Total No. of Printed Pages:02

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.

 $8 \times 8 = 64$

- 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.
- 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:

 $2 \times 2.5 = 5$

- a) Domain name as trademark
- b) Sound as trademark
- c) Functions of trademark
- 14. Answer any Two of the following with reason and authority:

 $2 \times 3 = 6$

- a) Certification mark
- b) Goodwill
- c) Property mark

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.

 $(8 \times 8 = 64)$

- 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?
- 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?

13) Write Short Notes (Any Two)

 $(2.5 \times 2 = 5)$

- a) Well known trademark
- b) IPAB
- c) Controller General of Patents Designs and Trademarks

14) Write Short Notes (Any Two)

 $(3 \times 2 = 6)$

- a. John Doe Order
- b. Confidential Disclosure of Design
- c. Domain Names

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?

 $(8 \times 8 = 64)$

- 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):

 $(2.5 \times 2 = 5)$

- a) Penalties and Offences under Trademark Act.
- b) Trade Dress.
- c) Original in Design Act.
- 14. Write short notes (any two):

 $(3 \times 2 = 6)$

- a) Prohibition on Registration of Design.
- b) Objection to a design sought to be registered.
- c) Anticipation by publication of Design.

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.
- 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.

BALBA - 1843



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12. Elucidate the important features of a design and mention the articles prohibited from registration as design under Designs Act, 2000.

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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: thought and select trailed residuand, and oranged a
- traction interpretarion of the recording the second of the second of the second 14. Answer any two of the following with reason and authority:

- 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.

 $(8 \times 8 = 64)$

- 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.
- '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.

BALBO-3117



- 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:

 $(2 \times 2.5 = 5)$

- a) Trademark registry
- b) Fundamentals of good trademark
- c) Assignment of mark.
- 14. Answer any two of the following with reason and authority:

 $(2 \times 3 = 6)$

- a) Requisites of Design
- b) Registered design and rights available to owner
- c) Duration and renewal of registered design.



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

Duration : 3 Hours Total Marks : 75

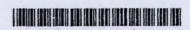
Instructions: a) Answer any eight from Questions No. 1 to 12.

b) Q. No. 13 and 14 are compulsory.

 $(8 \times 8 = 64)$

- '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.
- '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.

BALBA - 1317



- 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.

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.

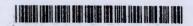
b) Q. No. 13 and 14 are compulsory.

 $(8 \times 8 = 64)$

- 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.
- Discuss the idea of passing off and differentiate between passing off and deceptive similarity with the help of cases/examples.
- 'Use of registered trademark without consent of owner amounts infringement'.
 Discuss the term infringement and mention the remedies for infringement.
- 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.
- Mention in detail the rights in registered design and remedies for violation of such rights under the Designs Act, 2000.
- 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.
- 'There is a link between Design and Artistic work'. Explain in detail this statement in the light of design and artistic work.

 P.T.O.

BALBO-3216



- 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:

 $(2 \times 3 = 6)$

- a) Importance of a design.
- b) Designs offices in India.
- c) Significance of design Consumers.