

Chapter 6: Article 3(1)(iv) (Common surname or name of a juridical person)

(iv) A trademark consisting solely of a mark indicating, in a common manner, a common surname or name of a juridical person;

1. “Common surnames or the names of juridical person”

(1) “Common surnames or the names of juridical person” are those existing in a great number such as, for example, similar surnames or names, in principle.

(2) Trademarks with a Common surname, the name of a business, a famous geographical name combined with characters customarily added to trade names and business names such as “K.K.,” “Co.,” “Co., Ltd.,” “Ltd.,” etc. or characters indicating the name of a business, etc. are considered as a “common surname or name of a juridical person” in the provision of this paragraph, in principle.

However, a company name with the name of a state or an administrative zone combined with the name of a business, however it could be accepted as a common name, does not fall under the provision of this paragraph in case where there is no other identical name existed.

(a) Famous geographical names

For example, the following fall under famous geographical names.

“Japan,” “Tokyo,” “Satsuma,” “France,” etc.

(b) Names of business

For example, the following fall under the name of business.

“Industry,” “Pharmaceuticals,” “Confectionery,” “Broadcasting,” “Transport,” “Life insurance,” etc.

(c) Characters customarily added to trade names and business names such as “K.K.,” “Co.,” “Co., Ltd.,” “Ltd.,” etc. and the name of a business

For example, the following i) and ii) fall under characters commonly added to trade names and business names such as “K.K.,” “Co.,” “Co., Ltd.,” “Ltd.,” etc. and the name of a business

(i) Characters customarily added to trade names and business names such as “K.K.,” “Co.,” “Co., Ltd.,” “Ltd.,” etc.

“Shokai,” “Shoten,” “Ya,” “Ke,” “Sha,” “Do,” “Sha,” “Yoko,” “Kyokai,” “Kenkyusho,” “Seisakusho,” “Kai,” “Kenkyukai,” etc.

(ii) Characters indicating the name of a business, etc.

“Company Limited,” “Limited Company,” “Mutual Corporation,” “General Incorporated

Association,” “K.K.,” “Co.,” “Co., Ltd.,” “Ltd.,” etc.

2. Trademark “indicated in common manner”

(1) If a font or the entire composition of an indication of a mark is determined to be special beyond the generally-used scope by traders taking into account the actual state of transaction of goods or services, the trademark is not judged to be “indicated in common manner.”

(Example 1) Cases where the trademark is indicated in common manner The trademark is indicated by a font or a composition generally used by traders.

(Example 2) Cases where the trademark is not indicated in common manner

The trademark is indicated by applying special lettering or by a special composition beyond the generally used scope by traders.

(2) Method of indicating characters

(a) “Common surnames or the names of juridical person” however indicated in phonetic Japanese katakana characters or Roman characters are judged to fall under this provision, in principle.

(b) “Common surnames or the names of juridical person” however indicated in Chinese characters (phonetic equivalent) which are not commonly used by traders are judged not to fall under this provision.