

61-01 P D T**Subject to Appeal Against Examiner's Decision of Refusal**

1. Subject to Appeal

An appeal against examiner's decision of refusal is to proceed further examination to decide an appropriateness of the decision when a person who has received a decision of refusal is dissatisfied with the decision. The procedures include reconsideration of the factual findings as well as interpretation or application of the law (Patent Act Article 121(1), Design Act Article 46(1), Trademark Act Article 44(1)).

A subject to an appeal against examiner's decision of refusal is a "decision to refuse".

2. An appeal against examiner's decision of refusal under the Trademark Act is shown below.

(1) Decision of refusal against an application of a trademark registration (including collective marks) (Trademark Act Article 15)

(2) Decision of refusal against an application of a defensive mark registration (Trademark Act Article 68(2)→Trademark Act Article 15).

(3) Decision of refusal against an application for renewal registration of duration of the right under a defensive mark registration (Trademark Act Article 65-4(1))

(4) Decision of refusal against an application of reclassification of trademark registration of the designated goods of the trademark right (Supplementary Provisions of the Trademark Act Article 6)

(5) Decision of refusal against an application of reclassification of trademark registration of the designated goods under a defensive mark (Supplementary Provisions of the Trademark Act Article 23 →Supplementary Provisions of

the Trademark Act Article 6)

(6) Decision of refusal against the first application of renewal registration of duration of trademark right for an overlapped registration of trademark (Act to partially revise the Trademark Act, etc. (Act No. 68 of 1996) Supplementary Provisions of the Trademark Act Article 13(1))

(Revised Feb 2015)