

47.101.05

Names of Regions in the Trademarks Having a Close Relationship with the Goods or Services

1. The names of the regions should have a close relationship with the goods or services of the filed trademark which the organization, being the applicant, or the members thereof have been using before filing the application.

The applicant should submit any document which shows that the organization and the members thereof use the filed trademark for specific goods or services in certain ways and that the goods or services have a relationship with the name of the region in the filed trademark, since such facts cannot be determined unless the applicant submits them (Article 7-2(iv) of the Trademark Act).

When two or more applicants jointly file an application, these documents must be submitted for all of the applicants.

2. The presence of these documents is confirmed in the process of a formality examination.

3. When the applicant submits the documents mentioned in 1. above, but such documents are insufficient to find the close relationship between the name of the region in the trademark and the goods (services) for which the trademark is used such as the place of origin of the goods or the location of provision of the services, and thus, it turns out that the name is not covered by the "name of the region" stipulated in Article 7-2(ii) of the Trademark Act, and, as a result, the trademark cannot be recognized as being composed only of characters representing the name of the region and the name, etc. of goods (services), examiners shall send a notification of reasons for refusal to the applicant on the grounds that the application does not satisfy the requirement stipulated in Article 7-2(1) of the Trademark Act.

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

Examination Guidelines for Trademarks:

Article 7-2 (Regional collective trademarks)