

Chapter X: Article 15-3
(Unregistered Prior Trademark)

Article 15-3

(1) Where a trademark pertaining to an application for trademark registration is identical with, or similar to, another person's trademark pertaining to an application for trademark registration filed prior to the filing date of the said application, if the said trademark is used for goods or services identical with, or similar to, the designated goods or designated services pertaining to such other person's trademark, the examiner may notify the applicant for trademark registration of the fact that the said application for trademark registration will fall under Article 15 (i) when the said other person's trademark is registered, and provide the applicant with an opportunity to submit a written opinion, designating a reasonable time limit for such purpose.

(2) Where the notification set forth in the preceding paragraph has already been served and the said other person's trademark is registered, the examiner shall not be required to serve the notification set forth in the preceding Article.

1. An examiner's decision of refusal based on the ground of a notification of a reason for refusal under Paragraph 1 needs to be made only after a trademark application in a trademark application cited in the notification of a reason for refusal is registered.

2. In case where the designated goods or designated services of a trademark application cited in a notification of a reason for refusal are amended, it is not necessary to serve another notification of a reason for refusal.