

**SDE**

**Diploma in Intellectual Property Law (D.I.P.L.) (Old Course) :**

**WINTER - 2018**

**SUBJECT: LAW RELATING TO TRADE MARKS AND INDUSTRIAL DESIGN**

Day : Thursday  
Date : 01/11/2018

**W-2018-4433**

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

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**N.B.:**

- 1) Attempt **ANY SIX** questions including **Q.No.1** which is **COMPULSORY**.
  - 2) **Q.No.1** carries **20** marks and other question carries **12** marks each.
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- Q.1** Write a Short Notes on **ANY FOUR** of the following :
- a) Aim and objectives of the Trademark Act,1999
  - b) Defences in Passing off actions
  - c) Interlocutory injunction
  - d) Jurisdiction of courts
  - e) Effects of disclaimers
  - f) Associates marks
- Q.2** Elaborate the concept of ‘trademark’ under section 2(1)(zb) of the Trademark Act,1999 with recent caselaws.
- Q.3** “A design is something which is applied to an article and is not the article itself” Discuss & elaborate the designs which are prohibited from registration with reference to the Design Act.
- Q.4** “An applicant who makes an application for registration of trademark or a registered proprietor may make an international registration of that trademark.” Discuss & explain the protection of trade mark through international registration with the help of section 36A-36G of the Trade Mark Act, 1999..
- Q.5** Define “Assignment and transmission” Discuss the scope of assignment or transmission under the Trademark Act, 1999.
- Q.6** Discuss the procedure for registration of trademark under the Trademark Act, 1999.
- Q.7** Elaborate the difference between “trademark” and “design” with reference to the Industrial Design Act,2000 and the Trademark Act,1999.
- Q.8** Define “Infringement” Discuss the provisions relating to uses of registered trademark but it does not constitute infringement.
- Q.9** Discuss in detail the provisions relating to ‘Licensing’ and effects of registration as registered user.
- Q.10** Write a detail note on **ANY TWO** of the following :
- a) Protection of trademark under the Paris Convention
  - b) Aim and objectives of Hague Agreement,1960
  - c) Function of Trademark under Lacarno Agreement

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