

Work for Information Gathering on Procedures related to the International Registration of Marks under the Protocol Relating to the Madrid Agreement (Summary)

I. Purpose of the Work

With regard to the procedures of the system based on the Protocol Relating to the Madrid Agreement (hereinafter, the Madrid protocol) in respective countries, the purposes of this work are to gather the information mainly on the "procedure after users receive the provisional refusal" and to provide the gathered information to users. In addition, the purposes of this work are to provide the smooth operation of the Madrid protocol to users and to motivate users to use the Madrid protocol.

II. Content of the Work

1. Target countries for information gathering

China, South Korea, and Israel

2. Target items for information gathering

(1) Trends or the like of the Trademark Law

(2) Definition of trademark

(3) Formality requirements

(4) Examination

(i) Outline of substantive examination

(ii) Contents of examination

(iii) The time limit for notifying of provisional refusal

(iv) Contents of absolute grounds for refusal

(v) Contents of relative grounds for refusal

(5) Response procedure for the applicant of international registration in the event of receipt of notification of provisional refusal

(i) Sample, translation thereof and explanation of content (applicable language) of notification of provisional refusal, handling of the refusal in respect of all or some of the goods and services

(ii) Response period to notification of provisional refusal

(iii) Necessity of local representative and method of search for local representatives, etc.

(iv) Procedure that international registration applicant himself may do without local representative

(v) Outline of procedure until the refusal is fixed in the case of not responding to the notification of provisional refusal in respective countries or in the case where the ground for refusal is not resolved regardless of the response

(6) Outline of procedures until the registration after resolving the grounds for refusal or in case of no ground for refusal

(7) Registration

(i) Registry

(ii) issuance of registration certificate

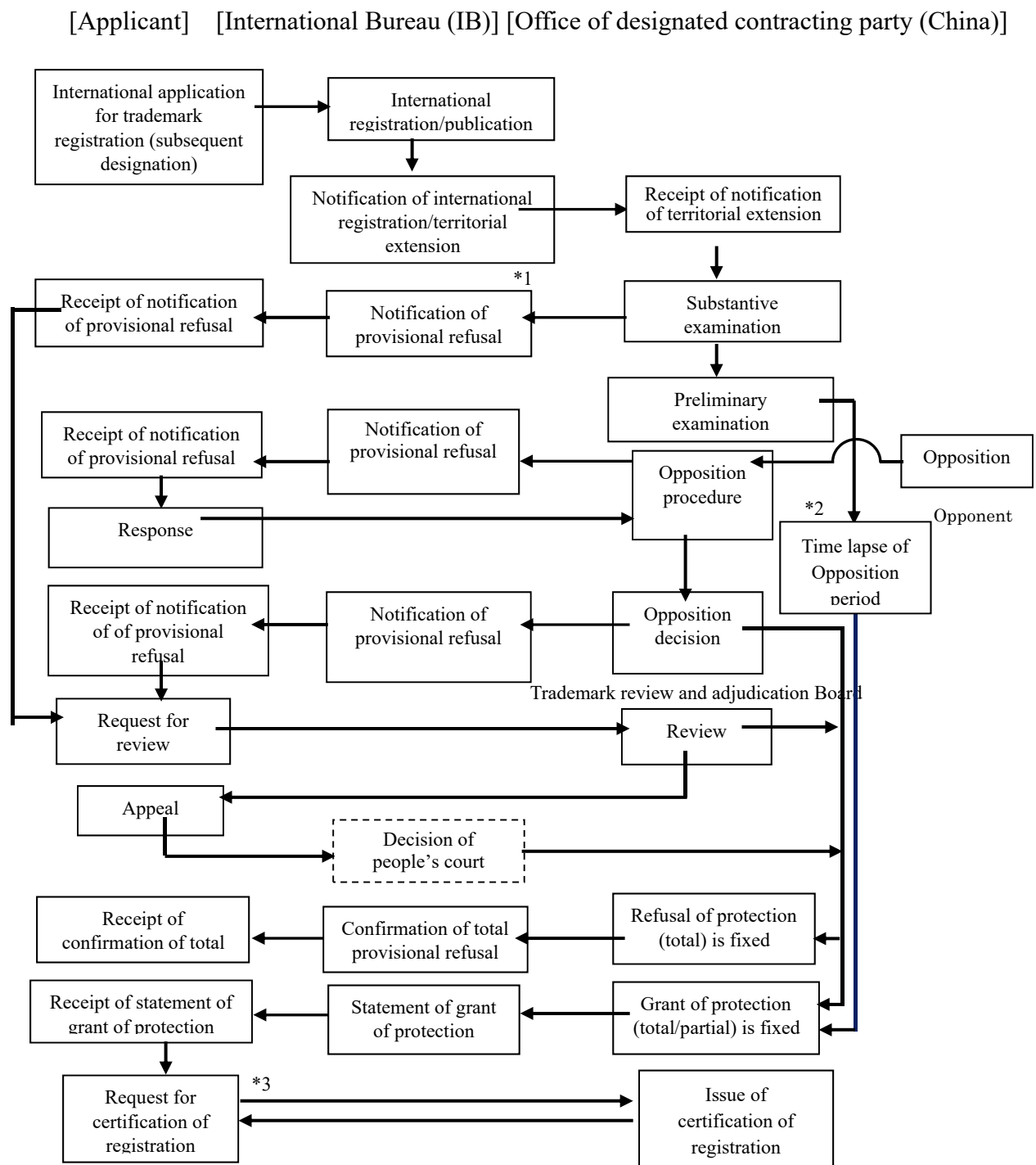
- (8) Precautions after registration
- (9) Opposition
- (10) Appeals
- (11) Enforcement of rights
 - (i) Time when and requirements for what the right occurs
 - (ii) Filing of infringement action (request for injunction and damages)
- (12) Handling for the distinctive system related to international registration under the Madrid Protocol
- (13) Declaration on the Madrid Protocol
 - (i) Fee (presence or absence of declaration of individual fee)
 - (ii) Declaration on the time limit to issue notification of provisional refusal (18 months)
 - (iii) Declaration of intention to use
 - (iv) Declaration on licence
- (14) Distinctive System
- (15) Information available from website or the like
 - (i) Trademark Search System
 - (ii) Sites for checking valid designated product/service names

III. Outline of substantive examination

The outline flows of substantive examination in respective countries are as follows.

1. China

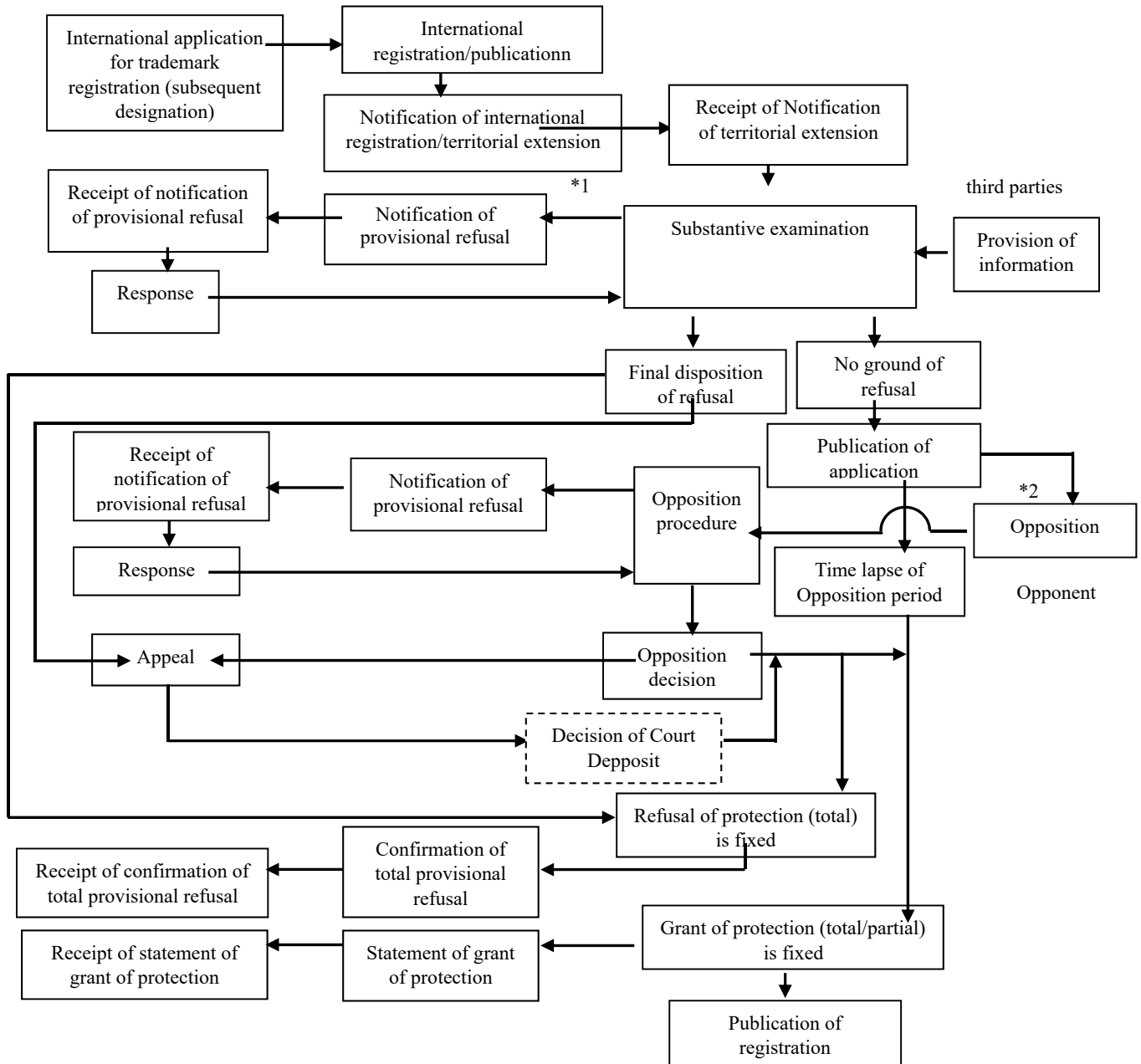
Chart 1: Outline flow of substantive examination (China)



2. South Korea

Chart 2: Outline flow of substantive examination (South Korea)

[Applicant] [International Bureau (IB)] [Office of designated contracting party (South Korea)]



*1 within 18 months from the notification of territorial extension

*2 the opposition period is within two months from the publication of application

3. Israel

Chart 3: Outline flow of substantive examination (Israel)

