

## Submission from Republic of Korea

### New types of Marks

#### Representation and description of a three-dimensional mark

Korea accept the shape of a product or product packaging for registration as a three-dimensional mark. Applicants are required to provide a representation of the mark in the form of drawings or photographs that clearly show all features of the mark. Where drawings or photographs submitted as a representation of the three-dimensional trademark are not clear, KIPO(Korean Intellectual Property Office) shall request the applicant to submit an explanation about the three-dimensional mark.

#### The relation of established trademark principles to new types of mark

The application of principles of trademark protection must also be considered with regard to new types of marks. Absolute grounds for refusal, for instance, concern signs that are devoid of any distinctive character, consist exclusively of descriptive indications or have become generic. Signs may also be refused on the grounds that they are contrary to morality or public order, or of such a nature as to deceive the public.

#### Revision for the Trademark Act

Korea revised the Trademark Act in Dec 2006. And the revision will be in effect from July 1st, 2007. Under the revised Trademark Act that will expand the subject of trademark protection, new types of visually recognizable trademarks will be protected in the future. These visually recognizable trademarks include those made only with coloring, motion trademarks, and hologram trademarks.