

Chapter 18: Article 4(3) (Time of judgment concerning each item of Article 4(1))

(3) Paragraph (1)(viii), (x), (xv), (xvii) and (xix) shall not apply to a trademark falling under any of the said items which does not fall under the said item at the time of filing of an application for trademark registration.

1. Regarding the time of judgment concerning each item of Article 4(1)

(1) The time of judgment concerning whether or not the trademark falls under Article 4(1)(i) to (vii), (ix), (xi), (xii), (xiv), (xvi) or (xviii) will be the time of decision.

(2) Trademarks are subject to Article 4(1)(viii), (x), (xv), (xvii) or (xix) only in case where they fall under these items at the time of filing of their applications and an examiner's decision on them.

2. Regarding the expression "at the time of filing of an application for trademark registration" in the case of international applications for trademark registration, etc.

The "time of filing of an application for trademark registration" which is the time of judgment of applicability of Article 4(1) (viii), (x), (xv), (xvii) or (xix) for the international application for trademark registration are as follows:

Application	Time of judgment
International applications for trademark registrations	The date of international registration or the date of subsequent designation
International application for trademark registration falling under the special provisions for time of filing of application provided for in Article 68(10)	The date when the application for national trademark registration was filed. The special provisions under Article 68(10) apply to the scope of goods or services that are overlapped with the scope of designated goods or designated services relating to the trademark based on the national registration. Therefore, the date of filing of an application for national trademark registration may be different for each designated goods or

	designated services.
Application for trademark registration falling under Article 68(32) (Domestic Application Subsequent to Central Attack) or Article 68(33) (Application for Trademark Registration Subsequent to Denunciation of Protocol).	The date of international registration or the date of subsequent designation