

THE JOINT EXAMINATION BOARD

PAPER T2

BASIC UNITED KINGDOM TRADE MARK PRACTICE

12th November, 1992

10.00 a.m. - 1.00 p.m.

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

1. You should attempt no more than eight questions from Part A and no more than five questions from Part B.
2. The number of marks allotted to each question is placed in brackets at the end of the question.
3. Where a question permits of reasons being given for the conclusions reached, such reasons should be given.
4. Start each question (but not necessarily each part of each question) on a fresh sheet of paper and number it clearly in the margin. Write on one side of the paper only using BLACK ink. You must write your examination number and designation of the Paper in the top right hand corner of each sheet. You must NOT staple your pages together. You must NOT state your name anywhere in the answers.
5. Unless specifically requested answers are NOT required in letter form.
6. NO printed matter or other written material may be taken into the examination room.

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Part A

1. In what circumstances can a trade mark registration be assigned partially to a third party?

(5 marks)

2. What is a Variation Clause and when might a client be required to include one on the Register?

(5 marks)

3. To what extent can a registered trade mark be amended? Outline briefly the procedure by which a mark is amended.

(5 marks)

4. How might you overcome an objection raised under Rule 21 that the specification of goods of an application is unduly broad?

(5 marks)

5. In what circumstances does the Registrar require the applicant for a mark to provide the consent of a third party to registration?

(5 marks)

6. What is a line border and in what circumstances does the Registrar require the addition of such a border to a mark?
- (5 marks)
7. You may have seen the following included in the published details of applications in the Trade Marks Journal. Explain briefly what each signifies:
- a) Advertised before acceptance. Section 18(1) (proviso)
 - b) Use claimed from the year 1950. Section 12(2).
- (5 marks)
8. After an application has been filed, in what circumstances is it necessary for an agent to take positive steps to indicate to the Registry that correspondence on a given matter should be sent to him?
- (5 marks)
9. Your client has not paid the renewal fee due on a trade mark registration three months ago and asks if it can be paid now. What can be done?
- (5 marks)

Part B

1. Your client's application has had cited against it under Section 12(1) a trade mark registration which fell due for renewal in June 1992. The renewal fee was not paid and investigations show that the proprietor of the cited registration stopped using the mark three years ago. What can you do to enable your clients' application to proceed to registration?
- (12 marks)

2. Write brief notes on the Registrar's practice in respect of applications to register marks which are geographical names?

(12 marks)

3. What requirements is the Registrar likely to impose before allowing each of the following, and why:

- a) an application to register a mark with the suffix '-SAFE';
- b) a mark containing the portrait of a living person;
- c) registration of any mark for plants or seeds in Class 31.

(12 marks)

4. Give the circumstances in which a valid registration of a mark can be obtained on application by a person who has no intention to use the mark.

(12 marks)

5. What objections (other than those based on prior marks) might be raised against applications to register the following marks? Indicate briefly the arguments with which you might counter such objections.

- a) a picture of a flower for cosmetics and toiletries;
- b) MONOBANK for banking services;
- c) SEENINE for machine parts;
- d) OHIO for cleaning services.

(12 marks)

6. Set out briefly the procedure for recording the assignment without goodwill of:
- a) a trade mark application, and
 - b) a trade mark registration.

(12 marks)

