

Part X: Article 10 (Division of application for trademark registration)

Article 10 (1) An applicant for trademark registration may file one or more new applications with regard to part of an application which designates two or more goods or services as its designated goods or designated services, provided that the application for trademark registration is pending in examination, trial examination or retrial examination, or that a suit against a trial decision to refuse the application is pending in court, and that the applicant has paid the fees payable under Article 76(2) for the application for trademark registration.

(2) In the case of the preceding paragraph, the new application for trademark registration shall be deemed to have been filed at the time of filing of the original application for trademark registration; provided, however, that this shall not apply for the purpose of Article 9 (2) of this Act and Article 43 (1) and 43(2) of the Patent Act (Act No.121 of 1959) as applied mutatis mutandis pursuant to Article 13 (1) of this Act (including cases where they are applied mutatis mutandis pursuant to Article 43-3 (3) of the Patent Act as applied mutatis mutandis pursuant to Article 13 (1) of this Act).

Regulation for Enforcement of the Trademark Act

Article 22(2) The provisions of Article 26, paragraphs (3) to (6), Article 27, paragraphs (1) to (3), Article 27-4, paragraphs (1), (3) and (4), Article 28 and Article 30 (Trust, statement of shares, etc., procedures for claiming priority, etc. under the Paris Convention, notice of the number of the patent application and amendment in the case of division of patent application) of the Regulation for Enforcement of the Trademark Act shall apply mutatis mutandis to the application for trademark registration or the application for registration of defensive marks. In this case, the term "Article 195, paragraph (5) of the Patent Act" in Article 27, paragraph (3) of the Regulation for Enforcement of the Patent Act shall be deemed to be replaced with "Article 76, paragraph (4) of the Trademark Act" and the phrase "however, when the Commissioner of the Patent Office finds that the certifying document does not need to be submitted, it may be omitted" shall be deemed to be replaced with "in this case, for a person who has already submitted the certifying document to the Patent Office, the submission of the certifying document may be omitted if the particulars have not been changed," and the phrase "the description, scope of claims or drawing(s) attached to the application" in Article 30 of the Regulation for Enforcement of the Patent Act shall be deemed to be replaced with "application."

Regulation for Enforcement of the Patent Act

Article 30 In the case where the applicant intends to file a new patent application pursuant to the provisions of Article 44, paragraph (1), item (i) of the Patent Act, if it is necessary to amend the description, scope of claims or drawing(s) attached to the original patent application, the applicant must amend the description, scope of claims or drawing(s) attached to the original patent application simultaneously with the filing of a new patent application.

1. Regarding the expression "two or more goods or services"

An application indicating its designated goods or designated services in a comprehensive manner of indication as provided in the Examination Guidelines for Similar Goods and Services can be divided into applications each goods or services among the goods or services included in the comprehensive manner of indication.

2. International application for trademark registration

According to the provisions of Article 68-12, the provisions of this Article do not apply to the international application for trademark registration.