

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

00282 **Term-End Examination**

December, 2014

**MIR-033 : TRADEMARK, PASSING OFF AND
GEOGRAPHICAL INDICATION AND DOMAIN NAMES**

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. The basis of a 'Passing off' action is :
- (a) False representation as to the origin of goods.
 - (b) Selling the goods at a reduced price to get rid of stock.
 - (c) Increasing the marked price of goods to make a larger profit.
 - (d) Copying the title of a competitor.

2. Trademarks enable the owner of a product to
- (a) Associate the product with its regional origin.
 - (b) Ensure that the consumer is able to identify the product with its commercial source, even though the product and the consumer are physically apart.
 - (c) Physically separate the product from the consumer.
 - (d) Ensure that the consumer does not identify the products manufactured by the owner.
3. Monograms of a company may fall within the category of
- (a) Design
 - (b) Patent
 - (c) Trademark
 - (d) Copyright
4. The Indian Court held _____ as a well known trademark.
- (a) Hentel
 - (b) Intel
 - (c) Zentel
 - (d) Pentel

5. A logo is a
- (a) Visual depiction of the company or its identity
 - (b) Computer programming language
 - (c) Symbol used sometimes by the company in its business
 - (d) Mascot or animal associated with a company
6. Absolute grounds for refusal of registration of trademark is given under
- (a) Section 9 of the Trademarks Act
 - (b) Section 11 of the Trademarks Act
 - (c) Section 5 of the Trademarks Act
 - (d) Section 7 of the Trademarks Act
7. Trademarks can be assigned
- (a) Only with the goodwill being assigned
 - (b) Without the goodwill being assigned
 - (c) Without any contracts or agreements
 - (d) Only to a partner of a firm

8. The 'halo effect' with respect to brands, refers to
- (a) Positive feeling towards a brand
 - (b) The brand price
 - (c) The effect of lighting on the brand logo
 - (d) The colour scheme is the pictorial representation of the brand
9. The assignment of a trademark has to be done
- (a) Verbally
 - (b) By stamping
 - (c) In writing
 - (d) None of the above
10. The period of limitation for filing a suit for an injunction to restrain the infringement of a trademark is
- (a) Two years from the date of registration of trademark
 - (b) Three years from the date of registration of trademark
 - (c) Two years from the date of infringement
 - (d) Three years from the date of infringement

Part B

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

11. What is meant by Descriptive marks ?
Distinguish between Descriptive marks and Distinctive marks.

12. Define a brand. Discuss the different elements of a brand.

13. Discuss in detail the procedure for the registration of trademarks.

14. What are Geographical Indications ? How are they different from trademarks ? Discuss in detail.

15. Write a note on Alternative Dispute Resolution Mechanism of ICANN.