

Part XI: Article 15-2 and 15-3 (Notice of reasons for refusal)

Article 15-2 Where the examiner intends to render a decision to the effect that an application is to be refused, the examiner shall notify the applicant for trademark registration of the reasons for refusal and provide the applicant an opportunity to submit a written opinion, designating a reasonable time limit for such purpose.

Article 15-3 (1) Where a trademark pertaining to an application for trademark registration is identical with, or similar to, another person's trademark pertaining to an application for trademark registration filed prior to the filing date of the said application, if the said trademark is used for goods or services identical with, or similar to, the designated goods or designated services pertaining to such other person's trademark, the examiner may notify the applicant for trademark registration of the fact that the said application for trademark registration will fall under Article 15 (i) when the said other person's trademark is registered, and provide the applicant with an opportunity to submit a written opinion, designating a reasonable time limit for such purpose.

(2) Where the notification set forth in the preceding paragraph has already been served and the said other person's trademark is registered, the examiner shall not be required to serve the notification set forth in the preceding Article.

1. Notice of reasons for refusal

(1) When more than one reason for refusal is found

When more than one reason for refusal is found, in principle, all the reasons for refusal will be notified simultaneously

(2) When a different reason for refusal is found

When a different reason for refusal is found within the period specified by Cabinet Order as referred to in Article 16, such different reason for refusal may be notified.

2. An examiner's decision of refusal based on the reasons notified pursuant to Article 15-3(1) is to be made only after a trademark in a prior trademark application cited in the notification of a reason for refusal is registered.

3. In case where the designated goods or designated services of a prior trademark application cited in a notice of reasons for refusal are amended, it is not necessary to serve another notice of reasons for refusal.