



**BALBA – 1317**

**B.A.LL.B. (Semester – IX) Examination, April 2017**

**TRADEMARK AND DESIGN LAW**

Duration : 3 Hours

Total Marks : 75

**Instructions :** a) Answer **any eight** from Questions No. 1 to 12.

b) Q. No. 13 and 14 are **compulsory**.

(8×8=64)

1. 'Trademark is important and it protects the interest of consumer'. Examine this statement in the light concept of trademark and mention the essentials of good trademark.
2. Answer the following :
  - a) Non registrable trademarks
  - b) Kinds of trademarks.
3. 'Unregistered trademark is protected under common law'. Discuss the idea of passing off and the modes of passing off with relevant cases.
4. Examine in the authorities set up and remedies available in case of infringement of registered trademark.
5. 'Registered trademark alone is protected under trademark legislation'. Enumerate the procedure prescribed for the registration of trademark as per Trademark Act, 1999 as amended.
6. Critically analyze the various modes of transfer of trademark from proprietor to any other person.
7. Mention in detail the procedure for obtaining a design under the Designs Act, 2000 in India.
8. Define design. Explain the need and importance of design in Indian scenario.
9. 'There is a difference between copyright and design'. Critically examine this statement and highlight the differences between these two.
10. Write a note on the following :
  - a) Rights in registered design
  - b) Authorities/offices under Designs Act, 2000.

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11. 'Piracy of a design amounts to infringement'. Explain in detail the concept of pirated designs with cases/examples.
12. Enumerate the essentials of a design and mention the articles prohibited from registration as design under Design Act, 2000.
13. Answer **any two** of the following with reason and authority : (2×2.5=5)
  - a) Sound as trademark
  - b) Functions of trademark
  - c) Property mark.
14. Answer **any two** of the following with reason and authority : (2×3=6)
  - a) Goodwill
  - b) Domain name as trademark
  - c) Non registrable design.