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Geneva 20, Switzerland
World Intellectual Property
Organization(WIPO)International Bureau

CONFIRMATION OF TOTAL PROVISIONAL REFUSAL
TO THE INTERNATIONAL BUREAU OF WORLD INTELLECTUAL PROPERTY OFFICE (WIPO)
UNDER RULE 18ter(3) OF THE COMMON REGULATIONS

1. Office of Designated Contracting Party:

Korean Intellectual Property Office (KIPO)
189 Cheongsu-ro, Seo-gu, Daejeon Metropolitan City, 35208, Republic of Korea

2. International Registration concerned:

- (a) International Registration Number: 1288610
- (b) Name of the Holder: bitFlyer Inc.

3. Goods/Services Refused:

All the designated goods/services

4. Decision Subsequent to the Provisional Refusal:

All procedures before KIPO relating to the protection of the mark have been completed and the assigned examiner has decided to refuse protection of the International Registration in the Republic of Korea for all the designated goods/services.

5. Date on which the Confirmation was pronounced:

07/03/2017

6. Guidance as to Future Procedure:

- (a) Where the holder is dissatisfied with this decision, he/she may file a request for trial, within the time limit described in the Article 70-2 and Article 92-3 of the previous Trademark Act(before the revision under No. 14033 of the Act on February 29, 2016), through a representative whose address is in the Republic of Korea, before the Intellectual Property Trial and Appeal Board (IPTAB) established under the jurisdiction of the Commissioner of KIPO.
- (b) The period for demanding a trial against a Decision to Reject an Amendment may be extended up to 60 days, upon a request, under the Article 5-14 of the previous Trademark Act(before the revision under No. 14033 of the Act on February 29, 2016). The formal request for extension of the time limit should be submitted within 7 days before the time limit for demanding a trial, through a representative whose address is in the territory of the Republic of Korea, before the Intellectual Property Trial and Appeal Board (IPTAB).

7. Official Seal or Signature by the Office:

KIPO Examiner KIM, Min Jung 

<< Information >>

If the holder has any questions or needs assistance in responding to this notification, please contact the examiner.

E-mail: kipomadrid@korea.kr, telephone: (82) (42) 481 8231, fax: (82) (42) 472 3507

KOREAN TRADEMARK ACT

(the previous Act before the revision under No. 14033 of the Act on February 29, 2016)

Article 5 (Legal Capacity of Minors, etc.)

(1) A minor, person under limited guardianship or person under adult guardianship shall neither file an application or request for trademark nor undergo other procedures (hereinafter referred to as "trademark-related procedures") without a legal representative: Provided, That the foregoing shall not apply where a minor or person under limited guardianship can perform a juristic act for himself/herself independently.

(2) A legal representative referred to in paragraph (1) may undergo procedures for an objection, trial or retrial filed by the other party on trademark registration, without the consent of a supervisor of guardianship.

Article 5-3 (Trademark Administrators for Nonresidents)

(1) No one who does not have an address or place of business in the Republic of Korea (hereinafter referred to as "nonresident") may, except where such nonresident (referring to a representative in cases of a corporation) is sojourning in the Republic of Korea, undergo trademark-related procedures or file an action against any disposition issued by an administrative agency pursuant to this Act or an order under this Act, without a representative for trademarks who has an address or place of business in the Republic of Korea (hereinafter referred to as "trademark administrator").

(2) A trademark administrator shall, within the extent of power delegated to him/her, represent the principal in a trial on trademark-related procedures or any disposition made by an administrative agency pursuant to this Act or an order under this Act.

Article 5-14 (Extension, etc. of Periods)

(1) For persons in areas with poor transportation service, the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Trial and Appeal Board (IPTAB) may, upon request or ex officio, extend the period for amending the reasons, etc. mentioned in a written objection to trademark registration under Article 26 and the period for requesting a trial under Article 70-2 or 70-3.

(2) When having determined the period for trademark-related procedures pursuant to this Act, the Commissioner of the Korean Intellectual Property Office, President of the Korean Intellectual

Property Trial and Appeal Board (IPTAB), presiding administrative trademark judge or examiner may, upon request, shorten or extend such period, or may extend such period ex officio. In such cases, the Commissioner of the Korean Intellectual Property Office, etc. shall determine whether to shorten or extend the period so as not to unduly infringe on an interest of any interested party in the relevant procedures.

(3) When having determined the deadline for trademark-related procedures pursuant to this Act, the presiding administrative trademark judge or examiner may change the deadline upon request or ex officio.

Article 5-25 (Effective Date of Submitted Documents)

(1) Written applications, written requests or other documents submitted to the Commissioner of the Korean Intellectual Property Office or the President of the Korean Intellectual Property Trial and Appeal Board (IPTAB) pursuant to this Act or an order under this Act (including articles; hereinafter the same shall apply in this Article) shall take effect from the date they are received by the Korean Intellectual Property Office or the President of the Korean Intellectual Property Tribunal.

(2) Where written applications, written requests or other documents as referred to in paragraph (1) are submitted to the Korean Intellectual Property Office or the President of the Korean Intellectual Property Trial and Appeal Board (IPTAB) by mail, they shall be deemed to be received by the Korean Intellectual Property Office or the President of the Korean Intellectual Property Trial and Appeal Board (IPTAB) on the date as stamped by mail if the stamped date is clear, or on the date proved by a receipt of mail if the stamped date is unclear: Provided, That the foregoing shall not apply where written applications for the registration of trademark rights or rights concerning trademarks, or documents for the application for international application (hereinafter referred to as the "international application") under Article 2 (2) of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (hereinafter referred to as the "Protocol") are submitted by mail.

(3) Apart from matters prescribed in paragraphs (1) and (2), matters necessary for documents submitted due to delay of mail delivery, loss of mail, or suspension of mail service shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 5-29 (Notification, etc. through Information and Communications Networks)

(1) The Commissioner of the Korean Intellectual Property Office, President of the Korean Intellectual Property Trial and Appeal Board (IPTAB), presiding administrative trademark judge, administrative trademark judge, presiding examiner or examiner may utilize an information and communications network when he/she intends to send notification or make a delivery of documents (hereinafter referred to as "notification, etc.") to a person who has reported by using electronic documents pursuant to Article 5-28 (1).

(2) Notification, etc. of documents through an information and communications network under paragraph (1) shall have the same effect as in writing.

(3) Notification, etc. of documents under paragraph (1) shall be deemed delivered with the details recorded in a file of an electronic information processing system for delivery of documents operated by the Korean Intellectual Property Office or the Korean Intellectual Property Trial and Appeal Board (IPTAB) as at the time such documents are recorded in a file of an electronic information processing system used by the person who is the recipient of such notification, etc.

(4) Matters necessary for the type, method, etc. of notification, etc. through an information and telecommunication network under paragraph (1) shall be prescribed by Ordinance of the Ministry of Trade, Industry and Energy.

Article 70-2 (Trial on Decision of Rejection)

Any person dissatisfied with a decision to reject trademark registration, a decision to reject the registration of additional designated goods, or a decision to reject the registration for the conversion of the goods classification (hereinafter referred to as "decision of rejection") may request a trial within 30 days from the date on which a certified copy of the decision of rejection is received.

Article 92-3 (Service of Documents on Nonresidents)

(1) If a nonresident has a trademark administrator, the document to be served on the nonresident shall be served on the trademark administrator: Provided, That the foregoing shall not apply where an examiner notifies the applicant for the international registration of trademarks of the grounds for rejection through the International Bureau under Article 86-24.

(2) If a nonresident does not have a trademark administrator, the document to be served on the nonresident may be sent by registered air mail.

(3) When a document is sent by registered air mail pursuant to paragraph (2), it shall be deemed served on the date it is sent.