

## 54.05

### **Color Sample Book Used to Define a Color Trademark in an Application**

1. Color sample book that can be referred to in the section "Detailed explanation of the trademark"

In the case of an application for a color trademark, when the applicant states a registration number in a color sample book in the section "Detailed explanation of the trademark," the applicant is required to refer to a color sample book that is widely used in the industry to which the designated goods or services belong.

[Explanation] In the case of an application for a color trademark, the applicant may define the color in the section "Detailed explanation of the trademark" by using a color specification system\* or a code number or a registration number in a color sample book.

The information presented in the section "Detailed explanation of the trademark" must be sufficient to define the trademark for which trademark registration is sought and must enable a third party to exactly identify the color. Thus, a color sample book created independently by a certain party just for the purpose of defining its own goods or services would be inappropriate. The applicant is required to refer to a color sample book that is widely used in the industry to which the designated goods or services belong.

\* Color specification system: A system to specify a color quantitatively in accordance with certain rules and definitions such as RGB, CMYK, and HSB

2. Designation of a color sample book

In the case where the applicant states a registration number in a color sample book which has been updated, if the applicant fails to specify the edition by stating "Xth edition," it would be presumed that the applicant stated a registration number in the latest edition of the color sample book as of the time of the filing of the application.