

THE INSTITUTE OF TRADE MARK ATTORNEYS

FORMALITIES EXAMINATION

14 JUNE, 2002

10.00 a.m. – 1.00 p.m.

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

1. There are 52 questions on the paper. You should answer **ALL** the questions. The paper is in two sections, SECTION A and SECTION B.
2. **SECTION A** comprises **12 short answer questions**. Each question has 5 marks allotted to it. Where a question in SECTION A is made up of 2 parts or more, you must answer **all** parts. **SECTION B** comprises **40 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. There are 40 “True” or “False” questions in SECTION B, each carrying 1 mark. Indicate your answers on the sheet provided by circling either “T” or “F” to indicate whether you think the statement given is “True” or “False”.
6. Your answers must be **legible**. If the examiners cannot read a candidate’s answer, no marks will be awarded for that answer.

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SECTION A

1.
 - a. A registration in OAPI covers 16 African states. Name three of them.
 - b. Name two jurisdictions anywhere in the world still using the former British classification system.

2.
 - a. In relation to trade marks, describe when convention priority can be claimed and name the usual document required to support such a claim including details of any language requirements of the document.
 - b. Name one member of the Paris Convention where priority cannot be claimed.
 - c. It is possible to claim priority in other countries that are not members of the Paris convention. Name an alternative grounds for claiming priority.

3.
 - a. You can file various types of trade marks other than words and pictures at the UK Trade Marks Registry. Name three.
 - b. Section 10 of the UK Trade Mark Form TM3 is for colour claims. What is the correct wording you should use when claiming colour ?

4. What are the key stages of the CTM Opposition procedure? In your answer, identify those deadlines, if any, that cannot be extended under any circumstances.

5. Explain briefly what is meant by passing-off and unfair competition and describe the sorts of searches which would need to be carried out in order to reduce the risks when launching a product under a new trade mark.

6. List the different Registers which need to be searched when checking whether a mark is available for use and/or registration.

7. Briefly describe the lifecycle of a UK trade mark application from filing to registration.

8. Form TM23 is used for a partial surrender of a specification of goods or services for which the mark is registered. List the details which must be entered on the form.

9. Your clients have recently acquired a company and the purchase includes six United Kingdom trade mark registrations and applications. Indicate what steps you would take **before** completing the official form(s). Also, please indicate the TM Form necessary to record the relevant assignments, what fees are payable (if any) for recording the assignment and any applicable time limits for submitting the recordal.

10. A form TM21 can be used to record a number of different changes to the Register, briefly outline **five** of them.

11.
 - a. List eight countries which are UK dependent countries.
 - b. Explain what dependency means?

12.
 - a. Explain what is meant by the terms, "notarisation" and "legislation".
 - b. Name two documents that may need to be legalised before they are accepted by a trade mark authority.