

## Decision on Opposition

Opposition No. 2019-900178

Trademark Right Holder	UNIJAPAN Co, Ltd.
Trademark Opponent	UNIJAPAN
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Decision on the opposition to the grant of the trademark registration No. 6133377 has resulted in the following decision.

### Conclusion

The trademark registration No. 6133377 is cancelled.

### Reasons

#### No. 1 The Trademark

The trademark registration No. 6133377 (hereinafter referred to as the "Trademark") consists of Alphabetic characters of "UNI JAPAN". The registration application was filed on May 25, 2018, and the decision of registration was issued on February 20, 2019 with designated services of Class 42 "Software as a service [SaaS], advisory and consultancy services relating to computer software, computer software development, industrial research, testing and analysis services, preliminary inspection for automobile inspection and scientific research, testing and analysis services", and the trademark was registered on March 29, 2019.

#### No. 2 The Opponent's mark

A mark cited by the Opponent (hereinafter referred to as the "Opponent") while insisting that the Trademark falls under Articles 4(1)(vi), 4(1)(vii), 4(1)(viii), 4(1)(xv), and 4(1)(xix) of the Trademark Act consists of katakana characters of "ユニジャパン" (YUNIJAPAN) (hereinafter, referred to as "Opponent's Mark 1") or Alphabetic characters of "UNIJAPAN" as in the attachment (hereinafter, referred to as "Opponent's Mark 2") (hereinafter, these marks are collectively referred to as "Opponent's mark").

### No. 3 Grounds of the opposition to registration

The Opponent insists that the registration of the Trademark should be cancelled in accordance with Article 43-2(i) of the Trademark Act because the Trademark falls under Articles 4(1)(vi), 4(1)(vii), 4(1)(viii), 4(1)(xv), and 4(1)(xix) of the Trademark Act. The Opponent summarized and mentioned reasons for that as follows and submitted Evidences A No. 1 to A No. 9 (including their branch numbers) as means of evidence.

#### 1 Regarding Article 4(1)(vi) of the Trademark Act

##### (1) Regarding Opponent's mark

###### A Regarding utility of Opponent's Mark

The predecessor of the Opponent was "UNIJAPAN film" established on May 15, 1957, which was incorporated into "Association for the Diffusion of Japanese Film Abroad (UniJapan Film)" on April 1, 2005. The Opponent was authorized as a public interest incorporated foundation on July 1, 2010, and its name was changed to "UNIJAPAN" (Evidences A No. 1-1 and A No. 1-2).

Then, purposes of the Opponent are to hold international film festivals, to promote discovery and fostering of next-generation talents, to preserve movie films, to promote Japanese films overseas, to facilitate development in Japanese film culture, to facilitate promotion of the export of Japanese films, and to contribute to enhancement of international amity and cultures.

Moreover, the Opponent has held "Tokyo International Film Festival" that is one of the largest international film festivals in Asia for more than 30 years under commission by ministries and agencies and the film festival is attended by a large number of guests every year (Evidences A No. 2-1 and A No. 2-3).

To be attended by a large number of guests in this way means not only that the Tokyo International Film Festival is a large film festival but also that the Opponent has high utility.

As described above, the Opponent's Mark falls under "a non-profit organization undertaking a business for public interest" described in Article 4(1)(vi) of the Trademark Act.

###### B Regarding prominence of the Opponent and the Opponent's Mark

##### (A) Regarding business of the Opponent

The Opponent conducts seven businesses ((a) business for holding Tokyo International Film Festival, (b) business for holding international film exhibition (project commissioned by Ministry of Economy, Trade and Industry), (c) business for assisting film submission to overseas international film festivals and film awards (project commissioned by Agency for Cultural Affairs), (d) business for assisting transmission (export) of Japanese films and video content abroad (project commissioned by Agency for Cultural Affairs), (e) business for assisting international collaboration (project commissioned by Ministry of Economy, Trade and Industry), (f) international human resource development business, and (g) information transmission business and investigation and research business) as its own business, projects commissioned by Ministry of Economy, Trade and Industry and Agency for Cultural Affairs, and joint projects with Tokyo, The Japan Foundation, and JETRO.

Most of these businesses are commissioned by ministries and agencies, and many companies have participated in the business related to the events as support

organizations, partners, and sponsors.

As a result, the Opponent and the Opponent's Mark are widely known by the companies, and in particular, Tokyo International Film Festival (TIFF) is an international film festival accredited by International Federation of Film Producers Associations. The Opponent and the Opponent's Mark acquire the prominence through Tokyo International Film Festival.

(B) Regarding Tokyo International Film Festival

Tokyo International Film Festival is an international film festival with a history of more than 30 years from the first festival in 1985 to the 31st festival in 2018.

According to statistical information in the business plan and report issued by the Opponent (Evidences A No. 3-1 to A No. 3-13), regarding the scale of Tokyo International Film Festival, the attendance in the 31st Tokyo International Film Festival (2018) was 236,657, and more than two hundred thousand people visited every year in consideration of the number of attendees in past 10 years. Then, because the Opponent's Mark attracts visitors' notice through pamphlets, exhibits, or the like to which the Opponent's Mark is applied, at least nearly two hundred thousand people recognize the Opponent's Mark (Evidences A No. 4-1 to A No. 4-6).

Furthermore, a large number of companies participate in Tokyo International Film Festival as support organizations, partners, and sponsors (Evidences A No. 5-1 to A No. 5-10), and naturally, it can be said that the Opponent and the Opponent's Mark are widely known by these companies.

In this way, it is obvious that Tokyo International Film Festival is widely known across Japan, and it can be said that the Opponent and the Opponent's Mark acquire the prominence by consumers (consumers, companies, organizations) through Tokyo International Film Festival.

(C) Regarding newspapers, magazine articles, or the like

It is shown from newspapers, magazine articles, or the like that the Opponent and the Opponent's Mark are widely known by consumers. The Opponent and the Opponent's Mark have been taken in many media since 1976 up to the present day, and there is no doubt in that the Opponent and the Opponent's Mark have acquired high prominence (Evidences A No. 6-1 to A No. 6-156).

(D) Regarding distribution of newsletters and mail magazines

The Opponent distributes newsletters and mail magazines using the Opponent's mark. Information regarding film festivals and markets, entry information, submission states and awarded histories of Japanese films are written in the newsletters and mail magazines, and worldwide movement is conveyed (Evidences A No. 3 and A No. 7). There are three kinds of newsletters and mail magazines about film festivals, TIFFCOM, and international support. Regarding the distribution period, the number of distributions, and the number of subscribers, (a) the distribution period of newsletters and mail magazines of the film festival is since about 2008 to present, the number of distributions of mail magazines in 2018 was 16 times for ten thousand people each time, the number of distributions of the newsletters was 32 times in Japan for 3500 people on average and was 27 times for overseas for 7900 people on average, (b) the distribution period of the newsletters of TIFFCOM is since about 2006 to present, the number of distributions was 21 times in Japan and 21 times overseas in 2018, and the number of subscribers was 26000 in 2018, and (c) the distribution period of the newsletters of international support is since 2010 at the latest to present, the number of distributions in

2018 was 15 times in Japan and 15 times overseas, and the number of subscribers was 3700.

In this way, the Opponent has continuously distributed the newsletters and mail magazines since more than 10 years ago, and has transferred some information to the websites of the Opponent and widely provided information.

(E) As described above, the Opponent's Mark (a) is the mark that is actually used, (b) has been continuously used since 1957 to present, (c) is widely advertised in various businesses including Tokyo International Film Festival, and (d) has been taken in newspapers, magazine articles, or the like many times.

In consideration of these circumstances, it is obvious that the Opponent's Mark is "famous".

C According to A and B, the Opponent's Mark falls under a mark indicating "a non-profit organization undertaking a business for public interest" described in Article 4(1)(vi) of the Trademark Act and falls under "famous".

(2) Regarding the Trademark

The Trademark is a trademark consists of words "UNI JAPAN" using alphabetic characters, and its designated services are the services of Class 42.

(3) Comparison between the Opponent's Mark and the Trademark

It is obvious that the Opponent's Mark and the Trademark "UNI JAPAN" are the same or very similar trademarks.

(4) As described above, the Trademark is very similar to the Opponent's Mark that is a mark indicating "a non-profit organization undertaking a business for public interest" described in Article 4(1)(vi) of the Trademark Act and is "famous".

Accordingly, the Trademark falls under Article 4(1)(vi) of the Trademark Act.

2 Regarding Article 4(1)(vii) of the Trademark Act

The Opponent's Mark is a prominent trademark indicating the Opponent which is a public interest incorporated foundation. The Opponent has high utility, and the purposes of the Opponent is to promote development in Japanese film culture, to facilitate promotion of the export of Japanese films, and to contribute to enhancement of international amity and cultures through the businesses related to the films. Then, the holder of the Trademark right plagiarizingly filed the application and was granted the trademark right without permission from the Opponent while taking advantage of the Opponent's Mark not being registered as the trademark for the designated services of this case as knowing that the Opponent's Mark is a prominent trademark indicating the Opponent which is a public interest incorporated foundation. It should be said that the approval of the registration of the Trademark through such an act disturbs fair trade order, violates the general social norms, and damage to public policy.

Therefore, the Trademark falls under Article 4(1)(vii) of the Trademark Act.

3 Regarding Article 4(1)(viii) of the Trademark Act

The Opponent's Mark indicates an abbreviation name of "UNIJAPAN" which is the Opponent, and the Opponent's Mark is prominent as described in 1.

Furthermore, because the Opponent widely conducts businesses such as human resources development business and research and study business related to cultures and entertainments in addition to the businesses related to the films, the abbreviation name of the Opponent has acquired prominence beyond the films.

Then, the Trademark "UNI JAPAN" is a trademark including the abbreviation name of the prominent Opponent.

Accordingly, the Trademark falls under Article 4(1)(viii) of the Trademark Act.  
4 Regarding Article 4(1)(xv) of the Trademark Act

Whether or not the Trademark falls under Article 4(1)(xv) of the Trademark Act should be comprehensively determined in consideration of the degree of well-known prominence and originality of the entire Opponent's Mark, the degree of association in the application or the purpose, the trade condition, or the like, in addition to the similarity between the Trademark and the Opponent's Mark. By applying this to the Trademark, because (a) the Opponent's Mark and the Trademark are the same or very similar trademarks as described in 1, (b) it is obvious that the Opponent's Mark is prominent as described in 1, (c) the Opponent's Mark is a coined word having no specific meaning and has a strong function identifying the source for consumers, (d) the Opponent's Mark is a house mark of the Opponent, (e) because the Opponent widely conducts businesses such as the human resources development business and the research and study business related to culture and entertainment in addition to the businesses related to the films, the Opponent conducts diversified businesses, and (f) Class 42 "Software as a service [SaaS]" among the designated services of the Trademark is similar to "providing search engines in communication network" in the Japanese film database managed by the Opponent, and "scientific research, testing and analysis services" or the like in Class 42 among the designated services of the Trademark is similar to or is strongly associated with the research and study business conducted by the Opponent, and accordingly, it is obvious that, in a case where the Trademark is used for its designated services, there is a possibility that the source is confused with the business of the Opponent.

Accordingly, the Trademark falls under Article 4(1)(xv) of the Trademark Act.  
5 Regarding Article 4(1)(xix) of the Trademark Act

The Opponent's Mark is a trademark which is well known among consumers in Japan as a trademark indicating goods and services mainly related to the film-related businesses.

Then, the Trademark is the same as or very similar to the Opponent's Mark that is well known across Japan, and the Opponent's Mark consists of a coined word.

Then, the Trademark is assumed to be used as the known trademark of the Opponent for unfair purposes.

Accordingly, the Trademark falls under Article 4(1)(xix) of the Trademark Act.

No. 4 Gist of reasons for revocation by the body

The body notified the holder of the Trademark right of the reasons for revocation that "the Trademark falls under Articles 4(1)(vi) and 4(1)(viii) of the Trademark Act" on January 7, 2020, and an opportunity for submitting a written opinion within a designated period was given to the holder of the Trademark right.

No. 5 Opinion of the holder of the Trademark right

The holder of the Trademark right has submitted no opinion in response to the notification of the reasons for revocation in No. 4 within the designated period.

No. 6 Judgment by the body

1 Regarding the Opponent's Mark being well known and prominent

(1) According to the respective items of Evidence A submitted by the Opponent, the

allegation of the Opponent, and the investigation by ex officio, the following facts are found.

A The predecessor of the Opponent was "UNIJAPAN film" established in 1957 and was incorporated into "Association for the Diffusion of Japanese Film Abroad (UniJapan Film)" on April 1, 2005. The Opponent was authorized as a public interest incorporated foundation on July 1, 2010, and its name was changed to "UNIJAPAN" (Evidence A No. 1).

B The Opponent conducts the business for holding Tokyo International Film Festival, the business for holding international film exhibition, the business for assisting film submission to overseas international film festivals and film awards, the business for assisting transmission of Japanese films and video content abroad, the business for assisting international collaboration, the international human resource development business, and the information transmission business and investigation and research business (Evidence A No. 1-1).

These businesses are conducted as commissioned project from ministries and agencies and joint projects with Tokyo, The Japan Foundation, and JETRO, and a large number of companies participate in these businesses as support organizations, partners, and sponsors (Evidences A No. 3 and A No. 5).

C As the description of "Tokyo International Film Festival", it is described in "現代用語の基礎知識 2018 (gendai yougo no kisochishiki)" (January 1, 2018, published by JIYU KOKUMINSHA Co., LTD.) that it "is one of world big 11 international film festivals, and is known as the largest film festival in Asia. Started in 1985 ...".

D The average number of attendees of Tokyo International Film Festival last five years (2014 to 2018) is about two hundred twenty thousand (Evidences A No. 3-9 to A No. 3-13).

E According to the business reports from 2006 to 2018 (Evidence A No. 3) created by UniJapan Film that is the predecessor of the Opponent and UNIJAPAN (hereinafter, may be referred to as "the Opponent or the like"), the following facts are found.

(a) In the business reports in 2008 and 2009, as a promotor of "international film festival business" (Tokyo International Film Festival) that is the business performance in each year, under the description of "UniJapan Film", "(UNIJAPAN/21st Tokyo International Film Festival Executive Committee)" and "(UNIJAPAN/22nd Tokyo International Film Festival Executive Committee)" are described (Evidences A No. 3-3 and A No. 3-4). In the business reports from 2010 to 2018, as a promotor of "international film festival business" that is the business performance in each year, "UNIJAPAN" is described (Evidences A No. 3-5 to A No. 3-13).

(b) In the business reports from 2006 to 2008, the Opponent's Mark 2 is indicated on the upper right of the page (Evidences A No. 3-1 to A No. 3-3).

(c) The Opponent or the like publishes information articles (mail magazine) about film festivals or the like called "UNIJAPAN letter", "UNIJAPAN newsletter", and "Unijapan Newsletter" every two weeks and transmits the information articles to film producers and salespersons of companies, and the number of transmission destinations in the list is 281 in 2007 (Evidences A No. 3-1 to A No. 3-8).

F In the Tokyo International Film Festival official record issued by the Opponent or the like, "UniJapan Film (UNIJAPAN)" and "UNIJAPAN" are described

in the executive officer and staff list of Tokyo International Film Festival. The above description is displayed in a form in which outlined characters are surrounded by a black square (Evidences A No. 4-1, A No. 4-2, and A No. 4-4 to A No. 4-6).

G In the newspapers published from November 1991 to the time before the registration application of the Trademark was filed, in articles including content regarding films, the Opponent's Mark 1 is indicated as a mark expressing "UNIJAPAN film" and "UniJapan Film" that are predecessors of the Opponent and "UNIJAPAN" that is the Opponent (Evidences A No. 6-2 to A No. 6-4, A No. 6-6, A No. 6-9, A No. 6-10, A No. 6-12 to A No. 6-16, A No. 6-18, A No. 6-20 to A No. 6-28, A No. 6-31 to A No. 6-35, A No. 6-37, A No. 6-58, A No. 6-75, A No. 6-98, A No. 6-100, A No. 6-110, A No. 6-121, and A No. 6-123).

Furthermore, in the newspapers published after the registration application of the Trademark to the time of the decision for registration of the Trademark, in articles including content regarding films, the Opponent's Mark 1 is indicated as a mark expressing "UNIJAPAN" that is the Opponent (Evidences A No. 6-142, A No. 6-145, and A No. 6-153).

H In "The international trade public bulletin" dated April 30, 2014, under the headline of "Sell Japanese content to growing Asian market -the largest film and movie exhibition in Asia is held in Hong Kong- (JETRO HONG KONG, content industries division)", it is reported that JETRO (Japan External Trade Organization) and the Opponent set the Japanese booth in the Asia's largest entertainment exhibition "Hong Kong Filmart", 22 Japanese companies participated in the booth, and the films or the like were introduced. In addition, the image indicating the state of the Japan booth is posted. According to the image, the Opponent's Mark 2 is largely indicated together with the characters of "JETRO" on the upper side of the Japan booth (Evidence A No. 6-79).

I In the website of the Opponent (Evidence A No. 7, investigation by ex officio), a mark having the same configuration as the Opponent's Mark 2 in which the character of "J" is colored in red is indicated on the upper left part, and it is described that "UNIJAPAN holds Tokyo International Film Festival and supports overseas development of Japanese films and video content".

(2) As described above, it is acknowledged that the Opponent or the like has used "ユニジャパン (YUNIJAPAN)" and the Opponent's Mark 1 and the Opponent's Mark 2 consisting of the characters of "UNIJAPAN" as indicated in the attachment as marks indicating the Opponent or the like for the business for holding "Tokyo International Film Festival" that is one of the world big 11 film festivals and is known as the largest international film festival in Asia and the film-related information transmission business, that the characters of "ユニジャパン (YUNIJAPAN)" are posted as the abbreviation name of the Opponent or the like many times in the newspapers published since November 1991 to the time of the decision for registration of the Trademark, and that the Opponent or the like is the promotor of "Tokyo International Film Festival" and the attendance and the number of participant companies of the film festival are large. In light of all the above, it is reasonable to say that both of the Opponent's Mark 1 and the Opponent's Mark 2 are widely known as the marks indicating the abbreviation name of the Opponent or the like in the field related to film culture and film industry promotion at the time of the application for the registration of the Trademark and the time of the decision for registration of the Trademark.

Accordingly, it should be said that the Opponent's Mark acquired prominence as the abbreviation name of the Opponent at the time of the application for the registration of the Trademark and the time of the decision for registration of the Trademark.

## 2 Regarding applicability of Article 4(1)(vi) of the Trademark Act

### (1) Regarding the Opponent

As described in 1(1)A, the Opponent is an incorporated foundation authorized as a "public interest incorporated foundation" on July 1, 2010 (Evidence A No. 1).

Here, the "public interest incorporated foundation" is a public interest corporation authorized based on "Act on Authorization of Public Interest Incorporated Associations and Public Interest Incorporated Foundation" (Act No. 49 of 2006 on June 2, 2006), and its businesses include businesses related to scholarship, art, charity or other public interests and are limited to 23 businesses that contribute to the promotion of interests for many and unspecified persons and are authorized in accordance with 18 Standards for Public Interest Corporation Authorization. Therefore, it can be said that the "public interest incorporated foundation" is "a non-profit organization undertaking a business for public interest".

Then, it should be said that the Opponent falls under "a non-profit organization undertaking a business for public interest" described in Article 4(1)(vi) of the Trademark Act.

### (2) Regarding prominence of the Opponent's Mark

It should be said that the Opponent's Mark has acquired prominence as the mark indicating the abbreviation name of the Opponent at the time of the application for the registration of the Trademark and the time of the decision for registration of the Trademark as described in 1.

### (3) Similarity between the Trademark and the Opponent's Mark

#### A Regarding appearance

(A) The Trademark consists of Alphabetic characters "UNI JAPAN" as described in No. 1.

The Opponent's Mark 1 consists of characters of "ユニジャパン (YUNIJAPAN)", and the Opponent's Mark 2 consists of Alphabetic characters of "UNIJAPAN" as indicated in the attachment. The Alphabetic character "J" in the configuration of the Opponent's Mark 2 is in a form that is obliquely inclined to the right, has a color different from those of the other characters, and is projected downwards than the other Alphabetic characters.

(B) When the appearances of the Trademark and the Opponent's Mark 1 are compared with each other, even though the two marks are different in appearance because the types of characters (katakana and Alphabetic characters) are different from each other, to change the type of the characters in various everyday scenes is general practice in Japan. In consideration of the circumstance in which the Alphabetic characters and katakana of the same word are usually written together, one of the appearances of the Trademark and the Opponent's Mark 1 that are understood as a kind of coined word does not give a stronger impression than that of the other mark so as to make the Trademark and the Opponent's Mark 1 to be recognized as different from each other, and it can be said that distinctiveness caused from the difference in the appearances of the Trademark and the Opponent's Mark 1 is feeble.

When the appearances of the Trademark and the Opponent's Mark 2 are compared with each other, although the appearances of the Trademark and the



Opponent's Mark 2 are different from each other in a space of about one character between the characters of "UNI" and "JAPAN" in Alphabetic characters and the form of the character of "J", both the Trademark and the Opponent's Mark 2 have the same spelling of Alphabetic characters. Accordingly, the appearances of the Trademark and the Opponent's Mark 2 are similar to each other.

**B Regarding pronunciation**

The Trademark gives rise to the pronunciation of "ユニジャパン (YUNIJAPAN)" according to Alphabetic characters of the constituent characters "UNI JAPAN".

The Opponent's Mark 1 gives rise to the pronunciation of "ユニジャパン (YUNIJAPAN)" according to the constituent characters "ユニジャパン (YUNIJAPAN)", and the Opponent's Mark 2 gives rise to the pronunciation of "ユニジャパン (YUNIJAPAN)" according to Alphabetic characters of "UNIJAPAN" that are the constituent characters as indicated in the attachment.

Then, regarding the pronunciation, the Trademark and the Opponent's Mark have the same pronunciation of "yunijapan"

**C Regarding meaning**

(A) The Alphabetic characters of "UNI JAPAN" included in the Trademark and the characters of "ユニジャパン (YUNIJAPAN)" and "UNIJAPAN" included in the Opponent's Mark are not acknowledged as existent words written in dictionaries. However, as described in 3, it should be said that the characters of "ユニジャパン (YUNIJAPAN)" and "UNIJAPAN" included in the Opponent's Mark had acquired prominence as the abbreviation name of the Opponent at the time of the application for the registration of the Trademark and the time of the decision for registration of the Trademark.

Then, the Opponent's Mark has the idea of the prominent abbreviation name of the Opponent.

(B) As described in A and B above, the appearance of the Trademark is not different from the appearance of the Opponent's Mark 1 so as to give a strong impression that causes the Trademark and the Opponent's Mark 1 to be recognized as different from each other, and the appearance of the Trademark is similar to that of the Opponent's Mark 2. Regarding the pronunciation, the Trademark gives rise to the same pronunciation as the Opponent's Mark. Therefore, it is reasonable to say that traders and consumers coming into contact with the Trademark recall the idea of the prominent abbreviation name of the Opponent from the Trademark.

Then, the Trademark has the idea of the prominent abbreviation name of the Opponent.

(C) According to (A) and (B), regarding the idea, the Trademark and the Opponent's Mark have the same idea.

D As describe above, regarding the appearance, the distinctiveness caused from the difference between the appearances of the Trademark and the Opponent's Mark is feeble or the appearances of the Trademark and the Opponent's Mark are similar to each other. The Trademark and the Opponent's Mark have the same pronunciation and the same idea. Therefore, in light of impression, memory, association, or the like given to traders and consumers by the appearances, the pronunciations, and the ideas of the Trademark and the Opponent's Mark, it is

reasonable to say that the Trademark and the Opponent's Mark are similar to each other. (4) According to (1) to (3), the Opponent's Mark is a mark that falls under "a famous mark indicating a non-profit organization undertaking a business for public interest" described in Article 4(1)(vi) of the Trademark Act, and the Trademark is a trademark similar to the Opponent's Mark.

Then, it can be said that the Trademark is a mark indicating a non-profit organization undertaking a business for public interest and is a trademark similar to the famous mark.

Accordingly, the Trademark falls under Article 4(1)(vi) of the Trademark Act.

3 Regarding applicability of the Trademark to Article 4(1)(viii) of the Trademark Act

(1) The Opponent's Mark 2 consists of Alphabetic characters of "UNIJAPAN" as indicated in the attachment, and as described in 1, it should be said that the Opponent's Mark 2 had acquired prominence as the abbreviation name of the Opponent at the time of the application for the registration of the Trademark and the time of the decision for registration of the Trademark. Therefore, the Opponent's Mark 2 falls under the "famous abbreviation name" described in Article 4(1)(viii) of the Trademark Act.

(2) The Trademark consists of Alphabetic characters of "UNI JAPAN", and the Opponent's Mark 2 consists of Alphabetic characters of "UNIJAPAN" as described in (1). The Trademark and the Opponent's Mark 2 have a common spelling, and give rise to the same pronunciation of "ユニジャパン (YUNIJAPAN)" according to the constituent characters.

(3) Then, the Trademark has the common spelling to the Opponent's Mark 2 that is the prominent abbreviation name of the Opponent, and the constituent characters of the Trademark and the Opponent's Mark 2 give rise to the same pronunciation. Therefore, it is reasonable to say that the prominent abbreviation name of the Opponent is evoked and associated.

(4) Therefore, it can be said that the Trademark is objectively grasped as including the prominent abbreviation name of the Opponent in its configuration.

(5) It is acknowledged that the holder of the Trademark right is different from the Opponent, and it is not acknowledged that the holder of the Trademark right is approved by the Opponent who is different from the holder of the Trademark right.

(6) According to the above, the Trademark is a trademark including the famous abbreviation name of another person in its configuration and is not approved by the person concerned.

Accordingly, the Trademark falls under Article 4(1)(viii) of the Trademark Act.

4 Closing

As described above, the Trademark falls under Articles 4(1)(vi) and 4(1)(viii) of the Trademark Act, and the Trademark's registration is contrary to Article 4(1) of the same act. Therefore, the registration of the Trademark must be invalidated in accordance with Article 43-3(2).

In addition, the body determines that the Trademark does not fall under Articles 4(1)(vii), 4(1)(xv), and 4(1)(xix) of the Trademark Act alleged by the Opponent.

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

March 18, 2020

Chief administrative judge: SATSUMA, Junichi  
Administrative judge: HIRASAWA, Yoshiyuki  
Administrative judge: WATANABE, Aoi

Attachment Opponent's Mark 2 (Evidence A No. 3-1)

