

### A3.03

#### **Handling of a Case in which the International Bureau Notifies Irregularities in the Description of the Goods and Services for which International Registration is Sought**

When the International Bureau finds that there is an irregularity in the classification or indication of the goods or services claimed in an international trademark application it will notify the irregularities in the classification or irregularities in the indication of the goods or services (hereinafter referred to as the "irregularities in the classification or indication") to the office of origin and the applicant (Rules 12 and 13 of the Common Regulations).

When the applicant wishes to state his/her opinion with respect to the "irregularities in the classification or indication," he/she may submit a written opinion or suggestion of correction to the International Bureau via the office of origin within three months from the date on which the "irregularities in the classification or indication" has been notified.

The procedures in that case will, in principle, be as follows.

1. The office of origin will notify the applicant that "irregularities in the classification or indication" has been notified by the International Bureau and request the applicant to submit a written opinion or suggestion of correction to the office of origin within 14 days from the day of notice if the applicant wishes to state his/her opinion with respect to the "irregularities in the classification or indication."

2. If the description concerning the classification, goods or services made in the written opinion or suggestion of correction is insufficient to find that the items are identical with or included in the scope of the designated goods or designated services claimed in the basic registration or basic application, the office of origin will urge the applicant to replace such written opinion or suggestion of correction to a new one.

3. If the description on the classification, goods or services made in the written opinion or suggestion of correction is sufficient to find that the items are identical with or included in the scope of the designated goods or designated services claimed in the basic registration or basic application, the office of origin will send the written opinion or suggestion of correction to the International Bureau.

\* When a request is made from the International Design and Trademark Application Office regarding the determination on the findings mentioned in 2. and 3. above, the International Trademark Application Examination Office will agree to hold talks and perform such determination.

[Explanation]

- When the International Bureau points out insufficiency in fees, the applicant shall directly pay the missing amount to the International Bureau.