PRIFYSGOL ABERYSTWYTH UNIVERSITY

SEMESTER TWO EXAMINATIONS, 2025/26

DEPARTMENT OF LAW AND CRIMINOLOGY

LC38620 INTELLECTUAL PROPERTY LAW

Time allowed : **2 HOURS**

Answer ONE QUESTION ONLY

Candidates are permitted to take ONE A4 page of handwritten and/or typed notes (both sides) into the examination.

Please state clearly which question(s) you are answering.

STUDENTS MAY SUBMIT ANSWERS TO THIS PAPER IN EITHER WELSH OR ENGLISH

Once seated, students may complete the front cover of the answer book(s) and the attendance slip ONLY.

DO NOT TURN THE EXAMINATION QUESTION PAPER OVER UNTIL INSTRUCTED TO DO SO.

1. The absolute grounds for refusal aim to ensure that signs registered as trade marks are capable of distinguishing goods or services and remain available for use by competitors where appropriate.

   Critically evaluate the role and effectiveness of the absolute grounds for refusal in trade mark law. Your answer should refer to relevant provisions of the Trade Marks Act 1994 and relevant case law from the UK and EU.

OR

2. ABC Limited is a well-known manufacturer of coloured plastic educational children's toys which it sells across the UK and Europe under the registered trade mark 'WHIZZ-KIDZ'.

   Trading for nearly two decades, and with a strong reputation in the UK, XYZ Limited is a manufacturer of kitchenware, but it is expanding to produce a new range of plastic goods for children in 2027. It has just developed a range of products which it plans to sell in the UK using the name 'BIZZ-KIDZ.' XYZ plans to secure registration for a range of trade marks to market their new products as well as re-launching some of their existing kitchenware lines under new marks.

   ABC Limited are worried about XYZ's plans and seek your advice as to whether they can restrain any of the following marks through the provisions in the Trade Marks Act 1994:

   A. The mark 'WIZZ-KIDZ' for use on a plastic drum kit for children;
   B. The mark 'BIZZ-KIDZ' for use on the packaging of a toy cashier's till;
   C. The mark 'BIZZY-KIDDY' for use on a new design of recycled plastic pram;
   D. The mark 'WHIZZ-IT' for use in an extensive marketing campaign for a food processor. This marketing campaign includes a television advertisement that features an attractive young woman in a bikini, expressing her joy about the food processor's blending power in a seductive way. Because of this, the advert will only be shown late at night.

Also consider: how would your answer differ if ABC did not have a registered trade mark for 'WHIZZ-KIDZ'? Could they do anything to restrain the trade marking activities of XYZ?

END OF PAPER