

## 40.05

### **Notification of Reasons for Refusal Citing a Trademark Relating to a Trademark Right Based on an International Registration Rescinded Pursuant to the Central Attack**

1. In relation to the application of Article 4(1)(xi) of the Trademark Act, when a cited trademark has a trademark right based on an international registration and the international registration relating to the trademark right of the cited trademark is rescinded pursuant to the provisions of Article 6(4) of the Madrid Protocol, the examiner shall notify the reasons for refusal based on Article 4(1)(xi) of the Trademark Act citing that trademark, by taking note that an application for trademark registration may be filed based on the provision of Article 68-32 of the Trademark Act.

(Explanations)

1. With respect to a trademark that has been an object of international registration designating Japan, when the international registration of all or some of the goods or services listed in the international registration are rescinded pursuant to the provisions of Article 6(4) of the Madrid Protocol (central attack), a person who has the ownership of the international registration may file an application for trademark registration relating to all or some of the goods or services within three months from the date when the international registration was rescinded (Article 68-32 of the Trademark Act).

2. Therefore, in applying Article 4(1)(xi) of the Trademark Act, when a cited trademark has a trademark right based on an international registration and the international registration relating to the trademark right of the cited trademark is rescinded based on the provisions of Article 6(4) of the Madrid Protocol, the examination shall be advanced after confirming whether an application for trademark registration has been filed based on the provision of Article 68-32 of the Trademark Act.

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

Examination Guidelines for Trademarks: Article 4(1)(xi) (Another person's registered trademark of an earlier application)