

Q6	Whether shape goods be registered as a trademark. Critically analyse the provisions of Trademark Act of 1999.	5	CO2
Q7	Whether unconventional marks qualify as trademarks as per Indian Trademark law?	5	CO2
Q8	Differentiate between License and Assignment under the Trademark Act of 1999.	5	CO2
Q9	What are the remedies given in an infringement or passing suit. Elaborate.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q10	The word 'Voylla' was used by an Indian Company Vallemylella Pvt. Ltd. since 2001 for Indian clothes which was registered in the year 2003. Another trademark 'Voyella' owned by the Voyella Enterprises (American Company) used since 1990 was registered in U.S., U.K., Paris, Germany and registration application was pending in India. They were manufacturing cotton clothes but not specifically Indian garments. Their garments had a specific cut and design incorporated in the clothes itself. They organized a successful fashion show event in the year 2000 in Paris attended by well-known celebrities like Jennifer Lopez, Brad Pitt, Al Paino etc. The clothes were not sold in India but many fashion designers were inspired by the designs of Voyella Enterprises and they also copied few design patterns of Voyella Enterprises. Answer whether Voyella Enterprises have a statutory right to file infringement suit in India. State the possible outcome of the dispute stated above.	10	CO3
Q11	Which court will have appropriate jurisdiction to entertain Trademark dispute and analyse how section 134 of the trademark Act and section 20 of the Civil Procedure Code is to be read harmoniously?	10	CO3
SECTION-D (2Qx25M=50 Marks)			

Q12	<p>X is using mark 'OCUFLOX' for a drug used in treatment of eyes containing a compound Ofloxacin. 'Y' files a suit for passing off against 'X' claiming that he is the prior user of mark OCUFLOCK for the drug used for the treatment of eye and ear having compound Ciprofloxacin HCL. He further contends that OCUFLOX is deceptively similar to its trade mark OCUFLOCK. 'X' replied that both the drugs are Schedule L drugs which can be sold only in hospitals and hence cannot cause confusion & deception. Decide referring to judicial decisions. What are the factors to be considered in deciding the question of deceptive similarity in passing off action? What is the difference between passing off and infringement action in Trade Marks.</p>	25	CO4
Q13	<p>In India, protection to well-known trademarks is given more importance as compared to ordinary trademarks. Earlier this protection was given by way of common law like passing off. Later, with the enactment of Trademarks Act of 1999 many changes were made in the trademark law including protection of well-known trademarks even without registration or use in India. The Act allows special treatment and rights to the proprietors of such well known trademarks. Further Judiciary has also played an important role in giving special protection to well-known trademark. In the light of this statement answer the following:</p> <p>(a) What if defendants involved themselves in the business of selling of artificial jewelry using the name Rolex which already had name and reputation all over the world associated with the Plaintiff. What is the remedy left to the Plaintiff? State arguments. [10 Marks]</p> <p>(b) Explain protection of Well-known Trademark in India with the help of relevant case laws. [10 Marks]</p> <p>c) Honest concurrent user defence. [5 Marks]</p>	25	CO4