

## 42.107.02

### **Handling of Trademarks that may Represent or be Confused with a State Qualification, etc. (e.g. OOO 士 (Publicly-certified OOO) or OOO 博士 (Professor OOO))**

In principle, trademarks composed of “OOO 士” or “OOO 博士” shall be refused in the following cases, pursuant to Article 4(1)(vii) of the Trademark Act:

- a. when the trademark represents a qualification authorized by a State, a local public entity or an agency thereof or an enterprise working in the public’s interest (hereinafter referred to as “state qualification, etc.”); or
- b. when the trademark is hardly distinguishable from state qualification, etc. at first sight and is liable to mislead the general public.

However, when the trademark is recognized by the general public to have no relation to a state qualification, etc., or when the applicant of said trademark application is a qualifying organization of a state qualification, etc. (i.e. organizations stipulated in relating laws and effective qualifying organizations recognized by competent authorities), the trademark shall not fall under the above Article.

[Explanation]

Due to their constituent characters, some trademarks composed of “OOO 士” or “OOO 博士” represent state qualifications, etc. or can be confused with state qualifications, etc. at first sight. To register such trademarks and to use them on goods and/or services may cause a loss of social credit for the systems of state qualifications, etc. and may also contravene public order or morality. Therefore, such trademarks shall be refused pursuant to Article 4(1)(vii) of the Trademark Act

According to the above purport, when said trademark is not liable to mislead the general public into recognizing it as an existing state qualification, etc., or when a qualifying organization, etc. of said state qualification, etc. is the applicant of a trademark that represents an existing state qualification, etc., the trademark shall not fall under Article 4(1)(vii) of the Trademark Act.

<Examples which fall under the Article 4(1)(vii) of the Trademark Act>

Trademark	Related state qualification, etc.	Date of the judgment	Case number
Patent manager (特許管理士)	Patent attorney (弁理士)	Decision of November 30, 1999	1998 (Gyo Ke) 289
Doctor of patent science and engineering (特許理工学博士)	Doctor of engineering (工学博士) Doctor of science and engineering, etc. (理工学博士)	Decision of August 25, 1981 Dismissal of the appeal Decision of April 13, 1981	1980 (Gyo Ke) 95  1981 (Gyo Tsu) 192
Doctor of patent engineering (特許工学博士)		Decision of August 25, 1981	1980 (Gyo Ke) 99
Doctor of patent philosophy (特許哲学博士)		Decision of August 25, 1981	1980 (Gyo Ke) 119
Doctor of patent political economics (特許政経学博士)		Decision of August 31, 1981	1980 (Gyo Ke) 180
Doctor of patent architectonics, etc. (特許建築学博士等)		Decision of August 31, 1981 Dismissal of the appeal Decision of April 13, 1982	1980 (Gyo Ke) 96  1981 (Gyo Tsu) 193
Master of patent (特許修士)	Master (修士)	Decision of August 25, 1981	1980 (Gyo Ke) 101
Dietitian manager (管理食養士)	Nutritionist manager (管理栄養士)	Decision of October 29, 2003	2003 (Gyo Ke) 248
Dietitian (食養士)	Nutritionist (栄養士)	Decision of October 29, 2003	2003 (Gyo Ke) 250

<Examples which do not fall under the said Article>

Ofuro-no-biyoushi (お風呂の美容士), Gishi (義士), Ume-hakase (梅博士), Omutsu-hakase (おむつ博士) Teuchi-udon-hakase (手打うどん博士)

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

Examination Guidelines for Trademarks:

[Article 4\(1\)\(vii\) \(Contravention of Public Order or Morality\)](#)