

Part 8: Article 3(1)(vi) (Trademarks Lacking Distinctiveness in Addition to Those Mentioned in Each of the Preceding Paragraphs)

in addition to those listed in each of the preceding items, a trademark by which consumers are not able to recognize the goods or services as those pertaining to a business of a particular person.

1. A mark consisting solely of a pattern (for example, continuously repeated pattern) falls under the provision of this paragraph.

2. A motto (such as a catch phrase) comes under the provision of this paragraph.

3. Letters, etc. used for indicating the quantity, etc. of goods or services in any ordinary commercial practice such as, for example, “Net” and “Gross,” falls under the provision of this paragraph, in principle.

4. Letters “平成” [Heisei] indicating the era of the present Emperor falls under the provision of this paragraph.

5. (1) The name of a shop used in a great number in respect with a specific service (excluding those fall under the provision of Article 3(1)(iv)) falls under the provision of this paragraph.

(Examples of trademarks falling under this provision)

Providing of foods and beverages mainly with alcoholic beverages served and providing of foods and beverages mainly with tea, coffee, etc. served

“愛” (love), “純” (pure), “ゆき” (snow), “蘭” (orchid), “オリーブ” (olive), and “フレンド” (friend)

(2) The name of a shop in (1) above having the name of business such as “snack” (restaurant), “coffee shop” combined therewith or removed therefrom falls under the provision of this paragraph.

6. Three-dimensional trademarks judged as nothing more than the shapes of shops or offices dealing with designated goods or designated services (excluding those which fall under Article 3(1)(iii)) fall under the provision of this paragraph, in principle.

7. In the case of retail services, trademarks which are recognized as indicating the origin, quality, raw materials, efficiency, intended purpose, quantity, shape (including shape of packages) or price or the method or time of production or use of the traded goods fall under the provision of this paragraph, in principle, excluding

those that fall under Article 3(1)(iii).