

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

Day : **Wednesday**
Date : **30/05/2018**

S-2018-4281

Time : **10.00 AM TO 01.00 PM**
Max. Marks : 80

N.B.:

- 1) Attempt **ANY SIX** questions including **Q.No.1** which is **COMPULSORY**.
 - 2) **Q.No.1** carries **20** marks and all other questions carry **12** marks each.
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- Q.1** Write short notes on **ANY FOUR** of the following:
- a) Distinctiveness
 - b) Restoration of trade mark
 - c) Appeal to the eye
 - d) Trade mark registry
 - e) Hague Agreement, 1960
 - f) Use of foreign trade marks in India
- Q.2** Clarify the concept of trade mark in part and trade mark in series with relevant illustrations.
- Q.3** State and examine the different prohibitions for 'registration of industrial design' and also enlist the important features of design.
- Q.4** State and explain some other marks than trade mark. Enumerate the principles for deciding the questions of similarity of two marks.
- Q.5** Enlist and elucidate essentials of an infringement of trade mark along with forms of infringement. What are civil, criminal and administrative remedies available against infringement of trade mark in India?
- Q.6** Explain the Paris Convention for protection of industrial property with respect to trade marks. Enumerate also the provision for registration of a foreign mark in India.
- Q.7** Define 'industrial design' and narrate in detail important provisions relating to it under the Designs Act, 2000.
- Q.8** State the meanings of fraudulent and obvious imitation, and explain the test to determine infringement and judicial remedy available in cases of it.
- Q.9** A proprietor of a business has applied for registration of symbol 'OM' as his trade mark. Decide upon the maintainability of his application with help of relevant legal provisions and landmark case laws.
- Q.10** Clarify the nature and scope of trade mark in online medium.

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