

31.71

Handling of a Case Where a “Limitation of Goods, etc.” Reported by the International Bureau Changes the Gist

When a “limitation of goods, etc.” reported from the International Bureau is deemed to change the gist of the designated goods and/or services described in a request, the JPO shall make the “Declaration that a limitation has no effect” in accordance with Common Regulations (Rule 27(5)).

Explanation

Since the Trademark Act provides that “Where an amendment to the designated goods or designated services stated in the request or the trademark for which registration is sought would change the gist thereof, the examiner shall decline the amendment by a ruling” (Article 16-2 of the Trademark Act), it is not appropriate, in terms of an international trademark application, to accept a “limitation” that changes the gist, since it would be inappropriate and result in a deficiency in the operation and balance of the Japanese trademark system.

Therefore, when the said “limitation” is reported, the examiner shall make the “Declaration that a limitation has no effect.”

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

Examination Guidelines for Trademarks:

[Article 16-2 and 17-2 \(Dismissal of amendment\)](#)