

THE INSTITUTE OF TRADE MARK ATTORNEYS

FORMALITIES EXAMINATION

15th June, 2007

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 CANDIDATE 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 CANDIDATE 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. a) List three trade mark registers which should be searched in order to clear a mark for use in the U.K.

Do not address common law searches in this part of the question.

- b) List two sources for common law searching to clear a mark for use in the U.K.

2. Your client, ABC Limited of 20 High Street, Leeds, LSI ITM, incorporated under the laws of England and Wales, has just forwarded to you a deed of assignment confirming that it has purchased U.K. Trade Mark Registration No. 123456 on 3 March 2007. Details of this mark currently on the Register are as follows:

Registration No. 123456

Mark: ABC WITH ME

Class: 28

Specification: Toys, games and playthings

Proprietor: We Love Toys, Inc
2395 West Hollywood Boulevard
Los Angeles 9356
USA

The client has asked you to record the assignment at the U.K. Intellectual Property Office. Complete the Form TM16 (available at the back of the paper). Assume that you are authorised to sign the form on behalf of both parties to the assignment.

3. Other than words and names, list five other types of signs capable of being a trade mark.
4. Starting with filing a trade mark application, assuming there are no objections or oppositions to the registration of your trade mark, set out the steps involved in achieving registered trade mark protection in the U.K.

5.
 - a) In which year were Classes 43, 44 and 45 added to the International classification system?
 - b) Which North American country does not use a classification system?
 - c) List three countries that still use the former British classification system.

6.
 - a) Give three reasons why it is good practice to record changes relating to trade marks on the U.K. Trade Marks Register.
 - b) What are two advantages of merging U.K. trade mark registrations?

7.
 - a) Which three things must be shown to support an application for an extension of time for filing evidence in a U.K. opposition or cancellation action?
 - b) What is the time allowed for filing an opposition to a CTM application?
 - c) What is the official fee for filing a CTM opposition?

8. You work for TM Attorneys LLP of 25 Bloomsbury Place, London, WC1 3JP and your firm acts for Bucks Fizz Limited. Your client owns a number of U.K. trade mark registrations, details of which are set out below. Your client asks you to merge the registrations.

Trade Mark	Number	Class	Registration Date
BUCKS FIZZ	2223331	14	8 th March, 1990
BUCK FIZZ	1112222	3	4 th June, 1978
BUCKS FIZZ	4444555	9	25 th November, 2006
FIZZ	3322233	14	16 th January, 1995
BUCKS FIZZ	4444666	18	24 th December, 2006

If it is possible to merge any of the registrations, complete the Form TM17 (available at the back of the paper) in respect of these registrations.

9. Briefly explain the following terms in relation to trade marks:
 - a) Assignee
 - b) Assignor
 - c) Stamp duty
 - d) Licensee
 - e) Licensor

10.
 - a) Which form is used to oppose a U.K. trade mark application?
 - b) What is the official fee for filing a U.K. opposition?
 - c) What is the maximum term of the cooling off period in a U.K. trade mark opposition?
 - d) What should the opponent file to terminate the cooling off period in a U.K. opposition?
 - e) What should the applicant file to terminate the cooling off period in a U.K. opposition?

11. List five members of OAPI (*Organisation Africaine de la Propriété Intellectuelle*).

12. List five changes which can be recorded on the U.K. Trade Marks Register relating to trade marks.