

may, if necessary, be suspended until a trial decision becomes final or litigation proceedings are concluded.

(2) The court may, if necessary in the litigation, suspend proceedings until the examiner's decision on the registration of a trademark becomes final.

### **Article 33 *Mutatis Mutandis* Application of the Patent Act**

Articles 148(1) to (5), (7) and 157 of the Patent Act and Articles 143, 299 and 367 of the Civil Procedure Act apply *mutatis mutandis* to the examination of applications for the registration of trademarks.

## **CHAPTER IV**

### **TRADEMARK REGISTRATION FEES AND REGISTRATION OF TRADEMARKS**

#### **Article 34 Trademark Registration Fees**

(1) A person applying for a trademark registration, supplementary registration of designated goods or renewal of the term of a registered trademark shall pay the trademark registration fees.

(2) Regardless of whether the person liable to pay the trademark registration fees is willing, any interested person may pay the trademark registration fees under paragraph (1) of this Article.

(3) Matters related to the paying trademark registration fees under paragraph (1) of this Article, including the method and period of payment, are prescribed by ordinance of the Ministry of Commerce, Industry and Energy.

**Article 34bis Abandoning Some or All Designated Goods  
When Paying Trademark Registration Fees**

(1) Where a person receives a decision granting registration of a trademark application with more than two designated goods, or receives a decision granting supplementary registration of designated goods in an application for supplementary registration of the designated goods, or receives a decision granting renewal of the term of a registered trademark, the person may abandon the designated goods in part after paying the trademark registration fees.

(2) Matters necessary for the abandonment of designated goods under paragraph(1) of this Article are prescribed by ordinance of the Ministry of Commerce, Industry and Energy.

**Article 35 Extension of Payment Period for Trademark  
Registration Fees**

Upon request, the Commissioner of the Korean Intellectual Property Office may extend the period for paying trademark registration fees under Article 34(3) by not more than thirty days.

**Article 36 Abandoning an Application for Trademark Registration as a  
Consequence of Nonpayment of Trademark Registration Fees**

Where trademark registration fees are not paid within the periods prescribed in Articles 34(3) or 35, an application for trademark registration, supplementary registration of designated goods or renewal of the term of a registered trademark is deemed to have been abandoned.

**Article 36bis Supplementary Trademark Registration Fees**

(1) When a person applying for registration of the establishment of a trademark right, additional registration of designated goods or renewal of the term of a registered trademark fails to pay all of the trademark registration fees within the period prescribed under Articles 34(3) or 35, the Commissioner

of the Korean Intellectual Property Office shall order the person to pay supplementary trademark registration fees.

(2) A person who receives an order to pay supplementary trademark registration fees under paragraph(1) shall pay the supplementary fees within one month of receiving the order.

(3) If the period for paying supplementary trademark registration fees under Articles 34(3) or 35 has elapsed, the person required to pay supplementary trademark registration fees under paragraph (2) shall pay twice the amount of the unpaid trademark registration fees.

**Article 36ter Recovery of an Application for Trademark Registration  
by Paying Trademark Registration Fees etc.**

(1) Where an applicant who has submitted an application for trademark registration, an application for supplementary registration of designated goods, or an application to renew a registered trademark deemed to have been abandoned under Article 36, or where an applicant was unable to pay the registration fees under Article 34(3) within the payment period prescribed under Articles 34(3) or 35 due to unavoidable reasons, the applicant may pay the registration fees within 14 days of the date on which unavoidable reasons cease to exist. However, this provision does not apply where a period of six months elapses after the expiry date of the payment period prescribed under Articles 34(3) or 35.

(2) Notwithstanding Article 36, where registration fees are paid in accordance with paragraph(1), an application for trademark registration, an application for supplementary registration of designated goods or the renewal of the term of a registered trademark is deemed not to have been abandoned.

(3) Where an application for trademark registration, an application for supplementary registration of designated goods or a registered trademark has been recovered under paragraph(2), the effect of the recovery of the application for the registration of the trademark, the application for supplementary registration of designated goods or the trademark right does not extend to using a trademark that is identical or similar to a registered

trademark on goods identical or similar to the designated goods if the use occurred within a period extending from the expiry date of the payment period under Article 34(3) or 35 to the recovery date of the application for trademark registration, the application for supplementary registration of designated goods or the trademark right.

### **Article 37 Official Fees**

(1) Except when requesting an invalidation trial by an examiner under Article 71(1) or 72(1), a person filing an application, making a demand or initiating other trademark-related procedures shall pay official fees.

(2) Matters related to paying official fees under paragraph (i) of this Article, including the method and period of payment, are prescribed by ordinance of the Ministry of Commerce, Industry and Energy.

(3) In addition to the fee referred to in paragraph (2) of this Article, a person who applies for renewal of the term of a registered trademark within the period prescribed in Article 43(2) shall pay the amount determined by ordinance of the Ministry of Commerce, Industry and Energy.

### **Article 38 Refund of Trademark Registration Fees**

(1) Trademark registration fees and official fees that have been paid may not be refunded. However, where fees have been paid by mistake, the incorrectly paid portion of the fees must be refunded immediately upon request of the person who paid the fees.

(2) Where a person pays trademark registration fees and official fees incorrectly, the Commissioner of the Korean Intellectual Property Office shall notify the person.

(3) A person may request a refund of the trademark registration fees and official fees submitted under paragraph (2) not later than one year after the date on which notification of the fees was given.

### **Article 39 Trademark Register**

(1) The Commissioner of the Korean Intellectual Property Office shall keep a Trademark Register at the Korean Intellectual Property Office and shall register the following matters:

- (i) the establishment, transfer, modification, expiry, renewal of the term, reclassification of goods under Article 46*bis*, supplementary registration of designated goods or restriction on disposal, of a trademark right;
- (ii) the establishment, maintenance, transfer, modification, expiry, or restriction on disposal of an exclusive or nonexclusive license; and
- (iii) the establishment, transfer, modification, expiry and restriction on disposal of a pledge on a trademark right for an exclusive or nonexclusive license.

(2) All or part of the Trademark Register may be stored in an electronic format such as a magnetic tape.

(3) Necessary matters related to registration and registration procedures of trademarks not stipulated in paragraphs (1) and (2) of this Article are prescribed by Presidential Decree.

### **Article 40 Issuance of a Trademark Registration Certificate**

(1) When the establishment of a trademark right has been registered, the Commissioner of the Korean Intellectual Property Office shall issue a trademark registration certificate to the owner of the trademark.

(2) Where the trademark registration certificate does not correspond with the Trademark Register, the Commissioner of the Korean Intellectual Property Office shall correct the certificate and reissue the amended certificate or issue a new certificate upon the request of the applicant or *ex officio*.