

89.02

Offering Information Concerning a Mark Indicating a State, a Local Public Entity, or an Organization, etc. Working in the Public Interest

The JPO shall accept the offering of related information in the following procedures in order to conduct speedy and adequate examinations concerned with Article 4(1)(vi) of the Trademark Act.

Article 4(1) Notwithstanding the preceding Article, no trademark shall be registered if the trademark:

(vi) trademark which is identical with, or similar to, a famous mark indicating the State, a local government, an agency thereof, a non-profit organization undertaking a business for public interest, or a non-profit enterprise undertaking a business for public interest;

1. Method for offering information

The State, a local government, an agency thereof, or a non-profit organization working in the public interest that intends to provide information to the effect that a trademark falls under Article 4(1)(vi) of the Trademark Act shall submit materials, etc. clarifying the following matters by e-mail or in writing. (See the example in Appendix)

- 1) Mark which falls under Article 4(1)(vi) of the Trademark Act;
- 2) Explanation of the mark to be used has fallen under Article 4(1)(vi) of the Trademark Act;
- 3) The fact that the mark to be used has been famous;
- 4) When the mark indicates an organization working in the public interest, purpose of establishment, structure, personnel, etc. of the organization; and
- 5) When the mark indicates an enterprise working in the public interest, purpose of establishment, structure, personnel, etc. of the enterprise.

2. Handling of the submitted documents

- (1) The Trademark Examination Standards Office shall receive the respective offer of information.
- (2) When there is doubt on the offered information such as the usage status of the offered mark, the Trademark Examination Standards Office shall be able to request the offerer to provide explanation or to submit other documents.
- (3) The Trademark Examination Standards Office shall make the mark known to examiners and appeal examiners in order to reflect it in the examination and appeal examination of the application pending examination and appeal procedure, as well as manage the related documents.

Example of the document to be submitted in the case of providing information

	Date: Year/Month/Day/
Director Trademark Division Trademark, Design and Administrative Affairs Department Japan Patent Office	
(Provider's name)(*1) Responsible person: full name (Person in charge) Department: Full name: Tel No.:	
(Subject line)(*2)	
(State the reason, etc. for submission)(*3)	
[Attached materials] (*4)	
(1) A sample of the mark that falls under Article 4(1)(vi) of the Trademark Act.	
(2) Materials proving the fact that the mark to be used has been famous.	

[Remarks]

*1 In the space for "Provider's name," describe the name of the organization, etc. that provides the information, and the job title and the full name of the person responsible for handling affairs concerning the relevant mark.

Below it, describe the department in charge of the affairs concerning this case, the person in charge, and the telephone number.

Example: Executive Committee of XX Prefecture YY Competition,
 Chairperson, SHOHYO Ichiro

*2 In the "Subject line," briefly describe the mark regarding which information is provided.

Example: Regarding the provision of information on the symbol mark (the name, nickname, logo mark, mascot character, etc.) of YY Competition

*3 As the "reason, etc. for submission," explain that the mark falls under the category of the mark prescribed in Article 4(1)(vi) of the Trademark Act, by describing matters including the outline of the organization/enterprise using the mark and the method/period of use of the mark.

*4 As "Attached materials," in addition to a sample of the mark that falls under Article 4(1)(vi) of the Trademark Act, attach the following materials, for example, either in electronic form as attachment files or in paper form:

- (a) Materials such as a newspaper article, public relations magazine, or pamphlet, proving that the mark is famous
- (b) When the mark indicates an organization working in the public interest, a pamphlet explaining

- the purpose of the establishment, structure, personnel, etc. of the organization
- (c) When the mark indicates an enterprise working in the public interest, a pamphlet explaining the purpose of the establishment, structure, personnel, etc. of the enterprise
- (d) Other relevant materials (if necessary)

(Note) Materials, etc. submitted for providing information are accepted only if they have been prepared in Japanese.