

42.107.35**Handling of Trademarks Which are Likely to be Mistaken as an Organization or Institution related to the National Government or Local Government ("XX Council," "XX Public Corporation" or "XX Association")**

Trademarks which are likely to be mistaken as an organization or institution related to the national government or local government will, in general, be handled as follows.

1. Trademarks consisting of the terms "XX Council," "XX Public Corporation" or "XX Association"

Trademarks consisting of the terms, "XX Council," "XX Public Corporation" or "XX Association" (including the case where characters indicating legal personality are included) will be refused for falling under Article 4(1)(vii) of the Trademark Act.

However, this shall not apply when the applicant is an organization or institution related to the national government or local government.

<Applicable cases>

- Trademark: "Council for Registration of XX right"
- Trademark: "XX Product Public Corporation"
- Trademark "XX Research Agency"

2. Trademarks consisting of the terms such as "XX Committee," "XX Investigation Committee" or "XX Association"

(1) Trademarks that do not contain characters indicating legal personality

Trademarks consisting of the terms such as "XX Committee," "XX Investigation Committee" or "XX Association" that fall under any of the following are refused for falling under Article 4(1)(vii) of the Trademark Act

However, this does not apply to cases where the applicant is an organization or association related to the national government or local government.

- (i) Those that are likely to be mistaken as the name of a corporation incorporated, etc. pursuant to special laws.
- (ii) Those that are likely to be mistaken as an organization or institution related to the national government or local government.
- (iii) Those that are likely to be mistaken as an institution engaged in the business concerning licensing or authorization, etc. specified by the national government or local government.

<Possible examples>

Trademark: "Industrial Accident Prevention Association" (Those that are likely to be mistaken as the "Industrial Safety and Health Association" defined in Article 8 of the Act on Organizations for the Prevention of Industrial Accidents)

Trademark "XX Product Promotion Association" (Those that are likely to be mistaken as an institution related to a local government)

Trademark "National Trademark Right Certification Committee" (Those that are likely to be mistaken as an institution engaged in the business concerning licensing or authorization, etc. specified by the national government)

(2) Trademarks that contain characters that indicate legal personality such as "Ippan Shadan Houjin (General Incorporated Association) XX Association" or "Koeki Zaidan Houjin (Public Interest Incorporated Association) XX Association"

(a) When the applicant is a natural person

Since the applicant is in violation of the provision of Article 6 of the Act on General Incorporated Associations and General Incorporated Foundations (or Article 9(4) of the Act on Authorization of Public Interest Incorporated Associations and Public Interest Incorporated Foundations), Article 4(1)(vii) of the Trademark Act is applicable.

(b) When the applicant is a corporation other than the corporation indicated by the trademark

Since adopting or using the name of a corporation that is different from the corporation's own name is likely to cause confusion to the order of commercial transactions, Article 4(1)(vii) of the Trademark Act is applicable.

3. Application of other reasons for refusal

When a trademark subject to Article 4(1)(vii) of the Trademark Act is also subject to other reasons for refusal (for example, item (vi), (viii) or (xv) of Article 4(1) or other provisions of the Trademark Act), all of the reasons for refusal will be notified.

[Reference 1]

- Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of June 2, 2006)

Article 6 An entity that is not a general incorporated association or a general incorporated foundation shall not use words in its name or trade name that are likely to cause it to be mistaken for a general incorporated association or a general incorporated foundation.

- Act on Authorization of Public Interest Incorporated Associations and Public Interest Incorporated Foundations (Act No. 49 of June 2, 2006)

Article 9 (1) A general incorporated association or general incorporated foundation that has received Public Interest Corporation Authorization shall be deemed to have amended its

articles of incorporation to amend the characters of general incorporated association or general incorporated foundation in its name into public interest incorporated association or public interest incorporated foundation, respectively.

(omitted)

(4) A person that is not a public interest incorporated association or public interest incorporated foundation shall not use any characters that could give the misunderstanding that it is a public interest incorporated association or public interest incorporated foundation in its name or trade name.

(5) Any person shall not use any name or trade name that could be misunderstood as other public interest incorporated associations or public interest incorporated foundations with unauthorized purposes.

[Reference 2: Word meaning of the characters used for the name of institutions]

(Source: (i) Kojien, Fifth Edition (published on November 11, 1998): Iwanami Shoten, Publishers

(ii) Hourei Yougo Jiten (Dictionary for Legal Terms) Sixth Revised Edition, Fifth Printing (published on March 10, 2003): Gakuyo Shobou)

Characters	Meaning of word
Council	<p>(i) A council system advisory organ established to reflect the opinions of academic experts and interested parties in the policymaking by administrative organizations.</p> <p>(ii) A name given to a council system organization that is affiliated with the administrative organization of the national government and carries out research and deliberation of special matters in response to the consultation from the head of the organization. A number of these kinds of advisory organs are established in ministries and agencies. Many of them are named "XX Council" as their proper names but not a few of them are named "XX Committee," "XX Investigation Committee" or "XX Examination Board." (omitted)</p> <p>These kinds of councils are sometimes affiliated to the local government or other institutions.</p>
Public corporation	<p>(i) One of the special corporations incorporated to manage public projects. Most of the industry reconstruction public corporations and food distribution public corporations that were incorporated and wholly owned by the government for economic reconstruction and economy control after World War II have now been dissolved or abolished. Some of the examples of public corporations are the Housing and Urban Development Corporation and Japan Highway Public Corporation that were incorporated in around 1955 for the purpose of performing the projects which could not be expected to be performed by private companies.</p> <p>(ii) Among the special public corporations incorporated by laws, the public corporations which are established for the purpose of running certain public projects specified by laws and named "XX public corporation." (omitted)</p>
Government corporation	<p>(i) Other name of public enterprises. Especially, Japanese National Railways, Nippon Telegraph and Telephone Public Corporation and Japan Tobacco and Salt Public Corporation were called the three public corporations but nowadays all of them have been privatized. (omitted)</p> <p>(ii) "Government corporations" were modeled after the public</p>

	<p>corporations or government corporations of the United States. They are special corporations incorporated and wholly owned by the State as a new type of management body of public enterprises that have high autonomy as independent management bodies under the necessary public management and control and are one of the types of government related organizations. (omitted)</p>
Committee	<p>(i) No information</p> <p>(ii) Normally, it means a council system organization which is affiliated to an administrative organization and discusses (investigates and deliberates) specific matters in response to the consultation from the head of the organization. Similar to councils and investigation committees, etc., this type of organization has consultative and investigative features and is different from commissions that are government offices. (omitted)</p> <p>Sometimes, institutions, etc. other than the national government or local government have consultative organizations that are named 'committees' under laws and regulations. (omitted)</p> <p>Committees of local governments specified by the Local Autonomy Act are somewhat special... (omitted)</p> <p>Sometimes it is used as the name of a specific institution.</p>
Investigation committee	<p>(i) No information.</p> <p>(ii) One kind of council system consultative organizations affiliated to organizations such as the national government or local government, etc. Usually, this name is given when the affairs under the jurisdiction of the committee are especially investigative (Local Government System Research Council, Tax Commission, etc.)</p>
Association	<p>(i) A group established and maintained under the cooperation of the members for a specific purpose.</p> <p>(ii) A collective entity of people or assets which has an organization as an institution as well as an existence and function as a unique social entity. While it has almost the same meaning as an institution, it is usually used as the name of institutions and thus, it was used as an example of an institution in Article 3(2) of the Political Funds Control Act prior to the amendment by Act No. 64 of 1975.</p> <p>It is sometimes used as the name of a specific corporation in combination with other words under laws and regulations. For example, Japan Broadcasting Corporation, credit guarantee corporation...</p>

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

Examination Guidelines for Trademarks:

Article 4(1)(vii) (Contravention of public order or morality)

Article 4(1)(vi) (Famous mark indicating a state or a local public entity)

Article 4(1)(viii) (Name of another person)

Article 4(1)(xv) (Confusion over the source of goods and services)