

#### 47.101.04

### Trademarks Composed only of a Regional Name and a Goods or Service Name, etc.

#### 1. Regional names

1) Regional names include geographical names in a broad sense, including, in principle, nick names or chic alias names which are generally used to specify regions.

#### 2) Trademarks composed of several regional names

Trademarks composed of several regional names are included in a regional name, such as:

- i. “武蔵岩槻どじょう” or loach from Musashi Iwatsuki (region: Iwatsuki Ward, Saitama City, Saitama Prefecture, the “Musashi” country of the Edo period), is now included in Iwatsuki Ward, Saitama City, which specifies the region of the trademark.
- ii. “市川浦安海苔” or sea weed from Ichikawa and Urayasu (regions: Ichikawa City and Urayasu City, Chiba Prefecture), both cities are neighboring cities and specify the region of the trademark.
- iii. “川越竹間沢紬” or pongee from Kawagoe Chikumazawa (Region: Chikumazawa, Miyoshimachi, Iruma County, Saitama Prefecture), the character “Kawagoe” is named after the Kawagoe domain of the Edo period and the character “Chikumazawa” used to be included in the Kawagoe domain, which specifies the region of the trademark.

#### 2. Common names

Examiners shall determine the common name of the region based on the relationship between the name and the designated goods or services.

When a name is identical to, an abbreviation of, or a street name of the name of the designated goods or service, examiners determine the name as a common name

For example, when an application is filed for registering a trademark “*satsumaimo*” (in hiragana characters) sweet potatoes by designating “*satsumaimo*” as goods, or a trademark “*iyokan*” orange (in hiragana characters) by designating “*iyokan*” as goods, they are considered as a common name for all such goods and they are unregistrable as a regional collective trademark (Article 3(1)(i) of the Trademark Act).

When cultivated or produced goods or provided services are known by an identical name throughout Japan, the name is considered as a common name of all such goods or services.

#### 3. Names of plant varieties under pending registration of the Plant Variety Protection and Seed Act

Names of plant varieties under pending registration of the Plant Variety Protection and Seed Act are not registrable according to the provision of Article 4(1)(xiv) of the Trademark Act even if the holder of the breeder’s right under the Plant Variety Protection and Seed Act is

identical to the applicant of the regional collective trademark.

#### 4. Trademarks composed only of characters with colors

According to the main paragraph of Article 2(1) of the Trademark Act, colors are components of a mark, and a combination of characters and colors is not registerable as a regional collective trademark.

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

Examination Guidelines for Trademarks:

[Article 3\(1\)\(i\) \(Common Name of Goods or Services\)](#)

[Article 7-2 \(Regionally based collective trademark\)](#)

[Article 4\(1\)\(xiv\) \(Name of a Plant Variety Registered under the Plant Variety Protection and Seed Act\)](#)