

# THE JOINT EXAMINATION BOARD

## PAPER T5

### BASIC OVERSEAS TRADE MARK LAW AND PRACTICE

Wednesday, 10<sup>th</sup> November 2004

3.00 p.m. – 5.00 p.m.

*Please read the following instructions carefully. Time Allowed – TWO HOURS*

1. You should attempt **eight** questions from Part A and **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. Please note the following:
  - Start each question (but not necessarily each part of each question) on a fresh sheet of paper.
  - Enter the Paper Number, the question number and your Examination number in the appropriate boxes at the top of each sheet of paper
  - Write on one side of the paper only, within the printed margins using a **BLACK** pen.
  - **DO NOT** use coloured pens or highlighters within the answers – they will not photocopy.
  - **DO NOT** staple or join pages together in any way
  - **DO NOT** state your name anywhere in the answers
5. **Unless specifically requested answers are NOT required in letterform.**
6. **NO** printed matter or other written material may be taken into the examination room.  
**ALL** mobile phones and electronic equipment **must be** switched off and stored away.
7. Answers **MUST** be legible. If the examiners cannot read a candidate's answer no marks will be awarded.
8. **NO WRITING OF ANY KIND WILL BE PERMITTED AFTER THE TIME ALLOTTED TO THIS PAPER HAS EXPIRED. At the end of the examination assemble your answer sheets in question number order and place in the WHITE envelope provided.**
9. This paper consists of three (3) pages, including this page.

**PART A (Answer eight questions)**

1. Outline the provisions for filing oppositions in the Benelux. (5 marks)
2. Outline the procedure for renewal and restoration of a registered Trade Mark in one of Singapore or France, including deadlines and renewal terms. (5 marks)
3. What is meant by "*restitutio in integrum*" under Community Trade Mark Law. (5 marks)
4. What amendments can an Applicant make to a Community Trade Mark application? (5 marks)
5. Describe the procedure from examination to registration in Denmark. (5 marks)
6. Compare and contrast licensing arrangements for CTM and International registrations. (5 marks)
7. Your client has filed a Japanese Trade Mark application and you have been notified of an earlier conflicting registration. List five (5) ways your client can overcome the objection raised. (5 marks)
8. Explain the effect of article 6 quinquies of the Paris Convention - protection of marks registered in one country of the Union in the other countries of the Union (the "telle quelle" provision). (5 marks)
9. Who is entitled to be an applicant for a Madrid Protocol application? (5 marks)

**PART B (Answer five questions)**

10. You have a US client, who manufactures muffins and they have a US Federal trade mark registration covering "muffins". They tell you that they want to protect their trade mark in the UK, France, Sweden, Norway, New Zealand and Hong Kong. They seek your advice as to how best to gain protection. Write notes on the options available to them and explain the types of registrations they may acquire. (12 marks)
11. Your client has noticed a conflicting trademark application published in Austria and Greece. She has a similar trade mark registered in both of these countries and wishes to object to these applications. What advice would you give your client? Include in your advice what action she may take, the grounds for action and what deadlines she may face. (12 marks)
12. Write notes on Transformation under the Madrid Protocol and Conversion under the Community Trade Mark Regulation. (12 marks)
13. Outline ten features of or changes in the Taiwanese trade mark law that came into effect in November 2003. (12 marks)
14. What are the bases for filing trade mark applications in Canada? Outline the procedure from application to registration. (12 marks)
15. Outline the use requirements in USA and the correct marking of goods in USA. (12 marks)