

02—02.4 T
Classification Table for
Trial and Appeal Decisions: Trademarks

1. Classification Under Types of Cases (T . - ())

First digit (Types of industrial rights)		Second digit (Types of instances)		Third-Fifth digits (Types of trials/appeals, etc.)	
T	Trade mark	1	Trial/Appeal		<Invalidation>
				11	Whole Invalidation
		5	Retrial	12	Partial invalidation
				13	Invalidation for renewal registration (whole) (before the revision of the Act of 1996)
		9	Others	14	Invalidation for renewal registration (partial) (before the revision of the Act of 1996)
				17	Invalidation for reclassification of trademark registration (whole)
				18	Invalidation for reclassification of trademark registration (partial)
				2	Hantei (Advisory opinion)
					<Rescission>
				31	Whole rescission

				32	Partial rescission
					<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 to dismiss amendment
				8	Appeal against the examiner's decision
				81	Appeal again the examiner's decision of reclassification of trademark registration
					<Interlocutory decision>
				91	Decision of approval/disapproval of intervention
				92	Decision on opposition to registration of trademark (before the revision of the Act of 1996)
				93	Decision on dismissal of an amendment
				94	Decision on preservation of evidence
				95	Decision on approval/disapproval of succession

2. Classification Under Types of Holdings (T . - ())
 (1) Invalidation, Appeal against the examiner's decision, Decision on opposition to registration

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
	Article 4(1)(i) National flags, imperial chrysanthemum crests, medals, etc.
21	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.
	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.

	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 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 (before the revision of the Act of 2011) has not been passed after extinguished
25	TM Act Article 4(1)(x) general	Well known trademark
251	TM Act Article 4(1)(x)	Similar in appearance
252	TM Act Article 4(1)(x)	Similar in appellation
253	TM Act Article 4(1)(x)	Similar in concept
254	TM Act Article 4(1)(x)	Similarity of goods (services)
255	TM Act Article 4(1)(x)	Publicizing trademark
26	TM Act Article 4(1)(xi) general	Registered trademark of another person
261	TM Act Article 4(1)(xi)	Similar in appearance
262	TM Act Article 4(1)(xi)	Similar in appellation
263	TM Act Article 4(1)(xi)	Similar in concept
264	TM Act Article 4(1)(xi)	Similarity of goods (services)
265	TM Act Article 4(1)(xi)	Similarity of goods and services
27	TM Act Article 4(1)(xi) general	Misidentification and confusion, general
271	TM Act Article 4(1)(xv)	Confusion as to origin of goods
272	TM Act Article 4(xvi)	Misidentification of quality
28	TM Act Article 4(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 the trademark was rescinded due to malicious use
	TM Act Article 53(2)	Re-registration of a trademark once the trademark was rescinded due to unauthorized use of 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) (before the revision of the Act of 1996)	Renewal registration
71	TM Act Article 21(1)(i) (before the revision of the Act of 1996)	Grounds for un-registrability for public
72	TM Act Article 21(1)(ii) (before the revision of the Act of 1996)	Non-use of a registered trademark
73	TM Act Article 21(1)(iii) (before the revision of the Act of 1996)	Filing an application by a non-right holder
73	Supplementary Provisions of	Renewal of overlapped registration of services
74	TM Act Article 13 (the Act of 1996)	
	Same as above Act Article 17 Act of 1996)	Invalidation for renewal of overlapped registration of services
8	TM Act Article 64	Defensive marks
81	“	Identification of the marks
82	“	Confusion of the goods (services)

83	“	Filing an application by a non-trademark holder
84	“	Violation of a treaty
9		Others
91	TM Act Article 6	One trademark per application
92	TM Act Article 15(1)(iv) (before the revision of 1996)	Filing an application by an agency or representative of a non-legitimate trademark holder representative
93	Supplementary Provisions of TM Act Article 6(1) (The Act of 1991)	Application of special provisions based on use
941	TM Act Article 4 (1)(xviii), etc.	Three-dimensional trademarks
942	TM Act Article 7-2	Regional collective trademarks
945	Supplementary Provisions of TM Act Article 8 (1) (The Act of 2006)	Application of special provisions based on use of retail trademarks (from April 1. 2007)
95	Supplementary Provisions of TM Act Article 6 (The Act of 1959)	Registration for reclassification of trademark registration
951	Supplementary Provisions of TM Act Article 6(1) (The Act of 1959)	Requirements of Supplementary Provisions of TM Act Article 4(1)
952	Supplementary Provisions of TM Act Article 6(2) (The Act of 1959)	Request by a non-trademark holder

(2) Rescission

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

(3) Hantei (Advisory opinion)

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

(4) Appeal against examiner's decision to dismiss amendment, Decision to dismiss amendment

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

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

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	
07	
08	Evidence
081	Prohibition of double jeopardy
082	Finding of gist
09	Rights
091	Not rights
092	Others
	Intervention
	Opposition

3. The First Auxiliary Classification (T . - ())

Class ificat ion	The First Auxiliary Classification (Conclusion of trial and appeal decisions, etc.)						
	Invalidation Rescission	Appeal against the examiner's decision	Appeal against the examiner's decision to dismiss amendme nt	Hantei (Advisory opinion)	Exclusion • Recusation Approve/Dis approve of Intervention	Pre- grant oppositi on	Post-grant opposition
	W	Reverse and remand	Rescind				
	WY	Reverse 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 decision(Article 135)			Dismissal of the request
	XX	Dismissal by the decision	Dismissal by the decision	Dismissal by decision(Article 133)	Dismissal by decision	Dismiss al of the request	Dismissal of the written request
	Y				Approve, Permit		Maintain the registration
	YA			Belong (the request is accepted)			
	YB			Belong (the request is			

	Z	Do not register	Do not rescind	not accepted)	Do not approve, do not permit		Rescission of the registration (the requests are all rescinded)
	ZA			Do not belong (the request is accepted)			
	ZB			Do not belong (the request is not accepted)			
	ZC						Rescission of the registration (partially rescinded, partially maintain)

(Revised December 2023)