

1. X Company is planning to produce and distribute cosmetic which is included in the effect of Y company's patent right. Which is an appropriate activity that X Company does not infringe upon the patent rights of Y Company?
 - 1) Passing out the cosmetics samples to whom take part in an exhibition which X Company hold
 - 2) Selling cosmetics which was made by X Company in order to research market
 - 3) Producing cosmetics for research purpose

2. Which is an appropriate thing that can be protected by the design law?
 - 1) A handkerchief made into a shape of flower by hand.
 - 2) A scarf with planar pattern
 - 3) A pendant which was made from converting other party's trademark to three dimensions

3. Which is not applicable as a copyrighted work?
 - 1) A song which suddenly occur to and sing to oneself
 - 2) A new technological idea
 - 3) A novel which is inspired by an ancient poetry

4. Which is an appropriate thinking or action by a staff of XYZ Company who is considering applying for the registration of its trademark used in own company's new product?
 - 1) A staff likes a trademark "ABC" which is well known among consumers in abroad. He chooses "ABC" and applies it for registration of trademark.
 - 2) The company decides that they are going to use the trademark which consists of characters and a logo (figure). A staff thinks that he need not apply for registration of its trademark because he thinks that the logo should be protected by Copyright Law.
 - 3) Although a company name "XYZ" was already registered, he thinks that the "XYZ" should be applied for registration of trademark in case his company affixes "XYZ" to goods.

5. Trademarks that consumers cannot recognize the goods and services as those pertaining to a business of a particular person are not registered. How many names

correspond to this definition? In the meanwhile, these trademarks are not used.

a) trademark, 'silk' : goods, 'blouse'

b) trademark, 'deluxe' : goods, 'car'

c) trademark, 'reinvigorate' : service, 'providing bathing facilities'

1) 1

2) 2

3) 3

6. X Company plans to launch a new brand regarding cosmetics (goods). A staff of X Company is in charge of the naming of this project. Which is an appropriate thinking or action of the staff?

1) The staff is only just interested to give an affable naming because the most important thing in launching a new brand is an image.

2) X Company decided to use a trademark 'ABC' in a new brand which would be used in connection with cosmetics. 'ABC' is an X Company's registered trademark, designated goods 'drugs'. In this case, the staff thinks that 'ABC' will be able to be registered. In the meanwhile, the goods 'drugs' and 'cosmetics' are not similar.

3) After investigation of registered trademark, the naming, which they want to adopt, turned out to be registered by Y Company. In addition, Y Company has not used this trademark for consecutive 7 years. The staff thinks that they cannot file a request for a trial for rescission of the trademark registration.

7. X, the author of painting exhibited the painting at a show with the aim of its selling. After that, Y, who claims that he is an author of painting , insists that painting infringes his copyright of painting . Which is not an appropriate answer in this case?

1) Although the painting and is similar, X don't know and refer the painting at all when he created the painting . In this case, we might say that X don't infringe the copyright on the painting .

2) Author X created a painting in 1951. Z made public painting as an anonymous work. Z was dead in 1961. Y inherited the 's copyright from Z. In this case, as of January 1 2008, it should be considered that the duration of the 's copyright has already expired.

3) Y cannot make a demand for cessation of exhibition of painting to X if X infringes the Y's copyright on the painting .

8. Which is the most problematic activity relating to copyright law?
- 1) Writing an article which introduces competitor's latest research in company's magazine, by using more than half of a research paper written by competitor's staff
 - 2) Writing a review about a painting by using whole of the painting
 - 3) Making quotations from a paper to criticize a viewpoint which made by a scholar
9. Which is an appropriate action or thinking of a staff relating to management of trademark?
- 1) X thinks that own company's registered trademark is approved as a famous name because own company's trademark is contained in the dictionary as a generic name for designated goods of own company's registered trademark.
 - 2) X thinks that indication of should be affixed to their goods, as soon as possible after an application for trademark registration
 - 3) X is a holder of trademark right of 'ABC'. Nowadays X uses a trademark 'abc' which is made a design of ABC. And so it is considered that 'abc' needs to be applied for trademark registration.
10. Staff x researched prior applications for trademark registration in order to verify whether X Company's trademark can be registered or not. He found the Y Company's registered trademark which is similar to , and also designated goods in connection with the trademark is similar. Which is an appropriate thinking of staff x?
- 1) Registered trademark turned out to be extinguished by the expiration of its duration. Staff x thinks that the trademark could not be registered because the trademark was publicly known.
 - 2) Staff x thinks that the trademark will be registered if Y Company assigns the trademark right of to X Company.
 - 3) Y Company is an associated company of X. Staff x thinks that trademark will be registered if Y Company grants to X Company a right to use to the trademark.
11. At the date of April 1 2009, Company X plans to apply for variety registration regarding variety of newly bred carnation. Which is an appropriate remark of staff x?
- 1) A variety will not be registered if the variety is clearly distinguishable, in all or parts of the characteristics, from any other variety of carnation which has been publicly known before the filing of the application for variety registration.
 - 2) A variety will not be registered if the variety is more excellent in beauty or

disease-resistant than any other variety of carnation.

3) A variety could be registered if Company X has been selling on a trial basis in Japan since September 1 2008.

12. Which is not an appropriate remark about foreign patent application?

1) X applied for a patent on March 1 2007 in Japan. In this case, X is able to apply for a patent in the U.S. with taking advantage of the priority under Article 4.D(1) of the Paris Convention regarding a patent application.

2) Y applied for an international patent under the Patent Cooperation Treaty to the receiving Office, JPO, on March 1 2007. This international patent application needs to be moved to the national procedure of the U.S. until February 29 2008.

3) Z applied for an international patent under the Patent Cooperation Treaty to the receiving Office, JPO, on March 1 2007. This international patent application may be moved to the national procedure of the U.S. until February 29 2008.

13. Staff, working in the Intellectual Property Division of a company, have a discussion about application for utility model registration. Whose remark is appropriate?

1) Staff X said that the duration of a utility model right shall expire after a period of 20 years from the filing date of the application for utility model right.

2) Staff Y said that the examination of utility model application needs to be finished within three years from the filing date.

3) Staff Z said that a holder of a utility model right may not exercise his utility model right against an infringer unless he has given warning in the Report of Utility Model Technical Opinion regarding the registered utility model.

14. Which is not appropriate way of thinking about the right of public transmission under the copyright law?

1) X thinks that the right of public transmission is that no one can make the public transmission of the work by broadcasting, defusing by wire, and transmitting over the internet.

2) Y thinks that uploading the work onto the server does not infringe the right of public transmission unless someone is on the site.

3) Z thinks that it is not the infringement of the right of public transmission to read the other's work on the internet.

15. X Company obtained information that other company has sold products which were considered to infringe X Company's patent. How many inappropriate thinking are in

these choices?

a) The staff thinks that X Company needs to obtain the evidence of the similar products.

b) The staff thinks that X Company needs to investigate sales channels, selling areas, and sales figures of the similar products.

c) The staff thinks that X Company needs to verify that the technical scope of the X Company's patent includes the similar products.

1) 0

2) 1

3) 2

16. Which is not an appropriate answer relating to the conditions for patentability?

1) X thinks that the process of a surgery for human could not be patented.

2) X thinks that the process to enfold the earth by ultraviolet-absorbing plastic film in order to prevent the earth from increasing ultraviolet light owing to the decrease of ozone layer.

3) X thinks that the way to drink tea could not be patented.

17. X Company contemplates that own company's new technology should be applied for a patent. Which is an appropriate remark of staff x of X Company?

1) We should consider that we keep this technology as a trade secret because this technology will be laid open in the application procedure.

2) Duration of the trade secret is 10 years from the date starting to keep secret. We should consider the trade secret protection by unfair competition prevention law.

3) As far as the technology is kept secret, publicly known technology could be protected by the unfair competition prevention law. We should consider the trade secret protection.

18. Which is an appropriate thinking about cinematographic work?

1) The authorship of a cinematographic work shall be attributed to all of those who, by taking charge of producing, directing, filming, art direction, etc., have contributed to the creation of that work.

2) Cinematographic work is a movie version of a novel . In this case, the author of the novel is automatically regarded as an author of Cinematographic work .

3) Copyright in a cinematographic work shall belong to the maker of that work, provided that the authors of the work have undertaken to participate in the making

thereof.

19. Staff X, who wants to apply for a patent relating to an invention , asked intellectual division staff Y some questions about what inventions are protected under patent law. Which is an appropriate remark of Y?

1) For the protection by patent law, the invention has to possess eminent effects that have a great impact on the market.

2) A patent will not be granted if a person ordinarily skilled in the art of the invention would have been able to easily make the invention.

3) If a consumer would have been able to easily make the invention, one would not be able to take a patent.

20. X made an invention complete on June 1 2008, and applied for a patent on June 27 2008. On the other hand, Y made an invention complete on June 10 2008, and applied for a patent on June 20 2008 without knowing X's invention. In addition, Z made an invention complete on June 11 2008, and applied for a patent on June 11 2008 without knowing X's and Y's inventions. Who are able to take a patent of the invention in this case?

1) X

2) Y

3) Z

21. X Company, who is an owner of copyright to a program , has sold the program for several years. X Company found that Y company recently released the program which was quite similar to the program . Which is not an appropriate action of X Company?

1) To begin with, X Company needs to confirm whether program is deemed as a copy or a adaptation of the program .

2) X Company cannot demand cessation, but can ask for compensation.

3) If Y Company infringes copyright of X Company, Y Company may be punishable by a fine.

22. X Company plans to apply for a patent on an invention of product . Which is not problematic activity before applying?

1) Although product appeared on a trade paper, product isn't officially announced and doesn't go on sale.

2) X Company started to produce product . But the product isn't officially

- announced and doesn't go on sale.
- 3) X Company started to sell product exclusively to valued customers. But the product isn't officially announced and doesn't publicly go on sale.
23. Y created and published a cartoon based on a novel which was created by X. Z is interested in making the cartoon into anime. Which is not an appropriate thinking?
- 1) Y may be able to create cartoon without X's permission.
 - 2) Y may not be able to publicize cartoon without X's permission.
 - 3) Z may not be able to make the cartoon into anime without X's permission.
24. Company's staffs X, Y and Z have a discussion about intellectual property related treaties. Which is not an appropriate remark?
- 1) X said "The Madrid Protocol establishes international registration of trademark."
 - 2) Y said "The Hague Agreement was established in the aim of international protection of industrial designs. Japan does not participate this agreement."
 - 3) Z said "The Lisbon Agreement was established mainly for the purpose of international patent protection."
25. Which is the most appropriate one for the protection under the design law?
- 1) A skyscraper
 - 2) An icon indicated on a display.
 - 3) A telephone
26. Which act is not an infringement of copyright without the permission of copyright holder?
- 1) Distributing copies of part of a famous novel in class
 - 2) Translating Japanese novels into English
 - 3) Selling pirate music CDs at the internet auction
27. The professor of University of Technology found that the effect of emission gas purification relating to catalyst of emission will increase when silver is added. He invented (a)-(d) inventions. Which is not an appropriate comment regarding these inventions?
- a) The catalyst of emission added silver
 - b) A process of emission gas purification using the catalyst of emission added silver
 - c) An apparatus of emission gas purification using the catalyst of emission added

silver

- d) A process for producing an apparatus of emission gas purification using the catalyst of emission added silver
- 1 (a) and (c) are patentable because these are inventions of products.
 - 2 (b) is patentable because this is an invention of process.
 - 3 (d) is unpatentable because this is an process for producing an apparatus.
28. Choose the most appropriate action which requires a permission of copyright holder.
- 1) Recording TV programs in order to watch them at home
 - 2) Uploading photos of painting taken at the museum to a blog on the internet
 - 3) Copying a borrowed musical score in order to prepare to perform in own room
29. X, a teacher of an Industrial high school, made some remarks as below. Choose the most appropriate one.
- 1) One would not be able to obtain a patent without a patent application in principle, but a revolutionary technology could be patented without a patent application.
 - 2) A patent application will examined by an examiner after submitting an application. Period for the examination may be shortened if an applicant files a request for the examination of the application.
 - 3) The statement of the detailed explanation of the invention shall be clear and sufficient as to enable any person ordinarily skilled in the art to which the invention pertains to work the invention.
30. Which is not an appropriate remark relating to the infringement of design right?
- 1) Company Y has sold ballpoint pens which had the same design as registered design of ballpoint pen owned by stationary manufacturer X. In this case, it is considered that Company Y infringed the Company X's design right.
 - 2) Company Y has sold mechanical pencils which had the same design as registered design of ballpoint pen owned by stationary manufacturer X. In this case, it is considered that Company Y infringed the Company X's design right.
 - 3) Company Y has sold mechanical pencils which had the similar design as registered design of ballpoint pen owned by stationary manufacturer X. In this case, it is not considered that Company Y infringed the Company X's design right.