

Chapter 3: Article 3(1)(i) (Common name of goods or services)

(i) A trademark consisting solely of a mark indicating, in a common manner, the common name of the goods or services;

1. Common name of goods and services

In case where the names of goods or services (including abbreviations and familiar names) are recognized as a name of goods or services which is commonly used by traders, they are judged as “common names of goods or services.”

(Example 1) Customarily used name

Trademark indicating “サニーレタス” (Sunny lettuce) in respect of goods of “サニーレタス” (Sunny lettuce).

Trademark indicating “さんぴん茶” (Sanpin cha (Sanpin tea)) in respect of goods of “さんぴん茶” (Sanpin tea).

Trademark indicating “電子計算機” (Denshikeisanki (Computer)) in respect of goods of “電子計算機” (Computer).

Trademark indicating “美容” (Biyou (Beauty)) in respect of services of “美容” (Beauty).

(Example 2) Abbreviations

Trademark indicating “スマホ” (Sumaho (Smartphone)) in respect of goods of “スマートフォン” (Smartphone).

Trademark indicating “アルミ” (Alumi (Aluminium)) in respect of goods of “アルミニウム” (Aluminium).

Trademark indicating “パソコン” (Pasocon (Personal Computer)) in respect of goods of “パーソナルコンピュータ” (Personal Computer).

Trademark indicating “損保” (Sonpo (Non-life insurance)) in respect of services of “損害保険の引受け” (Undertaking Non-life Insurance).

Trademark indicating “空輸” (Kuyu (Air transportation)) in respect of services of “航空機による輸送” (Air Transportation),

(Example 3) Familiar name

Trademark indicating “波の花” (Naminohana (Flower of wave)) in respect of goods of “塩” (Salt),

2. "indicating in a common manner"

(1) Marks of which font or total composition is unique beyond the scope which is customarily-used by traders shall not be deemed as those "indicating in a common manner by giving due consideration to the actual state of transaction of the goods or services.

(Example 1) Marks judged to fall under "indicating in a common manner"

Marks indicated in a font or composition commonly used by traders

(Example 2) Marks judged not to fall under "indicating in a common manner"

Marks indicated by applying special lettering beyond the scope which is customarily-used by traders or in unique composition

(2) Methods of indicating characters

(a) The common names of goods or services indicated in Roman characters or kana characters are judged as "indicating in a common manner."

(b) The common names of goods or services indicated in Chinese characters (phonetic equivalent) which are not commonly used by traders are not judged as "indicating in a common manner."

3. Name of a registered variety which falls under this item

Refer to Part III, Chapter 12, Item 3 (Article 4(1)(xiv)) of the Guidelines for the name of registered varieties.