

**THE JOINT EXAMINATION BOARD**

**PAPER T2**

**BASIC UNITED KINGDOM TRADE MARK PRACTICE**

**19th November 1999**

**10.00 a.m. – 1.00 p.m.**

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 conclusion reached, such reasons should be given.
4. Start each question (but not necessarily each part of each question) on a fresh sheet of paper. In the appropriate boxes at the top of each sheet please enter the designation of the paper, the question number and your Examination number. Write on one side of the paper only using **BLACK** ink. You must **NOT** staple 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.
7. Answers **MUST** be legible. If the examiners cannot read a candidate's answers no marks will be awarded.
8. **NO** writing whatsoever, including numbering of pages, is allowed prior to the commencement of the examination or after it has finished.
9. Please put your answers in **QUESTION NUMBER ORDER** before placing in the envelope provided.

This paper consists of **five** pages including this page

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**Part A**

1. List the elements which are required to be present in a UK trade mark application for it to be accorded a filing date.

(5 marks)
  
2. What marks qualify as 'earlier trade marks' under the Trade Marks Act 1994?

(5 marks)
  
3. List the grounds on which a trade mark registration may be revoked.

(5 marks)
  
4. Discuss the inherent registrability under the Trade Marks Act 1994 of **TWO** of the following trade marks:
  - a) WARWICK for clothing
  - b) CH29 for perfume and toiletries
  - c) MAGNIFIQUE for computer games
  - d) DAVE for barber services

(5 marks)

5. Calculate the next renewal date for the following:
- a) a registration resulting from an application filed on 8th June 1995, claiming priority from a German application filed on 1st February 1995, and registered on 1st November 1995.
  - b) a registration resulting from an application filed on 4th April 1941, with no priority claim, registered on 27th January 1944.
  - c) a registration resulting from an application filed on 22nd March 1990, claiming priority from a Benelux application filed on 14 December 1989, registered on 1st February 1992.
- (5 marks)
6. List the types of registrable transactions which can be entered in the UK Register of Trade Marks.
- (5 marks)
7. List five amendments or alterations allowed to an application filed under the Trade Marks Act 1994.
- (5marks)
8. Draft a letter of consent for filing at the Trade Marks Registry to Application No. 2444444 SUNSET in respect of "fruit juices" in the name of Sunset Limited, from Sunrise Limited, the proprietors of Registration No. 2333333 SUNRISE in respect of "non-alcoholic beverages".
- (5 marks)
9. List five ways of overcoming objections on relative grounds raised in an official letter from the Trade Marks Registry under Section 5 of the Trade Marks Act 1994
- (5 marks)

**Part B**

10. Your clients come to you with a logo being the device of a top hat, which they have been using for some time in relation to menswear. There has been no use on other types of clothing, but they intend to expand their use. Your clients wish to register the mark for the widest possible range of clothing, footwear and headgear falling in Class 25. Advise them in letter form.

(12 marks)

11. A client, who is based in Reading, informs you that he is planning to open a new restaurant shortly. His chosen name is 'TARA'. List the kind of investigations and checks you would recommend to him and give your reasons for doing so.

(12 marks)

12. A competitor of your clients has filed at the Trade Marks Registry an application to revoke on the grounds of non-use one of your clients' registrations which was entered on the Register on 27<sup>th</sup> January 1991. List the procedural steps which will occur if your clients decide to defend the registration.

(12 marks)

13. An application for registration of a trade mark before the UK Registry has encountered an objection that it is devoid of distinctive character. Discuss in note form the nature of any evidence you could submit to the Registry, assuming that the mark applied for has been used extensively prior to filing the application for registration

(12 marks)

14. Licensing of Trade Marks:

- a) Explain the difference between exclusive and sole licences.
- b) When the registered proprietor has granted a licence, can the licensee then also licence the mark? Give reasons for your answer.
- c) Under what circumstances can a registered licensee bring proceedings for infringement of a trade mark?

(12 marks)

15. Your clients are planning to acquire a UK trade mark registration owned by another company. List the type of enquiries and checks you would carry out at the Trade Marks Registry.

(12 marks)