

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

**Term-End Examination**

**December, 2016**

**MIR-033 : TRADEMARK, PASSING OFF AND  
GEOGRAPHICAL INDICATIONS 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 **two** marks. **10x2=20**

1. Associations in India can hold :
  - (a) No trademarks
  - (b) Trademarks only through their individual members
  - (c) Collective trademarks, held through the association itself
  - (d) None of the above
2. The basis of a 'passing off' action is :
  - (a) False representation as to the origin of goods
  - (b) Copying the title of a competitor
  - (c) Selling the goods at a reduced price to get rid of stock
  - (d) Increasing the marked price of goods to make a larger profit

3. Descriptive marks are not protected because :
- (a) They are not distinctive enough
  - (b) They are too distinctive
  - (c) They need too much documentation
  - (d) Both (a) and (c)
4. "Intrinsically striking" is an element of a :
- (a) Patent
  - (b) Copyright
  - (c) Layout design of integrated circuits
  - (d) Brand
5. A logo is a :
- (a) Computer programming language
  - (b) A symbol used sometimes by the company in its business
  - (c) Goods associated with the company
  - (d) Visual depiction of a company that gives an identity to it.
6. 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 different
  - (d) When brands in the same category are very similar

7. Sections 18-26 of the Trade Marks Act of 1999 deals with :
- (a) The definition of trademarks
  - (b) The registration of trademarks
  - (c) Passing off and Infringement of trademark
  - (d) Absolute and relative grounds of refusal of registration of trademark
8. "Geographical indications" in relation to section 2 (1) (e) of the Trade Marks Act. 1999 means :
- (a) An indication which identifies goods
  - (b) The goods may be agricultural goods, natural goods or manufactured goods
  - (c) The goods should be originating or manufactured in the territory of a country, or a region, or locality in that territory.
  - (d) All the above
9. A mark shall \_\_\_\_\_ if it offends the religious sensibilities of a class of people in India :
- (a) be registered
  - (b) never be registered
  - (c) be sent to a higher authority
  - (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 infringement
  - (b) Three years from the date of infringement
  - (c) Two years from the date of registration of trademark
  - (d) Three years from the date of registration of trademark

## **PART - B**

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

1. Discuss the salient features of TRIPs Agreement with respect to trademark.
  2. How are the different concepts of assignment, transmission and licensing important and useful ? Explain each one of them with the help of an example.
  3. Why does geographical indication accord special status to wine and spirit ? Discuss.
  4. Write a note on Uniform Domain Name Dispute Resolution Policy (UDRP).
  5. How should India engage in protecting and preserving it's rich Geographical Indications ?
-