INTERNATIONAL & COMPARATIVE TRADE MARK LAW (1 Credit)

FINAL EXAMINATION

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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.-Mrs. Vandaal, a national of the Netherlands, having here domicile in Miami (USA), has a factory of textiles in Indonesia. She is owner of the registered trademark CINBOM in different countries, among them France, Portugal, Spain, Japan & Indonesia. She wants to have the trademark in China, UK, USA, Mexico, Australia and Italy. Her counsel wants to know if she can obtain an international registration in all these countries, where the application should be filed, which Treaties are applicable, and what the consequences of the international registration are. Please, explain your answers **[40 points]**

2.-The owner of CTM CULALU is a French national with domicile and factory in Italy. He wants file an infringement claim against Mr. TAYLOR, a US national with a factory in Michigan and having his domicile in Mallorca (Spain). Before which courts should the claim be brought? 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]**