

Chapter 2: Article 4(1)(i) (National flag and imperial chrysanthemum crest)

(i) A trademark being identical with, or similar to, the national flag, the imperial chrysanthemum crest, a decoration, a medal or a foreign national flag;

1. Regarding the "national flag"

The "national flag" means the flag of the Rising Sun (Article 1 of the Act of National Flag and Anthem (Act No. 127 of August 13 of 1999)).

2. Regarding the "imperial chrysanthemum crest"

The "imperial chrysanthemum crest" means the crest of the imperial family of Japan, which consists of 16 petals of chrysanthemum.

3. Regarding "A decoration, a medal"

"A decoration and a medal" both belong to Japan and are limited to those that are actually in existence at the time when a decision is made.

(1) Major examples of "decorations" (source: Decorations Bureau of the Cabinet Office)



Supreme Orders of Chrysanthemum, Grand Cordon of the Order of the Paulownia Flowers, Orders of the Rising Sun



Orders of the Sacred Treasure, Order of Culture, Orders of the Precious Crown

(2) Major examples of "medals" (source: Decoration Bureau of the Cabinet Office)



Medal with Red Ribbon, Medal with Green Ribbon, Medal with Yellow Ribbon



Medal with Purple Ribbon, Medal with Blue Ribbon, Medal with Dark Blue Ribbon

4. Regarding "foreign flags"

"Foreign flags" not only include those of countries which Japan has recognized but also includes those of countries which Japan has not recognized.

In addition, they are limited to those of countries that actually exist at the time of the decision.

5. Regarding the expression a trademark "is identical with, or similar to"

(1) The similarity of trademarks under this item is judged based on whether the trademarks as a whole are confused with these national flags, etc. from the standpoint of protecting public interest by maintaining the dignity of states, etc.

For example, if the trademark as applied has a part conspicuously showing national flags, etc., the trademark as a whole is judged to fall under this item.

(2) Example of judgment made with respect to the "imperial chrysanthemum crest"

In addition to (1) above, the trademark as applied showing a chrysanthemum with its petals numbering between 12 and 24 is judged to be similar to the "imperial chrysanthemum crest."

However, this does not apply when the trademark as applied falls under any of the following cases.

- (i) A chrysanthemum with petals larger than the diameter of its center;
- (ii) A chrysanthemum with more than one-third covered or cut off;
- (iii) A chrysanthemum with its center deviating to a length of more than a quarter of the flower's

radius; and

(iv) A chrysanthemum not clearly constituting a crest and judged to imitate a live flower.

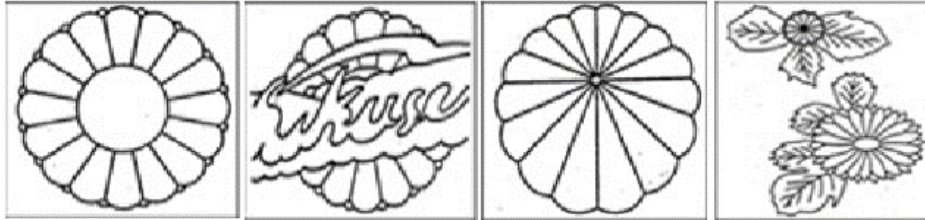
(Example) Marks that fall under any of the cases mentioned in (i) to (iv) above.

(i)

(ii)

(iii)

(iv)



6. Trademarks consisting of combination of colors

If a mark resulting from the combination of colors in a color mark is identical with or similar to a foreign national flag, this item is applicable to the trademark in principle.