



PRESIDENCY UNIVERSITY

BENGALURU

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End - Term Examinations – MAY 2025

Date: 31-05-2025

Time: 09:30 am – 12:30 pm

School: SOL	Program: BALLB, BBALLB, B.COMLLB	
Course Code : LAW4087	Course Name: TRADEMARK AND DESIGN	
Semester: VI	Max Marks: 100	Weightage: 50%

CO - Levels	C01	C02	C03	C04	C05
Marks	10	10	30	30	20

Instructions:

- (i) Read all questions carefully and answer accordingly.
- (ii) Do not write anything on the question paper other than roll number.

Part A

Answer ALL the Questions. Each question carries 2marks.

10Q x 2M=20M

1.	Briefly define the doctrine of dilution. What are considered the two main components of dilution.	2 Marks	L1	C03
2.	How is sub-section 4 of Section 29 different from the previous provisions of Section 29?	2 Marks	L1	C03
3.	Which section of the Trademark Act, 1999 lays down the criteria for the recognition of well-known marks by the Court?	2 Marks	L1	C01
4.	What is the legal effect of a mark being declared well-known in India?	2 Marks	L1	C03
5.	What is the significance of Section 11(6) of the Trade Marks Act, 1999?	2 Marks	L1	C01
6.	Which sections of the Trademark Act, 1999 provide for the renewal of registered trademarks?	2 Marks	L1	C01
7.	Briefly describe the instances wherein a trademark application may be deemed to be abandoned.	2 Marks	L1	C03
8.	Briefly describe the doctrine of deceptive similarity.	2 Marks	L1	C01
9.	How does design protection differ from trademark and copyright protection?	2 Marks	L1	C04
10.	Which justificatory theory of intellectual property law is the most applicable for justifying trademark protection. Briefly discuss.	2 Marks	L1	C01

Part B

Answer the Questions.

Total Marks 80M

11.	a.	MangoByte, a tech startup, has registered its trademark for electronic gadgets. A new company, Mangobytez, begins selling mobile accessories under a similar name with nearly identical packaging and logo. Does the use of "Mangobytez" constitute infringement under Section 29 of the Trade Marks Act, 1999?	3 Marks	L3	C03
	b.	How would the court assess the likelihood of confusion in this case?	4 Marks	L3	C03
	c.	What remedies can MangoByte seek in case infringement is established?	3 Marks	L3	C03
Or					
12.	a.	A company applies to register the trademark " Sweet Sugar " for its line of confectionery products. The Trademark Registrar objects, claiming the mark is descriptive and lacks distinctiveness. What is meant by "inherent distinctiveness" in trademark law?	3 Marks	L3	C03
	b.	Can "Sweet Sugar" acquire distinctiveness through use? If yes, how?	4 Marks	L3	C03
	c.	Which section of the Trade Marks Act, 1999 governs refusal of registration due to lack of distinctiveness?	3 Marks	L3	C03
13.	a.	GoldenGold has registered a trademark for its line of gold jewelry in the state of Gujarat. GoldenGold Jewelers, another company, has been selling similar products under the same name in Maharashtra for over 8 years. Now, GoldenGold Jewelers applies to register its trademark nationwide. Can GoldenGold Jewelers claim the benefit of honest concurrent use under Section 12 of the Trade Marks Act, 1999?	3 Marks	L4	C02
	b.	What evidence would GoldenGold Jewelers need to provide to support its claim of honest concurrent use?	4 Marks	L4	C02 2
	c.	If GoldenGold opposes the registration, how should the Registrar evaluate the evidence presented by both parties?	3 Marks	L4	C02
Or					
14.	a.	Eleganz Clothing , a designer fashion house, applies to register its mark " Elegans " for apparel. An existing brand, Elegance Apparels , objects on the ground that they have built a significant reputation in the clothing market over the past decade. How does Section 11(3) protect earlier trademarks that have a reputation in India?	3 Marks	L4	C02
	b.	What must Elegance Apparels prove to successfully oppose the application?	4 Marks	L4	C02
	c.	What defenses, if any, can Eleganz Clothing raise against the opposition?	3 Marks	L4	C02

15.	a.	A pub wants to register "Naked Saints" as a trademark for its cocktails. An objection is raised under Section 9(2)(b) (hurting religious sentiments) and 9(2)(c) (obscenity). Can a mark be refused registration under multiple subsections of Section 9(2)? Explain.	3 Marks	L3	C04
	b.	How does the inclusion of religious references make the trademark potentially scandalous or obscene?	4 Marks	L3	C04
	c.	Should evolving social norms influence what is considered obscene under trademark law?	3 Marks	L3	C04
Or					
16.	a.	A company applies to register the trademark "TASTY BISCUITS" for its line of bakery products. The Registrar raises an objection under Section 9(1)(b) for being merely descriptive. What does Section 9(1)(b) of the Trade Marks Act, 1999 state regarding descriptive marks?	10 Marks	L3	C04
	b.	Why would the term "TASTY BISCUITS" be considered descriptive and thus refused registration?		L3	C04
	c.	How can a descriptive trademark overcome refusal and still achieve registration? Discuss with relevant case laws.		L3	C04

17.	a.	<p>SkyBlue Productions, a small film production house, releases a low-budget Hindi film titled "The Last Crime" in select film festivals. The film gains moderate attention and is discussed in film blogs and indie cinema circles.</p> <p>Six months later, a major Bollywood studio, MegaStar Films, announces a high-budget thriller also titled "Last Crime," starring top actors.</p> <p>SkyBlue Productions files a suit for passing off, alleging that MegaStar Films' use of a similar title would:</p> <ul style="list-style-type: none"> • Confuse audiences into believing that the big-budget movie is associated with or endorsed by SkyBlue Productions. • Cause loss of reputation and affect the unique identity that "The Last Crime" had acquired among its niche audience. <p>MegaStar Films defends itself by arguing:</p> <ul style="list-style-type: none"> • The phrase "Last Crime" is commonplace and descriptive, not distinctive. • SkyBlue's film was not widely released, so no secondary meaning or goodwill was established. • There is no chance of confusion because of the vast difference in scale and reach. <p>You are asked to advise on the legal issues. Explain the conditions under which a film title can be protected under trademark law through a passing off action.</p>	5 Marks	L3	C03
	b.	Apply the principles from relevant case laws to decide whether SkyBlue can succeed in this case.	5 Marks	L3	C03

	c.	What factors would the Court consider to determine whether the public would be confused?	5 Marks	L3	C03
Or					
18.	a.	A fashion designer applies to register " ELEGANT WEAR " for a luxury clothing brand. The application is refused for being descriptive and laudatory. How are laudatory terms treated under the refusal of descriptive trademarks?	5 Marks	L3	C03
	b.	What test is applied to determine whether a term is descriptive or suggestive? Discuss with relevant case laws.	5 Marks	L3	C03
	c.	Can the distinctiveness requirement be satisfied by long and continuous use of the mark before filing?	5 Marks	L3	C03

19.	a.	What are the rights conferred upon the registered proprietor of a design?	5 Marks	L4	C05
	b.	What remedies are available for infringement of a registered design?	5 Marks	L4	C05
	c.	Discuss the concept of piracy of design under Section 22 of the Designs Act, 2000.	5 Marks	L4	C05
Or					
20.	a.	Critically analyse the efficacy of the Indian design registration system.	5 Marks	L4	C05
	b.	What are the grounds on which a design application can be refused?	5 Marks	L4	C05
	c.	Should India expand protection to unregistered designs? Justify with examples.	5 Marks	L4	C05

21.		The registration of a trademark is not a mere clerical formality but a substantive legal process involving several stages of scrutiny, objections, and potential disputes." Critically examine the procedure for registration of a trademark under the Trade Marks Act, 1999." In your answer discuss: <ul style="list-style-type: none"> - The step-by-step statutory procedure from application to registration. - The role of the Trademark Registry and the importance of examination. - The process of opposition and grounds on which opposition may be raised. 	20 Marks	L4	C04
Or					
22.	a.	An Indian luxury soap manufacturer applies to register the scent of sandalwood as a trademark for its soaps. The Registry objects, citing lack of graphical representation and subjectivity in smell perception. The company insists that the scent is artificial, unique, and scientifically describable. Critically evaluate:	4 Marks	L4	C04

		The challenges in registering smell marks under Indian trademark law			
	b.	Whether the current legal framework accommodates non-visual representation	8 Marks	L4	C04
	c.	Possible legal reforms or comparative insights from other jurisdictions	8 Marks	L4	C04