

Chapter I: Article 3(1)
(Requirements for trademark registration)

Part 1: Article 3(1)

Article 3

(1) Any trademark to be used in connection with goods or services pertaining to the business of an applicant may be registered, unless the trademark:

(i) consists solely of a mark indicating, in a common manner, the common name of the goods or services;

(ii) is customarily used in connection with the goods or services;

(iii) consists solely of a mark indicating, in a common manner, in the case of goods, the place of origin, place of sale, quality, raw materials, efficacy, intended purpose, quantity, shape (including shape of packages), price, the method or time of production or use, or, in the case of services, the location of provision, quality, articles to be used in such provision, efficacy, intended purpose, quantity, modes, price or method or time of provision;

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

(v) consists solely of a very simple and common mark; or

(vi) 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 judgment on whether a trademark comes under Article 3(1) is made at the time of an examiner's decision.

2. A three-dimensional trademark which composes of only a three-dimensional shape formed by merely giving thickness to characters falling under each item of Article 3(1) is deemed to fall under the provisions of each item concerned of Article 3(1).