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

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

**1. Office of the Designated Contracting Party:**

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

**2. International Registration/Subsequent Designation No. (International Registration/Subsequent Designation Date):**  
1542420 (03/12/2019)

**3. Trademark:**

**KUGELSICHER**

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

SK Brand Export UG (haftungsbeschränkt)  
Bussardstraße 17 75056 Sulzfeld Germany

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

All the designated goods/services

※ This is a total provisional refusal. The effect of this provisional refusal covers all the designated goods/services. Please be noted that a grant of protection for the partial designated goods/services is not allowed. [Act 54, Korean Trademark Act]

**6. Date on which the Provisional Refusal was issued (Time Limit):**

15/09/2021(15/11/2021)

**7. Grounds for the Decision:**

- ☐ Lack of distinctiveness
- ☐ Likelihood of confusion with others' earlier marks
- ☒ Vagueness and/or broadness of the designated goods/services
- ☐ Unconformity to "a single application for a single trademark rule"
- ☐ Other grounds

※ Please refer to item 9 for the details

**8. Provisions of Refusal:**

Article 38(1)

**9. Details of the Provisional Refusal:**

The identification of goods or services underlined below is vague and must be clarified.  
[Article 38(1), Korean Trademark Act]

However, this ground of refusal could be overcome if the applicant specifies (or deletes) the common commercial or generic name for the goods or services, as is shown in <Examples> below:

<Indefinite identification (underlined goods/services)>

[Class 03] Toiletries; abrasives; aloe vera preparations for cosmetic purposes; balms, other than for medical purposes; oils for cosmetic purposes; bergamot oil; greases for cosmetic purposes; pumice stone; cosmetic kits; hair piece bonding glue; henna [cosmetic dye]; adhesives for cosmetic purposes; cosmetics; adhesives for affixing false hair; cosmetics and cosmetic preparations; cosmetic preparations for body care; cosmetic preparations for slimming purposes; chalk for cosmetic use; massage gels, other than for medical purposes; massage oils; spirit gum for cosmetic use; tissues impregnated with cosmetic lotions; tissues impregnated with cosmetics; cuticle cream; cosmetics for personal use; cuticle conditioners; oils for toilet purposes; massage oils and lotions; cleaner for cosmetic brushes; cotton wool for cosmetic purposes; cotton balls for cosmetic purposes; cotton swabs for cosmetic purposes; breath fresheners; breath freshening strips; breath freshening sprays; cosmetic preparations for the care of mouth and teeth; mouthwashes, not for medical purposes; non-medicated toothpaste; denture polishes; preparations for cleaning dentures; dental bleaching gels; tooth polish; toothpaste; dentifrices in the form of chewing gum; teeth cleaning lotions; tooth cleaning preparations; teeth whitening strips; amber [perfume]; extracts of flowers [perfumes]; pomanders [aromatic substances]; fragrances; fragrances for personal use; perfumes for industrial purposes; toilet water containing snake oil; scented water; perfume water; eau de parfum; ionone [perfumery]; bases for flower perfumes; liquid perfumes; eau de Cologne; heliotropine; lavender oil for cosmetic use; synthetic vanillin [perfumery]; lavender water; musk [perfumery]; perfumery; scented body lotions and creams; perfumes; scented body spray; mint for perfumery; peppermint oil [perfumery]; fumigation preparations [perfumes]; synthetic perfumery; synthetic musk; toilet water; vanilla perfumery; shower and bath gel; shower and bath foam; disposable wipes impregnated with cleansing compounds for use on the face; cosmetic dyes; colouring preparations for cosmetic purposes; pre-moistened cosmetic wipes; skin care preparations; skin cleansing foams; henna for cosmetic purposes; cosmetic creams and lotions; collagen preparations for cosmetic purposes; beauty milk; make-up preparations; feminine hygiene cleansing towelettes; cleaning preparations for personal use; phytocosmetic preparations; cosmetics for use on the skin; douching preparations for personal sanitary or deodorant purposes [toiletries]; tissues impregnated with make-up removing preparations; beauty lotions; herbal extracts for cosmetic purposes; cosmetic breast firming preparations; cosmetic hair regrowth inhibiting preparations; beauty serums; tissues impregnated with essential oils, for cosmetic use; beauty care cosmetics; facial concealer; make-up removing lotions; eye make-up; make-up removing milks; make-up removing preparations; eyebrow pencils; decorative cosmetics; eyebrow colors in the form of pencils and powders; eyebrow cosmetics; temporary tattoos for cosmetic purposes; eyeliner; eyeliner pencils; solid powder for compacts [cosmetics]; solid powder for compacts (cosmetics); face glitter; face and body glitter; liquid rouge; creams for tanning the skin; cosmetic pencils; pressed face powder; adhesives for false eyelashes, hair and nails; cosmetic face powders; cosmetic creams; eyelid shadow; lip glosses; decorative transfers for cosmetic purposes; mascara; cosmetic preparations for eyelashes; fake blood; theatrical makeup; sun-tanning preparations [cosmetics]; beauty masks; make-up pencils; make-up powder; make-up preparations for the face and body; chalk for make-up; make-up for the face and body; make-up for

compacts; under-eye enhancers; blush pencils; make-up foundations; loose face powder; lipstick cases; lipsticks; cream soaps; liquid bath soaps; shower creams; liquid soaps for hands and face; cakes of soap for body washing; soap products; soap for foot perspiration; soaps for personal use; soaps for body care; exfoliating scrubs for the hands; antiperspirant soap; exfoliating scrubs for the feet; scented soaps; cleansers for intimate personal hygiene purposes, non-medicated; almond soap; loofah soaps; cosmetic soaps; body cream soap; industrial soap; skin soap; hand soaps; granulated soaps; facial soaps; gels for cosmetic use; soaps in liquid form; toilet soap; vaginal washes for personal sanitary or deodorant purposes; waterless soap; bath flakes; bath gel; bath milk; bath salts, not for medical purposes; bath foam; bath preparations, not for medical purposes; bath soap; cosmetic preparations for baths; bubble bath; antiperspirants for personal use; antiperspirants [toiletries]; deodorants for body care; deodorants for human beings or for animals; feminine deodorant sprays; deodorant soap; astringents for cosmetic purposes; sun-tanning gels; after-sun oils [cosmetics]; alum stones [astringents]; anti-aging moisturizers; anti-aging skincare preparations; fingernail sculpturing overlays; eye-washes, not for medical purposes; eye compresses for cosmetic purposes; baby powder; skin whitening preparations; skin whitening creams; skin lightening creams; nail polish top coat; sun-tanning creams and lotions; make-up removing creams; skin fresheners; moisturising creams, lotions and gels; skin moisturizer masks; skin moisturisers; face creams for cosmetic use; cosmetic facial lotions; facial masks; face packs; facial cleansing milk; facial washes [cosmetic]; toners for cosmetic use; facial toners [cosmetic]; skin lighteners; skin lotion; skin care lotions [cosmetic]; skin cleansing lotion; skin cleansers; cocoa butter for cosmetic purposes; adhesives for affixing false eyelashes; adhesives for affixing false eyebrows; body cream; cosmetic creams for firming skin around eyes; cosmetic suntan lotions; moisturising body lotion [cosmetic]; facial moisturisers [cosmetic]; moisturising gels [cosmetic]; facial care preparations; moisturising skin lotions [cosmetic]; skin care creams [cosmetic]; cosmetic preparations for skin care; cosmetic body scrubs; cosmetic preparations for skin renewal; cosmetic nail care preparations; cosmetic oils for the epidermis; cosmetic preparations for dry skin during pregnancy; wrinkle-minimizing cosmetic preparations for topical facial use; cosmetic products in the form of aerosols for skincare; cosmetic sun-protecting preparations; artificial fingernails of precious metal; false nails; false eyelashes; lip balms [non-medicated]; lotions for strengthening the nails; lotions for cosmetic purposes; almond milk for cosmetic purposes; wipes impregnated with a skin cleanser; nail repair preparations; nail whiteners; nail art stickers; nail conditioners; nail glitter; nail strengtheners; nail varnish; nail varnish for cosmetic purposes; nail varnish removers; nail polish base coat; fingernail tips; nail care preparations; scented body creams; scented body lotions; exfoliants; exfoliating scrubs for the face; exfoliating scrubs for cosmetic purposes; exfoliating scrubs for the body; shaving lotion; cleansing creams; shaving stones [astringents]; retinol cream for cosmetic purposes; whitening; self-adhesive false eyebrows; suntan oils for cosmetic purposes; sunscreen preparations; cosmetic foams containing sunscreens; sun care preparations for cosmetic use; sun blocking preparations [cosmetics]; topical skin sprays for cosmetic purposes; talcum powder, for toilet use; skin toners; day creams; petroleum jelly for cosmetic purposes; waterproof sunscreen; baby shampoo; beard dyes; permanent waving and curling preparations; bleaching preparations [decolorants] for cosmetic purposes; moustache wax; hair waving preparations; hair colour

removers; hair straightening preparations; hair moisturisers; hair balsam; hair frosts; hair bleaching preparations; hair fixers; hair creams; hair dyes; preparations for setting hair; styling gels; hair glaze; hair mascara; oils for hair conditioning; hair care preparations, not for medical purposes; hair grooming preparations; hair mousse; shampoos; hair conditioners for babies; hair spray; hair rinses [shampoo-conditioners]; hair conditioner bars; hair wax; shampoo-conditioners; hair-washing powder; cold waving solutions; cosmetic hair lotions; lotions for beards; neutralizers for permanent waving; pomades for cosmetic purposes; hair treatment preparations; shampoos for human hair; shampoo bars; preparations for protecting the hair from the sun; styling lotions; styling paste for hair; hydrogen peroxide for use on the hair; hydrogen peroxide for cosmetic purposes; after-shave emulsions; after-shave preparations; pre-shave creams; depilatory creams; depilatory preparations; depilatory wax; pastes for razor strops; shaving cream; shaving gel; shaving preparations; shaving foam; shaving soap; after-shave lotions; wax strips for removing body hair; deodorants for pets; shampoos for pets [non-medicated grooming preparations]; shampoos for animals [non-medicated grooming preparations]; cosmetics for animals; aromatherapy preparations; ethereal essences; ethereal essences and oils; ethereal oils; essential oils of citron; essential oils for personal use; essential oils for aromatherapy use; essential oils for household use; essential oils for use in manufacturing processes; essential oils of cedarwood; essential oils for use in the manufacture of scented products; scented oils; essential oils of lemon; cake flavourings [essential oils]; scented oils used to produce aromas when heated; gaultheria oil; jasmine oil; geraniol; lavender oil; food flavourings [essential oils]; almond oil; natural essential oils; oils for perfumes and scents; mint essence [essential oil]; aromatics [essential oils]; flavourings for beverages [essential oils]; safrol; rose oil; badian essence; terpenes [essential oils]; scouring solutions; floor stripping preparations; ammonia for cleaning purposes; antistatic preparations for household purposes; stain removing benzene; preparations to make the leaves of plants shiny; floor wax; polish for furniture and flooring; detergents prepared from petroleum; detergents, other than for use in manufacturing operations and for medical purposes; canned pressurized air for cleaning and dusting purposes; Javelle water; colorants for toilet purposes; descaling preparations for household purposes; paint stripping preparations; colour-removing preparations; degreasing preparations with a solvent base; degreasers, other than for use in manufacturing processes; de-greasing preparations for household purposes; pre-moistened towelettes impregnated with dishwashing detergent; stain removers; varnish-removing preparations; pet stain removers; liquid soap for dish washing; floor polish; floor cleaning preparations; dishwashing detergents; dishwasher detergents; dishwasher tablets; impregnated paper tissues for cleaning dishware; impregnated cloths for polishing; shining preparations [polish]; cleaning agents for household purposes; cleaning chalk; glass cleaning preparations; lacquer-removing preparations; floor wax removers [scouring preparations]; cloths impregnated with a detergent for cleaning; cloths impregnated with polishing preparations for cleaning; fruit and vegetable wash; drain and sink unblocking preparations; preparations for unblocking drain pipes; furniture polish; soda lye; oils for cleaning purposes; scented fabric refresher sprays; shining preparations for fruit; scented linen water; wax for parquet floors; polishing creams; buffing compounds; polish for musical instruments; polishing powders; polishing rouge; spray cleaners for household use; soap powder; polishing preparations; saddle soap; ammonia [volatile alkali] [detergent]; non-slipping wax for floors; non-slipping

liquids for floors; scouring liquids; rust removing preparations; windscreen cleaning preparations; oven cleaning preparations; cleaning preparations for plant leaves; cleaning solutions for dental ultrasonic sterilization apparatus; eyeglass lens cleaning solutions; refurbishing preparations; cleaning and shining preparations for plant leaves; upholstery cleaners; polishing wax; agents for removing wax; laundry preparations; volcanic ash for cleaning; drying agents for dishwashing machines; oil of turpentine for degreasing; turpentine for degreasing; carpet shampoo; carpet cleaning preparations; dishwasher detergents in gel form; wallpaper cleaning preparations; spray cleaners for use on textiles; incense; room scenting sprays; joss sticks; potpourris [fragrances]; potpourri sachets for incorporating in aromatherapy pillows; air fragrancing preparations; scented sachets; fragrance sachets for eye pillows; scented ceramic stones; scented pine cones; scented linen sprays; scented wood; refills for electric room fragrance dispensers; fragrance refills for non-electric room fragrance dispensers; sachets for perfuming linen; car wax; carnauba wax for automotive use; automobile polishes; windscreen cleaning liquids; detergents for automobiles; essential oils as perfume for laundry purposes; soap for brightening textile; laundry bleach; bleaching salts; bleaching soda; colour-brightening chemicals for household purposes [laundry]; dry cleaning fluids; liquid soap for laundry; laundry glaze; starch glaze for laundry purposes; smoothing preparations [starching]; washing soda, for cleaning; dry-cleaning preparations; quillaia bark for washing; cleaning preparations for fabrics; laundry soap; rinsing agents for laundry; starch for laundry purposes; detergents for machine dishwashing; laundry wax; laundry blueing; laundry soaking preparations; laundry additives; fabric softeners; fabric softeners for laundry use; shoe polish applicators containing shoe polish; leather bleaching preparations; creams for leather; leather preservatives [polishes]; leather polishes; cleaning preparations for leather; shoe cream; shoe wax; shoe polish; diamantine [abrasive]; flexible abrasives; smoothing stones; industrial abrasives; corundum [abrasive]; carbides of metal [abrasives]; polishing paper; polishing stones; sandpaper; sandpaper for sharpening drawing pencils; sanding gloves; sandpaper pads for sharpening drawing pencils; scouring powders; abrasive strips; glass cloth [abrasive cloth]; abrasive paper; abrasive paste; emery; emery cloth; emery paper; abrasive sand; silicon carbide [abrasive]; sandcloth; general purpose scouring powder; tripoli stone for polishing; tailors' wax; cobblers' wax; shoemakers' wax.

[Class 10] Syringes for medical purposes; dental syringes; syringes for injections; hearing protection devices; medical and veterinary apparatus and instruments; medical furniture and bedding, equipment for moving patients; medical clothing; feeding aids and pacifiers; physical therapy equipment; orthopedic and mobility aids; sex aids; prosthetics and artificial implants; containers especially adapted for the disposal of syringes; venom extraction syringes; injectors for medical purposes; medical instruments; medical gowns; medical examination lamps; medical guidewires; medical support hosiery; medical hearing instruments; catheters for medical use; medical tubing; medical support tights; medical hosiery; insufflators; spirometers [medical apparatus]; probes for medical purposes; lamps for medical purposes; X-ray photographs for medical purposes; filters for ultraviolet rays, for medical purposes; back supports for medical purposes; oxygen monitors for medical use; injection needles for medical use; X-ray apparatus for medical purposes; waterbeds for medical purposes; air cushions for medical purposes; bracelets for medical purposes; dropper bottles for medical purposes; cases fitted for medical instruments; basins for

medical purposes; air mattresses for medical purposes; radiology screens for medical purposes; medical analytical apparatus for medical purposes; enema apparatus for medical purposes; splinting materials for medical use; electrodes for medical use; finger guards for medical purposes; corsets for medical purposes; aerosol dispensers for medical purposes; boots for medical purposes; gloves for medical examinations; hot air vibrators for medical purposes; needles for medical purposes; latex gloves for medical use; ice bags for medical purposes; furniture especially made for medical purposes; slings for medical use; heat lamps for medical use; X-ray tubes for medical purposes; droppers for medical purposes; knives for medical use; quartz lamps for medical purposes; wrist supports for medical use; belts for medical purposes; cushions for medical purposes; ultrasonic diagnostic instruments for medical use; pumps for medical purposes; ultraviolet ray lamps for medical purposes; thermometers for medical purposes; diagnostic apparatus for medical purposes; vaporizers for medical purposes; mittens for medical use; drainage tubes for medical purposes; spittoons for medical purposes; water bags for medical purposes; lasers for medical purposes; incubators for medical purposes; medical apparatus and instruments; fumigation apparatus for medical purposes; oxygen masks for medical use; blankets, electric, for medical purposes; traction apparatus for medical purposes; temperature indicator labels for medical purposes; endoscopes for medical use; tomographs for medical purposes; endoscopy cameras for medical purposes; oxygen inhalers for medical use; sanitary masks for medical use; medical elbow braces; medical ankle braces; medical knee braces; medical tubing for irrigation purposes; protective gloves for medical use; ankle supports for medical use; eye droppers for medical use; Elizabethan collars for veterinary use; telemetry apparatus for medical use; elbow guards for medical purposes; medical apparatus for spinal disc repair; tongue depressors for medical purposes; jet injectors for medical use; air beds for medical purposes; walking sticks for medical purposes; cooling patches for medical purposes; thread for medical use; masks for use by medical personnel; containers especially made for medical waste; radiological apparatus for medical purposes; beds specially made for medical purposes; galvanic belts for medical purposes; quad canes for medical purposes; rigid medical endoscopes; flexible medical endoscopes; heating cushions, electric, for medical purposes; electronic muscle stimulators for medical use; cushions (heating -), electric, for medical purposes; electronic nerve stimulators for medical use; medical implants made of artificial materials; air pillows for medical purposes; transparent face shields for use by medical personnel; belts, electric, for medical purposes; (electric) belts for medical purposes; armchairs for medical or dental purposes; physical exercise apparatus for medical purposes; radium tubes for medical purposes; protection devices against X-rays, for medical purposes; medical tubing for administering drugs; chemically activated hot gel packs for medical use; chemically activated cold gel packs for medical use; chemically activated cold compresses for medical use; chemically activated hot compresses for medical use; medical instruments for recording heart activity; chemically activated heating pads for medical purposes; medical tubing for use in vascular procedures; disposable medical devices for treating constipation; body rehabilitation apparatus for medical purposes; magnetic resonance imaging [MRI] apparatus for medical purposes; analysers for bacterial identification for medical purposes; medical devices for placing and securing catheters; apparatus for the regeneration of stem cells for medical purposes; apparatus and installations for the production of X-rays, for medical purposes; medical devices for spinal

disc repair in the nature of spinal disc implants made from artificial substances; galvanic therapeutic appliances; massage apparatus; therapeutic mouthpieces for the prevention of snoring; hot air therapeutic apparatus; therapeutic apparatus for children with autism; lavage apparatus for therapeutic purposes; electric massage apparatus for personal use; electric massage apparatus for household use; body massagers; esthetic massage apparatus; gloves for massage; massage chairs with built-in massage apparatus; horsehair gloves for massage; vibromassage apparatus; foam massage rollers; foot massagers; scalp massagers; ear plugs for medical purposes; ear plugs [ear protection devices]; ear plugs for protection against noise; ear plugs for sleeping; breast milk storage bottles; teething rings; enteral feeding pumps; feeding bottle teats; breast pumps; feeding bottles; feeding bottle valves; dummies for babies; baby feeding dummies; clips for pacifiers; breast shields; artificial penises [adult sexual stimulation aids]; adult sexual aids; acupuncture needles; acupuncture instruments; anti-rheumatism bracelets; anastomosis devices; anti-rheumatism rings; apparatus for acne treatment; apparatus, devices and articles for nursing infants; apparatus for the treatment of deafness; anti-nausea wristbands; pelvic clamps; bed pans; receptacles for applying medicines; blood filters; surgical drill bits; trusses; plastic thumb covers to discourage thumb sucking; defibrillators; dialyzers; disposable syringes; bandages, elastic; electric acupuncture instruments; electrocardiographs for veterinary use; clinical thermometers; obstetric apparatus for cattle; instrument cases for use by doctors; obstetric apparatus; appliances for washing body cavities; hemodialysis apparatus; urinals [vessels]; urethral dilators; heart pacemakers; brain pacemakers; implantable subcutaneous drug delivery devices; inhalers; medication injectors; incubators for babies; insulin pens; insulin syringes; internal nasal dilators; douche bags; capillary tubes for delivering reagents; capillary tubes for samples; stockings for varices; cooling pads for first aid purposes; lancets; lasers for veterinary purposes; lice combs; intramedullary nails; spoons for administering medicine; multishot needle syringes; menstrual cups; nasal dilators; nasal aspirators; contraceptives, non-chemical; rectal dilators; resuscitators; oxygen inhalators for therapeutic purposes; cups for administering medicine; cupping glasses; radiotherapy apparatus; hypodermic injectors; elastic stockings for surgical purposes; suspensory bandages; hypodermic syringes; thermal packs for first aid purposes; insulin pens sold empty; portable hand-held urinals; abdominal pads; urological instruments; urological apparatus and instruments; vaginal dilators; vaginal specula; veterinary apparatus and instruments; resuscitation apparatus; hydrogen inhalers; dental apparatus and instruments; cervical dilators; condoms; spermicidal condoms; apparatus for measuring arterial blood flow in the eye; biopsy needles; blood testing apparatus; sphygmotensimeters; blood pressure monitors; glucometers; chemiluminescent light sources for use in endoscopy; surgical lamps; surgical mirrors; disposable speculums; diagnostic apparatus for the detection of abnormal prion protein; electrocardiographs; gastroscopes; vision testing apparatus; body composition monitors; gynaecological instruments; haemocytometers; heart rate monitoring apparatus; heart rate recorders; cardiac probes; keratoscopes; body fat monitors; laryngoscopes; ocular speculums; lithotripters; ophthalmometers; ophthalmoscopes; otoscopes; pulse rate monitors; pulse meters; pulse oximeters; stethoscopes; retinoscopes; thoracoscopes; tonometers; fetal heart monitors; tongue depressors; radioisotope therapy apparatus and instruments; nuclear medicine diagnostic imaging apparatus; magnetic resonance imaging scanners; X-ray apparatus for veterinary use; X-ray apparatus for dental imaging; apparatus for non-invasive

surgery; microdermabrasion apparatus; balloon catheters; surgical apparatus and instruments; surgical drills; surgical bougies; surgical instruments; surgical blades; surgical knives; surgical perforators; surgical retractors; surgical sponges; surgical forceps; thermo-electric compresses [surgery]; surgical cutlery; finger splints; uterine syringes; forceps; urethral catheterization instruments; urethral probes; urethral syringes; corn knives; instruments for use in gastrointestinal surgery; cannulae; castrating pincers; catheters; bone scrapers; screws for bone; bone forceps; compressors [surgical]; curettes; knives for surgical purposes; anaesthetic apparatus; anaesthetic masks; ear picks; surgical robots; papillotomes; balling guns; periosteal elevators; scissors for surgery; saws for surgical purposes; splints, surgical; scalpels; specula; trocars; vaginal syringes; lithotomy forceps; brushes for cleaning body cavities; wound suction apparatus; central venous catheters; thread, surgical; suture needles; suture materials; surgical staple removers; catgut; clips, surgical; apparatus for use in vein puncture; surgical skin staplers; surgical staplers; surgical catgut; amalgam carriers; buccal tubes; dental picks for use in dental treatment; disposable prophylaxis angles; dental apparatus, electric; orthodontic rubber bands; dental burs; instruments for use in prosthetic dentistry; orthodontic instruments; prophylaxis angles; abrasive wheels for dental purposes; mirrors for dentists; dental crowns; orthodontic appliances; teeth protectors for dental purposes; pins for artificial teeth; tongue scrapers; apparatus for artificial respiration; respirators for artificial respiration; respiratory masks for artificial respiration; stretchers, wheeled; invalids' hoists; pads for preventing pressure sores on patient bodies; soporific pillows for insomnia; ambulance stretchers; draw-sheets for sick beds; operating tables; childbirth mattresses; commode chairs; surgical drapes; tables for use in the treatment of patients; patient litters in the nature of stretchers; patient examination tables; beds specially made for use by burn patients; sterile sheets, surgical; incontinence sheets; bed vibrators; dentists' armchairs; medical patient treatment chairs; graduated compression hosiery; surgical caps; surgical shoe covers; disposable gloves for surgical use; disposable gloves for veterinary use; gloves for veterinary use; gloves for dental use; compression panty hose; compression garments; latex gloves for surgical use; latex gloves for veterinary use; latex gloves for dental use; abdominal belts; abdominal corsets; umbilical belts; protective gloves for veterinary use; maternity belts; strait jackets; hypogastric belts; surgical masks; socks for diabetics; ocular implants made from artificial materials; hair prostheses; hearing aids; artificial cardiac valves; pessaries; artificial limbs; dental prostheses; spinal implants composed of artificial material; orthopaedic implants; biocompatible coated stents; orthopaedic hip prostheses; biodegradable bone fixation implants; artificial breasts; surgical implants comprised of artificial materials; surgical implants [artificial materials]; endoprostheses; cotyloid implants made from artificial materials; hip joint implants and their parts made of artificial materials; intraocular implants for changing eye color made from artificial materials; bone implants composed of artificial materials; bone prostheses; artificial eyes; artificial ligaments; artificial breast implants; articular prosthesis; artificial hip joints; artificial hearts; artificial skin for surgical purposes; lenses [intraocular prostheses] for surgical implantation; artificial orthopaedic implants; artificial tympanic membranes; artificial vascular grafts; orthopedic joint implants; stents; surgical mesh comprised primarily of artificial materials; analog hearing aids; digital hearing aids; cochlear implants made from artificial materials; electronic hearing aids; ear trumpets; programmable hearing aids; artificial jaws; artificial teeth; dental prostheses in the form of inlays; walking frames for disabled

persons; tips for crutches; plaster bandages for orthopaedic purposes; crutches; orthopedic articles; bandages for joints, anatomical; orthopedic fixation devices; orthopaedic instruments; arch supports for footwear; orthopaedic belts; knee bandages, orthopaedic; orthopaedic footwear; orthopaedic soles; orthotic inserts for footwear; orthopaedic braces; wheeled walkers to aid mobility; slings [supporting bandages]; supports for flat feet; toe separators for orthopaedic purposes; abdominal hernia belts.

[Class 35] Updating of advertising material; business project management services for construction projects; provision of information relating to advertising; provision of information relating to marketing; banner advertising; marketing agency services; sponsorship search consultancy services; advertising agency services; online advertising network matching services for connecting advertisers to websites; brand strategy services; brand creation services; direct marketing; design of advertising brochures; design of advertising flyers; design of advertising logos; design of advertising materials; event marketing; television advertising; publication of publicity texts; web indexing for commercial or advertising purposes; classified advertising; layout services for advertising purposes; modelling for advertising or sales promotion; modeling for advertising or sales promotion; brand positioning services; marketing; marketing services in the field of dentistry; marketing services in the field of restaurants; marketing services in the field of travel; merchandising; public relations services; publication of publicity materials on-line; online advertising; writing of publicity texts; scriptwriting for advertising purposes; organisation of trade fairs for advertising purposes; editing of publicity texts; brand testing; telemarketing services; sponsorship search; radio advertising; production of advertising films; production of teleshopping programmes; press advertising services; presentation of companies and their goods and services on the internet; presentation of companies on the internet and other media; planning services for advertising; outdoor advertising; pay per click advertising; pay-per-click advertising; web site traffic optimization; search engine optimization for sales promotion; online advertising on a computer network; on-line advertising on a computer network; promotional marketing; advertising services provided via the internet; advertising, promotional and public relations services; advertising in periodicals, brochures and newspapers; advertising of business web sites; advertising for others; advertising; advertising services to promote public awareness of the benefits of shopping locally; publication of publicity materials and texts; publication of printed matter for advertising purposes; publication of publicity materials; publication of printed matter for advertising purposes in electronic form; arranging advertising contracts for others; publicity material rental; rental of sales stands; sales promotions at point of purchase or sale, for others; arranging advertising and promotional contracts for others; promoting the goods and services of others via a global computer network; sales promotion for others; promoting the goods and services of others through advertisements on internet websites; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with sporting activities; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with awards programs; promoting the goods and services of others; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with sports competitions; consultancy regarding public relations communication strategies; shop window dressing; conducting studies in the field of public relations; demonstration of goods; presentation of goods on communication media, for retail

purposes; demonstration of goods for promotional purposes; organisation of exhibitions and trade fairs for business and promotional purposes; conducting of trade shows; arranging and conducting commercial trade shows; organization of exhibitions for commercial or advertising purposes; organization of trade fairs for commercial or advertising purposes; organization of fashion shows for promotional purposes; marketing the goods and services of others by distributing coupons; organisation, operation and supervision of customer loyalty schemes; organisation and management of customer loyalty programs; promoting the goods and services of others through the administration of sales and promotional incentive schemes involving trading stamps; administration of consumer loyalty programs; administration of frequent flyer programs; administration of loyalty and incentive schemes; rental of advertising space on-line; rental of billboards [advertising boards]; rental of advertising space on the internet; rental of advertising space on the internet for employment advertising; rental of advertising space; rental of advertising time on communication media; dissemination of advertising matter; dissemination of advertising and promotional materials; dissemination of advertising, marketing and publicity materials; dissemination of advertisements; dissemination of advertising for others via the internet; promoting the goods and services of others by distributing coupons; advertising by mail order; distribution of flyers, brochures, printed matter and samples for advertising purposes; distribution of samples for publicity purposes; distribution of samples; distribution of advertising material; direct mail advertising; marketing advice; consultancy regarding advertising communication strategies; press advertising consultancy; provision of information and advisory services relating to e-commerce; marketing assistance; consultations relating to business advertising; advertising and marketing consultancy; advertising services to promote public awareness of nephrotic syndrome and focal segmental glomerulosclerosis [FSGS]; advertising services relating to clothing; advisory services relating to commercial transactions; consultancy services relating to the procurement of goods and services; advisory and consultancy services relating to the procurement of goods for others; procurement of goods on behalf of other businesses; provision of an online marketplace for buyers and sellers of goods and services; purchasing of goods and services for other businesses; procurement services for others [purchasing goods and services for other businesses]; export agency services; computerized on-line ordering services; import and export agency services; auctioneering services; providing information and consultancy for consumers in trade and business affairs (consumer consultancy); arranging and conducting sales events for cattle; arranging and conducting sales events for livestock; providing consumer product advice relating to cosmetics; providing consumer product advice relating to laptops; providing consumer product advice relating to software; providing consumer product advice; commercial administration of the licensing of the goods and services of others; business intermediary services relating to the matching of potential private investors with entrepreneurs needing funding; providing consumer product information relating to food or drink products; providing consumer product information relating to laptops; providing consumer product information relating to software; providing consumer product information relating to cosmetics; providing consumer product information; administrative order processing; arranging newspaper subscriptions for others; procurement of contracts for others relating to the sale of goods; arranging of contracts, for others, for the providing of services; arranging contracts for third parties concerning the provision of services; arranging of contracts for others for the buying

and selling of goods; arranging of contracts, for others, for the buying and selling of goods; procurement of contracts [for others]; arranging commercial transactions, for others, via online shops; arranging subscriptions to telecommunication services for others; rental of vending machines; negotiation and conclusion of commercial transactions for third parties; export promotion services; price comparison rating of accommodations; arranging and conducting sales events for others of livestock and registered and commercial cattle; price comparison services; retail or wholesale services for pharmaceutical, veterinary and sanitary preparations and medical supplies; retail services relating to fake furs; wholesale services relating to fake furs; online retail store services relating to cosmetic and beauty products; mail order retail services for cosmetics; conducting interactive virtual auctions; arranging and conducting of auctions and reverse auctions via computer and telecommunication networks; arranging and conducting of auctions and reverse auctions via mobile telephones; updating and maintenance of information in registries; business inquiries; outsourcing services in the field of business operations; consultancy relating to search engine optimisation; consultancy services relating to the management of telephone call centers; outsourcing services in the nature of arranging service contracts for others; business management of reimbursement programmes for others; clerical services; relocation services for businesses; business efficiency expert services; business records keeping; business management; business management of performing artists; business management for freelance service providers; business management of car parking facilities; business management of sports people; commercial or industrial management assistance; business project management; business administration and management; business administration; business management of hotels; business management in the field of transport and delivery; business process management and consulting; supply chain management services; market intelligence services; provision of business and commercial contact information via the internet; commercial management; administration of business affairs; commercial intermediation services; provision of commercial and business contact information; negotiation of business contracts for others; business administration services in the field of healthcare; business administration services in the field of transportation; business administration; telephone answering for unavailable subscribers; registration of written communications and data; business management assistance; strategic business planning; human resources management and recruitment services; outsourcing services [business assistance]; outsourced administrative management for companies; advice on tax preparation; consultancy and information services relating to accounting; book-keeping; computerised accounting; computerised auditing; drawing up of statements of accounts; financial auditing; tracking and monitoring fluctuation in gasoline prices for others for account auditing purposes; tracking and monitoring energy consumption for others for account auditing purposes; tax preparation; tax preparation and consulting services; tax filing services; computerized file management; data search in computer files for others; data processing services in the field of transportation; data processing services in the field of healthcare; data processing; compilation of statistics; statistical analysis and reporting; systemization of information into computer databases; compilation and systemization of information into computer databases; compilation of statistical information; compilation and input of information into computer databases; compilation of information into computer databases; compilation of directories for publication on the internet; writing of curriculum vitae for others; recruitment of high-level management personnel; business

organisation and management consultancy in the field of personnel management; personnel placement; recruitment of temporary personnel; executive search and selection services; recruitment of executive staff; personnel management; personnel placement and recruitment; placement of staff; personnel consultancy; personnel recruitment; personnel selection using psychological testing; employment agency services; job matching services; information services relating to jobs and career opportunities; professional consultancy relating to personnel management; preparation of resumes for others; evaluation of personnel requirements; personality testing for recruitment purposes; headhunting services; personnel management consultancy; personnel recruitment consultancy; human resources management; personnel recruitment advertising; gas meter reading for billing purposes; electricity meter reading for billing purposes; updating and maintenance of data in computer databases; electronic stock management services; invoicing; photocopying services; payroll preparation; word processing; typing; secretarial services; shorthand; appointment reminder services [office functions]; transcription of communications [office functions]; appointment scheduling services [office functions]; utility meter reading for billing purposes; document reproduction; water meter reading for billing purposes; business management and organization consultancy; business acquisitions consultation; business advisory services relating to the establishment and operation of franchises; business consultancy services relating to disaster planning and recovery; business management consultancy via the internet; business advice relating to franchising; consultancy services regarding business strategies; business consultancy, in the field of transport and delivery; business organization consultancy; assistance and consultancy relating to business management and organisation; risk management consultancy [business]; assistance and advice regarding business organisation and management; business management consultancy and advisory services; professional business consultancy; advisory services for business management; business management consultancy; consultancy services relating to the administration and management of hotels; business organisation advice; corporate management consultancy; rental of photocopying machines; business data analysis services; cost price analysis; outsourcing services in the field of business analytics; providing business information via a web site; computerised business information services; business research; conducting of business appraisals; preparation and compilation of business and commercial reports and information; business investigations; preparing business reports; cost benefit analysis; preparation of business surveys; economic forecasting; providing business information directory services, via a global computer network; providing an on-line commercial information directory on the internet; commercial information agency services; business information; cost price analysis regarding waste disposal, removal, handling and recycling; market research; market studies; news clipping services; business appraisals; providing online commercial directory information services; preparation of market analysis reports; preparation of marketing surveys; preparation of public opinion surveys; opinion polling; research services relating to advertising and marketing; drawing up of business statistical information; compiling indexes of information for commercial or advertising purposes; compilation of direct mailing lists; compilation of mailing lists; compilation of business statistics and commercial information; advertising services relating to cosmetics; online retail services relating to cosmetics; retail services connected with the sale of subscription boxes containing cosmetics; marketing research in the fields of cosmetics, perfumery and beauty

products.

#### <Examples>

##### [Class 03]

- \* Toiletries → non-medicated toiletries; etc.
- \* cosmetic kits → make-up preparations; etc.
- \* breath fresheners → breath fresheners, not for medical purposes; etc.
- \* fragrances → fragrances for personal use; etc.
- \* fake blood → fake blood [theatrical make-up]; etc.
- \* under-eye enhancers → under-eye enhancers (cosmetics); etc.
- \* soap products → soaps for personal use; etc.
- \* scented soaps → perfumed soap; etc.
- \* loofah soaps → loofah soaps for personal use; etc.
- \* granulated soaps → granulated soaps for personal use; etc.
- \* soaps in liquid form → liquid soap for body washing; etc.
- \* facial masks → cosmetic facial masks; etc.
- \* facial care preparations → cosmetic facial care preparations; etc.
- \* exfoliants → skin exfoliants; etc.
- \* cleansing creams → skin cleansing creams; etc.
- \* hair grooming preparations → hair care preparations; etc.
- \* hair treatment preparations → non-medicated hair treatment preparations for cosmetic purposes; etc.
- \* aromatherapy preparations → aromatherapy oils (for cosmetic use); etc.
- \* essential oils for household use → essential oils for cosmetic purposes; etc.
- \* essential oils for use in manufacturing processes → essential oils for use in the manufacture of scented products; etc.
- \* degreasing preparations with a solvent base → de-greasing preparations for household purposes; etc.
- \* impregnated paper tissues for cleaning dishware → paper tissues impregnated with a detergent for cleaning dishware; etc.
- \* impregnated cloths for polishing → cloths impregnated with Shining preparations [polish]; etc.
- \* agents for removing wax → wax stripping preparations; etc.
- \* laundry additives → laundry preparations; etc.
- \* fabric softeners → fabric softeners for laundry use; etc.

##### [Class 10]

- \* equipment for moving patients → patient stretchers; etc.
- \* prosthetics → medical prostheses; etc.
- \* slings for medical use → slings for supporting injured limbs; etc.
- \* foam massage rollers → foam massage rollers for medical purposes; etc.
- \* scalp massagers → electric scalp massaging apparatus for household purposes; etc.

##### [Class 35]

- \* online advertising network matching services for connecting advertisers to websites → online advertising on a computer network; etc.
- \* administration of loyalty and incentive schemes → administration of loyalty and incentive schemes for commercial, promotional or advertising purposes; etc.

- \* procurement of goods on behalf of other businesses → advisory and consultancy services relating to the procurement of goods for others; etc.
- \* purchasing of goods and services for other businesses → consultancy services relating to the procurement of goods and services; etc.
- \* procurement services for others [purchasing goods and services for other businesses] → advisory and consultancy services relating to the procurement of goods for others; etc.
- \* procurement of contracts [for others] → arranging of buying and selling contracts for third parties; etc.
- \* retail or wholesale services for sanitary preparations → retail or wholesale services for sanitary preparations for medical use; etc.
- \* retail or wholesale services for medical supplies → retail or wholesale services for medical apparatus and instruments; etc.
- \* online retail store services relating to cosmetic and beauty products → online retail store services relating to cosmetics for personal use; etc.
- \* outsourcing services in the field of business operations → outsourcing services [business assistance] in the field of business operations; etc.
- \* consultancy relating to search engine optimisation → consultancy relating to search engine optimisation for sales promotion; etc.
- \* outsourcing services in the nature of arranging service contracts for others → arranging of contractual (trade) services with third parties; etc.
- \* registration of written communications and data → transcription of recorded communications; etc.
- \* data processing services in the field of transportation → electronic data processing in the field of transportation; etc.
- \* data processing services in the field of healthcare → electronic data processing services relating to health care information; etc.
- \* data processing → electronic data processing; etc.
- \* gas meter reading for billing purposes → billing services in the field of gas meter reading; etc.
- \* electricity meter reading for billing purposes → billing services in the field of energy after electricity meter reading; etc.
- \* utility meter reading for billing purposes → utility meter reading for billing purposes; etc.
- \* water meter reading for billing purposes → billing services in the field of water meter reading; etc.
- \* outsourcing services in the field of business analytics → outsourcing services [business assistance] in the field of business analytics; etc.
- \* retail services connected with the sale of subscription boxes containing cosmetics → retail services connected with the sale of portable cosmetic cases (sold empty); etc.

*Please note that, while an application may be amended to clarify or limit the identification, addition to the identification is not accepted. Therefore, the applicant may not amend to include any goods and/or services that are not within the scope of the goods and/or services recited in the present identification. Korean Trademark Act, Article 40(1), 40(2).*

Upon amendment, the assigned examiner may issue another notification of provisional refusal if he/she finds new ground(s) of refusal.

#### 10. Guidance for the response:

It is suggested that you may choose one of responses as below


##### A. Response before KIPO

- (1) In order to respond to this provisional refusal before KIPO directly [Article 66(1), Korean Trademark Act], the holder of the International Registration is obliged to be represented by a licensed attorney who is entitled to represent third parties in the Republic of Korea. [Article 6, Korean Trademark Act]
- (2) Time limit is within two months from the date on which the notification of this provisional refusal is issued. The holder may request an extension of time to submit a written opinion/amendment to KIPO. The extension can be permitted twice for a period of one month respectively. The request for extension must be made within the given time limit. [Article 17(1)(i), Korean Trademark Act]

##### B. Response before WIPO

The holder may submit a limitation of the list of goods and/or services (MM6 form) before WIPO directly within the given time limit. [Rule 25 (1)(a)(ii), Common Regulations]

#### 11. Official Seal or Signature by the Office:

KIPO Examiner OH, Young Kee 

<< 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 5783, Fax: (+82) (42) 472 3507
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# 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/>**