

Appeal Decision

Appeal No. 2019-10751

Appellant	TAISHO PHARMACEUTICAL CO. LTD.
Patent Attorney	TANAKA, Shinichiro
Patent Attorney	NAKAMURA, Minoru
Patent Attorney	MATSUO, Kazuko
Patent Attorney	ITAKI, Hiroyuki
Patent Attorney	YOSHIDA, Kazuhiko
Patent Attorney	FUJIKURA, Daisaku
Patent Attorney	KITAHARA, Eriko

The case of appeal against the examiner's decision of refusal of Trademark Application No. 2017-98589 has resulted in the following appeal decision:

Conclusion

The appeal of the case was groundless.

Reason

1 The trademark in the Application

The trademark in the Application is configured as indicated in Attachment 1, and the application for its registration was filed on July 25, 2017 by setting Class 3 "Cosmetics and toiletries; soaps and detergents" and Class 5 "Pharmaceutical preparations [other than for agricultural purposes]" as the designated goods.

2 Gist of reasons for refusal stated in the examiner's decision

The trademark in the Application is configured as indicated in Attachment 1, and this has a configuration in which two figures that are recognized as human heads drawn

from the back and obliquely upper side are horizontally arranged.

In the field of products related to head hair such as hair growth preparations, as a figure representing the state of head hair before the product is used, a figure or a photograph of a human head drawn from the upper side is generally used. There is an actual circumstance in which such a figure or photograph is used for an instruction, a package, or the like of a product for the treatment of thin hair and hair loss or a product for dyeing white hair.

Furthermore, it cannot be said that the trademark in the Application has a unique configuration as a whole, and it is reasonable to understand that the trademark in the Application displays one kind of figure representing the state of the head hair used in the same field.

Then, when the trademark in the Application is used for its designated goods, consumers coming into contact with this only simply recognize that the product is "a product for the treatment of thin hair and hair loss" and "one kind of figure representing the state of the head hair", and consumers are not able to recognize the goods as those pertaining to a business of a particular person.

Therefore, the trademark in the Application falls under Article 3(1)(vi) of the Trademark Act.

3 Inquiry in the body

In the body, the chief administrative judge indicated the evidence related to Attachment 2 to the Appellant on March 18, 2020, inquired whether or not the trademark in the Application falls under Article 3(1)(vi) of the Trademark Act, and requested an answer to the inquiry within a designated period.

4 The Appellant's answer to the inquiry (gist)

The Appellant submitted a written reply dated April 22, 2020 with respect to the inquiry in 3 above and summarized and alleged as follows.

(1) Certainly, in the product field of Class 5 'Pharmaceutical preparations [other than for agricultural purposes]', as in the example cited in the inquiry, examples are found in which a plurality of figures representing the human head are used by another person for description regarding targets who obtain efficacy and effects when the product is used. However, in all the above figures, the figure of the human head is not used alone, and description is written, for example, 'Premature alopecia to be the target of the medicine: a drug formulation containing 5% of minoxidil has an effect on hair loss or thin hair with the following patterns'. The figure representing the human head and this description are

integrally written, and then, the figure can be understood to be used to describe the target who obtains efficacy and effects when the product is used. From only the figure simply representing the human head without the description, it is not possible to directly understand that the figure alone indicates the efficacy and the effects or the target of the product.

(2) There are various methods for expressing human heads. The trademark in the Application is a figure trademark that has a characteristic configuration in appearance in which the shape of the head is largely deformed while using the human head as a motif. Furthermore, the trademark in the Application has a configuration that is different from and can be clearly distinguished from the plurality of figures representing the human head that is used by another person and cited in the inquiry. Therefore, despite the cited example in which the figure is used by another person, it is not sufficient to consider that consumers directly recognize the trademark in the Application as the description of the target who obtains efficacy and effects when the product is used.

(3) When viewing websites of hair tonics or the like that stimulate hair growth and are sold by another person cited in the inquiry, most websites do not use a figure similar to the trademark in the Application and do not use a figure representing the human head. These Cited Documents only simply indicate that hair tonics and shampoos that take care of head hair and hair are sold in the market, and the cited figure is a figure that is different from the trademark in the Application and has a configuration different from that of the trademark in the Application. Therefore, these Cited Documents cannot confirm that the trademark in the Application is not capable of distinguishing in relation to the designated goods of Class 3 among the designated goods of the trademark in the Application."

5 Judgment by the body

(1) Regarding the applicability of Article 3(1)(vi) of the Trademark Act

The trademark in the Application is configured as indicated in Attachment 1, and the designated goods thereof are Class 3 "Cosmetics and toiletries; soaps and detergents" and Class 5 "Pharmaceutical preparations [other than for agricultural purposes]".

A In the field of Class 5 "Pharmaceutical preparations [other than for agricultural purposes]" of the designated goods of the present application, the figure that explains applications, use methods, or the like of the product is generally used in the packages of the product, the containers, the attached documents, the websites of the product, or the like. As indicated in Attachment 2(1), regarding hair growing agents, the fact exists such that, for the description of the target who obtains efficacy and effects

when the product is used, the figure of the human head having the top in a state of thin hair or hair loss that is drawn from the upper side or the obliquely upper side is used in the packages of the product, the attached documents, the websites of the product, or the like.

Then, it is reasonable to understand that, even if the trademark in the Application is used for Class 5 "Pharmaceutical preparations [other than for agricultural purposes]" of its designated goods, traders and consumers coming into contact with this only recognize the trademark in the Application as depictive display used to describe the target of the product; that is, a type of a head figure of a person, in a state of thin hair or hair loss, who is the target of the product, and do not recognize the trademark in the Application as a mark displaying the source of goods or a mark for distinguishing relevant products from others.

B In the field of Class 3 "Cosmetics and toiletries; soaps and detergents" of the designated goods of the present application, as indicated in Attachments 2(2) and 2(3), the fact exists such that products such as hair tonics or shampoos that prevent thin hair or hair loss and stimulate hair growth and take care of the scalp and hair are sold. There is also the fact such that some products use a figure of the human head having the top in a state of thin hair or hair loss that is drawn from the upper side, for advertisement of the product.

Then, even if the above products and hair growing agent are different in the type of products such as cosmetics, soaps, or pharmaceutical preparations, it can be said that both of the above products and the hair growing agent are related products that prevent hair loss and grow hair. Consumers are general consumers, and it can be said that there is a case where manufacturers and sellers are common. Therefore, it can be said that traders and consumers of the products are often in common.

Then, in consideration that, in the field of cosmetics and soaps that have highly common consumers to pharmaceutical preparations (hair growing agent), the figure of the human head drawn to describe the applications or the like of the product is used, and in addition, the figure of the top of the human head drawn from the upper side or the obliquely upper side is generally used for hair growing agents, even if the trademark in the Application is used for Class 3 "Cosmetics and toiletries; soaps and detergents" of the designated goods thereof, it is reasonable to understand that traders and consumers coming into contact with this only recognize the trademark in the Application as the depictive display used to describe the target of the product; that is, a type of the head figure of the person, in a state of thin hair or hair loss, who is the target of the product, and do not recognize the trademark in the Application as a mark displaying the source of

goods or a mark for distinguishing relevant products from others.

C Therefore, because the trademark in the Application is a trademark by which consumers are not able to recognize the goods as those pertaining to a business of particular person, the trademark in the Application falls under Article 3(1)(vi) of the Trademark Act.

(2) Appellant's allegation

A The Appellant alleges that, in the product field of Class 5 "Pharmaceutical preparations [other than for agricultural purposes]", it is not possible to directly understand that only the figure that simply simulates the human head with no description indicates the efficacy and the effects or the target of the product.

However, in the business field of "pharmaceutical preparations [other than for agricultural purposes]" of the designated goods of the present application, in addition to display of characters that describe the applications, the use methods, or the like of the product, the figure is used in general for the packages or the like of the product so that the applications or the like can be easily perceived and recognized.

Then, in the field of the hair growing agent, the figure of the human head drawn from the upper side or the obliquely upper side is widely used as the display used to describe the target of the product. In consideration of the above actual circumstance, even if no description is written, traders and consumers only recognize the trademark in the Application as a type of the head figure of the person, in a state of thin hair or hair loss, who is the target of the product.

Therefore, the Appellant's allegation cannot be accepted.

B The Appellant alleges that the trademark in the Application is a figure trademark that has a characteristic configuration in appearance, and despite the cited example in which the figure is used by another person, the figure has a configuration that can be clearly distinguished from and is different from the trademark in the Application, and accordingly, it is not sufficient to consider that consumers directly recognize the trademark in the Application as the description of the target who obtains efficacy and effects when the product is used.

However, a person other than the Appellant uses the figure of the human head drawn from the upper side or the obliquely upper side so as to explain the target who obtains efficacy and effects when the product (hair growing agent) is used in the packages of the product, the attached documents, the websites of the product, or the like, as described in (1) A above.

Then, even if the trademark in the Application in which the human head having the top in a state of thin hair or hair loss is drawn from the back side and the obliquely

upper side is used for its designated goods, traders and consumers coming into contact with this only recognize the trademark in the Application as a type of the head figure of the person having the top of the head in a state of thin hair or hair loss.

Therefore, the Appellant's allegation cannot be accepted.

C The Appellant alleges that the fact such that hair tonics and shampoos that take care of the scalp and hair are sold and the cited example in which a figure that is different from and has a different configuration from the trademark in the Application is used cannot confirm that the trademark in the Application is not capable of distinguishing in relation to the designated goods of Class 3 of the designated goods of the present application.

However, as described in (1) B above, even if hair tonics, shampoos, or the like that stimulate hair growth or the like and hair growing agents are different in the type of the products such as cosmetics, soaps, or pharmaceutical preparations, it can be said that they are related products that prevent hair loss and grow hair. Moreover, they have common traders and consumers. Therefore, it should be said that, even if the trademark in the Application is used for the designated goods of Class 3 of the designated goods thereof, traders and consumers only recognize the trademark in the Application as a type of the head figure of the target of the product and do not recognize the trademark in the Application as a mark displaying the source of goods or a mark for distinguishing relevant products from others.

Therefore, the Appellant's allegation cannot be accepted.

(3) Summary

In light of all the above, in the relationship with the designated goods, it should be said that the trademark in the Application is recognized by traders and consumers as a type of the head figure of the person, in a state of thin hair or hair loss, who is the target of the product from the entire configuration, and the trademark in the Application is a trademark by which consumers are not able to recognize the goods as those pertaining to a business of a particular person.

Therefore, because the trademark in the Application falls under Article 3(1)(vi) of the Trademark Act, the trademark in the Application cannot be registered.

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

August 4, 2020

Chief administrative judge: SATO, Matsue
Administrative judge: SUTO, Yasuhiro
Administrative judge: ISHIZUKA, Rie

Attachment

1 The trademark in the Application



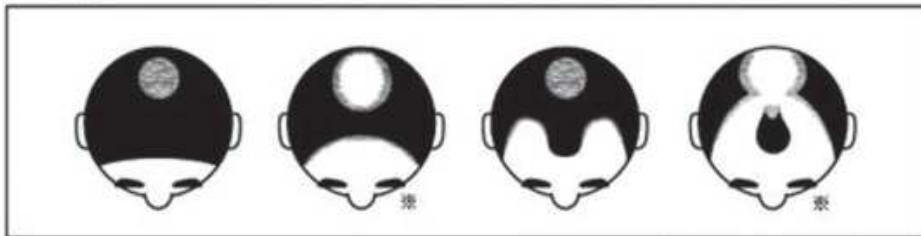
2 The facts indicated to the Appellant in the inquiry on March 18, 2020

(1) Examples in which the figure of the human head in the state of thin hair or hair loss is drawn is used in the field of pharmaceutical preparations

A Under the headline of "SCALP D MEDICAL MINOXI 5 [medical minoxi 5]" on the website of "ANGFA Co., Ltd.", it is described "Premature alopecia to be the subject of this medicine The drug formulation containing 5% of minoxidil has effects on hair loss or thin hair with the following patters." and "*In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused." together with the following image.

([https://scalp-d.angfa-](https://scalp-d.angfa-store.jp/ad/medicalminoxi5_03/?utm_source=google&utm_medium=mm5_ls&utm_campaign=mm5_lsgoogle_dd&_adp_c=wa&_adp_e=c&_adp_u=p&_adp_p_md=2619&_adp_p_cp=24589&_adp_p_agr=8568031&_adp_p_ad=10538282&gclid=CjwKCAjw1KLkBRBZEiwARzyE72FVjEqGBs2Cdk0bBOPQctvTxAouJyCtBm1lhmb5Q0uEAO SJIhoCTaIQAvD_BwE)

[store.jp/ad/medicalminoxi5_03/?utm_source=google&utm_medium=mm5_ls&utm_campaign=mm5_lsgoogle_dd&_adp_c=wa&_adp_e=c&_adp_u=p&_adp_p_md=2619&_adp_p_cp=24589&_adp_p_agr=8568031&_adp_p_ad=10538282&gclid=CjwKCAjw1KLkBRBZEiwARzyE72FVjEqGBs2Cdk0bBOPQctvTxAouJyCtBm1lhmb5Q0uEAO SJIhoCTaIQAvD_BwE](https://scalp-d.angfa-store.jp/ad/medicalminoxi5_03/?utm_source=google&utm_medium=mm5_ls&utm_campaign=mm5_lsgoogle_dd&_adp_c=wa&_adp_e=c&_adp_u=p&_adp_p_md=2619&_adp_p_cp=24589&_adp_p_agr=8568031&_adp_p_ad=10538282&gclid=CjwKCAjw1KLkBRBZEiwARzyE72FVjEqGBs2Cdk0bBOPQctvTxAouJyCtBm1lhmb5Q0uEAO SJIhoCTaIQAvD_BwE))



緒方知三郎. 綜合臨牀. 1953;2(1):101-106.

Furthermore, the "description" of the product is posted on the website of "Pharmaceuticals and Medical Devices Agency", together with the following image, and in the description, it is described "Efficacy and effects hair growth against premature

alopecia and prevention of progression of hair loss (fallen hair)", "Premature alopecia to be the subject of this medicine The drug formulation containing 5% of minoxidil has effects on hair loss or thin hair with the following patterns.", and "*In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused".
http://www.info.pmda.go.jp/downfiles/otc/PDF/J1801000177_01_A.pdf



B Under the headline of "MINOGROW" on the website of "IWAKI SEIYAKU CO., LTD.", the product is posted.

<https://www.iwakiseiyaku.co.jp/fc/index.php/item?cell003=%E4%B8%80%E8%88%AC%E7%94%A8%E5%8C%BB%E8%96%AC%E5%93%81&cell004=AGA%E6%B2%BB%E7%99%82%E8%96%AC&label=1&name=%E3%83%9F%E3%83%8E%E3%82%A6&id=120>

In the "attached document PDF" of the product, together with the following image, it is described "Efficacy and effects hair growth against premature alopecia and prevention of progression of hair loss (fallen hair)", "<Premature alopecia to be the subject of this medicine> MINOGROW has effects on hair loss or thin hair with the following patterns.", and "Note) In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused".

https://www.iwakiseiyaku.co.jp/dcms_media/other/%E3%83%9F%E3%83%8E%E3%82%B0%E3%83%AD%E3%82%A61.pdf



C Under the headline of "hair growing agent [HapYcom original] MINOFIVE" in the website of "Kobayashi Pharmaceutical Industries, Ltd.", the product is posted.

http://www.kobayashi-yk.co.jp/category_11/6623/

In the "download precautions" of the product, together with the following image, it is described "Efficacy hair growth against premature alopecia and prevention of progression of hair loss (fallen hair)", "<Premature alopecia to be the subject of this medicine> This medicine has effects on hair loss or thin hair with the following patterns.",

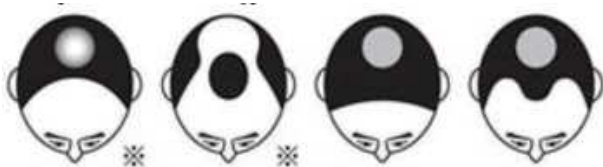
and "Note) In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused".

(<http://www.kobayashi-yk.co.jp/wp-content/uploads/fe5466bf276787996513705c502efa7d.pdf>)



D Under the headline of "Hair growing agent for men is released from ROHTO "REGRO (R) EX5" containing 5% of 'minoxidil' that is the largest concentration in Japan" on the website of "ROHTO Pharmaceutical Co., Ltd.", together with the following image, it is described "Efficacy and effects hair growth against premature alopecia and prevention of progression of hair loss (fallen hair). REGRO EX5 has effects on hair loss or thin hair with symptoms in the following image.", and "* In a case where the range of hair loss is larger than the image, there is a possibility that no effect is caused".

(https://www.rohto.co.jp/news/release/2018/1101_01/)

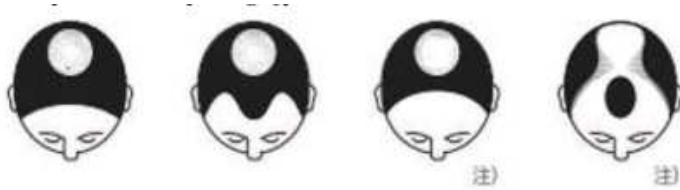


E Under the headline of "[First class pharmaceutical] MINOGEIN 60 ml" on the website of "SUNDRUG e-shop", the product is posted.

(<https://ec.sundrug.co.jp/catalog/category/0/4980673003668/>)

The "description" of the product is posted on the website of "Pharmaceuticals and Medical Devices Agency", together with the following image, and in the description, it is described "Efficacy and effects hair growth against premature alopecia and prevention of progression of hair loss (fallen hair).", "<Premature alopecia to be the subject of this medicine> This medicine has effects on hair loss or thin hair with the following patterns.", and "NOTE) In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused".

(http://www.info.pmda.go.jp/downfiles/otc/PDF/K1812000012_01_A.pdf)



F Under the headline of "minoUP" on the website of "TOWA PHARMACEUTICAL CO., LTD.", together with the following image, it is described "Efficacy and effects hair growth against premature alopecia and prevention of progression of hair loss (fallen hair).", "<Premature alopecia to be the subject of this medicine> This medicine has effects on hair loss or thin hair with the following patterns.", and "Note) In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused".

(<https://www.towayakuhin.co.jp/healthcare/otc/minoup/>)



Furthermore, in the "self-check sheet" of the product, together with the following image, it is described "other than hair loss or thin hair with the following patterns". If the answer to the question is "Yes", you are guided to the field in which it is described that "Please do not use, or consult a doctor or a pharmacist prior to use whether [cause of hair loss may be other than premature alopecia]".

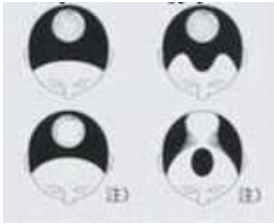
(https://www.towayakuhin.co.jp/healthcare/otc/minoup/document/minoup_checksheetsheet_0607.pdf)



Moreover, the package of the product is posted on the website of "LOHACO". On the side surface of the package, together with the following image, it is described "Efficacy and effects hair growth against premature alopecia and prevention of progression of hair loss (fallen hair).", "Premature alopecia to be the subject of this medicine This medicine has effects on hair loss or thin hair with the following patterns.", and "Note) In a case where the range of hair loss is larger than these, there is a possibility

that no effect is caused".

(<https://lohaco.jp/product/P232143/>)



G Under the headline of "Minoxidil lotion 5% "JG" hair growing agent for premature alopecia" on the website of "NIHON GENERIC Co., Ltd.", the product is posted.

(<http://www.nihon-generic.co.jp/otc/MINOX.html>)

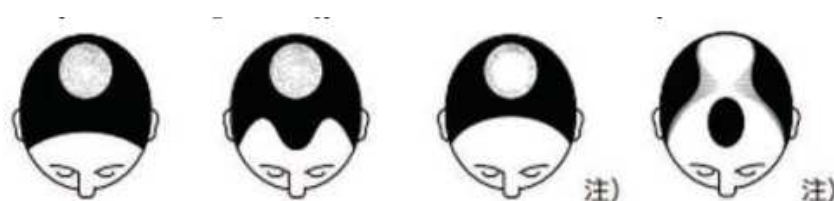
In the "attached document" of the product, together with the following image, it is described "Efficacy and effects hair growth against premature alopecia and prevention of progression of hair loss (fallen hair)", "<Premature alopecia to be the subject of this medicine> This medicine has effects on hair loss or thin hair with the following patterns.", and "Note) In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused".

(http://www.nihon-generic.co.jp/otc/MINOX_PI.pdf)



Furthermore, in the "Customer guide" of the product, together with the following image, it is described "[Efficacy and effects] hair growth against premature alopecia and prevention of progression of hair loss (fallen hair)", "<Premature alopecia to be the subject of this medicine> This medicine has effects on hair loss or thin hair with the following patterns.", and "Note) In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused".

([http://www.nihon-generic.co.jp/otc/MINOX_GUIDE\(customer\).pdf](http://www.nihon-generic.co.jp/otc/MINOX_GUIDE(customer).pdf))



Moreover, in the "self-check sheet" of the product, together with the following image, it is described "other than hair loss or thin hair with the following patterns". If the answer to the question is "Yes", you are guided to the field in which it is described "Please do not use, or consult a doctor or a pharmacist prior to use [cause of hair loss may be other than premature alopecia]".

(http://www.nihon-generic.co.jp/otc/MINOX_CheckSheet.pdf)



H Under the headline of "[First class pharmaceutical] Orukea 5 60 mL" on the website of "Kirindo-shop", the product is posted.

(<https://www.kirindo-shop.com/fs/kirindo/4975979387024>)

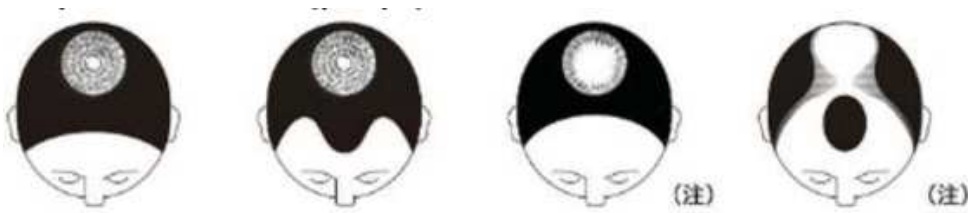
In the "attached document" of the product, together with the following image, it is described that "Efficacy and effects hair growth against premature alopecia and prevention of progression of hair loss (fallen hair).", "<Premature alopecia to be the subject of this medicine> This medicine has effects on hair loss or thin hair with the following patterns.", and "Note) In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused".

(https://www.kirindo-shop.com/tenpu/4975979387024_T.pdf)



I Under the headline of "First class pharmaceutical [Kaminomoto (加美乃素) DELTA] containing 5% of minoxidil released from March 5" on the website of "Kaminomoto Co., Ltd.", together with the following image, it is described "Efficacy and effects hair growth against premature alopecia and prevention of progression of hair loss (fallen hair). Kaminomoto (加美乃素) DELTA has effects on hair loss or thin hair with the following patterns.", and "(Note) In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused".

(<https://www.kaminomoto.co.jp/company/news/20190305.html>)



J Under the headline of "Resurreck kowa that grows hair and prevents fallen hair caused by premature alopecia is released" on the website of "Kowa Company. Ltd.", together with the following image, it is described "Efficacy and effects: hair growth against premature alopecia and prevention of progression of hair loss (fallen hair). Premature alopecia to be the subject of this medicine: Resurreck kowa has effects on hair loss or thin hair with the following patterns." and "Note) In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused".
<https://www.kowa.co.jp/news/2019/press19040303.pdf>

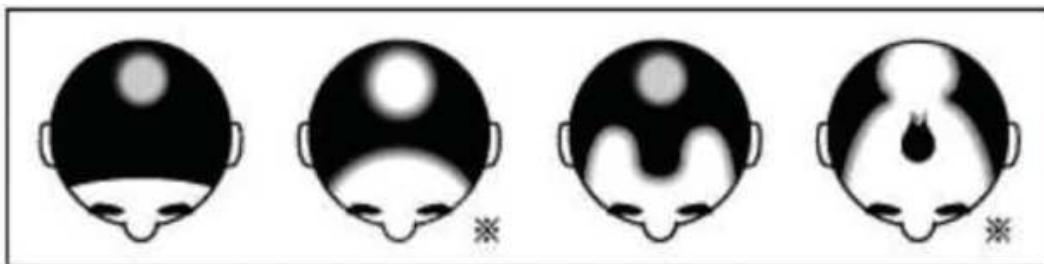


Furthermore, in the "self-check sheet" of the product, together with the following image, it is described "other than hair loss or thin hair with the following patterns". If the answer to the question is "Yes", you are guided to the field in which it is described that "Please do not use, or consult a doctor or a pharmacist prior to use [cause of hair loss may be other than premature alopecia]".
https://hc.kowa.co.jp/resurreck/images/self_check_19_02_20.pdf



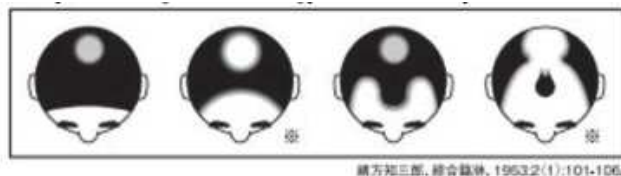
K Under the headline of "Hair growing agent for hair growth against premature alopecia and prevention of hair loss Liquid for external use containing 5% of minoxidil 'FCI' is released" on the website of "Fuji Chemical Industries Co., Ltd.", together with the following image, it is described "Efficacy and effects hair growth against premature alopecia and prevention of progression of hair loss (fallen hair) Liquid for external use containing 5% of minoxidil "FCI" has effects on hair loss or thin hair with the following patterns." and "*In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused".
<http://www.fujichemical.co.jp/images/whatsnew/uploads/2019/07/%E3%83%9F%E3%>

83%8E%E3%82%AD%E3%82%B7%E3%82%B8%E3%83%AB%E6%96%B0%E7%99%BA%E5%A3%B220190726.pdf)



Furthermore, in the "description" of the product, together with the following image, it is described "<Efficacy and effects> hair growth against premature alopecia and prevention of progression of hair loss (fallen hair). Liquid for external use containing 5% of minoxidil "FCI" has effects on hair loss or thin hair with the following patterns." and "*In a case where the range of hair loss is larger than these, there is a possibility that no effect is caused".

(http://www.fujichemical.co.jp/otc/minoxidil/pdf/Minoxidil_instructions.pdf)



Moreover, in the "self-check sheet" of the product, together with the following image, it is described "other than hair loss or thin hair with the following patterns". If the answer to the question is "Yes", you are guided to the field in which it is described "Please do not use, or consult a doctor or a pharmacist prior to use [cause of hair loss may be other than premature alopecia]".

(http://www.fujichemical.co.jp/otc/minoxidil/pdf/self_check_sheet.pdf)

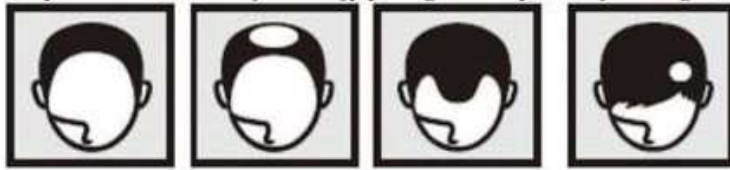


L Under the headline of "NF KAROYAN GUSH" on the website of "DAIICHI SANKYO HEALTHCARE CO., LTD.", the product is posted.

(https://www.daiichisankyo-hc.co.jp/products/details/karoyan_nf_gush/)

In the "attached document" of the product, together with the following images, it is described "Efficacy and effects • premature alopecia, alopecia areata, diffuse alopecia,

alopecia pityroides • hair growth, prevention of hair loss (fallen hair), thin hair".
(https://www.daiichisankyo-hc.co.jp/package_insert/pdf/karoyan_nf_gush_1.pdf)



(2) Examples in which hair tonics that stimulate hair growth are sold

A Under the headline of "Medical hair growing tonic quasi-pharmaceutical product prevents hair loss and grow hair" on the website of "Kao Corporation", it is described "Feature... uniquely-developed active ingredient "t-flavanone" acts on hair bulbs so as to grow thick, long, and strong hair" and "boost blood circulation, provide nourishment in blood to hair bulbs, and prevent hair loss".

(<https://www.kao.co.jp/success/products/haircare/tonic/>)

B Under the headline of "SCALP D medial hair growing scalp tonic quasi-pharmaceutical product" on the website of "ANGFA Co., Ltd.", "three kinds of active ingredients' that stimulate hair growth" is described as one of "three features of hair growing tonic".

(<https://scalp-d.angfa-store.jp/brand/jet/>)

C Under the headline of "Quasi-pharmaceutical product INCENT medical hair growing tonic slightly scented" on the website of "BATHCLIN CORPORATION", it is described "Slightly scented in order to suppress scalp odor, comfortable hair growth environment, crude drug extract boosts blood circulation, activates hair roots, and prevents hair loss & grows hair".

(<https://www.bathclin.co.jp/products/incent/>)

D Under the headline of "BRAVAS hair tonic (quasi-pharmaceutical product)" on the website of "Shiseido Company, Limited", it is described "hair tonic that prevents dandruff and itchiness and prevents hair loss".

(www.shiseido.co.jp/sw/products/SWFG070410.seam?shohin_pl_c_cd=059801&online_shohin_ctlg_kbn=1)

E Under the headline of "YANAGIYA HAIR TONIC <quasi-pharmaceutical product>" on the website of "Yanagiya Honten Co., Ltd.", it is described "<Efficacy and effects> hair growth, hair growing, stimulation of hair growth, and prevention of dandruff, itchiness, thin hair, and hair loss".

(<http://yanagiya-hairtonic.com/>)

(3) Examples in which shampoos or the like that take care of scalps and hair are sold

A Under the headline of "Hair Repro medical scalp shampoo [Normal & Dry] [quasi-pharmaceutical product] content quantity: 370 mL" on the website of "Aderans Co., Ltd.", it is described "Scalp shampoo developed by hair professional 'Aderans' to support hair with springiness and firmness. Scalp environment is created by keeping the skin clean in order to grow hair".

(http://www.aderans-shop.jp/shop/pages/hairrepro_detail_shampooNO.aspx)

B Under the headline of "SCALP D NEXT PROTEIN 5" on the website of "ANGFA Co., Ltd.", it is described "On busy days and with irregular lifestyle habits, the scalp is under the stress from one's twenties. Not to leave your scalp getting stressed by starting care as early as possible is an important key to prevent hair damages. How about starting aggressive scalp care using the shampoo 'SCALP D NEXT' that focuses on the scalp from your twenties".

(https://scalp-d.angfa-store.jp/brand/next_protein/)

C Under the headline of "MONGORYU SHAMPOO EX (R)" on the website of "alphaway inc.", it is described "Scalp shampoo chosen by men suffering from thin hair achieved three crowns" and "Leading-edge component that keeps hair and scalps healthy is selected! The component is contained in an amount that is the upper limit to be contained in shampoos".

(www.mongoryu.com/shampoo.html)

D Under the headline of "super piloerection volume up 3D volume-up shampoo EX 460 ml" on the website of "storia Co., Ltd.", it is described "Volume-boosting to 150%! Unique all-in-one formula further increases the hair volume. Hair roots are protected, and volume-boosting feeling is further improved. Not only finishing but also cleansing to hair roots is considered, and healthy hair is created".

(www.maro-men.jp/products/hair01.html)

E Under the headline of "[quasi-pharmaceutical product] POLYPURE EX shampoo set [for men/women] [medical hair growth preparations & medical shampoo]" on the website of "Amazon.co.jp", it is described "[Nine efficacy and effects] hair growth, prevention of thin hair, itchiness, and hair loss, stimulation of hair growth, prevention of dandruff and hair loss after illness and childbirth, hair growing", and the following image is used in the advertisement of the product.

(<https://www.amazon.co.jp/dp/B06XPD8X88/>)

