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

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

1. Office Making the Notification:

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

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

1262754 (19/12/2014)

3. Name and Address of the Holder:

Globalone Management Group Limited
MDE's Building, 1st Floor, P.O. Box 3169, PMB 257, Road Town VG1110 Tortola Virgin
Islands (British)

4. Goods/Services Affected by this Provisional Refusal:

All the designated goods/services

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

5. Grounds for the Decision:

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

※ Please refer to item 9 for the details

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

Article 7(1)(vii), Article 10(1)

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

04/04/2016(04/06/2016)

8. Guidance as to Future Procedure:

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

9. Details of the Provisional Refusal:

The examiner refuses registration on the following reasons:

(Ground 1)

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

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

<Broad/Vague identification>

[Class 09] Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus; DVD players; 3D spectacles; ticket dispensers; coin-operated musical automata [juke boxes]; answering machines; fire engines; accumulators, electric; accumulators, electric, for vehicles; actinometers; alidades; altimeters; ammeters; anemometers; anodes; antennas; anticathodes; apertometers [optics]; high-frequency apparatus; testing apparatus not for medical purposes; remote control apparatus; electro-dynamic apparatus for the remote control of railway points; electro-dynamic apparatus for the remote control of signals; monitoring apparatus, electric; sound recording apparatus;

Global Positioning System [GPS] apparatus; distillation apparatus for scientific purposes; diffraction apparatus [microscopy]; air analysis apparatus; apparatus to check franking; sound transmitting apparatus; apparatus for fermentation [laboratory apparatus]; breathing apparatus for underwater swimming; breathing apparatus, except for artificial respiration; apparatus and installations for the production of X-rays, not for medical purposes; cash registers; electric apparatus for commutation; intercommunication apparatus; stills for laboratory experiments; projection apparatus; radiological apparatus for industrial purposes; X-ray apparatus not for medical purposes; blueprint apparatus; flashing lights [luminous signals]; stereoscopic apparatus; telephone apparatus; facsimile machines; phototelegraphy apparatus; igniting apparatus, electric, for igniting at a distance; acid hydrometers; salinometers; acidimeters for batteries; aerometers; beacons, luminous; battery jars; barometers; anode batteries; galvanic batteries; batteries for lighting; solar batteries; batteries, electric; balances [steelyards]; betatrons; binoculars; electronic tags for goods; lens hoods; magnetic tape units for computers; computer memory devices; fire hose nozzles; encoded identification bracelets, magnetic; safety tarpaulins; signalling buoys; life buoys; marking buoys; directional compasses; vacuum gauges; electrolyzers; variometers; verniers; scales; letter scales; weighbridges; precision balances; levelling staffs [surveying instruments]; camcorders; video baby monitors; video cassettes; video telephones; video screens; viewfinders, photographic; sockets, plugs and other contacts [electric connections]; micrometer screws for optical instruments; viscosimeters; circuit closers; wavemeters; voltmeters; mechanical signs; signs, luminous; switchboxes [electricity]; current rectifiers; gas testing instruments; gasometers [measuring instruments]; galvanometers; hands free kits for phones; heliographic apparatus; hygrometers; hydrometers; weights; peepholes [magnifying lenses] for doors; holograms; plotters; loudspeakers; sounding leads; plumb bobs; range finders; densimeters; densitometers; optical goods; detectors; smoke detectors; counterfeit [false] coin detectors; transparencies [photography]; slide projectors; diaphragms [photography]; dictating machines; dynamometers; light-emitting diodes [LED]; floppy disks; sound recording discs; disks, magnetic; optical discs; circular slide rules; disk drives for computers; juke boxes for computers; DNA chips; electronic notice boards; bullet-proof waistcoats [vests (Am.)]; life jackets; identification threads for electric wires; nose clips for divers and swimmers; locks, electric; bells [warning devices]; alarm bells, electric; electric door bells; signal bells; acoustic conduits; mirrors for inspecting work; road signs, luminous or mechanical; marine depth finders; probes for scientific purposes; buzzers; needles for record players; measures; pressure measuring apparatus; simulators for the steering and control of vehicles; inverters [electricity]; pressure indicators; temperature indicators; incubators for bacteria culture; measuring instruments; cosmographic instruments; mathematical instruments; levelling instruments; instruments containing eyepieces; surveying instruments; azimuth instruments; interfaces for computers; ionization apparatus not for the treatment of air or water; spark-guards; coaxial cables; fibre [fiber (Am.)] optic cables; cables, electric;

calipers; slide calipers; screw-tapping gauges; calculating machines; pocket calculators; decompression chambers; cinematographic cameras; electronic pens [visual display units]; holders for electric coils; identity cards, magnetic; video game cartridges; toner cartridges, unfilled, for printers and photocopiers; memory cards for video game machines; encoded magnetic cards; riding helmets; protective helmets; carriers for dark plates [photography]; automated teller machines [ATM]; cathodes; spools [photography]; choking coils [impedance]; coils, electric; electromagnetic coils; cinematographic film, exposed; computer keyboards; solenoid valves [electromagnetic switches]; wire connectors [electricity]; encoded key cards; electronic book readers; electronic agendas; push buttons for bells; mouse pads; magnetic encoders; anti-glare visors; collectors, electric; calibrating rings; protective suits for aviators; commutators; compact discs [audio-video]; compact discs; comparators; marine compasses; computers; laptop computers; tablet computers; notebook computers; condensers [capacitors]; contacts, electric; wind socks for indicating wind direction; traffic cones; branch boxes [electricity]; distribution boxes [electricity]; junction boxes [electricity]; battery boxes; cabinets for loudspeakers; diving suits; galena crystals [detectors]; reflecting discs for wear, for the prevention of traffic accidents; covers for electric outlets; logs [measuring instruments]; lasers, not for medical purposes; lactodensimeters; lactometers; vacuum tubes [radio]; darkroom lamps [photography]; thermionic tubes; amplifying tubes; flashlights [photography]; head cleaning tapes [recording]; magnetic tapes; videotapes; surveying chains; fire escapes; rulers [measuring instruments]; slide-rules; contact lenses; correcting lenses [optics]; optical lenses; optical condensers; sounding lines; electricity conduits; measuring spoons; magnifying glasses [optics]; thread counters; magnets; decorative magnets; close-up lenses; crash test dummies; resuscitation mannequins [teaching apparatus]; mouse [computer peripheral]; pressure gauges; divers' masks; solderers' helmets; protective masks; materials for electricity mains [wires, cables]; voting machines; money counting and sorting machines; material testing instruments and machines; furniture especially made for laboratories; megaphones; portable media players; diaphragms [acoustics]; diaphragms for scientific apparatus; metal detectors for industrial or military purposes; metronomes; rules [measuring instruments]; carpenters' rules; dressmakers' measures; mechanisms for counter-operated apparatus; coin-operated mechanisms for television sets; shutter releases [photography]; micrometers; microprocessors; microscopes; microtomes; microphones; modems; lightning conductors [rods]; monitors [computer hardware]; monitors [computer programs]; terminals [electricity]; junction sleeves for electric cables; teeth protectors; temperature indicator labels, not for medical purposes; knee-pads for workers; headphones; surveyors' levels; sound recording carriers; magnetic data media; optical data media; socks, electrically heated; computer software, recorded; sheaths for electric cables; identification sheaths for electric wires; weighing machines; punched card machines for offices; life saving apparatus and equipment; shoes for protection against accidents, irradiation and fire;

objectives [lenses] [optics]; lenses for astrophotography; egg-candlers; fire extinguishers; electrified fences; limiters [electricity]; clothing for protection against accidents, irradiation and fire; clothing for protection against fire; asbestos clothing for protection against fire; clothing especially made for laboratories; ozonisers [ozonators]; octants; eyepieces; ohmmeters; wrist rests for use with computers; spectacle frames; eyeglass frames; oscillographs; plumb lines; mirrors [optics]; spectacles [optics]; sunglasses; goggles for sports; signalling panels, luminous or mechanical; radio pagers; pince-nez; electronic pocket translators; transmitters [telecommunication]; telephone transmitters; transmitters of electronic signals; switches, electric; periscopes; gloves for divers; gloves for protection against accidents; gloves for protection against X-rays for industrial purposes; asbestos gloves for protection against accidents; furnaces for laboratory use; pipettes; pyrometers; planimeters; plane tables [surveying instruments]; plates for batteries; wafers for integrated circuits; printed circuit boards; compact disc players; cassette players; sound recording strips; X-ray films, exposed; films, exposed; life-saving rafts; laboratory trays; semi-conductors; polarimeters; fire pumps; measuring glassware; life belts; fuses; circuit breakers; converters, electric; telerupters; food analysis apparatus; diagnostic apparatus, not for medical purposes; distance recording apparatus; distance measuring apparatus; speed measuring apparatus [photography]; appliances for measuring the thickness of leather; apparatus for measuring the thickness of skins; speed checking apparatus for vehicles; teaching apparatus; time recording apparatus; apparatus and instruments for astronomy; surveying apparatus and instruments; weighing apparatus and instruments; nautical apparatus and instruments; navigational instruments; optical apparatus and instruments; apparatus and instruments for physics; chemistry apparatus and instruments; measuring apparatus; measuring devices, electric; boiler control instruments; meteorological instruments; naval signalling apparatus; observation instruments; navigation apparatus for vehicles [on-board computers]; satellite navigational apparatus; regulating apparatus, electric; precision measuring apparatus; audio- and video-receivers; prisms [optics]; printers for use with computers; hemline markers; retorts' stands; apparatus for changing record player needles; drainers for use in photography; cleaning apparatus for sound recording discs; fire beaters; sighting telescopes for firearms; test tubes; pressure indicator plugs for valves; magnetic wires; telegraph wires; telephone wires; wires, electric; conductors, electric; copper wire, insulated; fuse wire; computer programmes [programs], recorded; computer game software; computer programs [downloadable software]; computer operating programs, recorded; record players; processors [central processing units]; rods for water diviners; electronic publications, downloadable; distribution consoles [electricity]; control panels [electricity]; radar apparatus; masts for wireless aerials; transmitting sets [telecommunication]; radios; vehicle radios; sprinkler systems for fire protection; frames for photographic transparencies; screens for photoengraving; walkie-talkies; voltage surge protectors; voltage regulators for vehicles; stage lighting regulators; light dimmers [regulators], electric; speed

regulators for record players; cell switches [electricity]; washing trays [photography]; marking gauges [joinery]; time switches, automatic; relays, electric; safety restraints, other than for vehicle seats and sports equipment; X-ray photographs, other than for medical purposes; rheostats; respirators for filtering air; respiratory masks, other than for artificial respiration; retorts; refractometers; refractors; grids for batteries; speaking tubes; horns for loudspeakers; saccharometers; optical fibers [fibres] [light conducting filaments]; traffic-light apparatus [signalling devices]; dog whistles; signalling whistles; sextants; inductors [electricity]; safety nets; nets for protection against accidents; fire alarms; signals, luminous or mechanical; sirens; scanners [data processing equipment]; smartphones; integrated circuit cards [smart cards]; connections for electric lines; couplings, electric; connectors [electricity]; sonars; sound locating instruments; lighting ballasts; resistances, electric; spectrograph apparatus; spectrosopes; speed indicators; alcoholmeters; satellites for scientific purposes; protection devices for personal use against accidents; audiovisual teaching apparatus; radiotelegraphy sets; radiotelephony sets; spectacle lenses; anti-glare glasses; optical glass; personal stereos; stereoscopes; stands for photographic apparatus; stroboscopes; fire boats; sulfimeters; bags adapted for laptops; drying racks [photography]; spherometers; integrated circuits; printed circuits; counters; parking meters; kilometer recorders for vehicles; revolution counters; abacuses; egg timers [sandglasses]; taximeters; ear plugs for divers; tachometers; television apparatus; telegraphs [apparatus]; telescopes; teleprompters; teleprinters; portable telephones; theodolites; thermometers, not for medical purposes; thermostats; thermostats for vehicles; crucibles [laboratory]; tone arms for record players; totalizers; transistors [electronic]; transponders; protractors [measuring instruments]; transformers [electricity]; step-up transformers; vehicle breakdown warning triangles; triodes; starter cables for motors; discharge tubes, electric, other than for lighting; capillary tubes; neon signs; Pitot tubes; X-ray tubes not for medical purposes; telephone receivers; gauges; quantity indicators; automatic indicators of low pressure in vehicle tires [tyres]; gasoline gauges; water level indicators; electric loss indicators; light-emitting electronic pointers; slope indicators; levels [instruments for determining the horizontal]; mercury levels; spirit levels; urinometers; amplifiers; particle accelerators; electric installations for the remote control of industrial operations; baby monitors; steering apparatus, automatic, for vehicles; balancing apparatus; video recorders; sound reproduction apparatus; invoicing machines; tape recorders; protection devices against X-rays, not for medical purposes; railway traffic safety appliances; data processing apparatus; oxygen transvasing apparatus; theft prevention installations, electric; film cutting apparatus; drying apparatus for photographic prints; optical character readers; centering apparatus for photographic transparencies; dosage dispensers; battery chargers; chargers for electric batteries; acoustic [sound] alarms; sounding apparatus and machines; editing appliances for cinematographic films; cathodic anti-corrosion apparatus; couplers [data processing equipment]; anti-theft warning apparatus; computer

peripheral devices; anti-interference devices [electricity]; demagnetizing apparatus for magnetic tapes; acoustic couplers; alarms; fog signals, non-explosive; whistle alarms; adding machines; readers [data processing equipment]; heat regulating apparatus; photocopiers [photographic, electrostatic, thermic]; bar code readers; computer software applications, downloadable; downloadable ring tones for mobile phones; downloadable image files; downloadable music files; animated cartoons; filters [photography]; filters for respiratory masks; filters for ultraviolet rays, for photography; USB flash drives; magic lanterns; optical lamps; signal lanterns; cameras [photography]; glazing apparatus for photographic prints; shutters [photography]; darkrooms [photography]; photometers; flash-bulbs [photography]; digital photo frames; enlarging apparatus [photography]; photovoltaic cells; containers for contact lenses; spectacle cases; pince-nez cases; containers for microscope slides; cases especially made for photographic apparatus and instruments; chromatography apparatus for laboratory use; chronographs [time recording apparatus]; laboratory centrifuges; eyeglass chains; cyclotrons; compasses [measuring instruments]; frequency meters; time clocks [time recording devices]; Petri dishes; sleeves for laptops; fire blankets; chips [integrated circuits]; jigs [measuring instruments]; pedometers; meteorological balloons; electrified rails for mounting spot lights; asbestos screens for firemen; fire hose; protective helmets for sports; cell phone straps; eyeglass cords; tripods for cameras; switchboards; distribution boards [electricity]; screens [photography]; workmen's protective face-shields; projection screens; radiology screens for industrial purposes; fluorescent screens; exposure meters [light meters]; ducts [electricity]; galvanic cells; epidiascopes; ergometers; armatures [electricity].

- [Class 35] Advertising; business management; business administration; office functions; arranging subscriptions to telecommunication services for others; import-export agencies; commercial information agencies; advertising agencies; cost price analysis; rental of advertising space; business auditing; employment agencies; computerized file management; book-keeping; invoicing; demonstration of goods; transcription of communications [office functions]; opinion polling; marketing studies; business information; commercial information and advice for consumers [consumer advice shop]; business investigations; business research; marketing research; personnel recruitment; business management and organization consultancy; business organization consultancy; business management consultancy; personnel management consultancy; professional business consultancy; layout services for advertising purposes; marketing; business management of performing artists; business management of sports people; news clipping services; updating of advertising material; updating and maintenance of data in computer databases; word processing; organization of exhibitions for commercial or advertising purposes; arranging newspaper subscriptions for others; organization of fashion shows for promotional purposes; organization of trade fairs for commercial or advertising purposes; shop window dressing; business appraisals; payroll preparation; data search in computer files for others; sponsorship search; business management

assistance; commercial or industrial management assistance; commercial intermediation services; provision of commercial and business contact information; providing business information via a web site; presentation of goods on communication media, for retail purposes; economic forecasting; auctioneering; retail or wholesale services for pharmaceutical, veterinary and sanitary preparations and medical supplies; sales promotion for others; production of advertising films; office machines and equipment rental; rental of advertising time on communication media; publicity material rental; rental of vending machines; rental of sales stands; rental of photocopying machines; publication of publicity texts; radio advertising; bill-posting; distribution of samples; dissemination of advertising matter; direct mail advertising; writing of publicity texts; on-line advertising on a computer network; advertising by mail order; television advertising; document reproduction; compilation of statistics; compilation of information into computer databases; business inquiries; systemization of information into computer databases; advisory services for business management; negotiation and conclusion of commercial transactions for third parties; tax preparation; drawing up of statements of accounts; telemarketing services; psychological testing for the selection of personnel; business management of hotels; business management for freelance service providers; commercial administration of the licensing of the goods and services of others; business project management services for construction projects; administrative processing of purchase orders; public relations; modelling for advertising or sales promotion; typing; relocation services for businesses; search engine optimization; web site traffic optimization; price comparison services; pay per click advertising; secretarial services; procurement services for others [purchasing goods and services for other businesses]; shorthand; outsourcing services [business assistance]; telephone answering for unavailable subscribers; photocopying services; business efficiency expert services.

[Class 36] Insurance; financial affairs; monetary affairs; real estate affairs; credit bureaux; debt collection agencies; real estate agencies; financial analysis; renting of apartments; leasing of real estate; rental of offices [real estate]; leasing of farms; lease-purchase financing; savings bank services; accommodation bureaux [apartments]; rent collection; issuing of travellers' checks [cheques]; issuance of credit cards; issue of tokens of value; capital investment; insurance information; financial information; clearing, financial; insurance consultancy; financial consultancy; debt advisory services; stock exchange quotations; lending against security; business liquidation services, financial; brokerage; financial management; exchanging money; online banking; debit card services; credit card services; factoring; organization of collections; arranging finance for construction projects; antique appraisal; jewellery [jewelry (Am.)] appraisal; financial evaluation of standing timber; stamp appraisal; real estate appraisal; numismatic appraisal; art appraisal; financial evaluation of wool; financial evaluation [insurance, banking, real estate]; repair costs evaluation [financial appraisal]; electronic funds transfer; surety services; securities brokerage; real estate brokers; brokerage of carbon credits; insurance brokerage; loans

[financing]; pawnbrokerage; providing financial information via a web site; check [cheque] verification; charitable fund raising; financial sponsorship; mortgage banking; instalment loans; insurance underwriting; life insurance underwriting; health insurance underwriting; accident insurance underwriting; marine insurance underwriting; fire insurance underwriting; apartment house management; real estate management; actuarial services; banking; stock brokerage services; retirement payment services; trusteeship; provident fund services; customs brokerage; mutual funds; financing services; safe deposit services; deposits of valuables; fiscal assessments.

[Class 45] Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals; marriage agencies; detective agencies; night guards; adoption agency services; arbitration services; rental of safes; embalming services; undertaking; lost property return; releasing doves for special occasions; genealogical research; legal research; security consultancy; intellectual property consultancy; monitoring intellectual property rights for legal advisory purposes; monitoring of burglar and security alarms; crematorium services; licensing of intellectual property; licensing of computer software [legal services]; organization of religious meetings; opening of security locks; guards; planning and arranging of wedding ceremonies; missing person investigations; litigation services; baby sitting; pet sitting; baggage inspection for security purposes; inspection of factories for safety purposes; evening dress rental; rental of fire extinguishers; clothing rental; rental of fire alarms; registration of domain names [legal services]; personal background investigations; fire-fighting; escorting in society [chaperoning]; horoscope casting; copyright management; dating services; alternative dispute resolution services; house sitting; mediation; funerals; on-line social networking services; personal body guarding.

<Example>

[Class 09]

- o Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments → Distillation apparatus for scientific purposes; nautical apparatus and instruments; surveying apparatus and instruments; photographic apparatus and instruments; cinematographic apparatus and instruments; optical apparatus and instruments [except glasses and photographic apparatus and instruments]; weighing apparatus and instruments; measuring apparatus and instruments; traffic signal devices [luminous or mechanical]; signalling whistles; transmitters of electronic signals; speed checking apparatus for vehicles; cable checking panels; life-saving apparatus and instruments; Electronic teaching desk
- o apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity → electric conductors; electric switches; Transformers (electricity); electric accumulators; electrical controllers
- o recording discs → Recording discs for magnetic data carriers
- o optical goods → Optical mirrors; Optical sensors; Optical lenses
- o cosmographic instruments → cosmographic instruments, namely, ... *{specify the*

appropriate name of goods in Class 09}

- o teaching apparatus → Audiovisual teaching apparatus
- o optical apparatus and instruments → Optical apparatus and instruments except for glasses and photographic apparatus

[Class 35]

- o retail or wholesale services for medical supplies → retail or wholesale services for suture materials for medical purposes
- o search engine optimization → Updating and maintenance of data in computer databases for search engine optimization
- o web site traffic optimization → Compilation of information into computer databases for web site traffic optimization
- o procurement services for others [purchasing goods and services for other businesses] → Pharmaceutical products procurement services for others (purchasing pharmaceutical products for other businesses)

[Class 36]

- o monetary affairs → Advisory services relating to monetary affairs; Philanthropic services concerning monetary donations
- o real estate affairs → Financing of real estate; Real estate insurance services; Financial evaluation of real estate
- o brokerage → financial investment brokerage; Health insurance brokerage; Real estate brokerage services relating to land acquisition
- o trusteeship → Trusteeship of pensions; Trusteeship of securities; Trusteeship of real estate property

[Class 45]

- o personal and social services rendered by others to meet the needs of individuals → Internet-based social introduction services; Running errands for others
- o mediation → Mediation (legal services)

☞ Please note that, while an application may be amended to clarify or limit the identification, addition to the identification is not permitted. Therefore, the applicant may not amend to include any goods/services that are not within the scope of the goods/services recited in the present identification. Korean Trademark Act, Article 14(1), 16(1).

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 mark (see below) which was registered in the Republic of Korea prior to the international registration date of the proposed mark, and because some designated goods are related to those of the earlier mark. Korean Trademark Act, Article 7(1)(vii).

In this case, “**GLOBALONE**”, one of the dominant portions of the proposed mark



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

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

□ Information concerning the earlier mark

- Filing number : 4020080053504
- Filing date : 14/11/2008
- Korean registration number : 4008127790000
- Korean registration date : 28/01/2010
- Name and address of the owner : LEE, GUN IL
13, Deongneung-ro 62-gil, Dobong-gu, Seoul, Republic of Korea

- Goods/services :

[Class 25] 의류, 각반(脚絆), 기성복안감, 나비넥타이, 남성양말, 네커치프, 넥타이, 땀흡수 스타킹, 래그워머, 레깅스(Leggings), 머리띠{의복}, 머프(Muffs), 모피 머프, 모피스톨, 목도리, 반다나(Bandana)[목도리], 발목양말, 발싸개, 발한방지양말, 방한용 귀마개, 방한용 장갑, 버선, 버선커버, 병어리장갑, 베일(의복), 보아(모피목도리), 비전기식 보온용 발싸개, 비종이제 턱받이, 서라피(Serapes), 손목밴드, 숄, 숄 및 스톨, 숄더랩(Shoulder wraps), 숄더스카프, 수녀용 머리수건, 수대(手帶), 수면 안대[수면용 눈가리개], 스위트밴드, 스카프, 스타킹, 스타킹뒤편치름 덧댄 부분, 스톨(Stoles), 실크스카프, 애스콧타이(Ascots), 양말, 양말커버, 양모양말, 양복 장식용 손수건 (Pocket squares), 에이프런, 여성용 모피목도리, 옷커버, 운동용 스타킹, 유아용 직물제 기저귀, 의류용 소맷부리, 의류용 장식띠, 의류용 호주머니, 의복용 장갑, 직물제 기저귀, 크라바트, 타이츠(Tights), 트리고제 숄, 파레오, 퍼러린(Pelerines), 헤드스카프(의복), 가죽제 모자, 골프용 모자, 관(冠), 나이트캡, 남바위, 니트모자, 망건, 모자, 모자챙(Sun visors), 모자틀, 모피 모자, 베레모, 사교관(司敎冠), 야구모자, 양모제 모자, 어린이용 모자, 의류용 후드(두건), 종이 모자, 첩달린 모자, 터번, 테없는 모자, 톱햇(Top hat), 가죽제 허리띠[혁대], 가터(Garters), 각반용(脚絆用) 대님, 남성용 서스펜더 벨트, 대님, 바지용 대님, 스타킹 서스펜더, 양말서스펜더, 여성용 서스펜더 벨트, 의류용 멜빵, 의류용 벨트, 의복용 벨트, 직물제 벨트, 텍시도 벨트, 허리끈, 혁대(의복용)

- Reproduction of the mark:



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

[Class 09] Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus;

DVD players; 3D spectacles; ticket dispensers; coin-operated musical automata [juke boxes]; answering machines; fire engines; accumulators, electric; accumulators, electric, for vehicles; actinometers; alidades; altimeters; ammeters; anemometers; anodes; antennas; anticathodes; apertometers [optics]; high-frequency apparatus; testing apparatus not for medical purposes; remote control apparatus; electro-dynamic apparatus for the remote control of railway points; electro-dynamic apparatus for the remote control of signals; monitoring apparatus, electric; sound recording apparatus; Global Positioning System [GPS] apparatus; distillation apparatus for scientific purposes; diffraction apparatus [microscopy]; air analysis apparatus; apparatus to check franking; sound transmitting apparatus; apparatus for fermentation [laboratory apparatus]; breathing apparatus for underwater swimming; breathing apparatus, except for artificial respiration; apparatus and installations for the production of X-rays, not for medical purposes; cash registers; electric apparatus for commutation; intercommunication apparatus; stills for laboratory experiments; projection apparatus; radiological apparatus for industrial purposes; X-ray apparatus not for medical purposes; blueprint apparatus; flashing lights [luminous signals]; stereoscopic apparatus; telephone apparatus; facsimile machines; phototelegraphy apparatus; igniting apparatus, electric, for igniting at a distance; acid hydrometers; salinometers; acidimeters for batteries; aerometers; beacons, luminous; battery jars; barometers; anode batteries; galvanic batteries; batteries for lighting; solar batteries; batteries, electric; balances [steelyards]; betatrons; binoculars; electronic tags for goods; lens hoods; magnetic tape units for computers; computer memory devices; fire hose nozzles; encoded identification bracelets, magnetic; safety tarpaulins; signalling buoys; life buoys; marking buoys; directional compasses; vacuum gauges; electrolyzers; variometers; verniers; scales; letter scales; weighbridges; precision balances; levelling staffs [surveying instruments]; camcorders; video baby monitors; video cassettes; video telephones; video screens; viewfinders, photographic; sockets, plugs and other contacts [electric connections]; micrometer screws for optical instruments; viscosimeters; circuit closers; wavemeters; voltmeters; mechanical signs; signs, luminous; switchboxes [electricity]; current rectifiers; gas testing instruments; gasometers [measuring instruments]; galvanometers; hands free kits for phones; heliographic apparatus; hygrometers; hydrometers; weights; peepholes [magnifying lenses] for doors; holograms; plotters; loudspeakers; sounding leads; plumb bobs; range finders; densimeters; densitometers; optical goods; detectors; smoke detectors; counterfeit [false] coin detectors; transparencies [photography]; slide projectors; diaphragms [photography]; dictating machines; dynamometers; light-emitting diodes [LED]; floppy disks; sound recording discs; disks, magnetic; optical discs; circular slide rules; disk drives for computers; juke boxes for computers; DNA chips; electronic notice boards; bullet-proof

waistcoats [vests (Am.)]; life jackets; identification threads for electric wires; nose clips for divers and swimmers; locks, electric; bells [warning devices]; alarm bells, electric; electric door bells; signal bells; acoustic conduits; mirrors for inspecting work; road signs, luminous or mechanical; marine depth finders; probes for scientific purposes; buzzers; needles for record players; measures; pressure measuring apparatus; simulators for the steering and control of vehicles; inverters [electricity]; pressure indicators; temperature indicators; incubators for bacteria culture; measuring instruments; cosmographic instruments; mathematical instruments; levelling instruments; instruments containing eyepieces; surveying instruments; azimuth instruments; interfaces for computers; ionization apparatus not for the treatment of air or water; spark-guards; coaxial cables; fibre [fiber (Am.)] optic cables; cables, electric; calipers; slide calipers; screw-tapping gauges; calculating machines; pocket calculators; decompression chambers; cinematographic cameras; electronic pens [visual display units]; holders for electric coils; identity cards, magnetic; video game cartridges; toner cartridges, unfilled, for printers and photocopiers; memory cards for video game machines; encoded magnetic cards; riding helmets; protective helmets; carriers for dark plates [photography]; automated teller machines [ATM]; cathodes; spools [photography]; choking coils [impedance]; coils, electric; electromagnetic coils; cinematographic film, exposed; computer keyboards; solenoid valves [electromagnetic switches]; wire connectors [electricity]; encoded key cards; electronic book readers; electronic agendas; push buttons for bells; mouse pads; magnetic encoders; anti-glare visors; collectors, electric; calibrating rings; **protective suits for aviators**; commutators; compact discs [audio-video]; compact discs; comparators; marine compasses; computers; laptop computers; tablet computers; notebook computers; condensers [capacitors]; contacts, electric; wind socks for indicating wind direction; traffic cones; branch boxes [electricity]; distribution boxes [electricity]; junction boxes [electricity]; battery boxes; cabinets for loudspeakers; **diving suits**; galena crystals [detectors]; reflecting discs for wear, for the prevention of traffic accidents; covers for electric outlets; logs [measuring instruments]; lasers, not for medical purposes; lactodensimeters; lactometers; vacuum tubes [radio]; darkroom lamps [photography]; thermionic tubes; amplifying tubes; flashlights [photography]; head cleaning tapes [recording]; magnetic tapes; videotapes; surveying chains; fire escapes; rulers [measuring instruments]; slide-rules; contact lenses; correcting lenses [optics]; optical lenses; optical condensers; sounding lines; electricity conduits; measuring spoons; magnifying glasses [optics]; thread counters; magnets; decorative magnets; close-up lenses; crash test dummies; resuscitation mannequins [teaching apparatus]; mouse [computer peripheral]; pressure gauges; divers' masks; solderers' helmets; protective masks; materials for electricity mains [wires, cables]; voting machines; money counting and sorting

machines; material testing instruments and machines; furniture especially made for laboratories; megaphones; portable media players; diaphragms [acoustics]; diaphragms for scientific apparatus; metal detectors for industrial or military purposes; metronomes; rules [measuring instruments]; carpenters' rules; dressmakers' measures; mechanisms for counter-operated apparatus; coin-operated mechanisms for television sets; shutter releases [photography]; micrometers; microprocessors; microscopes; microtomes; microphones; modems; lightning conductors [rods]; monitors [computer hardware]; monitors [computer programs]; terminals [electricity]; junction sleeves for electric cables; teeth protectors; temperature indicator labels, not for medical purposes; knee-pads for workers; headphones; surveyors' levels; sound recording carriers; magnetic data media; optical data media; socks, electrically heated; computer software, recorded; sheaths for electric cables; identification sheaths for electric wires; weighing machines; punched card machines for offices; life saving apparatus and equipment; shoes for protection against accidents, irradiation and fire; objectives [lenses] [optics]; lenses for astrophotography; egg-candlers; fire extinguishers; electrified fences; limiters [electricity]; clothing for protection against accidents, irradiation and fire; clothing for protection against fire; asbestos clothing for protection against fire; clothing especially made for laboratories; ozonisers [ozonators]; octants; eyepieces; ohmmeters; wrist rests for use with computers; spectacle frames; eyeglass frames; oscillographs; plumb lines; mirrors [optics]; spectacles [optics]; sunglasses; goggles for sports; signalling panels, luminous or mechanical; radio pagers; pince-nez; electronic pocket translators; transmitters [telecommunication]; telephone transmitters; transmitters of electronic signals; switches, electric; periscopes; gloves for divers; gloves for protection against accidents; gloves for protection against X-rays for industrial purposes; asbestos gloves for protection against accidents; furnaces for laboratory use; pipettes; pyrometers; planimeters; plane tables [surveying instruments]; plates for batteries; wafers for integrated circuits; printed circuit boards; compact disc players; cassette players; sound recording strips; X-ray films, exposed; films, exposed; life-saving rafts; laboratory trays; semi-conductors; polarimeters; fire pumps; measuring glassware; life belts; fuses; circuit breakers; converters, electric; telerupters; food analysis apparatus; diagnostic apparatus, not for medical purposes; distance recording apparatus; distance measuring apparatus; speed measuring apparatus [photography]; appliances for measuring the thickness of leather; apparatus for measuring the thickness of skins; speed checking apparatus for vehicles; teaching apparatus; time recording apparatus; apparatus and instruments for astronomy; surveying apparatus and instruments; weighing apparatus and instruments; nautical apparatus and instruments; navigational instruments; optical apparatus and instruments; apparatus and instruments for physics; chemistry apparatus and

instruments; measuring apparatus; measuring devices, electric; boiler control instruments; meteorological instruments; naval signalling apparatus; observation instruments; navigation apparatus for vehicles [on-board computers]; satellite navigational apparatus; regulating apparatus, electric; precision measuring apparatus; audio- and video-receivers; prisms [optics]; printers for use with computers; hemline markers; retorts' stands; apparatus for changing record player needles; drainers for use in photography; cleaning apparatus for sound recording discs; fire beaters; sighting telescopes for firearms; test tubes; pressure indicator plugs for valves; magnetic wires; telegraph wires; telephone wires; wires, electric; conductors, electric; copper wire, insulated; fuse wire; computer programmes [programs], recorded; computer game software; computer programs [downloadable software]; computer operating programs, recorded; record players; processors [central processing units]; rods for water diviners; electronic publications, downloadable; distribution consoles [electricity]; control panels [electricity]; radar apparatus; masts for wireless aerials; transmitting sets [telecommunication]; radios; vehicle radios; sprinkler systems for fire protection; frames for photographic transparencies; screens for photoengraving; walkie-talkies; voltage surge protectors; voltage regulators for vehicles; stage lighting regulators; light dimmers [regulators], electric; speed regulators for record players; cell switches [electricity]; washing trays [photography]; marking gauges [joinery]; time switches, automatic; relays, electric; safety restraints, other than for vehicle seats and sports equipment; X-ray photographs, other than for medical purposes; rheostats; respirators for filtering air; respiratory masks, other than for artificial respiration; retorts; refractometers; refractors; grids for batteries; speaking tubes; horns for loudspeakers; saccharometers; optical fibers [fibres] [light conducting filaments]; traffic-light apparatus [signalling devices]; dog whistles; signalling whistles; sextants; inductors [electricity]; safety nets; nets for protection against accidents; fire alarms; signals, luminous or mechanical; sirens; scanners [data processing equipment]; smartphones; integrated circuit cards [smart cards]; connections for electric lines; couplings, electric; connectors [electricity]; sonars; sound locating instruments; lighting ballasts; resistances, electric; spectrograph apparatus; spectroscopes; speed indicators; alcoholmeters; satellites for scientific purposes; protection devices for personal use against accidents; audiovisual teaching apparatus; radiotelegraphy sets; radiotelephony sets; spectacle lenses; anti-glare glasses; optical glass; personal stereos; stereoscopes; stands for photographic apparatus; stroboscopes; fire boats; sulfimeters; bags adapted for laptops; drying racks [photography]; spherometers; integrated circuits; printed circuits; counters; parking meters; kilometer recorders for vehicles; revolution counters; abacuses; egg timers [sandglasses]; taximeters; ear plugs for divers; tachometers; television apparatus; telegraphs [apparatus]; telescopes; teleprompters; teleprinters; portable

telephones; theodolites; thermometers, not for medical purposes; thermostats; thermostats for vehicles; crucibles [laboratory]; tone arms for record players; totalizers; transistors [electronic]; transponders; protractors [measuring instruments]; transformers [electricity]; step-up transformers; vehicle breakdown warning triangles; triodes; starter cables for motors; discharge tubes, electric, other than for lighting; capillary tubes; neon signs; Pitot tubes; X-ray tubes not for medical purposes; telephone receivers; gauges; quantity indicators; automatic indicators of low pressure in vehicle tires [tyres]; gasoline gauges; water level indicators; electric loss indicators; light-emitting electronic pointers; slope indicators; levels [instruments for determining the horizontal]; mercury levels; spirit levels; urinometers; amplifiers; particle accelerators; electric installations for the remote control of industrial operations; baby monitors; steering apparatus, automatic, for vehicles; balancing apparatus; video recorders; sound reproduction apparatus; invoicing machines; tape recorders; protection devices against X-rays, not for medical purposes; railway traffic safety appliances; data processing apparatus; oxygen transvasing apparatus; theft prevention installations, electric; film cutting apparatus; drying apparatus for photographic prints; optical character readers; centering apparatus for photographic transparencies; dosage dispensers; battery chargers; chargers for electric batteries; acoustic [sound] alarms; sounding apparatus and machines; editing appliances for cinematographic films; cathodic anti-corrosion apparatus; couplers [data processing equipment]; anti-theft warning apparatus; computer peripheral devices; anti-interference devices [electricity]; demagnetizing apparatus for magnetic tapes; acoustic couplers; alarms; fog signals, non-explosive; whistle alarms; adding machines; readers [data processing equipment]; heat regulating apparatus; photocopiers [photographic, electrostatic, thermic]; bar code readers; computer software applications, downloadable; downloadable ring tones for mobile phones; downloadable image files; downloadable music files; animated cartoons; filters [photography]; filters for respiratory masks; filters for ultraviolet rays, for photography; USB flash drives; magic lanterns; optical lamps; signal lanterns; cameras [photography]; glazing apparatus for photographic prints; shutters [photography]; darkrooms [photography]; photometers; flash-bulbs [photography]; digital photo frames; enlarging apparatus [photography]; photovoltaic cells; containers for contact lenses; spectacle cases; pince-nez cases; containers for microscope slides; cases especially made for photographic apparatus and instruments; chromatography apparatus for laboratory use; chronographs [time recording apparatus]; laboratory centrifuges; eyeglass chains; cyclotrons; compasses [measuring instruments]; frequency meters; time clocks [time recording devices]; Petri dishes; sleeves for laptops; fire blankets; chips [integrated circuits]; jigs [measuring instruments]; pedometers; meteorological balloons; electrified rails for mounting spot lights; asbestos screens for firemen; fire hose;

protective helmets for sports; cell phone straps; eyeglass cords; tripods for cameras; switchboards; distribution boards [electricity]; screens [photography]; workmen's protective face-shields; projection screens; radiology screens for industrial purposes; fluorescent screens; exposure meters [light meters]; ducts [electricity]; galvanic cells; epidiascopes; ergometers; armatures [electricity].

10. Official Seal or Signature by the Office:

KIPO Examiner KIM, Tak Young



<< Information >>

If the holder has any questions or needs assistance in responding to this notification, please contact the examiner.

E-mail: kipomadrid@korea.kr, telephone: (82) (42) 481 5349 or Fax: (82) (42) 472 3507

Extract from the Korean Trademark Act

Article 3 Persons Entitled to Register a Trademark

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

Article 5 *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. 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;

(viii) 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;

(ix) 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;

(x) 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;

(xi) 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;

(xii) 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;

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

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

(xv) 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;

(xvi) 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;

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

(xviii) 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^{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 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^{ter} 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/>