

**85.71****Handling concerning Preparation of Translations of Designated Goods of Designated Services Claimed in an International Application for Trademark Registration and Their Publication in a Gazette, etc.**

With regard to designated goods and designated services claimed in an international application for trademark registration written in English, all of them shall be translated into Japanese (for reference) and published in the Trademark Gazette Publication of International Trademark Application, Publication of Amendment (International Trademark Application) and Publication of Registered International Trademark).

However, when there are any goods or services that cannot be translated when publishing them in the Publication of International Trademark Application, Publication of Amendment (International Trademark Application), the original text (English) of the respective designated goods or designated services shall be published in the Gazette.

[Explanation]

(1) With respect to an international registration with a request for territorial extension to designate Japan, the International Bureau reports to the JPO on the respective international registration in English. The reported international registration is published as an international application for trademark registration in a Publication of International Trademark Application in Japan. The trademark will be published in a Publication of Registered International Trademark after registration. However, the designated goods and designated services of the trademark shall be translated into Japanese and, for reference, the translation is also published with an English description.

(2) The translation shall be prepared by referring to the “Examination Guidelines for Similar Goods and Services.” When the designated goods or designated services are goods or services with the same name published in the “Examination Guidelines for Similar Goods and Services,” the translation shall be made in line with the guidelines in principle.

The translation for the designated goods or designated services that do not fall under the category mentioned above, will be made by referring to the matters described in “2. Standards for Preparation of English Translations” of the part titled “In Using These Guidelines” of the “Guidelines for the Names of Goods and Services

for the International Registration of Marks Based on the Madrid Agreement Protocol [corresponding to International Classification No. 10, 2016 edition].”

(3) However, when the trademark is published in a Publication of International Trademark Application or Publication of Amendment (International Trademark Application), if there is a word that cannot be searched by reference documents because the word concerns a new product or is misprinted, etc. and the designated goods or designated services cannot be translated, it is appropriate to publish the original text of the designated goods or designated services in the Gazette in order to make the designated goods or designated services that could not be translated clearly distinguishable.

[Reference]

<Examples of descriptions in a publication of unexamined applications when translation cannot be made>

[Indication of the designated goods or designated services (original text)]

1 Industrial chemicals

9 Computers, Storage electric apparatus, ...

[Translation] 1 工業用化学品

9 コンピューター, Storage electric apparatus, ...

\* The item cannot be translated because of the spelling mistake in “electric.”

(4) When the designated goods or designated services have been amended after the publication of the application, the translation of such amendment shall be published on the Publication of Amendment (International Trademark Application) in accordance with the Publication of International Trademark Application.

[Note] (1) The content and scope of the designated goods or designated services shall be confirmed in the substantive examination. When they are considered unclear, the JPO shall send a notification of reasons for refusal under Article 6(1) of the Trademark Act. The JPO shall then request that the applicant amend the designated goods or designated services in order to make the content and scope clear. At the same time, the examiner reviews the translation and also appropriately corrects the translation (see the Trademark Examination Manual 46.01 for details).

(2) Translation of designated goods or designated services is prepared as reference information for conveniences such as easy understanding of a right generated from an application that concerns an international registration or the scope of a trademark right that concerns an international registration, in the examination at the JPO.

The scopes of those rights are determined according to the goods or services described in the International Register.