

(4) Upon receipt of a protest under paragraph(3) of this Article, the Commissioner of the Korean Intellectual Property Office shall immediately notify the competent court, which shall adjudicate the case of the administrative fine according to the Noncontentious Case Litigation Procedure Act.

(5) Where an objection has not been raised within the period prescribed in paragraph(3) of this Article and where the fine has not been paid, the Commissioner of the Korean Intellectual Property Office shall collect the fine in accordance with the rules of collecting national taxes in arrears through the head of the competent tax office.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on September 1, 1990.

Article 2 General Transitional Measures

Except as otherwise provided in Articles 3 to 8 of this addendum, this Act applies to matters that have taken place before this Act enters into force. However, any effect taken under the previous provisions is not affected.

Article 3 Transitional Measures on the Dismissal of a Correction

A correction made before this Act enters into force is subject to the previous provisions.

Article 4 Transitional Measures on an Application for Trademark Registration etc.

The examination of an application for trademark registration, an application

for renewal of the term of a registered trademark and an application for additional registration of designated goods and an appeal on a ruling of refusal made before this Act enters into force are subject to the previous provisions (excluding Article 73(1)(i)).

Article 5 Transitional Measures on the Effect of Renewing the Term of a Registered Trademark

Where a trademark is registered in the previous provisions before this Act enters into force, and the renewal of the term of a trademark right is registered under this Act, the registered trademark is deemed to have been registered under this Act.

Article 6 Transitional Measures on the Effect of a License

The effect of a license registered under the previous provisions before this Act enters into force is subject to the previous provisions.

Article 7 Transitional Measures on Trials Related to a Registered Trademark etc.

(1) A trial, appeal, retrial and lawsuit related to an invalidation trial and a trial to confirm the scope of a trademark registered by an application for trademark registration, an application for renewal of the term of a trademark right and an application for additional registration of designated goods, made before this Act enters into force, is subject to the previous provisions. However, this provision does not apply to the request referred to in the latter part of the main sentence of Article 72(1).

(2) Any trial, appeal, retrial and lawsuit on the revocation trial of a trademark registration requested before this Act enters into force is subject to the previous provisions.

(3) Any trial, appeal, retrial and lawsuit on a revocation trial of a license registered under the previous provisions before this Act enters into force is

subject to the previous provisions, except for the request referred to in Article 74(3).

Article 8 Transitional Measures on the Procedures and Expenses of Trials and Compensation for Damages etc.

The previous provisions govern the procedure, expenses, compensation for damages and so on for a trial, appeal, retrial and lawsuit requested against any act committed before this Act enters into force.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on the date of its promulgation. (Proviso deleted.)

Articles 2 to 5 Deleted

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on January 1, 1994.

Article 2 Transitional Measures on Applications for Trademark Registration etc

The examination of an application for trademark registration, registration for

renewal of the term of a trademark right or additional registration of designated goods and an appeal against a ruling of refusal made before this Act enters into force are subject to the previous provisions.

Article 3 Transitional Measures on Refunding Trademark Registration Fees etc.

The refund of trademark registration fees or other fees paid by mistake before this Act enters into force is subject to the previous provisions.

Article 4 Transitional Measures on Trials Related to a Registered Trademark etc.

Any trial, appeal, retrial or litigation on a trademark registered by an application for trademark registration, renewal of the term of a registered trademark or additional registration of the designated goods made before this Act enters into force is subject to the previous provisions.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on March 1, 1998.

Article 2 Transitional Measures on Pending Cases

(1) Any case in which a request has been made before this Act enters into force for a trial or appeal against a ruling of refusal or against a decision to dismiss a correction is deemed to be continued with the Intellectual Property Tribunal under this Act and to be pending at the Intellectual Property Tribunal.

(2) Any case in which a request has been made before this Act enters into force for an appeal against the decision of a trial or for an immediate appeal against a decision to dismiss the request is deemed to be continued with the Patent Court under this Act and to be pending at the Patent Court.

Article 3 Transitional Measures on Cases etc. that May Be Appealed

(1) Litigation may be brought against a case on which the decision of a trial, the decision to dismiss a request for trial, a ruling of refusal or a decision to dismiss a correction by the examiner when this Act enters into force, and against which an appeal has not brought with the Patent Tribunal under the previous provisions, within thirty days of the enforcement date of this Act, a litigation under Article 186(1) of the Patent Act as applied *mutatis mutandis* under Article 86(2) may be brought against the decision of a trial and a decision to request a trial, and a trial under Article 70*bis* or 70*ter*, may be requested against a ruling of refusal or a decision to dismiss a correction by the examiner. However, this provision does not apply if the period for appeal has expired under the previous provisions when this Act enters into force.

(2) An appeal may be brought against the decision of an appeal, the decision to dismiss a request for an appeal and the decision to dismiss a correction by the appellate trial examiner when this Act enters into force, provided an appeal has not been brought to the Supreme Court. However, this provision does not apply if the period for appeal has expired under the previous provisions when this Act enters into force.

(3) A pending case against which an appeal has been brought to the Supreme Court before this Act enters into force and any case against which an appeal is brought under paragraph (2) is deemed to have been pending or to have been brought to the Supreme Court.

Article 4 Transitional Measures on Retrials

Articles 2 and 3 of this addendum apply *mutatis mutandis* to a pending retrial.

Article 5 Transfer etc. of Documents

(1) The Commissioner of the Korean Intellectual Property Office shall immediately transfer the documents of a pending case referred to in Article 2(1) of this addendum (including those applied *mutatis mutandis* under Article 4 of this addendum) to the President of the Industrial Patent Tribunal.

(2) The Commissioner of the Korean Intellectual Property Office shall immediately transfer the documents of a pending case referred to in Article 2(2) of this addendum (including those applied *mutatis mutandis* under Article 4 of this addendum) to the President of the Intellectual Property Tribunal. In this case, matters necessary for the transfer and so on of documents are prescribed by Supreme Court regulations.

ADDENDUM

This Act enters into force on January 1, 1996.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on July 1, 1997. (Proviso deleted.)

Articles 2 to 5 Deleted

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on March 1, 1998.

Article 2 Transitional Measures on an Application for Trademark Registration etc.

The examination of an application for trademark registration, an application for renewal of the term of a registered trademark and an application for additional registration of designated goods and a trial against a ruling of refusal before this Act enters into force are subject to the previous provisions (excluding Article 73(1)(i)).

Article 3 Transitional Measures on Trials Related to a Registered Trademark etc.

Trials, retrials and litigation on trademarks registered by an application for trademark registration, an application for renewal of the term of a registered trademark and an application for additional registration of designated trademarks before this Act enters into force are subject to the previous provisions.

Article 4 Transitional Measures on a Unified Trademark

An application for unified trademark registration or for the trademark rights of a unified trademark, filed before this Act enters into force, is deemed an application for trademark registration or a trademark right under this Act.

Where an invalidation or revocation trial based on the grounds of violating the previous provisions of Articles 11(1) or (3) or 54(2) is pending when this Act enters into force, the trial is subject to the previous provisions.

Article 5 Transitional Measures on the Revocation Trial of a Trademark Registration

Notwithstanding amended Article 73(4), a revocation trial requested under Article 73(1)(iii) within three years of the enforcement date of this Act is subject to the previous provisions.

Article 6 Transitional Measures on Three-Dimensional Trademarks

(1) Where a person who has submitted goods with a three-dimensional trademark at an exhibition under Article 21(1) files an application for registration of the three-dimensional trademark under amended Article 2 before this Act enters into force, the enforcement date of this Act is regarded as the submission date of the exhibited goods.

(2) Where a person who has filed an application for registration of a three-dimensional trademark with one of the parties to the treaties under Article 20 files an application for registration of the three-dimensional trademark under amended Article 2 before this Act enters into force, the enforcement date of this Act is regarded as the filing date of the application for trademark registration filed in one of the countries to the treaty.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on January 1, 1999. (Proviso deleted.)

Articles 2 to 5 Deleted

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on July 1, 2001. However, amended Article 38 enters into force on the date of its promulgation, and the provisions related to the international application in amended Article 5 and amended Article 86*bis* to 86*duoquadragies* enter into the force on the date on which the Protocol becomes effective in the Republic of Korea.

**Article 2 Application Examples on the Right to Demand
Compensation for Loss**

Amended Article 24*bis* applies to an application for trademark registration or an application for additional registration of designated goods filed after July 1, 2001.

**Article 3 Transitional Measures on Examining Applications for
Trademark Registration etc.**

The examination of an application for trademark registration, an application for renewal of the term of a registered trademark, an application for additional registration of designated goods and a trial against a ruling of refusal, a retrial and litigation initiated before this Act enters into force are subject to the previous provisions.

**Article 4 Transitional Measures on Trials Related to a Registered
Trademark etc.**

A trial, retrial and litigation on a trademark registered by an application for trademark registration, an application for renewal of the term of a registered trademark or an application for additional registration of designated goods filed before this Act enters into force are subject to the previous provisions. However, amended Article 3 of the addendum to the Trademark Act, amended by Act No. 5355, applies to a request for a trial, a trial, retrial and litigation to revoke a trademark registration under Article 73(1)(i) after July 1, 2001.

ADDENDUM

Article 1 Date of Entry into Force

This Act enters into force on July 1, 2002.

Articles 2 to 7 Deleted

ADDENDUM

This Act enters into force five months after its promulgation.