



Intellectual Property Rights (IPR) Course & Tool Kit for Business Incubators

Day 1

Session 2: Distribution of IPR Homework

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Activity 1: Case Study

Dispute on Trademark 'WONDER WORLD' in the case of

Destination Mall (Private) Ltd v Monster Adventure (Private) Limited (2014)

Facts of the case:

1. In 2012, Destination Mall, based in Lahore, applied for the registration of the mark 'WONDER WOLRD' as their trademark.
2. No work was started under this trade name and Destination Mall did not use the trade mark.
3. In 2013, Monster Adventure got the trade mark 'WONDER WORLD' registered in the U.K. for a children's play area.
4. Monster Adventure started using the trademark on its website, social media sites and started publicizing its business under the mark WONDER WORLD (logo) in the UK.
5. Monster Adventure also took land on lease and started setting up a similar play area site in Lahore in 2013.
6. Then in 2014, Monster Adventure's 'WONDER WOLD' launched its play site in Gulberg, Lahore.
7. Monster Adventure (Private) Limited first applied for trademark registration for WONDER WORLD (logo) in Pakistan in 2013.
8. Meanwhile, Destination Mall filed a trademark infringement suit against Monster Adventure (Private) Limited, on the basis of its earlier trademark application for the mark 'WONDER WORLD'.



Legal points to note:

- “Applied for registration of the mark” means that the application for registration of the trademark is still pending in front of the registrar and registration has not yet been granted.
- “Use of trademark” means that the applicant has been using the trademark for business i.e. the business owner has sold his goods or services or advertised them under the applied mark.
- “Registered trademark” means a mark that has been registered by the trademarks registry and a certificate of registration has been issued.

Activity 1: Questions for homework:

1. In light of the facts of the case, when should Monster Adventure have filed an application before the Registrar of Trademarks, in Pakistan?
 - (a) At the time of inception of the idea of ‘WONDER WORLD’ play place.
 - (b) At the time of registering of business/trade.
 - (c) At the time of advertising the business.
 - (d) Prior to the date of application of Destination Mall (Private) Ltd.
2. Can Destination Mall establish goodwill and reputation, when there is no business being conducted by Destination Mall Ltd under the trademark WONDER WORLD?
3. What do you think Destination Mall have done differently, to secure its rights in the trademark ‘WONDER WORLD’?
4. What do you think Monster Adventure could have done differently, to secure its rights in the trademark ‘WONDER WORLD’?
5. Who in your opinion, is the owner of the trademark WONDER WORLD?



Activity 2:

Homework Reflection Activity: Map out your value chain

Map out the value chain for your startup, including where you may need to protect different aspects of your intellectual property and where you may need to grant licenses to suppliers and partners.

