

THE JOINT EXAMINATION BOARD

PAPER T2

BASIC UNITED KINGDOM TRADE MARK PRACTICE

14th November, 1997

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.
9. Please put your answers in **QUESTION NUMBER ORDER** before placing in envelope provided.

**THIS PAPER COMPRISES 4 PAGES (INCLUDING THIS FRONT SHEET)**

**THE JOINT EXAMINATION BOARD**

**PAPER T2**

**BASIC UNITED KINGDOM TRADE MARK PRACTICE**

**Part A**

1. Discuss the inherent registrability under the Trade Marks Act, 1994 of two of the following trade marks:

- a) FLOWER MAGIC for floristry services
- b) XL for beers
- c) a circle of 15 stars for business advice services
- d) NOW for compact discs.

(5 marks)

2. Give two examples of situations where it may be appropriate to divide a trade mark application.

(5 marks)

3. List types of "earlier rights" which the Trade Marks Registry may cite against an application at the examination stage.

(5 marks)

4. List the main features which should be included when drafting a trade mark assignment.

(5 marks)

5. What information sources would you check when doing a UK trade mark clearance search? Answers in note form are acceptable.

(5 marks)

6. Discuss the inherent registrability under the Trade Marks Act 1994 of two of the following trade marks:

- a) ROYAL PRECINCT for clothing

- b) LOMBARDY for catering services
- c) ULTRACOOOL for magazines
- d) NOVA for cutlery.

(5 marks)

7. List the types of registrable transaction which can be recorded against a registered trade mark.

(5 marks)

8. Calculate the next renewal date for the following:

- a) A registration resulting from an application filed on 1st November 1994.
- b) A registration resulting from an application filed on 1st November 1924.
- c) A registration resulting from an application filed on 1st November 1993 and converted under the transitional provisions of the 1994 Act on 13th December 1994.

(5 marks)

9. Your client operates a national chain of car showrooms and vehicle maintenance depots under a single trade mark. He wants to register the mark. Identify the goods and services for which your clients might seek trade mark protection.

(5 marks)

## Part B

10. Your client has been granted an exclusive licence to use a registered trade mark. Write a letter explaining briefly why the client should record this licence at the Trade Marks Registry and the disadvantages of not recording it.

(12 marks)

11. (a) What type of evidence is required to satisfy s.7 (honest concurrent use) of the 1994 Act?
- (b) Outline current Registry practice for oppositions in the case of applications claiming "honest concurrent use":
- (i) where the citation is for an identical mark for identical goods/services;

(ii) where it is not identical.

(12 marks)

12. Your client has noticed a mark in a recent Trade Marks Journal which conflicts with a registration which he owns. He is a small businessman and has little money to spend on legal matters. Explain briefly (in note form) what alternative is available to him within the Trade Marks Registry apart from formal opposition and the Registry practice for such cases.

(12 marks)

13. Draft an easy to use check-list for a client on the main "do's and don'ts" of trade mark use.

(12 marks)

14. Outline the Registry procedure in the case of an application for revocation of a registered trade mark, from the time the revocation request is filed on Form TM26. Specify any time limits and possible extensions thereof.

(12 marks)

15. You receive an examination report for a multiclass application. This contains a citation under Section 5 based on a similar mark registered in one of the classes covered by your client's application. Your client's application is for a broader range of goods in that class. No other objection has been raised.

Write notes on the possible ways of dealing with this objection.

(12 marks)