

**EXAMINATION QUESTION PAPER: Reassessment, 2014**

**Module code:** LL7060  
**Module title:** Comparative Law of Trade Marks  
**Module leader:** Tim Mills

**Date:** July/August 2014  
**Duration:** 2 hours 30 minutes

**Exam type:** Part Seen/Unseen, Restricted  
**Materials supplied:** Examination question paper  
Answer booklet  
**Materials permitted:** Candidate's own unannotated copy of any statutory or regulatory material, including statute books; English Language Dictionary; English/Foreign Language Dictionary.  
(The dictionaries must be in book not electronic form. Law dictionaries are not permitted.)  
**Warning:** Candidates are warned that possession of unauthorised materials in an examination is a serious assessment offence.

**Instructions to candidates:** Candidates will be required to answer question one from section A plus any TWO other questions from section B.  
Marks: The compulsory question is worth 40%, the other two questions are worth 30% each.  
Where a question is divided into parts, the marks for the question will be awarded for overall merit and will not necessarily be divided equally between the parts.

**DO NOT TURN PAGE OVER UNTIL INSTRUCTED**

**SECTION A** - This is a **COMPULSORY** question.

1. "AdWords are a service provided by Internet service providers, such as Google, whereby a trader buys a term as an AdWord, which means in practice that the website of the trader and his little advert will show up on the screen as a promotional link whenever the user searches for that particular term. For the purpose of trade mark infringement, matters become interesting when the term that is bought is the trade mark of a competitor. Will the use of the AdWord amount to trade mark infringement? (Holyoak and Torremans, *Intellectual Property Law* (7<sup>th</sup> Ed.), p482).

In the light of this statement, critically discuss whether the use of AdWords amounts to trade mark infringement in UK and US law.