

Chapter III: Article 4(1) and (3)
(Unregistrable trademarks)

Part 1: Article 4(1)(i) (National Flag and Imperial Chrysanthemum Crest)

Article 4

Notwithstanding the preceding article, no trademark shall be registered if the trademark: (i) is identical with, or similar to, the national flag, the imperial chrysanthemum crest, a decoration, a medal or a foreign national flag;

1. “A decoration, a medal or a foreign national flag” are limited to those presently in existence. The word “foreign” not only means countries which Japan has recognized but also includes countries which Japan has not recognized.
2. Trademarks with parts conspicuously showing a figure of the Japanese flag or a foreign national flag are judged to be similar to the Japanese flag or a foreign national flag. Trademarks with figures indicated in a manner that may impair the dignity and honor of the Japanese flag or a foreign national flag are judged to fall under the provision of Article 4(1)(vii) even if they are not similar to them.
3. A chrysanthemum crest with its petals numbering between 12 and 24 or a mark with parts conspicuously showing the Imperial chrysanthemum crest or the said chrysanthemum crest is judged to similar to the imperial chrysanthemum crest, in principle. However, this does not apply to the following marks:
 - (1) a chrysanthemum with petals larger than the diameter of its center;
 - (2) a chrysanthemum with more than one-third covered or cut off;
 - (3) a chrysanthemum with its center deviating to a length of more than a quarter of the flower’s radius; and
 - (4) a chrysanthemum not clearly constituting a crest and judged to imitate a live flower.