

S.D.E.

**DIPLOMA IN INTELLECTUAL PROPERTY LAW (D.I.P.L.)
(OLD COURSE) : WINTER - 2017**

SUBJECT : LAW RELATING TO TRADE MARKS & INDUSTRIAL DESIGN

Day : **Thursday**
Date : **30/11/2017**

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

W-2017-4090

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.

Q.1 Write short notes on **ANY FOUR** of the following:

- a) Originality in trade mark
- b) Honest and concurrent use
- c) Reverse engineering
- d) Distinction between trade mark and property mark
- e) Jurisdiction of Trade Mark Offices
- f) Unregistered designs

Q.2 "A trade mark serves the purpose of identifying the source of origin of goods." Explain analytically.

Q.3 Explain analytically the difference between 'distinctive mark' and 'descriptive mark' with help of relative case laws.

Q.4 Explain the provisions of TRIPS with respect to industrial designs along with relevant landmark international cases.

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 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 land mark case laws.

Q.7 Evaluate critically in detail the various civil and criminal remedies available for infringement of trade mark in India.

Q.8 Critically evaluate the cases of piracy of a registered design with the Twin Test of Fraudulent Imitation and Obvious Imitation.

Q.9 "Passing off" is said to be a species of unfair trade competition." Critically evaluate and enumerate the remedies available under the law.

Q.10 "The design must appeal to and to be judged solely by the eye." Elucidate and elaborate the essentials of a design.

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