

A3.02

Handling Concerning the Description of Classes in an International Trademark Application

1. The "Class" of column 10 "GOODS AND SERVICES" in the written application of an international trademark application (hereinafter referred to as "class") shall be described in line with the international classification effective at the time of filing the respective international trademark application.

2. In the following cases, the office of origin shall be able to urge the applicant to replace the written application with a corrected one, considering that the international filing date (international registration date) will not be affected:

- (i) where the number of the class is not described;
- (ii) where the description is not following the international classification effective at the time of filing the application; and
- (iii) where the description is not in order of classes under the international classification.

However, when only the deficiency in item (iii) is found, the office of origin shall not urge the correction.

[Explanation] (1) When the goods or services of an international trademark application do not follow the classification based on the international classification (Nice Agreement), the International Bureau is to report the deficiency in the international trademark application. Therefore, generally, the goods services are to be described in line with the international classification effective at the time of filing the application.

If an application's basic registration or basic application is filed on or before March 31, 1992, the application's indication of designated goods is based on a classification that is peculiar to Japan and thus, must be described in line with the international classification on the written application of an international application trademark. ("Reclassification Guidelines for Reclassifying the Designated Goods of a Trademark Right" as reference)

[Remark]

The international classification applied to the international trademark application shall be the latest version of international classification that was effective when the office of origin received the respective international trademark application. Thus, when it is clear that the international classification is to be revised, the applicant needs to describe it in consideration of the timing of the revision.

(2) Description of the "class" does not undergo verification by the office of origin. However, the office of origin shall be able to urge the applicant to replace it with the corrected application in the view of procedural convenience for the applicant:

- (i) when the number of the class is not described;
- (ii) when the description is not following the international classification;
- (iii) when the description is not in the order of classes under the international classification.

However, when the only deficiency found is item (iii), the office of origin shall not urge the correction.

This is because, when classes of international classification are not described in order, the International Bureau shall correct it ex officio. So, if that is the only deficiency found, there is no need to urge the applicant to make a correction in such a case.

In addition, when urging the applicant to correct the above deficiency, the office of origin encourages the correction on a premise that the international filing date (international registration date) is not affected. The office of origin shall send the written application to the International Bureau even if finally the deficiency had not been corrected.

* When a request is made from the International Design and Trademark Application Office regarding this handling, the International Trademark Application Examination Office will agree to hold talks and based on the result thereof, the International Design and Trademark Office will perform this handling.