

ST. JOSEPH'S COLLEGE OF LAW

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Question Paper I

Internal Assessment Examinations – November 2025

Subject: Trademark_IILLM

Max Marks: 10

Time: 1 Hr

Instructions:

1. Answer any one essay type questions from Part A and any one short note questions from Part B.
2. Essay type question carries 7 marks and the short note question carries 3 marks.

PART A

7 x 1 = 07

1. The concept of distinctiveness lies at the heart of trademark protection. Discuss the legal tests for determining distinctiveness under the Trade Marks Act, 1999, with reference to judicial precedents.

Critically analyze how Indian courts have approached the spectrum of distinctiveness in comparison to international standards.

Or

2. *“The test of deceptive similarity is not confined to side-by-side comparison but depends upon the overall impression left on an average consumer of imperfect recollection.”*

Critically examine this principle with reference to Sections 9 and 11 of the Trade Marks Act, 1999 and leading judicial decisions.

Discuss how Indian courts have balanced consumer protection with fair competition while determining deceptive similarity.

PART B

3 x 1 = 03

3. Explain the concept of “generic confusion” in trademark law.

Or

4. Well-Known Trademark