

UNIVERSITE PARIS 1 PANTHEON – SORBONNE

UFR 06 / SGEL

LICENCE DE GESTION ET ECONOMIE D'ENTREPRISE

Examen de rattrapage d'anglais appliqué à la gestion, semestres 3 & 4

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Sujet rédigé en collaboration avec Jennifer Wallace, Lectrice

Date: 22 juin 2012

Durée : 2 heures

Instructions :

No documents allowed. Write your answers on the official answer sheets provided.

PART I: Reading

A. Read the text below entitled 'Adidas earns its stripes in court' and address the ensuing comprehension questions and vocabulary exercises.

Adidas earns its stripes in court: Competitors lose round in battle over clothing logos

Adidas claimed dominion over the stripe Thursday after the European high court rebuffed a bid by top international clothing manufacturers to employ emblems similar to the distinctive three-stripe logo of the German sporting goods maker. The European Court of Justice dismissed one of the critical arguments made by C&A, H&M and other companies, which have waged a legal battle over the past 10 years in an effort to use two stripes on their own sportswear. They have argued that the stripe is common enough that no one should own it. The requirement that patterns should be available to all retailers "cannot constitute a relevant factor" in establishing whether their use of stripes infringes Adidas's trademark, the court said. The court said it would leave it up to the national courts to determine "whether the average consumer may be mistaken as to the origin of sports and leisure garments featuring stripe motifs in the same places and with the same characteristics as the stripes motif of Adidas."

Adidas, which has vigorously pursued lawsuits against sportswear manufacturers in the United States, Germany, Italy and France over the issue, reveled in the victory. "We do not seek to prevent the use of decoration but the use of striped markings that confuse consumers, or cause them to make a link with our company and its famous trademark," said Anne Putz, a spokeswoman for Adidas. At the same time, the court ruling has stirred anxiety in the clothing industry, where national decisions can have a practical impact on clothes manufactured and sold around the world. "The danger exists that other commonly used motifs will be monopolized by trademark holders," said Daan de Lange, a Dutch lawyer representing Marca Mode, a subsidiary of C&A. Both companies are based in the Netherlands.

De Lange noted that, in practice, such rulings had an impact on the buying patterns of C&A because it selected its inventory for a broad international market. He noted that manufacturers in many countries outside the Netherlands continued to make clothing with two stripes. For instance, Fred Perry, the British tenniswear maker, has emblazoned its clothing line and corporate Web site with two stripes.

Michael Hart, a lawyer with Baker & McKenzie in Britain who has been advising Fred Perry and other clothing manufacturers, said the ruling ultimately could affect the basic choices of clothing companies. “The seriousness of this issue is that with a ruling like that there may be companies that put a stripe or two stripes and get a warning letter from Adidas and don’t have the resources or will to get involved in a legal battle,” Hart said.

The Netherlands has become an outpost for legal battles waged by multinational companies because the nation’s judges are considered friendlier to trademark holders than courts in Britain, according to trademark experts.

Long before Adidas established its trademark, the stripe had a long and sometimes inglorious history dating as far back as the 12th century, when stripes were the preserve of hangmen, prostitutes and treacherous knights. Ursula Hudson, director of the Fashion Business Resource Studio at the London College of Fashion said that the stripe is a concept that should not be stifled by trademark law. “Nobody owns stripes,” she said. “It’s part of the designer tool kit and stripes and sport have been associated since time immemorial.”

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B. Comprehension (5 points)

Answer the following questions in your own words using complete sentences. (5 points)

1. What was the outcome ruled by the European high court for the case of Adidas’ stripes explained in the text?
2. Why do companies like C&A and H&M argue that they have the right to use stripes?
3. What risk is Adidas taking in owning stripes for other common prints and patterns?
4. Does Michael Hart think that smaller companies have a chance against Adidas for using stripes? Explain why.
5. Why do multinational companies such as Adidas choose the Netherlands for big legal battles?

C. Vocabulary (5 points)

I. Find a term in the text that relates to the following definitions. Give the paragraph and line references of the term you have identified. (2.5 points)

1. A graphic representation or symbol of a company name :
2. Cases in a court of law involving a claim, complaint, etc., by one party against another :
3. To have obtained exclusive possession of something in one area of business :
4. A company whose controlling interest is owned by another company :
5. A rule to protect company’s from stealing each other’s images or symbols :

II. Find the synonyms of the following words in the text. Give the paragraph and line references. (2.5 points)

1. Rejected :
2. Crucial :
3. To connect :
4. Stock :
5. Fought by :

PART II: Grammar

A. Phrasal Verbs

Tie down, take over, tie up, run through, sell out.

Complete the sentences using the appropriate phrasal verb from the list above. Make sure you use the correct tense. (2.5 points)

1. Mr Jones hopes that one day his son _____ the family business.
2. I'm afraid we've _____ of that particular style, is there anything else you'd like to try?
3. All of his money is _____ in stocks at the moment, he's cash poor.
4. We need to very quickly _____ the latest inventory check.
5. I don't want to be _____ by one job for the rest of my life.

B. Nominal compounds.

Using one word from **list A** and one word from **list B**, make 5 nominal compounds. You may use each word only once. (2.5 points)

A	B
Inventory	Power
Product	Segment
Brand	Management
Purchasing	Image
Market	Specification

PART IV: Writing (5 points)

Write an essay of 250 words minimum or 350 words maximum in which you answer the following question : *'Is Adidas right in claiming ownership of the markings?'* Count and write down the number of words you have used in your essay.

Good Luck

Key to answers and guidelines for marking

Part 1B. Comprehension (5 points)

Suggested answers

1. *The European high court ruled in favour of Adidas, and recognised their right to ownership over three stripes or similar emblems.*
2. *Because the stripe is so common enough that no one should own it.*
3. *The risk Adidas is taking in owning stripes for other common prints and patterns is that other commonly used motifs will be monopolized by trademark holders.*
4. *No he does not, because he thinks they don't have the economic resources or will to fight a legal battle against a company which is as big as Adidas.*
5. *It's because the nation's judges are considered friendlier to trademark holders.*

Marking

Up to 1 point for a correctly worded answer. Quarter of a mark, half a mark or three quarters of a mark can also be awarded depending on how satisfied you are with both the form and the content. Nothing to be awarded for a wrong answer or for a blank.

Part 1C. Vocabulary (5 points)

Section 1 : (2.5 points)

Suggested answers

1. *logo (paragraph 1, line 2)*
2. *lawsuits (paragraph 2, line 1)*
3. *monopolized (paragraph 2, last but one line)*
4. *a subsidiary (paragraph 2, last but one line)*
5. *trademark law. (last paragraph, last but one line)*

Marking

Half a mark for a correct answer. Nothing to be awarded if otherwise.

Section 2 (2.5 points)

Suggested answers

1. *rebuffed (paragraph1, line 1)*
2. *critical (paragraph 1, line 3)*

3. to make a link (paragraph 2, line 3)

4. inventory (paragraph 3, line 2)

5. waged by (paragraph 5, line 1)

Marking

Half a mark for a correct answer. Nothing to be awarded if otherwise.

Part 2. Grammar (5 points)

A. Phrasal verbs

Answers

1. will take over 2. sold out 3. tied up 4. run through 5. tied down

Marking

Half a mark for a good answer. Nothing to be awarded if otherwise.

B. Nominal compounds.

Answers

1. Inventory Management

2. Product Specifications

3. Brand Image

4. Purchasing Power

5. Market Segment

Marking

Half a mark for a correct answer. Nothing to be awarded if otherwise.

Part 3. Writing (1+4= 5 points)

Marking

- First, please award **1 point** as a bonus for requisite length. Nothing to be awarded, nor any penalty point to be deducted for inadequate or excess length.

- Then, please read, correct and comment the whole essay and score as follows:

0.5 point = poor essay written in poor English, with very little substance.

1 point = Attempt to write intelligibly, though with frequent spelling, vocabulary and grammar mistakes. No fluency of expression.

2 points = Good attempt to write intelligibly, though with some regular spelling, vocabulary or grammar mistakes. Problems with the writing style.

3 points = Good essay. Good substance. Very few spelling, vocabulary or grammar mistakes and a good writing style.

4 points = Excellent essay. Very good substance. High level English including fluency of expression and a very good writing style. Perfect spelling and good lexical and grammatical choices. No mistakes at all.

- Finally, please add the score to the bonus point, if any, and award the overall mark of the section.