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

NOTIFICATION OF EX OFFICIO PROVISIONAL REFUSAL  
TO THE INTERNATIONAL BUREAU OF WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)  
UNDER RULE 17(1) OF THE COMMON REGULATIONS

**1. Office Making the Notification:**

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

**2. International Registration Number (Date of Registration/Subsequent Designation):**

1290408 (02/12/2015)

**3. Name and Address of the Holder:**

VITRA PATENTE AG  
Klünenfeldstrasse 22 CH-4127 Birsfelden Switzerland

**4. Goods/Services Affected by this Provisional Refusal:**

All the designated goods/services

※ Please note that there is no provision in the Korean Trademark Act allowing the examiner to delete Ex Officio the designated goods/services refused by the ground(s) for the Provisional Refusal and to grant protection for the remaining goods/services.

**5. Grounds for the Decision:**

- ☐ Lack of distinctiveness
- ☒ Conflict with another person's earlier application(s) and/or registration(s)
- ☒ Vagueness and/or broadness of the designated goods/services
- ☐ Unconformity to "a single application for a single trademark rule"
- ☐ Other grounds

※ Please refer to item 9 for the details

**6. Provisions of the Korean Trademark Act applicable to the Grounds:**

Previous Trademark Act(before the revision under No. 14033 of the Act on February 29, 2016), Article 7(1)(vii), Article 8(1), Article 10(1)

**7. Date on which the Provisional Refusal was pronounced (Time Limit):**

10/04/2017(10/06/2017)

## 8. Guidance as to Future Procedure:

1. Where the holder receives this notification, the protection of the international registration is to be refused as a whole unless the holder submits to KIPO, through a representative whose address is in the Republic of Korea, a written opinion (amendment) within two months from the date on which this provisional refusal was pronounced. The holder may also submit to the International Bureau MM6 (Request for the Recording of a Limitation of the List of Goods/Services) within the above time limit.
2. Regarding the time limit, the holder may request the extension of time to submit a written opinion (amendment) to KIPO. The extension will be granted twice for a period of one month, respectively. This request should be made within the given time limit through the above representative.
3. If a request for Limitation is presented to the International Bureau so as to get over the ground for refusal mentioned below, we wish that it could also be informed by e-mail (kipomadrid@korea.kr) at the same time for your convenience.

## 9. Details of the Provisional Refusal:

The examiner refuses registration on the following reasons:

(Ground 1)

The proposed mark is similar to other marks (see below) which were registered in the Republic of Korea prior to the international registration date of the proposed mark, and because 'some' designated goods/services of the proposed mark are similar to those of the earlier marks. Previous Korean Trademark Act(before the revision under No. 14033 of the Act on February 29, 2016), Article 7(1)(vii).

In this case, the proposed mark “**VITRA**” is similar – in sound – to the earlier marks presented below.

However, this ground for refusal could be reviewed if the applicant deletes the refused goods/services listed below (the underlined goods/services).

☐ Information concerning the earlier mark (1)

- Filing number : 4520110004138
- Filing date : 16/09/2011
- Korean registration number : 4500427470000
- Korean registration date : 17/12/2012
- Name and address of the owner : LG Hausys, Ltd.  
10, Gukjegeumyung-ro, Yeongdeungpo-gu, Seoul Republic of Korea
- Goods/services :

[Class 06] 금속제 창문, 금속제 미늘살 창문, 금속제 창문고정구, 금속제 창문도르레, 금속제 창문잠금쇠, 금속제 창문틀, 금속제 창살, 금속제 창호시스템유니트, 금속제 문, 금속제 문고정기, 금속제 문부속품, 금속제 문틀, 금속제 비전기식 문닫힘장치, 금속제 빗장, 금속제 손잡이, 금속제 시트파일, 금속제 여닫이창, 금속제 파이프제품{건축 또는 구축전용}, 금속제 플로어힌지, 금속제 회전문개폐기, 알루미늄 창틀[알루미늄 새시], 창문새시용 금속제 부속

품,창문용 금속제 부속품,창문용 철제부품,창문틀용 활차,금속제 빗자루 손잡이,금광석, 금속제 간판,금속제 기념패,금속제 풍력작동식 새되치기,금속제 사다리,금속제 저금통,금속제 통,금속제 마개,금속제 가구 부속품,구두훅털이용 금속매트,금속제 관(棺) 부속품,지팡이용 금속제 페룰[지팡이용 금속제 테],난로용 안전철망,금속제 못,금속제 자물쇠{전기식은 제외},금속제 칼자루,바이스용 금속제 조임구,금속제 줄밥(Filings),미가공 강철,미가공 또는 반가공 비철금속,땀납,건축용 금속제 타일,금속제 이동식 건축물,금속제 말뚝,수송용 금속제 팔레트,금속제 계선부표,금속제 바이스작업대,금속제 낫자루,금속제 인공어초(人工魚礁),페인트분무용 금속제 부스(Booths),비기계용 금속제 밸브,안테나선,금속제 이동식 로켓발사대,박차,금속제 버클,금속제 방충망,일반금속제 조각품,

[Class 19] 건축용 강화유리,건축용 결정화유리,건축용 단열유리,건축용 박판유리,건축용 발광유리,건축용 방사선 차단유리,건축용 보통판유리,건축용 복층유리,건축용 색판유리,건축용 섬유유리,건축용 유리,건축용 자외선투과유리,건축용 장식유리,건축용 적외선흡수유리,건축용 절연유리,건축용 접착유리,건축용 착색유리,건축용 창유리,건축용 판(창문)유리,건축용 포말(泡沫)유리,건축용 합판유리,건축용 형판(型板)유리,스테인드글라스창,안전유리,앨러배스터(Alabaster)유리,창유리,건축용 코팅유리,건축용 모르타르,건축용 모자이크재료,건축용 비금속제 경질관(硬質管),건축용 비금속제 골조,건축용 비금속제 몰딩,건축용 비금속제 미장벽판,건축용 비금속제 방수판,건축용 비금속제 벽면라이닝,건축용 비금속제 벽외장재료,건축용 비금속제 보강재료,건축용 비금속제 판지,건축용 비금속제 패널,건축용 비금속제 포치(Porches),건축용 비금속제 표면마감재,건축용 사탕수수찌꺼기 덩어리,건축용 아스팔트,건축용 아스팔트가공된 판지,건축용 아스팔트펠트,건축용 역청제품,건축용 접착식 모르타르,건축용 종이,건축용 타르칠한 스트립,건축용 판지,건축용 펠트,건축용 피복재,고무제 건축 또는 구축전용재료,굴뚝용 비금속제 연장부재,굴뚝용 비금속제 통풍관,난간손잡이{비금속제},도로건설용 및 포장용 재료,도로보수용 결합재료,도로용 비금속제 충돌방지장벽,도로포장용 비금속제 슬라브,도로포장용 재료,맨틀피스(Mantlepiece),목재 천장판,목재 난간,목재 서까래,목재 지붕판자,목재 징두리벽판,목재 쪽마루바닥판,발광성 포장(鋪裝)재,비금속제 갱도용 재료,비금속제 건널판,비금속제 건축 및 구축 전용재료,비금속제 건축물문,비금속제 건축재료,비금속제 격자,비금속제 계단,비금속제 계단디딤판(스텝),비금속제 교량이음용 앵커볼트,비금속제 구축물의 이음매용 연결자,비금속제 굴뚝,비금속제 굴뚝갓,비금속제 굴뚝꼭대기부분,비금속제 난간손잡이,비금속제 난간스트링거,비금속제 내화성 건축재,비금속제 덧문,비금속제 도어패널,비금속제 들보,비금속제 라스(Laths),비금속제 맨틀피스(Mantlepiece),비금속제 맨홀,비금속제 맨홀뚜껑,비금속제 목책(木柵),비금속제 문고정기,비금속제 문틀,비금속제 물받이,비금속제 물받이파이프,비금속제 물받이흠통,비금속제 미늘살창문,비금속제 바닥재,비금속제 바닥판,비금속제 바리케이드,비금속제 발판,비금속제 배수관,비금속제 벽널,비금속제 벽판자,비금속제 분기관(分岐管),비금속제 상인방(上引枋),비금속제 셔터,비금속제 수도관,비금속제 수압관(水壓管),비금속제 스트링거,비금속제 슬라브,비금속제 시트파일,비금속제 양거배수관,비금속제 앵글강(鋼),비금속제 여닫이창,비금속제 울타리,비금속제 장지,비금속제 접는문,비금속제 주형{건축 또는 구축용},비금속제 지붕널판,비금속제 지붕방수판,비금속제 지붕재료,비금속제 지붕추녀,비금속제 징두리벽판,비금속제 쪽마루바닥판,비금속제 쪽마루바닥판 및 평판,비금속제 창,비금속제 창문레일,비금속제 창문손잡이,비금속제 창문틀활차,비금속제 창살,비금속제 창틀,비금속제 창호시스템유니트,비금속제 천정장식품,비금속제 천정판,비금속제 칸막이유니트,비금속제 코니스,비금속제 코니스용 몰딩,비금속제 태양전지 지붕,비금속제 토대,비금속제 회전창문개폐쇄장치,비닐제

벽널,사암판,상판(床板),석고제 건축 또는 구축전용재료,석면제 모르타르,석유피치[아스팔트],석회제 건축 또는 구축전용재료,아스팔트,아스팔트루핑페이퍼,아스팔트루핑펠트,아스팔트펠트,아스팔트포장재료,역청(瀝靑),온실용 비금속제 프레임,원예용 비금속제 프레임,유성코팅재,지반용 직물,지붕슬레이트,지붕용 갈대,지붕용 역청도장재료,콘크리트용 비금속제 거푸집널,탄성실란트,플라스틱제 바닥판,플라스틱제 벽판자,플라스틱제 보안창문,합성수지화장판,환기 및 공기조절장치용 비금속제 도관,회반죽퍼티,건축용 비금속제 벽타일,건축용 비금속제 타일,걸침기와,고무계타일,구운벽돌,그로그(Grog),기와,내화용 타일,내화재,마루용 비금속제 타일,목제 바닥타일,목제 타일,바닥 및 라이닝용 세라믹타일,바닥 및 외장용 세라믹타일,벽돌{시멘트제는 제외},비금속제 타일,비닐타일,석제 기와,세라믹 기와,시멘트모르타르 기와,아스팔트타일,유리기와,유리벽돌,유리타일,점토기와,콘크리트타일,타일바닥 및 마감재용 세라믹 타일,테라코타,플라스틱타일,건축 또는 구축용 비금속광물{가공하지 않은 것에 한함},비금속제 광고기둥,구조물로 된 수족관,건축용 목재,압축된 코르크,석제 통,비금속제 기념비{석제는 제외},비금속제 기념판{석제는 제외},목재섬유강화 시멘트판,콘크리트제 건축재료,석재,인조석재,간이가옥{비금속제},비금속제 이동식 건축물,방부목재,방화목재,버팀목,비금속제 기둥,비금속제 말뚝,계선용 비금속제 부유도크,비금속제 인공어초,페인트분무용 비금속제 부스(Booths),급배수용 비금속제 밸브{플라스틱제는 제외},비금속제 로켓발사대,비금속제 방충망,석제/콘크리트제/대리석제 조각품,

[Class 20] 비금속제 경첩,비금속제 문부속품,비금속제 문손잡이,비금속제 창문부속품,비금속제 플로어힌지,플라스틱제 경첩{건축물용},비금속제 문 및 창문 스크린,비금속제 빗자루 손잡이,미가공 산호,목제 또는 플라스틱제 간판,비금속제 깃대,비금속제 기념패,초목용 지지목(支持木),비금속제 사다리,뜨개틀,갈대,죽재{건축용은 제외},고리버들,미가공 또는 반가공 뿔,비금속제 용기{석제는 제외},비금속제 마개{고무제/자기제/유리제는 제외},비직물제 벽면장식,실내용 블라인드,사진틀,매트리스,베개,비금속제 관(棺) 부속품,부채,비금속제 못,비금속제 비전기식 자물쇠,비금속제 칼자루,비금속제 공구손잡이,톱질모양,반사경 타일,제도대(製圖臺),이미용 의자,운송용 비금속제 팔레트,비금속제 계선부표,비금속제 바이스작업대,비금속제 낫자루,벌집,비금속제 밸브{기계부품은 제외},총가(銃架),유아 놀이틀용 깔개,낚시바구니,플라스틱제 비자기식 열쇠,목제 조각품,마네킹,

[Class 35] 금속제 창문 도매업,금속제 문틀 도매업,금속제 창살 도매업,창문용 금속제 부속품 도매업,건축용 유리 도매업,비금속제 창 도매업,비금속제 창틀 도매업,비금속제 창살 도매업,비금속제 방충망 도매업,비금속제 창문부속품 도매업,비금속제 문 및 창문 스크린 도매업,금속제 창문 소매업,금속제 문틀 소매업,금속제 창살 소매업,창문용 금속제 부속품 소매업,건축용 유리 소매업,비금속제 창 소매업,비금속제 창틀 소매업,비금속제 창살 소매업,비금속제 방충망 소매업,비금속제 창문부속품 소매업,비금속제 문 및 창문 스크린 소매업,금속제 창문 판매알선업,금속제 문틀 판매알선업,금속제 창살 판매알선업,창문용 금속제 부속품 판매알선업,건축용 유리 판매알선업,비금속제 창 판매알선업,비금속제 창틀 판매알선업,비금속제 창살 판매알선업,비금속제 방충망 판매알선업,비금속제 창문부속품 판매알선업,비금속제 문 및 창문 스크린 판매알선업,금속제 창문 판매대행업,금속제 문틀 판매대행업,금속제 창살 판매대행업,창문용 금속제 부속품 판매대행업,건축용 유리 판매대행업,비금속제 창 판매대행업,비금속제 창틀 판매대행업,비금속제 창살 판매대행업,비금속제 방충망 판매대행업,비금속제 창문부속품 판매대행업,비금속제 문 및 창문 스크린 판매대행업,

[Class 37] 유리공사업,아파트건축업,전문공사업,주택건축업,창호공사업,파이프라인설치공사업,타일공사업,칸막이 공사업,문/창문 설치업,실내장식업,실내장식용품 수선업,

- Reproduction of the mark:

VITRO

\* Goods/Services of the proposed mark refused under this ground:

[Class 06] All the designated goods.

[Class 09] Electric cables, wires, electric conductors and electric connection fittings for related connections and switches; illumination regulators; electrical components, included in this class, namely switches, resistors, batteries, plugs, sockets, plug connectors; parts of the aforesaid articles; electric wires; ducting for electric cables; starter motors for fluorescent tubes namely, starters for fluorescent lights; cable junctions for electric cable, junction boxes for electric wires, fuse boxes, energy distribution installations, namely installations for the distribution of electricity to lamps and sockets; electric power distribution machines, lighting control installations for turning lights on and off, reducing brightness of lamps, lighting control apparatus, electronic installations for reducing the consumption of lamps, power regulators, transformers.

[Class 19] All the designated goods.

[Class 20] All the designated goods.

☐ Information concerning the earlier mark (2)

- Filing number : 4119940009168

- Filing date : 15/11/1994

- Korean registration number : 4100338850000

- Korean registration date : 24/12/1996

- Name and address of the owner : HAK SAN TRADING CO., LTD.

50, Noksansandan 382-ro 14beon-gil, Gangseo-gu, Busan Republic of Korea

- Goods/services :

[Class 35] 수출입업무대행업, 신발류 판매알선업, 신발류 판매대행업,

[Class 36] 오피업, 신발류 상품중개업, 무역중개업, 백화점관리업,

[Class 42] 광고디자인업,

- Reproduction of the mark:

VITRO

\* Goods/Services of the proposed mark refused under this ground:

[Class 42] Architectural services; industrial design; design of packaging; interior design services; services of an interior decorator; technical project study; technical design and planning of lighting apparatus, installations and concepts; lighting engineering services; lighting planning; drafting of lighting installations.

☐ Information concerning the earlier mark (3)

- Filing number : 4120060024576
- Filing date : 28/09/2006
- Korean registration number : 4101509250000
- Korean registration date : 04/07/2007
- Name and address of the owner : ACROTECH CO., LTD.  
62-1, Annyeongbuk-gil, Hwaseong-si, Gyeonggi-do Republic of Korea
- Goods/services :

[Class 35] 간행물광고업,광고 또는 판매촉진시범업,광고기획업,광고대행업,광고문작성업,광고물배포업,광고물출판업,광고알선업,광고자료대여업,광고자료업데이팅업,광고장소임대업,광고판임대업,기업선전홍보업,라디오광고업,벽보부착업,상업적또는광고목적의무역박람회조직업,상업적또는광고목적의전시회조직업,상품견본배포업,영화광고업,옥외광고업,우편광고업,우편주문에의한광고업,텔레비전광고업,판촉대행업,컴퓨터 네트워크상의 온라인광고업,통신매체상의 광고시간 임대업,

- Reproduction of the mark:

**BITRO**

\* Goods/Services of the proposed mark refused under this ground:

[Class 35] Shop window and shop dressing for advertising purposes; consultancy in business management consultancy for shops and shop window dressing.

☐ Information concerning the earlier mark (4)

- Filing number : 4520110004137
- Filing date : 16/09/2011
- Korean registration number : 4500427430000
- Korean registration date : 17/12/2012
- Name and address of the owner : LG Hausys, Ltd.  
10, Gukjegeumyung-ro, Yeongdeungpo-gu, Seoul Republic of Korea
- Goods/services :

[Class 06] 금속제 창문,금속제 미늘살 창문,금속제 창문고정구,금속제 창문도르레,금속제 창문잠금쇠,금속제 창문틀,금속제 창살,금속제 창호시스템유닛,금속제 문,금속제 문고정기,금속제 문부속품,금속제 문틀,금속제 비전기식 문닫힘장치,금속제 빗장,금속제 손잡이,금속제 시트파일,금속제 여닫이창,금속제 파이프제품{건축 또는 구축전용},금속제 플로어힌지,금속제 회전문개폐기,알루미늄 창틀[알루미늄 새시],창문새시용 금속제 부속품,창문용 금속제 부속품,창문용 철제부품,창문틀용 활차,금속제 빗자루 손잡이,금광석,금속제 간판,금속제 기념패,금속제 풍력작동식 새되치기,금속제 사다리,금속제 저금통,금속제 통,금속제 마개,금속제 가구 부속품,구두훔털이용 금속매트,금속제 관(棺) 부속품,지팡이용 금속제 페룰[지팡이용 금속제 테],난로용 안전철망,금속제 못,금속제 자물쇠{전기식은 제외},금속제 칼자루,바이스용 금속제 조임구,금속제 줄밥(Filings),미가공 강철,미가공 또는 반가공 비철금속,땀납,건축용 금속제 타일,금속제 이동식 건축물,금속제 말뚝,수송용 금속제 팔레트,금속제 계선부표,금속제 바이스작업대,금속제 낚자루,금속제 인공어초(人工魚礁),페인트분무용 금속제 부스(Booths),비기계용 금속제 밸브,안테나선,금속제 이동식 로켓발사대,박차,금속제 버클,금속제 방충

망,일반금속제 조각품,

[Class 19] 건축용 강화유리,건축용 결정화유리,건축용 단열유리,건축용 박판유리,건축용 발광유리,건축용 방사선 차단유리,건축용 보통판유리,건축용 복층유리,건축용 색판유리,건축용 섬유유리,건축용 유리,건축용 자외선투과유리,건축용 장식유리,건축용 적외선흡수유리,건축용 절연유리,건축용 접착유리,건축용 착색유리,건축용 창유리,건축용 판(창문)유리,건축용 포말(泡沫)유리,건축용 합판유리,건축용 형판(型板)유리,스테인드글라스창,안전유리,앨러베스터(Alabaster)유리,창유리,건축용 코팅유리,건축용 모르타르,건축용 모자이크재료,건축용 비금속제 경질관(硬質管),건축용 비금속제 골조,건축용 비금속제 몰딩,건축용 비금속제 미장벽판,건축용 비금속제 방수판,건축용 비금속제 벽면라이닝,건축용 비금속제 벽외장재료,건축용 비금속제 보강재료,건축용 비금속제 판지,건축용 비금속제 패널,건축용 비금속제 포치(Porches),건축용 비금속제 표면마감재,건축용 사탕수수찌꺼기 덩어리,건축용 아스팔트,건축용 아스팔트가공된 판지,건축용 아스팔트펠트,건축용 역청제품,건축용 접착식 모르타르,건축용 종이,건축용 타르 칠한 스트립,건축용 판지,건축용 펠트,건축용 피복재,고무제 건축 또는 건축전용재료,굴뚝용 비금속제 연장부재,굴뚝용 비금속제 통풍관,난간손잡이{비금속제},도로건설용 및 포장용 재료,도로보수용 결합재료,도로용 비금속제 충돌방지장벽,도로포장용 비금속제 슬라브,도로포장용 재료,맨틀피스(Mantlepiece),목재 천장판,목재 난간,목재 서까래,목재 지붕판자,목재 징두리벽판,목재 쪽마루바닥판,발광성 포장(鋪裝)재,비금속제 갱도용 재료,비금속제 건널판,비금속제 건축 및 구축 전용재료,비금속제 건축물문,비금속제 건축재료,비금속제 격자,비금속제 계단,비금속제 계단디딤판(스텝),비금속제 교량이음용 앵커볼트,비금속제 구축물의 이음매용 연결자,비금속제 굴뚝,비금속제 굴뚝갓,비금속제 굴뚝꼭대기부분,비금속제 난간손잡이,비금속제 난간스트링거,비금속제 내화성 건축재,비금속제 덧문,비금속제 도어패널,비금속제 들보,비금속제 라스(Laths),비금속제 맨틀피스(Mantlepiece),비금속제 맨홀,비금속제 맨홀뚜껑,비금속제 목책(木柵),비금속제 문고정기,비금속제 문틀,비금속제 물받이,비금속제 물받이파이프,비금속제 물받이호통,비금속제 미늘살창문,비금속제 바닥재,비금속제 바닥판,비금속제 바리케이드,비금속제 발판,비금속제 배수관,비금속제 벽널,비금속제 벽판자,비금속제 분기관(分岐管),비금속제 상인방(上引枋),비금속제 셔터,비금속제 수도관,비금속제 수압관(水壓管),비금속제 스트링거,비금속제 슬라브,비금속제 시트파일,비금속제 양거배수관,비금속제 앵글강(鋼),비금속제 여닫이창,비금속제 울타리,비금속제 장지,비금속제 접는문,비금속제 주형{건축 또는 구축용},비금속제 지붕널판,비금속제 지붕방수판,비금속제 지붕재료,비금속제 지붕추녀,비금속제 징두리벽판,비금속제 쪽마루바닥판,비금속제 쪽마루바닥판 및 평판,비금속제 창,비금속제 창문레일,비금속제 창문손잡이,비금속제 창문틀활차,비금속제 창살,비금속제 창틀,비금속제 창호시스템유니트,비금속제 천정장식품,비금속제 천정판,비금속제 칸막이유니트,비금속제 코니스,비금속제 코니스용 몰딩,비금속제 태양전지 지붕,비금속제 토대,비금속제 회전창문개폐쇄장치,비닐제 벽널,사암관,상판(床板),석고제 건축 또는 구축전용재료,석면제 모르타르,석유피치[아스팔트],석회제 건축 또는 구축전용재료,아스팔트,아스팔트루핑페이퍼,아스팔트루핑펠트,아스팔트펠트,아스팔트포장재료,역청(瀝青),온실용 비금속제 프레임,원예용 비금속제 프레임,유성코팅재,지반용 직물,지붕슬레이트,지붕용 갈대,지붕용 역청도장재료,콘크리트용 비금속제 거푸집널,탄성실란트,플라스틱제 바닥판,플라스틱제 벽판자,플라스틱제 보안창문,합성수지화장판,환기 및 공기조절장치용 비금속제 도관,회반축퍼티,건축용 비금속제 벽타일,건축용 비금속제 타일,겉침기와,고무계타일,구운벽돌,그로그(Grog),기와,내화용 타일,내화재,마루용 비금속제 타일,목제 바닥타일,목제 타일,바닥 및 라이닝용 세라믹타일,바닥 및 외장용 세라믹타일,벽돌{시멘트제는 제외},비금

속제 타일,비닐타일,석제 기와,세라믹 기와,시멘트모르타르 기와,아스팔트타일,유리기와,유리벽돌,유리타일,점토기와,콘크리트타일,타일바닥 및 마감재용 세라믹 타일,테라코타,플라스틱타일,건축 또는 건축용 비금속광물{가공하지 않은 것에 한함},비금속제 광고기둥,구조물로 된 수족관,건축용 목재,압축된 코르크,석제 통,비금속제 기념비{석제는 제외},비금속제 기념판{석제는 제외},목재섬유강화 시멘트판,콘크리트제 건축재료,석재,인조석재,간이가옥{비금속제},비금속제 이동식 건축물,방부목재,방화목재,버팀목,비금속제 기둥,비금속제 말뚝,계선용 비금속제 부유도크,비금속제 인공어초,페인트분무용 비금속제 부스(Booths),급배수용 비금속제 밸브{플라스틱제는 제외},비금속제 로켓발사대,비금속제 방충망,석제/콘크리트제/대리석제 조각품,

[Class 20] 비금속제 경첩,비금속제 문부속품,비금속제 문손잡이,비금속제 창문부속품,비금속제 플로어힌지,플라스틱제 경첩{건축물용},비금속제 문 및 창문 스크린,비금속제 빗자루 손잡이,미가공 산호,목제 또는 플라스틱제 간판,비금속제 깃대,비금속제 기념패,초목용 지지목(支持木),비금속제 사다리,뜨개틀,갈대,죽재{건축용은 제외},고리버들,미가공 또는 반가공 뿔,비금속제 용기{석제는 제외},비금속제 마개{고무제/자기제/유리제는 제외},비직물제 벽면장식,실내용 블라인드,사진틀,매트리스,베개,비금속제 관(棺) 부속품,부채,비금속제 못,비금속제 비전기식 자물쇠,비금속제 칼자루,비금속제 공구손잡이,툼질모양,반사경 타일,제도대(製圖臺),이미용 의자,운송용 비금속제 팔레트,비금속제 계선부표,비금속제 바이스작업대,비금속제 낫자루,벌집,비금속제 밸브{기계부품은 제외},총가(銃架),유아 놀이틀용 깔개,낚시바구니,플라스틱제 비자기식 열쇠,목제 조각품,마네킹,

[Class 35] 금속제 창문 도매업,금속제 문틀 도매업,금속제 창살 도매업,창문용 금속제 부속품 도매업,건축용 유리 도매업,비금속제 창 도매업,비금속제 창틀 도매업,비금속제 창살 도매업,비금속제 방충망 도매업,비금속제 창문부속품 도매업,비금속제 문 및 창문 스크린 도매업,금속제 창문 소매업,금속제 문틀 소매업,금속제 창살 소매업,창문용 금속제 부속품 소매업,건축용 유리 소매업,비금속제 창 소매업,비금속제 창틀 소매업,비금속제 창살 소매업,비금속제 방충망 소매업,비금속제 창문부속품 소매업,비금속제 문 및 창문 스크린 소매업,금속제 창문 판매알선업,금속제 문틀 판매알선업,금속제 창살 판매알선업,창문용 금속제 부속품 판매알선업,건축용 유리 판매알선업,비금속제 창 판매알선업,비금속제 창틀 판매알선업,비금속제 창살 판매알선업,비금속제 방충망 판매알선업,비금속제 창문부속품 판매알선업,비금속제 문 및 창문 스크린 판매알선업,금속제 창문 판매대행업,금속제 문틀 판매대행업,금속제 창살 판매대행업,창문용 금속제 부속품 판매대행업,건축용 유리 판매대행업,비금속제 창 판매대행업,비금속제 창틀 판매대행업,비금속제 창살 판매대행업,비금속제 방충망 판매대행업,비금속제 창문부속품 판매대행업,비금속제 문 및 창문 스크린 판매대행업,

[Class 37] 유리공사업,아파트건축업,전문공사업,주택건축업,창호공사업,파이프라인설치공사업,타일공사업,칸막이 공사업,문/창문 설치업,실내장식업,실내장식용품 수선업,

- Reproduction of the mark:

비트로

\* Goods/Services of the proposed mark refused under this ground:

[Class 06] All the designated goods.

[Class 09] Electric cables, wires, electric conductors and electric connection fittings for related connections and switches; illumination regulators; electrical components,



included in this class, namely switches, resistors, batteries, plugs, sockets, plug connectors; parts of the aforesaid articles; electric wires; ducting for electric cables; starter motors for fluorescent tubes namely, starters for fluorescent lights; cable junctions for electric cable, junction boxes for electric wires, fuse boxes, energy distribution installations, namely installations for the distribution of electricity to lamps and sockets; electric power distribution machines, lighting control installations for turning lights on and off, reducing brightness of lamps, lighting control apparatus, electronic installations for reducing the consumption of lamps, power regulators, transformers.

[Class 19] All the designated goods.

[Class 20] All the designated goods.

(Ground 2)

The proposed mark is similar to another registered mark (see below), which was applied for registration before the priority date of the proposed mark, and because 'some' of the designated goods of the proposed mark are similar to those of the earlier marks. Previous Korean Trademark Act(before the revision under No. 14033 of the Act on February 29, 2016), Article 8(1).

In this case, the proposed mark “**VITRA**” is similar – in sound – to the earlier mark presented below.

However, this ground for refusal could be reviewed if the applicant deletes the refused goods/services listed below (the underlined goods/services).

However, this reason for refusal could be overcome if the applicant deletes the above-mentioned goods/services, or if another person's pending application is abandoned, withdrawn, invalidated or finally decided to be refused.

☐ Information concerning the earlier mark

– Filing number : 4020150013040

– Filing date : 17/02/2015

– Name and address of the owner : D&M Technology Co., Ltd.

302Dong-No.327, Garam Building,1443, Jungang-ro, Ilsanseo-gu, Goyang-si, Gyeonggi-do, Korea

– Goods/services :

[Class 09] 디지털비디오카메라,무선 CCTV카메라,무인감시용 CCTV 카메라,비디오카메라(캠코더), 사진기구용 케이스,자동차용 캠코더,차량용 블랙박스 카메라,차량용 카메라,차량용 후방카메라,카메라,카메라/디지털 카메라용 스트랩,카메라용 리모컨,카메라용 뷰파인더, 캠코더,캠코더 거치대,캠코더용 스탠드,캠코더용 케이스,화상카메라,PDA용 충전기,USB 충전기,USB자동차충전기,모바일 전기통신기기용 배터리 충전기,무선충전기,스마트폰용 충전기,

– Reproduction of the mark:



\* Goods/Services of the proposed mark refused under this ground:

[Class 09] Electric cables, wires, electric conductors and electric connection fittings for related connections and switches; illumination regulators; electrical components, included in this class, namely switches, resistors, batteries, plugs, sockets, plug connectors; parts of the aforesaid articles; electric wires; ducting for electric cables; starter motors for fluorescent tubes namely, starters for fluorescent lights; cable junctions for electric cable, junction boxes for electric wires, fuse boxes, energy distribution installations, namely installations for the distribution of electricity to lamps and sockets; electric power distribution machines, lighting control installations for turning lights on and off, reducing brightness of lamps, lighting control apparatus, electronic installations for reducing the consumption of lamps, power regulators, transformers.

(Ground 3)

The identification of 'some' designated goods/services, which are listed below (the underlined goods/services), is not specific or is too broad a definition to accept. Previous Korean Trademark Act(before the revision under No. 14033 of the Act on February 29, 2016), Article 10(1).

However, this reason for refusal could be reviewed if the applicant amends (or deletes) the identification to specify the definite commercial name for the goods/services, or, if there is no commercial name for the goods/services, to describe them and their intended use definitely, as is shown in <Examples> below:

<Broad/Vague identification>

[Class 09] Electric cables, wires, electric conductors and electric connection fittings for related connections and switches; illumination regulators; electrical components, included in this class, namely switches, resistors, batteries, plugs, sockets, plug connectors; parts of the aforesaid articles; electric wires; ducting for electric cables; starter motors for fluorescent tubes namely, starters for fluorescent lights; cable junctions for electric cable, junction boxes for electric wires, fuse boxes, energy distribution installations, namely installations for the distribution of electricity to lamps and sockets; electric power distribution machines, lighting control installations for turning lights on and off, reducing brightness of lamps, lighting control apparatus, electronic installations for reducing the consumption of lamps, power regulators, transformers.

[Class 20] Furniture, in particular showcases; shelf supports (furniture); curtain rods and rods for clothing (parts of furniture); furniture shelves, in particular for shops and display stands; furniture shelves, nonmetal shelf brackets, in particular nonmetal shelf brackets with hanging fittings in the nature of hooks, support arms and shelving for clothes shops, nonmetal tray holders and bars of metal

for clothing, namely, clothes bars; display panels for indicating price and size, in particular free-standing panel units for exhibitions, displays and partitioning included in this class; angled tables, in particular for shops, building elements (furniture) for display stands window, decorations and sales stores; lower tray parts and separating walls not of metal, in particular for shop fittings; display boards of wood or plastic; all the aforesaid goods included in this class; tray holders and bars of metal for clothing namely, clothes bars; lower tray parts of metal, for fitting purposes; deflection mirrors.

<Examples>

[Class 09] electronic installations for reducing the consumption of lamps; → electromagnetic switches for reducing the consumption of lamps; etc.

[Class 20] lower tray parts of metal, for fitting purposes; → fastening anchors for fitting purposes; etc.

☞ Please note that, while an application may be amended to clarify or limit the identification, addition to the identification is not permitted. Therefore, the applicant may not amend to include any goods that are not within the scope of the goods and services recited in the present identification. Previous Korean Trademark Act(before the revision under No. 14033 of the Act on February 29, 2016), Article 14(1), 16(1).

Upon amendment, the examiner may issue another notification of provisional refusal if he finds new grounds for refusal.

10. Official Seal or Signature by the Office:

KIPO Examiner JEONG, Dong Jae 

<< 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 5306 or Fax: (82) (42) 472 3507

# Extract from the Korean Trademark Act

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

## Article 3 Persons Entitled to Register a Trademark

A person who uses or intends to use a trademark in the Republic of Korea is entitled to trademark registration; however, employees of the Korean Intellectual Property Office or employees of the Intellectual Property Tribunal are not entitled to register trademarks during their employment at the office or tribunal except in the case of inheritance or a bequest.

## 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 6 Requirements for Trademark Registration

(1) Trademark registration may be obtained except any of the following cases:

(i) where the trademark consists solely of a mark indicating, in a common way, the usual name of the goods;

(ii) where the trademark is customarily used on the goods;

(iii) where the trademark consists solely of a mark indicating, in a common way, the place of production, quality, raw materials, efficacy, use, quantity, shape (including the shape of the packaging), price, production method, processing method, usage or using time of the goods;

(iv) where the trademark consists solely of a conspicuous geographical name, an abbreviation of it or a map;

(v) where the trademark consists solely of a mark indicating, in a common way, a common surname or a title;

(vi) where the trademark consists solely of a simple and commonplace mark; or

(vii) in addition to the cases mentioned in sub-paragraphs (i) to (vi) of this Article, where the trademark does not enable consumers to discriminate whose goods are indicated.

(2) Notwithstanding a trademark falls under paragraphs (1)(iii) to (vi) of this Article, where the trademark has become, as a result of using it before the application for registration under Article 9 of this Act, especially recognized by consumers whose goods are indicated, it may be registered for the designated goods (i.e. designated goods and supplementary designated goods as defined in Articles 10(1) and 47(2) (iii) of this Act. The same shall apply hereinafter.) on which the trademark has been used;

(3) Notwithstanding a mark falls under paragraph (1)(iii) (restricted to 'the place of production') or (1)(iv) of this Article, where the mark is a geographical indication on specific goods, it may be registered as a collective mark for a geographical indication for the designated goods on which the geographical indication has been used.

## Article 7 Unregistrable Trademarks

(1) Notwithstanding Article 6, trademark registration may not be obtained in any of the following cases:

(i) trademarks that are identical or similar to the following: the national flag, the national emblem, military flags, medals, decorations or badges of the Republic of Korea; the national flags or emblems of foreign countries; the medals, decorations or badges of the countries of the union of the Paris Convention for the Protection of Intellectual Property (hereinafter referred to as 'the Paris Convention'), the

members of the World Trade Organization or the contracting parties to the Trademark Law Treaty; the names or marks of the Red Cross, Olympic organizations or other well-known international organizations; seals or signs that are used for supervision or certification by the Republic of Korea, the countries of the union of the Paris Convention, the members of the World Trade Organization, the contracting parties to the Trademark Law Treaty or the public organizations of these;

(ii) trademarks that falsely indicate a connection with, or that criticize, insult or are liable to defame any nation, race, ethnic group, public organization, religion or well-known deceased person;

(iii) trademarks that are identical or similar to well-known marks that indicate nonprofit businesses of a nation, a public organization or its agencies or a public corporation, or that indicate nonprofit public services; However, this provision does not apply where the nation, the public organization or its agencies, the public corporation or the body of nonprofit public services applies to register its own marks;

(iv) trademarks that are liable to disturb public order or morality;

(v) trademarks comprising a mark that is identical or similar to a medal, certificate of merit or decoration awarded at an exhibition held

by or with the authorization of the government of the Republic of Korea or of the government of a foreign country; However, this provision does not apply where the person who has been awarded the medal, certificate of merit or decoration use it as part of the trademark on the goods for which the medal, certificate of merit or decoration was awarded at the exhibition;

(vi) trademarks containing the name, title, trade name, portrait, signature, seal, literary name, stage name, pen name or an abbreviation thereof of a well-known person, unless the consent of the person concerned has been obtained;

(vii) trademarks that are identical or similar to another person's registered trademark (excluding a registered collective mark for a geographical indication) when the former are applied for registration after the latter has been registered and when the former are to be used on goods that are identical or similar to the designated goods of the latter;

(vii<sup>bis</sup>) trademarks that are identical or similar to another person's registered collective mark for a geographical indication when the former are applied for registration after the latter has been registered and when the former are to be used on goods that are identical with the designated goods of the latter;

(viii) trademarks that are identical or similar to another person's registered trademark (excluding a registered collective mark for a geographical indication) when not more than a year has elapsed since the date on which the latter trademark right expired (that is, in case of a trial decision invalidating a trademark registration, the date on which the trial decision became final) and when the former are to be used on goods that are identical or similar to the designated goods of the latter;

(viii<sup>bis</sup>) trademarks that are identical or similar to another person's registered collective mark for a geographical indication when not more than a year has elapsed since the date on which the right of the registered collective mark for a geographical indication expired (that is, in case of a trial decision invalidating the registration of a collective mark for a geographical indication, the date on which the trial decision became final) and when the former are to be used on goods that are identical with the designated goods of the latter;

(ix) trademarks that are identical or similar to a trademark (excluding a geographical indication) that is especially recognized among consumers as to indicate the other person's goods, when the former are to be used on goods that are identical or similar to those of the person;

(ix<sup>bis</sup>) trademarks that are identical or similar to another person's geographical indication that is especially recognized among consumers as to indicate a certain region's goods, when the trademarks are to be used on goods that are identical with those using the geographical indication;

(x) trademarks that are liable to cause confusion with the goods or services of another person's that are especially recognized among consumers;

(xi) trademarks that are liable to mislead or deceive consumers on the quality of the goods;

(xii) trademarks that are identical or similar to a trademark that is especially recognized among consumers inside or outside the Republic of Korea as to indicate the goods of a particular person, and that are used with unjust purposes such as to obtain unfair profits or to inflict harm on that person;

(xii<sup>bis</sup>) trademarks that are identical or similar to a geographical indication that is especially recognized among consumers inside or outside the Republic of Korea as to indicate the goods of a certain region, and that are used with unjust purposes such as to obtain unfair profits or to inflict harm on the legitimate users of that geographical indication;

(xiii) trademarks that consist solely of three-dimensional shapes which are essential for securing the functions of goods to be registered or their packaging;

(x iv) trademarks that consist of, or include, a geographical indication of the origin of wines or spirits in a member state of the World Trade Organization, to be used on wines, spirits or the like; However, this provision does not apply where a legitimate user of a geographical indication applies to register a collective mark for the geographical indication designating the relevant goods under Article 9(3) of this Act.

(x v). Any trademark which is identical or similar to a name of varieties registered pursuant to Article 109 of the Act on the Protection of New Varieties of Plants, and which is to be used for goods identical or similar to such name of varieties;

(x vi). Any trademark which is identical or similar to another person's geographical indication registered pursuant to Article 32 of the Agricultural and Marine Products Quality Control Act, and which is to be used for goods identical or recognized as identical to the goods using such geographical indications;

(x vii). Any trademark which is identical or similar to another person's geographical indication protected pursuant to free trade agreements that have been concluded between the Republic of Korea and foreign countries in a bilateral or multilateral manner and come into effect, or any trademark which consists of or contains such geographical indications and is to be used for goods identical or recognized as identical to the goods using such geographical indications;

(x viii). Any trademark, identical or similar to another person's trademark, which has been applied for registration for the identical or similar goods in the knowledge, through contractual relations such as partnership and employment, business relations, or other relations, that the trademark is being used or prepared for use by such person.

(2) Paragraph (1)(vi), (vii), (vii<sup>bis</sup>), (viii), (viii<sup>bis</sup>), (ix), (ix<sup>bis</sup>), and (x) shall apply to relevant trademarks at the time of an application for trademark registration: Provided, That whether an applicant for trademark registration (hereinafter referred to as "applicant") corresponds to a person under the relevant provision shall be determined at the time of a decision on whether to grant or reject trademark registration (hereinafter referred to as "decision on whether to grant or reject trademark registration").

(3) Where a requester for a trial for revocation of trademark registration on the ground of Article 73(1)(iii) is identical to an applicant of such trademark registration, any of the following subparagraphs applies after the date of request for a trial for such revocation, whether the relevant application for trademark registration falls under paragraph (1)(vii), (vii<sup>bis</sup>), (viii) or (viii<sup>bis</sup>) shall be determined at the time of a decision on whether to grant or reject trademark registration, notwithstanding the main sentence of paragraph (2)

(i) Where a period under the proviso to Article 43 (2) elapses;

(ii) Where a trademark rights holder relinquishes all of his/her trademark rights or some of designated goods under Article 59;

(iii) Where a trial decision on revocation of trademark registration under Article 73(1)(iii) becomes final and conclusive.

(4) Paragraph (1) (viii) and (viii<sup>bis</sup>) shall not apply to any of the following cases:

(i) Where a registered trademark has not been used for one year or more retrospectively after trademark rights became invalid;

(ii) Where an appropriate applicant applies for trademark registration, after a trial decision on invalidation or revocation becomes final and conclusive by reason that a registered trademark violates the provision of paragraph (1) (vi), (ix), (ix<sup>bis</sup>), (x), (xi), (xii) and (xii<sup>bis</sup>) of this Article or Article 8 or 73(1)(vii);

(iii) Where an application for trademark registration is made after the period of six months under the proviso to Article 43 (2) expires without any application for the registration for renewal of the duration of registered trademark rights;

(iv) Where a trademark subject to registration contains a mark identical or similar to a registered trademark for which a trial for revocation under Article 73(1)(iii) has been requested;

(v) Deleted.

(5) Where a trial for revocation of trademark registration is requested on the grounds that it falls under Article 73(1) (ii), (iii) and (v) through (xiii), and any of the following subparagraphs applies after the date of request for such trial, neither the trademark rights holder nor any person who uses the trademark may apply for the registration of trademarks identical or similar to an extinguished trademark for goods identical or similar to the designated goods (in cases of a geographical collective mark, referring to goods identical or recognized as identical to the designated goods) unless they make an application for trademark registration after three years from the date on which any of the following subparagraphs becomes applicable:

(i) Where trademark rights are extinguished due to the expiry of the duration;

(ii) Where a trademark rights holder abandons some of trademark rights or designated goods;

(iii) Where a trial decision on revocation of trademark registration becomes final and conclusive.

(6) The provisions of paragraph (1) 7-2, 8-2, and 9-2 shall not apply between homonymous geographical collective marks.

#### Article 8 First-to-File Rule

(1) Where two or more applications for registration are filed on different dates for identical or similar trademarks that are to be used on identical or similar goods, only the applicant having the earlier filing date may obtain registration for the trademark.

#### Article 10 A Single Application for a Single Trademark

(1) The person seeking to register a trademark shall file an application for each trademark, designating one or more classes of goods from the classification of goods prescribed by ordinance of the Ministry of Commerce, Industry and Energy. In this case, goods and services may be designated together in a single application.

(2) The classes of goods referred to in paragraph (1) of this Article may not be construed to decide the scope of the similarity of goods.

#### Article 23 Decision to Refuse Trademark Registration and Notification of Reasons for Refusal

(1) The examiner shall refuse trademark registration in any of the following cases:

(i) where the trademark is unregistrable under the proviso of Article 3, Articles 6 to 8, 10(1), 12(2) (second sentence), (5) and (7) to (9) of this Act or Article 25 of the Patent Act applied under Article 5 of this Act;

(ii) where the trademark violates a treaty;

(iii) where the trademark is identical or similar to a trademark registered in the territory of a country that is a party to a treaty and has been filed by a person who is an agent or a representative (or who was an agent or a representative within one year before the filing date) of the owner of the trademark, without any rightful reason such as obtaining the owner's authorization, for designated goods that are identical or similar to those of the owner's trademark. However, this provision applies only when an opposition or information under Article 22(3) of this Act has been filed by the owner;

(iv) where the trademark does not conform to the definition of a mark under Article 2(1)(i) to (iii) or (iv) of this Act; or where, in the case of a collective mark for a geographical indication, the geographical indication and the mark do not conform to the definitions of a geographical indication or a mark under paragraphs (ii<sup>bis</sup>) and (iii<sup>quater</sup>) of the Article 2(1) of this Act;

(v) where, in case of an application to register a collective mark for a geographical indication, a person, who conducts business activities such as producing, manufacturing or processing goods that are eligible for the geographical indication, is in fact prohibited from joining an association by the articles of association, or by provisions in the articles of association providing conditions for subscription that are too difficult for the person to fulfill and so on;

(vi) where the articles of association, referred to in Article 9(3) of this Act, fail to mention all or some of the provisions that govern the use of the collective mark as prescribed by Presidential Decree.

(2) When refusing trademark registration under paragraph (1) of this Article, the examiner shall notify the applicant of the reasons for refusal and give the applicant an opportunity to submit a written opinion within a designated period.

#### Article 70<sup>bis</sup> Trial against Decision of Refusal

Any person dissatisfied with a decision to refuse registration of a trademark, to refuse supplementary registration of designated goods, to refuse to renew the term of a registered trademark or to refuse registration of the reclassification of goods (hereinafter referred to as 'a decision of refusal') may file a request for trial within thirty days from the date of receiving a certified copy of the decision of refusal.

#### Article 70<sup>ter</sup> Trial against a Decision to Reject an Amendment

Any person dissatisfied with a decision to reject an amendment under Article 17(1) may file a request for trial within thirty days from the date of receiving a certified copy of the decision.

#### 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.