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Handling of a Trademark to which a Color or Colors are Applied in an International Application for Trademark Registration

1. Regarding trademarks consisting of marks whose characters or figures, etc. are colored

(1) In the case of an international application for trademark registration in which protection is sought for a trademark to which a color or colors are applied, where both an uncolored trademark (monochrome trademark) and a colored trademark (monochrome trademark to which a color or colors are applied) are described, the examiner regards the colored trademark as the trademark for which registration is being sought in Japan.

(2) When a description of the color is contained in the description of the mark¹ (hereinafter referred to as the "description of the mark") that is made in an international application for trademark registration, the examiner can use it as a reference in examination.

2. Regarding color marks

The treatments described in Part IV, Article 5 (Application for Trademark Registration), Chapter 7, Item 1 in the Examination Guidelines for Trademarks apply to color marks.

(Note) Click below to see the Examination Guidelines for Trademarks

Examination Guidelines for Trademarks

Article 5 (Applications for trademark registration)

¹ [Note 1]

When the color applied to the trademark for which trademark registration is sought in an international application for trademark registration differs from the description of colors contained in the description of the mark, the examiner shall make the examination based on the trademark for which trademark registration is sought in an international application for trademark registration.

In the abovementioned case, when the difference is extreme, the examiner shall make an inquiry to the International Bureau to confirm the description of colors contained in the description of the mark.

[Note 2]

When a statement demanding the application of the provisions of the proviso to Article 5(6) of the Japanese Trademark Act is made in the description of the mark, see Item 25.01-3 of the Trademark Examination Manual.