

42.113.01

Necessary Transitional Measures Accompanied by the Abolishment of the Provision Relating to Article 4(1)(xiii) of the Trademark Act

1. An application for trademark registration notified reasons for refusal that the trademark falls under the provision of Article 4(1)(xiii) on and before March 31, 2012 and actually pending at the Patent Office on April 1 in 2012, shall not be applied with Article 4(1)(xiii).

(Reasons)

1. By Partial Amendments in 2011 to the Trademark Act, the provision of Article 4(1)(xiii) has been abolished.
2. The abolishment of this provision corresponds to user's needs to secure the right for an applicant in an early-stage, thereby, it shall meet user's profit to apply the Partial Amendments as early as possible.

Furthermore, where any confusion may occur to an application actually pending to the Patent Office at the time of enforcement thereof, it is possible to exclude the trademark registration by applying Article 4(xv) that is a general provision for protection of confusion.

3. Based on this viewpoint, abolishment of the provision shall be applied from the effective date without providing transitional measures, thereby, at the time of the effective date of the amended Trademark Act (April 1, 2012), an application for trademark registration shall be treated as described above.
4. This treatment shall not influence on the application of Article 4(1)(xi).