

Seat No.	
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Set **P**

**LL.B. (Semester - IV) (CBCS) Examination March/April-2019**  
**TRADE MARK AND DESIGN**

Day & Date: Tuesday, 30-04-2019  
 Time: 03:30 PM To 06:00 PM

Max. Marks: 70

**Instructions:** 1) All questions are compulsory.  
 2) Figures to the right indicate full marks.

**Q.1 Multiple Choice Questions.****14**

- 1) Section \_\_\_\_\_ of Part II of the TRIPS Agreement is concerned with the Trade Mark.
  - a) Sec – 2
  - b) Sec – 3
  - c) Sec – 4
  - d) None of these
- 2) Paris convention for the protection of Industrial Property passed in the year \_\_\_\_\_.
  - a) 1960
  - b) 1962
  - c) 1967
  - d) 1992
- 3) Section \_\_\_\_\_ of the Trade Marks Act 1999 defines the term “Trade Mark”.
  - a) Sec – 2 (1) (2a)
  - b) Sec – 2 (1) (2b)
  - c) Sec – 2 (1) (2c)
  - d) None of these
- 4) Sec - \_\_\_\_\_ of the trade mark Act 1999 provides for “Absolute grounds for refusal of registration of Trade Mark”.
  - a) Sec – 7
  - b) Sec – 10
  - c) Sec – 9
  - d) Sec – 11
- 5) Sec - \_\_\_\_\_ of Designs Act - 2000 provides for Registration of Design.
  - a) Sec – 3 to 10
  - b) Sec – 22 to 23
  - c) Sec – 11 to 20
  - d) None of these
- 6) Section \_\_\_\_\_ of Designs Act - 2000 provides for “Agency”.
  - a) Sec – 40
  - b) Sec – 41
  - c) Sec – 42
  - d) Sec – 43
- 7) Sec - \_\_\_\_\_ of the Designs Act - 2000 defines “Design”.
  - a) Sec – 2 (a)
  - b) Sec – 2 (b)
  - c) Sec – 2 (c)
  - d) Sec – 2 (d)
- 8) Lacarno Agreement of establishing an International Classification for Industrial Design passed in \_\_\_\_\_ year.
  - a) 1968
  - b) 1967
  - c) 1972
  - d) None of these
- 9) Passing off is a form of \_\_\_\_\_.
  - a) Tort
  - b) Crime
  - c) Both a and b
  - d) None of these
- 10) Passing off remedy is for the protection of \_\_\_\_\_.
  - a) Registered Trade Mark
  - b) Unregistered Trade Mark
  - c) Both a and b
  - d) None of these

- 11) The registration of the trade mark shall be valid for a period of \_\_\_\_\_ years.
  - a) Five year
  - b) Ten year
  - c) Fifteen year
  - d) None of these
- 12) Madrid Agreement concerning the International Registration of mark is passed in the year \_\_\_\_\_.
  - a) 1965
  - b) 1979
  - c) 1997
  - d) None of these
- 13) The term "Certification Trade Mark" is defined u/sec \_\_\_\_\_ of the Trade Mark's Act – 1999.
  - a) Sec – 2 (1) (a)
  - b) Sec – 2 (1) (b)
  - c) Sec – 2 (1) (d)
  - d) Sec – 2 (1) (e)
- 14) The term "Well Known Trade Mark" is defined u/sec \_\_\_\_\_ of the Trade Mark's Act – 1999.
  - a) 2 (1) (zb)
  - b) 2 (1) (zg)
  - c) Sec – 2 (1) (e)
  - d) None of these

**Q.2 Answer any four of the Following Questions.**

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- a) History and functions of Trade Mark.
- b) Evidence and Agency under Designs Act - 2000.
- c) Statutory definitions of Trade Mark and well known Trade Mark.
- d) Powers and duties of controller under Designs Act – 2000.
- e) Rectification and Correction of the Register under Trade Mark Act – 1999.
- f) Infringement of Copy Right in Registered Designs.

**Q.3 Answer any two out of the following Questions.**

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- a) Procedure for and duration of Registration of Trade Mark under Trade Marks Act 1999.
- b) Assignment and Transmission of Trade Mark.
- c) Powers of Central Government under Designs Act 2000.
- d) Trade Mark and Paris Convention for the protection of Industrial property.

**Q.4 Answer any One.**

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- a) Define Design.** Discuss in detail the provisions of Registration of Design.

OR

- b) What is Passing Off? Distinguish between Passing Off Action and Infringement Action. What are the defenses and remedies for under Passing Off?**

**Q.5** Define “Trade Mark”. Write a detail note on the Register and Conditions for Registration of Trade Mark.

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