

## 66-02 T

### Holder of Trademark Right, Opponent, Intervenor

#### 1. Holder of Trademark Right

If a trademark right is jointly owned, all of the joint holders are holders of the trademark right.

#### 2. Opponent

In the opposition to registration system, "any person" may file an opposition to registration, and the filing of oppositions to registration is not restricted to interested persons.

In the event of death of the opponent, or extinguishment due to merger, the status of the opponent in relation to the opposition shall not be succeeded.

#### 3. Intervenor

##### (1) Relevant Provisions

The Trademark Act Article 43-7 (Intervention)

In an examination to render a decision on an opposition to registration, any person who has a right relating to the trademark right or any other person who has an interest in the trademark right may intervene in the examination in order to assist the holder of trademark right until the decision on the opposition to registration is rendered.

The Trademark Act Article 43-7 (2) and Article 56 (1) → the Patent Act Article 148 (Intervention)

(4) The intervenors as prescribed in the intervention for assistance by the interested person under the preceding paragraph may undertake all trial procedures.

##### (2) Persons Who Can Intervene

A The person must have a right relating to the trademark right or any other person who has an interest in the trademark right.

A person who has a right relating to the trademark right can be, for example, the holder of an exclusive right to use or a non-exclusive right to use.

B The intervention must be to assist the holder of trademark right.

### **(3) Time of Intervention**

Intervention is made for an opposition to registration which is already pending; thus, intervention should be requested for a pending opposition to registration and before the decision is made for the opposition.

## **4. Effects of Suspension or Termination**

### **(1) Relevant Provisions**

The Trademark Act Article 43-6 (Proceedings of examination, etc.)

(3) Where any ground for suspension or termination of procedures is applicable to one of the joint holders of trademark right for an examination and decision on an opposition to registration, the said suspension or termination shall have effect on all such joint holders of trademark right.

The Trademark Act Article 43-7 (2) and Article 56 (1) → the Patent Act Article 148  
(Intervention)

(5) Where there is a ground for suspension or termination of trial procedures on behalf of the intervenor under paragraph (1) or (3), the said suspension or termination shall have effect on the original parties.

The Trademark Act Article 43-7 (2) and Article 56 (1) → the Patent Act Article 149  
(Intervention)

A person applying to intervene shall submit an application for intervention to the chief administrative judge.

(2) Where an application for intervention is submitted, the chief administrative judge shall serve a copy of the application for intervention to the original parties and intervenor(s) and give such persons an opportunity to present opinions, designating an adequate time limit.

(3) Where an application for intervention is filed, the administrative judge of the trial in which the applicant intends to intervene shall render a decision through a trial.

(4) The decision under the preceding paragraph shall be made in writing and state the grounds therefor.

(5) The decision under paragraph (3) shall not be subject to appeal.

(Revised Feb. 2015)