Legal Professions’ Admission Board – Diploma in Law

INTELLECTUAL PROPERTY COURSE

Lecture 11 – Trade Marks (Pt 2)

Trade Marks (cont’d)

1. What signs are not registrable? Review of ss39-44.
2. The opposition procedure: a brief overview.
4. What are the exclusive rights obtained by a registered proprietor? See s20 and the notion of an ‘authorised user’.

Infringement of trade marks

5. Introductory remarks in relation to trade mark infringement.
6. Overview of Section 120: the key infringement provision.
7. The requirement of ‘use’ of a trade mark: no requisite use = no infringement.
8. The requirement of ‘substantially identical or deceptively similar’.
9. The defence in Section 120(2).
10. Well known trade marks: ss120(3) and 120(4).
11. Indirect infringement and parallel imports, including the operation of s123.
12. Other defences: Section 122 ‘good faith’.