

Japan Patent Office (JPO)
4-3, Kasumigaseki 3-chome
Chiyoda-ku
Tokyo 100-8915
JAPAN



日本国特許庁
〒100-8915
東京都千代田区霞が関3-4-3

NOTIFICATION OF PROVISIONAL REFUSAL

This notification is issued by the Japan Patent Office (JPO) in accordance with Rule 17(1) and (2) of the Common Regulations under the Madrid Agreement concerning the International Registration of Marks and the Protocol relating to that Agreement and Section 15-2 and 15-3 of the Japanese Trademark Law

I. International registration number: 1406563
Mark: (figurative elements)
Date of international registration: 2018/02/11
Holder of the international registration:
LANDTOURER AUTOMOBILE CO., LTD

II. This trademark application^{*} shall be totally refused protection. The grounds for refusal are indicated under Item V. A copy of the corresponding provisions of the Japanese Trademark Law is attached to this notification.

III. This refusal is issued on March/27/2019 by

Inamura Hideo (M.)
Examiner
Madrid Protocol Division
Facsimile: +81-3-3593-2398
Telephone: +81-3-3501-2392

IV. This provisional refusal affects all the goods and/or services covered in this application. The holder of the international registration may submit to the JPO a written opinion against this provisional refusal through the intermediary of a representative domiciled in Japan within three months from the date of pronouncement, as indicated below. If the holder wishes to amend the designated goods and/or services, the amendment must be made through the intermediary of a representative domiciled in Japan by the same date.

* All communications via telephone and facsimile except for general inquiries will be recorded and stored in the file wrapper disclosed upon request in order to secure transparency. Any inquiries about this notification should be addressed to the examiner of the JPO <PA1T40@po.go.jp>.

* A request for territorial extension to Japan under the Protocol relating to the Madrid Agreement is deemed as a trademark application made in Japan in accordance with Section 68-9 of the Japanese Trademark Law

The date of pronouncement: 2019/04/11

Continuation sheet

V. The grounds for refusal

Ground 1

The trademark of this application falls under Section 4(1)(xi) of the Trademark Law because this trademark is identical with or similar to the following trademarks and is to be used for the goods and/or services identical with or similar to the designated goods and/or services covered by these trademark registrations.

Cited registered trademark(s)

Nb. 1

- National registration Nb.: 1600636 - Registration date: 1983/07/28
- National application Nb.: S54-045292 - Application date: 1979/06/15
- Name and address of the holder: Ferrari S.p.A
1163, Via Emilia Est, Modena, 41100, ITALY

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 12 covered in this application:

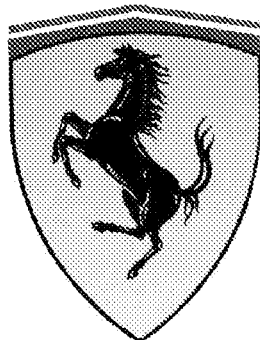
International class 12:

スポーツカー、おりたたみ式ほろ付き自動車、その他の自動車、車体、その他の自動車の部品及び附属品、二輪自動車・自転車並びにそれらの部品及び附属品、船舶並びにその部品及び附属品（「エアクッション艇」を除く。）、エアクッション艇、航空機並びにその部品及び附属品、鉄道車両並びにその部品及び附属品、乳母車、人力車、そり、手押し車、荷車、馬車、リヤカー、タイヤ又はチューブの修繕用ゴムはり付け片

Nb. 2

- National registration Nb.: 1600638 - Registration date: 1983/07/28
- National application Nb.: S54-045294 - Application date: 1979/06/15
- Name and address of the holder: Ferrari S.p.A
1163, Via Emilia Est, Modena, 41100, ITALY

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 12 covered in this application:

International class 12:

スポーツカー、おりたたみ式ほろ付き自動車、その他の自動車、車体、その他の自動車の部品及び附属品、二輪自動車・自転車並びにそれらの部品及び附属品、船舶並びにその部品及び附属品（「エアクッション艇」を除く。）、エアクッション艇、航空機並びにその部品及び附属品、

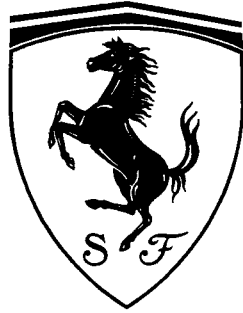
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鉄道車両並びにその部品及び附属品，乳母車，人力車，そり，手押し車，荷車，馬車，リヤカー，タイヤ又はチューブの修繕用ゴムはり付け片

Nb. 3

- National registration Nb.: 4208318 - Registration date: 1998/11/06
- National application Nb.: H09-122085 - Application date: 1997/06/02
- Name and address of the holder: Ferrari S.p.A
1163, Via Emilia Est, Modena, 41100, ITALY

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 12 covered in this application:

International class 09:

サングラス，防眩メガネ，保護用若しくは安全用眼鏡，鼻眼鏡，その他の眼鏡，眼鏡ケース，枠，レンズ，その他の眼鏡の部品及び附属品，自動車及びオートバイのドライバー用の保安用ヘルメット，その他の保安用ヘルメット，ビデオテープレコーダー，携帯用電話機，その他の電話機，その他の電気通信機械器具，電子計算機用のテレビゲームのプログラムを記憶させた光学式または磁気式記憶媒体，その他の電子応用機械器具及びその部品，業務用テレビゲーム機用のテレビゲームのプログラムを記憶させた光学式または磁気式記憶媒体，その他の業務用テレビゲーム機，家庭用テレビゲームおもちゃ用のテレビゲームのプログラムを記憶させた光学式または磁気式記憶媒体，その他の家庭用テレビゲームおもちゃ，録画済みビデオディスク及びビデオテープ，自動車用シガーライター，救命用具

Nb. 4

- National registration Nb.: 4406720 - Registration date: 2000/08/04
- National application Nb.: H11-049380 - Application date: 1997/06/20
- Name and address of the holder: Ferrari S.p.A
1163, Via Emilia Est, Modena, 41100, ITALY

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 12 covered in this application:

International class 12:

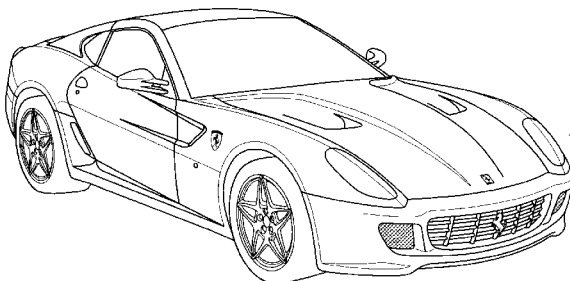
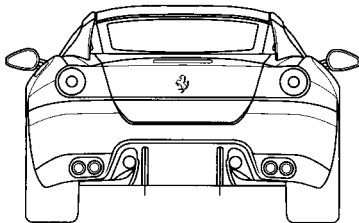
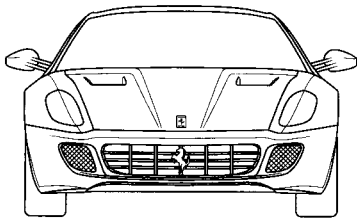
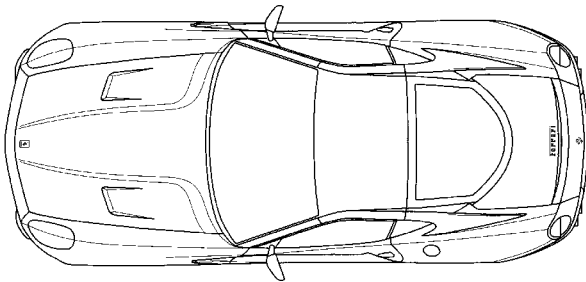
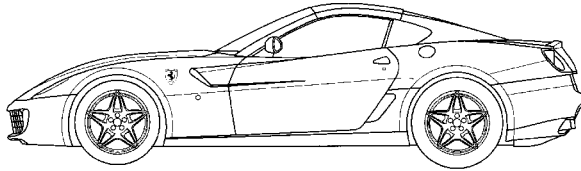
自動車並びにその部品及び附属品，二輪自動車並びにその部品及び附属品，陸上の乗物用の動力機械（その部品を除く。），陸上の乗物用の機械要素，陸上の乗物用の交流電動機又は直流電動機（その部品を除く。），乗物用盗難警報器

Continuation sheet

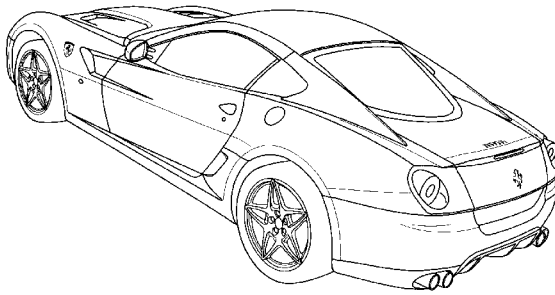
Nb. 5

- National registration Nb.: 5103270 - Registration date: 2008/01/11
- National application Nb.: 2007-024580 - Application date: 2007/03/20
- Name and address of the holder: Ferrari S.p.A
1163, Via Emilia Est, Modena, 41100, ITALY

Mark:



Continuation sheet



Conflicting goods and/or services and their class(es), corresponding to class 12 covered in this application:

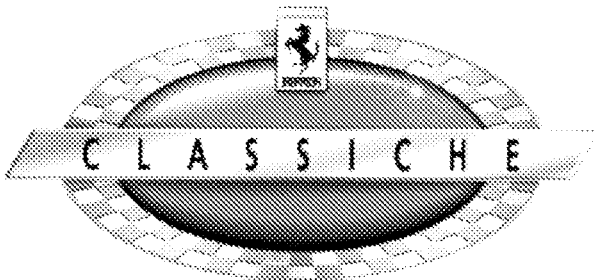
International class 12:

スポーツカー, 折りたたみ式ほろ付き自動車, 自動車 (バンタイプ), その他の自動車, タイヤ, その他の自動車に部品及び附属品, 陸上の乗物用の動力機械 (その部品を除く。), 陸上の乗物用の機械要素, 乗物用盗難警報器, 陸上の乗物用の交流電動機又は直流電動機 (その部品を除く。)

Nb. 6

- International registration No.: 858779
- International registration date: 2005/05/20
- The date of granting protection: 2007/02/16
(priority date under the Paris Convention: 2005/04/19)
- Name and address of the holder: FERRARI S.P.A.
Via Emilia Est, 1163 I-41100 MODENA, Italy

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 12 covered in this application:

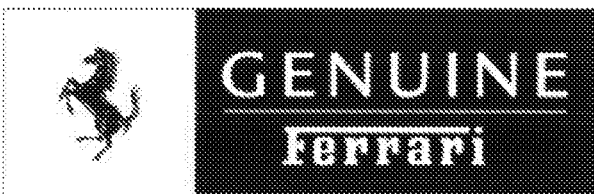
International class 12:

Aircraft; land motor vehicles, motor cars, sport cars, and structural parts and accessories thereof; bodywork for motor cars; automobiles; bicycles; motorcycles; rolling stock for railways; ships.

Nb. 7

- International registration No.: 905359
- International registration date: 2006/01/04
- The date of granting protection: 2008/07/25
(priority date under the Paris Convention: 2005/07/20)
- Name and address of the holder: FERRARI S.P.A.
Via Emilia Est, 1163 I-41100 MODENA, Italy

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 12

Continuation sheet

covered in this application:

International class 12:

Automobiles and parts and fittings therefor, such as airbag, air-bag switch-off kit, safety roll-bar, anti-slipping devices for automobiles, anti-theft devices for automobiles, headrest and armrests for automobiles, covers for seats of automobiles, openable roofs, removable roofs, sliding roof, antiskid devices for tyres of wheels for automobiles, ABS antiblocking braking systems, spoiler, signalling devices for automobiles, plated rims, modular rims, 4-point safety belts, sun visors, ashtray, glass-holders, dashboard drawers, dashboard hatches, glove compartments, glove boxes, covers for baggage compartments, door sill covers, ornamental strips, decorative strips, gear lever coverings, carbon interior parts for automobiles, trimming details (interior), special upholstery, racing seats, hand-free telephone kit for automobiles, spare wheel kit, battery maintenance and battery charging, care kit for automobiles, car covers; motorbike and parts therefor.

Nb. 8

- International registration No.: 966870
- International registration date: 2008/05/06
- The date of granting protection: 2011/01/21
(priority date under the Paris Convention: 2008/02/25)
- Name and address of the holder: FCA GROUP MARKETING S. P. A.
Via Nizza, 250, I-10126 TORINO Italy

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 12 covered in this application:

International class 12:

Motor vehicles and their parts.

Nb. 9

- International registration No.: 916080
- Subsequent designation date: 2008/11/21
- The date of granting protection: 2010/11/12
- Name and address of the holder: FCA GROUP MARKETING S. P. A.
Via Nizza, 250, I-10126 TORINO Italy

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 12 covered in this application:

International class 12:

Aircraft; automobiles; bicycles; motorcycles; rolling stock for railways; ships.

Nb. 10

- International registration No.: 1085878

Continuation sheet

- International registration date: 2009/09/01
- The date of granting protection: 2015/11/27
(priority date under the Paris Convention: 2009/04/15)
- Name and address of the holder: FERRARI S.P.A.
Via Emilia Est, 1163 I-41100 MODENA, Italy

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 12 covered in this application:

International class 12:

Air cushion vehicles; passenger boats, ferry boats, motorboats, yachts and other vessels and their parts and fittings (other than "air cushion vehicles"); air balloons, seaplanes, amphibious aeroplanes, turbo-jet aeroplanes, airships (dirigible balloons), helicopters and other aircraft and their parts and fittings; trucks, ambulances, racing motor cars, concrete mixing vehicles, sprinkling trucks, passenger cars (automobiles), amphibious vehicles, snowmobiles, trailers (vehicles), buses, fork lift trucks, motor cars, sports cars, convertible cars, cars, camping cars, casting cars, cycle cars, dining cars, dining cars (carriages), hand cars, ladle cars, lifting cars (lift cars), side cars, sleeping cars, cars for cable transport installations, vans (vehicles), lorries, light lorries, electric vehicles, military vehicles for transport, refrigerated vehicles, remote control vehicles other than toys, water vehicles, caravans, dinner wagons (carriages), golf carts, goods handling carts, kick sledges, luggage trucks, motor buses, motor coaches, trolleys (vehicles), two-wheeled trolleys, waggon, refrigerated waggon (railroad vehicles), air bags (safety devices for automobiles and land vehicles), windscreens of automobiles and land vehicles, air pumps of automobiles and land vehicles, clutches of automobiles and land vehicles, warning horns of automobiles and land vehicles, seats of automobiles and land vehicles, racing seats of automobiles and land vehicles, seat covers of automobiles and land vehicles, chassis of automobiles and land vehicles, bodies of automobiles and land vehicles, shaped covers for automobiles and land vehicles, wheels of automobiles and land vehicles, wheel spokes of automobiles and land vehicles, tires for automobiles, pneumatic tires for automobiles and land vehicles, inner tubes for pneumatic tires of automobiles, door handles of automobiles and land vehicles, doors of automobiles and land vehicles, mudguards for automobiles and land vehicles, luggage carriers of automobiles and land vehicles, rearview mirrors of automobiles and land vehicles, steering wheels of automobiles and land vehicles, covers for steering wheels of automobiles and land vehicles, bumpers for automobiles and land vehicles, windshields (windcreens) for automobiles and land vehicles, direction signals (turn signals) for automobiles and land vehicles, holding tops for automobiles and land vehicles, hoods for automobiles and land vehicles, window curtains of automobiles and land vehicles, spare wheel holders of automobiles and land vehicles, rims for wheels of automobiles and land vehicles, plated rims for wheels of automobiles and land vehicles, rims for wheels of automobiles and land vehicles, automobile roof racks, windscreen wipers for automobiles and land vehicles, power tailgates (parts of automobiles and land

Continuation sheet

vehicles), tailboard lifts (parts of automobiles and land vehicles), elevating power tailgates (parts of automobiles and land vehicles), tipping apparatus (parts of trucks and waggon), tipping bodies for lorries (trucks), turn signals for automobiles and land vehicles, windows for automobiles and land vehicles, caps for petrol (gas) tanks for automobiles and land vehicles, hoods for land vehicle and automobile engines, land vehicle and automobile running boards, safety belts for land vehicle seats and for automobile seats, 4-point safety belts for land vehicle seats and for automobile seats, undercarriages for automobiles and land vehicles, upholstery for automobiles and land vehicles, crankcases for components for motor cars (other than for engines), elevating tailgates (parts of automobiles and land vehicles), hubs for land vehicle and automobile wheels, spoke clips for wheels of automobiles and land vehicles, balance weights for land vehicle and automobile wheels, bands for wheel hubs of automobiles and land vehicles, studs for tires of automobiles and land vehicles, spikes for tires of automobiles and land vehicles, solid tires for automobile wheels, casings for pneumatic tires of automobiles and land vehicles, treads for retreading tires of automobiles and land vehicles, treads for land vehicles (roller belts), treads for land vehicles (tractor type), valves for tires of automobiles and land vehicles, security harness for land vehicle and automobile seats, direction indicators for automobiles and land vehicles, openable sunroofs for automobiles and land vehicles, removable roofs for automobiles and land vehicles, sliding sunroofs for automobiles and land vehicles, tops for automobiles and land vehicles, removable tops for automobiles and land vehicles, capotes for automobiles and land vehicles, convertible tops for automobiles and land vehicles, sun visors (parts of automobiles and land vehicles), ashtrays (parts of automobiles and land vehicles, included in this class), glass-holders (parts of automobiles and land vehicles, included in this class), dashboard drawers (parts of automobiles and land vehicles), dashboard hatches (parts of automobiles and land vehicles), glove compartments (parts of automobiles and land vehicles), glove boxes (parts of automobiles and land vehicles), covers for luggage trunks (parts of automobiles and land vehicles), door sill covers (parts of automobiles and land vehicles), ornamental strips (parts of automobiles and land vehicles), decorative strips (parts of automobiles and land vehicles), gear lever knobs coverings (parts of automobiles and land vehicles), carbon interior trims for automobiles (parts of automobiles and land vehicles), interior trimming details (parts of automobiles and land vehicles), air-bag switch-off kits for automobiles and land vehicles, non-skid devices for tires of automobiles and land vehicles, repair outfits for inner tubes of automobiles and land vehicles, anti-dazzle devices for automobiles and land vehicles, anti-glare devices for automobiles and land vehicles, anti-skid chains for automobiles and land vehicles, reversing alarms for automobiles and land vehicles, anti-theft devices for automobiles and land vehicles, sun-blinds adapted for automobiles and land vehicles, freewheels for automobiles and land vehicles, head-rests for seats of automobiles and land vehicles, armrests for seats of automobiles and land vehicles, luggage nets for automobiles and land vehicles, ski carriers for automobiles and land vehicles, sleeping berths for automobiles and land vehicles, trailer hitches for automobiles and land vehicles, windshield wipers for automobiles and land vehicles, safety seats for children for automobiles and land vehicles, safety roll-bars for automobiles and land vehicles, anti-slipping devices for automobiles and land vehicles, ABS anti-blocking braking systems for automobiles and land vehicles, traction control systems for automobiles and land vehicles, spoilers for automobiles and land vehicles, hands-free holders for telephones (parts of automobiles and land vehicles, included in this class), spare wheel kit for automobiles and land vehicles, tractors, and other automobiles and land vehicles and their parts and fittings; motorcycles, two-wheeled personal transporters, motorbikes, motor bicycles, mopeds, scooters (vehicles), delivery bicycles, touring bicycles, standard bicycles, road racing bicycles, tandem bicycles, cycles, tricycles, delivery tricycles, carrier tricycles, bells for bicycles, brakes for bicycles, chains for bicycles, cranks for bicycles, frames for bicycles, handle bars for bicycles, hubs for bicycles, inner tubes for bicycles, mudguards for bicycles, pumps for bicycles, rims for bicycles, saddles for bicycles, spokes for bicycles, stands for bicycles, tires for bicycles, baskets adapted for bicycles, direction indicators for bicycles, dress guards for bicycles, gears for bicycles, panniers adapted for bicycles, pedals for bicycles, rims for wheels of

Continuation sheet

bicycles, saddle covers for bicycles, tubeless tires for bicycles, audible warning systems for bicycles, wheels for bicycles and other two-wheeled motor vehicles, bicycles and their parts and fittings; baby carriages (prams); covers for baby carriages, hoods for baby carriages, pushchairs, pushchair covers, pushchair hoods, strollers, stroller covers (pushchairs), fitted perambulator covers; shopping trolleys (carts), hose carts, hub caps, tilting-carts; rickshaws; sleighs and sleds (vehicles); wheelbarrows; carts; horse drawn carriages; bicycles trailers; gasoline engines for land vehicles, diesel engines for land vehicles, turbo jet engines for land vehicles, gas turbines for land vehicles, air turbines for land vehicles, steam turbines for land vehicles, hydraulic turbines for land vehicles and other non-electric prime movers for land vehicles (not including "their parts"); driving motors for automobiles and land vehicles; transmission shafts for automobiles and land vehicles, axles for automobiles and land vehicles, spindles for automobiles and land vehicles; bearings for automobiles and land vehicles; power transmissions and gearings for automobiles and land vehicles, reduction gears for automobiles and land vehicles, hydraulic torque converters for automobiles and land vehicles, pneumatic shock absorbers for automobiles and land vehicles, suspension shock absorbers for automobiles and land vehicles, shock absorbing springs for automobiles and land vehicles, suspension springs for automobiles and land vehicles, spring shock absorbers for automobiles and land vehicles, cone brakes for automobiles and land vehicles, disc brakes for automobiles and land vehicles, block brakes for automobiles and land vehicles, and other brakes for automobiles and land vehicles, shaft couplings for automobiles and land vehicles, fluid couplings for automobiles and land vehicles and other machine elements for automobiles and land vehicles; propulsion mechanisms for automobiles and land vehicles, propeller shafts for automobiles and land vehicles; chains for automobiles and land vehicles, driving chains for automobiles and land vehicles, gearboxes for automobiles and land vehicles, gearing for automobiles and land vehicles, torsion bars for automobiles and land vehicles, transmission chains for automobiles and land vehicles, brake linings for automobiles and land vehicles, brake segments for automobiles and land vehicles, brake shoes for automobiles and land vehicles, connecting rods for automobiles and land vehicles (other than parts of motors and engines), hydraulic circuits for automobiles and land vehicles.

International class 35:

Franchising, namely services rendered by a franchisor, that is transfer of business and organisational know-how assistance in the development and management of a commercial enterprise, of a chain of retail shops, restaurants, bars, cafes and other establishments for facilities engaged in providing food and drinks prepared for consumption; retail outlet management assistance; business assistance, business consultancy and organization in connection with the establishment of on-line retail sale services and the launching of on-line retail trading activities; auctioneering, arranging and conduction of auction sales via a global computer network and/or by means of mobile telephony services; supply of business information for the shipment, the promotion, the sale and the resale of articles on a computer network and/or by means of mobile telephony services; import-export agencies, opinion polling, organization of exhibitions for commercial or advertising purposes, organization of trade fairs for commercial or advertising purposes, public relations, shop window dressing, price comparison services, commercial information agencies, marketing research, marketing studies, business inquiries, business investigations, business research, cost price analysis; market surveys; retail and wholesale services for automobiles and their parts and fittings; commercial assistance in the purchase of second-hand cars; advertising, advertising of goods and services on the Internet and by means of mobile telephony services and by electronic mail, advertising agencies, advertising by mail order, direct mail advertising, layout services for advertising purposes, dissemination of advertising matter, modelling for advertising or sales promotion, on-line advertising on a computer network, outdoor advertising, publicity agencies, publicity columns preparation, publication of publicity texts, radio advertising, radio commercials, rental of advertising time on communication media, television advertising, television commercials, updating of advertising material, writing of publicity texts; administrative processing of purchase orders; commercial information and advice for consumers (consumer advice shop), demonstration of goods,

Continuation sheet

distribution of samples, presentation of goods on communication media for retail purposes, sales promotion for others, sponsorship search; advisory services for business management, business appraisals, business information, business information services provided online from a global computer network or the Internet; business information services on goods and services provided in the form of a buying guide on a global computer network and/or by means of mobile telephony services; business management and organization consultancy, business management assistance, business management consultancy, business management of hotels, business organization consultancy, commercial administration of the licensing of the goods and services of others, commercial or industrial management assistance, economic forecasting, efficiency experts, business assistance relating to outsourcing; procurement services for others (purchasing goods and services for other businesses), professional business consultancy, business management analysis or business consultancy; compilation of statistics; issuance of trading stamps; providing information on commodity sales.

Nb. 11

- International registration No.: 1153123
- International registration date: 2012/03/13
- The date of granting protection: 2014/05/16
(priority date under the Paris Convention: 2011/09/23)
- Name and address of the holder: FERRARI S.P.A.
Via Emilia Est, 1163 MODENA, Italy

Mark:

taylor  made

Ferrari

Conflicting goods and/or services and their class(es), corresponding to class 12 covered in this application:

International class 12:

Cars; racing cars; motor cars; sports cars; automobile bodies; automobile chassis; automobile hoods; automobile bumpers; mudguards for automobiles; rearview mirrors for automobiles; steering wheels for automobiles; windows for automobiles; windscreens for automobiles; caps for vehicle petrol (gas) tanks; horns for automobiles; upholstery for automobiles; crankcases for automobiles, other than for engines; automobile wheels; wheel rims for automobiles; wheel tires for automobiles; automobile tires; pneumatic tires for automobiles; seats for automobiles; racing seats for automobiles; automobile sunroofs; tops for automobiles; sun visors (parts of automobiles); parts of automobiles; dashboard drawers (parts of automobiles); dashboard hatches (parts of automobiles); glove compartments (parts of automobiles); glove boxes (parts of automobiles); covers for baggage compartments (parts of automobiles); seat covers for automobiles; sun-blinds adapted for automobiles; steering wheel covers for automobiles; freewheels for automobiles; head-rests for automobiles; armrests for seats of automobiles; ski carriers for cars; windscreen wipers for automobiles; shaped covers for automobiles; safety belts for seats of automobiles; security harness for automobile seats; air bags (safety devices for automobiles); non-skid devices for automobile tires; safety seats for children, for automobiles, and other automobiles and their parts and fittings; brakes for land vehicles; transmission shafts for land vehicles; axles for land vehicles; wheel bearings for land vehicles; shaft couplings for land vehicles; bearings for land vehicles; power transmissions and gearings for land vehicles; two wheeled motor vehicles, bicycles and their parts and fittings; motors for land vehicles; driving motors for land vehicles; engines for land vehicles; non-electric prime movers for land vehicles (not including their parts); pushchairs; baby carriages (prams); rickshaws; sleighs and sleds (vehicles); wheel barrows; carts; bicycle trailers.

Nb. 12

- International registration No.: 1153747
- International registration date: 2011/05/26
- The date of granting protection: 2015/07/17

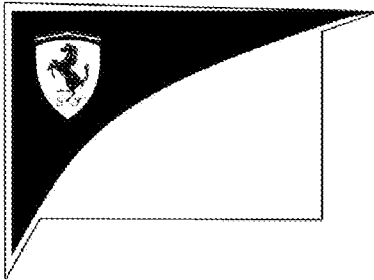
Continuation sheet

(priority date under the Paris Convention: 2010/12/22)

- Name and address of the holder: FERRARI S.P.A.

Via Emilia Est, 1163 I-41100 MODENA, Italy

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 12 covered in this application:

International class 12:

Passenger boats, ferry boats, motorboats, yachts and other vessels and their parts and fittings (other than "air cushion vehicles"); air balloons, seaplanes, amphibious aeroplanes, turbo-jet aeroplanes, airships (dirigible balloons), helicopters and other aircrafts and their parts and fittings; cable cars, ski lifts and other railway rolling stock and their parts and fittings; trucks, ambulances, racing motor cars, concrete mixing vehicles, sprinkling trucks, passenger cars (automobiles), amphibious vehicles, snowmobiles, trailers (vehicles), buses, fork lift trucks, motor cars, sports cars, convertible cars, cars, camping cars, casting cars, cycle cars, dining cars, dining cars (carriages), hand cars, ladle cars, lifting cars (lift cars), side cars, sleeping cars, cars for cable transport installations, vans (vehicles), lorries, light lorries, electric vehicles, military vehicles for transport, refrigerated vehicles, remote control vehicles other than toys, water vehicles, caravans, dinner wagons (carriages), goods handling carts, kick sledges, luggage trucks, motor buses, motor coaches, trolleys (vehicles), two-wheeled trolleys, waggon, refrigerated waggon (railroad vehicles), air bags (safety devices for automobiles and land vehicles), windcreens for automobiles, air pumps for automobiles, clutches for automobiles, warning horns for automobiles, seats for automobiles, racing seats for automobiles, seat covers for automobiles, chassis for automobiles, bodies for automobiles, shaped covers for automobiles and land vehicles, wheels for automobiles, wheel spokes for automobiles, tires for automobiles and land vehicles, pneumatic tires for automobiles and land vehicles, inner tubes for pneumatic tires of automobiles and land vehicles, door handles for automobiles, doors for automobiles, mudguards for automobiles and land vehicles, luggage carriers for automobiles, rearview mirrors for automobiles, steering wheels for automobiles, covers for steering wheels of automobiles and land vehicles, bumpers for automobiles and land vehicles, windshields (windcreens) for automobiles and land vehicles, direction signals (turn signals) for automobiles and land vehicles, holding tops for automobiles and land vehicles, hoods for automobiles and land vehicles, window curtains for automobiles, automobile spare wheel holders, rims for wheels of automobiles and land vehicles, plated rims for wheels of automobiles and land vehicles, rims for wheels of automobiles and land vehicles, automobile roof racks, windscreen wipers for automobiles and land vehicles, chains for automobiles and land vehicles, driving chains for automobiles and land vehicles, gear boxes for automobiles and land vehicles, gearing for automobiles and land vehicles, power tailgates (parts of automobiles and land vehicles), propulsion mechanisms for automobiles and land vehicles, propeller shafts for land vehicles, tailboard lifts (parts of automobiles and land vehicles), elevating power tailgates (parts of automobiles and land vehicles), tipping apparatus (parts of trucks and waggon), tipping bodies for lorries (trucks), torsion bars for automobiles and land vehicles, transmission chains for automobiles and land vehicles, turn signals for automobiles and land vehicles, windows for automobiles and land vehicles, brake linings for automobiles and land vehicles, brake segments for automobiles and land vehicles, brake shoes for automobiles and land vehicles, caps for petrol (gas) tanks for automobiles and land vehicles, connecting rods for automobiles and land vehicles

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(other than parts of motors and engines), hoods for land vehicle and automobile engines, hydraulic circuits for automobiles and land vehicles, land vehicle and automobile running boards, safety belts for land vehicle seats and for automobile seats, 4-point safety belts for land vehicle seats and for automobile seats, undercarriages for automobiles and land vehicles, upholstery for automobiles and land vehicles, crankcases for components for motor cars (other than for engines), elevating tailgates (parts of automobiles and land vehicles), hubs for land vehicle and automobile wheels, spoke clips for wheels of automobiles and land vehicles, balance weights for land vehicle and automobile wheels, bands for wheel hubs of automobiles and land vehicles, studs for tires of automobiles and land vehicles, spikes for tires of automobiles and land vehicles, solid tires for land vehicle and automobile wheels, casings for pneumatic tires of automobiles and land vehicles, treads for retreading tires of automobiles and land vehicles, valves for tires of automobiles and land vehicles, security harness for land vehicle and automobile seats, direction indicators for automobiles and land vehicles, openable sunroofs for automobiles and land vehicles, removable roofs for automobiles and land vehicles, sliding sunroofs for automobiles and land vehicles, tops for automobiles and land vehicles, removable tops for automobiles and land vehicles, soft tops for automobiles and land vehicles, convertible tops for automobiles and land vehicles, sun visors (parts of automobiles and land vehicles), ashtrays (parts of automobiles and land vehicles, included in this class), glass-holders (parts of automobiles and land vehicles, included in this class), dashboard drawers (parts of automobiles and land vehicles), dashboard hatches (parts of automobiles and land vehicles), glove compartments (parts of automobiles and land vehicles), glove boxes (parts of automobiles and land vehicles), covers for baggage compartments (parts of automobiles and land vehicles), door sill covers (parts of automobiles and land vehicles), ornamental strips (parts of automobiles and land vehicles), decorative strips (parts of automobiles and land vehicles), gear lever knobs coverings (parts of automobiles and land vehicles), carbon interior trims for automobiles (parts of automobiles and land vehicles), interior trim for automobiles, air-bag switch-off kits for automobiles and land vehicles, non-skid devices for tires of automobiles and land vehicles, repair outfits for inner tubes of automobiles and land vehicles, anti-dazzle devices for automobiles and land vehicles, anti-glare devices for automobiles and land vehicles, anti-skid chains for automobiles and land vehicles, reversing alarms for automobiles and land vehicles, anti-theft devices for automobiles and land vehicles, sun-blinds adapted for automobiles and land vehicles, freewheels for automobiles and land vehicles, head-rests for seats of automobiles and land vehicles, armrests for seats of automobiles and land vehicles, luggage nets for automobiles and land vehicles, ski carriers for automobiles and land vehicles, sleeping berths for automobiles and land vehicles, trailer hitches for automobiles and land vehicles, windshield wipers for automobiles and land vehicles, safety seats for children for automobiles and land vehicles, safety roll-bars for automobiles and land vehicles, anti-slipping devices for automobiles and land vehicles, anti-lock braking systems for automobiles and land vehicles, spoilers for automobiles and land vehicles, spare wheel kit for automobiles and land vehicles, electric motors for automobiles and land vehicles, motors for automobiles and land vehicles, driving motors for automobiles and land vehicles, tractors, and other automobiles and land vehicles and their parts and fittings; motorcycles, two-wheeled personal transporters, motorbikes, motor bicycles, mopeds, scooters (vehicles), delivery bicycles, touring bicycles, standard bicycles, road racing bicycles, tandem bicycles, cycles, tricycles, delivery tricycles, carrier tricycles, bells for bicycles, brakes for bicycles, chains for bicycles, cranks for bicycles, frames for bicycles, handle bars for bicycles, hubs for bicycles, inner tubes for bicycles, mudguards for bicycles, pumps for bicycles, rims for bicycles, saddles for bicycles, spokes for bicycles, stands for bicycles, tires for bicycles, baskets adapted for bicycles, direction indicators for bicycles, dress guards for bicycles, gears for bicycles, panniers adapted for bicycles, pedals for bicycles, rims for wheels of bicycles, saddle covers for bicycles, tubeless tires for bicycles, audible warning systems for bicycles, wheels for bicycles; bicycle carriers for vehicles and parts thereof; bicycle chains covers, bicycle racks for vehicles, chain guards for bicycles, fitted bicycle covers, and other two-wheeled motor vehicles, bicycles and their parts and fittings; baby carriages (prams); covers

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for baby carriages, hoods for baby carriages, pushchairs, pushchair covers, pushchair hoods, strollers, stroller covers (pushchairs), fitted perambulator covers; shopping trolleys (carts), hose carts, hub caps, rickshaws; sleighs and sleds (vehicles); wheelbarrows; carts; horse drawn carriages; bicycles trailers; gasoline engines for land vehicles, diesel engines for land vehicles, turbojet engines for land vehicles, gas turbines for land vehicles, air turbines for land vehicles, steam turbines for land vehicles, hydraulic turbines for land vehicles and other non-electric prime movers for land vehicles (not including "their parts"); transmission shafts for automobiles and land vehicles, axles for automobiles and land vehicles, spindles for automobiles and land vehicles; bearings for automobiles and land vehicles; power transmissions and gearings for automobiles and land vehicles, reduction gears for automobiles and land vehicles, hydraulic torque converters for automobiles and land vehicles, pneumatic shock absorbers for automobiles and land vehicles, suspension shock absorbers for automobiles and land vehicles, shock absorbing springs for automobiles and land vehicles, suspension springs for automobiles and land vehicles, spring shock absorbers for automobiles and land vehicles, cone brakes for automobiles and land vehicles, disc brakes for automobiles and land vehicles, block brakes for automobiles and land vehicles, and other brakes for automobiles and land vehicles, shaft couplings for automobiles and land vehicles, fluid couplings for automobiles and land vehicles; AC motors or DC motors for automobiles and land vehicles (not including "their parts"); adhesive rubber patches for repairing tubes or tires; anti-theft alarms for automobiles and vehicles.

International class 35:

On-line and non-on-line retail services or wholesale services for automobiles, trucks and their parts and fittings; business advice relating to franchising; assistance in the development and management of a commercial enterprise, of a chain of retail shops, restaurants, bars, cafes and other establishments for facilities engaged in providing food and drinks prepared for consumption; retail outlet management assistance; business assistance, business consultancy and organization in connection with the establishment of on-line retail sale services and the launching of on-line retail trading activities; arranging and conduction of auction sales via a global computer network and/or by means of mobile telephony services; providing searchable on-line advertising guides relating to shipment, the promotion, the sale and the resale of articles on a computer network and/or by means of mobile telephony services; import-export agencies, opinion polling, organization of exhibitions for commercial or advertising purposes, organization of trade fairs for commercial or advertising purposes, public relations, shop window dressing, price comparison services, commercial information agencies, marketing research, marketing studies, business inquiries, business investigations, business research, cost price analysis; administration of loyalty reward programs; market surveys; business management in the field of mail-order; providing an on-line commercial information directory service on the Internet with the purpose of giving the users a list of car dealers, retail stores and assistance centres; commercial assistance in the purchase of second-hand cars; advertising, advertising of goods and services on the Internet and by means of mobile telephony services and by electronic mail, advertising agencies, advertising by mail order, direct mail advertising, layout services for advertising purposes, dissemination of advertising matter, modelling for advertising or sales promotion, on-line advertising on a computer network, outdoor advertising, publicity agencies, publicity columns preparation, publicity material rental, publication of publicity texts, radio advertising, radio commercials, rental of advertising time on communication media, television advertising, television commercials, updating of advertising material, writing of publicity texts, rental of advertising space, promotion of goods and services by preparing and organizing promotional contests and competitions with prizes to be won, on a global computer network and/or by means of mobile telephony services, promotion of goods and services by placing advertisements and advertising displays on an on-line electronic site accessible via a global computer network and/or by means of mobile telephony services, promotion of websites for third parties and other advertising and publicity; administrative processing of purchase orders; commercial information and advice for consumers (consumer advice shop), demonstration of goods, distribution of samples, presentation of goods on communication media for retail purposes, sales promotion for others, sponsorship

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search; advisory services for business management, arranging subscriptions to telecommunication services for others, business appraisals, business information, business information services provided online from a global computer network or the Internet; business information services on goods and services provided in the form of a buying guide on a global computer network and/or by means of mobile telephony services; business management and organization consultancy, business management assistance, business management consultancy, business management of hotels, business organization consultancy, commercial administration of the licensing of the goods and services of others, commercial or industrial management assistance, economic forecasting, efficiency experts, business assistance relating to outsourcing; procurement services for others (purchasing goods and services for other businesses), professional business consultancy; business management analysis or business consultancy; compilation of information into computer databases, compilation of statistics, systemization of information into computer databases; computerized file management; database management services; data search in computer files for others; issuance of trading stamps; office functions, namely filing in particular documents or magnetic tapes.

Nb. 13

- International registration No.: 1283376
- International registration date: 2015/05/22
- The date of granting protection: 2017/09/08
(priority date under the Paris Convention: 2014/12/02)
- Name and address of the holder: FERRARI S.P.A.
Via Emilia Est, 1163 MODENA, Italy

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 12 covered in this application:

International class 12:

Cars; racing cars; motorcars; sports cars; automobile bodies; automobile chassis; automobile hoods; automobile bumpers; mudguards for automobiles; rearview mirrors for automobiles; steering wheels for automobiles; windows for automobiles; windcreens for automobiles; caps for vehicle petrol [gas] tanks; horns for automobiles; upholstery for automobiles; crankcases for automobiles, other than for engines; automobile wheels; wheel rims for automobiles; wheel tires for automobiles; automobile tires; pneumatic tires for automobiles; seats for automobiles; racing seats for automobiles; automobile sunroofs; tops for automobiles; sun visors [parts of automobiles]; ashtrays [parts of automobiles]; glass-holders [parts of automobiles]; dashboard drawers [parts of automobiles]; dashboard hatches [parts of automobiles]; glove compartments [parts of automobiles]; glove boxes [parts of automobiles]; covers for baggage compartments [parts of automobiles]; seat covers for automobiles; sun-blinds adapted for automobiles; steering wheel covers for

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automobiles; freewheels for automobiles; head-rests for automobiles; armrests for seats of automobiles; ski carriers for cars; windscreen wipers for automobiles; shaped covers for automobiles; safety belts for seats of automobiles; security harness for automobile seats; air bags [safety devices for automobiles]; non-skid devices for automobile tires; safety seats for children, for automobiles; cigar lighters for automobiles and other automobiles and their parts and fittings; brakes for land vehicles; transmission shafts for land vehicles; axles for land vehicles; wheel bearings for land vehicles; shaft couplings for land vehicles; bearings for land vehicles; power transmissions and gearings for land vehicles; shock absorbers for land vehicles; springs for land vehicles; scooters [vehicles]; push scooters [vehicles]; non-motorized push scooters; non-motorized scooters [vehicles]; two wheeled motor vehicles, bicycles and their parts and fittings; motors for land vehicles; driving motors for land vehicles; gasoline engines for land vehicles; diesel engines for land vehicles; non-electric prime movers for land vehicles [not including their parts]; rickshaws; sleighs and sleds [vehicles]; trolleys; carts; horse-drawn carriages; bicycle trailers; adhesive rubber patches for repairing tubes or tires; baby carriages [prams].

International class 35:

Advertising and publicity services; retail and wholesale services, also on-line, of clothing, clothes for sports, belts for clothing, footwear [other than special footwear for sports], footwear for sports, headgear, bags, pouches and the like, handbags, travelling bags, rucksacks, key cases, key rings, vanity cases [not fitted], umbrellas, sun umbrellas, parasols and their parts, personal articles; retail and wholesale services, also on-line of automobiles, their parts and fittings; retail and wholesale services, also on-line of printed matter, paper, photographs and stationery; retail and wholesale services, also on-line, of sports goods, toys, dolls, games, game machines and apparatus; retail and wholesale services, also on-line, of clocks, watches and spectacles [eyeglasses and goggles] and parts and fittings therefor.

Extract from the Japanese Trademark Law

Article 3 Requirements for trademark registration

- (1) Any trademark to be used in connection with goods or services pertaining to the business of an applicant may be registered, unless the trademark:
- (i) consists solely of a mark indicating, in a common manner, the common name of the goods or services;
 - (ii) is customarily used in connection with the goods or services;
 - (iii) consists solely of a mark indicating, in a common manner, in the case of goods, the place of origin, place of sale, quality, raw materials, efficacy, intended purpose, shape (including shape of packages; the same shall apply in Article 26(1)(ii) and (iii)), the method or features including time of production or use, quantity, price, or, in the case of services, the location of provision, quality, articles to be used in such provision, efficacy, intended purpose, modes, method or features including time, quantity or price of provision;
 - (iv) consists solely of a mark indicating, in a common manner, a common surname or name of a juridical person;
 - (v) consists solely of a very simple and common mark; or
 - (vi) is in addition to those listed in each of the preceding items, a trademark by which consumers are not able to recognize the goods or services as those pertaining to a business of a particular person.
- (2) Notwithstanding the preceding paragraph, a trademark that falls under any of items (iii) to (v) of the preceding paragraph may be registered if, as a result of the use of the trademark, consumers are able to recognize the goods or services as those pertaining to a business of a particular person.

Article 4 Unregistrable trademarks

- (1) Notwithstanding the preceding Article, no trademark shall be registered if the trademark:
- (i) is identical with, or similar to, the national flag, the imperial chrysanthemum crest, a decoration, a medal or a foreign national flag;
 - (ii) is identical with, or similar to, the coats of arms or any other State emblems (except national flags of any country of the Union to the Paris Convention, member of the World Trade Organization or Contracting Party to the Trademark Law Treaty) of a country of the Union to the Paris Convention (refers to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at the Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958 and at Stockholm on July 14, 1967; the same shall apply hereinafter), a member of the World Trade Organization or a Contracting Party to the Trademark Law Treaty designated by the Minister of Economy, Trade and Industry;
 - (iii) is identical with, or similar to, a mark indicating the United Nations or any other international organization (referred to as "international organization" in (b)) which has been designated by the Minister of Economy, Trade and Industry (excluding those listed in the following);
 - (a) is identical with, or similar to, a trademark which is well known among consumers as that indicating goods or services in connection with the applicant's business, if such a trademark is used in connection with such goods or services or goods or services similar thereto; and
 - (b) is identical with, or similar to, a mark indicating abbreviation of any international organization, which has been used for goods or services that is not likely to mislead as to connection to the international organization;
 - (iv) is identical with, or similar to, the emblems or titles in Article 1 of the Act Concerning Restriction on the Use of Emblems and Titles of the Red Cross and Others (Act No.159 of 1947) or the distinctive emblem in Article 158(1) of the Act Concerning Measures to Protect Japanese Citizens During Armed Attacks and Others (Act No.112 of 2004);
 - (v) is comprised of a mark identical with, or similar to, an official hallmark or sign indicating control or warranty by the national or a local government of Japan, a country of the Union to the Paris Convention, a member of the World Trade Organization or a Contracting Party to the Trademark Law Treaty which has been designated by the Minister of Economy, Trade and Industry, if such a trademark is used in connection with goods or services identical with, or similar to, the goods or services in connection with which the hallmark or sign is used;
 - (vi) is identical with, or similar to, a famous mark indicating the State, a local government, an agency thereof, a non-profit organization undertaking a business for public interest, or a non-profit enterprise undertaking a business for public interest;
 - (vii) is likely to cause damage to public policy;
 - (viii) contains the portrait of another person, or the name, famous pseudonym, professional name or pen name of another person, or famous abbreviation thereof (except those the registration of which has been approved by the person concerned);
 - (ix) is comprised of a mark identical with, or similar to, a prize awarded at an exhibition held by the national or a local government (hereinafter referred to as the "Government, etc.") or by those who are not the Government, etc. that conforms to the standards specified by the Commissioner of the Patent Office, or at an international exhibition held in a foreign country by the Government, etc. of the foreign country or those authorized thereby (except those used by the recipient of such a prize as part of his/her own trademark);
 - (x) is identical with, or similar to, another person's trademark which is well known among consumers as that indicating goods or services in connection with the person's business, if such a trademark is used in connection with such goods or services or goods or services similar thereto;
 - (xi) is identical with, or similar to, another person's registered trademark which has

- been filed prior to the filing date of an application for registration of the said trademark, if such a trademark is used in connection with the designated goods or designated services relating to the said registered trademark (referring to goods or services designated in accordance with Article 6(1) (including cases where it is applied mutatis mutandis pursuant to Article 68(1)); the same shall apply hereinafter), or goods or services similar thereto;
- (xii) is identical with a registered defensive mark of another person (referring to a mark registered as a defensive mark; the same shall apply hereinafter), if such a trademark is used in connection with designated goods or designated services relating to the defensive mark;
 - (xiii) deleted
 - (xiv) is identical with, or similar to, the name of a variety registered in accordance with Article 18(1) of the Plant Variety Protection and Seed Act (Act No. 83 of 1998), if such a trademark is used in connection with seeds and seedlings of the variety or goods or services similar thereto;
 - (xv) is likely to cause confusion in connection with the goods or services pertaining to a business of another person (except those listed in items (x) to (xiv) inclusive);
 - (xvi) is likely to mislead as to the quality of the goods or services;
 - (xvii) is comprised of a mark indicating a place of origin of wines or spirits of Japan which has been designated by the Commissioner of the Patent Office, or a mark indicating a place of origin of wines or spirits of a member of the World Trade Organization which is prohibited by the said member from being used on wines or spirits not originating from the region of the said member, if such a trademark is used in connection with wines or spirits not originating from the region in Japan or of the said member;
 - (xviii) consists solely of features provided by Cabinet Order among features that are naturally provided to goods, etc. (goods, or packages of goods, or services; the same shall apply in Article 26(1)(v)); or
 - (xix) is identical with, or similar to, a trademark which is well known among consumers in Japan or abroad as that indicating goods or services pertaining to a business of another person, if such trademark is used for unfair purposes (referring to the purpose of gaining unfair profits, the purpose of causing damage to the other person, or any other unfair purposes, the same shall apply hereinafter) (except those provided for in each of the preceding items);
- (2) Where the State or a local government, an agency thereof, a non-profit organization undertaking a business for public interest, or a person undertaking a non-profit activity for public interest files an application for trademark registration falling under item (vi) of the preceding paragraph, the provision of the said item shall not apply.
- (3) Items (viii), (x), (xv), (xvii) and (xix) of paragraph (1) shall not apply to a trademark falling under any of the said items which does not fall under the said item at the time of filing of an application for trademark registration.

Article 5 Application for trademark registration

- (4) Where a person desires to register any trademark provided by Cabinet Order of the Ministry of Economy, Trade and Industry, the application shall state the detailed description of the trademark in the application pursuant to Ordinance of the Ministry of Economy, Trade and Industry, or affix materials provided by Ordinance of the Ministry of Economy, Trade and Industry to the application.
- (5) The statement and materials in the preceding paragraph shall specify the trademark for which a registration is sought.

Article 6 Single trademark on each application

- (1) An application for trademark registration shall be filed for each trademark and designate one or more goods or services in connection with which the trademark is to be used.
- (2) The designation provided for in the preceding paragraph shall be made in accordance with the class of goods and services provided by Cabinet Order.
- (3) The class of goods and services provided for in the preceding paragraph shall not be perceived as prescribing the scope of similarities of goods or services.

Article 7 Collective trademarks

- (1) A general incorporated association or other association (except those which do not have juridical personality, and companies), or any other association established pursuant to a special Act including business cooperative (except those which do not have juridical personality), or a foreign juridical person equivalent thereto shall be entitled to obtain a collective trademark registration with respect to a trademark to be used by their members.
- (2) For the purpose of the application of Article 3(1), in the case of the preceding paragraph, "applicant" in the said paragraph shall read "applicant or its members."
- (3) Any person who desires to register a collective trademark pursuant to paragraph (1) shall, at the time of filing of an application for trademark registration pursuant to Article 5(1), submit to the Commissioner of the Patent Office a document certifying that the applicant for trademark registration is a juridical person that falls under paragraph (1).

Article 7-2 Regional collective trademarks

- (1) Any association established by a special Act, including a business cooperative (those which do not have juridical personality are excluded, and limited to those which are established by a special Act providing, without a just cause, that the association shall not refuse the enrollment of any person who is eligible to become a member or that the association shall not impose on any of its prospective members any condition that is heavier than those imposed on its existing members), a commerce and industry association, chambers of commerce and industry or specified non-profit corporation specified in Article 2(2) of Act on

- (i) a trademark consisting solely of characters indicating, in a common manner, the name of the region and the common name of the goods or services pertaining to the business of the applicant or its members;
- (ii) a trademark consisting solely of characters indicating, in a common manner, the name of the region and the name customarily used as a name indicating the goods or services pertaining to the business of the applicant or its members; or
- (iii) a trademark consisting solely of characters indicating, in a common manner, the name of the region and the common name of the goods or services pertaining to the business of the applicant or its members or the name customarily used as a name indicating thereof, and characters customarily added in indicating, in a common manner, the place of origin of the goods or the location of provision of the services.

(2) The term "name of the region" as used in the preceding paragraph means, even prior to the filing of the said application, the name of the place of origin of the goods, the location of provision of services, or the name of the region which is considered to have a close relationship with the said goods or services to the equivalent extent, for which the trademark pertaining to the said application has been used by the applicant or its members, or abbreviation thereof.

(3) For the purpose of the application of Article 3{1} {limited to the part pertaining to items (i) and (ii)} in the case of paragraph (1), "applicant" in the said paragraph shall read "applicant or its members."

(4) Any person who desires to register a regional collective trademark pursuant to paragraph (1) shall, at the time of filing of an application for trademark registration pursuant to Article 5(1), submit to the Commissioner of the Patent Office a document certifying that the applicant for trademark registration is an Association, etc. and documents necessary to prove that the trademark for which the registration is sought contains the name of a region as provided in paragraph (2).

- (1) Where two or more applications for trademark registration relating to identical or similar trademarks which are to be used in connection with identical or similar goods or services have been filed on different dates, only the applicant who filed the application for trademark registration on the earlier date shall be entitled to register the trademark in question.
- (2) Where two or more applications for trademark registration relating to identical or similar trademarks which are to be used in connection with identical or similar goods or services have been filed on the same date, only one applicant who is to be determined by consultations among the applicants who filed such applications shall be entitled to register the trademark in question.
- (3) Where an application for trademark registration is abandoned, withdrawn or dismissed, or an examiner's decision or a trial decision on an application for trademark registration becomes final and binding, such application shall, for the purposes of the application of the preceding two paragraphs, be deemed never to have been filed.
- (4) In the case of paragraph (2), the Commissioner of the Patent Office shall require the applicants for trademark registration to arrange consultations among the applicants as set forth in the said paragraph and to report the result thereof, designating a reasonable time limit for such purpose.
- (5) Where no agreement is reached in the consultations held pursuant to paragraph (2) or no report is submitted within the designated time limit set forth in the preceding paragraph, only one applicant, selected by a lottery in a fair and just manner conducted by the Commissioner of the Patent Office, shall be entitled to register the trademark in question.

Where an application for trademark registration falls under any of the following items, the examiner shall render a decision to the effect that the application is to be refused:

- (i) the trademark pertaining to an application for trademark registration is not registrable pursuant to the provisions of Articles 3, 4(1), 7-2(1), 8(2), 8(5), 51(2) (including the case of its *mutatis mutandis* application under Article 52-2(2)), 53(2) of this Act or Article 25 of the Patent Act as applied *mutatis mutandis* under 77(3) of this Act;
- (ii) the trademark pertaining to an application for trademark registration is not registrable pursuant to the provisions of a relevant treaty; or
- (iii) the application for trademark registration does not comply with the requirements provided in Article 5(5), or Article 6(1) or 6(2).

(1) Where a trademark pertaining to an application for trademark registration is identical with, or similar to, another person's trademark pertaining to an application for trademark registration filed prior to the filing date of the said application, if the said trademark is used for goods or services identical with, or similar to, the designated goods or designated services pertaining to such other person's trademark, the examiner may notify the applicant for trademark registration of the fact that the said application for trademark registration will fall under Article 15(i) when the said other person's trademark is registered, and provide the applicant with an opportunity to submit a written opinion, designating a

(Creation Date :Sep 1,2015)