

Part 2: Article 7-2(1)(i),(ii) and(iii) (Registerable Trademark)

(i) a trademark consisting solely of characters indicating, in a common manner, the name of the region and the common name of the goods or services pertaining to the business of the applicant or its members;

(ii) a trademark consisting solely of characters indicating, in a common manner, the name of the region and the name customarily used as a name indicating the goods or services pertaining to the business of the applicant or its members; or

(iii) a trademark consisting solely of characters indicating, in a common manner, the name of the region and the common name of the goods or services pertaining to the business of the applicant or its members or the name customarily used as a name indicating thereof, and characters customarily added in indicating, in a common manner, the place of origin of the goods or the location of provision of the services.

1. “The name of the region” in each Paragraph of Article 7-2(1) includes not only geographical names for units of area under current administration, but also former geographical names, former country names, names of rivers, names of mountains, names of sea areas, etc..

2. Item 1 and 2, Part 3: Article 3(1)(i), Chapter 1 of the Guidelines shall apply mutatis mutandis to judgment as to the “common name” in Article 7-2(1)(i) and (iii).

3. (1) “the name customarily used as a name indicating the goods or services” in Paragraph (ii) includes, for example, the following:

(i) Name “織” (woven) or “紬” (spun) in respect of goods “silk fabric” or “kimono sashes”

(ii) Name “焼” (pottery) in respect of goods “rice bowls” or “teacups”

(iii) Name “塗” (lacquered) in respect of goods “chopsticks”

(iv) Name “彫” (carved) in respect of goods “trays”

(v) Name “細工” (craft work) in respect of goods “baskets” or “trunks”

(vi) Name “豚” (pig) in respect of goods “pork”

(vii) Name “温泉” (hot spring) in respect of services “providing of bath houses” or “providing of temporary accommodation”

(viii) Name “梨狩り” (pear picking) in respect of services “providing of garden for pear picking”

(2) A name which comprises characters indicating the quality of goods or services

and common names, and which, in totality, is used and recognized among consumers as indicating particular goods or services will be included in “the name customarily used as a name indicating the goods or services” in Item 3 (1) above.

(Example)

“天然あゆ” (Natural sweetfish)

“完熟トマト” (Ripe tomatoes)

4. (1) The following characters, for example, will fall under “characters customarily added in indicating the place of origin of the goods or the location of provision of the services” in Paragraph (iii):

(i) Example of characters added in indicating the place of origin

“本場” (origin of production), “特産” (indigenous product), “名産” (local specialty)

(ii) Example of characters added in indicating the locations of provision

“本場” (original place)

(2) Characters which are not recognized as those to be added in indicating the place of origin of the goods or the location of provision of the services will not fall under the provision of Paragraph (iii), even if they are customarily used in regard to goods or services, such as those below.

(Example)

“特選” (choice quality), “元祖” (original), “本家” (originator), “特級” (high quality), “高級” (high-class)

5. Trademarks such as below will not fall under the provisions of Paragraph (i) to (iii).

(i) A trademark comprising only “the name of the region” or those not including “the name of the region”

(ii) A trademark comprising only “the common name of the goods or services” or those comprising “the name customarily used as a name indicating the goods or services”

(iii) A trademark including neither “the common name of the goods or services” nor “the name customarily used as a name indicating the goods or services”

(iv) A trademark including characters other than those provided for in Paragraph (i) to (iii) (e.g. those falling under Item 4(2) above), signs or figures

(v) A trademark comprising characters that are designed to the extent

capable of distinctiveness