

A2.05

Handling of Transliteration of a Trademark Claimed in an International Trademark Application (Notation in Alphanumerical Characters Other than Roman Letters, and Arabic or Roman Numerals)

1. When the trademark claimed in an international trademark application consists of characters other than Roman letters or includes the respective characters, the characters shall be transliterated into Roman letters, and also when a trademark claimed in an international trademark application consists of numerals other than Arabic or Roman numerals or includes the respective numerals, the numerals are replaced with Arabic numerals, and such facts must be described in column 9(a) "Transliteration of the mark" (hereinafter referred to as "transliteration of mark") in the written application of an international trademark application, respectively.

2. The office of origin shall confirm the column of "transliteration of mark" and urge the applicant to describe it when there is no description. In addition, when there is a distinctive mistake in the description, such as using a character or a numeral other than a Roman letter or Arabic or Roman numerals, the office of origin shall urge the applicant to correct the description.

However, the correction of the deficiency in the description of the column "transliteration of mark" should be made with the awareness that the correction will have no effect on the international filing date (international registration date), and, even when the deficiency in the description is not corrected, the office of origin shall make a verification on the international trademark application and send it to the International Bureau as long as other requirements are satisfied.

[Explanation]

(1) When a trademark claimed in an international trademark application consists of characters other than Roman letters, for example Japanese characters (kanji, hiragana, katakana) etc., or contains such characters, the characters must be transliterated according to the pronunciation in the language allowed for international trademark applications ("English" for Japan) and described in Roman letters. That is to say, in the case of Japan, transliteration shall be spelled in Roman characters according to English pronunciation.

<Example of transliteration of trademarks>

- 1) Transliteration of the trademark "アップル" "APPURU"
- 2) Transliteration of the trademark "硝子" "GARASU"

<Example not accepted as transliteration of trademarks>

Transliteration of "特許庁" "TOKKYOCHÔ"

* Pronunciation mark "^" is described with characters "CHO".

In addition, when a trademark contains Chinese numerals as a description of numbers, the numbers should be described by replacing them into Arabic numbers.

(2) "Transliteration of mark" is a matter to be stated in a written application of an international trademark application, but not a matter of verification by the office of origin. Therefore, even if there is a lack or deficiency, the office of origin shall make a verification and send it to the International Bureau for ensuring the international registration date.

However, when there is a deficiency in the description of "transliteration of mark", the deficiency shall be reported by the International Bureau to the applicant and the office of origin, and if the applicant does not correct the deficiency within three months after receiving the report on the deficiency, the international trademark application shall be handled as abandoned. (Rule 11(2) of the Common Regulation) (The office of origin shall not take a specific measure corresponding to the report on the deficiency in "transliteration of mark".)

For this reason, it has been decided that the office of origin shall take into consideration that examination is conducted on the description of "transliteration of mark" by the International Bureau and, from the view of the applicant's convenience, urge the correction when there is a deficiency or a distinctive mistake, as long as the correction has no effect on the securing of the international filing date.

"Distinctive mistakes" include cases in which "characters other than Latin (Roman) characters" are described in the column of transliteration.