

DIPLOMA IN INTELLECTUAL PROPERTY LAW (D.I.P.L.)
(OLD COURSE) : SUMMER - 2018
SUBJECT : LAW RELATING TO TRADE MARKS & INDUSTRIAL DESIGN

Day : **Tuesday**
Date : **08/05/2018**

S-2018-1533

Time : **02.30 PM TO 05.30 PM**
Max. Marks : 80

N.B.

- 1) Attempt any **SIX** questions including **Q.1** which is **COMPULSORY**.
- 2) Q.1 carries 20 marks and other questions carry 12 marks each.

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- Q.1** Write short notes on **ANY FOUR** of the following:
- a) Original under the Designs Act, 2000
 - b) Doctrine of Fiduciary Relationship
 - c) Shape, size and colours as trade mark
 - d) Consumerism
 - e) GATT
 - f) Cancellation of registration of a design
- Q.2** State, explain and analyse the scope, need and utility of trade marks legislation in India with special reference to the Trade Marks Act, 1999.
- Q.3** Give an elaborative assessment of 'infringement of a trade mark'. Explain in detail remedies available in case of infringement of it.
- Q.4** "The design must appeal to and to be judged solely by the eye." Elucidate and elaborate the essentials of a design.
- Q.5** Explain the provisions of Locarno Agreement for establishing an international classification for industrial designs. State whether India is a member of the agreement or not.
- Q.6** Discuss the law relating to 'Certification Trade Mark' with the help of relative case laws.
- Q.7** "'Passing off' is said to be a species of unfair trade competition." Critically evaluate and enumerate the remedies available under the law.
- Q.8** Critically evaluate the cases of piracy with the Twin Test of Fraudulent Imitation and Obvious Imitation.
- Q.9** Examine critically the provisions of TRIPS agreement relating to trade marks and industrial design.
- Q.10** Evaluate critically the concepts of 'Trade Marks in Part' and 'Trade Mark in Series' with the help of illustrations from day to day life.