

**Roll No.**

**SAP ID**



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**End Semester Examination, July 2020**

**Open Book – Through Blackboard Learning Management System**

**Course: Law of Trademark & Drafting (Hons-2)**  
**Programme: B.TECH.(ET), LL.B. (Hons.) IPR 2016**

**Semester: VIII**  
**Course Code: LLBL465**

**Time: 03 hrs.**

**Max. Marks: 100**

**Instructions:**

As this examination is in open-book format, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from using any unfair means.

**All Questions are Compulsory**

**Answer each question in not more than 500 words**

S. No.		Marks	CO
1	An Indian company wishes to import genuine Samsung televisions Model no. ORB 456 from China and sell them in India. The particular model was not available in India but available in China. The Samsung company had plans to launch the abovementioned television in Indian market in future. The Indian company imported the television and started selling it in India. Samsung company filed the suit for infringement. Answer whether such import amounts to any kind of trademark infringement with the help of relevant case laws and provisions of the trademark Act.	20	C03
Ans.			
2	An Indian fried chicken restaurant used a trademark called “Welcome Ji” with an image of Namaste [folded hands]. They have been using the mark since 1965 and got it registered also in 1970. ITC group famous Indian hotel group also holds a registered trademark Welcome Group with Namaste logo. They also hold registration since 1960. The Indian restaurant's logo and packaging closely mirrored interior of various hotels of the ITC. Answer whether a suit for infringement will lie or of passing off? State the arguments from both the sides in points.	20	C03
Ans.			

3	Explain who may file an application for registration of a trademark along with procedure and the essential documents required to be submitted with the registrar for grant of registration.	20	CO2
Ans.			
4	Whether a shape of a product be registered as a trademark given the fact that the shape has some function as well? Discuss.	20	C04
Ans.			
5	Explain the concept of 'distinctiveness' and 'graphical representation' under the Indian Trademark Law.	20	CO1
Ans.			

I, ....., understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.

CONFIDENTIAL