

A8.02

Report to the International Bureau in a Case in which the Basic Registration or Basic Application is Divided

1. Where the basic application is divided, the filing date of the application provided in Article 5-2 of the Trademark Act is recognized for the divisional application, and when it is confirmed as to satisfy the requirements for division of an application provided in Article 10 of the Trademark Act, the JPO shall report it to the International Bureau.

2. Where the basic registration is divided (including those accompanying transfer), when the division of registration is registered in the trademark register, the JPO shall report it to the International Bureau.

[Explanation]

An international registration is recognized based on the basic registration or basic application, and where the basic registration or basic application is divided into more than two registrations or applications within five years from the international registration date, the international registration can be maintained if the fact is reported to the International Bureau. (Rule 23 of the Common Regulations)

When the basic registration or basic application is divided, the basic registration or basic application becomes the original registration and the divisional registration, or the original application and the divisional application, and the facts on the multiple divided basic registrations or basic applications are recorded in the International Register by reporting these facts to the International Bureau, and thus, the international registration can be maintained.

Therefore, when the basic registration or basic application is divided, the JPO shall immediately report the following matters to the International Bureau.

<Content of report>

(i) Number of the International registration (number of basic registration or basic application for the cases that the international registration has not entered into force)

(ii) Name of the holder or applicant

(iii) Number of each application

* These matters to be reported are included in the requirements for recognition of the application date provided in Article 5-2 of the Trademark Act.