

CHAPTER IX

SUPPLEMENTARY PROVISIONS

Article 87 Inspection of Documents etc.

A person may request the Commissioner of the Korean Intellectual Property Office or the President of the Intellectual Property Tribunal for certification of an application for trademark registration, a trial certificate, a certified copy or extract of documents, or to inspect or copy the Trademark Register or other documents.

Article 88 Prohibition of Opening or Removing the Trademark Register and Documents Related to an Application for Trademark Registration, Examination, Trial or Retrial

(1) The removal of the Trademark Register or documents related to an application for trademark registration, examination, trial or retrial is prohibited.

(1) An answer may not be given to a request for an expert opinion, testimony or inquiry regarding the contents of an ongoing case involving an application for trademark registration, examination, trial or retrial, or regarding the contents of a decision to grant or refuse trademark registration.

Article 89 Trademark Gazette

(1) The Korean Intellectual Property Office shall publish the Trademark Gazette.

(2) The Trademark Gazette may be published in electronic media as prescribed by ordinance of the Ministry of Commerce, Industry and Energy.

(3) When publishing the Trademark Gazette in electronic media, the Commissioner of the Korean Intellectual Property Office shall publicize on a communication network matters regarding the Trademark Gazette's publication, main contents and service.

(4) Matters to be inserted in the Trademark Gazette are determined by Presidential Decree.

Article 90 Indication of Trademark Registration

The owner of a trademark right or an exclusive or nonexclusive licensee may use the indication "Registered Trademark" on designated goods or their packaging.

Article 91 Prohibition of False Indication

(1) A person may not perform any of the following acts:

- (i) indicating on goods a trademark that is not registered, or for which trademark registration has not been applied for, as if the mark was a registered trademark or its registration had been applied for;
- (ii) indicating on advertisements, signboards, labels or packaging of goods or other business transaction documents and so on a trademark that is not registered or for which trademark registration has not been applied for, as if the mark was a registered trademark or its registration had been applied for; or
- (iii) marking an indication that the trademark is registered for goods other than the designated goods, or marking an indication that is liable to cause confusion if the registered trademark is used on goods other than the designated goods.

(2) Acts indicating a trademark under paragraph(1)(i) and (ii) of this Article include goods and packaging, advertisement, signboards, or labels that have become shapes of marks.

Article 91bis Special Provision on a Trademark etc. that is Similar to a Registered Trademark

(1) "The registered trademark" referred to in Articles 50, 53, 55(3), 57(2), 62,

67(2), 73(1)(iii) and (iv), 85, 90 and 91 includes trademarks similar to the registered trademark; if the colors of a similar trademark are the same as the colors of the registered trademark, the similar trademark is deemed identical to the registered trademark.

(2) "A trademark similar to the registered trademark" referred to in Articles 66(1) and 73(1)(ii) does not include trademarks similar to a registered trademark that are deemed identical to the registered trademark because the colors of the similar trademark are the same as the colors of the registered trademark.

Article 92 *Mutatis Mutandis* Application of the Patent Act

Articles 218 to 220, 222 and 224*bis* of the Patent Act apply *mutatis mutandis* to trademarks.

CHAPTER X

PENAL PROVISIONS

Article 93 Offense of Infringement

A person who has infringed a trademark right or an exclusive license is liable to imprisonment with labor not exceeding seven years or to a fine not exceeding 100 million won.

Article 94 Offense of Perjury

(1) Having taken an oath under law, a witness, expert witness or interpreter who makes a false statement or gives a false expert opinion or interprets