

Chapter XI: Article 16  
(Examiner's Decision that a Trademark is to be Registered)

Article 16

Where no reasons for refusal are found in connection with an application for trademark registration within the time limit provided by Cabinet Order, the examiner shall render a decision to the effect that the trademark is to be registered.

Trademark Act Enforcement Order

Article 2

The time limit provided in Article 16 of the Trademark Act (including applications for Article 55-2(2) (including applications under Article 60-2(2) (including applications under Article 68(5)) and Article 68(4)) and Article 68(2)) is 18 months from the application date approved in the provisions of Article 5-2(1) or (4) (including applications under Article 68(1)) for registration of trademarks (when the examiner notifies the reasons of refusal of the application for registration of trademarks in regards to Article 15(3), and when the gist has changed through amendments, the date of submission of the procedural amendment form, and when the following paragraphs are applied to the application for registration of trademark, the application date for the registration of trademarks in the occasion that the paragraphs are not applied).

1. The provisions of Article 9(1), Article 10(2) (including applications under Article 11(5), Article 12(3), Article 65(3) and Article 68(1),) or Article 68-12(2) of the Trademark Act.

2. Provision of Article 17-3(1) of the Design Law when applied to Article 17-2(1) (including the application under Article 68(2) of the Trademark Act) and Article 55-2(3) (including applications under Article 60-2(2) (including applications under Article 68(5)) and Article 68(4) of the Trademark Act).

(2) Irrespective of the former provision, the time limit designated by the Cabinet Order in relation to Article 16 of the Trademark Act concerning the designation of the scope of the application for registration of trademark provided in Article 68-9(1) is 18 months (For cases when the notice of correction is made according to the ministerial order of the Ministry of Economy, Trade and Industry for the items registered in the International Register provided in Article 68-9(1) of the Trademark Act through the International Bureau provided in Article 68-3(1). The date of the invitation of correction for the cases in which the examiner notices the

reasons for refusal for the relevant items) from the date the scope has been reported according to Article 3-3 of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Adopted at Madrid on June 27,1989).

1. Whether or not the reason for refusal was found during the “time limit designated by the Cabinet Order” will be determined by the date in which the notification of reason for refusal for the application was forwarded.
2. Even when the notification of reason for refusal returns to the Patent Office undelivered to the applicant and is forwarded for the second time, the “time limit designated by the Cabinet Order” will be counted based on the date when the notification was forwarded for the first time.