

## 42.111.01

### Handling of Identification of the Applicant

In the examination of an application for trademark registration, etc., the examiner sometimes needs to collate the applicant with each holder of the registered right respectively (the trademark right or the right based on a defensive mark) and certify the identity of the two parties. The parties can be regarded as identical even if the indications of their addresses or the names do not match completely; the identification of the parties shall be based on the following rules:

#### 1. Cases where the parties are judged as identical

##### (1) Difference apparently due to different transliteration

- Ex.1 ( .....レファリング、カンパニー (Referring company)  
 .....リファリング、カンパニー (Referring company)
- Ex.2 ( .....カリフォニア州サンタマリア 501  
           (Santa Maria 501, California State)  
 .....カリフォルニア州サンタマリア 501  
           (Santa Maria 501, California State)
- Ex.3 ( オーストリアア国..... (Austria)  
       オーストリアヤ国..... (Austria)
- Ex.4 ( .....コーポレーション (Corporation)  
       .....コーポレイション (Corporation)
- Ex.5 ( .....カンパニー (Company)  
       .....コンパニー (Company)  
       .....コムパニー (Company)

##### (2) Difference due to transliteration of name and abbreviation used to indicate address and organization<sup>1</sup>

[Address]

- Ex.1 ( .....アベニュー (Avenue)  
       .....エーブイ (Av)

<sup>1</sup> These are representative examples. In addition to them, there may be cases where the parties are judged as identical in consideration of the actual condition where the names and abbreviations indicating the address and organization are used. Further, the transliteration notation shall not preclude the notation from being specified as identical when there is a usage condition that is customarily used other than the examples (for example, "ブ" is displayed as "ヴ").

Ex.2 ( ……ディストリクト (District)  
 ……ディスト (Dist)

Ex.3 ( ……ノース (North)  
 ……エヌ (N)

[Organization]

Ex.1 ( ……カンパニーリミテッド (Company limited)  
 ……シーオーエルティイーディー (Co., Ltd.)

Ex.2 ( ……ソシエテ アノニム (Societe Anonyme)  
 ……エスア (S A)

Ex.3 ( ……アクチェンゲゼルシャフト (Aktiengesellschaft)  
 ……アーゲー (AG)

(3) Difference due to change in administrative district or place name  
 (Note that the names recorded in the registry shall be deemed to have been changed under Article 39 of the Patent Registration Order applied mutatis mutandis pursuant to Article 10 of the Trademark Registration Order.)

Ex. ( 川崎市 川崎区 …… (Kawasaki-ku, Kawasaki-shi)  
 川崎市 高津区 …… (Takatsu-ku, Kawasaki-shi)

(4) Differences due to the changes in country names or territories

Ex. ( ドイツ民主共和国ベルリン ……  
 (German Democratic Republic)  
 ドイツ連邦共和国ベルリン ……  
 (Federal Republic of Germany)

(5) Differences due to additional indication of the original family names<sup>2</sup>

Ex.1 ( 商標 花子 …… (SHOHYO Hanako)  
 商標 (特許) 花子 …… (SHOHYO [TOKKYO] Hanako)  
 Ex.2 ( 特許 花子 …… (TOKKYO Hanako)  
商標 (特許) 花子<sup>3</sup> …… (SHOHYO [TOKKYO] Hanako)

(6) Differences due to the use of delimiters (commas, periods, centered dots, Japanese commas, Japanese periods) or hyphens

<sup>2</sup> With regard to the name of a natural person, unless otherwise provided for by laws or regulations, the person's original family name may be additionally indicated in parentheses, following the person's current family name (Article 1(4) of the Regulation for Enforcement of the Patent Act as applied mutatis mutandis pursuant to Article 22(1) of the Regulation for Enforcement of the Trademark Act, and Article 10(9) of the Regulation for Enforcement of the Patent Registration Order as applied mutatis mutandis pursuant to Article 17(3) of the Regulation for Enforcement of the Trademark Registration Order). The original family name means the original family name prescribed in Article 30-13 of the Residential Basic Book Act, and in the case of a foreign national, it means the equivalent name in the home country of that foreign national. Here, "SHOHYO" represents the family name in the family register, and "TOKKYO" represents the original family name.

<sup>3</sup> In order to contribute to reducing the burden of parties who use their original family names and expediting the processing of the cases, the names of the parties are regarded to be identical only if their addresses match each other.

- Ex.1 {  
 アール、シー、エー、コーポレーション  
 (RCA Corporation)  
 アール シー エー コーポレーション  
 (RCA Corporation)
- Ex.2 {  
 エヌ、テー、エヌ東洋ベアリング (NTN Toyo Bearing)  
 エヌ・テー・エヌ東洋ベアリング (NTN Toyo Bearing)
- Ex.3 {  
 リチャードソンニメルル・インコーポレーテッド  
 (Richardson Merrel Incorporated)  
 リチャードソン メレル インコーポレーテッド  
 (Richardson Merrel Incorporated)

## (7) Others

- Ex.1 {  
 .....番地なし (No street number)  
 .....
- Ex.2 {  
 東京都世田谷区世田谷2-13番  
 (2-13 Setagaya, Setagaya-ku, Tokyo)  
 東京都世田谷区世田谷2-13  
 (2-13 Setagaya, Setagaya-ku, Tokyo)
- Ex.3 {  
 .....10036ニューヨーク州ニューヨーク.....  
 (New York, New York State 10036)  
 .....ニューヨーク州ニューヨーク.....  
 (New York, New York State)

## 2. Cases where the parties are not judged as identical

- Ex.1 {  
 昭和アルミニウム株式会社  
 (Showa Aluminum Corporation)  
 昭和アルミニウム株式会社  
 (Showa Aluminum Corporation)
- Ex.2 {  
 .....郡.....町.....  
 (..... town ..... district .....)  
 .....郡.....  
 (..... district .....)
- Ex.3 {  
 東京都台東区浅草聖天町2-36  
 (2-36 Asakusa-shodencho, Taito-ku, Tokyo)  
 東京都台東区聖天町2-36  
 (2-36 Shodencho, Taito-ku, Tokyo)
- Ex.4 {  
 東京都中央区銀座西7丁目3番地1  
 (7-3-1 Ginza-nishi, Chuo-ku, Tokyo)  
 東京都中央区銀座西7丁目3番地

(7-3 Ginza-nishi, Chuo-ku, Tokyo)

Ex.5 ( 呉市高木町一丁 1 3 8 番地 (1-138 Takagi-cho, Kure-shi)  
呉市高木町 1 3 8 番地 (138 Takagi-cho, Kure-shi)

Ex.6 ( .....字..... (..... aza (village) .....)  
.....