

**THE INSTITUTE OF TRADE MARK ATTORNEYS**

**FORMALITIES EXAMINATION**

11 June, 2004

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.

**THE INSTITUTE OF TRADE MARK ATTORNEYS**

**FORMALITIES EXAMINATION**

11 June, 2004

10.00 a.m. – 1.00 p.m.

**SECTION A**

- 1)
  - a) What checks are made by OHIM for Convention Priority claims?
  - b) Briefly describe what examination checks are made by OHIM after the filing date and the number have been accorded, but before the acceptance of the application for publication.
  
- 2)
  - a) Name three countries that are part of OAPI.
  - b) Name two countries that are part of Benelux.
  
- 3) List five provisions likely to appear in a Trade Mark licence.
  
- 4) List five grounds on which the UK Trade Marks Registrar can raise objections under section 3 of the Trade Mark Act 1994.
  
- 5) What are the benefits of conducting a trade mark clearance search?
  
- 6)
  - a) What is legalisation and how can you tell if a document has been legalised?
  - b) What sort of professional can be a notary public?
  - c) What is a notary's role in legalisation?
  
- 7)
  - a) What formal checks are made by the UK Patent Office prior to an International Application being sent to WIPO?

- b) Under the Madrid Protocol, which WIPO forms are used for:-
- i) Filing an International Application?
  - ii) Designating the USA?
  - iii) Subsequent designation?
- 8) a) Specify the number of classes (in total) in the Eighth Edition of the International (Nice) Classification of Goods and Services.
- b) Which of these classes are for goods (products) and which are for services?
- c) Name two countries that use a different classification system to the International (Nice) Classification.
- 9) What is a common law search and what type of sources are checked in a common law search?
- 10) A client asks you to take over representation of their UK designation of a Madrid Protocol filing which has met with objections in some classes.
- a) What form do you need to file to take over representation and who can sign the same?
- b) What fee is payable (if any)?
- c) To overcome the objections received, you consider dividing the application. What form would be required and what fees are payable?
- 11) What are the five official/working languages of OHIM and the three working languages of the Madrid Protocol?
- 12) Question 12 overleaf.

- 12) You have received instructions to file a new UK trade mark application as follows:-

Trade Mark	<b>NERVAGE</b>
Type of Trade Mark	Stylised word
Colour to be claimed	Blue
Classes	3,5
Goods	Class 3: Perfumes, non-medicated toilet preparations, dentifrices, depilatory preparations. Class 5: Deodorants, disinfectants, medicated preparations for the treatment of the skin and scalp.
Applicant	Nervage Beauty Products, Inc.
Address	123 Roseberry Boulevard New York 10012 New York USA
State of Incorporation	New York
ADP No.	07123456
Priority	US TM No. 76/6543210 dated 11 December 2003.
Your Reference	Enter your examination number.

Complete trade mark form TM3 in accordance with these instructions (TM3 form separate, at the back of papers)