

# ENFORCEMENT DECREE OF THE TRADEMARK ACT

Wholly Amended by Presidential Decree No. 13081, Aug. 28, 1990

Amended by Presidential Decree No. 13747, Oct. 27, 1992

Presidential Decree No. 13870, Mar. 6, 1993

Presidential Decree No. 15578, Dec. 31, 1997

Presidential Decree No. 17249, Jun. 27, 2001

Presidential Decree No. 18312, Mar. 17, 2004

Presidential Decree No. 18901, Jun. 30, 2005

Presidential Decree No. 20125, Jun. 28, 2007

Presidential Decree No. 20729, Feb. 29, 2008

Presidential Decree No. 21582, Jun. 30, 2009

Presidential Decree No. 22112, Apr. 7, 2010

Presidential Decree No. 23343, Dec. 2, 2011

Presidential Decree No. 23488, Jan. 6, 2012

Presidential Decree No. 24439, Mar. 23, 2013

Presidential Decree No. 25400, Jun. 25, 2014

Presidential Decree No. 26216, Apr. 29, 2015

Presidential Decree No. 27331, Jul. 12, 2016

Presidential Decree No. 29826, Jun. 11, 2019

Presidential Decree No. 34000, Dec. 19, 2023

## Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Trademark Act and those necessary for the enforcement of thereof.

## Article 2 (Classification of Marks)

Marks under Article 2 (1) 2 of the Trademark Act (hereinafter referred to as the "Act") shall be classified as follows:

1. A sign, word, numeral, figure, design, three-dimensional form, combination of these elements, or each of these elements with color added;

2. Visually perceivable marks, such as a single color, combination of colors, hologram, or continuous movement;
3. Visually imperceivable marks, such as sound or smell.

### **Article 3 (Matters to be Included in Articles of Incorporation concerning Use of Collective Marks)**

(1) "Matters regarding the use of the collective mark prescribed by Presidential Decree" in Article 36 (3) of the Act means the following:

1. Qualification for and conditions of membership of members of an organization that uses a collective mark, and the withdrawal of members therefrom;
2. Conditions of the use of a collective mark;
3. Sanctions against persons who violate the conditions of use under subparagraph 2;
4. Other matters necessary to use a collective mark.

(2) In cases of a collective mark with geographical indication, relevant articles of incorporation shall include the following in addition to the matters listed in the subparagraphs of paragraph (1):

1. Particular quality, reputation, or other characteristics of goods;
2. Essential correlations between the geographic environment and a particular quality, reputation, or other characteristics of goods;
3. The area regarding which a geographical indication is used;
4. Own standards for the management of and a plan to maintain and manage a particular quality, reputation, or other characteristics of goods.

### **Article 4 (Matters to be Included in Documents Stipulating Matters concerning Use of Certification Marks)**

(1) "Matters regarding the use of the certification mark prescribed by Presidential Decree" in Article 36 (4) of the Act means the following:

1. Quality, the place of origin, production methods, or other characteristics (hereinafter referred to as "quality, etc.") of goods a person intends to certify;
2. Conditions of the use of a certification mark;
3. Sanctions against persons who violate the conditions of use under subparagraph 2;
4. Other matters necessary to use a certification mark.

(2) Documents proving that a person can certify and manage quality, etc. under Article 36 (4) of the Act shall include the following:

1. Standards, procedures, methods, etc. for testing and inspecting the quality, etc. of goods the person intends to certify;
2. Specialized equipment, professional manpower, etc. necessary to certify and manage the quality, etc. of goods the person intends to certify;

3. Oversight, supervision, etc. of users of a certification mark;
4. Other matters objectively proving that the person can certify and manage the quality, etc. of goods he or she intends to certify.

#### **Article 5 (Documents Proving That Goods Correspond to Definition of Geographical Indication)**

A person who intends to obtain registration of a collective mark with geographical indication or a certification mark with geographical indication shall submit the following documents proving that goods correspond to the definition of a geographical indication pursuant to Article 36 (5) of the Act in addition to the documents under paragraph (3) or (4) of that Article:

1. Documents concerning a particular quality, reputation, or other characteristics of goods;
2. Documents concerning substantial correlations between the geographic environment and a particular quality, reputation, or other characteristics of goods;
3. Documents concerning an area regarding which a geographical indication is used.

#### **Article 6 (Hearing of Opinions on Applications for Registration of Certification Mark)**

Where necessary to examine an application for registration of a certification mark, the Commissioner of the Korean Intellectual Property Office may hear opinions of related administrative agencies or persons who have extensive knowledge of and experience in goods on the following matters, or request them to provide cooperation, such as by submitting information:

1. Matters concerning the quality, etc. of goods an applicant intends to certify;
2. Matters concerning whether an applicant for registration of a certification mark has the ability to certify and manage the quality, etc. of the relevant goods;
3. Other matters concerning requirements for registration of a certification mark.

#### **Article 7 (Hearing of Opinions of Local Governments on Application for Registration of Collective Mark with Geographical Indication)**

(1) Where necessary to examine an application for registration of a collective mark with geographical indication, the Commissioner of the Korean Intellectual Property Office may hear from a related local government on the following matters, or request it to provide cooperation, such as by submitting information:

1. Matters concerning the production, manufacture, processing, and distribution of the relevant goods on which a geographical indication may be used (hereinafter referred to as "goods corresponding to a geographical indication");
2. Matters concerning the current status of goods on which a geographical indication is used, such as the producers' association of goods corresponding to a geographical indication;
3. Matters concerning whether an applicant is qualified or has the ability to represent producers, etc. in the area;

4. Other matters concerning requirements for registration of a collective mark with geographical indication, such as essential correlations among the characteristics of goods corresponding to a geographical indication, the geographic environment, and a particular quality of goods.
- (2) The head of a local government having jurisdiction over an area regarding which a geographical indication is used may submit his or her opinion on the following matters to the Commissioner of the Korean Intellectual Property Office with respect to an application for registration of a collective mark with the relevant geographical indication:
  1. Whether an applicant is qualified or has the ability to represent producers, etc. in the area in relation to the production, manufacture, processing, and distribution of goods corresponding to a geographical indication;
  2. Whether the characteristics of goods corresponding to a geographical indication, an area regarding which a geographical indication is used, and its own standards for management, etc. are appropriate.
- (3) If necessary to appropriately protect a geographical indication, the head of a local government having jurisdiction over an area regarding which a geographical indication is used may consult with an applicant or make adjustment.

#### **Article 8 (Transfer of Application for Registration of Collective Mark)**

- (1) A person who intends to obtain permission to transfer an application for registration of a collective mark pursuant to the proviso of Article 48 (7) of the Act shall submit an application for permission to transfer such application prescribed by Ministerial Decree of Trade, Industry and Energy to the Commissioner of the Korean Intellectual Property Office along with the following documents:
  1. Documents proving the merger of corporations;
  2. Articles of incorporation of a corporation that survives the merger (referring to ones which include matters concerning the use of the collective mark under the subparagraphs of Article 3).
- (2) A person who intends to obtain permission to transfer an application for registration of a certification mark pursuant to the proviso of Article 48 (8) of the Act shall submit an application for permission to transfer such application prescribed by Ministerial Decree of Trade, Industry and Energy to the Commissioner of the Korean Intellectual Property Office along with the following documents:
  1. Documents proving that an application for registration of a certification mark is transferred along with affairs concerning such certification mark;
  2. Articles of incorporation or the rules under Article 36 (4) of the Act which will be used by a person who is to acquire an application for registration of a certification mark;
  3. Documents stipulating matters concerning the use of the certification mark under Article 4 (1);
  4. Documents proving that an applicant can certify and manage the quality, etc. of goods he or she intends to certify under Article 4 (2).

## **Article 9 (Qualification of Examiners)**

(1) A person eligible to be an examiner under Article 50 (1) of the Act shall be any of the following public officials of the Korean Intellectual Property Office or an agency under its jurisdiction who has completed training courses for examiners at the International Intellectual Property Training Institute: Provided, That a person who may be appointed as an examiner designated as a position open to candidates under Article 28-4 (1) of the State Public Officials Act shall be the person who meets requirements to perform duties established pursuant to paragraph (2) of that Article, and a person who may be appointed as an examiner designated as a position publicly recruited under Article 28-5 (1) of that Act shall be the person who meets requirements to perform duties established pursuant to paragraph (2) of that Article:

1. A member in general service of the Senior Executive Service;
2. A State public official in general service of at least Grade V;
3. A State public official in general service of Grade VI (limited to a person who meets qualification standards for professional public officials subject to term limits of Grade A or B under Appendix 4-2 of the Decree on the Appointment of Public Officials).

(2) A person qualified as a patent attorney, who is a public official (including a member in general service of the Senior Executive Service) corresponding to Grades of qualification of examiners under the subparagraphs of paragraph (1), may become an examiner, notwithstanding the main sentence of paragraph (1), with the exception of it's the subparagraphs.

(3) The Commissioner of the Korean Intellectual Property Office shall prescribe matters concerning training for examiners under the main sentence of paragraph (1), with the exception of the subparagraphs.

## **Article 10 (Criteria for Registering Specialized Institutions)**

(1) The Commissioner of the Korean Intellectual Property Office shall register a corporation that fully meets the following requirements as a specialized institution pursuant to Article 51 (2) of the Act: Provided, That this shall not apply to a corporation the registration of which as a specialized institution has been revoked pursuant to Article 52 (1) 1 of the Act, or a corporation to which a former executive officer of such corporation at the time of revocation belong, for which two years have not passed since its registration was revoked:

1. It shall possess equipment necessary for conducting its affairs referred to in the subparagraphs of Article 51 (1) of the Act;
2. It shall secure dedicated human resources and organizational structure capable of conducting its affairs referred to in the subparagraphs of Article 51 (1) of the Act;
3. It shall have standards for handling affairs that may ensure the independence and fairness in conducting its affairs;
4. It shall have a security system in place to prevent divulgence of confidential information related to its affairs.

(2) A person intending to be registered as a specialized institution pursuant to Article 51 (2) of the Act shall submit an application for registration of a specialized institution to the Commissioner of the Korean Intellectual Property Office, as prescribed by Ministerial Decree of Trade, Industry and Energy.

(3) Detailed criteria for securing equipment, dedicated human resources, and organizational structure under the subparagraphs of paragraph (1); standards for handling affairs; detailed criteria for the security system; and other matters necessary for registering and operating a specialized institution shall be prescribed and publicly notified by the Commissioner of the Korean Intellectual Property Office.

#### **Article 11 (Affairs of Specialized Institution)**

(1) "Affairs prescribed by Presidential Decree, such as the examination of the use of a trademark" in Article 51 (1) 3 of the Act means the following affairs:

1. Examination of the use of trademarks;
2. Examination of transactions of goods;
3. Translation of applications for international trademark registration;
4. Compilation and management of data for the examination of trademarks;
5. Surveys on the objective perceptibility of trademarks;
6. Other affairs the Commissioner of the Korean Intellectual Property Office deems necessary to examine applications for trademark registration.

(2) A specialized institution shall fairly conduct affairs entrusted by the Commissioner of the Korean Intellectual Property Office pursuant to Article 51 (1) of the Act, and promptly notify him or her of the outcome of conducting such affairs.

(3) Where the Commissioner of the Korean Intellectual Property Office deems that it is necessary to conduct an additional survey, etc. on the outcome of conducting such affairs notified pursuant to paragraph (2), he or she may entrust the head of such specialized institution with affairs again, specifying the scope of the survey, etc.

#### **Article 11-2 (Management and Evaluation of Affairs of Specialized Institutions)**

(1) "Dedicated institution prescribed by Presidential Decree" in Article 51 (3) of the Act means an institution or organization recognized by the Commissioner of the Korean Intellectual Property Office as having professionals, a dedicated organizational structure, and a security system necessary for managing and evaluating the affairs of specialized institutions referred to in Article 51 (2) of the Act.

(2) Detailed criteria for the professionals, dedicated organizational structure, and security system referred to in paragraph (1), the scope of affairs to be conducted by a dedicated institution, and other details necessary for operating a dedicated institution shall be prescribed and publicly notified by the Commissioner of the Korean Intellectual Property Office.

## **Article 12 (Applications Eligible for Preferential Examination)**

"Where urgent management of an application for trademark registration is deemed necessary, which is prescribed by Presidential Decree, because an applicant uses a trademark for the registration of which an application has been filed on all the designated goods" in Article 53 (2) 2 of the Act means any of the following cases: *<Amended on Jun. 11, 2019; Sep. 29, 2020>*

1. Where it is evident that an applicant for trademark registration uses or is ready to use the trademark, application for registration of which was filed in relation to all designated goods;
2. Where an applicant for trademark registration receives a written warning under Article 58 (1) of the Act from another applicant for trademark registration in relation to the relevant application for trademark registration;
- 2-2. Where an applicant for trademark registration receives an objection from another trademark right holder in relation to the relevant application for trademark registration;
3. Where an applicant for trademark registration gives a written warning under Article 58 (1) of the Act in relation to the relevant application for trademark registration;
4. Where an applicant filed an application for trademark registration that forms the basis of an international application under the Madrid Protocol (hereinafter referred to as the "Madrid Protocol") under Article 167 of the Act, in which case the date of the international registration or subsequent designation under the Madrid Protocol has been registered in the International Register;
5. Where an application is filed for registration of a collective mark by a corporation jointly incorporated by small and medium entrepreneurs under Article 26 (1) 2 of the Government Procurement Act;
6. Where an application for trademark registration that forms the basis for claiming priority under the treaty is filed, in which case procedures concerning an application accompanied by the claim of priority, are being followed at a foreign patent agency;
7. Where the holder of a registered trademark which has expired due to the expiration of the duration thereof files an application for trademark registration, the mark and designated goods of which are all identical to the mark and designated goods of such registered trademark;
8. Deleted. *<Dec. 19, 2023>*

## **Article 13 (Application for Preferential Examination)**

(1) A person who intends to file an application for preferential examination under Article 53 (2) of the Act shall submit an application for preferential examination prescribed by Ministerial Decree of Trade, Industry and Energy to the Commissioner of the Korean Intellectual Property Office along with documents prescribed by Ministerial Decree of Trade, Industry and Energy.

(2) Upon receipt of an application for preferential examination under paragraph (1), the Commissioner of the Korean Intellectual Property Office shall determine whether to conduct the preferential examination, and notify the applicant of his or her determination.

(3) Matters necessary to determine as to whether to conduct the preferential examination under paragraph (2) shall be prescribed and publicly notified by the Commissioner of the Korean Intellectual Property Office.

**Article 14 (Matters concerning Officially Announced Registration Published in Trademark Official Gazette)**

(1) "Matters prescribed by Presidential Decree, such as the name, address and trademark registration number of the trademark right holder" in Article 82 (3) of the Act means the following:

1. Name and address of the trademark right holder (in cases of a corporation, the name of the corporation and the seat of its place of business): Provided, That where the trademark right holder who is a natural person so requests, only part of the address shall be published;
2. A mark (in cases of the mark falling under subparagraph 3 of Article 2, "no specimen available" shall be indicated);
3. Designated goods and the category of goods;
4. Trademark registration application number and the filing date of an application for trademark registration (in cases of an application for international trademark registration under Article 180 (1) of the Act, the international registration number and the date of the international registration or subsequent designation under paragraph (2) of that Article);
5. Application publication number and the date of publication of the application;
6. Trademark registration number and the date of registration of a trademark;
7. Trademark registration official gazette number and the date of publication of registration of a trademark;
8. Matters concerning claiming priority under the treaty (only applicable to the case of an application for trademark registration in which priority under Article 46 (1) of the Act is claimed);
9. Explanation of the trademark (only applicable to a trademark which only consists of a mark falling under subparagraph 2 of Article 2 and a trademark including a mark falling under subparagraph 3 of that Article);
10. In cases of a trademark including a mark falling under subparagraph 3 of Article 2, matters concerning visual expressions (referring to making a specific expression so that the relevant mark can be recognized and identified visually through a word, numeral, sign, figure, or other methods);
11. A sound file corresponding to a visual expression (only applicable to a sound trademark);
12. Meaning that a trademark falls under Article 33 (2) of the Act (only applicable to an application for registration of a trademark whose registration has been determined because it falls under that paragraph);
13. Meaning that a trademark is a collective mark with geographical indication or certification mark with geographical indication (only applicable to a collective mark with geographical indication or certification mark with geographical indication);



14. An outline of the articles of incorporation or the rules under Article 36 (3) and (4) of the Act (only applicable to a collective mark, collective mark with geographical indication, certification mark, or certification mark with geographical indication, and in terms of the articles of incorporation or the rules amended pursuant to Article 43 (1) or (2) of the Act, referring to an outline of those amended);
15. Trademark registration number or the trademark registration application number of a trademark for which an applicant intends to add designated goods (only applicable to registration to add designated goods);
16. Other matters the Commissioner of the Korean Intellectual Property Office deems necessary to publish in the Trademark Official Gazette.
- (2) Methods and procedures for filing applications and the scope of the address to be published under the proviso of paragraph (1) 1 shall be prescribed and publicly notified by the Commissioner of the Korean Intellectual Property Office.

#### **Article 15 (Transfer of Collective Mark Rights)**

- (1) A person who intends to obtain permission to transfer collective mark rights pursuant to the proviso of Article 93 (6) of the Act shall submit an application for permission to transfer collective mark rights prescribed by Ministerial Decree of Trade, Industry and Energy to the Commissioner of the Korean Intellectual Property Office along with documents under the subparagraphs of Article 8 (1).
- (2) A person who intends to obtain permission to transfer certification mark rights pursuant to the proviso of Article 93 (7) of the Act shall submit an application for permission to transfer certification mark rights prescribed by Ministerial Decree of Trade, Industry and Energy to the Commissioner of the Korean Intellectual Property Office along with the following documents:
1. Documents proving that certification mark rights are transferred along with affairs relating to such certification mark;
  2. Articles of incorporation or the rules under Article 36 (4) of the Act to be used by an intended transferee;
  3. Documents under Article 8 (2) 3 and 4.

#### **Article 16 (Qualification of Judges)**

- (1) A person eligible to be a judge under Article 129 (2) of the Act is the person who has completed training courses for judges at the International Intellectual Property Training Institute, who falls under any of the following among members in general service of the Senior Executive Service of the Korean Intellectual Property Office or an agency under its jurisdiction or State public officials in general service of at least Grade IV: Provided, That a person who may be appointed as a judge designated as a position open to candidates under Article 28-4 (1) of the State Public Officials Act shall be the person who meets requirements to perform duties established pursuant to paragraph (2) of that Article, and a person who may be appointed as a judge designated as a position publicly recruited under Article 28-5 (1) of that Act shall

be the person who meets requirements to perform duties established pursuant to paragraph (2) of that Article:

1. A person who has served as an examiner in the Korean Intellectual property Office for at least two years;
2. A person in whose case the sum of the following periods is at least two years:
  - (a) Period during which he or she has been directly engaged in trials at the Intellectual Property Trial and Appeal Board as a member in general service of the Senior Executive Service or State public official in general service of at least Grade V;
  - (b) Period during which he or she has served as an examiner in the Korean Intellectual Property Office.
- (2) A person who may serve as the chief judge under Article 131 (1) of the Act shall be any of the following persons, who is a member in general service of the Senior Executive Service of the Korean Intellectual Property Office or an agency under its jurisdiction, or State public official in general service of at least Grade IV: Provided, That a person who may be appointed as the chief judge designated as a position open to candidates under Article 28-4 (1) of the State Public Officials Act shall be the person who meets requirements to perform duties established pursuant to paragraph (2) of that Article, and a person who may be appointed as the chief judge designated as a position publicly recruited under Article 28-5 (1) of that Act shall be the person who meets requirements to perform duties established pursuant to paragraph (2) of that Article: *<Amended on Jul. 14, 2020>*
  1. A person who has served as a judge in the Intellectual Property Trial and Appeal Board for at least two years;
  2. A person who has been engaged in examinations or trials at the Korean Intellectual Property Office or an agency under its jurisdiction for at least three years, qualified as a judge under paragraph (1).
- (3) A person who may serve as the President of the Intellectual Property Trial and Appeal Board shall be a person qualified as a judge.
- (4) Notwithstanding paragraphs (1) through (3), a person qualified as a patent attorney, who is a public official (including a member in general service of the Senior Executive Service) corresponding to the Grade of qualification of a judge, chief judge or the President of the Intellectual Property Trial and Appeal Board under the provisions of paragraphs (1) through (3), may serve as a judge, chief judge, or the President of the Intellectual Property Trial and Appeal Board, respectively.
- (5) Necessary matters for the training of judges under the main sentence of paragraph (1) shall be prescribed by the Commissioner of the Korean Intellectual Property Office.

#### **Article 17 (Documents to Be Submitted When Filing for International Trademark Registration of Collective Mark with Geographical Indication)**

"Documents prescribed by Presidential Decree" in the latter part of Article 182 (3) of the Act means documents listed in the subparagraphs of Article 5.

## **Article 18 (Service of Documents)**

(1) Documents under Article 218 of the Act shall be served by one of the following methods:

1. Whereby the relevant person or his or her agent receives documents directly from the Korean Intellectual Property Office or the Intellectual Property Trial and Appeal Board;
2. Whereby the relevant person or his or her agent receives documents using an information and communication network;
3. By registered mail.

(2) Where the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Trial and Appeal Board serves a document pursuant to paragraph (1), he or she shall keep a receipt, etc. according to the following classification:

1. In cases falling under paragraph (1) 1: A receipt stating the date of receipt and the name of the recipient;
2. In cases falling under paragraph (1) 2: Content recorded in a file of a computer information processing system for transmitting operated by the Korean Intellectual Property Office or the Intellectual Property Trial and Appeal Board;
3. In cases falling under paragraph (1) 3: A receipt of registered mail.

(3) Notwithstanding paragraph (1), a certified copy of a trial decision or decision on a formal objection to, trial or retrial on the trademark registration shall be served by the format prescribed by Ministerial Decree of Trade, Industry and Energy among the extra postal services under Article 15 (3) of the Postal Service Act: Provided, That a certified copy thereof may be served on a person who has reported in electronic format under Article 31 (1) of the Act through the use of an information and communication network.

(4) Where the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Trial and Appeal Board serves a document, he or she shall serve a certified copy of the document on the person on whom the document is to be served, unless otherwise provided in the Act or this Decree, and where he or she has prepared a protocol in lieu of the submission of the document to be served, he or she shall serve a certified copy or extract of such protocol.

(5) Where a person falls under any of the following, the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Trial and Appeal Board shall serve a document on the relevant person in lieu thereof:

1. Where he or she is a minor, person under limited guardianship (limited to cases where he or she has his or her legal representative related to trademark rights or rights to the trademark) or person under adult guardianship: His or her legal representative;
2. Where he or she is a person detained in a correctional facility, such as a penitentiary or detention center: The warden of a correctional facility;
3. Where he or she reports his or her representative to the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Trial and Appeal Board after appointing one

representative who is to receive documents in cases where there are at least two relevant persons or agents: The representative;

4. Where at least two persons jointly exercise their agency authority: One of them.

(6) The place at which a document is to be served shall be the address or the place of business of a person on whom a document is to be served: Provided, That where a person who intends to receive a document has reported the place to which a document is to be served in the Republic of Korea to the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Trial and Appeal Board in advance, the place shall be the place at which a document is to be served.

(7) Where a person on whom a document is to be served changes the place to which a document is to be served, he or she shall immediately report such fact to the Commissioner of the Korean Intellectual Property Office.

(8) Where the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Trial and Appeal Board is unable to serve a document because a person on whom a document is to be served refuses to accept service of the document without just cause, the document shall be deemed duly served on the date it is sent.

(9) Matters necessary to serve documents other than those to be served pursuant to the Act shall be prescribed by the Commissioner of the Korean Intellectual Property Office.

#### **Article 19 (Trademark Official Gazette)**

(1) The Commissioner of the Korean Intellectual Property Office shall publish the Trademark Official Gazette stating the following pursuant to Article 221 (1) of the Act:

1. Publication of applications under Article 57 (2) of the Act;
2. Publication of registrations under Article 82 (3) of the Act.

(2) Where matters relating to publication of an application under paragraph (1) 1 are published in the Trademark Official Gazette, the following shall be included:

1. Name and address of the applicant (in cases of a corporation, its name and the seat of its place of business): Provided, That where the applicant requests, only part of the address of the applicant who is a natural person shall be published;
2. A mark (in cases of the mark falling under subparagraph 3 of Article 2, "no specimen available" shall be indicated);
3. Designated goods and the category of goods;
4. Trademark registration application number and the filing date of an application for trademark registration (in cases of an application for international trademark registration under Article 180 (1) of the Act, the international registration number and the date of the international registration or subsequent designation under paragraph (2) of that Article);
5. Application publication number and the date of publication of the application;

6. Matters concerning claiming priority under the treaty (only applicable to an application for trademark registration claiming priority under Article 46 (1) of the Act);
  7. Explanation on the trademark (only applicable to the trademark which only consists of a mark falling under subparagraph 2 of Article 2, and the trademark including a mark falling under subparagraph 3 of that Article);
  8. Matters concerning visual expressions (only applicable to the trademark including a mark falling under subparagraph 3 of Article 2);
  9. A sound file corresponding to a visual expression (only applicable to a sound trademark);
  10. Meaning that a trademark falls under Article 33 (2) of the Act (only applicable to applications for trademark registration, publication of which has been determined because it falls under that paragraph);
  11. Meaning that a mark is a collective mark with geographical indication or certification mark with geographical indication (only applicable to a collective mark with geographical indication or certification mark with geographical indication);
  12. An outline of the articles of incorporation or the rules under Article 36 (3) and (4) of the Act (only applicable to a collective mark, collective mark with geographical indication, certification mark and certification mark with geographical indication, and in terms of the articles of incorporation or the rules amended pursuant to Article 43 (1) or (2) of the Act, referring to an outline of the amended provisions);
  13. Trademark registration number or the trademark registration application number of a trademark for which an applicant intends to add designated goods (only applicable to registration to add designated goods);
  14. Matters concerning ex officio amendment under Article 59 of the Act;
  15. Other matters the publication of which the Commissioner of the Korean Intellectual Property Office deems necessary.
- (3) Methods and procedures for filing applications, and the scope of the address to be published under the proviso of paragraph (2) 1 shall be prescribed and publicly notified by the Commissioner of the Korean Intellectual Property Office deems necessary.

## **Article 20 (Processing of Personally Identifiable Information)**

Where essential to conduct the following affairs, the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Trial and Appeal Board may process data including resident registration numbers under subparagraph 1 of Article 19 of the Enforcement Decree of the Personal Information Protection Act or alien registration numbers under subparagraph 4 of that Article:

1. Affairs concerning the allocation of identification numbers under Article 29 of the Act;
2. Affairs concerning the submission, etc. of documents under Article 56 of the Act;
3. Affairs concerning examination or preservation of evidence under Article 144 of the Act;
4. Other affairs concerning an application, report or submission concerning the filing of an application, examination, trial, and registration under the Act and this Decree.

## **Article 21 (Criteria for Imposition of Administrative Fines)**

Criteria for the imposition of administrative fines under Article 237 (1) of the Act shall be as specified in the Appendix.

### **ADDENDA**

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on September 1, 2016.

#### **Article 2 (Applicability to Applications Eligible for Preferential Examination)**

The amended provisions of Article 12 shall also apply to applications for trademark registration filed before this Decree enters into force.

#### **Article 3 (Transitional Measures concerning Administrative Fines)**

- (1) Administrative fines imposed for an offense committed before this Decree enters into force shall be included in the calculation of the frequency of offenses under the amended provisions of the Appendix.
- (2) In applying criteria for the imposition of administrative fines for offenses committed before December 2, 2011, the date the Enforcement Decree of the Trademark Act partly amended by Presidential Decree No. 23343 (hereinafter referred to as "partly amended Decree") enters into force, notwithstanding the amended provisions of the Appendix, the previous provisions before being amended by the partly amended Decree shall apply thereto.

### **ADDENDA <Presidential Decree No. 29826, Jun. 11, 2019>**

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on July 9, 2019: Provided, That the amended provisions of subparagraph 2-2 of Article 12 shall enter into force on the date of its promulgation.

#### **Article 2 (Applicability to Applications Eligible for Preferential Examination)**

The amended provisions of subparagraphs 2-2 and 8 of Article 12 shall begin to apply to the first application for preferential examination filed after this Decree enters into force.

### **ADDENDUM <Presidential Decree No. 30843, Jul. 14, 2020>**

This Decree shall enter into on the date of its promulgation.

### **ADDENDA <Presidential Decree No. 31053, Sep. 29, 2020>**

#### **Article 1 (Enforcement Date)**

This Decree shall enter into force on October 1, 2020.

**Articles 2 through 9 Omitted.**

ADDENDA <Presidential Decree No. 34000, Dec. 19, 2023>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2024.

**Article 2 (Transitional Measures concerning Applications Eligible for Preferential Examination)**

Notwithstanding the amended provisions of subparagraph 8 of Article 12, the previous provisions shall apply to applications for trademark registration, for which an application for preferential examination has been filed before this Decree enters into force.

Last updated :    -   -

