

47.101.03

**The State of being Well Known of Regional Collective Trademarks
Related to Foreign Geographical Names**

1. Regarding the expression "[a trademark] which is well known among consumers"

(1) While regional collective trademarks related to foreign geographical names must also be well known in Japan, the criteria based on the place of harvest or place of production in Japan that is used to determine the state of being well known of the relevant trademark is not a good fit for the goods for which a regional collective trademark related to foreign geographical name is used. Moreover, since such goods are usually sold in Japan after being imported, the main consumers are often limited to big cities which are the major consuming areas, etc. As such, in determining whether or not such trademark has become well known, it would be sufficient if, in principle, the trademark is well known among many consumers in one prefecture to which the relevant place of sale belongs.

When the area of sale is limited to specific areas other than big cities that are the major consuming areas, etc., due to the characteristics of the goods, it will be sufficient if the relevant trademark is well known among many consumers in one prefecture to which the areas belong.

(2) When a regional collective trademark related to a foreign geographical name is advertised or sold in a large scale through media such as TV broadcasting, newspaper or the Internet, determination will be made in accordance with Item 7. of Part VII (Article 7-2) of the Examination Guidelines for Trademarks.

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

Examination Guidelines for Trademarks:

Article 3(2) (Distinctiveness acquired through use)

Article 7-2 (Regional collective trademarks)