

Part XII: Article 16 (Examiner's decision of trademark registration)

Article 16 Where no reasons for refusal are found in connection with an application for trademark registration within the time limit provided by Cabinet Order, the examiner shall render a decision to the effect that the trademark is to be registered.

Order for Enforcement of the Trademark Act

Article 3 (1) The time limit provided in Article 16 of the Trademark Act (including the case where applied mutatis mutandis pursuant to Article 55-2(2) of that Act (including the case where applied mutatis mutandis pursuant to Article 60-2(2) of that Act (including the case where applied mutatis mutandis pursuant to Article 68(5) of that Act) and Article 68(4) of that Act) and Article 68(2) of that Act; the same applies in the following paragraph) is 18 months from the application date approved under the provisions of Article 5-2(1) or (4) of that Act (including the case where these provisions are applied mutatis mutandis pursuant to Article 68(1) of that Act) for registration of trademarks (when the examiner notifies the reasons for refusal of the application for registration of trademarks for falling under Article 15(3) of that Act, and when the application no longer falls under that item through amendments, the date of submission of the procedural amendment form, and when the following paragraphs are applied to the application for trademark registration, the application date for the registration of trademarks on the occasion that those paragraphs are not applied).

(i) The provisions of Article 9(1), Article 10(2) (including the case where applied mutatis mutandis pursuant to Article 11(6), Article 12(3), Article 65(3) and Article 68(1) of the Trademark Act) or Article 68-32(2) (including the case where applied mutatis mutandis by replacing certain terms pursuant to Article 68-33, paragraph (2) of that Act) of that Act.

(ii) The provisions of Article 17-3, paragraph (1) of the Design Act as applied mutatis mutandis pursuant to Article 17-2, paragraph (1) of the Trademark Act (including the case where applied mutatis mutandis pursuant to Article 68, paragraph (2) of that Act) and Article 55-2, paragraph (3) of that Act (including the case where applied mutatis mutandis pursuant to Article 60-2, paragraph (2) of that Act (including the case where applied mutatis mutandis pursuant to Article 68(5) of that Act) and Article 68, paragraph (4) of that Act)

(2) Notwithstanding the provisions of the preceding paragraph, the period specified by Cabinet Order as referred to in Article 16 of the Trademark Act related to the territorial extension which has been regarded as an application for trademark registration pursuant to the provisions of Article 68-9, paragraph (1) of that Act shall be 18 months from the date on which the territorial extension prescribed in Article 3ter of the Protocol adopted at Madrid on June 27, 1989 in relation to the Madrid Agreement Concerning the International Registration of Marks (when the notification of the correction of the matters registered in the international register provided in Article 68-9, paragraph (1) of the Trademark Act that is specified by the Order of the Ministry of Economy, Trade and Industry is given by the international bureau provided in Article 68-3, paragraph (1) of that Act and the examiner notifies the reasons for refusal for the matters subject to the notification of correction, the date on which such correction was notified) has been made.

1. Reasons for refusal notified within the "period specified by Cabinet Order"

(1) Whether or not the reason for refusal was found during the "period specified by the Cabinet Order" will be determined by the date on which the notice of reason for refusal for the application was forwarded.

(2) Even when the notice of reason for refusal returns to the Patent Office undelivered to the applicant and is forwarded for the second time, the "period specified by the Cabinet Order" will be counted based on the date when the notice was forwarded for the first time.

(3) Please note that the date of forwarding will be the date on which the applicant required that forwarding in the case of online forwarding.