

## 89.03

### Offering information concerning the prize of an exhibition

1. In order to render an examination relating to Article 4(1)(ix) of the Trademark Act quickly and accurately, provision of relevant information shall be accepted in the following manner.

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

(ix) is comprised of a mark identical with, or similar to, a prize awarded at an exhibition held by the national or a local government (hereinafter referred to as the "government, etc.") or by those who are not the government, etc. that conforms to the standards specified by the Commissioner of the Patent Office, or at an international exhibition held in a foreign country by the government, etc. of the foreign country or those authorized thereby (except those used by the recipient of such a prize as part of their own trademark);

#### 2. Method for providing information

A person who wants to provide information relating to the prize of an exhibition based on the provision of Article 4(1)(ix) of the Trademark Act shall submit materials, etc. clarifying the following matters by e-mail or in writing. (See the example in Appendix)

- (1) Name of an exhibition
- (2) Organizer
- (3) Sponsor
- (4) Purpose of holding the exhibition
- (5) Holding place
- (6) Holding period
- (7) Eligibility for exhibitors
- (8) Number of exhibitors, and kinds and quantities of goods on exhibition, etc.
- (9) Eligibility for attendances
- (10) Prize of the exhibition

#### 3. Treatment of provided information

- (1) Examination Standards Office shall accept this information service.
- (2) Where Examination Standards Office has questions on the provided information, the Office shall be able to request an explanation thereto or to provide new information materials to the provider of the information service.
- (3) Examination Standards Office, for the purpose to reflect the provided information on the examination/proceedings of an application pending on the examination/proceedings, shall ensure that the information becomes well known to the examiner/hearing examiner and manage the relevant information materials.

[Appendix]

An example of sentence in 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)
	Post in duty:
	Full name:
	Tel No.
(Subject lines)(*2)	
1. Name of an exhibition	
2. Organizer	
3. Sponsor	
4. Purpose of holding the exhibition	
5. Holding place	
6. Holding period	
7. Eligibility for exhibitors	
8. Number of exhibitors, and kinds and quantities of goods on exhibition, etc.	
9. Eligibility for attendances	
10. Prize of the exhibition	
Attached Materials (*3)	
(1) Information materials proving the facts of the preceding lines 1. to 10.	
(2) A sample of the prize of the exhibition falling under Article 4(1)(ix) in the preceding line 10.	

[Recitals]

\*1 In the column of "Provider's name," the name of the organizer of the exhibition and the post and the full name of a responsible person of handling relating to holding the exhibition shall be described.

In the lower line, a post in duty handling the office work relating to this information service, the person in charge thereof, and the Tel No. thereof shall be described.

An example of description: the secretariat of OO exhibition

the chief of the secretariat: Syohyou Ichiro

\*2 In "Subject lines", information on what prize (mark) is provided shall be briefly described.

An example of description: "information service of the prize of OO exhibition"

\*3 [Attached Materials]: other than a sample of the prize of the exhibition falling under Article 4(1)(ix) of the Trademark Act, for example, the following information materials shall be either attached in electronic form as attachment files or attached in paper form.

(a) The plans for holding an exhibition, a pamphlet guiding exhibits, etc.;

(b) Where the organizer is a Public Cooperation, a Public Interest Incorporated Association, or a Public Interest Incorporated Foundation, articles of incorporation and a list of names of board members, or a pamphlet, etc., indicating the founding objectives, the organization, and the staff size, etc.; and

(c) Other relevant information materials (shall be accompanied if necessary).

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