

## Sample Trademark Knowledge Examination Answer Key

### Questions:

- Once an applicant has filed an Application for International Registration, which of the following irregularities can be issued by the World Intellectual Property Office (WIPO)? **Correct Answer: D**
  - The applicant has no intention to use the trademark in the designated contracting parties
  - The goods and services are described in too specific terms
  - The applicant already has national registrations in the designated contracting parties
  - D. The goods and services are not grouped in the appropriate Nice classes**
- Which of the following types of responding evidence may the requesting party file in a trademark non-use cancellation (Section 45) proceeding? **Correct Answer: D**
  - Expert evidence addressing specific issues related to non-use
  - Rebuttal affidavits or statutory declarations countering the owner's evidence
  - Evidence of third-party use or confusion resulting from non-use
  - D. Requesting party does not have the ability to file responding evidence**
- In order to be entitled to registration of a trademark, an applicant must be a "person". Which of the following is considered to be a "person" according to Section 2 of the *Trademarks Act*? **Correct Answer: B**
  - Jack Jones, President of XYZ Ltd.
  - B. Pamplermousse Inc./ Grapefruit Inc.**
  - Jones trading as Jack's Deli
  - Pamplermousse
- Which type of mark is referred to in section 9 of the *Trademarks Act*? **Correct Answer: B**
  - Certification marks
  - B. Prohibited marks**
  - Geographical indications
  - Distinctive marks

5. Which of the following statements about certification marks is true? **Correct Answer: C**
- A. A certification mark must be used by its owner at the filing date of the trademark application in order to be registrable
  - B. A certification mark is a combination of several signs that serve to distinguish goods or services performed by a certified organization in Canada
  - C. A certification mark serves to distinguish goods or services that are of a defined standard with respect to the character or quality of the goods or services**
  - D. A certification mark serves to distinguish goods or services manufactured, sold, leased, hired or performed by a public authority in Canada
6. Which of the following trademarks would possess the most inherent distinctiveness? **Correct Answer: A**
- A. An invented or coined word**
  - B. A dictionary word
  - C. A combination of a surname and the name of the goods
  - D. A commonly used phrase or idiom
7. Up until when can a priority request for an application be withdrawn? **Correct Answer: C**
- A. Formalization
  - B. Examination
  - C. Advertisement**
  - D. Opposition
8. Which of the following is true in connection with a request for issuance of a Section 45 Notice by the Registrar? **Correct Answer: A**
- A. It must be accompanied by payment of the prescribed fee**
  - B. It must be accompanied by payment of prescribed fees in two installments; at filing and at issuance
  - C. It is not subject to payment of a prescribed fee
  - D. The prescribed fee must be paid upon issuance of the Section 45 Notice

9. Which of the following trademarks would be considered clearly descriptive or deceptively misdescriptive as defined by Section 12(1)(b) of the *Trademarks Act*?

**Correct Answer: D**

- A. GROWPUP in association with pet food
- B. AUDITCOMPUTER in association with computer software
- C. WATERWOOL in association with clothing
- D. MILAN SHOWERGEL in association with soaps**

10. In determining the likelihood of confusion between two marks, examiners must do which of the following? **Correct Answer: B**

- A. Assess word marks only by their appearance
- B. Consider the length of time the trademarks have been in use**
- C. Consider each factor as having equal weight
- D. Disregard the nature of the goods, services or business

11. What is the name of the classification system used to identify goods and services in a trademark application? **Correct Answer: C**

- A. Berne
- B. Madrid
- C. Nice**
- D. Paris

12. What is the current term to renew a trademark registration? **Correct Answer: B**

- A. Every 15 years
- B. Every 10 years**
- C. The first renewal after 15 years and the next renewals every 10 years
- D. The first renewal after 10 years and the next renewals every 15 years

13. Which of the following descriptions is an acceptable statement of goods in ordinary commercial terms? **Correct Answer: A**

- A. Class 25: Clothing, namely, t-shirts, pants, dresses, and skirts**
- B. Class 29: A variety of dairy products including cheese, milk, and yogurt
- C. Class 33: Alcoholic beverages like red wine, white wine, and sparkling wine
- D. Class 15: Musical instruments without further specification

14. Which of the following would be objected to for registration as a trademark? **Correct**

**Answer: C**

- A. A mark that is primarily merely a sound
- B. A mark that is primarily merely a scent
- C. A mark that is primarily merely a surname**
- D. A mark that is primarily merely a numeral

15. When is an applicant permitted to request an interlocutory ruling to strike a statement of opposition, according to Section 38(6) of the *Trademarks Act*? **Correct Answer: B**

- A. After the applicant files the counter statement
- B. At any time before the applicant files the counter statement**
- C. At any point during the opposition proceedings
- D. Only within the first 30 days after the applicant receives the statement of opposition