INTERNATIONAL & COMPARATIVE TRADE MARK LAW (1 Credit)

FINAL EXAMINATION

Professor **José A. Gómez-Segade** **Spring 2001**

Instructions:

This is a one-hour open book exam (one hour and a half for students with native language different from 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 as legibly as possible, and try to present a "clean" exam. Evaluation will take into account clearness, cleanness and systematic of the written answers

Grading will be anonymous. Please **do not** put your name on anything your turn in. **BE SURE YOUR EXAM NUMBER IS ON THE BLUE BOOK. ONLY ONE BLUE BOOK IS AVAILABLE.**

Note: In all answers, please specify articles, paragraphs and sentence(s) of International Conventions. Where appropriate, personal views of the rationale behind the provisions, and differences and similarities between them would be welcome.

1.-Mr.ALDAIA, a national of Spain, having its domicile in Miami (USA), has a factory of textiles in Indonesia. He is owner of the registered trademarks BLUESEA in different countries, among them France, Portugal, Spain, USA, Italy & Indonesia. He wants to have the trademarks BLUESEA in China, Russian Federation, Vietnam, Singapore and Thailand. His counsel wants to know if he can obtain an international registration in all these countries, where the application should be filed, which Treaties are applicable, what the consequences of the international registration are, the duration of the international registration. Please, explain your answers **[40 points]**

2.-Is there an all -or -nothing principle if a ground for refusal or cancellation of a CTM applies only with respect to one Member State of the European Community? Please, explain your answer. **[20 points]**

3.- According to the Paris Convention, for how long might the owner of a well-known mark seek protection against an infringing mark? **[10 points]**