APAA 2026, Hong Kong

Trademarks Committee – Special Topic

Challenges in Protecting Well-Known Marks Across Jurisdictions

INDEX

I. Background of Discussion

II. Questions

Part A: General Overview of the Concept and Framework of "Well-Known Marks"

Part B: Protection of Well-Known Marks by Preventing or Extinguishing Third Party's Registration

Part C: Enforcement Capabilities of "Well-Known Marks"

III. Discussion Based On Case Example

IV. Ideas for Next Special Topic

I. Background of Discussion

With the advancement of a borderless society, we have entered an era in which goods, people, and services circulate seamlessly across national borders. In this environment, establishing robust mechanisms for protecting well-known trademarks within the Asia-Oceania region has become a critical priority. We will discuss with members from 21 jurisdictions how to address the legal and practical challenges involved in protecting trademarks that enjoy significant recognition in their home countries but have not yet established a sufficient reputation in destination countries.

The rapid spread of information through social media has dramatically accelerated the recognition of product and service labels, making it impossible for trademark registration to keep pace. Furthermore, registering trademarks in every country and region where the information spreads is simply not feasible. On the other hand, businesses cannot allow unrelated third parties to freely use the brand names of businesses they have cultivated domestically. This paper examines how to address these issues at present.

II. Questions

Please answer the questions below. You can either check the box using ✓ or insert your answers in blue**.**

Part A: General Overview of the Concept and Framework of "Well-Known Marks"

Section 1: Definition

1. Does your country have a definition of a well-known trademark? If yes, please write it down below along with the legal provisions.

	Yes
✓	No

Definition of well-known mark (* Word limit: 100 words or less, if possible):
Korea has statutory criteria rather than a single exhaustive definition.

Article 34(1)(9) of the Trademark Act protects marks widely recognized among relevant consumers as identifying another person's goods or services.

Article 34(1)(11) protects famous marks(remarkably recognized among consumers) against confusion or dilution.

Article 34(1)(13) also protects marks recognized as identifying a particular source in Korea or abroad against bad-faith applications.

Article 2(1)(a)–(c) of the Unfair Competition Prevention and Trade Secret Protection Act (UCPA) requires recognition in Korea; dilution protection requires the higher level of fame developed in case law.

2. Are there any laws or standards, other than trademark law, concerning the recognition of well-known trademarks?

✓	Unfair Competition Prevention Act
✓	Decisions of the Trial and Appeal Department of the Intellectual Property Office
✓	Court Decisions
✓	Doctrines adopted by the courts
KR comments: UCPA Article 2(1)(a)–(c), trial decisions and court-developed criteria supplement the Trademark Act. The Trademark Examination Guidelines of the Ministry of Intellectual Property (MOIP, formerly KIPO) also address recognition and evidence.	

3. In what types of procedures or situations is well-known status recognized?

✓	Examination of applications
✓	Oppositions
	Non-use cancellation trials
✓	Invalidation trials
✓	Infringement litigation
	Is there a specific system under which an applicant can formally apply for well-known status, or where a court or statutory authority can *suo motu* declare a mark as well-known? If the answer is yes, please identify the name of such specific system below: (e.g., Defensive mark registration) KR Comments: - No Formal Application System: In Korea, there is no official administrative system or registry where an applicant can formally apply to register or certify a trademark as "well-known." - Ad-hoc Recognition in Disputes: Well-known status is only recognized on a case-by-case basis through specific dispute proceedings, such as oppositions at the Examination bureau of MOIP, trials before the IPTAB, or court litigations. - No *Suo Motu* Declaration: Courts or statutory authorities do not *suo motu* (on their own motion) declare a trademark as well-known without an active dispute and explicit arguments presented by the parties involved.

Section 2: Assessment on Well-Known Trademarks

Please provide the factors considered when recognizing a well-known trademark
(To answer the questions below, please do not strictly consider the different levels of well-known status applied. If your answers differ depending on the distinct levels of recognition in your jurisdiction, please base your responses on the lowest level that can be recognized. For instance, in some jurisdictions, a mark may be recognized as well-known even if its reputation is limited to a specific region of a foreign country.)

1. Is the identity between the trademark claimed to be well known and the trademark actually used strictly examined?

	Yes
✓	No
KR Comments: There is no rigid requirement of strict identity. Evidence must establish that the mark actually relied upon has acquired well-known status among consumers. While minor variations or the use of the mark within a composite mark are acceptable subject to a contextual assessment, the recognition of a specific logo or mark cannot be automatically attributed to other related word or device mark.	

2. Is whether a trademark is well known determined in relation to the goods or services for which the trademark is used?

✓	Yes
	No
KR Comments: Well-known status is assessed primarily in relation to the relevant goods or services among the consumers or traders. However, once such status is established, the scope of protection can extend beyond similar goods/services to prevent dilution or unfair exploitation of the mark's reputation, pursuant to Articles 34(1)(11) and (13) of Korean Trademark Act.	

3. In which country or region must a trademark be well known in order to be protected as a well-known trademark?

	It must be well-known in that target jurisdiction (your country)
✓	It is sufficient to be well-known ONLY in the brand owner's home country, while not in the target jurisdiction
✓	It is sufficient to be well-known ONLY in any third country
KR Comments: For the lowest relevant threshold, Article 34(1)(13) accepts source recognition in one foreign country, including the owner's home country or a third country, provided the other requirements, notably the applicant's bad faith, are met. Domestic recognition is required for the ordinary reputation-based grounds under the Korean Trademark Act as well as for confusion/dilution claims under the UCPA. Thus, the first option is not a universal prerequisite.	

4. Regarding the geographical scope, is a trademark eligible for protection (during prosecution or enforcement) as a well-known trademark if it is recognized as below? Please check all that apply.

✓	Nationwide across the jurisdiction?
✓	Only regionally (in a specific region or more where the goods/services are provided)?
✓	Via the Internet, even if it is not necessarily known nationwide?
KR Comments: Recognition need not invariably extend throughout the country. Regional or online recognition can qualify where sufficient within the relevant market. Mere Internet accessibility is insufficient. The territory and level of recognition must satisfy the particular provision invoked.	

5. Regarding the relevant consumers required for well-known status, is it sufficient for protection if the trademark is recognized by: (Please select one or check all that apply)

✓	All consumers (the general public)?
✓	Only the relevant consumers of the specific goods or services?
✓	Only the relevant consumers, even if the goods or services are provided exclusively via the Internet?
KR Comments: For the lowest threshold, recognition by relevant consumers or traders suffices; recognition by the entire public is not necessary. Online-only distribution does not disqualify a mark. General-public fame is relevant to the higher protection threshold for famous marks.	

6. What factors are considered in order for a trademark to be recognized as a well-known trademark?

✓	Period of use
✓	Area of use
✓	Sales amount
✓	Advertising and promotional expenses
✓	Person or entity that conducted the advertising and promotion
✓	Relevant consumers
✓	Market share
✓	Number of stores
✓	Awards received
✓	Number of posts on social media by third parties
✓	Results of recognition surveys conducted through questionnaires
✓	Number of visits to the website of the holder of the well-known trademark

✓	Others: (Please specify, if any:) Independent media coverage, distribution channels, licensing, prior recognition decisions and reliable brand rankings.
KR Comments: All listed matters can be relevant, but are not mandatory or independently conclusive. Evidence must identify the mark, goods/services, territory, relevant public and relevant date. Traffic and post counts require scrutiny of authenticity, geographic reach and source-identifying content; the promoter's identity matters principally to attribution and credibility.	

7. In proving that a foreign trademark is well known among consumers in your country, are the following matters useful?

✓	Possibility of access and access records to the website of the overseas trademark holder or user
✓	Access records to cross-border e-commerce sites
✓	Purchase records from cross-border e-commerce sites
✓	Number of inbound travelers
✓	Number of travelers from your country to the country where the well-known trademark exists
KR Comments: Potentially useful as circumstantial evidence. Actual access and purchase data linked to Korean consumers carry more weight than mere accessibility. Inbound/outbound travel statistics alone do not prove awareness of the particular mark; brand-specific exposure, bookings or purchases and their timing are needed.	

8. In recognizing the well-known status of a trademark, is use on the following tools or platforms considered as evidence?

✓	SNS platforms (Instagram, TikTok, YouTube, X, etc.)
✓	Online advertising
✓	Posts by third-party influencers who are not users of the trademark for which well-known status is claimed
KR Comments: Yes, if reliable and relevant to consumer recognition. Dated content, geographic audience data, and reach and engagement figures should be preserved, and paid promotion should be distinguished from independent commentary. A third-party post can evidence reputation without itself constituting the proprietor's trademark use.	

9. Please describe any evidence or factors, other than those specified in Questions 6 through 8 above, useful in demonstrating that a trademark well-known abroad, despite not being well-known in your jurisdiction, nonetheless possesses a certain degree of recognition in your jurisdiction.

(* Word limit: 100 words or less, if possible): Useful evidence includes Korean-language press coverage, travel guides and specialist publications; Korean distributors' or travel agencies' brochures; brand-specific booking inquiries; participation in trade fairs attended by Korean buyers; licensing negotiations; and dated evidence of Korean consumers' exposure to the mark. The evidence should identify the relevant public, goods or services, territory and date. For Article 34(1)(13), sufficient recognition abroad and the applicant's bad faith may establish a ground for refusal or invalidation even without substantial recognition in Korea.

10. Is there a practice of using consumer surveys (questionnaires) when proving well-known status? If yes, what approximate recognition rate is required for a trademark to be recognized as well-known? (approximate percentage or range typically accepted in practice, if any / write "N/A" if determined case-by-case)

YES ✓	1) In the case of consumer goods	N/A — case-by-case
	2) In the case of products for specialized markets (such as aircraft parts)	N/A — case-by-case
	3) In the case of services	N/A — case-by-case
NO		
KR Comments: Consumer surveys are used, but there is no universal statutory recognition percentage for these three categories. Sampling, relevant consumers, geography, wording and methodology affect weight. Guidance on acquired distinctiveness must not be treated as a fixed threshold for every well-known-mark provision.		

Part B: Protection of "Well-Known Marks" by Preventing or Extinguishing Third Party's Registration

1. Are there any provisions in the Trademark Act under which an unregistered well-known trademark can prevent, invalidate or cancel another party's trademark registration?

✓	Yes
	No
KR Comments: Principally Articles 34(1)(9), (11), (12) and (13), with invalidation under Article 117. Cancellation is a separate remedy requiring a specific Article 119 ground.	

2. If your answer to Question 1 above is YES, what types of a third party's trademark applications/registrations can be prevented from being registered or eliminated? Please select all that apply from the following, and if possible, indicate the relevant legal provisions.

✓	A trademark identical or similar to an unregistered trademark that is well-known in your country, filed or registered for identical or similar designated goods or services Articles 34(1)(9) and 34(1)(12) may also apply.
✓	A trademark likely to cause confusion with a trademark well-known in your country Article 34(1)(11) for famous marks; Article 34(1)(12) for consumer deception where its requirements are met.
✓	A trademark likely to cause confusion with a trademark well-known both in your country and in a foreign country The same domestic grounds apply; foreign recognition is not an additional prerequisite.
	A trademark likely to cause confusion with a trademark well-known only in a foreign country Foreign fame and confusion alone are insufficient. Article 34(1)(13) additionally requires similarity of the marks and bad faith.
✓	A trademark filed with an unfair purpose that would harm the interest of the owner of the well-known trademark Article 34(1)(13)
✓	A trademark filed in bad faith Article 34(1)(13)

3. Through what mechanisms can a third party's preemptive filing, misappropriated filing, filing by a former agent, bad-faith filing, etc. be prevented from being registered or removed after registration?

✓	Examiners' *ex officio* rejection (Office Action) Articles 54 and 55.
✓	Third-Party-Observation (Information submission) Article 49.
✓	Opposition Article 60. The current opposition period is 30 days from publication (shortened from two(2) months as of 22 July 2025).
✓	Cancellation trial → If there is any specific trial, please indicate: ( ) Cancellation under Article 119(1)(6) with Article 92(2): where use of the registered mark constitutes unfair competition under UCPA Article 2(1)(m), the party whose achievement was misappropriated may request cancellation within five years of the registration date. Also, non-use cancellation under Article 119(1)(3) after the required three-year period, or improper-use cancellation under Article 119(1)(1) or (2). These require their own facts; bad-faith filing ordinarily calls for invalidation.

✓	Invalidation trial Article 117 in conjunction with the applicable ground for refusal.
	Lawsuit

4. When preventing or invalidating/cancelling another party's trademark registration based on a well-known mark, is it a requirement that the well-known trademark **be registered** in your country?

	Yes
✓	No
KR Comments: No Korean registration is required for the unregistered-mark grounds. Article 34(1)(21) is a distinct ground involving registration in a treaty country and a specified relationship.	

5. When preventing or invalidating/cancelling another party's trademark registration based on a well-known mark, is it a requirement that the well-known trademark **be used** in your country?

	Yes
✓	No
KR Comments: Article 34(1)(13) can rely on recognition abroad without use in Korea. For domestic-reputation grounds, the issue is sufficient recognition in Korea, which can arise through cross-border advertising and exposure without local sales or premises.	

6. In the case of a trademark that is well-known abroad but does not have a high degree of recognition in your country, are there any arguments or measures, other than the assertion of well-known status and submission of evidence described in Part A, Section 2, that would be useful for preventing or invalidating/cancelling a third party's trademark registration? For example, are the following arguments useful? Please select all that apply from the following.

✓	Actual confusion as to source
✓	Proof of the third party's bad faith
✓	Past business relationship
✓	Proof that the third party knew that the trademark was well-known abroad
✓	Others (example:) Articles 34(1)(20) and (21), where the specified relationship, knowledge, goods/services and other statutory requirements are satisfied.
KR Comments: The listed facts may support a statutory ground but do not each establish one. Actual confusion and knowledge of the overseas mark are probative circumstances. Relationship-based protection can operate without the ordinary reputation threshold.	

7. If a third party filed the application in bad faith, what evidence is effective to prove such bad faith? For example, do the following apply? Please select all that apply from the following.

✓	Existence of past transactions
✓	Filing applications for many other parties' famous trademarks
✓	Prior proposal of an agency agreement or other cooperative relationship
✓	Imitating the design of the goods or packaging
✓	Requesting a high price to sell the application/registration
✓	Others (example:) Copying distinctive spelling or artwork; messages showing intent to block entry or obtain payment; lack of a credible independent naming explanation; and a pattern of opportunistic filings.
KR Comments: All circumstances are evaluated as of the filing date. No single item automatically establishes bad faith. A genuine independent business history may rebut the inference; Supreme Court 2012Hu672 (28 June 2012) illustrates that qualification.	

8. If an application is filed or registered for dissimilar goods or services, can registration be prevented or invalidated/cancelled? Please describe any conditions.

✓	Yes
	No

Any comments (* Word limit: 100 words or less, if possible): Article 34(1)(13) can apply to dissimilar goods or services where source recognition in Korea or abroad, mark similarity and bad faith are established. Economic relatedness is relevant to bad faith, not an absolute similarity requirement. Article 34(1)(11) also reaches dissimilar fields where confusion with a famous mark or dilution is likely. Article 34(1)(12) may apply where economic links create consumer deception. Article 34(1)(9), by contrast, requires identical or similar goods or services.

Part C: Enforcement Capabilities of "Well-Known Marks"

1. Which of the following can constitute a legal title or legal basis for asserting claims?

✓	Assertion of rights in a well-known trademark that is unregistered in your country Through the UCPA when the applicable domestic recognition and other requirements are met; unregistered reputation alone does not create a registered trademark right.

✓	A well-known trademark registered in your country The Trademark Act protects a valid Korean registration, irrespective of whether fame is independently established.
✓	Acts of unfair competition In particular Article 2(1)(a) and (b) of the UCPA.
✓	Passing off Only in the functional sense of statutory confusion protection under the UCPA. Korea has no separate common-law passing-off cause of action.
✓	Dilution Article 2(1)(c) of the UCPA, subject to domestic fame and the other requirements.
	Tort under civil law
	Others (please specify:)

2. What legal remedies are available?

✓	Injunction Article 107 of the Trademark Act; Article 4 of the UCPA. Interim injunctive relief may also be sought.
✓	Claim for damages Article 109 of the Trademark Act; Article 5 of the UCPA; or Article 750 of the Civil Act as applicable.
✓	Measures to restore business reputation (e.g. apology advertisement) Article 113 of the Trademark Act and Article 6 of the UCPA permit appropriate reputation-restoration measures, such as publication of the judgment or corrective advertisement. Court-ordered apology advertisements are not available, having been held unconstitutional.
✓	Customs border measures Article 235(1)(1) of the Customs Act protects registered trademark rights. An unregistered well-known mark alone is insufficient for this trademark-based customs route.
✓	Others (please specify:) Removal or destruction of infringing material, as appropriate under the applicable statute.

3. In order to obtain the legal protection listed below, is it necessary for the well-known trademark to be used in your country?

	Injunction Use in Korea is not required. A registered mark can be enforced on the basis of the registration alone (Trademark Act Article 107), although a registration left unused for three years is open to cancellation. For an unregistered mark, the UCPA requires that the mark be well known in Korea; use in Korea is not a separate statutory requirement, but such recognition is in practice built through use or advertising directed at Korean consumers.
✓	Claim for damages Use in Korea is in effect required. Damages presuppose actual damage, and the Supreme Court has held that a right holder who has merely registered the mark without using it in business in Korea suffers no compensable damage, even in the amount of a reasonable royalty (Supreme Court 2014Da59712, 30 September 2016; 2003Da62910, 22 July 2004). Statutory damages are expressly limited to a registered mark that the right holder is actually using (Article 111). A UCPA claim likewise requires actual damage to business interests (Article 5).
	Customs border measures Use is not required, but a Korean trademark registration is (Customs Act Article 235(1)(1)).
✓	Apology advertisement (or other measures to restore business reputation) Available only where the infringement has damaged the right holder's business reputation (Article 113 of the Trademark Act; Article 6 of the UCPA), which in practice presupposes goodwill built through use in Korea.
	Others (please specify:)

4. In the case of a trademark that is well-known abroad but does not have a high degree of recognition in your country, which of the following can constitute a legal basis for asserting claims?

	Assertion of rights in a well-known trademark that is unregistered in your country Not solely because the mark is well known overseas. Domestic recognition sufficient for the applicable UCPA provision must be established.
✓	A well-known trademark registered in your country A valid Korean registration may be enforced without proving domestic fame.
✓	Acts of unfair competition Conditionally. For example, Article 2(1)(g) of UCPA addresses certain unauthorized uses by agents/representatives of a foreign registered-mark owner. Article 2(1)(m), the supplementary misappropriation provision, requires independent proof of its elements and is not an automatic bypass of territorial reputation requirements.
	Passing off No independent common-law action.
	Dilution Not without the required domestic fame.
	Tort under civil law

	Well-known or famous status overseas Not, by itself, a right to prohibit use in Korea.
	Assertion of the other party's bad faith Relevant evidence, not an independent basis for an injunction.
	Actual confusion as to source in the market Relevant evidence, not a substitute for all statutory requirements.
	Others (please specify:)

5. If there are any cases involving a trademark that is well known abroad but does not have a high degree of recognition in your country, where a third party registered the trademark first and the matter was disputed in an opposition, trial or appeal, infringement litigation, or similar proceeding, please briefly introduce one or two examples.

Case 1:

Title: JUNKERS

Case number: Supreme Court 2013Hu2460

Date: 13 February 2014

Brief summary: A German watch business challenged a Korean registration relying on recognition of its prior-used marks in Germany. The Supreme Court considered the history of use, specialist reputation, distribution and supply channels, and independent assessments. The absence of precisely allocated sales, market-share and advertising figures did not preclude recognition of a particular source among German consumers. The Court reversed and remanded because the lower court had wrongly rejected the recognition requirement without examining the remaining elements. The case illustrates proof of foreign recognition, not automatic invalidity based on foreign fame alone. The former Article 7(1)(12) corresponds to current Article 34(1)(13).

Case 2:

Title: MIRAGE

Case number: Supreme Court 2008Hu4448

Date: 12 February 2009

Brief summary: The dispute concerned a Korean service-mark registration (filed 9 December 2002) for identical or similar services and the prior MIRAGE hotel/casino mark in the United States. The Supreme Court held that the mark MIRAGE, used since 1989 for a major Las Vegas casino resort and recognized as a famous mark by a US federal district court in 2000, was remarkably recognized among US consumers at the filing date; the lack of detailed sales or advertising figures did not justify disregarding that finding. As the marks and services were identical or similar, the Court also found an unfair purpose to free-ride on, or dilute, the reputation of the prior mark, and reversed and remanded the decision rejecting invalidation. This provides a useful comparison for a foreign hotel challenging a Korean registration. The case concerned the former Article 7(1)(12), before the 2007 relaxation of its recognition wording; the current equivalent is Article 34(1)(13). It does not establish a general right to prohibit Korean use without domestic reputation.

III. Discussion based on "Case Example"

We would like to discuss a hypothetical case with all of you. Based on the following hypothetical scenario, please consider and answer the questions that follow.

Part A. Case Example: Hotel APAA in Monaco, well known in Monaco and Europe

Hotel "APAA," located in the Principality of Monaco, is a well-known hotel in Monaco. However, the hotel has not opened any establishment in Japan. Hotel "APAA" has not obtained a trademark registration in Japan for "provision of hotel accommodation" in Class 43.

However, in order to attract tourists from Japan to stay at its hotel in Monaco, Hotel "APAA" allows accommodation reservations to be made online from Japan. It also advertises on Instagram and TikTok, and such advertisements are accessible to consumers in Japan.

In reality, however, only a very small number of people in Japan are aware of Hotel "APAA" in Monaco, and it is known only among a very limited segment of affluent consumers. The number of guests from Japan is approximately 20 per year.

Under these circumstances, X, a famous chef in Japan who has no relationship with Hotel "APAA," obtained a trademark registration in Japan for "APAA" in Class 43, not only for "provision of hotel accommodation," but also for "providing food and beverages." X had stayed at Hotel "APAA" in Monaco three years earlier. X uses "APAA" as the name of his own restaurant in Osaka, and the restaurant is successful.

Upon learning of this, Hotel "APAA" in Monaco hurriedly filed a trademark application in Japan in Class 43, designating "provision of hotel accommodation" and "providing food and beverages"

as the designated services. However, the application was refused on the ground that it was identical to the trademark registration owned by X.

Hotel "APAA" is now considering seeking cancellation of X's trademark registration by asserting that "APAA" is a well-known trademark in Monaco in connection with "provision of hotel accommodation" in Class 43.

If you were acting as counsel for Hotel "APAA," on what grounds would you seek to cancel X's trademark registration?

Please note that the opposition period has already expired.

Part B. Questions

Please answer the following questions under the laws and practice of your own jurisdiction, assuming the same factual circumstances occurred in your country (replacing Japan/Osaka with your country/city).

1. Is it possible to initiate an invalidation or cancellation trial against X's registration under the Trademark Act?

✓	Yes
	No
KR Comments: An interested party may file an invalidation trial based on Aritlce 34(1)(13), despite expiry of the opposition period. Recognition abroad and bad faith must exist at the filing date of the X's registration. Article 34(1)(13) is not subject to the five-year period in Article 122(1).	

2. If your answer to Question 1 is YES, what grounds for invalidation or cancellation may be considered?

	A trademark identical or similar to an unregistered trademark well known in the country (Korea), and filed for identical or similar goods or services
	A trademark likely to cause confusion with a trademark well-known **both** in the country (Korea) and abroad
	A trademark likely to cause confusion with a trademark well-known **only abroad**
✓	A trademark filed for an improper purpose that harms the interest of the owner of the well-known trademark
✓	A trademark filed in bad faith
	Prior use

KR Comments: The principal ground is Article 34(1)(13). Recognition in Monaco at the filing date of the challenged mark must be established, and bad faith may be inferred from X's prior stay, imitation of the mark, the hospitality context and other evidence. X's mere knowledge of the prior mark is relevant but does not conclusively prove bad faith. Foreign fame plus confusion alone and prior use alone are not independent invalidation grounds. The stated facts do not establish domestic recognition sufficient for Articles 34(1)(9), (11) or (12).

3. Given that online reservations are available for Korean customers and a small number of Korean tourists stay at the hotel, can it be said that Hotel "APAA" is using the trademark "APAA" in Korea to establish well-known status in Korea?

	Yes
✓	No
KR Comments: Not on the stated facts. Mere accessibility of online advertising and reservations from Korea does not in itself constitute trademark use in Korea or establish well-known status. The hosting of only a small number of Korean guests annually and awareness among a very limited affluent segment do not, without additional substantiating evidence, establish the required domestic recognition. The answer could differ if the online advertising and reservation activity is shown to genuinely target Korean consumers, in which case it may count as activity contributing to recognition in Korea. Article 34(1)(13) can instead rely on recognition in Monaco.	

4. Is it also possible to invalidate or cancel X's trademark registration with regard to the services "providing food and beverages"?

✓	Yes
	No
KR Comments: Potentially under Article 34(1)(13), if bad faith is established for the providing food and beverages. Similarity of the designated goods/services is not an absolute requirement under that provision. The hotel/restaurant connection can support the inference. Belonging to the same Nice Class does not, in itself, establish legal similarity between the services.	

5. If your answer to Question 4 is YES, what grounds for invalidation or cancellation may be considered?

	A trademark identical or similar to an unregistered trademark well known in the country (Korea), and filed for identical or similar goods or services
	A trademark likely to cause confusion with a trademark well-known **both** in the country (Korea) and abroad
	A trademark likely to cause confusion with a trademark well-known **only abroad**
✓	A trademark filed for an improper purpose that harms the interest of the owner of the well-known trademark

✓	A trademark filed in bad faith
	Prior use
KR Comments: Article 34(1)(13) remains the most viable ground, for the reasons discussed above. The existing facts do not establish the domestic-reputation grounds. Prior use alone does not confer priority under Korea's first-to-file system. Successful operation of X's restaurant does not retrospectively cure a bad-faith filing, although X's genuine independent business history, if established, is relevant to assessing intent at filing.	

6. Is it possible to claim an act of unfair competition against X's use of the "APAA" mark for his restaurant in a Korean city?

	Yes
✓	No
KR Comments: On the stated facts, conventional claims of confusion or dilution under the UCPA are not established: foreign fame is insufficient and adequate domestic recognition has not been shown. This is not an absolute exclusion of every unfair-competition claim. Additional facts could support a separately pleaded misappropriation claim, but X's prior stay and knowledge alone do not establish it.	

7. If your answer to Question 6 is YES, what legal grounds may be considered?

	Passing off
	Dilution
	Fraudulent conduct under civil law
	Well-known status abroad
	Allegation of the other party's bad faith
	Actual confusion in the market
	Others (please specify:)
KR Comments: Not applicable on the present facts. The listed overseas fame, bad faith and confusion factors are not independent causes of action. Any reliance on Article 2(1)(m) of the UCPA or Article 750 of the Civil Act would require additional facts and proof of its own elements.	

Comments, if any (* Word limit: 100 words or less, if possible):

The central distinction is between removing a registration and prohibiting use. Article 34(1)(13) offers a realistic invalidation route based on the recognition in Monaco and X's bad faith at the time of filing. That does not itself establish a UCPA injunction against restaurant use. Evidence of recognition in Monaco, X's stay and knowledge, naming decisions and any attempt to trade on the hotel's goodwill should be preserved, and the hotel's actual Korean audience should be investigated. Domestic fame, a three-year non-use period, or a relationship under Article 34(1)(20) cannot be assumed from the facts given.

IV. Ideas for Next Special Topic

Please provide some ideas (at least one for each country) for the 2027 Special Topic that you would like to discuss.

[2027 topic proposal pending the Korean representative's selection.]

Thank you for your kind cooperation!