

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

**Term-End Examination**

00090

**June, 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.*

*10×2=20*

1. Descriptive marks are not protected because
  - (a) They need too much documentation
  - (b) They are not distinctive enough
  - (c) They are too distinctive
  - (d) They are invented

- 2.** Which section of the Trademarks Act, 1999 deals with the relative grounds for refusal of registration of Trademark ?
- (a) Section 10
  - (b) Section 11
  - (c) Section 12
  - (d) Section 9
- 3.** What is brand parity ?
- (a) When one brand has unreasonably better brand value than the others
  - (b) When brands compete with each other and bring down the prices
  - (c) When brands in the same category are very similar
  - (d) When brands in the same category are very different
- 4.** Texmati is the name of
- (a) A trademark over Basmati rice in the U.S.
  - (b) A trademark over Basmati rice in India
  - (c) A copyright over the Basmati genome in the U.S.
  - (d) A copyright over the Basmati genome in India

5. Domain names can be classified as property when

- (a) they are publicly administered on a territorial basis and give rise to rights that are exercisable only within the territory concerned.
- (b) a legitimate claim to exclusivity can be established.
- (c) technology vests a new domain name with value.
- (d) they can be identified as a source provider for goods and services.

6. Domain names disputes are implemented by the ICANN through

- (a) UDRP
- (b) NIE
- (c) NIS
- (d) ACPA

7. Under which law are Company Logos protected ?

- (a) Patents
- (b) Design
- (c) Trademarks
- (d) Copyright

8. A product's market efficiency is greater when a brand is
- (a) Generic
  - (b) Local with co-ordinate offices internationally
  - (c) National with international branches
  - (d) Standardised and international
9. Associations in India can hold
- (a) No trademarks
  - (b) Trademarks only through individuals
  - (c) Collective trademarks, held through the association itself
  - (d) None of the above
10. In cases where the products are completely different and the names are same/similar, trademarks
- (a) Can be denied in some cases
  - (b) Can never be denied
  - (c) Are to be denied in all cases
  - (d) None of the above

## **PART B**

*Attempt any **three** questions from this part. Each question carries 10 marks.*

*3×10=30*

- 11.** Define Trademarks. Discuss trademark as a marketing intangible.
  - 12.** Define genericized trademark. Discuss in detail the generising of a trademark.
  - 13.** Discuss the relative grounds for refusal of registration of trademarks under Trademarks Act, 1999.
  - 14.** What are certification trademarks ? Do certification trademarks offer adequate protection to geographical indications ?
  - 15.** Discuss Civil remedies for infringement of trademark.
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