

Chapter IV: Article 5
(Applications for trademark registration)

Article 5

(1) Any person who desires to register a trademark shall submit an application to the Commissioner of the Patent Office accompanied by the required documents.

The application shall state the following matters:

- (i) the name and the domicile or residence of the applicant for trademark registration;
- (ii) the trademark for which registration is sought; and
- (iii) the designated goods or designated services and the class of goods or services provided by Cabinet Order as provided for in Article 6(2).

(2) Where a person desires to register a trademark consisting of a three-dimensional shape (including those combined with character(s), figure(s), sign(s) or color(s) or any combination thereof) (hereinafter referred to as a "three-dimensional trademark") the application shall contain a statement indicating thereof.

(3) Where a person desires to register a trademark consisting solely of characters designated by the Commissioner of the Patent Office (hereinafter referred to as "standard characters"), the application shall contain a statement indicating thereof.

(4) Where a portion of the trademark for which a registration is sought is in the same color as that of the column in which a trademark for which a registration is sought is required to be stated, the said portion of the trademark shall be deemed not to be a part of the trademark; provided, however, that this shall not apply to an area specified and identified as an area to be colored in the same color as that of the column.

1. "the required documents" in Article 5(1) is not always required but ought to be submitted when required, such as:

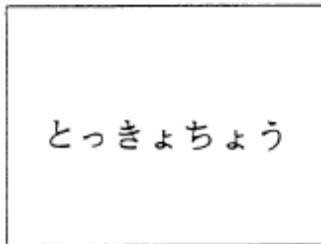
(Examples)

- (a) a document describing the reason for the adoption of a trademark;
- (b) a document describing the material, method of provision, structure, method of use, intended purpose, etc. of designated goods or the quality, efficacy, intended purpose, etc. of designated services; and
- (c) a document describing a three-dimensional trademark indicated in the request.

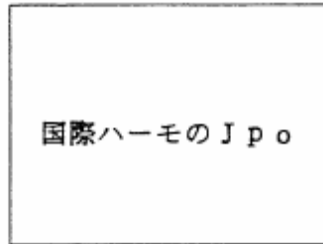
2. A trademark for which an application is filed with a request not describing it as a three-dimensional trademark is treated as a plain trademark, in principle.

3. A trademark for which an application is filed with its describing as a trademark composed of standard characters is treated as a normal trademark application in case where the trademark is not recognized as composed of standard characters from its composition described in the request.

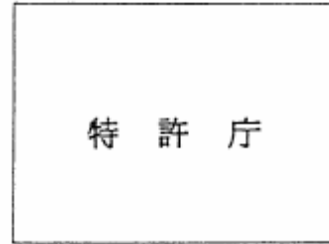
(1) Examples of descriptions of trademarks recognized as composed of standard characters



Characters are different in size but characters representing a geminated consonants and contracted sounds are the same in the number of points.



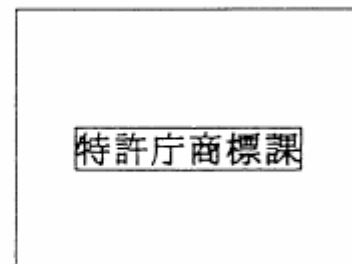
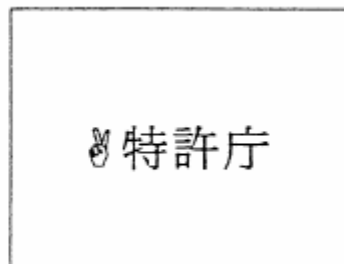
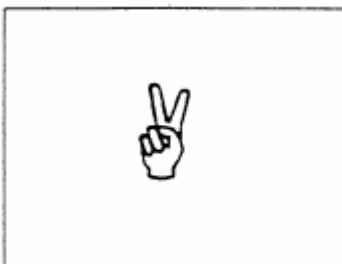
Chinese characters, kana, alphabetic characters, etc. can be used in combination. The capital letter and small letters are the same in the number of points.



Multiple spaces can be used unless continuously repeated.

(2) Examples of descriptions of trademarks not recognized as composed of standard characters

(a) Trademarks consisting solely of a figure and a figure and characters combined

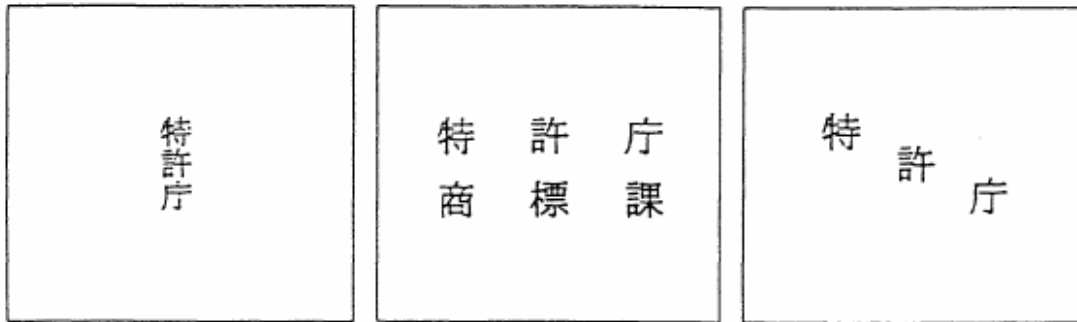


(b) Trademarks including characters other than designated characters

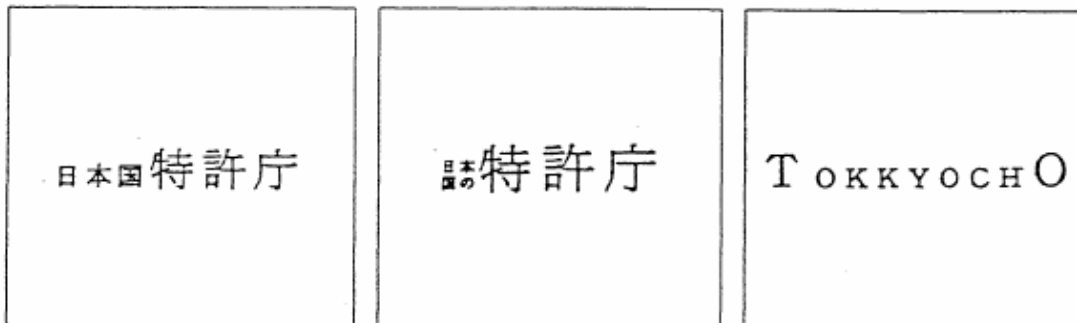
(c) Trademarks exceeding the wordage limit of 30 characters (counting in spaces)

(d) Vertically-written trademarks and trademarks composed of more than one

row of characters

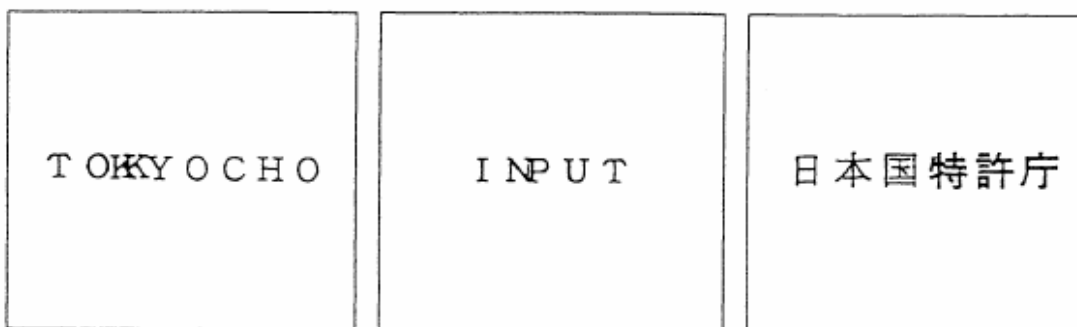


(e) Trademarks including characters different in the number of points

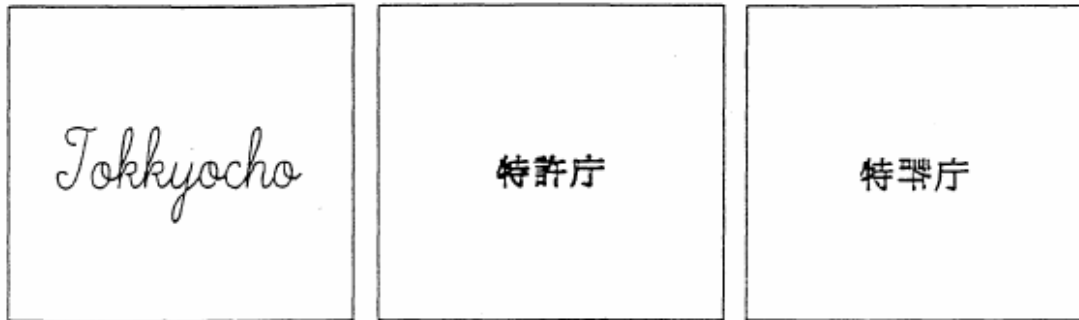


(g) Colored trademarks

(h) Trademarks having a figure as their part or composed of characters written in different fonts



(h) Trademarks composed of ornate letters or characters written in the sosho (hand-written) or other special styles



(i) Trademarks composed of characters other than those listed above from (a) to (h), which can hardly be specified

4. A trademark with respect to which an application is recognized as that for a trademark composed of standard characters is considered as written with standard characters.

5. Though the characters are declared to be “standard characters” in relation to the application of international trademark registration, the characters will not fall under the standard characters as stated in Article 5(3).

6. A part “deemed not to form part of the trademark” as stipulated in Article 5(4) is judged to produce an appearance, sound or concept.