

Trial decision

Invalidation No. 2012-890024

Tokyo, Japan

Demandant

MYC LLC

Tokyo, Japan

Patent Attorney

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Demandee

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The decision on the case of the trademark invalidation trial between the above parties on Trademark Registration No. 5378262, dated August 22, 2012 came with a court decision of revocation of the trial decision (2012 (Gyo-Ke) 10334, rendition of decision on January 31, 2013) at the Tokyo High Court, the case was proceeded further, and another trial decision was handed down as follows.

Conclusion

Trademark Registration No. 5378262 is invalidated.

The costs in connection with the trial shall be borne by the demandee.

Reason

No. 1 The Trademark

The trademark with Trademark Registration No. 5378262 (hereinafter referred to as the "Trademark") is configured as indicated in Attachment 1, the application for its registration was filed on July 30, 2010, the decision for registration of the

Trademark was issued on November 18, 2010, and the Trademark was registered on December 24, 2010 with designated services of Class 37 "Engineering supervision of architecture and civil engineering", and Class 42 "Architecture and civil engineering design services, Earthquake resistance survey and diagnosis, Design and development of computer programs".

No. 2 Cited Trademarks

The trademarks cited by the demandant as the reason for invalidation of registration of the Trademark are as listed below (1) to (4), and they are still valid as of now.

1. Trademark Registration No. 4849984 (hereinafter referred to as "Cited Trademark 1") consists of Alphabetic characters written from left to right as "BEAMS", the application for its registration was filed on October 4, 2004, and the trademark was registered on March 25, 2005 with its designated services of Class No. 37, which are listed in Attachment 2.
2. Trademark Registration No. 4166104 (hereinafter referred to as "Cited Trademark 2") consists of Alphabetic characters written from left to right as "BEAMS", the application for its registration was filed on October 4, 1996, and the trademark was registered on July 10, 1998 with its designated services of Class No. 42, which are listed in Attachment 3.
3. Trademark Registration No. 4849985 (hereinafter referred to as "Cited Trademark 3") consists of katakana characters written from left to right as "ビームス (BEAMS)", the application for its registration was filed on October 4, 2004, and the trademark was registered on March 25, 2005 with its designated services of Class No. 37, which are listed in Attachment 2.
4. Trademark Registration No. 4166103 (hereinafter referred to as "Cited Trademark 4") consists of katakana characters written from left to right as "ビームス", the application for its registration was filed on October 4, 1996, and the trademark was registered on July 10, 1998 with its designated services of Class No. 42, which are listed in Attachment 3.

Hereinafter, these are generally referred to simply as "Cited Trademarks".

No. 3 Demandant's allegation

The demandant requested a trial decision whose content is the same as the conclusion, summarized and mentioned reasons for request as follows and submitted Evidence A No. 1 to A No. 10 (including their branch numbers) as means of proof.

1. Configuration of the Trademark.

(1) The trademark includes an uppercase Alphabetic character "B" written in the fashion of single-stroke writing and brush writing, and in oblique-to-right, followed by lowercase Alphabetic characters "eams" written in the fashion of single-stroke writing and brush writing from left to right along the bottom line of that "B". In addition, a figure that looks like a mirror-image of that Alphabetic character "B" is arranged to the left side of that letter.

(2) Regarding the home page of the demandee

According to the Evidence A No. 6 "Greetings", the demandee mentions, with respect to the configuration of the trademark, the portion of the uppercase letter "B" written in the fashion of a single-stroke writing (hereinafter referred to as "single-stroke B") as "a portion 'B', which is adapted to a style of brush writing, is applied with a conspicuous design ...", and thus admits that the single-stroke B represents a Alphabetic character "B", the fact of which is readily recognized by traders and consumers through the home page.

In addition, according to the Evidence A No. 7 "Corporate profile", it is recognized that the company name of the demandee is "株式会社ビームス・デザイン・コンサルタント" as the Japanese name and "Beams Design Consultant Co., Ltd" as the English name; and in the Evidence A No. 8 "Job Information", there are found descriptions "... new forces of Beams are invited for a leap forward" and "... why don't you take advantage of your career in Beams?", from which it is possible to presume the fact that the logo of the company is designed from the portion "ビームス" and "Beams", each of which is a part or abbreviated name of the company name.

When the Trademark is understood to have been configured by arranging on the left thereof a figure having a blue contour and arranging Alphabetic characters "eams" represented in the fashion of brush writing with the same color and the same boldness as the blue contour in such a manner as to be closely contact with that figure on the right side thereof, it is understood that the traders and consumers coming into contact with the trademark would perceive the Alphabetic characters "Beams" naturally appearing therefrom, in consideration of the level of English penetration within our country.

In view of the above, the Trademark is naturally recognized by traders and consumers as a "ビームス" logo or as a "Beams" logo from generally accepted perspective, and thus the trademark gives rise to the pronunciation of "biimusu".

(3) Regarding Vienna classification code given to the Trademark and registration example of the past

The following Vienna classification codes are given to the Trademark: "5.3.11 (Other leaves)", "5.3.13 (Stylized leaves)", "5.3.15 (Two to four leaves)", "27.3.11 (Letters or numerals representing a plant)", "27.5.1.2 (Letters presenting a special form of writing) 'B, b'", and "27.5.21 (One letter)" (Evidence A No. 1-1). In the light of actual state of current commercial transactions (Evidence A No. 9) in which it is widely practiced to characterize a trademark consisting of letters by, for example, making a design of a part or whole of the letters like the Trademark, it is natural to see that traders and consumers coming into contact with the single-stroke B of the Trademark would readily recognize and understand the letter as representing the Alphabetic character "B" (Evidence A No. 10, 1 to 3).

(4) Summary

Based on the foregoing, it is obvious that the Trademark gives rise to the natural pronunciation of "biimusu".

Even if there is some room to interpret the Trademark as a "logo consisting of a left-right symmetry like shape suggestive of the feature of plant leaves + Alphabetic characters 'eams'", in consideration of: the Alphabetic character part "eams" following the shape part; circumstances of current commercial transactions in which it is widely practiced to make a design of Alphabetic characters; and circumstances seen in the description of the home page of the demandee, it is rather natural to see that traders and consumers coming into contact with the Trademark to recognize, understand, recall, or call to mind that "the trademark is a Beams logo into which a Alphabetic character 'B' has been designed".

In addition, the pronunciation of "biimusu" is stated in the Trademark Gazette published by the Patent Office (Evidence A No. 1-1).

2. Similarity between the Trademark and the Cited Trademarks

(1) Similarity of the Trademark to the Cited Trademarks 1 and 2

The Trademark gives rise to the pronunciation of "biimusu", and the Cited Trademarks 1 and 2 are written in Alphabetic characters "BEAMS" from left to right, so that they give rise to the pronunciation of "biimusu". Thus, the both of them give rise to the pronunciation of "biimusu", and therefore they are similar to one another in terms of pronunciation.

The Trademark as well as the Cited Trademarks 1 and 2 are identical in terms of appearance in that the Alphabetic character strings included in their configurations are "BEAMS", and they are different in terms of appearance only in that whether or not the Alphabetic character "B" is designed, whether the part of Alphabetic characters "EAMS" is written in uppercase letters "EAMS" or in lowercase letters

"eams", and whether or not the trademark is colored.

The Trademark as well as the Cited Trademarks 1 and 2 give rise to the identical pronunciation of "biimusu", and when traders and consumers observe them in different time and space, it cannot be said that their appearances are considerably different to an extent that the difference reverses the impression, recollection, or association caused by that identical or similar pronunciation. Therefore, the Trademark and the Cited Trademarks 1 and 2 are similar to one another in terms of appearance.

The designated services of the Trademark as well as those of the Cited Trademarks 1 and 2 are identical or similar to one another in the Class No. 37 (37A02) or in the Class No. 42 (42N01, 42P02, 42Q02).

(2) Similarity of the Trademark to the Cited Trademarks 3 and 4

The Trademark gives rise to the pronunciation of "biimusu", and the Cited Trademarks 3 and 4 consist of katakana characters written from left to right as "ビームス", so that they give rise to the pronunciation of "biimusu". That is, the both of them give rise to the pronunciation of "biimusu", and therefore they are similar to one another in terms of pronunciation.

The designated services of the Trademark as well as those of the Cited Trademarks 3 and 4 are identical or similar to one another in the Class No. 37 (37A02) or in the Class No. 42 (42N01, 42P02, 42Q02).

(3) Similarity of the pronunciation "iimusu" to the pronunciation "biimusu"

Even if the Trademark gives rise to the pronunciation of "iimusu", the both pronunciations of "iimusu" and "ビームス" consist of four sounds, and they only differ in one sound at the start of a word, i.e., "i" or "bi", which are common in having a vowel "i" and thus differ only in whether the consonant "b" is present or absent.

There have been applications for trademark registration for which a decision of rejection has been issued for the reason of similarity with the difference of "i" or "bi" in one sound at the start of a word.

Therefore, even when the Trademark is pronounced as "iimusu", the Trademark is similar to the Cited Trademarks 3 and 4.

3. Concluding Remarks

As described above, the Trademark is similar to the Cited Trademarks and the designated services of them are identical or similar to one another.

Therefore, the trademark's registration is contrary to Article 4(1)(xi) of the Trademark Act and thus the registration must be invalidated in accordance with Article 46(1) of the Trademark Act.

No. 4 Demandee's reply

The demandee replied requesting a trial decision to the effect that the demand for trial of the case is groundless and the costs in connection with the trial shall be borne by the demandant, and made statements whose summary was as follows.

1. Regarding homepage of the demandee

Whether or not it is possible to presume the fact that the logo of the self-company is designed from the portion "ビームス" and the portion "Beams" each of which is a part or abbreviated name of the company, even if it is presumable, there is no reason to bind the pronunciation of the Trademark to those portions.

Irrespective of the description in the homepage of the demandee, the description has been made by the demandee, and how the trademark's pronunciation is identified by traders and consumers should be left to the judgement of the traders and consumers.

Particularly, it is absolutely not possible to accept the allegation that, on the premise as if the consumers related to the Trademark are able to readily access to the home page of the demandee like the demandant, traders and consumers would be able to recognize the pronunciation of the Trademark through the home page and based on the content of the home page.

Considering this, the consumers coming into contact with the Trademark do not always recall the Alphabetic characters "Beams" even when they see the Alphabetic characters "eams". Rather, in consideration of the level of English penetration within our country, it is possible for them to freely recall various Alphabetic characters, such as "Ceams", "Deams", and "Geams".

From the actual state of commercial transactions in which principle of being simple and quick is followed, it is understood that, from generally accepted perspective, the Trademark is naturally recognized on account of the principle of being simple and quick as an "イームス" logo or an "eams" logo based on "eams", which is represented by explicit Alphabetic characters, rather than as a "ビームス" logo or a "Beams" logo.

2. Regarding Vienna classification code given to the Trademark and registration examples of the past

A Vienna classification code is reference information, and irrespective of a given Vienna classification code, the code does not uniformly bind the pronunciation risen in traders and consumers who observe the whole of the Trademark.

The acknowledgment of the trial decision of Evidence A No. 9 (Invalidation No.

2009-890086) reads "in addition to the fact that the contour of a figure having a shape of a heart is drawn in the same color and the boldness as the Alphabetic characters positioned on the both sides of the figure, in consideration of actual state of current commercial transactions in which it is widely practiced to characterize a trademark consisting of letters by, for example, making a design of a part or whole of the letters", and thus states a case entirely different from the present case.

The demandant has given registration examples of the past in the Evidence A No. 10, 1 to 3, which are cases entirely different from the present case, and which fail to be any proof that the figure portion of the Trademark be recognized as the Alphabetic character "B".

3. Regarding summary

Even while there are "circumstances of current commercial transactions in which it is widely practiced to make a design of Alphabetic characters", the letters to be "recognized, understood, recalled, or called to mind" based on that design depends on the depth of the design, and it is quite unreasonable to argue that, in consideration of the circumstances of current commercial transactions in which it is widely practiced to make a design of Alphabetic characters, the figure part of the Trademark is a figure into which Alphabetic character "B" has been designed.

As to the description on the home page of the demandee, the description cannot be a proof that the pronunciation of "biimusu" will be risen in traders and consumers based on the description.

The pronunciation column of the Evidence A No.1 is reference information, which thus does not uniformly bind the pronunciation of the Trademark.

4. Regarding similarity between the Trademark and the Cited Trademarks

The allegation of the demandant that the Trademark gives rise to the pronunciation of "biimusu" is groundless.

The Trademark is understood to have been configured by arranging on the left thereof a figure having a blue contour and arranging Alphabetic characters "eams" represented in the fashion of brush writing with the same color and the same boldness as the blue contour in such a manner as to be closely contact with that figure on the right side thereof, thereby causing an impression of the Trademark having been entirely colored in blue and being consistent and seamless.

The figure part of the Trademark has four contoured portions, three of which are colored in bright green, and has a left-right symmetry like shape suggestive of the feature of plant leaves, thereby causing traders and consumers coming into contact with the figure part to recall plant leaves at a glance.

Even if the figure part is configured to represent Alphabetic character "B", the figure part has been extremely modified or designed from that letter and it is impossible for traders and consumers coming into contact with that figure part to immediately recognize that figure part as Alphabetic character "B" at a glance.

Comparing the Trademark with the Cited Trademarks in terms of appearance, the Trademark gives an impression of having been entirely colored in blue and being consistent and seamless, and the Trademark has significant structural difference from the Cited Trademark which is written as "BEAMS" or "ビームス", and thus the Trademark is distinguishable from and non-similar to the Cited Trademarks in terms of appearance.

The Trademark gives rise to the pronunciation of "iimusu" according to the Alphabetic characters "eams", and no specific meaning occurs from the whole of the trademark, whereas the Cited Trademarks consist of letters written as "BEAMS" or "ビームス" and thus give rise to the pronunciation of "biimusu" according to the constituent letters, and a meaning of "梁 (Hari; beam)" or "光線 (Kousen; light beam)" occurs.

Comparing the Trademark with the Cited Trademarks in terms of pronunciation and meaning, "イームス" risen from the Trademark and "ビームス" risen from the Cited Trademarks both consist of short four sounds, of which the second to the fourth sounds are common. They however have a difference between the sound "i" versus the sound "bi" at the start of a word, which is in an important position in terms of identification of pronunciation, making them sufficiently distinguishable, and further the Trademark is distinguishable from and non-similar to the Cited Trademarks in terms of meaning.

Therefore, the Trademark is distinguishable from and non-similar to the Cited Trademark in terms of any of appearance, pronunciation, and meaning.

5. Regarding similarity in pronunciation between "iimusu" and "biimusu"

"iimusu" risen from the Trademark and "biimusu" risen from the Cited Trademarks both consist of short four sounds, of which the second to the fourth sounds are common. They however have a difference between the sound "i" versus the sound "bi" at the start of a word, which is in an important position in terms of identification of pronunciation, making them sufficiently distinguishable. Therefore, they are non-similar to each other.

6. Summary

As described above, the Trademark is non-similar to the Cited Trademarks, and it does not fall under Article 4(1)(xi) of the Trademark Act.

No. 5 Judgment on the body

1. Regarding the Trademark

(1) The Trademark has: a figure part (hereinafter referred to as "figure part of the Trademark") consisting of ellipse like contours each having a sharp point at one end and arranged in pairs at left and right in a well-balanced combination, inside of three of which are colored in bright green; and Alphabetic characters "eams" written from left to right in blue beside the figure part of the Trademark within lower half the height of the figure part of the Trademark.

(2) When paying attention to the figure part of the Trademark, it cannot be immediately said as a letter, and for example it can be merely recognized as a figure into which plant leaves has been designed.

Thus, when the figure part of the Trademark is understood as one into which some object such as plant leaves have been designed, the Trademark gives rise to the pronunciation of "iimusu" or "iieiemuesu" according to the letter part, and it is difficult to immediately recall any wording in English or Japanese which corresponds to the letter part. Therefore, there may be some room to say that no specific meaning arises from the Trademark.

However, it is well-known even in our country that in English the first letter of a word may be written in an uppercase letter for example when writing a proper noun, and the letter part of the Trademark is written in lowercase letters and arranged beside the figure part of the Trademark within lower half the height of the figure part of the Trademark. Moreover, in the figure part of the Trademark, a right part, which is in contact with the letter part, is mainly composed of two ellipse like contours each having a sharp point at one end, is drawn larger than a left part located left to the right part, and is arranged slightly apart from the left part. In addition, the contours of the figure part of the Trademark and the letter part are each drawn in the same blue color.

In the light of the above described arrangement relation between the figure part of the Trademark and the letter part ("eams") as well as the configuration and the coloring of the figure part of the Trademark, it is possible to see that the figure part of the Trademark is a figure into which uppercase Alphabetic character "B" is designed in the fashion of brush writing to represent, in series with and in integration with that letter part, an English word "Beams", which is well-known in our country to mean "梁 (Hari; beam)" or "光線 (Kousen; light beam)".

Thus, when the figure part of the Trademark is understood as a figure into which the uppercase Alphabetic character "B" is designed, it should be said that the

Trademark gives rise to the pronunciation of "biimusu" and recalls the meaning of "梁 (Hari; beam)" or "光線 (Kousen; light beam)" according to the meaning of that English word.

(3) In view of the foregoing, although there may be some room to see that the Trademark gives rise to the pronunciation of "iimusu" or "iieiemuesu" and recalls no specific meaning, but at the same time, it is acknowledged that the Trademark gives rise to the pronunciation of "biimusu" and recalls the meaning of "梁 (Hari; beam)" or "光線 (Kousen; light beam)".

2. Regarding Cited Trademarks

The Cited Trademarks are as described in above No. 2, 1 to 4, and it is obvious that they each give rise to the pronunciation of "biimusu" and recall the meaning of "梁 (Hari; beam)" or "光線 (Kousen; light beam)".

3. Regarding judgement on similarity of the Trademark to the Cited Trademarks

(1) In view of the foregoing, similarity between the Trademark and the Cited Trademarks is examined below. First of all, it is obvious that the Trademark differs from the Cited Trademarks 3 and 4 in appearance, and while the Trademark is common with the cited trademarks 1 and 2 in that they each are stated in Alphabetic characters "Beams" or "BEAMS", they differ in terms of the size of the letters, the form of writing, and the depth of the design, and thus it can be said that they significantly differ in appearance.

Meanwhile, the Trademark and the Cited Trademarks are common in that they each give rise to the pronunciation of "biimusu" and recall the meaning of "梁 (Hari; beam)" or "光線 (Kousen; light beam)".

(2) The designated services of the Cited Trademarks are as listed in Attachments 2 and 3. Of those services, Class No. 37 "Construction consultation", which is listed in the Attachment 2 in relation to the Cited Trademarks 1 and 3, is identical or similar to the Class No. 37 "Engineering supervision of architecture and civil engineering", which is a designated service of the Trademark.

Moreover, the Class No. 42 "Architectural design" and "Surveying", the Class No. 42 "Research of architectures or urban planning" and "Testing or research relating to construction", and the Class No. 42 "Design, implementation, or maintenance of computer programs", which are listed in Attachment 3 in relation to the Cited Trademark 2 and 4, are respectively identical or similar to the designated service Class No. 42 "Architecture and civil engineering design services", the designated service Class No. 42 "Earthquake resistance survey and diagnosis", and the designated service Class No. 42 "Design and development of computer programs" of

the Trademark.

(3) As described above, the designated services of the Trademark are each identical or similar to a designated service of the Cited Trademarks, and it cannot be acknowledged that, even taking the allegation of the demandee into consideration, there are certain circumstances where it is possible for traders or consumers in transactions relating to those services to distinguish the source of the services from the Trademark and the Cited Trademarks.

4. Regarding demandee's allegation

The demandee's allegation is that the traders and consumers coming into contact with the figure part of the Trademark would not be able to immediately recognize that the part represents the Alphabetic character "B"

However, as described in 1, in the light of the arrangement relation between the figure part of the Trademark and the letter part ("eams") as well as the configuration and the coloring of the figure part of the Trademark, it is possible to see that the figure part of the Trademark is a figure into which the uppercase Alphabetic character "B" is designed in the fashion of brush writing to represent an English word "Beams" in series with and in integration with that letter part. The above allegation of the demandee is contrary to this and thus cannot be accepted.

5. Summary

The Cited Trademarks are registered trademarks of the demandant, the applications for registration for which are each filed before the date of the trademark application for the Trademark. The Trademark and the Cited Trademarks are common in their pronunciation and meaning, and their designated services are identical or similar to each other. It cannot be acknowledged that there are certain circumstances where it is possible for traders or consumers in transactions relating to those services to distinguish the source of the services from the Trademark and the Cited Trademarks. Therefore, the Trademark is similar to the Cited trademarks, and it should be said that the Trademark is to be used for the designated services of the Cited Trademarks or services similar to them.

6. Conclusion

As described above, the registration of the Trademark is contrary to Article 4(1)(xi) of Trademark Act. Therefore, its registration should be invalidated under the provisions of Article 46(1) of the same Act.

Therefore, the trial decision shall be made as described in the conclusion.

May 1, 2013

Chief administrative judge: KOBAYASHI, Yumiko

Administrative judge: WATANABE, Kenji

Administrative judge: OMORI, Kenji

Attachment 1 (The Trademark)



(See original for colors)

Attachment 2 (Designated services of the Cited Trademarks 1 and 3)

Class No. 37 "Construction; Construction consultation; Operation, inspection, and maintenance of construction installations; Shipbuilding; Repair or maintenance of ships; Repair or maintenance of aircrafts; Repair of bicycles; Repair or maintenance of automobiles; Repair or maintenance of railway cars; Repair or maintenance of two-wheeled vehicles; Repair or maintenance of movie-related machines and equipment; Repair or maintenance of optical machines and equipment; Repair or maintenance of photographing machines and equipment; Repair or maintenance of load handling machines and equipment; Repair or maintenance of fire alarms; Repair or maintenance of business machines and equipment; Repair or maintenance of air conditioning and heating apparatuses; Repair or maintenance of burners; Repair or maintenance of boilers; Repair or maintenance of pumps; Repair or maintenance of freezing machines and equipment; Repair or maintenance of applied electronic machines and equipment; Repair or maintenance of telecommunication machines and equipment; Repair or maintenance of civil engineering machines and equipment; Repair or maintenance of consumer electronic devices and equipment; Repair or maintenance of lighting apparatuses; Repair or maintenance of machines or equipment for power distribution or control; Repair or maintenance of electric power generators; Repair or maintenance of electric motors; Repair or maintenance of machines and equipment for scientific purposes; Repair or maintenance of measurement machines and equipment; Repair or maintenance of medical machines

and instrument; Repair or maintenance of guns; Repair or maintenance of machines and equipment for printing or bookbinding; Repair or maintenance of chemical machines and equipment; Repair or maintenance of glassware manufacturing machines; Repair or maintenance of fishery machines and equipment; Repair or maintenance of mechanical metal working machines and equipment; Repair or maintenance of shoe manufacturing machines; Repair or maintenance of industrial furnaces; Repair or maintenance of mining machines and equipment; Repair or maintenance of rubber product manufacturing machines and equipment; Repair or maintenance of integrated circuit manufacturing apparatuses; Repair or maintenance of semiconductor manufacturing machines; Repair or maintenance of machines and equipment for processing food or drink; Repair or maintenance of machines and equipment for wood sawing, wood working, or plywood making; Repair or maintenance of fiber processing machines and equipment; Repair or maintenance of tobacco manufacturing machines; Repair or maintenance of painting machines and equipment; Repair or maintenance of agricultural machines and equipment; Repair or maintenance of machines and equipment for making pulp, making papers, or processing papers; Repair or maintenance of machines and equipment for processing plastics; Repair or maintenance of packaging machines and equipment; Repair or maintenance of sawing machines; Repair or maintenance of storage tanks; Repair or maintenance of apparatuses for gasoline stations; Repair or maintenance of mechanical car parking apparatuses; Repair or maintenance of equipment for parking bicycles; Repair or maintenance of dish washers for professional use; Repair or maintenance of cooking apparatuses for professional use; Repair or maintenance of electrical washing machine for professional use; Repair or maintenance of vehicle washers; Repair or maintenance of vending machines; Repair or maintenance of powered floor washers; Repair or maintenance of machines and equipment for amusement park; Repair or maintenance of apparatuses and equipment for beauty salons or hairdressing salons; Repair or maintenance of apparatuses for preventing water pollution; Repair or maintenance of water-purifying apparatuses; Repair or maintenance of waste compacting apparatuses; Repair or maintenance of waste shredders; Repair or maintenance of apparatuses and equipment for diving; Repair or maintenance of atomic power generation plants; Repair or maintenance of chemical plants; Repair of furniture; Repair of umbrellas; Repair or maintenance of musical instruments; Repair or maintenance of safes; Repair of shoes; Repair or maintenance of clocks; Pumicing of scissors and knives; Installation or repair of locks; Repair or maintenance of gas water heaters; Repair or maintenance of heaters; Repair or

maintenance of pots; Repair or maintenance of signboards; Repair of bags and sacks; Repair of personal ornaments; Repair of toys or dolls; Repair of sporting goods; Repair of billiard goods; Repair of play goods; Repair or maintenance of baths; Repair of toilet seats with washing function; Repair of fishing tackle; Repair of eyeglasses; Care or repair of leather products; Washing; Pressing of clothes; Repair of clothes; Reconditioning of padding of futons; Repair of tatami mats; Cleaning of chimneys; Cleaning of building walls; Cleaning of windows; Cleaning of floor coverings; Floor polishing; Cleaning of human waste processing tank; Cleaning of bath tubs or bath frames; Street cleaning; Cleaning of storage tanks; Disinfection of phones; Vermin exterminating (other than for agriculture, horticulture, and forestry); Disinfection and sterilization of medical apparatuses and instruments; Rental of civil engineering machines and equipment; Rental of floor washers; Rental of mops; Rental of car washers; Rental of electronic washing machines; Rental of clothes dryers; Rental of clothes dehydrators; Rental of room air conditioners for household purposes; Rental of mining machines and equipment; Rental of air conditioning and heating apparatuses".

Attachment 3 (Designated services of the Cited Trademarks 2 and 4)

Class No. 42 "Provision of accommodation; Brokerage or agency of contract for accommodation; Provision of food and drink; Beauty cares; Hairdressing; Provision of bath facilities; Photographing; Offset printing; Gravure printing; Screen printing; Lithographic printing; Typographic printing; Provision of meteorological information; Provision of job vacancy information; Dating services for persons hoping marriage or company; Provision of facilities for wedding ceremony (including wedding reception); Collection and disposal of general waste; Collection and disposal of industrial waste; Care of gardens or flower beds; Planting of garden trees; Spreading fertilizers; Weed growth prevention and weed removal; Vermin exterminating (other than for agriculture, horticulture, and forestry); Architectural design; Surveying; Geological surveys; Designing; Design, implementation, or maintenance of computer programs; Testing, inspection, or research of medicine, cosmetics, or food; Research of architectures or urban planning; Testing or research relating to prevention of pollution; Testing or research relating to electricity; Testing or research relating to construction; Testing, inspection, or research relating to agriculture, animal husbandry, or fisheries; Language interpreter services; Translation services; Guard services for facilities; Personal guard services; Instructions on nutrition; Rental of knitting machines; Rental of sewing machines; Rental of clothing;

Rental of garden plant; Rental of measuring instruments; Rental of combines; Rental of vending machines; Rental of extinguishers; Rental of ultrasonic diagnostic apparatuses; Rental of exhibition facilities; Rental of computers (including central processing unit as well as electronic circuitry, magnetic disc, magnetic tape, and peripheral device in which computer programs are stored); Rental of futons; Rental of air conditioners".