

42-04 T**Resumption of the Proceedings in Appeal Against an Examiner's
Decision of Refusal of Trademarks**

In an appeal of trademark, since the designated goods, etc. may be amended during the pendency of the appeal proceedings (Trademark Act Articles 68-28(1), 68-40(1)), a case resumes the proceedings when an amendment of the designated goods, etc. is filed to dissolve the reasons for refusal after a notice of conclusion of the proceedings is issued.

However, the following cases made after issuance of a notice of conclusion of the proceedings, do not resume the proceedings because there are no rational reasons for the resumption, and it is outside of the appropriate time.

- (1) Not conducting concrete amendment procedures, but just stating an amendment of the designated goods
- (2) Requesting for deferral of appeal decision to supplement reasons for a request for an appeal or evidence
- (3) Requesting for deferral of appeal decision to negotiate a transfer with a trademark owner of the cited trademark
- (4) Claiming to have filed a trial for cancellation of registered trademark not in use, etc. against a cited trademark, except a case having a rational reason to file said request after a notice of conclusion of the proceedings is issued.

(Revised Feb. 2015)