

THE INSTITUTE OF TRADE MARK ATTORNEYS

FORMALITIES EXAMINATION

6 June, 2003

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 five marks allotted to it. When a question in SECTION A is made up of two parts or more, you must answer all parts. **SECTION B** comprises forty questions requiring “True” or “False” answers, each carrying one mark.
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. 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. Briefly list the searches and enquiries which should ideally be made before adopting a new trade mark in the UK.
2. Outline the procedure for obtaining protection for a trade mark under the Madrid Protocol
3. Explain seniority claims made in a Community Trade Mark Application/Registration, including when seniority can be claimed.
4.
 - a
 - (i) What is a Section 8 Affidavit of Use in the USA?
 - (ii) When should a Section 8 Affidavit of Use in the USA be filed?
 - (iii) What are the differences between a Section 8 Affidavit and a Section 15?
 - b What form do you use to renew a UK trade mark registration?
 - c What are the fees for renewing a UK trade mark registration in one class?
 - d What is the grace period for renewing a UK trade mark registration?
5.
 - (i) What is the purpose of a Form TM16 in the UK?
 - (ii) List three of the details which should be entered in the Form.
 - (iii) What is the official fee?
6. What are the following forms used for in the UK?
 - (a) TM7
 - (b) TM8
 - (c) TM26N
 - (d) TM26I
 - (e) TM26O

7. (a) You can file various types of trade marks other than words and pictures/devices 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 the colour blue?
- 8 (a) Name three members of OAPI.
- (b) Name one country that has moved over from a national classification system to the international classification system in recent times
- (c) Briefly mention what tends to happen to registrations granted under the old national classification on renewal.
9. List briefly the stages of a Community trade mark from filing to registration.
10. Who can be the proprietor of a Community Trade Mark according to Article 5(1) of the Community Trade Mark Regulation?
11. (a) What is a series mark as described under Section 41(2) of the Trade Marks Act 1994?
- (b) What information is asked for in Section 6 of a Form TM3 in order to claim priority under the Paris Convention?
12. (a) List 5 advantages of filing a CTM over national applications in EU member states.
- (b) List 5 advantages of filing an IR under the Madrid Protocol over national applications in the same countries.