

THE JOINT EXAMINATION BOARD

PAPER T2

BASIC UNITED KINGDOM TRADE MARK PRACTICE

16th November, 1995

10.00 a.m. - 1.00 p.m.

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

1. You should attempt no more than eight questions from Part A and no more than five questions from Part B.
2. The number of marks allotted to each question is placed in brackets at the end of the question.
3. Where a question permits of reasons being given for the conclusions reached, such reasons should be given.
4. Start each question (but not necessarily each part of each question) on a fresh sheet of paper. In the appropriate boxes at the top of each sheet please enter the designation of the paper, the question number, and your Examination number. Write on one side of the paper only using **BLACK** ink. You must **NOT** staple pages together. You must **NOT** state your name anywhere in the answers.
5. Unless specifically requested answers are **NOT** required in letter form.
6. **NO** printed matter or other written material may be taken into the examination room.
7. Answers **MUST** be legible. If the examiners cannot read a candidate's answer no marks will be awarded.
8. **NO** writing whatsoever, including numbering of papers, is allowed prior to the commencement of the examination or after it has finished.

THE JOINT EXAMINATION BOARD

PAPER T2

BASIC UNITED KINGDOM TRADE MARK PRACTICE

PART A

1. Comment on the registrability of the following marks under the Trade Marks Act 1994:
 - (a) CHIRAC for clothing (this is a common surname in France)
 - (b) R.O.M. for software
 - (c) KALAHARI for natural produce

(5 Marks)

2. List five means available to an applicant or his agent under the Trade Marks Act 1994 of overcoming a citation by the Trade Marks Registry of an earlier right

(5 Marks)

3. What is a registrable transaction under the Trade Marks Act 1994? Give three examples.

(5 Marks)

4. Your client wishes to file an application for "all goods in Class 25". Explain briefly what difficulties this could cause when the application is examined, and how these may be overcome.

(5 Marks)

5. What period of use is required to be demonstrated in evidence of use to support successfully a trade mark application in relation to:
 - (a) Evidence of prior use and distinctiveness?
 - (b) Evidence of honest concurrent use?

Comment briefly.

(5 Marks)

6. State briefly any situations where it may be necessary to file trade evidence at the Registry.
- (5 Marks)
7. Under the Trade Marks Act 1994, what means are available to someone wishing to object to a trade mark application before it is registered?
- (5 Marks)
8. If, before filing an application, you feel that a trade mark may require amendment during prosecution, what steps would you take to anticipate this?
- (5 Marks)
9. Comment on the registrability of two out of three of the following trade marks:
- (a) ROYAL FLUSH for lavatories
 - (b) LADY SUSAN for cosmetics
 - (c) A Crown device for catering services (see representation below).



(5 Marks)

PART B

10. What types of "earlier right" under the Trade Marks Act 1994 can form the basis of relative grounds of refusal for a mark? Which of these categories will the Registrar of Trade Marks raise during his examination of an application, and why?
- (12 Marks)

11. Your client has received an application to revoke his registered trade mark alleged use. Explain the procedural steps which will occur if he decides to defend his mark and what type of evidence he needs to file.

[Answers to this question may be in note form]

(12 Marks)

12. You are acting for an exclusive licensee under a trade mark registration. Write a short letter to your client explaining the advantages of recording the licence arrangements at the Trade Marks Registry.

(12 Marks)

13. Your client is a businessman who is intending to open a restaurant under the name "Indian Dream". Write a letter explaining briefly and clearly what checks he should conduct and why.

(12 Marks)

14. Your client has asked you to draft a set of guidelines to his Marketing Department explaining proper trade mark usage. Provide a list of "do's" and "don'ts".

(12 Marks)

15. Explain the differences in the Registry treatment of applications for surnames and geographical names under the Trade Marks Act 1994 by reference to the previous practice under the 1938 Trade Marks Act.

(12 Marks)