

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: 666941
Mark: HARTMANN H (with figurative elements)
Date of subsequent designation: 2004/04/20
Holder of the international registration:
Paul Hartmann AG

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 June/01/2005 by

TOYODA Junichi (Mr.)
Examiner
Madrid Protocol Division
Facsimile: +81-3-3593-2398
Telephone: +81-3-3501-2392

IV. The trademark of this application can be protected subject to amendments to be made by the holder of the international registration as suggested under Item VI. The amendment must be made through the intermediary of a representative domiciled in Japan within three months from the date of pronouncement, as indicated below. If any, the holder may submit to the JPO a written opinion against this provisional refusal through the intermediary of a representative domiciled in Japan by the same date. Alternatively, the holder may request a limitation of the list of goods and/or services in accordance with Rule 25(1)(a) of the Common Regulations. This request must be presented to the International Bureau of WIPO by Official Form MM6.

* 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: 2005/06/16

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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 03 Cotton wool and products made of cotton wool for cosmetic use, cotton balls, cotton sticks, cotton pads, cords of cotton wool, cotton wool in the form of strips;

[response: Cotton wool and products made of cotton wool for cosmetic use, namely cotton balls, cotton sticks, cotton pads, cords of cotton wool, cotton wool in the form of strips;]

moistened tissues of paper and/or cellulose;
[response: Please See Item VI.]

cleaning products for sanitation of stables and milk.
[response: Please See Item VI.]

Class 05 Chemical products for body care used for protecting and cleaning the skin;
[response: Please See Item VI.]

binding plasters;
[response: Please See Item VI.]

plasters saturated with active skin-penetrating agents,
[response: Please See Item VI.]

material for treating wounds,
[response: Please See Item VI.]

surgical dressings, particularly umbilical dressings, compresses, including compresses saturated with gel and alginate;
[response: Please See Item VI.]

sanitary tampons, sanitary tampons,
[response: Please keep this term only once in class05.]

inserts for use by pregnant women, cotton wool for personal use;
[response: Please See Item VI.]

sets consisting of similar or different dressing materials;
[response: Please See Item VI.]

cotton wool or cellulose fabrics impregnated with disinfectants and/or oil and/or cleaning products for medical and hygienic purposes;
[response: Please See Item VI.]

sanitary diapers, inserts for sanitary diapers, diaper pants and absorbent napkins for sick and incontinent persons;
[response: ==> incontinence diapers and inserts for incontinence diapers; diaper pants and absorbent napkins for sick and incontinent persons;]

paper and cellulose fabrics for udder care, especially fabrics impregnated with disinfectants, oil and/or cleaning preparations;
[response: Please See Item VI.]

containers and sets fitted with materials for dressings, pharmaceutical products and medical instruments for first aid;

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[response: Please See Item VI.]

first aid boxes;

[response: Please See Item VI.]

non-woven fabrics for technical purposes, namely for bandaging;

[response: Please See Item VI.]

mesh-woven and/or knitted underpants for fastening absorbent pads; bandaging sheets consisting mainly of synthetic materials for fastening absorbent materials.

[response: ==> mesh-woven and/or knitted underpants for incontinents;]

Class 09 Electrical protection devices for children and the elderly, namely protective devices for electrical outlets, hearths and nightlights;

[response: ==> protective devices for electrical outlets;]

filters made of non-woven fabrics for respiratory masks and respiratory apparatus;

[response: ==> filters made of non-woven fabrics for respiratory masks;]

films;

[response: ==> exposed films;]

computer programs, particularly in connection with delivery services for supplying hospitals with the goods listed in this mark, particularly in operating theaters as well as for removal of waste in hospitals.

[response: ==> computer programs relating to delivery services for supplying hospitals with the goods listed in this mark; computer programs used in operating theaters; computer programs relating to removal of waste in hospitals.]

Class 10 Containers and sets fitted with materials for dressings, pharmaceutical products and medical instruments for first aid;

[response: ==> cases fitted for use by surgeons and doctors;]

sterile sheets for covering sick persons and objects;

[response: ==> sterile sheets for covering sick persons;]

masks for visitors, masks for surgical procedures.

[response: ==> masks for use by medical personnel;]

Class 12 Vehicle seats for babies.

[response: Please See Item VI.]

Class 16 Small flannel blankets and napkins for babies, essentially made of paper and/or cellulose;

[response: ==> Napkins for babies, essentially made of paper and/or cellulose;]

small packaging bags of paper or plastic materials used for disposal of babies' diapers, including perfumed bags;

[response: ==> small garbage bags of paper or plastics;]

packages which can be sterilized, mainly made of paper and/or of plastic materials for medical products;

[response: ==> bags (envelopes, pouches) of paper or plastics, for packaging;]

disposable wash-cloths made of cellulose;

[response: ==> babies' diapers of cellulose (disposable);]

cellulose.

[response: Please See Item VI.]

Class 20 Fibrous cores for upholstered furniture.

[response: Please See Item VI.]

Class 21 Small baskets not of precious metal for holding goods for baby care;

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[response: ==> Small baskets not of precious metal for holding goods;]

plastic boxes for dispensing compresses and cotton sticks.

[response: ==> refuse bins of plastics for dispensing compresses and cotton sticks.]

Class 24 All-purpose textile fabrics for sanitary use;

[response: ==> all-purpose textile towels for sanitary use;]

textile materials for babies and children, namely baby wipes,

[response: ==> textile towels for babies and children, namely baby wipes,]

sterilizable packages, mainly made of non-woven fabrics for medical products;

[response: Please See Item VI.]

mattress ticking.

[response: ==> ticks(mattress covers),]

Class 25 Small flannel blankets and napkins for babies made of non-woven fabrics;

[response: ==> napkins for babies made of non-woven fabrics;]

disposable or non-disposable professional clothing for medical personnel as well as for sick persons.

[response: Please should be delete. (This goods is not in class 25) Class25 does not include, in particular certain clothing and footwear for special use.]

Class 39 Delivery services for supplying hospitals with the goods listed in this mark, particularly in operating theaters, as well as for waste treatment in hospitals;

[response: Please See Item VI.]

delivery of goods in retirement homes and homes for disabled persons.

[response: Please See Item VI.]

Class 42 Procurement organization.

[response: Please See Item VI.]

Ground 2

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 trademark(s) and is to be used for the goods and/or services identical with or similar to the designated goods and/or services covered by this(these) trademark registration(s).

Cited registered trademark(s)

No. 1

- National registration No.: 969417 - Registration date: 1972/06/28
- National application No.: S44-090117 - Application date: 1969/10/11
- Name and address of the holder: Kabushiki Kaisha OSAKA NISHIKAWA
3-15, Honmachi 1-chome, Chuo-ku, Osaka-shi, Osaka,
JAPAN

Mark:



Continuation sheet

Conflicting goods and/or services and their class(es), corresponding to class 16, 20, 24 and 25 covered in this application:

International class 20:

クッション, 座布団, まくら, マットレス

International class 22:

衣服綿, ハンモック, 布団袋, 布団綿

International class 24:

かや, 敷布, 布団, 布団カバー, 布団側, まくらカバー, 毛布

No. 2

- National registration No.: 2539203 - Registration date: 1993/05/31
 - National application No.: H03-028427 - Application date: 1991/03/19
 - Name and address of the holder: Hartmann & Braun AG
Grafstrasse 97, 6000 Frankfurt am Main, GERMANY
- Mark:

Hartmann & Braun

Conflicting goods and/or services and their class(es), corresponding to class 09 and 10 covered in this application:

National class 10:

理化学機械器具、光学機械器具、写真機械器具、映画機械器具、測定機械器具、医療機械器具、これらの部品及び附属品、写真材料

No. 3

- National registration No.: 2611268 - Registration date: 1993/12/24
 - National application No.: H03-028428 - Application date: 1991/03/19
 - Name and address of the holder: Hartmann & Braun AG
Grafstrasse 97, 6000 Frankfurt am Main, GERMANY
- Mark:

Hartmann & Braun

Conflicting goods and/or services and their class(es), corresponding to class 09 and 21 covered in this application:

National class 11:

電気機械器具、電気通信機械器具、電子応用機械器具、電気材料

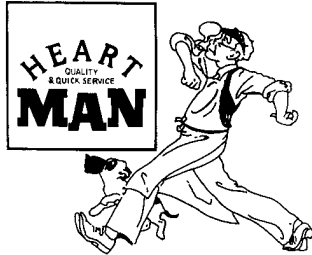
No. 4

- National registration No.: 2645430 - Registration date: 1994/04/28

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- National application No.: H04-041739 - Application date: 1992/03/31
- Name and address of the holder: Sanki Kabushiki Kaisha
8-8, Sendagaya 3-chome, Shibuya-ku, Tokyo, JAPAN

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 03, 21 and 24 covered in this application:

International class 14:

身飾り品（「カフスボタン」を除く。）、カフスボタン、貴金属製のがま口及び財布、宝玉及びその模造品、貴金属製コンパクト

International class 18:

かばん類、袋物、携帯用化粧道具入れ

International class 21:

化粧用具（「電気式歯ブラシ」を除く。）

No. 5

- National registration No.: 2699181 - Registration date: 1994/11/30
- National application No.: H03-093484 - Application date: 1991/09/06
- Name and address of the holder: Asahi Trading Kabushiki Kaisha
763, Kamiakutami, Gifu-shi, Gifu-ken, JAPAN

Mark:

ハートマン

Conflicting goods and/or services and their class(es), corresponding to class 05, 09, 10, 16, 21, 24 and 25 covered in this application:

National class 17:

被服（運動用特殊被服を除く）布製身回品（他の類に属するものを除く）、但し、くつ下、たび、手袋（ゴム手袋、絶縁用ゴム手袋を含む。）えりまき、マフラー、スカーフ、ネッカチーフ、ショール、ネクタイ、ゲートル、たびカバー、エプロン、おしめ、及びこれらの類似商品を除く

No. 6

- National registration No.: 4255216 - Registration date: 1999/03/26
- National application No.: H08-082185 - Application date: 1996/07/23
(priority date under the Paris Convention: 1996/01/25)
- Name and address of the holder: Brodrene Hartmann A/S
Klampenborgvej 203, DK-2800 Lyngby, DENMARK

Continuation sheet

Mark:



Conflicting goods and/or services and their class(es), corresponding to class 16, 21 and 24 covered in this application:

International class 16:

紙製包装用容器, 繊維を固めたパルプよりなる包装用容器, 紙製ごみ収集用袋, 衛生手ふき, 型紙, 紙製テーブルクロス, 紙製タオル, 紙製手ふき, 紙製のぼり, 紙製旗, 紙製ハンカチ, 紙製ブラインド, 荷札

No. 7

- National registration No.: 4788440 - Registration date: 2004/07/23
- National application No.: 2003-113043 - Application date: 2003/12/08
- Name and address of the holder: Naoko Kusanagi
36-13, Higashikoiwa 5-chome, Edogawa-ku, Tokyo, JAPAN

Mark:

ハートマン

Conflicting goods and/or services and their class(es), corresponding to class 09 and 16 covered in this application:

International class 16:

文房具類, 印刷物, 写真, 写真立て

VI. The trademark of this application will be protected if the goods and services are amended/limited as follows: (Examples are underlined.)

Class 41 remains unchanged.

Classes 9, 21 and 25 should be deleted.

- 3 Cosmetics, cosmetic preparations for the skin and hair, baby body care products, particularly ointments, creams, oils, soaps, powders, shampoos; tissues of paper and/or cellulose impregnated with cosmetic lotions; plasters for cosmetic use; cleaning preparations for treatment apparatus; cleaning products for sanitation of stables; soaps for medical use; cleaning preparation with disinfecting properties.
- 5 Pharmaceutical and sanitary preparations, disinfectants for hygiene and medicinal purposes; chemical products for medical purposes used for protecting and cleaning the skin; diagnostic products for medicinal use, testing strips for diabetes, pregnancy and cholesterol tests; plasters of all types, namely adhesive plasters,

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- therapeutic plasters, also in the form of ready-to-use dressings; adhesive bands for medical purposes; plasters to be applied on callouses and corns; adhesive plasters saturated with active skin-penetrating agents, plasters used in rheumatology, plasters for application on the kidney area; plaster for treating wounds, menstruation tampons, sanitary tampons, bands of muslin for menstruation, gauze for dressings, also impregnated with contrast substances used for radiography, contrast materials for medical use in radiography; articles of cellulose and/or cotton wool for personal hygiene for women, namely sanitary napkins, panties for menstruation, panty liners; cotton wool for use by pregnant women and for personal use; belts for sanitary napkins; bandages for medical use, especially binding bandages, all-purpose bandages, compression bandages, padded bandages; cotton wool and products made of cotton wool for medical and sanitary use; cotton wool or cellulose fabrics impregnated with disinfectants and/or medicinal oil and/or antiseptic cleaning products for medical and hygienic purposes; medical care products for the skin and hair; diagnostic preparations for use in veterinary medicine; veterinary preparations, namely udder and claw care preparations; disinfectants for sanitation of stables and milk; paper and cellulose fabrics impregnated with disinfectants and/or medicinal oil and/or antiseptic cleaning products for udder care (medical and hygienic purposes); medicine cases fitted with materials for dressings, pharmaceutical products for first aid (filled); first aid boxes (filled); hygienic bandages of non-woven fabrics; sanitary towels consisting mainly of synthetic materials for fastening absorbent materials; mineral mud packs for medical use; breast-feeding pads.
- 10 Orthopedic bandages, bandages made of artificial resin, compression bandages, binding bandages, support bandages, padding bandages as orthopedic aids, tubular net bandages, pressure bandages; condoms; suture materials; teething rings, pacifiers, nursing nipples, babies' bottles.
- 12 Car seats; safety seats for babies (for vehicle).
- 16 Cellophane paper.
- 20 Upholstered furniture; bottom bed bunks.
- 24 Non-woven fabrics for lining comforters, bed blankets, sleeping bags, stuffed animals, dolls and clothing and for giving them a quilted quality; non-woven fabrics for sterilizable packages; non-woven technical fabrics, namely for filtering.
- 39 Delivery of goods in operating theaters for others; delivery of goods to retirement homes and homes for disabled persons.
- 42 Rental of chairs tables, table linen, glassware.

Extract from the Japanese Trademark Law

3. Registrability of trademarks

(1) Any person may obtain a trademark registration of a trademark to be used in respect of goods or services in connection with his business, except in the case of the following trademarks:

- (i) trademarks which consist solely of a mark indicating, in a common way, the common name of the goods or services;
- (ii) trademarks which are customarily used in respect of the goods or services;
- (iii) trademarks which consist solely of a mark indicating in a common way, the origin, place of sale, quality, raw materials, efficacy, use, quantity, shape (including packaging shape) or price of the goods, or the method or time of manufacturing or using them, or the location of provision of the services, quality, articles for use in such provision, efficacy, use, quantity, modes, price or method or time of the provision of services;
- (iv) trademarks which consist solely of a mark indicating, in a common way, a commonplace surname or name of a legal entity;
- (v) trademarks which consist solely of a very simple and commonplace mark;
- (vi) in addition to those mentioned in each of the preceding paragraphs, trademarks which do not enable consumers to recognize the goods or services as being connected with a certain person's business.

(2) In the case of a trademark falling under paragraphs (ii) to (v) of the preceding subsection, where, as a result of the use of such trademarks, the consumers are able to recognize the goods or services as being connected with a certain person's business, trademark registration may be obtained notwithstanding the preceding subsection.

4. Unregistrable trademarks

(1) Notwithstanding Section 3, trademark registration shall not be effected in the case of the following trademarks:

- (i) trademarks which are identical with, or similar to, the national flag, the imperial chrysanthemum crest, a decoration, a medal of merit, or a foreign national flag;
- (ii) trademarks which are identical with or similar to, a State coat of arms or other emblem (other than a national flag) of a country party to the Paris Convention (meaning 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 — hereinafter referred to as the Paris Convention), a Member of the World Trade Organization or a contracting party to the Trademark Law Treaty which have been designated by the Minister of Economy, Trade and Industry;
- (iii) trademarks which are identical with, or similar to, a mark indicating the United Nations or any other international organization and designated by the Minister for Economy, Trade and Industry;
- (iv) trademarks which are identical with, or similar to, the Red Cross ensign on a white ground or the title Red Cross or Geneva Cross;
- (v) trademarks comprising a mark identical with, or similar to, an official seal or sign which indicates supervision or certification by the Government of Japan or by the Government of a country party to the Paris Convention or a Member of the World Trade Organization or a contracting party to the Trademark Law Treaty, or by a local public entity and which has been designated by the Minister for Economy, Trade and Industry, which are used on goods or services identical with, or similar to, the goods or services in respect of which such seal or sign is used;
- (vi) trademarks which are identical with, or similar to, a famous mark indicating a State or a local public entity or an agency thereof or a non-profit organization or enterprise working in the public interest;
- (vii) trademarks liable to contravene public order or morality;
- (viii) trademarks containing the portrait of another person or the name, famous pseudonym, professional name or pen name of another person or the famous abbreviation thereof (except where the consent of the person concerned has been obtained);
- (ix) trademarks comprising a mark which is identical with, or similar to, a prize awarded at an exhibition held by the Government or a local public entity (hereinafter referred to as the "Government, etc.") or at one which is not held by the Government, etc. but has been designated by the Commissioner of the Patent Office or at an international exhibition held in a foreign country by its government, etc. or a person authorized thereby (except where the recipient of such a prize uses the mark as part of his trademark);
- (x) trademarks which are well known among consumers as indicating the goods or services as being connected with another person's business, and trademarks similar thereto, and which are used in respect of such goods or services or similar goods or services;
- (xi) trademarks which are identical with, or similar to, another person's registered trademark applied for prior to the filing date of the trademark application concerned and which are used on the designated goods or designated services (meaning the goods or services designated in accordance with Section 6(1) (including its application under Section 68(1)) — hereinafter referred to as "the designated goods or designated services") covered by the trademark registration referred to or on similar goods or services;
- (xii) trademarks which are identical with another person's registered defensive mark (meaning a mark registered as a defensive mark — hereinafter referred to as a "registered defensive mark"), and which are used on the designated goods or designated services covered by the defensive mark registration;
- (xiii) trademarks which are identical with another person's trademark (other than a trademark which had not been used by that person during a period of at least one year prior to the day on which the trademark right became extinguished) where one year has not elapsed since the date of extinguishment of the trademark right (or the date on which a ruling that a trademark registration is to be revoked or a trial decision that a trademark registration is to be invalidated becomes final and conclusive — hereinafter referred to as the "date of extinguishment of the trademark right"), or with a trademark similar to such a trademark, and which are used in respect of the designated goods or designated services covered by the trademark right or in respect of similar goods or services;
- (xiv) trademarks which are identical with, or similar to, the name of a variety registered under Section 18(1) of the Agricultural Seed and Seedlings Law (Law No. 83 to 1998), and which are used on the seeds or seedlings of the variety concerned or in respect of similar goods or services;
- (xv) trademarks which are liable to cause confusion with goods or services connected with another person's business (other than the trademarks mentioned in paragraphs (x) to (xiv));
- (xvi) trademarks liable to be misleading as to the quality of the goods or services;
- (xvii) trademarks comprising a mark indicating an origin of wines or spirits in Japan which has been designated by the Commissioner of the Patent Office or a mark indicating an origin of wines or spirits in a Member of the World Trade Organization prohibited to be used on wines or spirits not originating in the region in that member, which are used in respect to wines or spirits not originating in the region in Japan or that member;
- (xviii) trademarks consisting solely of a three-dimensional shape of goods or their packaging with the shape being indispensable to secure the functions of the goods or their packaging;
- (xix) trademarks which are well known among consumers in Japan or abroad as indicating the goods or services as being connected with another person's business, and trademarks identical with or similar thereto,

and which are used by the applicant for unfair intention (intention to gain an unfair profit, intention to cause damage to such another person and other unfair intentions - hereinafter the same) (other than the trademarks mentioned in each of the preceding paragraphs) in respect of such goods or services.

(2) Where registration of a trademark falling under paragraph (vi) of the preceding subsection is applied for by the State, a local public entity or an agency thereof or a non-profit organization working in the public interest or a person carrying on a non-profit enterprise working in the public interest, the said paragraph shall not apply.

(3) In the case of a trademark falling under paragraphs (vii), (x), (v), (xvi) or (ix) of Subsection (1), the respective provisions shall not apply where the trademark does not fall under the respective paragraph at the time when the trademark application is filed.

(4) Where a trial decision that a trademark registration is to be canceled under Section 53bis has become final and conclusive and the demandant in the trial applies for registration of the trademark covered by the registration canceled by the trial decision, or a trademark similar thereto, paragraph (vii) of Subsection (1) shall not apply.

6. Unity in application

(1) An application for a trademark registration shall relate to a single trademark and shall designate one or more items of goods or services in respect of which the trademark is to be used.

(2) A designation under the preceding paragraph shall be made according to the classes of the classification of goods and services, prescribed by Cabinet Order.

(3) The classes of goods and services referred to in the preceding subsection shall not be determinative of the scope of similarity of goods or services.

7. Collective trademarks

(1) Aggregate corporation established under the provision of Section 34 of the Civil Code (Law No. 89 of 1986) or industrial business corporate association and other association established under the special law (excluding those which are not legal entities), or foreign legal entities corresponding thereto shall be entitled to obtain a collective trademark registration with respect of a trademark for use by their members.

(2) For the purposes of the provision of Section 3(1), "his business" in that section shall read "their members or them."

(3) Any person desiring the registration of a collective trademark under Subsection (1) shall submit to the Commissioner of the Patent Office with respect to a trademark application under Section 5(1) a document proving that the applicant is a legal entity referred to Subsection 1.

8. First-to-file rule

(1) Where two or more trademark applications relating to identical or similar trademarks which are to be used on identical or similar goods or services are filed on different dates, only the earliest applicant may obtain a trademark registration for the trademark concerned.

(2) Where two or more trademark applications relating to identical or similar trademarks which are to be used on identical or similar goods or services are filed on the same date, only one applicant, agreed upon after mutual consultations among all the applicants, may obtain a trademark registration for the trademark.

(3) Where a trademark application is a surrendered, withdrawn or dismissed or where an examiner's decision or trial decision on a trademark application has become final and conclusive, such application shall, for the purposes of the two preceding subsections, be deemed never to have been made.

(4) The Commissioner of the Patent Office shall, in the case of Subsection (2), order the applicants to hold consultations for an agreement under that subsection and to report the result thereof, within an adequate time limit.

(5) Where no agreement is reached in the consultations under Subsection (2) or where the report under the preceding subsection is not made within the time limit designated in accordance with that subsection, registration of the trademark concerned may be obtained only by one applicant chosen by the drawing of lots conducted in a fair and just manner by the Commissioner of the Patent Office.

15. Examiner's decision of refusal

The examiner shall make a decision that a trademark application is to be refused where it falls under any of the following paragraphs:

- (i) the trademark in the trademark application is not registrable in accordance with Section 3, 4(1), 8(2) or (5), 51(2) (including its application under Section 52bis(2)) or 53(2) of this Law of Section 25 of the Patent Law as applied under Section 77(3) of this Law;
- (ii) the trademark in the trademark application is not registrable in accordance with the provisions of a treaty;
- (iii) the trademark application does not comply with the requirements of Section 6(1) or (2).

15ter. Notification of reasons for refusal

(1) Where a trademark for which the registration is sought in a trademark application is a trademark which are identical with, or similar to, another person's trademark applied for prior to the filing date of the trademark application concerned and which are used on the designated goods or designated services covered by the trademark referred to or on similar goods or services, the examiner may notify the applicant that his trademark application may fall under Section 15(i) if the other party's trademark is registered, and give him an opportunity to submit a statement of his arguments, designating an adequate time limit.

(2) Where a notification referred to in the preceding subsection has been served and the other applicant's trademark is registered, the examiner shall not be required to serve a notification referred to in the preceding section.

L The Japanese Patent Law

(Effect of treaties)

26-- Where there are specific provisions relating to patents in a treaty, such provisions shall prevail.

The Japanese Trademark Law

(Application mutatis mutandis of Patent Law)

77 --(4) Section 26 (effect of treaties) of the Patent Law shall apply mutatis mutandis to trademark and defensive mark registrations.

Subsection (1) to (3), and (5) to (7)) are omitted.