

54.03

Application for a Color Trademark Consisting of a Gold Color, etc.

In the case of an application claiming a color trademark, if the color is a metallic color such as gold and silver or any other similar thereto ("gold, etc."), it would be almost impossible to present the color in a trademark sample or define the color under a color specification system such as RGB. An application for such color would be accepted only if the applicant fills out the trademark sample section by presenting a color similar to the claimed color and states, in the section "Detailed explanation of the trademark," the registration number, etc. of the claimed color in a trademark sample book that is widely used.

(Example 1) Example of an acceptable trademark sample of a single color trademark consisting of a gold color

(Example 1-1)

Trademark sample expressing a color similar to gold by using color gradations



(Example 1-2)

Trademark sample expressing a color similar to gold by presenting an approximate color



[Explanation]

Gold, etc. is not merely a color but is also a concept including elements of luster and texture. Metallic luster, etc. is caused as a result of mutual interaction between the free electrons in the metal, etc. and the photons coming from outside. It would be possible to present gold, etc. expressing its luster and other characteristics by using color gradations. However, it would be impossible to accurately present the color in a trademark sample. Thus, it would suffice if the applicant presents a color similar to gold in a trademark sample.

On the other hand, regarding how to describe gold, etc. in the section "Detailed explanation of the trademark," while it is impossible to accurately express the color

under a color specification system such as RGB, it is possible to define the color by the registration number, etc. of the claimed color in a trademark sample book that is widely used. Therefore, a trademark consisting of gold, etc. would be accepted as a color trademark only if the applicant defines the color by designating a code number, etc. in a color sample book