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World Intellectual Property Organization(WIPO)
International Bureau

CONFIRMATION OF PROVISIONAL REFUSAL
TO THE INTERNATIONAL BUREAU OF WORLD INTELLECTUAL PROPERTY OFFICE (WIPO)
UNDER RULE 17(5) OF THE COMMON REGULATIONS

1. Office of Designated Contracting Party:

Korean Intellectual Property Office (KIPO)
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon, Republic of Korea
(302-701)

2. International Registration concerned:

- (a) International Registration Number: 802209
- (b) Name of the Holder: ESET, spol. s r.o.

3. Goods/Services Refused:

All the designated goods/services

4. Decision Subsequent to the Provisional Refusal:

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

5. Date on which the Confirmation was pronounced:

2008. 10. 30.

6. Guidance as to Future Procedure:

- (a) Where the holder is dissatisfied with this decision, he/she may file a request for trial, within the time limit described in the Article 70*bis* and Article 92 of the Korean Trademark Act and Article 220 of the Korean Patent Act, through a representative whose address is in the Republic of Korea, before the Intellectual Property Tribunal established under the jurisdiction of the Commissioner of KIPO.
- (b) The Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal may extend the time limit for requesting for trial under Article 5 of the Korean Trademark Act and Article 15(1) of the Korean Patent Act.

7. Official Seal or Signature by the Office:

KIPO Examiner TAK, Ju Su



※ 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 8600, fax: (82) (42) 472 3507

<Appendix>

[The Korean Trademark Act]

Article 5 *Mutatis Mutandis* Application of the Patent Act

Articles 3 to 26 and 28 to 28*quinquies* of the Patent Act apply *mutatis mutandis* to trademarks.

Article 70*bis* 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 to registration of the reclassification of goods (referred to as “a decision of refusal”) may request a trial within thirty days of the date of receiving a certified copy of the decision of refusal.

Article 92 *Mutatis Mutandis* Application of the Patent Act

Articles 218 to 220, 222 and 224*bis* of the Patent Act apply *mutatis mutandis* to trademarks.

[The Korean Patent Act]

Article 15 Extension of Time Limits etc.

(1) The Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal may extend, for the benefit of a person residing in an area that is remote or difficult to access, the period for submitting an amendment of grounds for an opposition according to Article 70(1), or the period for demanding a trial under Article 132*ter*, upon a request or *ex officio*.

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.