

**MASTER OF INTELLECTUAL PROPERTY  
LAW (MIPL)**

**Term-End Examination**

**December, 2015**

**MIR-033 : TRADEMARK, PASSING OFF AND  
GEOGRAPHICAL INDICATIONS**

*Time : 2 hours*

*Maximum Marks : 50*

*Note : This paper is divided into two parts. Part A and  
Part B. Both the parts are compulsory.*

**PART - A**

Attempt **all** the questions from this Part. Each  
question carries **2** marks. **10x2=20**

1. The basis of a 'passing off' action is :
  - (a) False representation as to the origin of goods.
  - (b) Use of registered trademark of other for the same goods/ services.
  - (c) Selling the goods at a reduced price to get rid of stock.
  - (d) Increasing the marked price of goods to make a large profit.
2. Which of the following is not an example of trademark ?
  - (a) Darjeeling tea
  - (b) Mc Donalds
  - (c) Coca Cola
  - (d) Levis

3. Descriptive marks are not protected because :
- (a) They are too distinctive
  - (b) They need too much documentation
  - (c) They are not distinctive enough
  - (d) Both (a) and (c)
4. Which of the following is not a type of intellectual property protected under the TRIPS Agreement ?
- (a) Copyright
  - (b) Trademarks
  - (c) Integrated circuits
  - (d) Fashion designs
5. Why did Novartis break new ground with its new logo and name ?
- (a) The new name had nothing to do with the original legacy elements
  - (b) The new logo is only visible in 3D
  - (c) The name is offensive in Swedish and caused a controversy
  - (d) The company did not pay the designer and got sued.
6. "Intrinsically striking is an element of a :
- (a) Brand
  - (b) Trademark
  - (c) Copyright
  - (d) Patent
7. Sections 18-26 of the Trademarks Act of 1999 deals with :
- (a) The time period of trademarks.
  - (b) The geographical limitation of trademarks.
  - (c) The registration of trademarks.
  - (d) Effect of trademarks.

8. In cases where the products are completely different and the names are same/similar, the trademarks :
- (a) Can never be denied registration.
  - (b) Can be denied registration in some cases.
  - (c) Should be denied registration in all cases where the names are the same.
  - (d) None of the above.
9. A Mareva injunction is :
- (a) When the court has the power to freeze the defendant's assets.
  - (b) When the court has the power to retrieve documents from a bank.
  - (c) When the court has the power to publicly share the defendant.
  - (d) When the court has the authority to demand presence of a party.
10. Who of the following cannot be a plaintiff in an action of passing off ?
- (a) A minor
  - (b) A charitable society
  - (c) A licensee
  - (d) A franchisee

### **PART - B**

Attempt **any three** questions from this Part. Each question carries **10** marks. **3x10=30**

11. Define Trademarks. Discuss trademark as a marketing tool.

12. Discuss the concept of character merchandise in comparison with trademark trafficking.
  13. What is the relevance of geographical indications to developing countries such as India ?
  14. Discuss the concept of infringement of trademark in the light of leading cases.
  15. How are the different concepts of assignment, transmission and licensing important and useful ? Explain with the help of examples.
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