

29 APR 2025

NATIONAL LAW UNIVERSITY JODHPUR

End Term Examination May 2025

Semester – UG VIII Semester IPR Hons

Subject: Trademarks, GI and Unfair Competition Law

Time: 3 hours
marks

Mark: 100

Instructions:

- i. All the questions carry *equal marks*.
- ii. Answer any *five out of the six* questions.
- iii. Please substantiate your statement(s)/argument(s) with relevant case laws, whenever necessary.

Q.1 Write short notes on:

- a) Law of acquiescence under trademark law (10 Marks)
- b) Domain Name monetisation (10 marks)

Q.2 "Critically examine the evolving definition of trademarks under international and national legal frameworks, with a specific focus on the inclusion of trade dress as a protectable element. Analyse landmark cases that have expanded the traditional understanding of trademarks beyond words and logos to encompass product packaging, colour schemes, and overall visual appearance. Discuss the challenges in establishing distinctiveness for trade dress and the balance courts attempt to strike between protecting brand identity and preventing anticompetitive practices." (20 marks)

Q.3 Compare the conceptual and legal foundations of geographical indications and collective marks in international intellectual property law. Discuss the different requirements, scope of protection, and enforcement mechanisms for GI protection. (20 marks)

Q.4 Company Alpha has been manufacturing and selling athletic footwear under the registered trademark 'VELOCE' (with a distinctive lightning bolt logo) since 2008. Their products are primarily sold in speciality sports stores and their own branded retail outlets in major cities, targeting serious runners with prices in the premium range (\$150-200). The brand has developed a reputation for quality and performance.

In 2023, Company Beta began selling casual lifestyle sneakers under the name 'VELOXY' (with a swoosh-like design that some consumers have described as 'reminiscent of a lightning streak') through general department stores and online platforms at a significantly lower price point (\$60-80). Alpha has filed a trademark infringement lawsuit against Beta.

Critically analyse the likelihood of success for Alpha's trademark infringement claim based on consumer confusion. (20 marks)

Q. 5 Consider the relevant provisions of the Paris Convention and TRIPS Agreement, the doctrine of trademark dilution, the issue of different classes of goods, and how courts typically balance the protection of well-known marks against territorial principles of trademark law. Support your analysis with appropriate legal precedents and principles.

(20 marks)

Q.6 "Passing off is a common law remedy aimed at protecting the goodwill of unregistered trademarks and trade dress against misrepresentation in the marketplace. Critically analyse the essential elements that constitute passing off under Indian trademark jurisprudence.

(20 marks)