks
- 14) **Write Short Notes (Any Two)** **(3 x 2 = 6)**
- a. John Doe Order
 - b. Confidential Disclosure of Design
 - c. Domain Names
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BALBO – 3718

B.A.LL.B. (Semester – IX) Examination, October 2018
TRADEMARK AND DESIGN LAW

Duration : 3 Hours

Max. Marks : 75

Instructions : 1) Answer **any eight** questions from Q.No. 1 to 12.
2) Question No. 13 and 14 are **compulsory**.

1. What is a good trademark ? (8×8=64)
 2. Trademark distinctiveness is an important concept in the law governing trademarks. Explain.
 3. What are absolute and relative grounds for refusal of registration of trademarks ?
 4. Define the term Passing Off. What are the defences available in Passing Off ?
 5. What is deceptive similarity ? What are the factors taken into consideration to prove deceptive similarity ?
 6. What are Non-Conventional trademarks ?
 7. What is infringement in trademark ?
 8. What is the procedure for registration of trademark ?
 9. What is the procedure for registration of a design ?
 10. What is the law for passing off in design ?
 11. What is the inter-relationship between copyright and designs ? Can one have both copyrights and designs at the same time ?
 12. What are conditions required to register a design ?
 13. Write short notes (**any two**) : (2.5×2=5)
 - a) Penalties and Offences under Trademark Act.
 - b) Trade Dress.
 - c) Original in Design Act.
 14. Write short notes (**any two**) : (3×2=6)
 - a) Prohibition on Registration of Design.
 - b) Objection to a design sought to be registered.
 - c) Anticipation by publication of Design.
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BALBA – 1843

B.A. LL.B. (Semester – IX) Examination, April 2018
TRADEMARK AND DESIGN LAW

Duration : 3 Hours

Total Marks : 75

Instructions : a) Answer **any eight** from Questions No. 1 to 12. (8×8=64)
b) Q. No. 13 and 14 are **compulsory**.

1. Explain the objectives, salient features of a good trademark and examine the definition of mark and trademarks under the trademark legislation.
2. Answer the following :
 - a) Grounds of opposition of trademark.
 - b) Essentials of trademarks.
3. 'Registered trademark is protected by way of infringement'. Enumerate the idea of infringement and the modes of infringement with relevant cases.
4. Discuss the authorities set up and civil remedies applicable in case of infringement of registered trademark under Trademark Act, 1999.
5. State the stages for the registration of trademark and the requisites for registration of trademark as per Trademark Act, 1999.
6. 'Unregistered trademark is protected by way of passing off'. Analyze this statement and discuss the types of passing off with relevant cases.
7. Elaborate in detail the procedure laid down under the Designs Act, 2000 for obtaining a design in India.
8. Explain the concept of design. Explain the importance of design and mention non registrable design under Indian Designs Act, 2000.
9. 'There is a relation between copyright and design'. Critically examine this statement and highlight the similarities and dissimilarities between these two.
10. Write a note on the following :
 - a) Infringement of design.
 - b) Penalties for registered design as per Designs Act, 2000.
11. Enumerate the rights available to the registered owner of design and mention the authorities set up under the Designs Act, 2000.

P.T.O.



12. Elucidate the important features of a design and mention the articles prohibited from registration as design under Designs Act, 2000.
13. Answer any two of the following with reason and authority : **(2×2.5=5)**
- a) Who can apply for trademark ?
 - b) Duration and renewal of trademark.
 - c) Well known trademark.
14. Answer any two of the following with reason and authority : **(2×3=6)**
- a) Assignment of design.
 - b) Duration of design.
 - c) Cancellation of registered design.

**BALBO – 3117**

B.A.LL.B. (Semester – IX) Examination, Nov. 2017
TRADEMARK AND DESIGN LAW

Duration : 3 Hours

Max. Marks : 75

Instructions: a) Answer **any eight** from Questions No. 1 to 12.
b) Q. No. 13 and 14 are **compulsory**.

(8×8=64)

1. Enumerate the concept of trademark, functions and objectives of trademarks as per trademark legislation.
2. Answer the following :
 - a) Traditional trademarks
 - b) Kinds of trademark.
3. 'Smell can be protected as trademark'. Mention kinds and the issues in relation to nontraditional trademarks with appropriate illustrations.
4. Elaborate the idea of passing off and modes of passing off of unregistered trademark and mention the remedies against such Act.
5. 'Trademark law protects domain names'. Explain this statement with the help of judicial pronouncements.
6. Analyze the procedure for registration and requirements for registration of trademark as per trademark legislation.
7. Explain in detail the importance, need and objectives for protection of design as per the Designs Act, 2000 in India.
8. 'Every design is not protectable under Design Act, 2000'. Examine the concept of design and mention when a design is not protected under Designs Legislation.
9. Discriminate between design as per designs law and artistic work under copyright legislation.
10. Write a note on the following :
 - a) Exceptions to design
 - b) Non registrable articles as design under Design Act, 2000.

P.T.O.



11. Describe the term piracy of a design and discuss the remedies in case of pirated design with appropriate case law/examples.
 12. Critically elaborate the procedural requirements for obtaining design as laid down under Designs Act, 2000.
 13. Answer **any two** of the following with reason and authority : (2×2.5=5)
 - a) Trademark registry
 - b) Fundamentals of good trademark
 - c) Assignment of mark.
 14. Answer **any two** of the following with reason and authority : (2×3=6)
 - a) Requisites of Design
 - b) Registered design and rights available to owner
 - c) Duration and renewal of registered design.
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BALBA – 1317

B.A.LL.B. (Semester – IX) Examination, April 2017
TRADEMARK AND DESIGN LAW

Duration : 3 Hours

Total Marks : 75

Instructions : a) Answer **any eight** from Questions No. 1 to 12.
b) Q. No. 13 and 14 are **compulsory**.

(8×8=64)

1. 'Trademark is important and it protects the interest of consumer'. Examine this statement in the light concept of trademark and mention the essentials of good trademark.
2. Answer the following :
 - a) Non registrable trademarks
 - b) Kinds of trademarks.
3. 'Unregistered trademark is protected under common law'. Discuss the idea of passing off and the modes of passing off with relevant cases.
4. Examine in the authorities set up and remedies available in case of infringement of registered trademark.
5. 'Registered trademark alone is protected under trademark legislation'. Enumerate the procedure prescribed for the registration of trademark as per Trademark Act, 1999 as amended.
6. Critically analyze the various modes of transfer of trademark from proprietor to any other person.
7. Mention in detail the procedure for obtaining a design under the Designs Act, 2000 in India.
8. Define design. Explain the need and importance of design in Indian scenario.
9. 'There is a difference between copyright and design'. Critically examine this statement and highlight the differences between these two.
10. Write a note on the following :
 - a) Rights in registered design
 - b) Authorities/offices under Designs Act, 2000.

P.T.O.



11. 'Piracy of a design amounts to infringement'. Explain in detail the concept of pirated designs with cases/examples.
 12. Enumerate the essentials of a design and mention the articles prohibited from registration as design under Design Act, 2000.
 13. Answer **any two** of the following with reason and authority : **(2×2.5=5)**
 - a) Sound as trademark
 - b) Functions of trademark
 - c) Property mark.
 14. Answer **any two** of the following with reason and authority : **(2×3=6)**
 - a) Goodwill
 - b) Domain name as trademark
 - c) Non registrable design.
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BALBO – 3216

B.A. LL.B. (Semester – IX) Examination, October 2016
TRADEMARK AND DESIGN LAW

Duration : 3 Hours

Total Marks : 75

Instructions : a) Answer **any eight** from Questions No. 1 to 12.
b) Q. No. 13 and 14 are **compulsory**.

(8×8=64)

1. Explain the concept of trademark. Examine the essentials and functions of a good trademark.
2. Answer the following :
 - a) Intellectual Property Appellate Board
 - b) Trademarks registry.
3. Discuss the idea of passing off and differentiate between passing off and deceptive similarity with the help of cases/examples.
4. 'Use of registered trademark without consent of owner amounts infringement'. Discuss the term infringement and mention the remedies for infringement.
5. Enumerate in detail the stages and procedure prescribed for the registration of trademark as per Trademark Act, 1999 as amended.
6. 'Trademark being a property it can be transferred'. Critically examine the various methods of transfer of trademark from proprietor to any other person.
7. Analyse the concept and essentials of a good design for registration.
8. Mention in detail the rights in registered design and remedies for violation of such rights under the Designs Act, 2000.
9. Critically analyse the procedure for obtaining a design and duration of design under the Designs Act, 2000 in India.
10. Write a note on the following :
 - a) Piracy of registered design.
 - b) Functional aspects of a design.
11. 'There is a link between Design and Artistic work'. Explain in detail this statement in the light of design and artistic work.



12. Enumerate in detail the salient features of the Designs Act, 2000 in the present Indian Society.
13. Answer **any two** of the following with reason and authority : (2×2.5=5)
- a) Suggestive trademark.
 - b) Non-registrable trademark.
 - c) Certification mark.
14. Answer **any two** of the following with reason and authority : (2×3=6)
- a) Importance of a design.
 - b) Designs offices in India.
 - c) Significance of design – Consumers.
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