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PRESIDENCY UNIVERSITY BENGALURU

**SET-B**

SCHOOL OF LAW

**END TERM EXAMINATION – MAY/JUNE 2024**

**Semester :** Semester VI - 2021

**Course Code :** LAW4087

**Course Name :**  Trade Mark and Design

**Program :** BA LLB Honors

**Date :** June 21, 2024

**Time :** 1:00 PM - 4:00 PM

# Max Marks : 100

**Weightage :** 50%

# Instructions:

1. *Read all questions carefully and answer accordingly.*
2. *Question paper consists of 3 parts.*
3. *Scientific and non-programmable calculator are permitted.*
4. *Do not write any information on the question paper other than Roll Number.*

**PART A**

**ANSWER ANY FOUR QUESTIONS 4Q X 5M = 20 MARKS**

1. Discuss the impact of conferring trademark protection over religious symbols.

(CO1) [Knowledge]

1. Whether domain name could be protected as trademark? Explain with relevant provisions and case laws.

(CO1) [Knowledge]

1. Explain the different types of non-conventional trademarks recognized under the Trademarks Act.

(CO2) [Knowledge]

1. Define Series trademarks. Explain how it is beneficial for the trademark owner?

(CO3) [Knowledge]

1. Define Associated trademarks. Explain how it is beneficial for the trademark owner?

(CO4) [Knowledge]

1. Describe the main objectives of the Madrid Agreement and its role in facilitating international trademark registration.

(CO1) [Knowledge]

**PART B**

**ANSWER ANY FOUR QUESTIONS 4Q X 10M = 40 MARKS**

1. A client's trademark application has been rejected due to lack of distinctiveness during the examination hearing stage by the trademark office, and they seek your advice on the grounds for rejection, the possibility of appealing the decision, and the potential alternative strategies they could pursue. Advice.

(CO4) [Application]

1. A client wants to expand their business internationally and seeks your advice on the process of obtaining trademark protection in multiple countries, including the benefits of using the Madrid System for international registration.

(CO3) [Application]

1. A client has received a notice of rectification from the trademark office regarding their registration, and they seek your guidance on the reasons for the non-compliance and the steps they need to take to rectify the situation.

(CO3) [Application]

1. Geller & Bing, a well-known luxury hotel chain, has a registered trademark for their brand name and logo in the United States and in several European countries. However, they recently discovered that a small hotel in Karnataka has registered a nearly identical trademark, "Geller Hotel," potentially tarnishing your client's reputation and causing confusion among customers. However, your client has no hotels, nor is the trademark registered in India. The client seeks your advice on the legal process involved. Advice.

(CO3) [Application]

1. A client in the entertainment industry has secured exclusive sponsorship rights for a major sporting event. However, during the event, they discovered that a rival brand had created advertisements and promotions that closely associated their brand with the event without being an official sponsor. Advise your client on the legal implications of such ambush marketing practices, the potential remedies available to protect their rights.

(CO3) [Application]

1. Bella Swan is a renowned Indian jewellery brand with a globally recognized trademark. In the month of June, Bella released her jewellery design collection under the name "Saheli: For Every Bride's Maid.". The designs were so popular that celebrities began to promote Bella's designs on Instagram. Bella recently discovered that her jewellery designs have been used by the protagonist character in a series produced by Amazing Prime. Advise Bella on the legal grounds for taking action against the production company and the OTT platform under the current IP laws in India. Further, discuss which intellectual property would be appropriate in the current scenario.

(CO3) [Application]

**PART C**

**ANSWER ANY TWO QUESTIONS 2Q X 20M = 40 MARKS**

1. Analyze the legal framework and judicial precedents in India regarding the protection of unregistered trademarks. Critically examine the scope of protection and discuss the evidentiary requirements and challenges faced by owners of unregistered marks in establishing their rights.

(CO2) [Analysis]

1. Critically analyze the exploitation of a fictional (or real) character by using the (image, name, or appearance) of the same on goods in order to create or increase the consumer’s desire to purchase.

(CO2) [Analysis]

1. Explain the concept of infringement and types of infringement provide examples of activities that could potentially give rise to contributory liability for trademark infringement. Substantiate your answer with relevant case laws

(CO2) [Analysis]