

THE INSTITUTE OF TRADE MARK ATTORNEYS

FORMALITIES EXAMINATION

9 June, 2006

10.00 a.m. – 1.00 p.m.

Please read the following instructions carefully. This is a THREE HOUR paper.

1. There are 52 questions on the paper. You should answer ALL the questions. The paper is in two sections, SECTION A and SECTION B.
2. **SECTION A** comprises 12 short answer questions. Each question has five marks allotted to it. When a question in SECTION A is made up of two parts or more, you must answer all parts.
3. **SECTION B** comprises forty questions each carrying one mark. You are required to put a ring around the letter against the correct answer.
4. You should start each question in **SECTION A** on a fresh sheet of paper. Put your EXAMINATION NUMBER and the QUESTION NUMBER on each sheet of paper. DO NOT put your own name anywhere on your answer papers.
5. Write on one side of the paper only, using black ink.
6. In **SECTION B**, put your EXAMINATION NUMBER on each printed page
7. Your answers must be legible. If the examiners cannot read a candidate's answer, no marks will be awarded for that answer.

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SECTION A

1. a) List ten jurisdictions covered by the Community Trade Mark (CTM) system.

 b) List ten jurisdictions which can be designated under the Madrid Protocol.

2. a) A form TM3 can be used for filing a UK application for a word/logo mark. List three other types of mark for which an application can be sought.

 b(i) How many classes of goods and services are there in the Nice Classification System?

 b(ii) Which international body decides upon the classification of those goods and services?

3. Your Client, Don't Look First Limited, is about to apply to register and immediately begin using a Trade Mark in the UK without conducting a clearance search first. List five problems that your Client might face.

4. Your client wishes to file a trade mark application in Saudi Arabia. A legalised Power of Attorney is required. Explain the processes involved in having an appropriate Power of Attorney notarised and legalised.

5. Answer each of the following
 - a) What is the term for filing an opposition to registration of:
 - i) a UK trade mark application
 - ii) a CTM application

- b) What are the official fees for:
- i) a UK trade mark application in one class
 - ii) a CTM application in one class (non-electronic filing)
- c) What form would you use to file an opposition at the UK Trade Mark Registry?

6. Briefly explain the following:

- a) An exclusive trade mark licence
- b) A sole trade mark licence

7. You work for TM Partners LLP and you are handling a UK trade mark application which has the following details:

Application No.	1234567
Mark:	CLEENEEZ
Goods:	Class 3: Cleaning preparations
	Class 5: Disinfectants
	Class 21: Cleaning articles
	Class 37: Cleaning services
Applicant:	Cleeneez Limited

The application has been published and opposition has been filed against class 37 only. Your client wishes to divide the application into two divisionals to allow classes 3, 5 and 21 to proceed registration.

Complete the attached Form TM12 (available at back of paper).

8. Why is it good practice to record changes on the UK Trade Marks Register?
9. You have filed a CTM application. You have paid all the necessary fees and received the filing receipt. List the steps involved in obtaining registration, assuming no problems are encountered.

10.
 - a) Apart from renewal, some jurisdictions have additional requirements to maintain trade mark registrations in force. List three such requirements.
 - b) What are the official fees for filing electronic and non-electronic renewal applications for a CTM registration in three classes?
11. Your client is interested in filing a Madrid Protocol application. List five possible advantages of this.
12. Explain the term seniority in relation to CTMs.