

THE JOINT EXAMINATION BOARD

PAPER T5

BASIC OVERSEAS TRADE MARK LAW AND PRACTICE

9th November, 1992

3.00 p.m. - 5.00 p.m.

Please read the following instructions carefully. This is a TWO 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 the designation of the Paper in the top right hand corner of each sheet. You must NOT staple your papers together and 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 which of the following countries can a Registered User or Licensee be recorded on the Trade Marks Register?

Austria	Italy
Benelux	Norway
Finland	Portugal
France	Switzerland
Germany	U.S.A.

(5 marks)

2. Your clients run schools for teaching English which they call PRIMROSE PATH. They want to register that mark in

Greece Italy Spain Switzerland Turkey

Do you foresee any problems in any of these countries? If so which countries and what problems?

(5 marks)

3. In which of the following countries is a search for conflicting marks carried out by the Registry as a matter of course, and in which could the findings be grounds for refusal?

Austria Benelux Germany Italy Japan

(5 marks)

4. What is understood by a "Convention Country"? What benefits can be derived from the Convention in question?

(5 marks)

5. In which of the following countries can a trade mark application be opposed?

Austria Benelux Finland Portugal U.S.A.

(5 marks)

6. All but four of the 12 EC Member States are also Members of the Madrid Arrangement for the International Registration of Trade Marks. Name the four.

(5 marks)

7. In which of the following countries is proof of use of a registered trade mark necessary for renewing the registration?

Canada Japan New Zealand Norway U.S.A.

What form must the proof of use take in each case?

(5 marks)

8. What steps are necessary for maintaining a registration in Portugal. What period of non-use will render a registration vulnerable.

(5 marks)

9. Answer the following questions which your clients have raised regarding their trade mark application in Canada:

- a) Is there examination as to registrability?
- b) Is there an official search for conflicting prior registrations?
- c) How many classes can be covered by a single application?
- d) Are there provisions for third party opposition
- e) Are there any requirements for registration of a trade mark other than those covered in (a) - (d) above?

(5 marks)

Part B

10. Your client, a British company, believes that an International Registration covering all possible countries would save it money as they intend to use their new trade mark in all European and major overseas countries. Advise them of any difficulties and ways to overcome them, if possible.

(12 marks)

11. In Canada a registration becomes vulnerable after a period of non-use. What is that period? Who may initiate cancellation? Give brief details of what is involved.

(12 marks)

12. Your clients, who registered their trade mark APPLECARD in the UK two years ago, now want to sell bags and sacks under this trade mark in France, Greece and Portugal. Explain briefly what action you recommend be taken and the procedure and initial term of protection in each country.

(12 marks)

13. Your clients have heard that trade mark oppositions abroad are very expensive and they are now worried about possible third party objections to the applications you recently filed for them in Benelux, Denmark, Switzerland, Germany, South Africa and Italy. How will you advise them?

(12 marks)

14. Your client is the proprietor of two UK trade mark registrations, Mark A which is in use in the UK only and Mark B which is currently being used in the UK and in North America. Your client wishes to register both marks in the U.S.A. Explain what is involved in the filing and prosecution of these applications.

(12 marks)

15. Describe fully the registration procedure in Spain.

(12 marks)

