

Practice Exam Question #3

Contrast the treatment of "well known" trademarks provided by Paris Article *6bis* [which is incorporated into TRIPs via TRIPs Article 2(1)] and by TRIPs Article 16(2) and 16(3) with the treatment accorded "ordinary" trademarks under TRIPs (including the incorporated provisions of Paris). What justifies the enhanced protections enjoyed by "well known" marks? Which countries tend to benefit from the special treatment of "well known" marks? How do these provisions encourage or discourage trademark "squatting?"