

40.02

Disclosure of the Reasons for Refusal under Article 4(1)(xi) of the Trademark Act

The trademark that is cited as the reason for refusal pursuant to Article 4(1)(xi) of the Trademark Act shall be indicated according to the method below.

1. When citing a trademark, which has already been published in a publication in a trademark gazette upon registration, as the reasons for refusal in the notification of reasons for refusal pursuant to Article 4(1)(xi) of the Trademark Act, the examiner, in principal, only indicates the application number or the registration number to specify the cited trademark and does not describe the “trademark itself” nor the “designated goods or services.”

2. The specific method to indicate the cited trademark in a notification of reasons for refusal shall be as described below.

(1) Only the application number (*) should be indicated when citing a trademark that has been filed in and after January 2000 and is yet to be registered and published in a trademark gazette (publication of unexamined application) (including international trademark applications).

(2) Both the registration number (*) and the application number should be indicated when citing a trademark that has been filed in or after January 2000 and registered (including international trademark applications).

(3) The application number or the registration number along with the cited “trademark” and the “designated goods or services” should be indicated when citing a trademark that has been filed in or before December 1999 and is either yet to be registered or is registered but has yet to be published in a trademark gazette.

(4) When citing a trademark that has been filed in or before December 1999 and has already been published in a trademark gazette, the registration number as well as the application number or the publication number (if its examined application has been published) should be indicated.

(*) The international registration number should be indicated in the case of an international trademark application or a registration based on an international trademark application. In the case of subsequent designation, the date of subsequent designation should also be indicated along with the international registration number.

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

(Note) Click below to see the Examination Guidelines for Trademarks

Examination Guideline for Trademarks:

[Article 4\(1\)\(xi\) \(Another Person’s Registered Trademark Applied for Prior to the Filing Date of the Trademark Application Concerned\)](#)