

Issuing number: 8-5-2006-002363915
Issuing date: 2006.11.03

34, chemin des Colombettes P.O.Box 18
1211 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) AND (2) OF THE COMMON REGULATIONS

1. Office Making the Notification:

Korean Intellectual Property Office (KIPO)
920 Dunsan-dong, Seo-gu, Daejeon, 302-701, Republic of Korea

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

553131 (30/06/2005)

3. Name and Address of the Holder:

AUDI AG
1, Auto-Union-Strasse, 85057 INGOLSTADT Germany

4. Goods and/or Services Affected by this Provisional Refusal:

All the designated goods/service

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

5. Grounds for the Decision:

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

※ Please refer to item 9 for the details

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

Article 10(1), Article 7(1)(vii) and Article 8(1).

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

2006.11.03(2007.01.03)

8. Guidance as to Future Procedure:

Where the holder receives this notification, the protection of the international registration is to be refused as a whole unless the holder submits to the KIPO, through a representative whose address is in the Republic of Korea, a written opinion (amendment) within two months from the date on which this provisional refusal was pronounced or to the International Bureau MM6(Request for the Recording of a Limitation of the List of Goods and Service).

The holder may request the extension of time to submit a written opinion(amendment) to KIPO. The extension will be granted only once and for a period of 1 month. This request should be made within the given time limit.

9. Details of the Provisional Refusal:

The examiner refuses registration for the following reasons:

(Ground 1)

The identification of 'some' designated goods and/or services, which are listed below, is **not specific or is too broad** a definition to accept. Trademark Act, Article 10(1).

However, this ground for refusal could be reviewed if the applicant amends (or deletes) the identification to specify the definite commercial name for the goods and/or services.

<Broad/Vague Identification>

[Class 20] all the designated goods in class 20.

[Class 27] floor mats for vehicles and other floor coverings (included in this class)(차량용 마루매트 및 기타 마루깔개(이 류에 포함된 것)).

** Please note that, while an application may be amended to clarify or limit the identification, addition to the identification is not permitted. Korean Trademark Act, Article 16(1). Therefore, the applicant may not amend to include any goods and/or services that are not within the scope of goods and/or services set forth in the present identification.*

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

(Ground 2)

The proposed **mark is similar** to another person's mark (see below) which was registered in the Republic of Korea before the International registration date(or the priority date) of the proposed mark, and 'some' designated goods and/or services are related to those of the earlier mark. Trademark Act, Article 7(1)(vii).

The **two marks** are similar to each other because "SHOOTER", the dominant portions of the marks, is common, in sound, appearance and meaning, to both marks.

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

Information concerning the earlier mark

- Filing number : 4019870004158
- Filing date : 05/03/1987
- Korean registration number : 4001775340000
- Korean registration date : 24/08/1989
- Name and address of the owner : AUDI AG

85045 INGOLSTADT Germany

(아우디악티엔게젤샤프트 / 독일 85045 잉골슈타트)

- Goods and/or services concerned :

[Class 09] 소방차,

[Class 12] 승용차, 화물자동차, 버스, 트레일러, 트랙터, 구급차, 살수차, 덤프카, 포크리프트 카, 경기용자동차, 영구차, 수륙양용차, 장갑차, 자동삼륜차, 차륜, 자동이륜차, 청소차, 사다리차, 냉동차, 탱크로리차, 제설차, 장갑차량, 수송기계기구용타이어, 수송기계기구용튜브,

[Class 13] 전차,

- Reproduction of the mark:



※ Goods and/or Services refused under this international application:

[Class 12] air bags [safety devices for automobiles](자동차안전장치용 에어백), air pumps [automobile accessories](자동차용 공기펌프), anti-theft alarms for automobiles (자동차용 도난방지경보기), armored vehicles(장갑차), automobile bodies(자동차용 본체), automobile chassis(자동차용 샤시), automobile wheels(자동차용 차륜), automobiles hoods(자동차용 후드), automobiles running boards(자동차용 주행판), automobiles windows(자동차용 창문), balances weights for automobile wheels(자동차차륜용 균형추), bumpers for automobiles(자동차용 범퍼), direction signals for automobiles(자동차용 방향지시기), doors for automobile(자동차용 도어), head-rests for automobile seats(자동차좌석용 머리받침), hoods for automobile engines(자동차엔진용 후드), horns for automobiles(자동차용 경적), luggage nets for automobile(자동차용 그물선반), passenger cars [automobiles](승용차), passenger cars [for more 7 passengers](승합차(7인승 이상)), rearview mirrors for automobile(자동차용 백미러), rims for automobile wheels(자동차차륜용 림), safety seats for children [for automobile](자동차용 어린이안전좌석), seat covers for automobiles(자동차용 시트커버), ski carriers for cars(자동차용 스키캐리어), sports cars(스포츠카), steering wheels for automobiles(자동차용 조향핸들), tailgates (Elevating-, Power-) [parts of automobiles](자동차용 승강식 또는 동력식 후부개폐문), windshield wipers(자동차앞유리용 와이퍼), windshields(자동차용 앞유리).

(Ground 3)

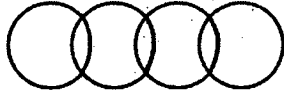
The proposed mark is similar, in appearance, to another person's mark (see below) which was applied for registration before the International registration date(or the priority date) of the proposed mark, and 'some' designated goods and/or services are related to those of the earlier mark. Trademark Act, Article 8(1).

However, this ground for refusal could be reviewed if the applicant deletes the refused goods and/or services listed below (underlined goods and/or services) or if another person's pending application is abandoned, withdrawn, invalidated or finally decided to be refused.

1) Information concerning the earlier mark

- Filing number : 4020040038536

- Filing date : 20/08/2004
- Korean registration number : 4006256490000
- Korean registration date : 21/07/2005
- Name and address of the owner : KIM, JONG-NAM / Jangmi APT ga-dong 1405, 644-43, Haengshin-1dong, Deokyang-gu, Goyang-si, Gyeonggi-do, Republic of Korea.
(경기도 고양시 덕양구 행신1동 644-43 장미아파트 가동 1405호)
- Goods and/or services concerned :
[Class 25] 롱코트, 신사복, 신사바지, 잠바, 와이셔츠, 티셔츠, 모자, 체조복, 골프화, 운동용 유니폼,



- Reproduction of the mark:

※ Goods and/or Services refused under this international application:

[Class 28] caddies bags for golf clubs(골프채용 캐디가방), golf bags with or without wheels(바퀴 부착 또는 미부착 골프가방), golf balls(골프공).

② Information concerning the earlier mark

- Filing number : 4020040040770
- Filing date : 06/09/2004
- Korean registration number : 4006680850000
- Korean registration date : 27/06/2006
- Name and address of the owner : YOON YOUNG GY00 / Hyundai APT 701, 242-2, Poi-dong, Gangnam-gu, Seoul, Republic of Korea.
(서울특별시 강남구 포이동 242-2 현대아파트 -701)
- Goods and/or services concerned :
[Class 14] 귀금속제 컵, 귀금속제보석상자, 다이아몬드, 금조제품, 귀걸이, 팔찌, 목걸이, 커프스 단추, 백타이핀,



- Reproduction of the mark:

※ Goods and/or Services refused under this international application:

[Class 14] handicraft bowls of precious metals(귀금속제 그릇), handicraft egg cups of precious metal(귀금속제 달걀컵), handicraft jewel cases of precious metal(귀금속제 보석상자), Garnets [jewellery, jewelry (Am.)](가네트(Garnet)), Olivine [gems](감람석(보석)), gold plated articles(금도금), bracelets [jewellery](팔찌), medals(메달), pins [jewellery](귀금속제 핀), tie clips(타이클립), tie pins(백타이핀), handicraft cuff links of precious metal(귀금속제 커프스단추).

③ Information concerning the earlier mark

- Filing number : 4020040040771
- Filing date : 06/09/2004
- Korean registration number : 4006524960000
- Korean registration date : 23/02/2006
- Name and address of the owner : YOON YOUNG GY00 / Hyundai APT 701, 242-2, Poi-dong,

Gangnam-gu, Seoul, Republic of Korea.

(서울특별시 강남구 포이동 242-2 현대아파트 -701)

- Goods and/or services concerned :

[Class 18] 보스톤백, 배낭, 서류가방, 비귀금속제 지갑, 여행가방, 학생가방, 핸드백, 우산, 말안장방석, 등산지팡이,

- Reproduction of the mark:



※ Goods and/or Services refused under this international application:

[Class 14] handicraft purses of precious metal(귀금속제 지갑).

④ Information concerning the earlier mark

- International registration date : 30/06/2005

- International registration number : 192716

- Name and address of the owner : AUDI AG

85045 INGOLSTADT Germany

- Goods and/or services concerned :

[Class 06] Flexible tubes.

[Class 07] Jacks, vehicle parts, transmission belts, agricultural implements, combustion engines, machines for boats, agricultural machines, machines for buildings, elevating apparatus, extraction machines, pumps, blowers and compressors, dynamos and starting motors.

[Class 08] Jacks, agricultural implements.

[Class 09] Batteries, gasoline level gauges, car lighters, thermometers for radiators, air pressure gauges, fire extinguishers, tachometers.

[Class 11] Anti-glare devices, radiator covers, radiator caps, heating apparatus for motor cars.

[Class 12] Land, air and water vehicles, motor cars, bicycles, bicycle saddles, motorcycle saddles, covers, anti-glare devices, mechanical and electric direction indicators, spare wheel covers, rearview mirrors, snow chains, screens for stones, bumpers, glass panes for protection from frost, parts for vehicles, transmission belts, combustion engines, pumps, anti-theft locks, signal horns, mechanical and electrical windshield wipers, starting motors.

[Class 14] Ashtrays, watches for motor cars.

[Class 17] Flexible tubes.

[Class 21] Brushes.

[Class 22] Covers.

[Class 34] Ashtrays, cigar lighters.

- Reproduction of the mark:



※ Goods and/or Services refused under this international application:

[Class 09] electrified fences(가축사육용 전기 울타리).

[Class 12] air bags [safety devices for automobiles](자동차안전장치용 에어백), air pumps [automobile accessories](자동차용 공기펌프), anti-theft alarms for automobiles(자동

차용 도난방지경보기), armored vehicles(장갑차), automobile bodies(자동차용 본체), automobile chassis(자동차용 샤시), automobile wheels(자동차용 차륜), automobiles hoods(자동차용 후드), automobiles running boards(자동차용 주행판), automobiles windows(자동차용 창문), balances weights for automobile wheels(자동차차륜용 균형추), bumpers for automobiles(자동차용 범퍼), direction signals for automobiles(자동차용 방향지시기), doors for automobile(자동차용 도어), head-rests for automobile seats(자동차좌석용 머리받침), hoods for automobile engines(자동차엔진용 후드), horns for automobiles(자동차용 경적), luggage nets for automobile(자동차용 그물선반), passenger cars [automobiles](승용차), passenger cars [for more 7 passengers](승합차(7인승 이상)), rearview mirrors for automobile(자동차용 백미러), rims for automobile wheels(자동차차륜용 림), safety seats for children [for automobile](자동차용 어린이안전좌석), seat covers for automobiles(자동차용 시트커버), ski carriers for cars(자동차용 스키캐리어), sports cars(스포츠카), steering wheels for automobiles(자동차용 조향핸들), tailgates (Elevating-, Power-) [parts of automobiles](자동차용 승강식 또는 동력식 후부개폐문), windshield wipers(자동차앞유리용 와이퍼), windshields(자동차용 앞유리), diesel engines for land vehicles(육상차량용 디젤엔진), gas turbines for land vehicles(육상차량용 가스터빈), gasoline engines for land vehicles(육상차량용 가솔린엔진), cams for land vehicles(육상차량용 캠), clutches for land vehicles(육상차량용 클러치), crankcases for land vehicle components [other than for engines](육상차량용 크랭크케이스(엔진용은 제외)), driving chains for land vehicles(육상차량용 구동체인), gear boxes for land vehicles(육상차량용 기어박스), gears for land vehicles(육상차량용 기어), leather belts for land vehicles(육상차량용 피혁벨트), links for land vehicles(육상차량용 링크), roller chains for land vehicles(육상차량용 롤러체인), rubber belts for land vehicles(육상차량용 고무벨트), speed change gears for land vehicles(육상차량용 변속기어), torque converters for land vehicles(육상차량용 토크컨버터), transmission chains for land vehicles(육상차량용 전동체인), transmission shafts for land vehicles(육상차량용 전동축), transmissions for land vehicles(육상차량용 변속기).

[Class 14] handicraft cigarette cases of precious metal(귀금속제 담배함), handicraft cigarette holders of precious metal(귀금속제 권연홀더), handicraft powder compacts of precious metal(귀금속제 콤팩트), alarm clocks(자명종), automobile clocks(자동차용 시계), Chronographs [watches](크로노그래프), Chronometers(크로노미터), electric clocks and watches(전기시계), Pocket watches(회중시계), Wristwatches(팔목시계).

5 Information concerning the earlier mark

- International registration date : 30/06/2005
- International registration number : 657259
- Name and address of the owner : AUDI AG
85045 Ingolstadt Germany
- Goods and/or services concerned :



- Reproduction of the mark:

Audi

※ Goods and/or Services refused under this international application:

[Class 09] spectacles, namely sunglasses and ski goggles(안경, 즉 선글라스 및 스키용 고글), audio receivers and video receivers(오디오 및 비디오수신기), cassette players(카세트플레이어), clock radios(시계라디오), compact disc players [CDP](콤팩트디스크플레이어(CDP)), digital versatile disc [DVD] players(DVD플레이어), loudspeaking apparatus and instruments(확성기계기구), MPEG audio layer-3 [MP3] players(MP3플레이어), radio receivers(라디오수신기), radio sets for vehicles, on-board computers(차량용 라디오(컴퓨터 내장)), record players(레코드플레이어), recorded message senders(녹음재생기구), satellite television receiving apparatus(텔레비전 위성방송수신기), sound recorders [except for movies](녹음기계기구(영화용은 제외)), sound recording apparatus(음향녹음장치), sound reproduction apparatus(음향재생장치), television

receivers [TV sets](텔레비전 수신기), video disc players(비디오디스크플레이어), video recorders(비디오레코더), communications apparatus for vehicles(차량용 통신기계기구), headphones(헤드폰), navigation apparatus for vehicles [on-board computers](수송기계기구용항법장치), satellite navigation equipment(인공위성항행위치 및 지구위치결정장치), sound recording discs(녹음디스크), sound recording strips(녹음테이프), speech frequency synthesizers(음성주파수 합성기), telephone receivers(전화수화기), telephone sets(전화기), video tapes(비디오테이프), computer programs [downloadable software](컴퓨터프로그램(내려받기 가능한 소프트웨어)), electronic theft prevention apparatus(전자도난방지기), laptop computers(랩탑컴퓨터), notebook computers(노트북컴퓨터), optical discs(광디스크), video game cartridges(비디오게임카트리지), recorded audiotapes [of non-music](녹음된 테이프(음악이 아닌 것)), recorded videotapes [of non-music](녹화된 테이프(음악이 아닌 것)), exposed films(노광된 필름).

- [Class 12] air bags [safety devices for automobiles](자동차안전장치용 에어백), air pumps [automobile accessories](자동차용 공기펌프), anti-theft alarms for automobiles(자동차용 도난방지경보기), armored vehicles(장갑차), automobile bodies(자동차용 본체), automobile chassis(자동차용 샤시), automobile wheels(자동차용 차륜), automobiles hoods(자동차용 후드), automobiles running boards(자동차용 주행판), automobiles windows(자동차용 창문), balances weights for automobile wheels(자동차차륜용 균형추), bumpers for automobiles(자동차용 범퍼), direction signals for automobiles(자동차용 방향지시기), doors for automobile(자동차용 도어), head-rests for automobile seats(자동차좌석용 머리받침), hoods for automobile engines(자동차엔진용 후드), horns for automobiles(자동차용 경적), luggage nets for automobile(자동차용 그물선반), passenger cars [automobiles](승용차), passenger cars [for more 7 passengers](승합차(7인승 이상)), rearview mirrors for automobile(자동차용 백미러), rims for automobile wheels(자동차차륜용 립), safety seats for children [for automobile](자동차용 어린이안전좌석), seat covers for automobiles(자동차용 시트커버), ski carriers for cars(자동차용 스키캐리어), sports cars(스포츠카), steering wheels for automobiles(자동차용 조향핸들), tailgates (Elevating-, Power-) [parts of automobiles](자동차용 승강식 또는 동력식 후부개폐문), windshield wipers(자동차앞유리용 와이퍼), windshields(자동차용 앞유리).
- [Class 14] handicraft napkin holders of precious metal(귀금속제 냅킨홀더), handicraft napkin rings of precious metal(귀금속제 냅킨링), handicraft purses of precious metal(귀금속제 지갑), alarm clocks(자명종), automobile clocks(자동차용 시계), Chronographs [watches](크로노그래프), Chronometers(크로노미터), electric clocks and watches(전기시계), Pocket watches(회중시계), Wristwatches(팔목시계), Garnets [jewellery, jewelry (Am.)](가넷(Garnet)), Olivine [gems](감람석(보석)), bracelets [jewellery](팔찌), medals(메달), pins [jewellery](귀금속제 핀), tie clips(타이클립), tie pins(넥타이핀), handicraft cuff links of precious metal(귀금속제 커프스단추).
- [Class 16] blinds of paper(종이제 블라인드), place mats of paper(종이제 식탁매트), calendars(달력), catalogues(카탈로그), photographs(사진), books(서적), newspapers, magazines and books (with technical content)(기술적 내용이 있는 신문, 잡지 및 서적).
- [Class 20] Products of horn, bone, ivory, whalebone, tortoiseshell, mother of pearl, meerschaum (included in this class)(뿔, 뼈, 상아, 고래수염, 거북딱지, 진주모제 제품(이 류에 포함된 것)).
- [Class 27] floor mats for vehicles and other floor coverings (included in this class)(차량용 마루매트 및 기타 마루깔개(이 류에 포함된 것)), Carpets and rugs(카펫 및 융단), mats(매트).
- [Class 28] remote controlled mobiles toys [except amusement apparatus adapted for use with television receivers](리모트콘트롤을 이용한 작동오락기(TV수상기에 부착되는 오락기계는 제외)), scale model vehicles for children(어린이용 모형승용차), teddy bears(장난감곰), caddies bags for golf clubs(골프채용 캐디가방), golf bags with or without wheels(바퀴 부착 또는 미부착 골프가방), golf balls(골프공).
- [Class 37] Repair of motor vehicles(자동차수리업), maintenance of motor vehicles(자동차관리업).

10. Official Seal or Signature by the Office:

KIPO Examiner LEE, HYONG PYO



※ If the holder has any questions or needs assistance in responding to this notification,
please contact the examiner.
e-mail:kipomadrid@kipo.go.kr; telephone: (82) (42) 481 5315 or Fax: (82) (42) 472 3507

Extract from the Korean Trademark Act

Article 5 *Mutatis Mutandis* Application of the Patent Act

Articles 3 to 26 and 28 to 28^{quater} of the Patent Act apply *mutatis mutandis* to trademarks. In such cases, "Article 132^{ter}" in Articles 6, 11(1)(iv), 15(1) and 17 of the Patent Act reads "Article 70^{bis} or 70^{ter}", "patent right and patent" in the proviso of Article 28(2) of the Patent Act reads "trademark right and trademark" and "international application under Article 2(vii) of the Patent Cooperation Treaty (hereinafter referred to as 'an international application')" reads "international application under Article 2(2) of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (hereinafter referred to as 'an international application')." ("The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks" is referred hereinafter to as 'the Protocol').

Article 6 Requirements for Trademark Registration

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

- (i) where the trademark consists solely of a mark indicating, in a common way, the usual name of the goods;
- (ii) where the trademark is customarily used on the goods;
- (iii) where the trademark consists solely of a mark indicating, in a common way, the place of production, quality, raw materials, efficacy, use, quantity, shape (including the shape of the packaging), price, production method, processing method, usage or using time of the goods;
- (iv) where the trademark consists solely of a conspicuous geographical name, an abbreviation of it or a map;
- (v) where the trademark consists solely of a mark indicating, in a common way, a common surname or a title;
- (vi) where the trademark consists solely of a simple and commonplace mark; or
- (vii) in addition to the cases mentioned in sub-paragraphs (i) to (vi) of this Article, where the trademark does not enable consumers to discriminate whose goods are indicated.

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

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

Article 7 Unregistrable Trademarks

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

- (i) trademarks that are identical or similar to the following: the national flag, the national emblem, military flags, medals, decorations or badges of the Republic of Korea; the national flags or emblems of foreign countries; the medals, decorations or badges of the countries of the union of the Paris Convention for the Protection of Intellectual Property (hereinafter referred to as 'the Paris Convention'), the members of the World Trade Organization or the contracting parties to the Trademark Law Treaty; the names or marks of the Red Cross, Olympic organizations or other well-known international organizations; seals or signs that are used for supervision or certification by the Republic of Korea, the countries of the union of the Paris Convention, the members of the World Trade Organization, the contracting parties to the Trademark Law Treaty or the public organizations of these;
- (ii) trademarks that falsely indicate a connection with, or that criticize, insult or are liable to defame any nation, race, ethnic group, public organization, religion or well-known deceased person;
- (iii) trademarks that are identical or similar to well-known marks that indicate nonprofit businesses of a nation, a public organization or its agencies or a public corporation, or that indicate nonprofit public services; However, this provision does not apply where the nation, the public organization or its agencies, the public corporation or the body of nonprofit public services applies to register its own marks;
- (iv) trademarks that are liable to disturb public order or morality;
- (v) trademarks comprising a mark that is identical or similar to a medal, certificate of merit or decoration awarded at an exhibition held by or with the authorization of the government of the Republic of Korea or of the government of a foreign country; However, this provision does not apply where the person who has been awarded the medal, certificate of merit or decoration use it as part of the trademark on the goods for which the medal, certificate of merit or

decoration was awarded at the exhibition;

- (vi) trademarks containing the name, title, trade name, portrait, signature, seal, literary name, stage name, pen name or an abbreviation thereof of a well-known person, unless the consent of the person concerned has been obtained;
 - (vii) trademarks that are identical or similar to another person's registered trademark (excluding a registered collective mark for a geographical indication) when the former are applied for registration after the latter has been registered and when the former are to be used on goods that are identical or similar to the designated goods of the latter;
 - (vii^{bis}) trademarks that are identical or similar to another person's registered collective mark for a geographical indication when the former are applied for registration after the latter has been registered and when the former are to be used on goods that are identical with the designated goods of the latter;
 - (viii) trademarks that are identical or similar to another person's registered trademark (excluding a registered collective mark for a geographical indication) when not more than a year has elapsed since the date on which the latter trademark right expired (that is, in case of a trial decision invalidating a trademark registration, the date on which the trial decision became final) and when the former are to be used on goods that are identical or similar to the designated goods of the latter;
 - (viii^{bis}) trademarks that are identical or similar to another person's registered collective mark for a geographical indication when not more than a year has elapsed since the date on which the right of the registered collective mark for a geographical indication expired (that is, in case of a trial decision invalidating the registration of a collective mark for a geographical indication, the date on which the trial decision became final) and when the former are to be used on goods that are identical with the designated goods of the latter;
 - (ix) trademarks that are identical or similar to a trademark (excluding a geographical indication) that is especially recognized among consumers as to indicate the other person's goods, when the former are to be used on goods that are identical or similar to those of the person;
 - (ix^{bis}) trademarks that are identical or similar to another person's geographical indication that is especially recognized among consumers as to indicate a certain region's goods, when the trademarks are to be used on goods that are identical with those using the geographical indication;
 - (x) trademarks that are liable to cause confusion with the goods or services of another person's that are especially recognized among consumers;
 - (xi) trademarks that are liable to mislead or deceive consumers on the quality of the goods;
 - (xii) trademarks that are identical or similar to a trademark that is especially recognized among consumers inside or outside the Republic of Korea as to indicate the goods of a particular person, and that are used with unjust purposes such as to obtain unfair profits or to inflict harm on that person;
 - (xii^{bis}) trademarks that are identical or similar to a geographical indication that is especially recognized among consumers inside or outside the Republic of Korea as to indicate the goods of a certain region, and that are used with unjust purposes such as to obtain unfair profits or to inflict harm on the legitimate users of that geographical indication;
 - (xiii) trademarks that consist solely of three-dimensional shapes which are essential for securing the functions of goods to be registered or their packaging;
 - (xiv) trademarks that consist of, or include, a geographical indication of the origin of wines or spirits in a member state of the World Trade Organization, to be used on wines, spirits or the like; However, this provision does not apply where a legitimate user of a geographical indication applies to register a collective mark for the geographical indication designating the relevant goods under Article 9(3) of this Act.
- (2) Notwithstanding a trademark falls under paragraphs (1)(vi), (ix), (ix^{bis}) and (x) of this Article, the respective provisions do not apply where the trademark does not fall under the respective sub-paragraphs at the time the applicant applies for trademark registration.
- (3) Paragraph (1)(vii), (vii^{bis}), (viii) and (viii^{bis}) of this Article apply where the trademark falls under the respective sub-paragraphs at the time the applicant applies for trademark registration (or where the registered trademark of another person is invalidated under Article 71(3) of this Act). However, this provision does not apply where the owner of the trademark and the applicant for the trademark registration (hereinafter referred to as 'the applicant') has become the same person after filing the application.
- (4) Paragraphs (1)(viii) and (viii^{bis}) of this Article do not apply to the following cases:

(i) where the registered trademark has not been used for more than one year retroactively from the date on which the trademark right is extinguished;

(ii) where a rightful applicant applies to register the trademark after a decision on invalidation or revocation becomes final for the reason that the registered trademark violates paragraphs (1)(vi), (ix), (ix^{bis}), (x), (xii) and (xii^{bis}) of this Article or Articles 8 or 73(1)(vii) of this Act; or

(iii) where an applicant applies to register the trademark after the period of six months as prescribed in proviso of Article 43(2) of this Act has elapsed without applying to renew the duration term of the registered trademark.

(5) Where a trial for cancellation of a trademark registration is requested under Article 73(1)(ii), (iii), and (v) to (xii) of this Act, and where any of the following sub-paragraphs occurs after the date on which the cancellation trial is requested, the owner of the trademark right and any person using the trademark may not obtain registration for a trademark that is identical or similar to the extinguished trademark with respect to goods that are identical or similar (restricted to 'identical' in the case of a collective mark for geographical indication) to the designated goods of the extinguished trademark, unless three years has elapsed since the date on which each of the following sub-paragraphs occurs:

(i) where the trademark right has been extinguished because the duration term has expired;

(ii) where the owner of the trademark right abandons the trademark right for all or some of the designated goods; or

(iii) where the trial decision to cancel the trademark registration has become final.

(6) Paragraph (1)(vii^{bis}), (viii^{bis}) and (ix^{bis}) may not be applicable between the collective marks for homonymous geographical indications.

Article 8 First-to-File Rule

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

Article 10 A Single Application for a Single Trademark

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

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

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

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

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

(ii) where the trademark violates a treaty;

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

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

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

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

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

Article 70^{ab} Trial against Decision of Refusal

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

Article 70^{ar} Trial against a Decision to Reject an Amendment

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

Extract from the Korean Patent Act

Article 5 Patent Administrator for Nonresidents

(1) A person who has neither a residential nor business address in the Republic of Korea (hereinafter referred to as 'a nonresident') may not, except when the nonresident (or a representative of a legal entity) is sojourning in the Republic of Korea, initiate any patent-related procedure or appeal any decision made by an administrative agency in accordance with this Act or any decree under this Act, unless the person is represented by an agent (hereinafter referred to as 'a patent administrator') who has a residential or business address in the Republic of Korea.

(2) A patent administrator may, within the scope of powers conferred on the patent administrator, represent the principal in all procedures related to a patent and in any appeal against a decision made by an administrative agency in accordance with this Act or any decree under this Act.

Article 26 Effects of a Treaty

Where a treaty contains a patent-related provision that differs from this Act, the treaty prevails.

Article 92 Decision etc. on Registration for Extending the Term of a Patent Right

(1) Where the examiner finds no grounds under any subparagraph of Article 91(1) to refuse an application to extend the term of a patent right, the examiner shall grant the extension.

(2) Where a decision to extend has been made under paragraph (1), the Commissioner of the Korean Intellectual Property Office shall register the extension of the term of the patent right in the Patent Register.

(3) Where the registration under paragraph (2) has been made, the information prescribed in the following sub-paragraphs must be published in the Patent Gazette:

(i) the name and address of the patentee (if the patentee is a legal entity, the title and address of the business);

(ii) the patent number;

(iii) the date of registration of the extension;

(iv) the period of the extension; and

(v) the contents of the authorization and so on under Article 89.

Article 220 Transmittal of Documents to Nonresidents

(1) Documents to be transmitted to a nonresident who has a patent administrator must be transmitted to the patent administrator.

(2) Documents to be transmitted to a nonresident who does not have a patent administrator may be sent to the nonresident by registered airmail.

(3) When documents have been sent by registered airmail under paragraph (2), the documents are deemed to have been served on the mailing date.

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