

Trademark Application Method and Procedure in Korea

A trademark is a letter, figure, symbol, color, etc. in a specific product in order to distinguish it from another kind of product of the same kind. The trademark right is to use the trademark exclusively for a certain period of time under the Trademark Act.

So, what are the trademark application procedures and methods?

If there are two or more trademark registration applications on the same day, only one applicant determined by two applicants' settlements, if the negotiation cannot be settled, KIPO will make decision by raffle.

A person or company who applies for a trademark registration must submit the application to the Commissioner of the Korean Intellectual Property Office with the following particulars:

- Name and address of applicant.
- Name and address of the agent or patent attorney, if any.
- Trademark
- List of (designated) goods or services

If the trademark is registered, the exclusive right will last for 10 years from the registration date. You can renew the term of trademark when it expires.

Purpose and Concept of the Trademark Law

Trademark law refer to that laws that have been enacted to protect trademarks.

The Trademark Act does not only protect the trademark itself, but it also protects the functions of the trademark, such as source marking, quality assurance, advertising, etc.

- What is trademark law?

It is a law that aims to protect the trademark and maintain the business reputation of the trademark users, thereby contributing to the development of

the industry and protecting the interest of the consumers.

Any person who uses the trademark or wishes to use the trademark may register the trademark. When two or more applicants wishes to file the same or similar trademarks, only those who have filed the application first may be registered with the trademark.

If there are two or more trademark registration applications on the same day, only one applicant determined by the applicant's agreement may be registered as a trademark.

When the no agreement is concluded or not consensus reached, only one applicant who is decided by the balloting held by the Commissioner of the Korean Intellectual Property Office may be registered as a trademark.

The succession of a trademark registration application shall not be effective unless the applicant is notified of the change except in the case of inheritance or other general succession.

A trademark registration application may be transferred separately for each designated product,

In the case of inheritance of trademark registration application or other general succession, the successor shall report the purpose to the Commissioner of the Patent Office without delay.

If the trademark registration application is co-owned, each co-owner can not transfer its shares without obtaining the consent of all the other co-owner.

A trademark owner or exclusive licensee may make a prohibition against infringement or a claim for protection against a person who infringes his or her rights or a person who may be liable to infringement.

Any person who infringes the trademark or exclusive use right shall be liable to imprisonment for not more than 7 years or a fine not exceeding 100 million won.