

Trademark Examination Practice

– Focus on prior rights (GIs) grounds for refusal

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- GIs as grounds for refusal

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|---|--|--|---|---|
| <p>Collective / Certification mark with GI</p> <p>§34(1)8</p> | <p>(Widely) Recognized GI</p> <p>§34(1)10,14</p> | <p>WTO member GIs to be used on wines and spirits</p> <p>§34(1)16</p> | <p>GI By sui generis system in KR</p> <p>§34(1)18</p> | <p>GI Lists by FTAs</p> <p>§34(1)19</p> |
|  <p>Gwangang Jangdo®</p>  | <p>⊗</p>  <p>[List of Goods] watch (produced in Switzerland)</p> | <p>⊗</p> <p>MACALLAN BLENDED SCOTCH WHISKY</p> <p>⊗</p> <p>MAJUANG MOSELLE STYLE</p> | <p>보성녹차</p> <p>Boseong Green Tea®</p>  | <p>EU Chile Peru Turkey Canada UK</p> |

Invalidation based on the similarity to widely recognized GI

(IPTAB *2019Dang3251)



[List of Goods]

watch (produced in Switzerland), alarm clock (produced in Switzerland), watch case (produced in Switzerland), wristwatch (produced in Switzerland), wall clock (produced in Switzerland) etc.

Appeal against Final Rejection by the examiner based on the similarity to protected GI with FTA (IPTAB 2018Won3179)

protected GI with FTA

Petitioner's Mark

Emilia

vs.

EMILIANA



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Thank you !

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