INTERNATIONAL & COMPARATIVE TRADEMARK LAW
FINAL EXAMINATION

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IPSI 2000

Instructions:

This is a two-hour, open book exam (three hours for students with native language other than English). You may consult the course materials and any other materials. Yet, your examination must be your own work. Do not discuss it with other students.

Write your answers in the blue book supplied, but please use only one side of the page and observe the margin. Please write or print as legibly as possible.

Grading will be anonymous. Please do not put your name on anything you turn in. **BE SURE YOUR EXAM NUMBER IS ON EACH BLUE BOOK YOU TURN IN.**

Question 1

Give examples where the protection and enforcement of trademarks provided by the Paris Convention has been improved by the GATT TRIPS Agreement **[15 points]**

[15 points]

Question 2

Which are the main advantages of the Trademark Law Treaty ?

[15 points]

Question 3

Where can or must a request for conversion of a CTM into one or several national applications be filed and in which cases is conversion possible?

[10 points]

Question 4

Where can or must a request for transformation of an international registration into one or several national applications be filed and in which cases is transformation possible?

[10 points]

Question 5

Which of the following treaties, if any, gives extraterritorial effect to the exercise of trademark rights:

a) The Paris Convention
b) The TRIPS Agreement
c) The Trademark Law Treaty
d) The General Inter-American Convention for Trademark Protection
e) The Carthagena Agreement of the Pacto Andino countries
f) The Mercosur Protocol for the Harmonization of Trademark law

Where your answer is yes, please give examples of the extraterritorial effect provided.

[20 points]

Question 6

Is it possible to assign

a) an international registration

b) a Community Trade Mark

to a US-company for the following countries: Denmark, Finland, Sweden?

Please explain for a) and b) the reasons for your answer

[15 points]

Question 7

Explain the main differences between the Madrid Agreement and the Madrid Protocol

[15 points]