

Name:
Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2021

Course: Law of Trademark and Registration (Hons 2)

Semester: VII

Program: B.Sc.LL.B. (Hons.)

Time: 03 hrs.

Course Code: CLBS4005

Max. Marks: 100

Instructions: All questions are compulsory.

SECTION-A			
	Each Question will carry 2 Marks		
Q1	Sign of ® is used for _____	2	CO1
Q2	A Trademark may be refused registration under the both grounds i.e. _____ and _____ grounds	2	CO1
Q3	The term for the registration of Trademarks in India is _____ years and its renewal may be done at expiry of every _____ years	2	CO1
Q4	Classes 1-34 of the NICE Classification are about _____ and class 35-45 are about _____.	2	CO1
Q5	Registration of certain trademark is prohibited under section(s) _____ of the Trade Marks Act, 1999.	2	CO1
SECTION-B			
S. No.	Each Question will carry 5 Marks	Marks	CO
Q1	Define Honest Concurrent Use.	5	CO2
Q2	Write short note on vested rights.	5	CO2
Q3	Define Comparative Advertising.	5	CO2
Q4	Explain the well-known marks under Trade Mark Rules 2017.	5	CO2
SECTION-C			
	Each question will carry 10 marks.		
Q1.	What do you mean by the word "Trade Mark"? Who can file an application for registration of a trade mark under the Trade Marks Act' 1999? Innumerate in brief the complete Procedure for registration of a trade Mark with reference to the particular section & rules under the Trade Marks Act & Rules.	10	CO3

Q2.	Trace the Indian historical development of trade mark law with contribution of important judicial pronouncements.	10	CO3
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	SECTION-D Each Questions carries 25 Marks.		
Q1	<p>Crocs, owner of the ‘Crocs’ footwear clog, initiated litigation against various footwear brands such as Aqualite India (represented by Remfry & Sagar), Relaxo, Bata, Action Shoes, etc, to protect its rights vested under the registered ‘Crocs’ design, as well as common law rights in the said footwear design, by filing separate lawsuits for both causes of actions in India. In the design infringement suits, Crocs failed to succeed on account of “prior publication of the design” in question. Thereafter, it argued that the finding of prior publication did not bar it from seeking relief on the ground of passing off.</p> <p>Decide the matter highlighting the overlap between design and trademark rights.</p>	25	CO4
Q2	Is Abolishment of IP Appellate Board A Right Decision By Government? Comment and provide way forward.	25	CO 4