

**(Translation)**

**Main Points for Determining an Interested Party under the Trademark Act**

Enacted and promulgated on April 28, 2004 by  
the order of the MOEA, enforced on May 1, 2004  
Amended and promulgated on April 20, 2012 by  
the order of the MOEA, enforced on July 1, 2012

1. These main points are prescribed for the application of Article 57 of the Trademark Act (hereinafter referred to as "this Act").

2. A person is an interested party if he/she

(1) is a party to a suit involving the trademark at issue; or

(2) is a party to a dispute involving another trademark related to the trademark at issue; or

(3) is a competitor in the same trade who deals with goods or services that are identical or similar to those covered by the trademark at issue; or

(4) claims that the trademark at issue is identical or similar to his/her trademark or mark, and that he/she is the prior user, and an transferee, a licensee, or an agent of the trademark or mark; or

(5) claims to be the proprietor, or a licensee or an agent, of a registered trademark or mark, to which the trademark at issue is identical or similar; or

(6) claims that the trademark at issue is identical or similar to his or her name, whether the person be an individual, entity, juristic person, or other group; or

(7) whose application for registration of the trademark at issue violates an agreement executed by and between the proprietor of the trademark and another party -- the other party to the agreement; or

(8) is an applicant whose trademark application has been refused by the Registrar Office on the basis of the trademark at issue; or

(9) claims that the trademark at issue is identical or similar to his/her trademark in a pending application, and is used on the same or similar goods or services; or

(10) claims that his/her rights or interests are affected by the registration of the trademark at issue.

3. A person who claims to be an interested party must present evidence and explains how his/her rights or interests are affected by the registration of a trademark.

4. In deciding whether an applicant is an interested party, the Registrar Office will

perform a formality examination of the evidence presented thereby.

5. Whether a person is an interested party depends on the facts presented at the time the application was filed. However, a person who meets the requirements for of an interested party at the time the Registrar Office renders the disposition on the case or in the course of an administrative remedy proceeding, he/she may also be taken as an interested party.