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

PROVISIONAL REFUSAL BASED ON AN OPPOSITION
TO THE INTERNATIONAL BUREAU OF WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)
UNDER RULE 16(1)(b) and 17(3) 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):

1406563 (11/02/2018)

3. Name and Address of the Holder:

LANDTOURER AUTOMOBILE CO., LTD
No. 1 Yuanquan Road, Shangrao Economic & Technological Development Zone Jiangxi
Province China

4. Facts about the Opposition:

An opposition against the above mentioned international registration published on the date of 11/12/2018 has been filed claiming that the international registration should not be protected in the Republic of Korea. The details concerning the opposition are as follows.

(1) Name and address of the opponent : FERRARI S.P.A. 외 1 명(이탈리아 모데나 비아 에밀리아 에스트 1163 (우편번호 : 아이-41100))

(2) Opposition period : 11/12/2018 ~ 13/03/2019

(3) Filing date of the opposition : 11/02/2019

(4) List of the goods/services on which the opposition is based :

※ Please refer to item 10

5. Goods and/or 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 affected by the ground(s) for the Provisional Refusal and to grant protection for the remaining goods/services.

6. Grounds for this Provisional Refusal:

※ Please refer to item 10

7. Provisions of the Korean Trademark Act applicable to the Grounds:

Korean Trademark Act, Article 34(1)(vii),(xii),(x iii)

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

24/04/2019(24/06/2019)

9. Guidance as to Future Procedure:

Where the holder receives this notification, he/she may submit to the KIPO, through a representative whose address is in the Republic of Korea, an answer to the opposition in writing within two months from the date on which this provisional refusal was pronounced (see item 8). Article 66(1) of the Korean Trademark Act.

Regarding the time limit, the holder may request the extension of time to submit an answer 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.


10. Details of the Provisional Refusal:

An opposition has been filed claiming that, regarding all the designated goods, this international registration should not be protected under Korean Trademark Act, Article 34(1)(vii),(xii),(x iii).


(1)

According to the opposition, the proposed mark is similar to another person's mark which was registered in the Republic of Korea prior to the International registration date of the proposed mark, and because 'all' the designated goods are related to those of the earlier mark. Korea Trademark Act, 34(1)(vii)



According to the opposition, ‘’, one of the dominant portion of the proposed mark



“” is identical with or similar to – in appearance – the earlier mark presented below.

☐ Information concerning the earlier mark (1)

- Filing number : 4019970038826
- Filing date : 14/08/1997
- Korean registration number : 4004414110000
- Korean registration date : 11/02/1999
- Name and address of the owner : FERRARI S.P.A.

Via Emilia Est, 1163 I-41100 MODENA Italy

- List of the goods/services on which the opposition is based :

[Class 11] 자동차용 에어컨디셔너, 자동차용 히터, 자동차용 헤드라이트,

[Class 12] 승용차, 경주용 모터자동차, 자동차용 엔진, 자동차용 변속기어, 자동차용 제동기, 자동차용 변속기, 자동차 차체, 자동차 좌석, 자동차 차대버팅장치, 자동차용 펜더, 자동차용 고무벨트, 자동차용 범퍼, 자동차용 연료펌프, 자동차용 윤활유펌프, 자동차용 냉각액펌프, 자동차 클러치, 자동차용 조향핸들, 자동차 배기관,



- Reproduction of the mark:

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

□ Information concerning the earlier mark (2)

- Filing number : 4520030004135
- Filing date : 18/11/2003
- Korean registration number : 4500137540000
- Korean registration date : 21/09/2005
- Name and address of the owner : FERRARI S.P.A.

Via Emilia Est, 1163 I-41100 MODENA Italy

- List of the goods/services on which the opposition is based :

- [Class 03] 향수 (perfumes),오드또왈렛 (eau de toilette),인체용에센셜오일 (essential oils for personal use),애프터셰이브로션(after shave lotions),신체용 방취제 (personal deodorants),샴푸 (shampoos),면도용 비누,물비누,방취비누,크림비누, 화장비누,샤워겔 (shower gel),
- [Class 06] 열쇠용 금속제 고리(metal rings for key),금속제 열쇠케이스(metal key cases),금속제 환약상자 (metal pill boxes),금속제핀,금속제 배지,금속제 꼬리표,금속제 기념컵(pins, badges,metal tags and table trophies),
- [Class 09] 안경알 (eyeglasses),선글라스 (sun-glasses),방현안경(anti-glare glasses),보안경 (protective glasses),안전용 안경(safety glasses),자동차운전자 및 오토바이 운전자용 보호헬멧(safety helmets for motorists and motorcyclists),자동차경주와 지원자의 경력이 수록되어 있는 비디오 카세트,자동차경주와 지원자의 경력이 수록되어 있는 시디롬 (video cassettesand CD-Roms featuring car races and history of the applicant),텔레비전 수상기 전용 오락기구 및 게임기 (amusement apparatusand games adapted for use with television receivers only),텔레비전에 부착된 비디오 출력 게임기 (video output gamemachines for use with television),컴퓨터 게임 카트리지(computer game cartridges),비디오 게임 카트리지 (video gamecartridges),컴퓨터 게임 카세트 (computer game cassettes),컴퓨터 게임기 (computer game equipment),기억장치 (memorydevices),디스크(기억장치가 포함된 컴퓨터 게임기구의 일종임 -computer game equipments containing memory devices, namelydiscs),컴퓨터 게임 프로그램 (computer game programs),자동 및동전작동식 기계에 사용되는 비디오게임용 컴퓨터 소프트웨어(computer software for video games to be used in connectionwith automatic and coin operated machines),컴퓨터 화면보호기용 소프트웨어 (computer screen savers software),마우스패드 (mouse pads),컴퓨터 마우스 (computer mice),데스크탑 컴퓨터,노트북 컴퓨터,랩탑 컴퓨터 (desktops,notebooks, laptop computers),휴대용 컴퓨터 (portablecomputers),휴대용 컴퓨터용 카드 (cards for portablecomputers),퍼스널 컴퓨터 (personal computers),컴퓨터 키보드(keyboards),태블릿 컴퓨터 (tablet Pcs),컴퓨터 모니터 (computer monitors),컴퓨터 프린터 (printers),노트북 컴퓨터용배터리 가방 및 케이스 (bags and cases for computer batteriesfor notebook computers),개인휴대정보단말기 (personal digitalassistants),오거나이저 (organizers),디지털 음성녹음기(digital voice recorders),카메라 (cameras),디지털 카메라(digital cameras),디지털 비디오 카메라 (digital videocameras),디지털 프로젝터 (digital projectors),줌렌즈 (zoomlens),스캐너 (scanners),사진인화기 (photo printers),하이파이 시스템 (hi-fi systems),텔레비전 (TV sets),LCD텔레비전 (liquid crystal

display TV),CD 플레이어 (CDplayers),DVD 플레이어 (digital video disc players),기압계(barometers),영사장치용 기압계 (barometers with projection devices),전자언어번역기 (electronic language translators),전자타임기 (electronic time and date devices),원격측정기(remote sensors),무선 기상관측기 (wireless weather stations),디지털 스크린 경보기 (digital screen alarms),비의료용 온도계(thermometers),LCD용 습도 및 기압 모니터장치 (humidity and atmosphere pressure monitors with liquid crystal displays),무선전화기 모델 (cordless phones models),전화기 (telephones),휴대전화기 (cellular phones),휴대전화기용 마스크 (cellular masks),휴대전화기용 핸드프리 장치 (cellular phone hands-free kits),휴대전화기용 헤드셋 (head sets for cellular phones),카레이서용 보호방화피복 (fireproof automobile racing suits for safety purpose),

[Class 12] 승합차(passenger cars),밴(vans),캐러밴(caravans),캠핑카(camping cars),승용차 (motor cars, automobiles),스포츠카 (sport cars),컨버터블 카 (convertible cars),오토바이용 벨 (autocycle bells),자동차 안전장치용 에어백 (airbags-safety devices for automobiles),자동차 엔진용 후드 (car engine hoods),자동차용 경적 (car horns),자동차용 공기펌프(car air pumps),자동차용 도난방지경보기 (anti-theft alarms for automobiles),자동차용 방향지시기 (direction indicators for automobiles),자동차용 백미러 (rear-view mirrors for vehicles),자동차용 범퍼 (bumpers for automobiles),자동차용 본체 (automobile bodies),자동차용 샤시 (automobile chassis),자동차용 좌석 (seats for automobiles),자동차 좌석용 안전 벨트(safety belts for automobiles),자동차용 내연엔진 (internal combustion engines for motor cars),자동차용 트랜스미션,자동차용 서스펜션,자동차용 디스크 브레이크 (disc brakes for motor cars),자동차용 밴드브레이크 (band brakes for motor cars),자동차용 브레이크 라이닝 (brake linings for motor cars),자동차용 브레이크 슈 (brake shoes for motor cars),자동차용 블록 브레이크 (block brakes for motor cars),자동차용 차체(body work for motor cars),모터바이크 (motorbikes),자전거(bicycles),

[Class 14] 팔목시계 (wrist watch),회중시계 (pocket watch),벽시계 (wall clock),탁상시계 (table clock),전기시계 (electric time-piece),전자시계(electronic time-piece),원자시계 (atomic time-piece),측정용 시계 (measuring watch),스톱워치 (stopwatches),크로노미터(chronometric instruments),크로노미터(시계로 사용됨),크로노그래프(시계로 사용됨 -chronometers and chronographs for use as watches),귀금속제 핀(pins of precious metals),장식핀 (ornamental pins),넥타이핀(tie pins),커프스단추 (cuff-links),자명종 (alarm clocks),디지털 자명종 (digital alarm clocks),

[Class 16] 만년필,볼펜,연필,크레용,필기구용 케이스 및 상자 (cases and boxes for writing instruments),비직물제 접착라벨 (adhesive labels),스티커 (stickers),종이제 기 (flags made from papers),달력 (calendars),카탈로그 (catalogues),브로셔 (brochures),소책자 (booklets),비귀금속제 펜홀더 (pen-holders not in precious metal),종이 자르는 칼 (paper cutters),카드 및 서류용 서류폴더 (document folders for cards and documents),앨범 (albums),신문 (newspapers),정기간행물 (periodicals),서적 (books),사진인쇄물 (photographic prints),포스터(posters),티켓 홀더 (ticket holders),엽서 (postcards),공책,스케치북,스크랩북,제도용 패드,필통,고무지우개 (rubbers),직각자 (squares),판지제 상자 (cardboard boxes),비망록(agenda),메모용지 (notepapers),사진앨범 (photo albums),연하장 (greeting

- cards),포장지 (wrapping papers),연필깎기(pencil sharpeners),소형칠판 (small blackboards),메모장(note pads),스탬프 (stamps),
- [Class 18] 여행용 트렁크 (trunks for travelling),슈트케이스 (suitcases),여행가방 (travelling bags),가죽제 열쇠케이스 (leatherkey holders),가죽제 열쇠고리 (leather key rings),우산(umbrellas),소형서류가방 (attache cases),서류가방(briefcases),가죽제 슈트홀더 (leather suit holders),지갑(wallets, purses),가죽제 카드케이스,가죽제 서류케이스 (cardholders and document holders all of skin or leather),가죽제 CD 홀더 (CD holders made of leather),도구 상자용 가방(necessaries),배낭 (rucksacks),벨트가방 (belt bags),
- [Class 20] 옷걸이,우산걸이,의자,책꽂이,테이프꽂이,의자 (chairs),소파 (sofas),오토만 베개 (ottoman pillows),거울 (mirrors),사진틀 (picture frames),
- [Class 21] 보온병 (thermos),물통 (water bottles),커피세트 (비귀금속제커피잔, 비귀금속제 받침접시로 구성됨 - coffee set consisting of coffee cups and coffee saucer), 비귀금속제 접시,비귀금속제커피잔 (coffee cups not of precious metal),비귀금속제 찻잔(tea cups not of precious metal),비귀금속제 달걀컵 (egg cups not of precious metal),비귀금속제 와인컵 (wine cups not of precious metal),유리컵 (glass cup),플라스틱제 컵 (cup of plastics),비귀금속제 머그컵,비귀금속제 받침 접시,비귀금속제대접,비귀금속제 화병,비귀금속제 서빙접시 (plates, mugs,saucers, bowls, vases and serving platters not of precious metal),비누 갑 (soap boxes),비누 디스펜서 (soap dispensers),면도용 솔 (shaving brushes),화장용 솔 (cosmetic brushes),머리솔 (hair brushes),빗 (combs),빗케 이스 (comb cases),가정용 스펀지 (sponges for household purposes),화장용 스펀지(sponges for cosmetic purposes),때밀이용 스펀지 (bathing sponges),
- [Class 24] 침대 시트 (bed sheets),모포 (blankets),두벳커버 (duvet covers),베개케이스 (pillow cases),베갯잇 (pillow shams),침대커버 (bed shams),침대 덮개 (bed spreads),샤워커튼(shower curtains),목욕타월 (bath towels),직물제 수건 (towel of textile),비치타월 (beach towels),직물제 냅킨 (napkins of textile),직물 제 식탁보 (fabric tablecloths),
- [Class 25] 카레이서복 (automobile racing suits),티셔츠 (T-shirts),스웨트셔츠 (sweat shirts),폴로셔츠 (polo-shirts),타이(ties),모자 (caps),오버롤 (overalls),방풍자켓 (windresistant jackets),방수자켓 (waterproof jackets),블레이저(blazers),풀오버 (pullovers),코트 (coats),로브 (robes),스카프 (scarves),구두 (shoes),부츠 (boots),스웨터(sweaters),스포츠셔츠,양복바지 (trousers),허대(belts),레인코트 (raincoats),트럭슈트 (truck suits),반바지(shorts),방한용 장갑 (winter gloves), 운전용 장갑 (driving gloves),방어리장갑(mittens),파자마 (pyjamas),슬리퍼 (slippers),수영복 (swimming costumes),
- [Class 26] 비귀금속제 핀 (pins not of precious metals),단추 (buttons),
- [Class 28] 아케이드 게임기 (arcade game machines),조립세트로 판매되는 완구용 모형승용 차 (model cars-toys or playthings-for sale in an assembly kit form),장난감 모 형차 (toy model vehicles),자동차 및 기타 수송기구를 복제한 장난감 모형 세트 (toy collection models reproducing automobiles and other vehicles),장난감 건 물 (construction toys),장난감 건물 세트 (toy construction kits),마스코트인형 (mascot dolls),바비인형(Barbie),인형용 피복 (dolls clothing),인형용 악세사리 (accessories for dolls),소프트 펠트제 완구 (soft felt toys),장난감차 트랙 (toy vehicle tracks),장식/오락/전시용실물크기의 비작동 장난감 자동차 복제품 (toy

real size non-operating replicas of automobiles for ornament, entertainment and exhibition purposes), 게임용 퍼즐 (game puzzles), 전자게임오락기 (TV수상기에 부착되는 오락기계는 제외- electric games and amusement apparatus other than for use with television receivers), 휴대용 비디오게임기 (hand held video game machines), 테니스 가방 (tennis bags), 골프가방 (golf bags), 골프용 파우치 (golf pouches), 골프장갑 (golf clubs), 트럼프 (playing cards),

[Class 35] 화장품의 소매용 판매알선업, 신체관리용품의 소매용 판매알선업, 향수의 소매용 판매알선업, 열쇠고리의 소매용 판매알선업, 핀의 소매용 판매알선업, 배지의 소매용 판매알선업, 태그의 소매용 판매알선업, 트로피의 소매용 판매알선업, 일반금속제 예술작품의 소매용 판매알선업, 차부품용 일반금속제 장식품의 소매용 판매알선업, 안경류의 소매용 판매알선업, 보호헬멧의 소매용 판매알선업, 비디오의 소매용 판매알선업, 전화기의 소매용 판매알선업, 휴대전화기의 소매용 판매알선업, 휴대전화기용 마스크의 소매용 판매알선업, 휴대전화기용 핸드프리세트의 소매용 판매알선업, 시디롬의 소매용 판매알선업, 컴퓨터게임 및 비디오게임의 소매용 판매알선업, 컴퓨터소프트웨어의 소매용 판매알선업, 화면보호기의 소매용 판매알선업, 컴퓨터마우스의 소매용 판매알선업, 마우스패드의 소매용 판매알선업, 휴대용 컴퓨터의 소매용 판매알선업, 랩탑 컴퓨터의 소매용 판매알선업, 프린터의 소매용 판매알선업, 디지털 디스플레이용 기압계의 소매용 판매알선업, 무선기상관측기의 소매용 판매알선업, 개인 휴대정보단말기의 소매용 판매알선업, 번역기의 소매용 판매알선업, 음성 및 영상의 기록/전송 및 재생 장치의 소매용 판매알선업, 텔레비전의 소매용 판매알선업, 하이-파이의 소매용 판매알선업, 카메라의 소매용 판매알선업, 디지털 카메라의 소매용 판매알선업, 디지털 프로젝터의 소매용 판매알선업, 시계기계기구의 소매용 판매알선업, 보석의 소매용 판매알선업, 종이의 소매용 판매알선업, 판지의 소매용 판매알선업, 종이제품 및 판지제품의 소매용 판매알선업, 인쇄물의 소매용 판매알선업, 문구류의 소매용 판매알선업, 달력의 소매용 판매알선업, 기의 소매용 판매알선업, 스티커의 소매용 판매알선업, 접착라벨의 소매용 판매알선업, 장식용 대형사진의 소매용 판매알선업, 석판인쇄물의 소매용 판매알선업, 포스터의 소매용 판매알선업, 엽서의 소매용 판매알선업, 연하장의 소매용 판매알선업, 필기도구 및 회화도구의 소매용 판매알선업, 가족제품의 소매용 판매알선업, 서류가방의 소매용 판매알선업, 지갑의 소매용 판매알선업, 배낭의 소매용 판매알선업, 가방의 소매용 판매알선업, 벨트가방의 소매용 판매알선업, 직물제품의 소매용 판매알선업, 의류의 소매용 판매알선업, 신발의 소매용 판매알선업, 모자의 소매용 판매알선업, 장식핀의 소매용 판매알선업, 머그컵의 소매용 판매알선업, 완구의 소매용 판매알선업, 오락용구의 소매용 판매알선업, 운동용품의 소매용 판매알선업, 재떨이의 소매용 판매알선업,

[Class 37] 자동차수리업, 자동차관리업 (services for the repair and maintenance of motor vehicles),

[Class 41] 자동차경주성격의 스포츠오락용 자동차경주전시회조직업 (organizing automobile racing exhibitions for sporting purposes entertainment in the nature of automobile races), 자동차 분야의 워크샵 및 학술대회 조직업 (organizing workshops and congresses in the field of automobiles), 자동차경주/전시회/자동차 경주 및 전시회를 다룬 테마파크의 위치에 대한 정보제공업 (automobile races and exhibitions and locations of theme parks featuring automobile races and exhibitions), 자동차 및 스포츠 자동차 운전 교습업 (sporting training services in the nature of driving automobiles and sports automobiles), 휠라리가 생산한 자동차 및 휠라리가 지원하는 레이싱팀의 매니아 클럽 조직 및 운영업

(organizing and operating clubs of enthusiasts of automobiles manufactured by Ferrari SpA and racing teams sponsored by Ferrari SpA), 클럽 회원들을 대상으로 한 해당 자동차 및 레이싱팀에 대한 정보 제공업 (furnishing information on the subject of such automobiles and racing teams to club members),



- Reproduction of the mark:

* Goods/Services of the proposed mark refused under this ground: all the designated goods/services

☐ Information concerning the earlier mark (3)

- Filing number : 4520030004133
- Filing date : 18/11/2003
- Korean registration number : 4500136730000
- Korean registration date : 13/09/2005
- Name and address of the owner : FERRARI S.P.A.

Via Emilia Est, 1163 I-41100 MODENA Italy

- List of the goods/services on which the opposition is based :

[Class 03] 향수 (perfumes), 오드또왈렛 (eau de toilette), 인체용 에센셜 오일 (essential oils for personal use), 애프터셰이브로션 (after shave lotions), 신체용 방취제 (personal deodorants), 샴푸 (shampoos), 면도용 비누, 물비누, 방취비누, 크림비누, 화장비누, 샤워겔 (shower gel),

[Class 06] 열쇠용 금속제 고리 (metal rings for key), 금속제 열쇠케이스 (metal key cases), 금속제 환약상자 (metal pill boxes), 금속제 핀 (가구 제작용 금속제 힌지, 슬라이드웨이, 기타 부품은 제외함), 금속제 식별표, 자동차 면허판용 금속제 꼬리표, 금속제 기념컵,

[Class 09] 안경알 (eyeglasses), 선글라스 (sun-glasses), 방현안경 (anti-glare glasses), 보안경 (protective glasses), 안전용 안경 (safety glasses), 자동차 운전자 및 오토바이 운전자용 보호헬멧 (safety helmets for motorists and motorcyclists), 자동차 경주와 지원자의 경력이 수록되어 있는 비디오 카세트, 자동차 경주와 지원자의 경력이 수록되어 있는 시디롬 (video cassettes and CD-Roms featuring car races and history of the applicant), 텔레비전 수상기 전용 오락기구 및 게임기 (amusement apparatus and games adapted for use with television receivers only), 텔레비전에 부착된 비디오 출력 게임기 (video output game machines for use with television), 컴퓨터 게임 카트리지 (computer game cartridges), 비디오 게임 카트리지 (video game cartridges), 컴퓨터 게임 카세트 (computer game cassettes), 컴퓨터 게임기 (computer game equipment), 기억장치 (memory devices), 디스크 (기억장치가 포함된 컴퓨터 게임기구의 일종임 - computer game equipments containing memory devices, namely discs), 컴퓨터 게임 프로그램 (computer game programs), 자동 및 동전 작동식 기계에 사용되는 비디오 게임용 컴퓨터 소프트웨어 (computer software for video games to be used in connection with automatic and coin operated machines), 컴퓨터 화면보호기용 소프트웨어 (computer screen savers software), 마우스패드 (mouse pads), 컴퓨터 마우스 (computer mice), 데스크탑 컴퓨터, 노트북 컴퓨터, 랩탑 컴퓨터

(desktops, notebooks, laptop computers), 휴대용 컴퓨터 (portable computers), 휴대용 컴퓨터용 카드 (cards for portable computers), 퍼스널 컴퓨터 (personal computers), 컴퓨터 키보드 (keyboards), 태블릿 컴퓨터 (tablet PCs), 컴퓨터 모니터 (computer monitors), 컴퓨터 프린터 (printers), 노트북 컴퓨터용 배터리 가방 및 케이스 (bags and cases for computer batteries for notebook computers), 개인 휴대정보단말기 (personal digital assistants), 오거나이저 (organizers), 디지털 음성녹음기 (digital voice recorders), 카메라 (cameras), 디지털 카메라 (digital cameras), 디지털 비디오 카메라 (digital videocameras), 디지털 프로젝터 (digital projectors), 줌렌즈 (zoomlens), 스캐너 (scanners), 사진인화기 (photo printers), 하이파이 시스템 (hi-fi systems), 텔레비전 (TV sets), LCD 텔레비전 (liquid crystal display TV), CD 플레이어 (CD players), DVD 플레이어 (digital video disc players), 기압계 (barometers), 영상장치용 기압계 (barometers with projection devices), 전자언어번역기 (electronic language translators), 전자타임기 (electronic time and date devices), 원격측정기 (remote sensors), 무선 기상관측기 (wireless weather stations), 디지털 스크린 경보기 (digital screen alarms), 비의료용 온도계 (thermometers), LCD용 습도 및 기압 모니터 장치 (humidity and atmosphere pressure monitors with liquid crystal displays), 무선전화기 모델 (cordless phones models), 전화기 (telephones), 휴대전화기 (cellular phones), 휴대전화기용 마스크 (cellular masks), 휴대전화기용 핸드프리 장치 (cellular phone hands-free kits), 휴대전화기용 헤드셋 (head sets for cellular phones), 카레이서용 보호방화피복 (fireproof automobile racing suits for safety purpose),

[Class 12] 승합차 (passenger cars), 밴 (vans), 캐러밴 (caravans), 캠핑카 (camping cars), 승용차 (motor cars, automobiles), 스포츠카 (sport cars), 컨버터블 카 (convertible cars), 오토바이용 벨 (autocycle bells), 자동차 안전장치용 에어백 (airbags-safety devices for automobiles), 자동차 엔진용 후드 (car engine hoods), 자동차용 경적 (car horns), 자동차용 공기펌프 (car air pumps), 자동차용 도난방지경보기 (anti-theft alarms for automobiles), 자동차용 방향지시기 (direction indicators for automobiles), 자동차용 백미러 (rear-view mirrors for vehicles), 자동차용 범퍼 (bumpers for automobiles), 자동차용 본체 (automobile bodies), 자동차용 샤시 (automobile chassis), 자동차용 좌석 (seats for automobiles), 자동차 좌석용 안전벨트 (safety belts for automobiles), 자동차용 내연엔진 (internal combustion engines for motor cars), 자동차용 트랜스미션, 자동차용 서스펜션, 자동차용 디스크브레이크 (disc brakes for motor cars), 자동차용 밴드브레이크 (band brakes for motor cars), 자동차용 브레이크라이닝 (brake linings for motor cars), 자동차용 브레이크슈 (brake shoes for motor cars), 자동차용 블록브레이크 (block brakes for motor cars), 자동차용 차체 (body work for motor cars), 모터바이크 (motorbikes), 자전거 (bicycles),

[Class 14] 팔목시계 (wrist watch), 회중시계 (pocket watch), 벽시계 (wall clock), 탁상시계 (table clock), 전기시계 (electric time-piece), 전자시계 (electronic time-piece), 원자시계 (atomic time-piece), 측정용 시계 (measuring watch), 스톱워치 (stopwatches), 크로노미터 (chronometric instruments), 크로노미터 (시계로 사용됨), 크로노그래프 (시계로 사용됨 - chronometers and chronographs for use as watches), 귀금속제 핀 (pins of precious metals), 장식핀 (ornamental pins), 넥타이핀 (tie pins), 커프스단추 (cuff-links), 자명종 (alarm clocks), 디지털 자명종 (digital alarm clocks),

- [Class 16] 만년필,볼펜,연필,크레용,필기구용 케이스 및 상자 (cases and boxes for writing instruments),접착라벨 (adhesive labels),스티커 (stickers),종이제 기 (flags made from papers),달력(calendars),카탈로그 (catalogues),브로셔 (brochures),소책자(booklets),비귀금속제 펜홀더 (pen-holders not in precious metal),종이 자르는 칼 (paper cutters),카드 및 서류용서류폴더 (document folders for cards and documents),앨범(albums),신문 (newspapers),정기간행물 (periodicals),서적 (books),사진인쇄물 (photographic prints),포스터 (posters),티켓 홀더 (ticket holders),엽서 (postcards),공책,스케치북,스크랩북,제도용 패드,필통,고무지우개 (rubbers),직각자(squares),판지제 상자 (cardboard boxes),비망록 (agendas),메모용지 (notepapers),사진앨범 (photo albums),연하장(greeting cards),포장지 (wrapping papers),연필깎기 (pencil sharpeners),소형칠판 (small blackboards),메모장 (note pads),스탬프 (stamps),
- [Class 18] 여행용 트렁크 (trunks for travelling),슈트케이스 (suitcases),여행가방 (travelling bags),가죽제 열쇠케이스 (leather key holders),가죽제 열쇠고리 (leather key rings),우산(umbrellas),소형서류가방 (attache cases),서류가방(briefcases),가죽제 슈트홀더 (leather suit holders),지갑(wallets, purses),가죽제 카드케이스,가죽제 서류케이스 (cardholders and document holders all of skin or leather),가죽제 CD 홀더 (CD holders made of leather),도구 상자용 가방(necessaries),배낭 (rucksacks),벨트가방 (belt bags),
- [Class 20] 옷걸이,우산걸이,책꽂이,테이프꽂이,의자 (chairs),소파(softas),오토만 베개 (ottoman pillows),거울 (mirrors),사진틀(picture frames),
- [Class 21] 보온병 (thermos),물통 (water bottles),커피세트 (비귀금속제커피잔, 비귀금속제 받침접시로 구성됨 - coffee set consisting of coffee cups and coffee saucer), 비귀금속제 접시,비귀금속제커피잔 (coffee cups not of precious metal),비귀금속제 찻잔(tea cups not of precious metal),비귀금속제 달걀컵 (egg cups not of precious metal),비귀금속제 와인컵 (wine cups not of precious metal),유리컵 (glass cup),플라스틱제 컵 (cup of plastics),비귀금속제 머그컵,비귀금속제 받침 접시,비귀금속제대접,비귀금속제 화병,비귀금속제 서빙접시,비누갑 (soap boxes), 비누 디스펜서 (soap dispensers),면도용 솔 (shaving brushes),화장용 솔 (cosmetic brushes),머리솔 (hair brushes),빗 (combs),빗케이스 (comb cases), 가정용 스펀지 (sponges for household purposes),화장용 스펀지 (sponges for cosmetic purposes),때밀이용 스펀지 (bathing sponges),
- [Class 24] 침대 시트 (bed sheets),모포 (blankets),두벳커버 (duvet covers),베개케이스 (pillow cases),베갯잇 (pillow shams),침대커버 (bed shams),침대 덮개 (bed spreads),샤워커튼(shower curtains),목욕타월 (bath towels),직물제 수건 (towel of textile),비치타월 (beach towels),직물제 냅킨 (napkins of textile),직물제 식탁보 (fabric tablecloths),
- [Class 25] 카레이서복 (automobile racing suits),티셔츠 (T-shirts),스웨트셔츠 (sweat shirts),폴로셔츠 (polo-shirts),타이(ties),모자 (caps),오버롤 (overalls),방풍자켓 (wind resistant jackets),방수자켓 (waterproof jackets),블레이저(blazers),풀오버 (pullover),롱코트 (long coats),반코트(half coats),오버코트 (overcoats),탑코트 (topcoats),트렌치코트 (trench coats),레인코트 (raincoats),웨이스트코트 (waistcoats),로브 (robes),스카프 (scarves),구두 (shoes),부츠 (boots),스웨터 (sweaters),스포츠셔츠,양복바지(trousers),허대 (belts),트랙슈트(truck suits),반바지 (shorts),방한용 장갑 (winter gloves),운전용 장갑 (driving gloves),병어리

장갑 (mittens), 파자마(pyjamas), 슬리퍼 (slippers), 수영복 (swimming costumes),

[Class 26] 비귀금속제 핀 (pins not of precious metals), 단추 (buttons),

[Class 28] 아케이드 게임기 (arcade game machines), 조립세트로 판매되는 완구용 모형승용차 (model cars-toys or playthings-for sale in an assembly kit form), 장난감 모형차 (toy model vehicles), 자동차 및 기타 수송기구를 복제한 장난감 모형 세트 (toy collection models reproducing automobiles and other vehicles), 장난감 건물 (construction toys), 장난감 건물 세트 (toy construction kits), 마스코트인형 (mascot dolls), 바비인형 (Barbie), 인형용 피복 (dolls clothing), 인형용 악세서리 (accessories for dolls), 소프트 펠트제 완구 (soft felt toys), 장난감차 트랙 (toy vehicle tracks), 장식/오락/전시용 실물크기의 비작동 장난감 자동차 복제품 (toy real size non-operating replicas of automobiles for ornament, entertainment and exhibition purposes), 게임용 퍼즐 (game puzzles), 전자게임 오락기 (TV 수상기에 부착되는 오락기계는 제외- electric games and amusement apparatus other than for use with television receivers), 휴대용 비디오 게임기 (hand held video game machines), 테니스 가방 (tennis bags), 골프가방 (golf bags), 골프용 파우치 (golf pouches), 골프장갑 (golf clubs), 트럼프 (playing cards),

[Class 35] 화장품의 소매용 판매알선업, 향수의 소매용 판매알선업, 열쇠고리의 소매용 판매알선업, 핀의 소매용 판매알선업, 배지의 소매용 판매알선업, 태그의 소매용 판매알선업, 트로피의 소매용 판매알선업, 일반금속제 예술작품의 소매용 판매알선업, 차부품용 일반금속제 장식품의 소매용 판매알선업, 안경류의 소매용 판매알선업, 보호헬멧의 소매용 판매알선업, 비디오의 소매용 판매알선업, 전화기의 소매용 판매알선업, 휴대전화기의 소매용 판매알선업, 휴대전화기용 마스크의 소매용 판매알선업, 휴대전화기용 핸드프리 세트의 소매용 판매알선업, 시디롬의 소매용 판매알선업, 컴퓨터 게임 및 비디오 게임의 소매용 판매알선업, 컴퓨터 소프트웨어의 소매용 판매알선업, 화면보호기의 소매용 판매알선업, 컴퓨터 마우스의 소매용 판매알선업, 마우스 패드의 소매용 판매알선업, 휴대용 컴퓨터의 소매용 판매알선업, 랩탑 컴퓨터의 소매용 판매알선업, 프린터의 소매용 판매알선업, 디지털 디스플레이용 기압계의 소매용 판매알선업, 무선 기상 관측기의 소매용 판매알선업, 개인 휴대 정보 단말기의 소매용 판매알선업, 번역기의 소매용 판매알선업, 음성 및 영상의 기록/전송 및 재생 장치의 소매용 판매알선업, 텔레비전의 소매용 판매알선업, 하이-파이의 소매용 판매알선업, 카메라의 소매용 판매알선업, 디지털 카메라의 소매용 판매알선업, 디지털 프로젝터의 소매용 판매알선업, 시계 기계 기구의 소매용 판매알선업, 보석의 소매용 판매알선업, 종이의 소매용 판매알선업, 판지의 소매용 판매알선업, 종이 제품 및 판지 제품의 소매용 판매알선업, 인쇄물의 소매용 판매알선업, 문구류의 소매용 판매알선업, 달력의 소매용 판매알선업, 기의 소매용 판매알선업, 스티커의 소매용 판매알선업, 접착 라벨의 소매용 판매알선업, 장식용 대형 사진의 소매용 판매알선업, 석판 인쇄물의 소매용 판매알선업, 포스터의 소매용 판매알선업, 엽서의 소매용 판매알선업, 연하장의 소매용 판매알선업, 필기도구 및 회화 도구의 소매용 판매알선업, 가족 제품의 소매용 판매알선업, 서류 가방의 소매용 판매알선업, 지갑의 소매용 판매알선업, 배낭의 소매용 판매알선업, 가방의 소매용 판매알선업, 벨트 가방의 소매용 판매알선업, 직물 제품의 소매용 판매알선업, 의류의 소매용 판매알선업, 신발의 소매용 판매알선업, 모자의 소매용 판매알선업, 장식핀의 소매용 판매알선업, 머그컵의 소매용 판매알선업, 완구의 소매용 판매알선업, 오락용구의 소매용 판매알선업, 운동용품의 소매용 판매알선업, 재떨이의 소매용 판매알선업,

[Class 37] 자동차 수리업, 자동차 관리업,

[Class 41] 자동차경주성격의 스포츠오락용 자동차경주전시회조직업(organizing automobile racing exhibitions for sporting purposes entertainment in the nature of automobile races), 자동차 분야의 워크샵 및 학술대회 조직업 (organizing workshops and congresses in the field of automobiles), 자동차경주/전시회/자동차 경주 및 전시회를 다룬 테마파크의 위치에 대한 정보제공업 (automobiles races and exhibitions and locations of theme parks featuring automobile races and exhibitions), 자동차 및 스포츠 자동차 운전 교습업 (sporting training services in the nature of driving automobiles and sports automobiles), 헤라리가 생산한 자동차 및 헤라리가 지원하는 레이싱팀의 매니아 클럽 조직 및 운영업 (organizing and operating clubs of enthusiasts of automobiles manufactured by Ferrari SpA and racing teams sponsored by Ferrari SpA), 클럽회원들을 대상으로 한 해당 자동차 및 레이싱팀에 대한 정보제공업 (furnishing information on the subject of such automobiles and racing teams to club members),



- Reproduction of the mark:

* Goods/Services of the proposed mark refused under this ground: all the designated goods/services

☐ Information concerning the earlier mark (4)

- Filing number : 4520030004134
- Filing date : 18/11/2003
- Korean registration number : 4500137530000
- Korean registration date : 21/09/2005
- Name and address of the owner : FERRARI S.P.A.

Via Emilia Est, 1163 I-41100 MODENA Italy

- List of the goods/services on which the opposition is based :

[Class 03] 향수 (perfumes), 오드또왈렛 (eau de toilette), 인체용에센셜오일 (essential oils for personal use), 애프터셰이브로션 (after shave lotions), 신체용 방취제 (personal deodorants), 샴푸 (shampoos), 면도용 비누, 물비누, 방취비누, 크림비누, 화장비누, 샤워겔 (shower gel),

[Class 06] 열쇠용 금속제 고리 (metal rings for key), 금속제 열쇠케이스 (metal key cases), 금속제 환약상자 (metal pill boxes), 금속제 핀, 금속제 배지, 금속제 꼬리표, 금속제 기념컵 (pins, badges, metal tags and table trophies),

[Class 09] 안경알 (eyeglasses), 선글라스 (sun-glasses), 방현안경 (anti-glare glasses), 보안경 (protective glasses), 안전용 안경 (safety glasses), 자동차운전자 및 오토바이 운전자용 보호헬멧 (safety helmets for motorists and motorcyclists), 자동차경주와 지원자의 경력이 수록되어 있는 비디오 카세트, 자동차경주와 지원자의 경력이 수록되어 있는 시디롬 (video cassettes and CD-Roms featuring car races and history of the applicant), 텔레비전 수상기 전용 오락기구 및 게임기 (amusement apparatus and games adapted for use with television receivers only), 텔레비전에 부착된 비디오 출력 게임기 (video output game machines for use with television), 컴퓨터 게임 카트리지 (computer game cartridges), 비디오 게임 카트리지 (video game cartridges), 컴퓨터 게임 카세트 (computer game cassettes), 컴퓨터

터 게임기 (computer game equipment),기억장치 (memory devices),디스크(기억 장치가 포함된 컴퓨터 게임기구의 일종임 -computer game equipments containing memory devices, namely discs),컴퓨터 게임 프로그램 (computer game programs),자동 및 동전 작동식 기계에 사용되는 비디오 게임용 컴퓨터 소프트웨어(computer software for video games to be used in connection with automatic and coin operated machines),컴퓨터 화면보호기용 소프트웨어 (computer screen savers software),마우스패드 (mouse pads),컴퓨터 마우스 (computer mice),데스크탑 컴퓨터,노트북 컴퓨터,랩탑 컴퓨터 (desktops, notebooks, laptop computers),휴대용 컴퓨터 (portable computers),휴대용 컴퓨터용 카드 (cards for portable computers),퍼스널 컴퓨터 (personal computers),컴퓨터 키보드(keyboards),태블릿 컴퓨터 (tablet PCs),컴퓨터 모니터 (computer monitors),컴퓨터 프린터 (printers),노트북 컴퓨터용 배터리 가방 및 케이스 (bags and cases for computer batteries for notebook computers),개인 휴대 정보 단말기 (personal digital assistants),오거나이저 (organizers),디지털 음성 녹음기(digital voice recorders),카메라 (cameras),디지털 카메라(digital cameras), 디지털 비디오 카메라 (digital videocameras),디지털 프로젝터 (digital projectors),줌렌즈 (zoomlens),스캐너 (scanners),사진인화기 (photo printers),하이파이 시스템 (hi-fi systems),텔레비전 (TV sets),LCD 텔레비전 (liquid crystal display TV),CD 플레이어 (CD players),DVD 플레이어 (digital video disc players),기압계(barometers),영상장치용 기압계 (barometers with projection devices),전자언어번역기 (electronic language translators),전자타임기 (electronic time and date devices),원격측정기(remote sensors),무선 기상관측기 (wireless weather stations),디지털 스크린 경보기 (digital screen alarms),비의료용 온도계(thermometers),LCD용 습도 및 기압 모니터장치 (humidity and atmosphere pressure monitors with liquid crystal displays),무선전화기 모델 (cordless phones models),전화기 (telephones),휴대전화기 (cellular phones),휴대전화기용 마스크 (cellular masks),휴대전화기용 핸드프리 장치 (cellular phone hands-free kits),휴대전화기용 헤드셋 (head sets for cellular phones),카레이서용 보호방화피복 (fireproof automobile racing suits for safety purpose),

[Class 12] 승합차(passenger cars),밴(vans),캐러밴(caravans),캠핑카(camping cars),승용차 (motor cars, automobiles),스포츠카 (sport cars),컨버터블 카 (convertible cars),오토바이용 벨 (autocycle bells),자동차 안전장치용 에어백 (airbags-safety devices for automobiles),자동차 엔진용 후드 (car engine hoods),자동차용 경적 (car horns),자동차용 공기펌프(car air pumps),자동차용 도난방지경보기 (anti-theft alarms for automobiles),자동차용 방향지시기 (direction indicators for automobiles),자동차용 백미러 (rear-view mirrors for vehicles),자동차용 범퍼 (bumpers for automobiles),자동차용 본체 (automobile bodies),자동차용 샤시 (automobile chassis),자동차용 좌석 (seats for automobiles),자동차 좌석용 안전 벨트(safety belts for automobiles),자동차용 내연엔진 (internal combustion engines for motor cars),자동차용 트랜스미션,자동차용 서스펜션,자동차용 디스크 브레이크 (disc brakes for motor cars),자동차용 밴드 브레이크 (band brakes for motor cars),자동차용 브레이크 라이닝 (brake linings for motor cars),자동차용 브레이크 슈 (brake shoes for motor cars),자동차용 블록 브레이크 (block brakes for motor cars),자동차용 차체(body work for motor cars),모터바이크 (motorbikes),자전거(bicycles),

- [Class 14] 팔목시계 (wrist watch), 회중시계 (pocket watch), 벽시계 (wallclock), 탁상시계 (table clock), 전기시계 (electric time-piece), 전자시계 (electronic time-piece), 원자시계 (atomic time-piece), 측정용 시계 (measuring watch), 스톱워치 (stopwatches), 크로노미터 (chronometric instruments), 크로노미터 (시계로 사용됨), 크로노그래프 (시계로 사용됨 - chronometers and chronographs for use as watches), 귀금속제 핀 (pins of precious metals), 장식핀 (ornamental pins), 넥타이핀 (tie pins), 커프스단추 (cuff-links), 자명종 (alarm clocks), 디지털 자명종 (digital alarm clocks),
- [Class 16] 만년필, 볼펜, 연필, 크레용, 필기구용 케이스 및 상자 (cases and boxes for writing instruments), 비직물제 접착라벨 (adhesive labels), 스티커 (stickers), 종이제 기 (flags made from papers), 달력 (calendars), 카탈로그 (catalogues), 브로셔 (brochures), 소책자 (booklets), 비귀금속제 펜홀더 (pen-holders not in precious metal), 종이 자르는 칼 (paper cutters), 카드 및 서류용 서류폴더 (document folders for cards and documents), 앨범 (albums), 신문 (newspapers), 정기간행물 (periodicals), 서적 (books), 사진인쇄물 (photographic prints), 포스터 (posters), 티켓 홀더 (ticket holders), 엽서 (postcards), 공책, 스케치북, 스크랩북, 제도용 패드, 필통, 고무지우개 (rubbers), 직각자 (squares), 판지제 상자 (cardboard boxes), 비망록 (agendas), 메모용지 (notepapers), 사진앨범 (photo albums), 연하장 (greeting cards), 포장지 (wrapping papers), 연필깎기 (pencil sharpeners), 소형 칠판 (small blackboards), 메모장 (note pads), 스탬프 (stamps),
- [Class 18] 여행용 트렁크 (trunks for travelling), 슈트케이스 (suitcases), 여행가방 (travelling bags), 가죽제 열쇠케이스 (leather key holders), 가죽제 열쇠고리 (leather key rings), 우산 (umbrellas), 소형 서류가방 (attache cases), 서류가방 (briefcases), 가죽제 슈트홀더 (leather suit holders), 지갑 (wallets, purses), 가죽제 카드케이스, 가죽제 서류케이스 (cardholders and document holders all of skin or leather), 가죽제 CD 홀더 (CD holders made of leather), 도구 상자용 가방 (necessaries), 배낭 (rucksacks), 벨트가방 (belt bags),
- [Class 20] 옷걸이, 우산걸이, 의자, 책꽂이, 테이블꽃이, 의자 (chairs), 소파 (sofas), 오토만 베개 (ottoman pillows), 거울 (mirrors), 사진틀 (picture frames),
- [Class 21] 보온병 (thermos), 물통 (water bottles), 커피세트 (비귀금속제 커피잔, 비귀금속제 받침접시로 구성됨 - coffee set consisting of coffee cups and coffee saucer), 비귀금속제 접시, 비귀금속제 커피잔 (coffee cups not of precious metal), 비귀금속제 찻잔 (tea cups not of precious metal), 비귀금속제 달걀컵 (egg cups not of precious metal), 비귀금속제 와인컵 (wine cups not of precious metal), 유리컵 (glass cup), 플라스틱제 컵 (cup of plastics), 비귀금속제 머그컵, 비귀금속제 받침접시, 비귀금속제 대접, 비귀금속제 화병, 비귀금속제 서빙접시 (plates, mugs, saucers, bowls, vases and serving platters not of precious metal), 비누갑 (soap boxes), 비누 디스펜서 (soap dispensers), 면도용 솔 (shaving brushes), 화장용 솔 (cosmetic brushes), 머리솔 (hair brushes), 빗 (combs), 빗케이스 (comb cases), 가정용 스펀지 (sponges for household purposes), 화장용 스펀지 (sponges for cosmetic purposes), 때밀이용 스펀지 (bathing sponges),
- [Class 24] 침대 시트 (bed sheets), 모포 (blankets), 두벳커버 (duvet covers), 베개케이스 (pillow cases), 베갯잇 (pillow shams), 침대커버 (bed shams), 침대 덮개 (bed spreads), 샤워커튼 (shower curtains), 목욕타월 (bath towels), 직물제 수건 (towel of textile), 비치타월 (beach towels), 직물제 냅킨 (napkins of textile), 직물

제 식탁보 (fabric tablecloths),

[Class 25] 카레이서복 (automobile racing suits),티셔츠 (T-shirts),스웨트셔츠 (sweat shirts),폴로셔츠 (polo-shirts),타이(ties),모자 (caps),오버롤 (overalls),방풍자켓 (windresistant jackets),방수자켓 (waterproof jackets),블레이저(blazers),풀오버 (pullovers),코트 (coats),로브 (robes),스카프 (scarves),구두 (shoes),부츠 (boots),스웨터(sweaters),스포츠셔츠,양복바지 (trousers),허대(belts),레인코트 (raincoats),트럭슈트 (truck suits),반바지(shorts),방한용 장갑 (winter gloves), 운전용 장갑 (drivinggloves),범어리장갑(mittens),파자마 (pyjamas),슬리퍼 (slippers),수영복 (swimming costumes),

[Class 26] 비귀금속제 핀 (pins not of precious metals),단추 (buttons),

[Class 28] 아케이드 게임기 (arcade game machines),조립세트로 판매되는완구용 모형승용차 (model cars-toys or playthings-for sale inan assembly kit form),장난감 모형차 (toy model vehicles),자동차 및 기타 수송기구를 복제한 장난감 모형 세트 (toycollection models reproducing automobiles and other vehicles),장난감 건물 (construction toys),장난감 건물 세트 (toyconstruction kits),마스코트인형 (mascot dolls),바비인형(Barbie),인형용 피복 (dolls clothing),인형용 악세사리 (accessories for dolls),소프트 펠트제 완구 (soft felt toys),장난감차 트랙 (toy vehicle tracks),장식/오락/전시용실물크기의 비작동 장난감 자동차 복제품 (toy real sizenon-operating replicas of automobiles for ornament,entertainment and exhibition purposes),게임용 퍼즐 (gamepuzzles),전자게임오락기 (TV수상기에 부착되는 오락기계는 제외- electric games and amusement apparatus other than for usewith television receivers),휴대용 비디오게임기 (hand heldvideo game machines),테니스 가방 (tennis bags),골프가방(golf bags),골프용 파우치 (golf pouches),골프장갑 (golfclubs),트럼프 (playing cards),

[Class 35] 화장품의 소매용 판매알선업,신체관리용품의 소매용 판매알선업,향수의 소매용 판매알선업,열쇠고리의 소매용 판매알선업,핀의소매용 판매알선업,배지의 소매용 판매알선업,태그의 소매용판매알선업,트로피의 소매용 판매알선업,일반금속제 예술작품의소매용 판매알선업,차부품용 일반금속제 장식품의 소매용판매알선업,안경류의 소매용 판매알선업,보호헬멧의 소매용판매알선업,비디오의 소매용 판매알선업,전화기의 소매용판매알선업,휴대전화기의 소매용 판매알선업,휴대전화기용마스크의 소매용 판매알선업,휴대전화기용 핸드프리세트의 소매용판매알선업,시디롬의 소매용 판매알선업,컴퓨터게임 및비디오게임의 소매용 판매알선업,컴퓨터소프트웨어의 소매용판매알선업,화면보호기의 소매용 판매알선업,컴퓨터마우스의소매용 판매알선업,마우스패드의 소매용 판매알선업,휴대용컴퓨터의 소매용 판매알선업,랩탑컴퓨터의 소매용판매알선업,프린터의 소매용 판매알선업,디지털디스플레이용기압계의 소매용 판매알선업,무선기상관측기의 소매용판매알선업,개인휴대정보단말기의 소매용 판매알선업,번역기의소매용 판매알선업,음성 및 영상의 기록/전송 및 재생장치의소매용 판매알선업,텔레비전의 소매용 판매알선업,하이-파이의소매용 판매알선업,카메라의 소매용 판매알선업,디지털카메라의소매용 판매알선업,디지털프로젝터의 소매용 판매알선업,시계기계기구의 소매용 판매알선업,보석의 소매용 판매알선업,종이의 소매용 판매알선업,판지의 소매용 판매알선업,종이제품및 판지제품의 소매용 판매알선업,인쇄물의 소매용 판매알선업,문구류의 소매용 판매알선업,달력의 소매용 판매알선업,기의소매용 판매알선업,스티커의 소매용 판매알선업,접착라벨의소매용 판매알선업,장식용 대형사진의 소매용 판매알선업,석판인쇄물의 소매용 판매알선업,포스터의 소매용 판매알선업,엽서의 소매용 판매알선업,연하장

의 소매용 판매알선업, 필기도구 및 회화도구의 소매용 판매알선업, 가축제품의 소매용 판매알선업, 서류가방의 소매용 판매알선업, 지갑의 소매용 판매알선업, 배낭의 소매용 판매알선업, 가방의 소매용 판매알선업, 벨트가방의 소매용 판매알선업, 직물제품의 소매용 판매알선업, 의류의 소매용 판매알선업, 신발의 소매용 판매알선업, 모자의 소매용 판매알선업, 장식핀의 소매용 판매알선업, 머그컵의 소매용 판매알선업, 완구의 소매용 판매알선업, 오락용구의 소매용 판매알선업, 운동용품의 소매용 판매알선업, 재떨이의 소매용 판매알선업,

[Class 37] 자동차수리업, 자동차관리업 (services for the repair and maintenance of motor vehicles),

[Class 41] 자동차경주성격의 스포츠오락용 자동차경주전시회조직업 (organizing automobile racing exhibitions for sporting purposes entertainment in the nature of automobile races), 자동차 분야의 워크숍 및 학술대회 조직업 (organizing workshops and congresses in the field of automobiles), 자동차경주/전시회/자동차 경주 및 전시회를 다룬 테마파크의 위치에 대한 정보제공업 (automobiles races and exhibitions and locations of theme parks featuring automobile races and exhibitions), 자동차 및 스포츠 자동차 운전 교습업 (sporting training services in the nature of driving automobiles and sports automobiles), 헤라리가 생산한 자동차 및 헤라리가 지원하는 레이싱팀의 매니아 클럽 조직 및 운영업 (organizing and operating clubs of enthusiasts of automobiles manufactured by Ferrari SpA and racing teams sponsored by Ferrari SpA), 클럽회원들을 대상으로 한 해당 자동차 및 레이싱팀에 대한 정보제공업 (furnishing information on the subject of such automobiles and racing teams to club members),



- Reproduction of the mark:

* Goods/Services of the proposed mark refused under this ground: all the designated goods/services

☐ Information concerning the earlier mark (5)

- International registration number : 1153747
- Priority date : IT/MO2010C 001083/22/12/2010
- Priority date : IT/MO2011C 000329/29/04/2011
- International registration date : 26/05/2011
- Korean registration date : 11/09/2014
- Name and address of the owner : FERRARI S.P.A.

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- List of the goods/services on which the opposition is based :

[Class 12] Land motor vehicles, all-terrain vehicles, automobiles, motor cars, sports cars, convertible cars, cars, passenger cars, cable cars, camping cars, casting cars, cycle cars, dining cars, dining cars, being carriages, hand cars, ladle cars, lifting cars, side cars, sleeping cars, cars for cable transport installations, armoured cars, amphibious cars, buses, vans, being vehicles, trucks, lorries, light lorries, two-wheeled personal transporters, motorcycles, motorbikes, motor bicycles, mopeds, scooters, being vehicles,

air cushion vehicles, electric vehicles, military vehicles for transport, refrigerated vehicles, remote control vehicles other than toys, water vehicles, caravans, dinner wagons, being carriages, golf carts, goods handling carts, kick sledges, luggage trucks, tractors for agricultural use, motor buses, motor coaches, sleighs, being vehicles, snowmobiles, sprinkling trucks, trolleys, being vehicles, two-wheeled trolleys, waggons, refrigerated waggons, being railroad vehicles, motor boats, yachts, aeroplanes, aircraft, passenger ships, sailing ships, dredgers, being boats, canoes, launches, barges, sculls, pontoons, caissons, being vehicles, ferry boats, air balloons, dirigible balloons, being airships, amphibious airplanes, hydroplanes, air vehicles, helicopters, tramcars, electric locomotives, steam locomotives, ambulances, omnibuses, concrete mixing vehicles, carts, rickshaws, space vehicles, trains, fork lift trucks, airships, railway carriages, casting carriages, funiculars, seaplanes, telpher railways, being cable cars, wheelbarrows, bicycles, cycles, tricycles, delivery tricycles, carrier tricycles, bells for bicycles and motorcycles, brakes for bicycles and motorcycles, chains for bicycles, cranks for bicycles and motorcycles, frames for bicycles and motorcycles, handle bars for bicycles and motorcycles, hubs for bicycles and motorcycles, inner tubes for bicycles and motorcycles, mudguards for bicycles and motorcycles, pumps for bicycles and motorcycles, rims for bicycles and motorcycles, saddles for bicycles and motorcycles, spokes for bicycles and motorcycles, stands for bicycles and motorcycles, tires for bicycles and motorcycles, baskets adapted for bicycles and motorcycles, direction indicators for bicycles and motorcycles, dress guards for bicycles and motorcycles, gears for bicycles and motorcycles, motors for cycles and motorcycles, panniers adapted for bicycles and motorcycles, pedals for bicycles and motorcycles, rims for wheels of bicycles and motorcycles, saddle covers for bicycles and motorcycles, tubeless tires for bicycles and motorcycles, audible warning systems for bicycles and motorcycles, wheels for bicycles and motorcycles, bicycle carriers for vehicles and parts thereof, bicycle chains covers, bicycle racks for vehicles, chain guards for bicycles, fitted bicycle covers, bodies for automobiles and vehicles, chains for automobiles and land vehicles, chassis for automobiles and vehicles, hoods for automobiles and vehicles, bumpers for automobiles and vehicles, clutches for land vehicles, direction signals for automobiles and vehicles, doors for automobiles and vehicles, driving chains for land vehicles, electric motors for land vehicles, alternating current motors for land vehicles, servomotors for land vehicles, direct current motors for land vehicles, driving motors for land vehicles, gasoline engines for land vehicles, diesel engines for land vehicles, compressed air engines for land vehicles, jet engines for land vehicles, ram jet engines for land vehicles, turbo-jet engines for land vehicles, turbo-prop engines for land vehicles, steam engines for land vehicles, traction engines, gear boxes for land vehicles, gearing for land vehicles, inner tubes for pneumatic tires, mudguards, power tailgates, being parts of land vehicles, propulsion mechanisms for land

vehicles, rearview mirrors, side mirrors for vehicles, reduction gears for land vehicles, screw-propellers, steering wheels for automobiles and vehicles, tailboard lifts, being parts of land vehicles, elevating power tailgates, being parts of land vehicles, tipping apparatus, being parts of trucks and waggons, tipping bodies for lorries and trucks, torque converters for land vehicles, torsion bars for automobiles and vehicles, transmission chains for land vehicles, transmission shafts for land vehicles, transmissions for land vehicles, gas turbines for land vehicles, air turbines for land vehicles, hydraulic turbines for land vehicles, steam turbines for land vehicles, turn signals for automobiles and vehicles, windows for automobiles and vehicles, safe windows for automobiles and vehicles, windscreens, windshields, axles for automobiles and vehicles, brakes for automobiles and vehicles, disk brakes for automobiles and vehicles, band brakes for automobiles and vehicles, block brakes for automobiles and vehicles, cone brakes for automobiles and vehicles, brake linings for automobiles and vehicles, brake segments for automobiles and vehicles, brake shoes for automobiles and vehicles, caps for vehicle petrol and gas tanks, fuel tanks for vehicles, connecting rods for land vehicles, other than parts of motors and engines, couplings for land vehicles, hoods for vehicle and automobile engines, horns for automobiles and vehicles, hydraulic circuits for automobiles and vehicles, vehicle and automobile running boards, safety belts for vehicle seats and for automobile seats, 4-point safety belts for vehicle seats and for automobile seats, shock absorbers for automobiles and vehicles, suspension shock absorbers for automobiles and vehicles, shock absorbing springs for automobiles and vehicles, suspension springs for automobiles and vehicles, undercarriages for automobiles and vehicles, upholstery for automobiles and vehicles, crankcases for land vehicle components, other than for engines, elevating tailgates for automobiles and land vehicles, hose carts, hub caps, wheels for automobiles and vehicles, hubs for vehicle and automobile wheels, rims for vehicle and automobile wheels, plated rims for vehicle and automobile wheels, modular rims for vehicle and automobile wheels, wheel spokes for automobiles and vehicles, spoke clips for wheels, balance weights for vehicle and automobile wheels, bands for wheel hubs, tires for vehicle and automobile wheels, automobile tires, pneumatic tires, studs for tires, spikes for tires, solid tires for vehicle and automobile wheels, casings for pneumatic tires, treads for retreading tires, treads for automobiles and vehicles, being roller belts, treads for automobiles and vehicles, being tractor type, valves for tires of automobiles and vehicles, seats for automobiles and vehicles, racing seats for automobiles and vehicles, security harness for vehicle and automobile seats, direction indicators for automobiles and vehicles, openable sunroofs for automobiles and vehicles, removable roofs for automobiles and vehicles, sliding sunroofs for automobiles and vehicles, tops for automobiles and vehicles, removable tops for automobiles and vehicles, soft tops for automobiles and vehicles, convertible tops for automobiles and vehicles, sun visors, being parts of

automobiles and land vehicles, ashtrays, being parts of automobiles and land vehicles, glass-holders, being parts of automobiles and land vehicles, dashboard drawers, being parts of automobiles and land vehicles, dashboard hatches, being parts of automobiles and land vehicles, glove compartments, being parts of automobiles and land vehicles, glove boxes, being parts of automobiles and land vehicles, covers for baggage compartments, being parts of automobiles and land vehicles, door sill covers, being parts of automobiles and land vehicles, ornamental strips, being parts of automobiles and land vehicles, decorative strips, being parts of automobiles and land vehicles, profile laths of metal or synthetic materials for automobiles and land vehicles for decorative purpose, parts of automobiles and land vehicles, gear lever coverings, being parts of automobiles and land vehicles, carbon interior trims for automobiles, being parts of automobiles and vehicles, interior trim for automobiles, rubber belts for land vehicles, spiral springs for vehicles, pneumatic springs for vehicles, hydraulic, electrical and mechanical springs for vehicles, boat hooks, fenders for ships, mine cart wheels, air bags, being safety devices for automobiles and land vehicles, air-bag switch-off kits for automobiles and land vehicles, non-skid devices for vehicle tires, shaped covers for automobiles and vehicles, seat covers for automobiles and vehicles, adhesive rubber for repairing inner tubes, repair outfits for inner tubes, air pumps for car tires, anti-dazzle devices for automobiles and vehicles, other than parts of lighting apparatus, anti-glare devices for automobiles and vehicles, anti-skid chains, anti-theft alarms for automobiles and vehicles, reversing alarms for automobiles and vehicles, anti-theft devices for automobiles and vehicles, sun-blinds adapted for automobiles and vehicles, covers for steering wheels of automobiles and vehicles, freewheels for land vehicles, head-rests for seats of automobiles and vehicles, armrests for seats of automobiles and vehicles, luggage carriers for automobiles and vehicles, luggage nets for automobiles and vehicles, ski carriers for automobiles and vehicles, sleeping berths for automobiles and vehicles, trailers, being vehicles, trailers for tractors, being vehicles, trailer hitches for automobiles and vehicles, windscreen wipers, windshield wipers for automobiles and vehicles, safety seats for children for automobiles and vehicles, tilting-carts, safety roll-bars for automobiles and vehicles, anti-slipping devices for automobiles and vehicles, ABS antiblocking braking systems, traction control systems, spoilers for automobiles and vehicles, hands-free holders for telephones, being parts of automobiles and land vehicles, spare wheel kit for automobiles and land vehicles, oars, davits for boats, screws for ships, paddles for canoes, ejector seats for aircraft, bogies for railway cars, railway couplings, buffers for rail for vehicles, axle journals, buffers for railway rolling stock, nautical cleats, disengaging gears for boats, flanges for railway wheel tires, funnels for locomotives, funnels for ships, inclined ways for boats, masts for boats, portholes, rolling stock for funicular railways, rolling stock for railways, screw-propellers for boats,

ships' hulls, ships' steering gears, timbers for ships, being frames, spars for ships, stern oars, baby carriages, covers for baby carriages, hoods for baby carriages, prams, being baby carriages, pushchairs, pushchair covers, pushchair hoods, strollers, stroller covers, being pushchairs, fitted perambulator covers, parachutes, shopping trolleys, being carts, wheelchairs, aerial conveyors, ski lifts, chairlifts, aeronautical apparatus, machines and appliances, cable transport apparatus and installations, casters for trolleys, being vehicles, cleaning trolleys, ladle carriages, motor homes, rowlocks, rudders, sack-barrows

[Class 16] Advertisement boards of paper or cardboard, bags (envelopes, pouches) of paper or plastics for packaging, bibs of paper, bottle envelopes of cardboard or paper, bottle wrappers of cardboard or paper, boxes of cardboard or paper, cardboard, packing cardboard containers, cardboard tubes, cigar bands, coasters of paper, conical paper bags, covers of paper for flower pots, cream containers of paper, electrocardiograph paper, face towels of paper, filter paper, filtering materials (paper), paper banners, flags of paper, glowing paper flags, pennants and pennons made of paper, garbage bags of paper or of plastics, plastic and paper shopping bags, handkerchiefs of paper, hat boxes of cardboard, holders for checkbooks (cheque books), passport holders, luminous paper, mats for beer glasses, packing paper, paper, art papers, carbon paper, paper for recording machines, placards of paper or cardboard, tissues of paper for removing make-up, napkins of paper for removing make-up, hygienic paper, toilet paper, tracing cloth, tracing patterns, paper coffee filters, paper for radiograms, parchment paper, place mats of paper, signboards of paper or cardboard, silver paper, table linen of paper, table napkins of paper, tablecloths of paper, tablemats of paper, tracing paper, towels of paper, waxed paper, wood pulp paper, wrapping paper, writing paper, Xuan paper for Chinese painting and calligraphy, perforated cards for Jacquard looms, patterns for dressmaking, patterns for making clothes, passes made of paper, paper ticket holders, tickets, printed cardboard signs, brochures, posters, calendars, catalogues, periodicals, printed periodicals, printed reports, guides, picture cards, newspapers, journals, magazines, general feature magazines, yearbooks, books, booklets, notebooks, pamphlets, leaflets, directories, newsletters and manuals on the subjects of automobiles, automobile maintenance and repair, automobile racing and automobile competitions, the history of the applicant and its participation in automobile racing and competitions and on the subject of lifestyle, culture, fashion, design, motor and automotive news, sports, entertainment and safe driving schools, car manuals, promotional material being goods in trade, namely, brochures, leaflets, booklets, catalogues, guides featuring information about automobiles and automotive products and showing the applicant's official merchandise, event programs (printed publications), recruitment guides, directories, manuals to accompany computer software, catalogues, event programs and programs for education for training course and syllabuses

relating to education, educational institutions, business education, business management, human resources management, personal development, recruitment or careers (printed matter), catalogues relevant to auctions of cars and racing cars, albums, albums for drawing, sticker books and albums for children, almanacs, blue print paper, booklets, business card booklets, address booklets, books, song books, guest books, comic books, encyclopaedias, yearbooks, calendars, tear-off calendars, leaflets, pamphlets, travel guides, catalogues, chromolithographs (chromos), chromos, forms, printed, graphic prints, graphic representations, graphic reproductions, handbooks (manuals), hectographs, lithographic works of art, lithographs, magazines (periodicals), general feature magazines, manuals (handbooks), newsletters, newspapers, journals, oleographs, pamphlets, periodicals, photo-engravings, posters, printed matter, printed publications, printed reports, directories, periodical publications, printed timetables, prints (engravings), guides and prospectuses (printed matters), printed charts, printed awards, binding strips (bookbinding), bookbinding cloth, bookbinding cords, bookbinding material, bookbindings, fabrics for bookbinding, photo albums, roaring photo albums, photo holders made of paper, photographs, apparatus for mounting photographs, photograph stands, scrapbooks, announcement cards (stationery), greeting cards, musical greeting cards, roaring souvenir cards, blank cards (stationery), trading cards (stationery), sport trading cards (stationery), colouring cards for children, non-magnetically encoded passes or identification cards made of paper for access to a restricted area, business cards made of paper, balls for ball-point pens, bookends, bookmarkers, boxes for pens, cards (stationery), postcards, cases for stamps (seals), chalk for lithography, charcoal pencils, clipboards, copying paper (stationery), correcting ink (heliography), covers (stationery), document files (stationery), decalcomanias, transfers (decalcomanias), iron-on transfers being decalcomanias, plastic transfers being decalcomanias, desk pads and desk top organizers, compasses for drawing, drawing boards, drawing instruments, pantographs (drawing instruments), drawing materials, drawing pads, drawing pens, drawing pins, drawing rulers, drawing sets, drawing squares, drawing T-squares, duplicators, envelopes (stationery), writing board erasers, erasing shields, etching needles, etchings, exercise books, loose-leaf exercise books, spiral exercise books, diaries, agendas and weekly planners (stationery), covers of paper for agendas, weekly planners, address booklets, albums and books, folders for papers, cards and documents, folders (stationery), fountain pens, steel pens, ballpoint pens, rolling pens, felt pens, felt-tip pens, writing pens, roller ball pens, roaring fountain pens, roaring ballpoint pens, roaring rolling pens, roaring felt pens, roaring writing pens, roaring roller ball pens, glowing fountain pens, glowing ballpoint pens, glowing rolling pens, glowing felt pens, glowing writing pens, glowing roller ball pens, roaring felt-tip pens, glowing felt-tip pens, pencil and pen toppers, French curves, holders for stamps (seals), holders for collection coins, Indian inks, inking ribbons,

inking ribbons for computer printers, index cards (stationery), indexes, ink (stationery), ink sticks, ink stones (ink reservoirs), inking pads, inkstands, inkwells, writing ink and pen ink refills, pen ink cartridges, ink cartridges for ball fountain pens, rolling pens and writing pens, pencil lead refills, labels, not of textile, adhesive labels {not of textile}, ledgers (books), lithographic stones, manifolds (stationery), marking chalk, chalk holders, nibs, nibs of gold, note books, cube-shaped note books, note papers, paper embossers, numbering apparatus, note pads, note pads for collectors, drawing pads for children, pads (stationery), paper bows, paper clasps, paper ribbons, paper sheets (stationery), paper tapes and cards for the recordal of computer programmes, paper-clips, paperweights, papier mache pastels (crayons), roaring pastels (crayons), glowing pastels (crayons), pen cases, pen clips, pen wipers, pencil holders, pencil lead holders, tube-shaped holders for pencils, pencil leads, pencil sharpeners, electric or non-electric, pencil sharpening machines, electric or non-electric, pencils, roaring pencils, glowing pencils, sets of pencils, slate pencils, penholders, tube-shaped holders for pens, school supplies (stationery), sealing compounds for stationery purposes, sealing stamps, sealing wafers, sealing wax, seals (stamps), square rulers, stamp pads, stamp stands, stamps (seals), commemorative stamps, stamps for collectors, rubber stamps, obliterating stamps, stands for pens and pencils, stationery, stationery sets, steatite (tailor's chalk), steel letters, stencil cases, stencil plates, stencils, stencils (stationery), tags for index cards, tailors' chalk, thumbtacks, tracing needles for drawing purposes, transparencies (stationery), vignetting apparatus, wood pulp board (stationery), wrappers (stationery), wristbands for the retention of writing instruments, writing brushes, writing cases (sets), writing cases (stationery), writing chalk, tips for writing instruments, rubber finger tips, cases and boxes for writing instruments, writing or drawing books, writing pads, writing slates, writing tablets, trays for holding and carrying pens, pencils and pastels, adhesive bands for stationery or household purposes, adhesive tape dispensers (office requisites), adhesive tapes for stationery or household purposes, self-adhesive tapes for stationery or household purposes, adhesive bands with holograms for stationery or household purposes, adhesive tapes with holograms for stationery or household purposes, self-adhesive tapes with holograms for stationery or household purposes, adhesives (glues) for stationery or household purposes, glue for stationery or household purposes, glue sticks for stationery or household purposes, gluten (glue) for stationery or household purposes, gummed cloth for stationery purposes, gummed tape (stationery), gums (adhesives) for stationery or household purposes, isinglass for stationery or household purposes, pastes for stationery or household purposes, starch paste (adhesive) for stationery or household purposes, stickers (stationery), aquarelles, artists' pastels, artists' pencils, artists' watercolour saucers, canvas for painting, figurines (statuettes) of papier mache religious statues of papier mache hand-rests for painters, modelling clay, modelling paste,

modelling wax, not for dental purposes, moulds for modelling clays (artists' materials), painters' easels, paintings (pictures), framed or unframed, palettes for painters, plans, pictures, portraits, watercolours (paintings), plastics for modelling, paintbrushes, painters' brushes, artists' brushes, house painters' rollers, address plates for addressing machines, addressing machines, bookbinding apparatus and machines (office equipment), cabinets for stationery (office requisites), clips for offices, paper clips, correcting fluids (office requisites), document laminators for office use, elastic bands for offices, envelope sealing machines, for offices, files (office requisites), finger-stalls (office requisites), hand labelling appliances, inking sheets for document reproducing machines, inking sheets for duplicators, letter trays, loose-leaf binders, loose-leaf file folders, moisteners for gummed surfaces (office requisites), moisteners (office requisites), office perforators, paper cutters (office requisites), paper knives (cutters) (office requisites), paper shredders for office use, pens (office requisites), printing blocks, printing sets, portable (office requisites), punches (office requisites), rollers for typewriters, rubber erasers, erasers, sets of erasers, scrapers (erasers) for offices, sealing machines for offices, spools for inking ribbons, staples for offices, non-electric staplers for offices, electric staplers for offices, stapling presses (office requisites), trays for sorting and counting money, typewriter ribbons, typewriters, electric or non-electric, typewriter keys, arithmetical tables, atlases, biological samples for use in microscopy (teaching materials), blackboards, calculating tables, diagrams, geographical maps, histological sections for teaching purposes, paint boxes (articles for use in school), terrestrial globes, bags for microwave cooking, packaging material made of starches, plastic bubble packs for wrapping or packaging, plastic cling film, extensible, for palletization, plastic film for wrapping, sheets of reclaimed cellulose for wrapping, shields (paper seals), viscose sheets for wrapping, wraps for packing food products, composing frames for printing, composing sticks, credit card imprinters, non-electric, engravings, engraving plates, electrotypes, letters (type), numbers (type), printers' galleys, type (numerals and letters), printing type, franking machines (stamping machines), galley racks (printing), architects' models, embroidery designs (patterns), handwriting specimens for copying, lanyards for carrying paper cards, paper badges and paper passes, babies' diapers of paper and cellulose, disposable, babies' napkin-pants (diaper-pants) of paper and cellulose, disposable, babies' napkins of paper and cellulose, disposable, blotters, chaplets, chart pointers, non-electronic, charts, drawer liners of paper, perfumed or not, graining combs, jackets for papers, money clips, banknote clips, printers' blankets, not of textile, rosaries, mimeograph apparatus and instruments, insect collectors' boxes of paper or cardboard, cases of leather for agendas and weekly planners, leather clipboards

[Class 25] Automobile racing suits not in the nature of protective clothing, coveralls for car racing, polo shirts, shirts, rugby shirts, body shirts, undershirts, sport shirts, dress shirts, blouses, camisoles, chasubles, chemisettes, shirt fronts,

shirt yokes, T-shirts, vests, singlets, sweatshirts, hooded sweatshirts, sweaters, sweat-absorbent sweaters, pullovers, jumpers, cardigan jackets, twin set, jerkins, bomber jackets, hooded bomber jackets, reversible bomber jackets, jackets, rain jackets, leather jackets, padded jackets, wind-resistant jackets, windcheaters, waterproof jackets, stuff jackets, blazers, long coats, half coats, dress coats, raincoats, overcoats, anoraks not for sports, parkas, padded vests, trousers, jogging suit trousers, sweat pants, slim pants, jeans, shorts, Bermuda shorts, bathing suits, swimming costumes, bathing drawers, bathing trunks, bikini, beach clothes, jogging suits, training suits, track suits, fleece pullovers, fleece jackets, fleece shorts, fleece vests, overalls, working overalls, babies' overalls, infants' training outfits, racing romper suits for babies, rompers, bibs, not of paper, rain capes, bath robes, brassieres, bodices, being lingerie articles, combinations, being clothing, corselets, corsets, being underclothing, gaiters, garters, body linen, being garments, underpants, drawers, being clothing, boxer shorts, slips, being undergarments, panties, g-strings, petticoats, teddies, being undergarments, leotards, suspenders, pyjamas, dressing gowns, nightgowns, keffiyeh (neckwear), neckties, scarves, foulards, being clothing, ascots, being clothing, , bandanas, being neckerchiefs, neck warmers, being clothing, boas, being necklets, sashes for wear, shawls, belts, being clothing, gloves for protection against cold, driving gloves, fingerless gloves for protection against cold, fingerless driving gloves, mittens, spats, aprons, being clothing, babies' diapers of textile, babies' napkins of textile, babies' pants, braces for clothing, being suspenders, breeches for wear, collar protectors, being clothing, collars, being clothing, detachable collars, cuffs, dress shields, ear muffs, being clothing, fishing vests, footmuffs, not electrically heated, frocks, fur stoles, furs, being clothing, gabardines, being clothing, gaiter straps, galoshes, girdles, jerseys, being clothing, sports jerseys, being clothing, layettes, being clothing, leggings, ready-made linings, being parts of clothing, liveries, maniples, mantillas, cloaks, masquerade costumes, money belts, being clothing, muffs, being clothing, pelerines, pelisses, pocket squares, pockets for clothing, saris, shoulder wraps, skirts, sleep masks, smocks, socks, stockings, stockings for sports, tights, sweat-absorbent stockings, sock suspenders, stocking suspenders, heelpieces for stockings, suits, one-piece dresses, evening dresses, togas, topcoats, trouser straps, uniforms, uniforms for sports, veils, being clothing, waistcoats, wet suits for water-skiing, ski suits, wimples, wristbands, being clothing, sarongs, dungarees, tunics, dance clothes, waterproof clothing, sporting anoraks, aerobic clothes, cyclists' clothing, clothing for gymnastics, unitards, Korean coats, Korean trousers, Korean underwear, Korean jackets, Korean skirts, Korean socks, leather shoes, rubber shoes, dress shoes, golf shoes, basketball shoes, hiking shoes, rugby shoes, boxing shoes, baseball shoes, angler shoes, hockey shoes, track-racing shoes, training shoes, gymnastic shoes, beach shoes, esparto shoes and sandals, mountain climbing shoes, running shoes, sneakers, slippers, bath slippers, sandals, bath sandals,

flip-flops, clogs, boots, half-boots, lace boots, ski boots, ski boot bags, after ski boots, snowboard shoes and boots, football boots, football shoes, wooden shoes, horse riding boots, soles for footwear, inner soles for footwear, tips for footwear, heelpieces for boots and shoes, footwear uppers, heels, fittings of metal for boots and shoes, heels, non-slipping devices for boots and shoes, studs for football boots and shoes, tips for footwear, welts for boots and shoes, caps, glowing caps, roaring caps, baseball caps, bathing caps, shower caps, skull caps, visors, being hatmaking, sun visors, being clothing, berets, hats, top hats, paper hats, being clothing, cap peaks, hat frames, headbands, being clothing, hoods, being clothing, turbans

[Class 28] Apparatus for games other than those adapted for use with an external display screen or monitor, electronic games and amusement machines other than those adapted for use with television sets and with an external display screen or monitor, machines for video games and pocket-sized apparatus for playing video games, coin or token-operated slot machines in shopping arcades not for use with television receivers, pocket video games, pocket-sized electronic games, hand-held video games (other than those adapted for use with television receivers), hand-held video games with liquid crystal displays (other than those adapted for use with television receivers), portable electronic games and toys, hand-held units for playing video games, stand alone video game machines, coin or token-operated game machines used in stores and not for use with television sets and with an external display screen or monitor, gaming machines and slot machines, toy building blocks, scale model vehicles, scale model cars, wood scale model cars, wood scale model vehicles, scale model classic cars, scale model classic vehicles, scale model racing cars, scale model racing vehicles, scale model die cast vehicles, scale model slot cars, racing car model silhouettes, real-size car replicas for ornamental and entertainment purposes, real-size vehicle replicas for ornamental and entertainment purposes, real-size car replicas for sporting exhibitions, real-size vehicle replicas for sporting exhibitions, all being toys, toy construction sets, toy construction block kits, toy car construction block kits, scale model assembly kits (toys), toy vehicle construction block kits, construction sets made up of bars and spheres that can be linked magnetically to form three-dimensional structures, toy trucks, toy vehicles, toy gasoline service stations, toy racing cars tracks, toy car garages, toy car showrooms, toy cubes featuring vintage black and white images of Ferrari's story, cot musical toys for babies, toy plush steering wheels, toy electronic steering wheels, wood pull along cars, wood trucks with cars, toy pedal karts for kids, ride-on toy cars, cars and go-karts for children in pedal version or working with batteries, sticks for sports fans and for entertainment containing fiber optics, being novelty items, novelty items for sports fans and for entertainment, being glowing flags, containing fiber optics, frames incorporating fiber optics (toys), necklaces incorporating fiber optics (toys),

rings incorporating fiber optics (toys), bracelets incorporating fiber optics (toys), toy glowing return tops, rubber, resin and plastic character toys, animated and non-animated toy figures, toy portable telephones, toy telephones, toy wristwatches, toy beach kits comprising shovels, buckets, moulds and rakes, fitted boxes for toy hand tools, set PVC toys for toddlers, toy snow globes, toy resin snow globes, resin models featuring racing scene, toy motor race sets, comprising race pit-stops, race tracks, drivers and pit crews, trucks and trailers for transporting cars, sets of toy keys for babies, toy leather key rings incorporating a sound device, padded toys to be attached to seatbelts, toys for attaching to car seats, air pistols (toys), archery implements, backgammon games, play balloons, playing balls, balls for games, small balls for games, bar-bells, bats for games, batting gloves (accessories for games), billiard balls, billiard cue tips, billiard cues, billiard markers, billiard table cushions, billiard tables, coin-operated billiard tables, pinball machines, chalk for billiard cues, bladders of balls for games, board games, bowling apparatus and machinery, bows for archery, building games, caps for pistols (toys), bingo cards, playing cards, playing card cases, checkerboards, checkers (games), chess games, cups for dice, dice, darts, conjuring apparatus, chessboards, cosaques (toy fireworks), counters (discs) for games, detonating caps (toys), dolls, dolls' beds, dolls' clothes, dolls' feeding bottles, dolls' houses, dolls' rooms, dominoes, draughtboards, draughts (games), dumb-bells, fairground ride apparatus, flying discs (toys), hunting game calls, marbles for games, gloves for games, hang gliders, horseshoe games, jigsaw puzzles, cube-type puzzles, practical jokes (novelties), kaleidoscopes, kite reels, kites, mah-jong, marionettes, theatrical masks, toy masks, mobiles (toys), ninepins, novelties for parties, dances (party favours), parlor games and accessories thereof, percussion caps (toys), pinatas, toy pistols, articulated plush toys, plush toys, soft toys, swimming pools (play articles), punching bags, puppets, quoits, rattles (playthings), radio-controlled toy vehicles excluding equipment attached to television, radio-controlled car models excluding equipment attached to television, ring games, beechwood rocking horses, rocking horses, scooters (toys), slides (playthings), soap bubbles (toys), spinning tops (toys), swings, tables for table tennis, teddy bears, toys, pull toys, toys for domestic pets, electric action toys, baby and children's multiple activity toys, inflatable toys, mechanical toys, musical toys, roulette wheels, tables for indoor football, toys for kid gardens, parks and playgrounds, weight lifting belts (sport articles), stationary exercise bicycles, body boards, body-building apparatus, body-training apparatus, chest expanders (exercisers), rollers for stationary exercise bicycles, exercisers (expanders), machines for physical exercises, body exercise apparatus, elbow pads and guards being sports articles, protective supports for shoulders and elbow, being sports articles, knee pads and guards, being sports articles, protective paddings for shoulders, elbow, wrist, knees and shins, being parts of sports suits, shin pads and guards, being sports

articles, golf gloves, golf bags, with or without wheels, golf pouches designed for carrying golf balls, golf markers, golf tees, golf clubs, golf club covers, golf balls, divot repair tools (golf accessories), pitch mark repair tools (golf accessories), skis, ski bindings, ski poles, monoskis, surf skis, sole coverings for skis, edges of skis, wax for skis, scrapers for skis, bags especially designed for skis and surfboards, bob-sleighs, sleighs (sports articles), snow sleds for recreational use, climbers' harness, rosin used by athletes, seal skins (coverings for skis), snowshoes in the form of rackets, skating boots with skates attached, ice skates, roller skates, in-line roller skates, hockey sticks, snowshoes, waterskis, tennis rackets, tennis balls, tennis nets, tennis bags, gut for rackets, strings for rackets, soccer balls, baseball gloves, boxing gloves, camouflage screens (sports articles), cricket bags, fencing gauntlets, fencing masks, fencing weapons, foils for fencing, discuses for sports, harpoon guns (sports articles), paintball guns (sports apparatus), paintballs (ammunition for paintball guns) (sports apparatus), harness for sailboards, masts for sailboards, sailboards, men's athletic supporters (sports articles), nets for sports, paragliders, rackets, shuttlecocks, skateboards, skittles (games), sling shots (sports articles), spring boards (sports articles), starting blocks for sports, surf boards, surfboard leashes, targets, electronic targets, twirling batons, flippers for swimming, swimming webs (flippers), artificial fishing bait, bite indicators (fishing tackle), bite sensors (fishing tackle), creels (fishing equipment), decoys for hunting or fishing, fish hooks, floats for fishing, gut for fishing, landing nets for anglers, lines for fishing, lures for hunting or fishing, reels for fishing, rods for fishing, bells for Christmas trees, decorations for Christmas trees, explosive bonbons (Christmas crackers), butterfly nets, candle holders for Christmas trees, Christmas tree stands, Christmas trees of synthetic material, ornaments for Christmas trees, except illumination articles and confectionery, clay pigeon traps, clay pigeons (targets), confetti, artificial snow for Christmas trees, toy lanyards



- Reproduction of the mark:

* Goods/Services of the proposed mark refused under this ground: all the designated goods/services

☐ Information concerning the earlier mark (6)

- International registration number : 916080
- Priority date : IT/TO2006C002995/13/11/2006
- International registration date : 08/01/2007
- Korean registration date : 01/06/2009
- Name and address of the owner : FCA GROUP MARKETING S.P.A.
Via Nizza, 250 I-10126 TORINO Italy
- List of the goods/services on which the opposition is based :

- [Class 06] Signboards of metal, identification tags of metal, memorial tablets of metal, metal boxes, transportable shelters of metal, rails of metal for railway tracks, non-electric cables and wires of common metal, steel pipes and tubes, iron pipes and tubes, limonite, gold ore, nickel ore, copper ore, manganese ore, molybdenum ore, galena, mercury ore, zinc ore, antimony ore, lead ore, uranium ore, pyrite ore, silver ore, tin ore, zircon ore, bismuth ore, iron ores, cobalt ore, chromium ore, tungsten ore, thorium ore.
- [Class 09] Magnetic key cards, magnetic credit cards, automatic power distribution machines {electronic}, automatic vending machines and mechanisms for coin-operated apparatus, namely vending machines {other than electric or electronic}.
- [Class 12] Airplanes, hydroplanes, aircraft, helicopters, passenger cars [automobiles], sports cars, motor buses, omnibuses, motor homes, trucks, trailers, bicycles, motorcycles, wheels for automobiles, air pumps for automobiles, doors for automobiles, rearview mirrors, bumpers for automobiles, automobile bodies and chassis, windshields for automobiles, automobiles seats and rims, safety belts for automobiles, tires and tubes for vehicles, engines, gears, transmissions and couplings for land vehicles, brakes for vehicles, alternating and direct current motors for land vehicles, electric motors and servomotors for land vehicles, rolling stock for railways, passenger ships and boats, motorboats, sailing ships, yachts.
- [Class 16] Labels {not textile}, stickers [stationery], signboards of paper or cardboards, placards of paper or cardboard, advertisement boards of paper or cardboards, national flags of paper, flags of paper, printing paper, paper water towels, handkerchiefs of paper, towels of paper, face towels of paper, paper tapes and cards for the record of computer programs, typewriting paper, cardboards, postcard paper, wrapping paper, covers [stationary], writing and drawing paper, note books, envelopes, pocketbooks, tablet pads, bookmarkers, bone stylus, fountain pens, ball pens, writing brushes, pencils, pens, pen holders, crayons, pastels, painter's brushes, rubber erasers, documents files [stationery], adhesive tapes for stationery purposes, stands for photographs, folders for papers, pencil sharpener, pins [stationery], paper knives, pen boxes, pen cases, pen clips, knives (paper), writing cases (sets), blackboard erasers, paper boxes, plastic films for packaging, plastic films for packaging of vacuum, plastic sheets for packaging, plastic bags for packaging, plastic packs for packaging of vacuum, mats of paper for beer-glasses, blinds of paper, table linen of paper, picture postcards, calendars, handwriting specimens for copying, amulets [printing matter], credit cards {not magnetic}, books, newspapers, greeting cards, postcards, patterns for clothes, diaries, magazines, posters, handbooks, newsletters, pictures, portraits, typewriters, instructional or teaching books, instructional or teaching stationery, modeling materials for instructional or teaching purposes, printer's type, printing blocks.
- [Class 18] Leather and leather imitations, animal skins and hides, trunks and suitcases, umbrellas, parasols and walking sticks, whips, harness and saddlers.

- [Class 25] Aerobic clothes {only for athletes}, aerobic clothes {except for athletes}, clothing for gymnastics {only for athletes}, clothing for gymnastics {except for athletes}, rain coats, long coats, shorts, blouson, safari jackets, suits, smocks, skirts, slacks, gentlemen's suits, children clothes, trousers, dress coats, overalls, overcoats, evening dresses, jackets, work clothing, jumpers, jeans, blazer, topcoats, two-pieces, negligee, bath robes, bodices, body shirts, brassieres, blouses, underwear, swimming caps, swimsuits, chemisettes, chemises, sweaters, sweat shirts, sweat pants, sport shirts, slips, dress shirts, uniforms for sports, nightwear, jerseys, vests, cardigan jackets, pyjamas, polo shirts, pullovers, t-shirts, footwear, headgear.
- [Class 28] Toys for domestic pets, masks, rubber toys, metal toys, puppets, remote controlled toys {excluding equipments attached to television}, mannequin dolls, mascot dolls, mobiles, wooden toys, miniature cars for children, tricycles for baby, rocking horses for children, musical toys, playing balls, clothes for doll, toy balls, paper toys, plastic toys, running machines, horizontal bars, gymnastic spring boards, vaulting boxes for gymnastic use, gymnastic rings, foot balls.
- [Class 37] Repair of automobiles, repair of medical machines and apparatus, repair of metalworking machines and apparatus, repair of office machines and apparatus, repair of telecommunication machines and apparatus, repair of computers, installation of electric appliances for household purposes, central heating installation, satellite dish installation, irrigation devices installation, heating equipment installation, burglar alarm installation, installation of lighting installations for stages and studios, lift or elevator installation, telephone installation, kitchen equipment installation, office equipment installation.



– Reproduction of the mark:

* Goods/Services of the proposed mark refused under this ground: all the designated goods/services

☐ Information concerning the earlier mark (7)

- International registration number : 937877
- Priority date : IT/TO2007C001943/12/06/2007
- International registration date : 13/07/2007
- Korean registration date : 11/09/2009
- Name and address of the owner : FCA GROUP MARKETING S.P.A.

Via Nizza, 250 I-10126 TORINO Italy

– List of the goods/services on which the opposition is based :

[Class 12] Passenger cars [automobiles], sports cars, motor buses, omnibuses, motor homes, trucks, trailers, bicycles, motorcycles, apparatus for locomotion by land, air and water, namely automobiles, airplanes and boats.

[Class 35] Advertising, business management assistance, business organization consultancy, business administration assistance, business information,

office functions.




- Reproduction of the mark:

* Goods/Services of the proposed mark refused under this ground: all the designated goods/services

(2)

According to the opposition, the proposed mark is identical with or similar to the earlier

marks , which is well-known among consumers as to indicate the goods/services of opponent, and are used on 'all' the designated goods that are identical with or similar to those of opponent. Korean Trademark Act, Articles 34(1)(xii).

Also the proposed mark cannot be registered according to Article 34(1)(x iii) of the Korean Trademark Act since it was filed with unjust purposes of inflicting harms on a particular person in that it is identical and/or similar to the mark of opponent which is remarkably recognized as indicating opponent's goods by consumers in Korea.

11. Official Seal or Signature by the Office:

KIPO Examiner KIM, Dae Young 

<< 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 5335, fax: (82) (42) 472 3507

Extract from the Korean Trademark Act

Article 3 Persons Entitled to Registration of Trademark

(1) Any person who uses or intends to use a trademark in the Republic of Korea may obtain registration of his/her trademark: Provided, That no employee of the Korean Intellectual Property Office or the Intellectual Property Trial and Appeal Board shall obtain registration of a trademark while he/she is in office, except by inheritance or bequest.

Article 6 Trademark Manager of Non-Resident

(1) Except where a person who is not domiciled or does not have his/her place of business in the Republic of Korea (hereinafter referred to as "non-resident") resides in the Republic of Korea, the non-resident (in cases of a corporation, referring to the representative thereof) may follow trademark-related procedures or bring a lawsuit against measures taken by an administrative authority in accordance with this Act or an order issued under this Act only through a person who is domiciled or has his/her place of business in the Republic of Korea (hereinafter referred to as "trademark manager") as an agent managing the trademark of the non-resident.

(2) A trademark manager shall represent his/her principal in a lawsuit with respect to trademark-related procedures or a disposition made by an administrative authority in accordance with this Act or an order issued under this Act, within the scope of authority delegated to him/her.

Article 220 Service on Non-Resident

(1) Where a non-resident has a trademark manager, any document to be served on such non-resident shall be served on his/her trademark manager: Provided, That the foregoing shall not apply where an examiner notifies an applicant for international trademark registration of grounds for rejection via the International Secretariat pursuant to Article 190.

(2) Where a non-resident does not have a trademark manager, any document to be served on such non-resident may be sent by registered airmail.

(3) Where a document is sent by registered airmail pursuant to paragraph (2), such document shall be deemed served on the date the document is sent.

Article 33 Requirements for Trademark Registration

(1) Trademark registration may be obtained, excluding the following trademarks:

1. A trademark consisting solely of a mark indicating, in a common manner, the common name of the goods;
 2. A trademark used customarily in connection with the goods;
 3. A trademark consisting solely of a mark indicating, in a common manner, the place of production, quality, raw materials, effect, usage, quantity, shape, price, method of production, method of processing, method of use or time of the goods;
 4. A trademark consisting solely of a conspicuous geographical name, the abbreviation thereof, or a map;
 5. A trademark consisting solely of a mark indicating a common surname or name according to the method in common use;
 6. A trademark consisting solely of a simple and readily available mark;
 7. In addition to trademarks under subparagraphs 1 through 6, a trademark which is unrecognizable for consumers to identify which goods related to whose business it indicates.
- (2) Even if a trademark falls under any of paragraph (1) 3 through 6, where such trademark is recognizable to consumers as a trademark indicating the source of goods of a specific person as a result of using the trademark before filing an application for trademark registration, trademark registration may be granted limited to the goods on which such trademark is used.
- (3) Even if a mark falls under paragraph (1) 3 (limited to place of production) or 4, where such mark is a geographical indication for specific goods, an applicant may obtain registration of a collective mark with geographical indication for goods using such geographical indication as designated goods (referring to the goods designated pursuant to Article 38 (1) and the goods additionally designated pursuant to Article 86 (1); hereinafter the same shall apply).

Article 34 Trademarks Ineligible for Trademark Registration

(1) Notwithstanding Article 33, none of the following trademarks shall be registered:

1. Any of the following trademarks, which is a national flag of a country, an insignia of an international organization, etc.:

(a) Any trademark identical or similar to the national flag, the national emblem, the colors, medals, decorations or insignias of the Republic of Korea, or seals or signs used for supervision or certification by the Republic of Korea or public institutions;

(b) Any trademark identical or similar to any national flag of a country of the Union to the Paris Convention for the Protection of Industrial Property (hereinafter referred to as the "Paris Convention"), of a member of the World Trade Organization, or of a Contracting Party to the Trademark Law Treaty (hereafter in this paragraph, referred to as "countries of the Union, etc.");

(c) Any trademark identical or similar to the title, abbreviated title, or mark of the Red Cross, the International Olympic Committee, or a renowned international organization: Provided, That where such organization has applied for trademark registration of its title, abbreviated title, or mark, trademark registration may be obtained;

(d) Any trademark identical or similar to coats of arms, flags, medals, decorations or badges of the countries of the Union, etc. designated by the Commissioner of the Korean Intellectual Property Office after notification by the World Intellectual Property Organization pursuant to Article 6-3 of the Paris Convention, or titles, abbreviated titles, coats of arms, flags, medals, decorations or badges of inter-governmental international organizations which countries of the Union, etc. have joined: Provided, That where an inter-governmental international organization which the countries of the Union, etc. have joined applies for trademark registration of its title, abbreviated title, or mark, trademark registration may be obtained;

(e) Any trademark identical or similar to seals or signs used for supervision or certification by countries of the Union, etc. designated by the Commissioner of the Korean Intellectual Property Office after notification by the World Intellectual Property Organization pursuant to Article 6-3 of the Paris Convention or their public organizations, which is used for the goods identical or similar to those for which such seals or signs are used;

2. Any trademark which falsely indicates a relationship with a state, race, ethnic group, public organization, religion, or famous deceased person, or which slanders, insults, or is likely to defame any of them;

3. Any trademark identical or similar to a famous mark, which is a mark indicating nonprofit business or public service of a state, public organization, or any of its agencies and a non-profit corporation: Provided, That where such state, etc. has applied for trademark registration of its mark, trademark registration may be obtained;

4. Any trademark whose meaning, content, etc. conveyed to consumers is likely to harm public order, such as being contrary to moral norms, the prevailing moral sense of ordinary people, where the trademark itself is used or the trademark is used for goods;

5. Any trademark consisting of a mark identical or similar to a medal, certificate of merit or decoration awarded at an exhibition held by or with the approval of the Government of the Republic of Korea or at an exhibition held by or with the approval of the government of a foreign country: Provided, That where a person who has been awarded at such exhibition uses such mark as part of the trademark for the awarded goods, trademark registration may be obtained;

6. Any trademark containing the name, title, or trade name, portrait, signature, seal, literary name, stage name, pen name of a prominent person, or his/her abbreviated title: Provided, That where the consent of such person has been obtained,

trademark registration may be obtained;

7. Any trademark used for goods identical or similar to the designated goods, which is identical or similar to the registered trademark of another person (excluding any registered collective mark with geographical indication) based on first to file;

8. Any trademark used on goods recognized as identical to the designated goods, which is identical or similar to a registered collective mark with geographical indication of another person based on first to file;

9. Any trademark identical or similar to a trademark (excluding a geographical indication) widely recognized by consumers as indicating the goods of another person, which is used on goods identical or similar to the goods of another person;

10. Any trademark identical or similar to a geographical indication of another person widely recognized by consumers as indicating the goods of a specific region, which is used on goods recognized as identical to the goods using such geographical indication;

11. Any trademark likely to cause confusion with goods or business of another person remarkably recognized by consumers or to dilute their distinctiveness or reputation;

12. Any trademark which is likely to mislead consumers about the quality of goods or deceive consumers;

13. Any trademark which is identical or similar to a trademark (excluding a geographical indication) recognized as indicating the goods of a specific person by consumers in the Republic of Korea or overseas, which is used for unlawful purposes, such as unjust enrichment or inflicting loss on the specific person;

14. Any trademark which is identical or similar to a geographical indication recognized as indicating the goods of a specific region by customers in the Republic of Korea or overseas, which is used for unlawful purposes, such as unjust enrichment or inflicting loss on any legitimate users of such geographical indication;

15. Any trademark consisting solely of the three-dimensional shape, color, combination of colors, sound, or smell, which is essential (in cases of services, referring to cases essential for the use and purpose thereof) to secure the function of goods intended to obtain trademark registration or of the package of such goods;

16. Any trademark intended to be used on wine or distilled beverages, which consists of a geographical indication of the place of production of wine or distilled beverages or contains such geographical indication in a member of the World Trade Organization: Provided, That where a legitimate user of the geographical indication applies for registration of a collective mark with geographical indication under Article 36 (5) by designating the relevant goods as the designated goods, he/she may obtain trademark registration;

17. Any trademark which is identical or similar to the name of a variety registered pursuant to Article 109 of the Act on the Protection of New Varieties of Plants, which is used for goods identical or similar to the name of such variety;

18. Any trademark which is identical or similar to a geographical indication of another person registered pursuant to Article 32 of the Agricultural and Fishery Products Quality Control Act, which is used on goods recognized as identical to the goods using such geographical indication;

19. Any trademark which is identical or similar to a geographical indication of another person protected in accordance with a bilateral or multilateral free trade agreement which has come into effect, concluded by the Republic of Korea with a foreign country or foreign countries, or which consists of or contains such geographical indication, used on goods deemed identical to the goods using such geographical indication;

20. Any trademark for the registration of which an applicant applies on goods, which is identical or similar to such trademark, while he/she is aware that another person uses or intends to use the trademark through a contractual relationship, such as partnership or employment, or business transactional relationship, or any other relationship;

21. Any trademark for the registration of which any person who has or had a contractual relationship, such as partnership or employment, business contractual relationship, or any other relationship with a person who holds the right to the trademark registered, which is identical or similar to the trademark registered in a State party to the treaty, applies on goods by designating goods identical or similar to the goods on which the trademark is designated as the designated goods without the consent of the person who holds the right to the trademark.

(2) Whether paragraph (1) and an applicant for trademark registration (hereinafter referred to as "applicant") correspond to another person under the relevant provision shall be determined based on the time a decision corresponding to any of the following is made (hereinafter referred to as "decision on whether to grant trademark registration"): Provided, That in cases falling under paragraph (1) 11, 13, 124, 20 and 21, whether an applicant corresponds to another person under the relevant provision shall be determined based on the time an application for trademark registration is filed:

1. Decision to reject trademark registration under Article 54;

2. Decision to grant trademark registration under Article 68.

(3) Where a trial to revoke trademark registration is requested because a trademark right holder or a person who uses a trademark of such trademark right holder falls under Article 119 (1) 1 through 3 and 5 through 9, and he/she falls under any of the following after the date such lawsuit is commenced, he/she may obtain trademark registration only where he/she applies for registration of a trademark identical or similar to such trademark (limited to where he/she intends to obtain trademark registration again by designating identical or similar goods (in cases of a collective mark with geographical indication, referring to goods deemed identical) as the designated goods) after three years from the date he/she falls under any of the following:

1. Where trademark rights are extinguished upon expiry;

2. Where a trademark right holder relinquishes trademark rights or abandons some of the designated goods;

3. Where a trial decision to revoke trademark registration is final and conclusive.

(4) None of the provisions of paragraph (1) 8 and 10 shall apply to homonymous collective marks with a geographical indication.

Article 35 First to File

(1) Where at least two applications for trademark registration are filed on different days with respect to the same or similar trademark to be used on the same or similar goods, only the first person who files an application may obtain registration of such trademark.

Article 38 One Application for One Trademark

(1) Any person who intends to file an application for trademark registration shall file an application for each trademark by designating at least one category of goods in accordance with the classification of goods.

(2) Specific goods belonging to the category of goods under paragraph (1) shall be prescribed and announced by the Commissioner of the Korean Intellectual Property Office.

(3) No classification of any category of goods under paragraph (1) shall be construed as prescribing the range of similarity of goods.

Article 54 Decision to Reject Trademark Registration

Where an application for trademark registration falls under any of the following, an examiner shall decide to reject trademark registration:

1. Where a trademark fails to meet the definitions of a trademark, collective mark, geographical indication, collective mark with geographical indication, certification mark, certification mark with geographical indication, or business emblem under Article 2 (1);

2. Where a trademark is in violation of the treaty;

3. Where a trademark cannot be registered pursuant to Articles 3, 27, 33 through 35, 38 (1), the latter part of Article 48 (2), paragraph (4) or (6) through (8) of the aforesaid Article;

4. Where a person is not entitled to registration of a collective mark, certification mark and business emblem under Article 3;

5. In cases of an application for registration of a collective mark with geographical indication, the articles of incorporation of an organization

actually do not permit persons to join the organization as its members, such as the prohibition of persons from joining the organization in accordance with the articles of incorporation, or impracticable conditions for joining the organization are stipulated in the articles of incorporation;

6. Where all or some of the matters concerning the use of a collective mark prescribed by Presidential Decree are not stated in the articles of incorporation under Article 36 (3), or all or some of the matters concerning the use of a certification mark prescribed by Presidential Decree are not stated in the articles of incorporation or the rules under paragraph (4) of the aforesaid Article;

7. In cases of an application for registration of a certification mark, the articles of incorporation actually do not permit persons who may use such certification mark to use it, such as the prohibition of persons from using it in accordance with the articles of incorporation or the rules without justifiable grounds, or impracticable conditions of use thereof are stipulated in the articles of incorporation or the rules.

Article 55 Notification of Grounds for Rejection

(1) Where an examiner intends to decide to reject trademark registration pursuant to Article 54, he/she shall notify an applicant of grounds for rejection (referring to grounds provided in any of the subparagraphs of the aforesaid Article; hereinafter referred to as "grounds for rejection") in advance. In such cases, the applicant may submit a written opinion about grounds for rejection within a period prescribed by Ordinance of

the Ministry of Trade, Industry and Energy.

(2) Where an examiner notifies an applicant of grounds for rejection pursuant to paragraph (1), he/she shall specify the grounds and basis for rejection of each of the designated goods.

(3) An applicant who fails to submit a written opinion within a period under the latter part of paragraph (2) may apply for continuing trademark-related procedures and submit a written opinion addressing the grounds for rejection within two months from the expiration date of such period.

Article 115 Trial against Decision to Dismiss Amendment

Where a person who receives a decision to dismiss an amendment under Article 42 (1) appeals against such decision, he/she may request a trial within 30 days from the date he/she is served with a certified copy of such decision.

Article 116 Trial against Decision to Reject

Where a person who receives a decision to reject trademark registration, decision to reject registration of additional designated goods or decision to reject registration of the conversion of the classification of goods (hereinafter referred to as "decision to reject") under Article 54 appeals against such decision, he/she may request a trial within 30 days from the date he/she is served with a certified copy of such decision to reject.

Korean Trademark Act URL: <http://www.kipo.go.kr/eng/>