

Part VI: Article 7 (Collective trademarks)

Article 7 (1) A general incorporated association or other association (except those which do not have juridical personality, and companies), or any other association established pursuant to a special Act including business cooperative (except those which do not have juridical personality), or a foreign juridical person equivalent thereto shall be entitled to obtain a collective trademark registration with respect to a trademark to be used by their members.

(2) For the purpose of the application of Article 3 (1), in the case of the preceding paragraph, "applicant" in the said paragraph shall read "applicant or its members."

(3) Any person who desires to register a collective trademark pursuant to paragraph (1) shall, at the time of filing of an application for trademark registration pursuant to Article 5(1), submit to the Commissioner of the Patent Office a document certifying that the applicant for trademark registration is a juridical person that falls under paragraph (1).

1. Regarding the subjects

The phrase "any other association (except those which are not juridical personalities and enterprises)" in Article 7(1) includes, for example, chambers of commerce and industry based on the Chambers of Commerce and Industry Act, commerce and industry associations based on the Commerce and Industry Association Act, and specified nonprofit organizations based on the Act on Promotion Specified Non-profit Activities (i.e. incorporated nonprofit organizations), etc.

2. Regarding the expression "trademark to be used by the members"

In case where a trademark seeking a registration as a collective trademark is not intended for use by "members," its registration cannot be granted under the provision of the main paragraph of Article 3(1) (Refer to Part I, Chapter 2, Item 5 (main paragraph of Article 3(1)) of the Guidelines.).

3. Regarding the expression "a document certifying that the applicant for trademark registration is a juridical person that falls under paragraph (1)"

(1) Invitations to amend (formality) are applicable to applications for trademark registration (domestic application) for collective marks when "a document certifying that the applicant for

trademark registration is a juridical person that falls under paragraph (1)" is not submitted.

(2) In cases where a "collective mark, certification mark, or guarantee mark" is indicated in the international application for trademark registration but "a document certifying that the applicant for trademark registration is a juridical person that falls under paragraph (1)" has not been submitted, the trademark cannot be registered as a collective trademark pursuant to the main paragraph of Article 3(1) (refer to Part I, Chapter 2, Item 4(2) (main paragraph of Article 3(1)) of the Guidelines).