

Part 6: Article 3(1)(iv) (Common Surname or Name of a Juridical person)

consists solely of a mark indicating, in a common manner, a common surname or name of a juridical person;

1. “Common surnames or the names of juridical person” are those existing in a great number such as, for example, surnames or company names the fairly large numbers of which appear in the Telephone Directory published by Nippon Telephone and Telegraph Co., Ltd. (NTT), etc.

2. “Common surnames or the names of juridical person” however indicated in phonetic Japanese katakana characters or Roman characters fall under this provision, in principle.

3. Trademarks with a Common surname, the name of a business, a famous geographical name (including the names of administrative zones, former state names and foreign geographical names) combined with “K.K.,” “Co.,” “Co., Ltd.,” “Ltd.,” etc. are considered as a “Common surname or name of a juridical person” in the provision of this paragraph, in principle.

However, a company name with the name of an administrative zone combined with the name of a business, however it could be accepted as a common name, does not fall under the provision of this paragraph in case where there is no other identical name existed.

(Examples)

Names not considered as “common names of a juridical person”:

Japan Typewriter Co., Ltd. (日本タイプライター株式会社)

Nihon Life Insurance Co., Ltd. (日本生命相互会社)

4. Names widely used for specific services (such as “愛” (Love), “蘭” (Orchid), etc.) for providing foods and beverages mainly composed of alcoholic beverages and providing foods and beverages mainly composed of tea and coffee) are not subject to the provision of this paragraph but fall under Article 3(1)(vi).

5. Item 3, Article 3(1)(i), Part 3, Chapter I of the Guidelines shall apply mutatis mutandis to “a mark indicating in a common manner” in this paragraph.