

Chapter 3: Article 7-2(2), (3) and (4) (Name of region)

(2) The term "name of the region" as used in the preceding paragraph means, even prior to the filing of the said application, the name of the place of origin of the goods, the location of provision of services, or the name of the region which is considered to have a close relationship with the said goods or services to the equivalent extent, for which the trademark pertaining to the said application has been used by the applicant or its members, or abbreviation thereof.

(3) For the purpose of the application of Article 3(1) (limited to the part pertaining to items (i) and (ii)) in the case of paragraph (1), the term "applicant" in that paragraph is deemed to be replaced with "applicant or its members."

(4) Any person who desires to register a regional 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 an Association, etc. and documents necessary to prove that the trademark for which the registration is sought contains the name of a region as provided in paragraph (2).

1. The name of a region found to have a close relationship with the goods or services

For example, judgment will be made as follows by giving consideration to individual situations, such as the kinds of goods or services, main consumers, and actual state of transaction in addition to the use of the trademark for which the registration is sought by examining the "documents necessary to prove that the trademark for which the registration is sought contain the name of a region as provided in paragraph (2) " as prescribed in Article 7-2(4).

2. Regarding "the place of origin of the goods"

For example, the place of origin of the goods using the trademark for which registration is sought by the applicant or its member is the following regions.

(1) For agricultural products, regions where the good were produced

(2) For marine products, a region where the goods were landed or caught

(3) For craft products, a region where the main production process for the goods was carried out.

3. Regarding "the location of provision of the services"

For example, the following region is a place of provision of service using the trademark for which registration is sought by the applicant or its member.

(1) For providing hot spring facilities, a region where they have hot springs

4. Regarding "the name of the region which is considered to have a close relationship with the said goods or services to the equivalent extent"

For example, the following cases described in (1) and (2) below fall under regions that have a close relationship with the goods or services for which the applicant or its member uses the trademark subject to the application.

(1) Case of processed goods where the origin of the raw materials plays important role

A region in which the main raw materials of such processed goods were produced will fall under this case.

(Example)

(i) An origin of the raw materials "buckwheat" for "buckwheat noodles"

(ii) An origin of the raw materials "stones" for "ink stones"

(2) Case of craft products where the origin of the production method plays important role

A region in which the production method for the goods originated will fall under this case

(Example)

(i) A region in which the traditional production method originated in regard to "fabrics"

5. The facts mentioned in 2. to 4. above need to be proved by, for example, the following documents.

(1) Articles in newspapers, magazines, books, etc.

(2) A certificate issued by public organizations

(3) Leaflets, catalogs, and internal rules

(4) Business forms such as delivery slips, order forms, etc.