

Chapter VI: Article 7
(Collective Trademarks)

Article 7

(1) A general incorporated association, any other association established pursuant to a special Act including business cooperative (except those which are not juridical personalities), or a foreign juridical person equivalent thereto shall be entitled to obtain a collective trademark registration with respect to a trademark to be used by their members.

(2) For the purpose of the application of Article 3 (1), in the case of the preceding paragraph, "applicant" in the said paragraph shall read "applicant or its members."

(3) Any person who desires to register a collective trademark pursuant to paragraph (1) shall, at the time of filing of an application for trademark registration pursuant to Article 5 (1), submit to the Commissioner of the Patent Office a document certifying that the applicant for trademark registration is a juridical person that falls under paragraph (1).

1. “any other association (except those which are not juridical personalities)” in Paragraph 1 of Article 7 includes, for example, chambers of commerce and industry based on the Chamber of Commerce and Industry Law, societies of Commerce and Industry based on the Society of Commerce and Industry Law, and specified nonprofit organizations based on the Law to Promote Specified Nonprofit Activities (i.e. incorporated nonprofit organizations).

2. In case where a trademark seeking a registration as a collective trademark is not intended for use by “members,” its registration cannot be granted under the provision of the principal paragraph of Article 3 (Refer to Item 5, Part 2: Principal Paragraph of Article 3(1), Chapter 1 of the Guidelines.).

3. In cases where “collective mark, certification mark, or guarantee mark” is indicated in the application for international trademark registration as provided in the principal paragraph of Article 3(1), the trademark cannot be registered as a collective mark unless the certificate provided in Article 7(3) (a certificate for a juridical person under Article 7(1)) is submitted.

Furthermore, amendments (formality) are applicable to applications for trademark registers (domestic application) for collective marks (Refer to Item 6, Part 2: Principal Paragraph of Article 3(1), Chapter 1 of the Guidelines).