

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

**Term-End Examination**

**June, 2016**

00019

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

*Time : 2 hours*

*Maximum Marks : 50*

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

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**PART A**

*Attempt **all** the questions from this part. Each question carries 2 marks.*

*10×2=20*

1. The concept of Intellectual Property can be traced back to the
  - (a) Reformation
  - (b) English Enlightenment
  - (c) Industrial Revolution
  - (d) None of the above

2. The basis of a 'passing off' action is
- (a) False representation as to the origin of goods
  - (b) Use of registered trademark of others for the same goods/services
  - (c) Selling the goods at a reduced price to get rid of a stock
  - (d) Increasing the marked price of goods to make a larger profit
3. In *Geep Flashlights vs Registrar of Trade Marks*, the Delhi High Court
- (a) Did not permit a trademark on the term 'torch' as it was too common
  - (b) Did not permit a trademark on the term 'Janta' because it was commonly used in Hindi
  - (c) Permitted a trademark on the word 'Jeep' which is a type of car
  - (d) Permitted a trademark on the term 'Janta' for a type of flashlight
4. 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)

- 5. A logo is a**
- (a) Computer programming language
  - (b) Symbol used sometimes by the company in its business
  - (c) Mascot or animal associated with a company
  - (d) Visual depiction of the company or its identity
- 6. Genericide is**
- (a) When a trademark is lost because of common use in the market place
  - (b) When lots of people are killed because of a trademark dispute
  - (c) When a term stops being generic and becomes specific
  - (d) None of the above
- 7. Absolute grounds for refusal of registration of trademark are given under**
- (a) Section 5 of the Trade Marks Act, 1999
  - (b) Section 9 of the Trade Marks Act, 1999
  - (c) Section 7 of the Trade Marks Act, 1999
  - (d) Section 11 of the Trade Marks Act, 1999

8. The Zippo case is important because it recognises
- (a) Shape as a Trademark
  - (b) Size as a Trademark
  - (c) Colour as a Trademark
  - (d) Sound as a Trademark
9. Who among the following **cannot** be a plaintiff in an action of passing off ?
- (a) A minor
  - (b) A franchisee
  - (c) A licensee
  - (d) A charitable society
10. Which of the following is **not** an example of a Geographical Indication ?
- (a) Darjeeling tea
  - (b) Champagne
  - (c) Scotch whisky
  - (d) Hawaiian cigar

## PART B

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

*3×10=30*

11. Discuss the concept of character merchandise in comparison with trademark trafficking.
  12. What are the different features of unfair competition law ? Discuss with examples.
  13. What is the role of linguistics in brands ? Explain.
  14. Explain the significance and relevance of geographical indications in India.
  15. Discuss the infringement of trademark with the help of leading cases.
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