

**POST GRADUATE DIPLOMA IN
INTELLECTUAL PROPERTY RIGHTS (PGDIPR)**

Term-End Examination

June, 2013

**MIP-003 : INDUSTRIAL PROPERTY :
TRADEMARKS, GEOGRAPHICAL INDICATIONS,
TRADE SECRETS, UNFAIR COMPETITION**

Time : 2 hours

Maximum Marks : 50

*Note : All questions are compulsory. However internal choice
are given in each questions.*

PART 'A'

I. State the following statements are **True or False**.

Answer **any five** questions.

5x1=5

1. The principle consequences of unjustified non-use is that the registration is open to cancellation at the request of a person with a legitimate interest (T/F)
2. The burden of proof regarding trademark use is on the owner since it is very difficult for the interested third party to prove non-use. (T/F)
3. If the owner of a trademark fails to renew his trademark (after the expiry of the registration period) and fails to pay the renewal fee, it leads to the removal of the trademark from the register. (T/F)

4. A trademark once registered cannot be removed from the register, even if it has transformed into a generic name. (T/F)
5. Trademark laws generally provide that the Registrar refuses to record an assignment that in his opinion is liable to deceive consumers. (T/F)
6. Nullity of the assignments leads to nullity of the trademark rights as such. (T/F)

PART 'B'

II. Fill in the blanks. Answer **any five** questions. 5x1=5

1. The Protocol relating to the Madrid agreement came into operation on _____.
2. An international application for registration must be presented to the _____ through the office of origin.
3. _____ contains an exhaustive list of information which may be required by an office in respect of an application for the registration of a trademark.
4. The treaty provides for a _____ for the initial period of registration of the trademark.
5. A mark depicting Indian tricolor can be registered as a valid trademark of a private enterprise in _____.
6. The Madrid system is _____.

III. Attempt **any two** questions : 2x5=10

1. Discuss issues related to examination of the application for registration of a trademark.
2. What is counterfeiting ? Discuss with the help of examples ?
3. Discuss the forms of legal protection available with regard to character merchandising.

IV. Attempt *any two* questions : 2×5=10

1. What do you understand by trade secret ?
2. What actions can lead to an act of unfair competition ?
3. Explain the key features of filing an international registration for trademark.

V. Attempt *any two* questions : 2×10=20

1. What do you understand by protection of trademark rights ? Discuss issues concerning proper use of trademarks.
 2. What are the advantages of registering a geographical indication ?
 3. Discuss the International Legal Framework for protection of trademarks.
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