

Japan Patent Office (JPO)
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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 Regulations under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks and Section 15-2 and 15-3 of the Japanese Trademark Law.

I. International registration number: 1614895
Mark: München 1972 (with figurative elements)
Date of international registration: 2021/03/10
Holder of the international registration:
Comité International Olympique

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 August/01/2022 by

Hayashi Yuki (Mr.)
Examiner
Madrid Protocol Division
Facsimile: Not Available
Telephone: +81-3-3501-2392

IV. The holder may submit to the JPO a written opinion and/or an amendment against this provisional refusal within three months from the date of pronouncement. The written opinion and/or amendment must be submitted through a representative domiciled in Japan. The trademark claimed in this application can be protected, subject to amendments to be made by the holder of the international registration, as suggested under Item VI. Even if the above-mentioned time limit has past, the holder may submit to the JPO an amendment of the list of goods and/or services as long as the case is pending in examination, trial or retrial in JPO, provided that the date indicated in Item I is on and after April/01/2020. Alternatively, the holder may request a limitation of the list of goods and/or services in accordance with Rule 25(1)(a) of the Regulations under the Madrid Protocol. Such request must be submitted to the International Bureau of WIPO on Official Form MM6.

<Note>

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 <PAIT40@jpo.go.jp>.

*Please note that the letter "1" between Capital letters "A" and "T" is the number 1.

* 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.

Continuation sheet

V. The grounds for refusal

Ground 1

This application does not conform to the requirements provided for under Section 6(1) of the Trademark Law because some of the designated goods and services are inappropriately described in this application in a vague/broad manner(see below).

[vague/broad description]

- Class 09 Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments; software, recorded content; media content; media and publishing software, office and business applications; magnets, magnetizers and demagnetizers; scientific and laboratory apparatus for treatment using electricity; electrical and electronic components including electric cables and wires, amplifiers and correctors, including optical amplifiers, safety, security, protection and signalling apparatus, including alarms and warning equipment, access control devices, signalling apparatus, navigation, guidance, tracking, targeting and map making devices; measuring, detecting, monitoring and controlling devices, including testing and quality control devices, measuring devices including time measuring instruments (except clocks and watches), controllers, data recorders; scientific, research and laboratory apparatus; educational simulators.
- Class 16 Works of art, decoration and art materials and media, including artistic, craft and model-making equipment; bags and articles for packaging, wrapping and storage of paper, cardboard or plastic; stationery and educational supplies, including writing and stamping instruments, correcting and erasing instruments.
- Class 21 Fly catchers.
- Class 28 Swimming straps.
- Class 35 Office task services (office functions); retail and wholesale services; administrative support and data processing services; data processing, systematization and management; retail and wholesale services in relation to chemicals for industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, compost, manures, fertilizers, biological preparations for use in industry and science, synthetic resins, chemical intermediates, chemicals, biochemicals and reagents for use in industry, science and research, chemical preparations for cell separation and culture, chemical preparations for the purification of nucleic acid, nucleotides, florescent nucleotides, oligonucleotides, peptides, proteins, amino acids, organic molecules and markers for DNA/RNA synthesis, specialized chemicals for use in industry, science and research, gases and gas mixtures for use in industry, research and science, chemical products and substances for the manufacture of pharmaceutical products, diagnostic products and substances, chemical testing reagents, saline solution and paper coated with reagents, all for scientific use and for use in laboratories, radioactive elements and isotopes for use in industry, science and research, radiopharmaceuticals for scientific use and for research; retail and wholesale services in relation to pharmaceutical products, medical and veterinary preparations, sanitary products for medical use, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, fungicides, herbicides, pharmaceutical products for diagnosis, diagnostic substances for medical use, radiopharmaceuticals for clinical and medical use, disposable paper or cellulose diaper-pants, diapers and napkins; retail and wholesale services in relation to machines, machine tools, power-operated tools, motors and engines, except for land vehicles, apparatus, equipment and instruments for electricity production, namely electrical and wind energy generators generating electricity, wind turbines linked to wind farms, turbine-powered production installations, namely installations for electricity production and parts and components of all the aforesaid goods, solar powered energy electricity

Continuation sheet

generators, machines and machine systems, including parts and accessories for electricity production, transformation and conversion dynamos, electric motors of all kinds, steam and gas turbines and their parts, electrical generators and their parts, aircraft engines, compressors, laundry washing and drying machines, dishwashers, waste grinders and compactors, electrical tools, electric motors, electric generators, garden tools, electric lawnmowers, garden vaporizers for disinfectants and insecticides, hand-held electric tools and implements, blenders, centrifuges, hand-held mixers, food processors; retail and wholesale services for the sale of apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data, recorded and downloadable media, computer software, blank digital or analog recording and storage media, computers and computer peripherals, recorded content; media content, software, including games software, applications software, including communication, networking and social networking software, data and file management software and database software, software for media and publishing software, applications for offices and businesses, applications software for the web and servers, including e-commerce and e-payment software, communication apparatus such as computer networking and data communications equipment, point-to-point communications apparatus, radio broadcasting apparatus, antennas as communications apparatus, data storage devices and media, calculators, ticket dispensers, payment terminal apparatus, cash dispensers and money sorting devices including mechanisms for prepayment apparatus, peripherals adapted for use with computers and other smart devices, computers and computer hardware, components and parts for computers, audio/visual and photographic devices including audio devices and radio receivers, display devices, television receivers and film and video devices, image capturing and developing devices, spectacles (optical), sunglasses, safety, security, protection and signaling devices, including alarms and warning equipment, access control devices, measuring devices, including time measuring instruments (not including clocks and watches), instruments for measuring weight, instruments for measuring distance and dimensions, instruments for measuring speed, instruments for measuring temperature, instruments for measuring electricity, controllers, regulators of voltage and power, data recorders, sensors, detectors and monitoring instruments; retail and wholesale services for the sale of surgical, medical, dental and veterinary apparatus and instruments, prosthetics and artificial limbs, eyes and teeth, orthoses, mobility aids, orthopedic articles, suture materials, therapeutic and assistive devices adapted for the disabled, massage apparatus, apparatus, devices and articles for nursing infants, systems featuring medical apparatus and accessories for administering measured doses of pharmaceutical preparations, medical diagnosis devices, namely, bone densitometers, ultrasound imaging machines for medical diagnosis, imaging devices for screening and diagnostic applications for planning operations and surgery, and parts and accessories therefor, mobile x-ray devices, x-ray film viewers, CAT scans for medical diagnosis, laser apparatus for medical treatment, ultrasound diagnosis equipment, acoustic apparatus, medical apparatus for measuring bone density; retail and wholesale services in relation to vehicles, apparatus for locomotion by land, air or water, electric motors and diesel engines for land vehicles, bicycles, tires and inner tubes for bicycles, automatic vehicles, electric bicycles, tires, inner tubes for vehicle tires, wheels and rims [for automobiles]; retail and wholesale services in relation to precious metals and their alloys, jewelry, precious and semi-precious stones, timepieces and chronometric instruments, gemstones, pearls and precious metals, and imitations thereof, time measuring instruments, other articles of precious metals and precious stones, and imitations thereof including statues and figurines, made of or coated with precious or semi-precious metals or stones, or imitations thereof, ornaments, made of or coated with precious or semi-precious metals or stones, or imitations thereof, jewelry boxes and watch boxes, key rings and key chains, and charms therefor, medallions, medals; retail and wholesale services in relation to paper and cardboard, printed matter, photographs [printed], instructional material with the exception of apparatus, bags, sachets, films and sheets of plastic and

Continuation sheet

paper for packaging, works of art and figurines of paper and cardboard, decoration and art materials and media, including arts, crafts and modelling equipment, bags and articles for packaging, wrapping and storage of paper, cardboard or plastics, educational equipment, photo albums and collectors' albums, printed matter including books, disposable paper products; retail and wholesale services for the sale of household or kitchen utensils and containers, cookware and crockery, except forks, knives and spoons, combs and sponges, brushes (except paint brushes), glassware, porcelain and earthenware, kitchen utensils and containers, articles for cleaning, statues, figurines, works of art, made of materials such as porcelain, terracotta or glass, included in this class, household utensils for cleaning, air fragrancing apparatus, glasses, containers for liquids and bar accessories, money boxes, cosmetic and toiletry utensils; retail and wholesale services in relation to clothing, footwear, headwear, parts of clothing, footwear and headwear articles, fashion accessories; retail and wholesale services in relation to games and toys, video game apparatus, gymnastic and sporting articles, sporting articles and equipment, hunting and fishing equipment, swimming equipment, tabletop games and gambling devices.

Class 41 Sporting and cultural activities; gambling services; audio, video and multimedia production, sports and fitness; rental services relating to equipment and facilities for education, entertainment, sports and culture; library services and rental of media.

[Suggestion for amendment/limitation]

Class 09

Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments;

--> Apparatus and instruments for scientific research in laboratories; nautical apparatus and instruments; surveying apparatus and instruments; photographic apparatus and instruments; cinematographic apparatus and instruments; optical apparatus and instruments; weighing apparatus and instruments; measuring apparatus; signals, luminous or mechanical; monitoring apparatus, other than for medical purposes; life saving apparatus and equipment; teaching apparatus; navigational instruments;

Software,

--> computer software;

Recorded content;

--> pre-recorded compact discs;

Media content;

--> media content, namely, downloadable image files;

Media and publishing software,

--> computer software for media publishing;

Office and business applications;

--> office and business application software.

Magnets, magnetizers and demagnetizers;

--> magnets; electromagnets; demagnetizing apparatus for magnetic tapes;

Scientific and laboratory apparatus for treatment using electricity;

--> laboratory apparatus for scientific research for treatment using electricity;

Electrical and electronic components including electric cables and wires,

--> electric cables and wires.

Continuation sheet

Amplifiers and correctors, including optical amplifiers,

--> optical enhancers and correctors;

Safety, security, protection and signalling apparatus, including alarms and warning equipment,

--> security alarms; luminous or mechanical signals, warning bells,

Access control devices,

--> electric current control devices,

Signalling apparatus,

--> luminous or mechanical signals;

Navigation, guidance, tracking, targeting and map making devices;

--> navigation, guidance, tracking, targeting and map making devices, namely Global Positioning System [GPS] apparatus;

Measuring, detecting, monitoring and controlling devices, including testing and quality control devices,

--> measuring, detecting, monitoring and electrical controlling devices, including testing and quality control devices,

Measuring devices including time measuring instruments (except clocks and watches),

--> measuring devices including hourglasses [time measuring instruments] (except clocks and watches),

Controllers,

--> power controllers.

Data recorders;

--> optical disc recorders for audio, video and computer data,

Scientific, research and laboratory apparatus;

--> laboratory apparatus for scientific research and commercial use;

Educational simulators.

--> audiovisual teaching apparatus;

Class16

Works of art,

--> lithographic works of art;

Decoration and art materials and media, including artistic, craft and model-making equipment;

--> paper party decorations; art paper; painting sets for artists;

Bags and articles for packaging, wrapping and storage of paper, cardboard or plastic;

--> bags, envelopes and pouches for packaging, wrapping and food storage of paper, cardboard or plastic;

Stationery and educational supplies, including writing and stamping instruments, correcting and erasing instruments;

--> stationery; educational publications ;

Class 21

Fly catchers,

--> fly catchers (traps or whisks);

Continuation sheet

Class 28

Swimming straps;

--> no proposal.

Class 35

*Please refer the continuation sheet.

Class 41

Sporting and cultural activities;

--> sporting activities; organization of exhibitions for cultural or educational purposes;

Gambling services;

--> providing casino facilities [gambling];

Audio, video and multimedia production,

--> audio, video and multimedia entertainment publishing services;

Sports and fitness;

--> sports and fitness training;

Rental services relating to equipment and facilities for education, entertainment, sports and culture;

--> rental of sports equipment and facilities; rental of stadium facilities, sports halls, auditoriums; games equipment rental; rental of audio equipment;

Library services and rental of media;

--> library services and rental of film and video;

*Please note that this suggestion is applied to Ground 1 only. This application, however, still falls under ground 2 for refusal even if the above description is appropriately amended.

Ground 2

The trademark of this application does not conform to the requirements as provided in the main paragraph of Section 3(1) of the Trademark Law because of the following reason:

The main paragraph of Section 3(1) requires that registerable trademarks either be currently in use or will be put into use in the near future; however, there is reasonable doubt as to whether the applicant currently uses or will use in the near future this trademark on the designated goods or services, as indicated below:

[1] All the designated goods or services in Classes 9, 16, 21, 35, 41

The above designated goods or services come under too wide a scope within one class.

[2] Retail/Wholesale services in Class 35

Two or more retail/wholesale services (regarding services provided for in Section 2(2) of the Trademark Law) have been designated in this application, which are not similar to each other depending on the goods dealt in the said retail/wholesale services.

However, the above reason for refusal will be resolved if the above-mentioned doubt, as to the use of or the intent to use this trademark, is eliminated by the applicant's taking any of the following procedures (a), (b) or (c):

(a) Proving that the applicant is conducting business connected with the above-mentioned designated goods or services in Japan by submitting some documents such as newspaper articles, catalogs, business documents etc.;

(b) Proving that the applicant is planning to conduct business connected with the above-mentioned designated goods or services in Japan within three to four years from

Continuation sheet

the date of the international registration or the subsequent designation by submitting both of the following documents:

- (i) A written Declaration of Intention to Use stating when this trademark will begin to be used and what goods or services this trademark will be used for in Japan; and
- (ii) Documents of Business Plan stating the current status of the applicant's business preparations; or
- (c) Limiting the above-mentioned designated goods or services to an appropriate range. [For your reference, examples of amendments/limitations, which have been arbitrarily selected from the list of the designated goods or services in this application, can be found in Item VI.]

<Important notes for proving (a) or (b) above>

- (1) The Examination Guidelines are available on the JPO website at <https://www.jpo.go.jp/e/system/laws/rule/guideline/trademark/kijun/document/index/0102.pdf>
- (2) The main points for filing an application regarding retail services or wholesale services are available on the JPO website at https://www.jpo.go.jp/e/system/trademark/gaiyo/document/notice_services/points.pdf
- (3) The above-mentioned documents for proving (a) or (b) must be accompanied with a Japanese translation and submitted to the JPO through the intermediary of a representative domiciled in Japan.

- VI. The trademark of this application will be protected if the goods and services are amended/limited as follows: (Examples are underlined. The underlined goods/services are the examples of amendment/limitation of the goods/services shown in V. Sometimes there are no underlined goods/services.)

Classes 14, 18, 24, 25 and 38 remain unchanged.

- 9 Apparatus and instruments for sound, image or data recording, transmission, reproduction or processing; computer software; blank digital or analog recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, diving masks, earplugs for diving, diving gloves, breathing apparatus for underwater swimming; fire-extinguishing apparatus; software including game software, application software including communication, networking and social networking software, data and file management software and database software, computer software for media publishing; office and business application software, artificial intelligence and machine learning software; software for monitoring, analyzing, controlling and running physical world operations; system software and system support software; firmware and device drivers, operating systems, utility, security and cryptography software; virtual and augmented reality software; Web application and server software including e-commerce and e-payment software; communication apparatus such as computer networking and data communication equipment, point-to-point communication apparatus, broadcasting apparatus, antennas being communication apparatus; data storage devices and media; duplication apparatus such as photocopiers, image scanners, printers; calculators, ticket dispensers, payment terminal apparatus, cash dispensers and money sorting devices, including mechanisms for coin-operated apparatus; peripherals adapted for use with computers and other smart devices; computers and computer hardware; computer components and parts; audio/visual and photographic devices, including audio devices and radio receivers, display devices, television receivers and film and video devices, image capturing and developing devices; apparatus and instruments for accumulating and storing electricity, apparatus and instruments for controlling electricity, electrical circuits and printed circuit boards, antennas as components; optical apparatus, optical enhancers and correctors; spectacles [optics], sunglasses and contact lenses; corrective eyewear, sunglasses; electric current control devices, luminous or mechanical signals; protective spectacles; diving equipment, namely, diving helmets, weight belts for diving, diving suits, diving suits, gloves for divers, diving goggles, divers' masks, ear plugs for divers, diving snorkels; navigation, guidance,

Continuation sheet

- tracking, targeting and map making devices, namely Global Positioning System [GPS] apparatus; measuring, detecting, monitoring and electrical controlling devices, including testing and quality control devices, weight measuring instruments, distance and dimension measuring instruments, speed measuring instruments, temperature measuring instruments, power controllers, voltage and power regulators; optical disc recorders for audio, video and computer data, sensors, detectors and monitoring instruments.
- 16 Paper and cardboard; printing products (printed matter); bookbinding material; stationery and office requisites (excluding furniture); adhesives for stationery or household purposes; drawing materials and materials for artists; paintbrushes; instructional material except apparatus; plastic sheets, films and bags for packaging and wrapping; printing type, printing blocks; figurines of paper and cardboard, architects' models; paper party decorations; art paper; painting sets for artists; paper filtering materials; bags, envelopes and pouches for packaging, wrapping and food storage of paper, cardboard or plastic; stationery; educational publications; printing and bookbinding apparatus and machines (office equipment); printed educational materials, printed educational media; photo albums and collectors' albums; printed matter including books; paper and cardboard including paper and cardboard for industrial use; disposable pads of paper or cellulose for house training pets, bags of paper for disposable diapers, disposable napkins of paper; party ornaments of paper.
- 21 Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes (except paintbrushes); articles for cleaning purposes, namely, thin cloths for cleaning, thick cloths for cleaning, cleaning tow, steel wool for cleaning, chamois leather for cleaning, cleaning pads, brooms, toilet and bathroom sponges and brushes, squeegees (cleaning instruments), abrasive pads for kitchen use, buckets; unworked or semi-worked glass, except building glass; kitchen utensils and containers; unworked and semi-worked glass, for non-specific use; gardening gloves; perfume sprayers; dustbins; tableware, kitchen utensils and containers for kitchen or household use; coin banks (piggy banks); cosmetic and toilet utensils; toothpicks; insect traps, fly catchers (traps or whisks); rat traps, mouse traps, shoe brushes, non-electric shoe polishers, shoe horns, shoe trees.
- 28 Games and toys; video game apparatus; gymnastic and sporting articles; decorations for Christmas trees; appliances for gymnastics; sporting articles and equipment; camouflage screens for hunting, scent lures for hunting or fishing, decoy calls for hunting, fishing tackle, rods for fishing, landing nets for anglers, cases for fishing rods, floats for fishing, fishhooks, fishing lines; water wings, swimming belts, swimming aids in the nature of floats for recreational use, flotation devices in the nature of swimming boards for recreational use, foam floats for swimming, inflatable floats for swimming, webbed gloves for swimming, swimming jackets, swimming boards, party balloons, party poppers and artificial Christmas trees; fairground rides, scaling or climbing installations for playgrounds, see-saws for playgrounds; toys, games and playthings; board games and machines for gambling.
- 35 Advertising; commercial management services; commercial administration; office administration services (office functions); advertising, marketing and promotional services; public relations services; product presentation and demonstration services; organization of trade shows and commercial exhibitions; promotion services for the sale of goods and services of others, through advertisements, promotional contests, discounts and bonuses in the form of promotional lotteries, discounts, reduction points, and value-added offers in relation to the use of payment cards; distribution of advertising, marketing and promotional material; advertising, marketing and promotional consultancy, advisory and assistance services; provision and rental of advertising space, time and media; auctioneering services; rental of automatic vending machines; business assistance and management services and administrative services; accountancy, book keeping and auditing; data processing services [office function], systematization and management of data in computer databases; human resources management and personnel recruitment services; business consultancy and advisory services; business analysis and information services and market studies; rental of office machines and equipment.
- 41 Teaching; training; entertainment services; education, entertainment and sports

Continuation sheet

services; organization of conferences, exhibitions and competitions; audio, video and multimedia entertainment publishing services; sports and fitness training; education and instruction services; ticket booking and prebooking services regarding activities and events in the fields of education, entertainment and sports.

Continuation sheet

[Suggestion for amendment/limitation]

Class 35

office task services (office functions);

--> office administration services (office functions);

retail and wholesale services;

--> no proposal.

administrative support and data processing services;

--> no proposal.

data processing, systematization and management;

--> data processing services [office function], systematization and management of data in computer databases;

retail and wholesale services in relation to chemicals for industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, compost, manures, fertilizers, biological preparations for use in industry and science, synthetic resins, chemical intermediates, chemicals, biochemicals and reagents for use in industry, science and research, chemical preparations for cell separation and culture, chemical preparations for the purification of nucleic acid, nucleotides, fluorescent nucleotides, oligonucleotides, peptides, proteins, amino acids, organic molecules and markers for DNA/RNA synthesis, specialized chemicals for use in industry, science and research, gases and gas mixtures for use in industry, research and science, chemical products and substances for the manufacture of pharmaceutical products, diagnostic products and substances, chemical testing reagents, saline solution and paper coated with reagents,

--> retail and wholesale services in relation to chemicals for industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, compost, manures, fertilizers, biological preparations for use in industry and science, synthetic resins, chemical intermediates, chemicals, biochemicals and reagents for use in industry, science and research, chemical preparations for cell separation and culture, chemical preparations for the purification of nucleic acid, nucleotides, fluorescent nucleotides, oligonucleotides, peptides, proteins, amino acids, chemicals for DNA/RNA synthesis, specialized chemicals for use in industry, science and research, gases and gas mixtures for use in industry, research and science, chemical products and substances for the manufacture of pharmaceutical products, diagnostic preparations for scientific or research use, chemical testing reagents, saline solution and paper coated with reagents,

all for scientific use and for use in laboratories, radioactive elements and isotopes for use in industry, science and research, radiopharmaceuticals for scientific use and for

Continuation sheet

research;

--> all for scientific use and for use in laboratories, radioactive elements and isotopes for use in industry, science and research, radiopharmaceuticals for scientific use and for research;

retail and wholesale services in relation to pharmaceutical products, medical and veterinary preparations, sanitary products for medical use, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, fungicides, herbicides, pharmaceutical products for diagnosis, diagnostic substances for medical use, radiopharmaceuticals for clinical and medical use, disposable paper or cellulose diaper-pants, diapers and napkins;

--> retail and wholesale services in relation to pharmaceutical products, medical and veterinary preparations, sanitary products for medical use, dietetic food and substances adapted for medical or veterinary use, food for babies, dietary supplements for humans and animals, plasters, materials for dressings, material for stopping teeth, dental wax, disinfectants, fungicides, herbicides, pharmaceutical products for diagnosis, diagnostic substances for medical use, radiopharmaceuticals for clinical and medical use, disposable paper or cellulose diaper-pants, diapers and sanitary napkins;

retail and wholesale services in relation to machines, machine tools, power-operated tools, motors and engines, except for land vehicles, apparatus, equipment and instruments for electricity production, namely electrical and wind energy generators generating electricity, wind turbines linked to wind farms, turbine-powered production installations, namely installations for electricity production and parts and components of all the aforesaid goods, solar powered energy electricity generators, machines and machine systems, including parts and accessories for electricity production, transformation and conversion dynamos, electric motors of all kinds, steam and gas turbines and their parts, electrical generators and their parts, aircraft engines, compressors, laundry washing and drying machines, dishwashers, waste grinders and compactors, electrical tools, electric motors, electric generators, garden tools, electric lawnmowers, garden vaporizers for disinfectants and insecticides,

--> retail and wholesale services in relation to motors and engines, except for land vehicles, apparatus, equipment and instruments for electricity production, namely electrical and wind energy generators generating electricity, wind turbines linked to wind farms, turbine-powered production installations, namely installations for electricity production and parts and components of all the aforesaid goods, solar powered energy electricity generators, including parts and accessories for electricity production, dynamos, electric motors, steam and gas turbines and their parts, electrical generators and their parts, aircraft engines, compressors, laundry washing and drying machines, dishwashers, waste grinders and compactors, hand-held electrical tools, electric motors, electric generators, garden tools (electric), electric lawnmowers, garden vaporizers for

Continuation sheet

disinfectants and insecticides [hand tools], hand-held electric tools and implements, mixers [machines], centrifuges, hand-held mixers, food processors;

hand-held electric tools and implements, blenders, centrifuges, hand-held mixers, food processors;

--> no proposal.

retail and wholesale services for the sale of apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data, recorded and downloadable media, computer software, blank digital or analog recording and storage media, computers and computer peripherals, recorded content; media content, software, including games software, applications software, including communication, networking and social networking software, data and file management software and database software, software for media and publishing software, applications for offices and businesses, applications software for the web and servers, including e-commerce and e-payment software, communication apparatus such as computer networking and data communications equipment, point-to-point communications apparatus, radio broadcasting apparatus, antennas as communications apparatus, data storage devices and media, calculators, ticket dispensers, payment terminal apparatus,

--> retail and wholesale services for the sale of apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data, recorded and downloadable media, computer software, blank digital or analog recording and storage media, computers and computer peripherals, recorded content, namely, downloadable computer software, games software, applications software, including communication, networking and social networking software, data and file management software and database software, computer software for creating and editing digital media contents and publishing software, application software for offices and businesses, applications software for the web and servers, including e-commerce and e-payment software, communication apparatus such as computer networking and data communications equipment, point-to-point communications apparatus,

cash dispensers and money sorting devices including mechanisms for prepayment apparatus, peripherals adapted for use with computers and other smart devices, computers and computer hardware, components and parts for computers, audio/visual and photographic devices including audio devices and radio receivers, display devices, television receivers and film and video devices, image capturing and developing devices, spectacles (optical), sunglasses, safety, security, protection and signaling devices, including alarms and warning equipment, access control devices, measuring devices, including time measuring instruments (not including clocks and watches), instruments for measuring weight, instruments for measuring distance and dimensions, instruments for measuring speed, instruments for measuring temperature, instruments for measuring electricity, controllers, regulators of voltage and power, data recorders,

Continuation sheet

[Suggestion for amendment/limitation]

Class 35

office task services (office functions);

--> office administration services (office functions);

retail and wholesale services;

--> no proposal.

administrative support and data processing services;

--> no proposal.

data processing, systematization and management;

--> data processing services [office function], systematization and management of data in computer databases;

retail and wholesale services in relation to chemicals for industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, compost, manures, fertilizers, biological preparations for use in industry and science, synthetic resins, chemical intermediates, chemicals, biochemicals and reagents for use in industry, science and research, chemical preparations for cell separation and culture, chemical preparations for the purification of nucleic acid, nucleotides, fluorescent nucleotides, oligonucleotides, peptides, proteins, amino acids, organic molecules and markers for DNA/RNA synthesis, specialized chemicals for use in industry, science and research, gases and gas mixtures for use in industry, research and science, chemical products and substances for the manufacture of pharmaceutical products, diagnostic products and substances, chemical testing reagents, saline solution and paper coated with reagents,

--> retail and wholesale services in relation to chemicals for industry, science and photography, as well as in agriculture, horticulture and forestry, unprocessed artificial resins, unprocessed plastics, compost, manures, fertilizers, biological preparations for use in industry and science, synthetic resins, chemical intermediates, chemicals, biochemicals and reagents for use in industry, science and research, chemical preparations for cell separation and culture, chemical preparations for the purification of nucleic acid, nucleotides, fluorescent nucleotides, oligonucleotides, peptides, proteins, amino acids, chemicals for DNA/RNA synthesis, specialized chemicals for use in industry, science and research, gases and gas mixtures for use in industry, research and science, chemical products and substances for the manufacture of pharmaceutical products, diagnostic preparations for scientific or research use, chemical testing reagents, saline solution and paper coated with reagents,

all for scientific use and for use in laboratories, radioactive elements and isotopes for use in industry, science and research, radiopharmaceuticals for scientific use and for

Continuation sheet

automobiles];

retail and wholesale services in relation to precious metals and their alloys, jewelry, precious and semi-precious stones, timepieces and chronometric instruments, gemstones, pearls and precious metals, and imitations thereof, time measuring instruments, other articles of precious metals and precious stones, and imitations thereof including statues and figurines, made of or coated with precious or semi-precious metals or stones, or imitations thereof, ornaments, made of or coated with precious or semi-precious metals or stones, or imitations thereof, jewelry boxes and watch boxes, key rings and key chains, and charms therefor, medallions, medals;

--> retail and wholesale services in relation to precious metals and their alloys, jewelry, precious and semi-precious stones, timepieces and chronometric instruments, gemstones, pearls and precious metals, and imitations thereof, time measuring instruments, precious metals and precious stones, statues and figurines, made of or coated with precious or semi-precious metals or stones, or imitations thereof, ornaments, made of or coated with precious or semi-precious metals or stones, or imitations thereof, jewelry boxes and watch boxes, key rings and key chains, and charms therefor, medallions, medals;

retail and wholesale services in relation to paper and cardboard, printed matter, photographs [printed], instructional material with the exception of apparatus, bags, sachets, films and sheets of plastic and paper for packaging, works of art and figurines of paper and cardboard, decoration and art materials and media, including arts, crafts and modelling equipment, bags and articles for packaging, wrapping and storage of paper, cardboard or plastics, educational equipment, photo albums and collectors' albums, printed matter including books, disposable paper products;

--> retail and wholesale services in relation to paper and cardboard, printed matter, photographs [printed], instructional material with the exception of apparatus, bags, sachets, films and sheets of plastic and paper for packaging, decorative garlands of paper for parties and figurines of paper and cardboard, artists' materials including artists' materials for use in arts, crafts and modelling, bags and articles for packaging, wrapping and storage of paper, cardboard or plastics, educational materials [except apparatus], photo albums and collectors' albums, printed matter including books, disposable paper products, namely packaging boxes of paper;

retail and wholesale services for the sale of household or kitchen utensils and containers, cookware and crockery, except forks, knives and spoons, combs and sponges, brushes (except paint brushes), glassware, porcelain and earthenware, kitchen utensils and containers, articles for cleaning, statues, figurines, works of art, made of materials such as porcelain, terracotta or glass, included in this class, household utensils for cleaning, air fragrancing apparatus, glasses, containers for liquids and bar accessories, money boxes, cosmetic and toiletry utensils;

Continuation sheet

--> retail and wholesale services for the sale of household or kitchen utensils and containers, cookware and crockery, except forks, knives and spoons, combs and sponges, brushes (except paint brushes), glassware, porcelain and earthenware, kitchen utensils and containers, articles for cleaning, statues, figurines, works of art, made of materials such as porcelain, terracotta or glass, included in this class, household utensils for cleaning, air fragrancing apparatus, glasses, money boxes, cosmetic and toiletry utensils;

retail and wholesale services in relation to clothing, footwear, headwear, parts of clothing, footwear and headwear articles, fashion accessories;

--> retail and wholesale services in relation to clothing, footwear, headwear, parts of clothing, footwear and headwear articles;

retail and wholesale services in relation to games and toys, video game apparatus, gymnastic and sporting articles, sporting articles and equipment, hunting and fishing equipment, swimming equipment, tabletop games and gambling devices;

--> retail and wholesale services in relation to games and toys, video game apparatus, gymnastic and sporting articles, sporting articles and equipment, tabletop games;

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

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