

17.03

Handling of the Original Application when an Application has been Converted

Where the conversion of a trademark application has been made, the original trademark application shall be deemed to have been withdrawn (Article 11(5), Article 12(3) and Article 65(3) of the Trademark Act). This also applies to the case when a retroactive adjustment of the application date will not be granted with respect to a new application related to a conversion.

[Explanation]

The reason why the original trademark application shall be deemed to have been withdrawn when the converted application has been submitted is not because the application date of the new application related to the conversion is retroactively adjusted. Rather, it is deemed that the applicant has expressed the intention to give up the original application and change the application to the converted contents. For this reason the case is handled in the manner indicated above.

(Reference: 1976 (Gyo U) No. 93, Decision of the Tokyo District Court, September 21, 1977
Precedents for Industrial Property Law (Current Law 16) Utility Models Acts 2513-6)

[Note] This handling does not apply to international trademark applications.