

32. 02

Actions taken by an applicant for design registration in response to the decision to dismiss an amendment

In response to the decision to dismiss an amendment, an applicant for design registration may choose one of the following actions.

(1) Request for trial or appeal

If the applicant is not satisfied with the decision to dismiss an amendment, the applicant may file a request for a trial or appeal within three months from the date on which the certified copy of the decision has been served (Design Act 47).

However, If, due to reasons beyond the control of the applicant, i.e., the person that files the request, the applicant is unable to file the request within the period, the applicant may file the request within 14 days (or, if the person is an overseas resident, within two months) from the date on which the reasons ceased to exist, but not later than six months after the lapse of the period (Design Act 46(2) [m.m.] Design Act 47(2)).

(2) New application for an amended design

The applicant may file a new application for design registration for an amended design within three months from the date on which the certified copy of the decision has been served. In this filing, the original application for design registration is deemed to have been withdrawn (Design Act 17-3 (1) and (2)).

(3) Submitting a written amendment again

If an amendment in response to a notice of reasons for rejection or an order to amend procedures has been dismissed, the applicant may file a written amendment to eliminate the reason for rejection or other written amendment in an appropriate form for up to three months from the date on which the certified copy of the decision has been served.

(4) No reply made to the decision to dismiss an amendment

The applicant may not make any reply to the decision to dismiss an amendment and may leave the decision as it is (→Main 32.07).