

Part 3: Article 7-2(2) (Name of Region)

(2) The term "name of the region" as used in the preceding paragraph means, even prior to the filing of the said application, the name of the place of origin of the goods, the location of provision of services, or the name of the region which is considered to have a close relationship with the said goods or services to the equivalent extent, for which the trademark pertaining to the said application has been used by the applicant or its members, or abbreviation thereof.

1. When applying the provisions of Article 7-2(2), judgment as to whether or not it is suitable to use the name of the region in a trademark will be made with consideration given to individual situations, such as the kinds of goods or services, main consumers, and state of transaction activity, by examining "documents necessary to prove that the trademark for which the registration is sought contains the name of a region as provided in paragraph(2) " submitted in accordance with Article 7-2(4).

2. "the place of origin of the goods" in Article 7-2(2) means regions such as the following:

- (1) For agricultural products, a regions where the good were produced
- (2) For marine products, a region where the goods were landed or caught
- (3) For craft products, a region where the main production process for the goods was carried out

3. "The location of provision of the services" in Article 7-2(2) means regions such the following:

- (1) For providing bathhouses using hot springs, a region where they have hot springs

4. The followings, for example, will fall under "the name of the region which is considered to have a close relationship with the said goods or services to the equivalent extent" in Article 7-2(2).

- (1) Regarding processed goods where the origin of the raw materials plays important role

A region in which the main raw materials of such processed goods were produced will fall under the provisions of Article 7-2(2), including for example:

- (i) An origin of the raw materials "buckwheat" for "buckwheat noodles"
- (ii) An origin of the raw materials "stones" for "ink stones"

- (2) Regarding craft products where the origin of the production method plays

important role

A region in which the production method for the goods originated will fall under the provisions of Article 7-2(2), including for example:

(i) A region in which the traditional production method originated in regard to “fabrics”

5. (1) When the following facts are ascertained by “documents necessary to prove that the trademark for which the registration is sought contains the name of a region as provided in paragraph(2)” under Article 7-2(4), the trademark in an application will be handled as those including “the name of the region” in Article 7-2(2).

1. Where the name of the region is the place of origin of the goods

(a) The applicant or the members of the collective are producing the goods in that region.

(b) The applicant or the members of the collective are using the trademark in an application in respect of the goods.

2. Where the name of the region is the location of provision of services

(a) The applicant or the members of the collective are providing the services in that region.

(b) The applicant or the members of the collective are using the trademark in an application in respect of the services.

3. Where the name of the region is the place of origin of the main raw materials of the goods

(a) The goods are those attracting traders because of the place of origin of their main raw materials that is, for example, necessary to produce the goods or accounting for the most part of the goods.

(b) The applicant or the members of the collective are producing the goods using the main raw materials produced in that region.

(c) The applicant or the members of the collective are using the trademark in an application in respect of the goods.

4. Where the name of the region is where the production method for the goods originated

(a) The applicant or the members of the collective are producing the goods using the production method that originated in that region.

(b) The applicant or the members of the collective are using the trademark in an application in respect of the goods.

(2) The facts mentioned in (1) above need to be proved by a method of evidence,

including:

- (i) Articles in newspapers, magazines, books, etc.
- (ii) A certificate issued by public organizations
- (iii) Leaflets, catalogs, and internal rules
- (iv) Business forms such as delivery slips, order forms, etc.