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Classification Table for
Trial and Appeal Decisions: Trademarks

1. Classifications Under Types of Cases (Trademark, Level of Instance, Types of Trial/Appeal)

(Trademark)

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First digit		Second digit		Third-Fifth digits	
T	Trade mark	1	Trial/Appeal		(Invalidation)
		2	_____	11	Whole Invalidation
		3	_____	12	Partial invalidation
		4	_____	13	Invalidation for renewal registration (in whole) (before the revision of the act in 1996)
		5	Retrial	14	Invalidation for renewal registration (in partial) (before the revision of the act in 1996)
		6	_____	17	Invalidation for Registration for replacement of goods and class (in whole)
		7	_____	18	Invalidation for Registration for replacement of goods and class (in partial)
		8	_____	2	Advisory opinion
		9	Others		(Revocation)
				31	Whole revocation
				32	Partial revocation
				4	_____
					(Exclusion · Recusation)

				51	Exclusion
				52	Recusation (Opposition to registration of trademark)
				651	Opposition in whole
				652	Opposition in partial
				7	Appeal against the examiner's decision dismissing an amendment
				8	Appeal against the examiner's decision
				81	Appeal again the examiner's decision of replacement of Goods and Services (interlocutory decision)
				91	Decision of approval/disapproval of intervention
				92	Decision on opposition to registration of trademark (before the revision of the act in 1996)
				93	Decision on dismissal of an amendment
				94	Decision on preservation of evidence
				95	Decision on approval/disapproval of succession

2. Classification Table Under Types of Holdings

(1) Invalidation, Appeal against the examiner's decision, Decision on opposition to registration

(Trademark)

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Classification	Holdings
0	General proceedings (Appended table)
1	TM Act Article 3 general Requirements for trademark registration
11	TM Act Article 3(1)(i) Common name
12	TM Act Article 3(1)(ii) Commonly used
13	TM Act Article 3(1)(iii) Place of origin, Place of sale, Quality, Raw materials, etc.
14	TM Act Article 3(1)(iv) Typical surname, typical name
15	TM Act Article 3(1)(v) Very simple and common
16	TM Act Article 3(1)(vi) Marks other than stated in items (i)–(v)
17	TM Act Article 3(2) Distinctiveness of own products acquired through use
18	TM Act the body of Article 3 (1) Description about the business, use of the trademark (intention)
2	TM Act Article 4 general Unregistrable trademarks
21	Act Article 4(1)(i) National flags, imperial chrysanthemum crests, medals, etc.
	TM Act Article 4(1)(ii) Coats of arms of convention countries, etc.
	TM Act Article 4(1)(iii) Indication of international organizations, etc.
	TM Act Article 4(1)(iv) Emblems and Titles of the Red Cross, etc.
	TM Act Article 4(1)(v) Official hallmark or sign indicating control or warranty, etc.
	Act Article 4 (1)(vi) Indication of a non-profit organization undertaking a business for public interest, etc.

	TM Act Article 4(1)(ix)	Prize awarded at an exhibition, etc.
	TM Act Article 4(1)(xiv)	Identical with or similar to the registered name according to the Plant Variety Protection and Seed Act
22	TM Act Article 4(1)(vii)	Public order, morality
222	TM Act Article 4(1)(xix)	Application under unfair purposes
23	TM Act Article 4(1)(viii)	Portrait, name, or famous professional name of another person, etc.
24	TM Act Article 4(1)(xiii)	Trademarks of another person of which one year has not been passed after extinguished (before the revision of the act in 2011).
25	TM Act Article 4(1)(x)	Well-known trademarks
	General	
251		Similarity in appearance
252		Similarity in appellation
253		Similarity in concept
254		Similarity of goods (services)
255		Publicizing trademarks
26	TM Act Article 4(1)(xi) general	Registered trademark of another person
261		Similar in appearance
262		Similar in appellation
263		Similar in concept
264		Similarity of goods (services)
265		Similarity of goods and services
27		Misidentification, confusion, general
271	TM Act Article 4(1)(xv)	Confusion as to origin of goods
272	TM Act Article 4(1)(xvi)	Misidentification of quality

28	TM Act Article 4(1)(xii)	Registered Defensive mark of another person
29	TM Act Article 4(1)(xvii)	Indication of a place of origin of wines or spirits
3	TM Act Article 7 (before revision of the act in 1996)	Associated trademark
4	TM Act Article 8	Prior application
5	TM Act Article 51(2)	Re-registration of a trademark once revoked the registration due to malicious use
	TM Act Article 53(2)	Re-registration of a trademark once revoked the registration due to unfair use by a licensee
6	TM Act Article 77(3) (→Patent Act Article 25)	Enjoyment of rights by foreign nationals
	TM Act Article 46(1)(ii)-(vi)	Violation of treaty, etc. and the late-coming reasons for invalidation
	TM Act Article 15(1)(ii)	Violation of treaty, etc.
7	TM Act Article 21(1)	Renewal registration
71	TM Act Article 21(1)(i)	Grounds for un-registrability for public
72		interest
73	TM Act Article 21(1)(ii)	Non-use of a registered trademark
74	TM Act Article 21(1)(iii)	Filing an application by a non-right holder
	Supplementary Provisions of TM Act Article 13 (the Act of 1996)	Renewal of overlapped registration of services
8	Same as above Act Article 17 (the Act of 1996)	Invalidation for renewal of overlapped registration of services
81	TM Act Article 64	Defensive marks
82		Identical of the marks

83		Confusion of the goods (services)
84		Filing an application by a non-trademark holder
9		Violation of a treaty
91		Others
92		TM Act Article 6 • one trademark per application
	TM Act Article 15(1)(iv)	Filing an application by an agency or representative of a non-legitimate trademark holder representative
93		
	Supplementary Provisions of TM Act Article 6(1)	Application of special provisions based on use
941		
	TM Act Article 4 (1)(xviii), etc	Three-dimensional trademarks
942		
	TM Act Article 7	Collective marks (including regional collective trademarks)
945		
	Supplementary Provisions of TM Act Article 8 (1)	Application of special provisions based on trademarks for retails services (from April, 1, 2007)
95		
	Supplementary Provisions of TM Act Article 6	Registration for replacement of goods and class
951		
	Supplementary Provisions of TM Act Article 6(1)	Requirements of Supplementary Provisions of of TM Act Article 4(1)
952		
	Supplementary Provisions of TM Act Article 6(2)	Request by a non-trademark holder

(2) Revocation

(Trademark)

Classification	Holdings
0	General proceedings (appended table)
1	TM Act Article 50
11	Revocation of a registered trademark not in use
12	Identity of trademarks
2	Use of trademarks including last-minute use
3	TM Act Article 51
31	Revocation due to unfair use of the right holder
4	Supplementary Provisions of TM Act Article 10 (TM Act of 1991)
5	TM Act Article 52-2
6	Revocation due to confusion of transfer of similar trademarks
5	TM Act Article 53
6	Revocation due to unfair use of the licensee
6	TM Act Article 53-2
	Revocation of the registration by an agency or a representative other than a lawful right holder

(3) Advisory opinion

(Trademark)

Classification	Holdings
0	General proceedings (appended table)
1	Same
2	
9	Others

(4) Appeal against the examiner's decision dismissing an amendment, Decision of dismissing an amendment

(Trademark)

Classification	Holdings
0	General proceedings (appended table)
1	Trademark (Services)
2	Goods

(5) Appended table (sub-classification of general proceedings)

(Trademark)

Classification	Holdings
0	General proceedings
01	Indication of a written request, Request
02	Interest, Eligibility of parties (determination on abuse of rights), Benefit of request

03	Application date, Priority date, Date of request
04	Subjects
05	Method of proceedings, Proceeding procedures
06	Evidence
07	Prohibition of double jeopardy
08	Finding of gist
081	Rights
082	Not rights
09	Others
091	Intervention
092	Opposition

3. Classification Table Under “Conclusion” (per Types of Trial/Appeal)
(Trademarks)

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Classification	“Conclusion” per types of trials/appeals						
	Invalidation Cancellation	Appeal against the examiner’s decision	Appeal against the examiner’s decision dismissin g an amendme nt	Advisory opinion	Exclusion • Recusation Approve/Disa pprove of Intervention	Pre- grant opposit ion	Post-grant opposition
W		Cancel and remand	Cancel				
WY		Cancel and registration				There is no reason.	
WZ		Do not register (a reason for refusal in this trial)				There is a reason.	
X	Dismissal by the trial decision	Dismissal by the trial decision	Dismissal by the trial decision	Dismissal of the decision(Article 135)			Dismissal of a request
XX	Dismissal by the decision	Dismissal by the decision	Dismissal by the decision	Dismissal of the decision(Article 133)	Dismissal by the decision	Dismissal of a request	Dismissal of a written request
Y	Do not invalidate Do not cancel				Approve, Permit		Maintain the registration
YA				Belong(a request is approved)			
YB				Belong(a request is not approved)			

Z	invalidate(the whole request is approved) cancel (the whole request is approved)	Do not register	Do not cancel		Do not approve, do not permit		Cancellation of the registration (the whole request is cancelled)
ZA				Do not belong (a request is approved)			
ZB				Do not belong (a request is not approved)			
ZC	Invalidate (a request is partially approved) Cancel (a request is partially approved)						Cancellation of the registration (partially cancel, partially maintain)

(Revised April 2009)