

**THE INSTITUTE OF TRADE MARK ATTORNEYS**

**FORMALITIES EXAMINATION**

13<sup>th</sup> June, 2008

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 40 multiple choice 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 CANDIDATE 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 CANDIDATE 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. Name five Trade Mark Registers that could be searched within a full E.U. search.
  
2. a) Name the four bases available for filing a national trade mark application in the United States of America.  
  
b) Which of the four bases are not available to US based applicants?
  
3. a) i) In the absence of trade mark registration legislation in a country, what practice has evolved for trade mark owners?  
  
ii) Name one such country where this happens.  
  
b) i) You have a client who wishes to register their mark for services. Name one country with trade mark registration legislation in which they would not be able to do this?  
  
ii) What could the client be advised to alternatively register their trade mark in respect of?  
  
c) Which North American country does not use a classification system?
  
4. Your client comes to you with a handbag with the logo MABEL inscribed on it which he wishes to use in the United Kingdom. What kind of searches would you recommend carrying out?

5.
  - a) You have filed a Madrid Protocol application designating, amongst others, Norway. In what time limit must the Norwegian Trade Marks Office raise an objection to the application?
  - b) If an objection is raised by the Norwegian Trade Marks Office, and responded to thereafter, describe the process which is involved from the issuing of the objection to the filing of a response.
6.
  - a) Your client has a U.K. trade mark registration that was due for renewal on 18 November 2007. What form(s) would you need to file with the UK-IPO if you wished to maintain this registration today?
  - b) Name a jurisdiction in which annuities must be paid separately, and in addition to renewal fees, in order to maintain trade mark registrations.
  - c)
    - i) Your client has a national registration in Serbia which they wish to revalidate in Kosovo. What document would need to be obtained from Serbia to support the revalidation application?
    - ii) Assuming the revalidation application matures to registration what date will the registration in Kosovo effectively backdate to?
7.
  - a) How many designs can be covered by a single Registered Community Design application and are there any restrictions on what type of designs can be covered in such an application?
  - b) To support a priority claim for a Registered Community Design application based on a corresponding Chinese application in colour, what documentation must you provide?
8.
  - a)
    - i) John Smith & Sons Limited assigns its trade marks to Joe Bloggs Limited. Who is the assignor?
    - ii) The assignment is to be recorded against U.K. trade marks. What form(s) would need to be filed with the UK-IPO to record the assignment?

b) i) ZZZ Limited grants Wide Awake PLC the right to use its trade mark PARTY BEAR. Who is the licensee?

ii) The licence is an exclusive licence. Who may therefore use the mark?

c) Your client P&L Limited has used their trade mark as security on a loan from their bank. On what form would the bank's interest in their trade mark be recorded on the U.K. Register?

9. List five changes that can be made on the CTM Recordal application form.
  
10.
  - a) On 1 October 2007, what change took place to the examination procedure for U.K. trade mark applications?
  
  - b) When a U.K. trade mark application is published for opposition purposes, who will the UK-IPO specifically notify of the publication?
  
11.
  - a) In order to make a valid seniority claim in respect of a CTM application or registration, it is necessary for there to be "triple identity" between the national right and the CTM. Explain the concept of "triple identity".
  
  - b) What documentation is required in order to perfect a seniority claim?
  
12. Your client has requested that you file opposition to registration of a U.K. trade mark application. Assuming the opposition action proceeds to a final decision by the UK-IPO, set out the stages of the action and the forms required to be filed at the UK-IPO at each of those stages.