

Chapter V: Article 6  
(Single trademark on each application)

Article 6

(1) An application for trademark registration shall be filed for each trademark and designate one or more goods or services in connection with which the trademark is to be used.

(2) The designation provided for in the preceding paragraph shall be made in accordance with the class of goods and services provided by Cabinet Order.

(3) The class of goods and services provided for in the preceding paragraph shall not be perceived as prescribing the scope of similarities of goods or services.

1. The description of designated goods or designated services needs to be so made that the content and scope of goods or services may be clearly grasped as, for example, indicated in the attached table of the Ministry Ordinance (Article 6 of the Regulations under the Trademark Act), etc.

2. Retail service retail or wholesale services shall be considered as follows.

(1) Comprehensive service activities provided by retailers and wholesalers (activities that will result in making profits by sales of the products, such as the bringing together of a variety of goods, setout, service to customers)

(2) Not including retailers' sales of products to customers nor wholesalers' sales of products to retailers

3. When the description of the designated goods and designated services is not clear and the classification of the goods and services do not conform to the Cabinet Orders, reasons for refusal will be given as not satisfying the requirements provided in Article 6(1) and (2).

(Example 1)

Indications of designated goods and designated services as follows where the goods or services may be allotted to more than one class

Class 5 Sanitary masks and goods similar thereto

Class 7 Machinery and appliances

Class 37 Lease for machinery and appliances

Class 40 Treatment for hazardous substances and related services

(Example 2)

Goods and services designated as "business" (type of business) or "store" (the

name of facility).

Class 25 Department store

Class 42 General rental business

(Example 3)

Goods and services designated in the attached table of the Cabinet Order.

Class 12 Vehicles and other apparatus for locomotion

Class 32 Non-alcoholic beverages and beer

However, cases where the contents and scope of the goods or services or the classification of goods or services is clear, for example where the indication of the designated goods or designated services in the attached tables of the Cabinet Order and that of the Ministry Ordinance are identical, will be excluded.

4. Where the descriptions of the designated goods and services is not clear, but may be judged to be conforming to the classifications of the goods and services provided in the Cabinet Order, a reason of refusal will be notified for not satisfying the requirements of Article 6(1).

(Example)

Where goods or services included in a certain class are inclusively indicated as designated goods or designated services as follows:

Class 2 All Goods

Class 29 Meat and other goods contained in this class

Class 35 All services

Class 39 Transport by freight cars and other services contained in this class

5. Where, in response to the notification of reason for refusal mentioned in the above Items 3 and 4, the applicant submits a written opinion or written submission of evidence in which the contents include only the explanation of the goods etc., the examiner will, in consideration of the submitted documents, order the applicant to make amendments to the designated goods or designated services by suggesting a draft amendment (order concerning amendment by the examiner).

When the applicant does not make any correspondence to the said order concerning amendment, or when adequate amendments are not made, the application for trademark registration will be refused according to the earlier reason for refusal.

6. Where the descriptions of the designated goods and designated services is clear, but may be judged not to be conforming to the classifications of the goods and services provided in the Cabinet Order, a reason of refusal will be notified for not satisfying the requirements of Article 6(2).

(Example)

Class 9 Clocks

This will be amended as: Class 14 Clocks

Class 36 Advertising agency through magazines

This will be amended as: “Class 35 Advertising agency through magazines”

(Example)

Class 16 Magazines, Advertising agency through magazines

This will be amended as: Class 16 Magazines, Class 35 Advertising agency through magazines

7. Applications where the indication of designated goods or designated services includes a registered trademark indicating specific goods or services shall be refused, in principle, because it does not fulfill the requirements under Article 6(1).

8. Others

(1) Where only a class of goods or services is indicated, a correction will be invited under Article 5-2(ii).

(2) Where only designated goods or designated services are described, an amendment (formality) needs to be invited.

(3) Where goods or services are designated over two or more classes but their classes together with designated goods or designated services are not repeatedly described, an amendment (formality) need to be invited.

(Examples)

Classes 1, 3, 5 Chemicals, Cosmetics, Drugs, Pharmaceuticals

Classes 35, 36 Research and Guidance of Management, Trading of Securities

9. The applications of trademark registration under pending at the Patent Office at the time of enforcement of the partial revision of the Trademark Act (Law No. 68 to 1996), will be subject from Item 3 to 6 above based on Article 6(1) prior to revision.