

#### 47.101.01

### **A Trademark Filed for Registering a Regional Collective Trademark Which is Entitled to be Registered**

1. The requirement of being an applicant entitled to register according to the main paragraph of Article 7-2 (1) of the Trademark Act

All the applicants should satisfy the requirement of being an applicant entitled to register when they collectively file an application for registering a regional collective trademark.

2. Those who do not satisfy the requirement of being an applicant entitled to register for a regional collective trademark

Those who do not satisfy the requirement of being an applicant entitled to register according to the main paragraph of Article 7-2 (1) of the Trademark Act are, for example, as follows:

(1) Individuals;

(2) An association not having juridical personality

Voluntary partnership in Civil Code, an anonymous association in Commercial Code, limited liability Partnerships (LLP), etc.;

(3) An association not having "provision of free enrollment"<sup>1</sup> in the basis law for the establishment;

Agricultural producers' cooperative corporation, Research Association for Mining and Manufacturing Technology, etc.;

(4) Other juridical person not satisfying the requirement of being an applicant entitled to register

General incorporated associations, general incorporated foundations, local governments, stock companies, etc.

---

<sup>1</sup> Those which fall under the underlined part in the main paragraph of Article 7-2 (1) of the Trademark Act "Any association established by a special Act, including a business cooperative (those which do not have juridical personality are excluded, and limited to those which are established by a special Act providing, without a just cause, that the association shall not refuse the enrollment of any person who is eligible to become a member or that the association shall not impose on any of its prospective members any condition that is heavier than those imposed on its existing members\* snip\*).

<Reference: Examples of associations satisfying the requirement of being an applicant entitled to register for a regional collective trademark>

Kinds	The basis law for the establishment	
	Name of ACT	Provision of free enrollment
Cooperative Business Association Federation of Business Unions Business Union	Small and Medium-Sized Enterprise Cooperatives Act	Article 14
Agricultural Cooperative Federation of Agricultural Cooperatives	Agricultural Marketing Act	Article 19
Fisheries Cooperative Federation of Fisheries Cooperative Fisherman's Production Cooperative Marine Product Processing Cooperative Federation of Marine Product Cooperatives	Fisheries Cooperative Associations Act	Article 25
Forestry Cooperative Production Forestry Cooperative Federation of Forest-Owner	Forest Cooperatives Act	Article 35

(Revised in April 2020)

Cooperative Association		
Sake Brewers Association	Act Concerning Liquor Business Associations and Measures for Securing Revenue from Liquor Tax	Article 10
Liquor Merchants Association		
Federations of Sake Brewers Association		
Federations of Liquor Merchants Association		
Sake Makers' Central Association		
Liquor Merchant's Central Association		

\*Please confirm the last updated information because there may be a case where the article provision of free enrollment is changed by law revision after the created date, etc.

4. An example of a document to be submitted by "a foreign juridical person equivalent thereto"<sup>2</sup> (a form)

<Vouchers showing that an applicant has juridical personality>

"An example of a written certificate by a public organization proving that an applicant is a juridical person (corporation certificate)"

<p>Letters Patent</p> <p>WHEREAS an application has been filed to incorporate a corporation under the name</p> <p style="text-align: center;">* * * * * (Name of Applicant)</p> <p>THEREFORE the minister of * * * by virtue of the powers vested in him by the * * * Act, constitute the applicants and such persons as may hereafter become members in the corporation hereby created, a body corporate and politic in accordance with the provisions of the said Act. A copy of the said application is attached hereto and forms part hereof.</p> <p>Date of Letters Patent April 15, 2014</p> <p>Given under the seal of office of the Minister of * * * * *</p> <p style="text-align: right;">Signature***** (Certifying Officer)</p>
---

(Note) Please the following to browse the Trademark Examination Guidelines:  
o Article 7-2 (regional Collective Trademark) of the Trademark Examination Guidelines"

---

<sup>2</sup> Those which fall under the underlined part in the main paragraph of Article 7-2 (1) of the Trademark Act "Any association established by a special Act, including a business cooperative (those which do not have juridical personality are excluded, and limited to those which are established by a special Act providing, without a just cause, that the association shall not refuse the enrollment of any person who is eligible to become a member or that the association shall not impose on any of its prospective members any condition that is heavier than those imposed on its existing members), a commerce and industry association, a chamber of commerce and industry or a specified non-profit corporation provided in Paragraph 2 of Article 2 of Act to Promote Specified Nonprofit Activities (Act No. 7 of 1998), or a foreign juridical person equivalent thereto\* snip\*".