

**THE INSTITUTE OF TRADE MARK ATTORNEYS**

**FORMALITIES EXAMINATION**

10 June, 2005

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.
3. **SECTION B** comprises forty questions each carrying one mark. You are required to put a ring around the letter against the correct answer.
4. 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.
5. Write on one side of the paper only, using black ink.
6. In **SECTION B**, put your EXAMINATION NUMBER on each printed page
7. 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. Your client owns a UK trade mark registration and wishes to file a Madrid Protocol application based on its UK registration. List the steps involved from filing up to and including acceptance or initial refusal by any designated Office. Details of the amounts of fees payable are not required in your answer.
  
2.
  - a) What features must UK trade mark registrations have in common in order to be merged?
  
  - b) What form must be filed, and what is the fee, if any?
  
  - c) What is the benefit of merging trade mark registrations?
  
3. In some countries it is possible to file trade mark applications on-line.
  - a) Briefly explain the benefits of on-line filing.
  
  - b) Name two jurisdictions where on-line filing is possible.
  
4. On 1<sup>st</sup> January 2002, three classes were added to the International Classification list.
  - a) List the three class numbers and explain why they were introduced.
  
  - b) Explain reclassification upon renewal.
  
5.
  - a) i) In the USA, what is a section 8 Affidavit and when can it be filed?
  
  - ii) What are the consequences of a failure to file it?

- b) What are the requirements for restoring a UK trade mark that has expired through failure to pay the renewal fee?
6. Explain what a Certification mark is and the requirements for registration of such a mark.
7. List five types of searches which might be carried out in order to clear a trade mark for use and registration in the United Kingdom.
8. Your client, a British company, wishes to file a trade mark application in Peru. A notarised and legalised Power of Attorney is required. Explain what has to be done to the Power of Attorney in order for it to be acceptable to the Peruvian Trademarks Office.
9. Section 3 of the Trade Marks Act 1994 sets out the absolute grounds on which a trade mark application may be refused. List five of these grounds.
10. a) On which form is an application for registration of a U.K. design made?
- b) What is the official fee for a design application in the U.K. (which is not a lace or textile design)?
- c) What is the official fee for a lace or textile design application?
- d) What is the maximum number of different views included in a single Registered Community Design application that OHIM will grant protection for?
- e) What is the maximum period of protection available for a Registered Community Design?
11. What are the key stages of the UK Opposition procedure up to the filing of a counterstatement? In your answer, identify those deadlines, if any, that can or cannot be extended, and any forms that need to be filed. Include in your answer any “cooling off” provisions that may exist.

12. You work for Trademark Protection LLP of 290 Holborn, London EC4B 2PA, United Kingdom, which is an Association of Representatives registered with OHIM under number 50507. Your firm' s telephone and fax numbers are respectively 020 7849 3000 and 020 7849 5000 and your firm has an account with OHIM numbered 9958.

Your client, Neptune Limited whose registered office address is West House, West Quay, Plymouth, Devon EX5 3DL, United Kingdom, instructs you to file a Community trade mark application to register the words MARINA MOONDROPS in class 25 for "Clothing, footwear, headgear", claiming priority from their earlier UK application to register this trade mark under number 2325798 of 13 December 2004. Your clients' telephone and fax numbers are respectively 01709 500700 and 01709 500900.

Complete the attached Application form for a Community Trade Mark.