


Name:			
Enrolment No:			
UPES End Semester Examination, May 2024			
Course: law of Trademark Program: LLM (IPR) Course Code: CLLT 7004		Semester: VIII Time : 03 hrs. Max. Marks: 100	
Instructions:			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q 1	Explain the significance of TRIPS.	2	CO1
Q 2	Define ‘Trademark’ as per trademark Act, 1999.	2	CO1
Q 3	Explain the concept of Collective marks.	2	CO1
Q 4	Define the doctrine of Vested Rights	2	CO1
Q 5	Define the doctrine of Honest concurrent practices.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Identify and explain the difference between trademark infringement and trademark dilution.	5	CO2
Q 7	Examine the concept of absolute grounds of refusal in trademark law in India.	5	CO2
Q 8	Define a well-known trademark and discuss the parameters laid down under the act to determine a well- known trademark and the protection extended to it under the act.	5	CO2
Q 9	Evaluate the concept of comparative advertisement by citing real life illustrations within trademark regime in India	5	CO4
SECTION-C (2Qx10M=20 Marks)			
Q 10	<p>Starbucks Corporation, a multinational coffeehouse chain, filed a lawsuit against Java Joe's Cafe, a small independent coffee shop located in a suburban area. Starbucks alleged that Java Joe's Cafe's use of a similar logo and name constituted trademark infringement, causing confusion among consumers and diluting the distinctive quality of Starbucks' brand.</p> <p>Analyze the above-mentioned case and identify the key arguments on both sides.</p>	10	CO3

Q 11	Evaluate the various remedies available under the trademark act, 1999.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12	<p>You are a legal advisor representing a multinational corporation that manufactures luxury watches under the trademark "EleganceTime." Recently, your client has become aware of a situation involving a small local retailer named "Timeless Watches" located in the same city. It has come to your attention that Timeless Watches has been selling counterfeit watches bearing the "EleganceTime" trademark. Furthermore, they have been using similar packaging and promotional materials to imitate your client's brand. The corporation is concerned about potential trademark infringement and passing off.</p> <p>Based on the above situation, answer the following:</p> <ol style="list-style-type: none"> Evaluate and identify the key elements that must be proven to establish trademark infringement and passing off. Provide legal advice to your client regarding the appropriate course of action to address the trademark infringement and passing off by Timeless Watches Discuss the legal remedies available to your client under Indian trademark law to enforce their intellectual property rights against Timeless Watches. Evaluate the potential defenses that Timeless Watches might raise to counter the allegations of trademark infringement and passing off. Analyze the factors that the court might consider when determining whether trademark infringement and passing off have occurred in this case. 	25	CO4
Q 13	<p>You are a legal consultant advising a multinational corporation, XYZ Inc., that specializes in consumer electronics. XYZ Inc. is considering entering into a trademark licensing agreement with a local Indian company, TechLink Pvt. Ltd., to produce and distribute mobile phones under the XYZ brand in the Indian market. As part of your consultation, you are tasked with evaluating the legal implications and providing guidance to XYZ Inc. on navigating trademark licensing in India.</p> <ol style="list-style-type: none"> Define the concept of trademark licensing and identify the components included in the licensing agreement. Identify the licensing procedure to be carried out on part of both the companies. Explain the significance of trademark licensing for companies seeking to expand their market presence in foreign territories like India. 	25	CO4

	<ul style="list-style-type: none">d. Analyze the potential benefits and drawbacks of licensing the XYZ brand to a local Indian company like TechLink Pvt. Ltd. in terms of market penetration and brand recognition.e. Evaluate the grounds for cancellation of licensing agreement on part of the licensor.		
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