

THE INSTITUTE OF TRADE MARK ATTORNEYS

FORMALITIES EXAMINATION

15th JUNE, 2001

10.00 a.m. – 1.00 p.m.

Please read the following instructions carefully. This is a **THREE HOUR** Paper.

1. There are 20 questions on the paper. You should answer ALL the questions. Each question has 5 points allotted to it.
2. The paper is in two Sections. Section A comprises 12 short answer questions. Section B comprises 8 questions requiring “True” or “False” answers.
3. You should start each question in Section A on a fresh sheet of paper. Put your EXAMINATION NUMBER and the QUESTION NUMBER on each sheet of paper. Do NOT put your own name anywhere on your answer papers.
4. Write on one side of the paper only, using black ink.
5. In Section B, put your EXAMINATION NUMBER on each printed page. Each of the 8 “True or False” questions in Section B has 5 statements. Indicate your answers on the sheet provided by circling either “T” (for True) or “F” (for False) against each statement.
6. Your answers must be legible. If the examiners cannot read a candidate’s answer, no marks will be awarded for that answer.

THE INSTITUTE OF TRADE MARK ATTORNEYS
FORMALITIES COURSE 2000-2001
EXAMINATION
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PART A

THERE ARE 12 QUESTIONS IN PART A, EACH CARRYING 5 MARKS IN TOTAL. WHERE A QUESTION CONSISTS OF MORE THAN ONE PART THE 5 MARKS ARE APPORTIONED (NOT NECESSARILY EQUALLY) BETWEEN THE PARTS AND YOU MUST ANSWER ALL PARTS OF THE QUESTION IN ORDER TO BE ABLE TO GAIN ALL OF THE AVAILABLE MARKS.

ANSWER EACH QUESTION ON A SEPARATE SHEET OF PAPER: WRITE ON ONE SIDE ONLY AND PUT YOUR EXAMINATION NUMBER AND THE QUESTION NUMBER ON EACH SHEET.

- Q1 Briefly describe the searches and enquiries that should be made before adopting a new trade mark, including the nature of the information you would look for in such searches and enquiries.
- Q2 a) There are many different types of trade marks. Give three examples
b) What is the definition of a trade mark?
- Q3 a) Explain the meaning of "priority" under the Paris Convention.
b) explain the meaning of "seniority" under the Community Trade Mark Regulation.
- Q4 In UK Trade Mark law and practice what is:
a) a Disclaimer?
b) a Limitation?
- Q5 List the stages of the Examination process for a Community Trade Mark.
- Q6 a) Write notes describing the purpose of a Power of Attorney and why they are required.
b) What is the role of a notary public?

- Q7 What are the key stages of the UK Opposition procedure? In your answer, identify those deadlines - if any - that cannot be extended under any circumstances.
- Q8 a) In the USA, what is a section 8 Affidavit and when can it be filed? What are the consequences of a failure to file it?
- b) What are the provisions for restoring a UK trade mark trade mark that has been removed for a failure to pay the renewal fee?
- c) What are the provisions for restoring a Community Trade Mark that has been removed for a failure to pay the renewal fee?
- Q9 What are the following forms used for?
- TM16
TM12
TM50
TM21
TM17
- Q10 Compare and contrast the International (Madrid Protocol) registration system with the CTM system.
- Q11 a) Write brief notes on “observations” under the UK Trade Marks Act 1994.
- b) what is the difference in the effect of a trade mark licence and a trade mark assignment?
- Q12 Briefly explain what is meant by a “merged” mark in the UK, and the requirements/procedure relating thereto. What are the advantages of merging?.