

42.107.36

Handling of Trademarks Comprising the Characters "Company" or the Like

With respect to the words contained in a filed trademark, when the name is prohibited from being used, etc. by other laws, Article 4(1)(vii) of the Trademark Act will be applied. Trademarks comprising the words "company" or the like are subject to the restriction of use under the Companies Act and thus will be handled as follows.

1. When the trademark comprises the words "company" or the like and make consumers recognize the trade name

(1) When the applicant is a natural person

Article 7 of the Companies Act provides that "No person who is not a Company may use in its name or trade name any word which makes it likely that the person may be mistaken as a Company."

In addition, Article 6 of the Companies Act provides that the name of a company shall be its trade name and that a company shall use in its trade name the words "Kabushiki-Kaisha," "Gomei-Kaisha," "Goushi-Kaisha" or "Goudou-Kaisha." Thus, when the trademark includes the characters "Kabushiki-Kaisha," "Gomei-Kaisha," "Goushi-Kaisha," "Goudou-Kaisha" or "(Kabu)" which are generally used as an indication recognized as a stock company, the trademark will enable the consumers to recognize the trade name.

Therefore, when a natural person files an application for a trademark including the characters "Kabushiki Kaisha," "Gomei Gaisha," "Goshi Gaisha," "Godo Gaisha" or "(Kabu)," Article 4(1)(vii) of the Trademark Act will be applied.

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

Article 6(1) of the Companies Act provides that the name of a company shall be its trade name.

Therefore, adopting and using a trade name different from one's own trade name as a trademark is likely to cause confusion to the order of commercial transaction and thus Article 4(1)(vii) of the Trademark Act will be applied.

2. Application of other reasons for refusal

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

* Companies Act (Act No. 86 of July 26, 2005)

(No Use of Name, etc. which is Likely to be Mistaken for a Company)

Article 6 (1) The name of a Company shall be its trade name.

(2) A Company shall use in its trade name the words "Kabushiki-Kaisha," "Gomei-Kaisha," "Goushi-Kaisha" or "Goudou-Kaisha" respectively for Stock Company, General Partnership Company, Limited Partnership Company or Limited Liability Company.

(3) A Company may not use in its trade name any word which makes it likely that the Company may be mistaken for a different form of Company.

Article 7 No person who is not a Company may use in its name or trade name any word which makes it likely that the person may be mistaken as a Company.

(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)(viii) (Name of another person)

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