

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: 1262754
 Mark: GLOBALONE (with figurative elements)
 Date of international registration: 2014/12/19
 Holder of the international registration:
 Globalone Management Group Limited

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 February/01/2016 by

Miyakawa Hajime (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.

- 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.

* 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: 2016/02/10

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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 09 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; mechanisms for counter-operated apparatus; steering apparatus, automatic, for vehicles.

Class 35 Outsourcing services [business assistance].

Class 36 Financial affairs; monetary affairs; financial sponsorship.

Class 45 Personal and social services rendered by others to meet the needs of individuals.

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, because the designated goods or services come under too wide a scope within one class:

[All the designated goods or services in Classes 9, 35, 36, 38 and 45]

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 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 can be found in Item VI. / 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 http://www.jpo.go.jp/tetuzuki_e/t_tokkyo_e/pdf/tt1303-061_3_6.pdf

(2) 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.

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With regard to "[legal services]" designated in class [45], the trademark of this application does not conform to the requirements (a trademark shall be used with respect to goods and services in connection with his/her business) as provided in the main paragraph of Section 3(1) of the Trademark Law because it is uncertain as to whether the applicant is qualified for undertaking such services, which is to be undertaken by qualified individuals and firms in Japan, such as [a lawyer and qualified corporation]. To this end, it is requested that the said services shall be deleted from the list of the designated services.

Ground 3

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.: 5458244 - Registration date: 2011/12/16
- National application No.: 2011-048176 - Application date: 2011/07/08
- Name and address of the holder: Kabushiki Kaisha IPS
16F, Grand Front Osaka Tower B, 3-1, Ofuka-cho, Kita-ku, Osaka-shi, Osaka, JAPAN

Mark:

グローバルワン
Global One

Conflicting goods and/or services and their class(es), corresponding to class 09 and 35 covered in this application:

International class 09:

電子計算機用プログラム, その他の電子応用機械器具及びその部品

International class 42:

電子計算機のプログラムの設計・作成又は保守, 電子計算機・自動車その他その用途に応じて的確な操作をするためには高度の専門的な知識・技術又は経験を必要とする機械の性能・操作方法等に関する紹介及び説明, 電子計算機の貸与, 電子計算機用プログラムの提供

No. 2

- National registration No.: 5540243 - Registration date: 2012/11/30
- National application No.: 2012-047671 - Application date: 2012/06/13
- Name and address of the holder: Kabushiki Kaisha IPS
16F, Grand Front Osaka Tower B, 3-1, Ofuka-cho, Kita-ku, Osaka-shi, Osaka, JAPAN

Mark:

G l o b a l O n e

Conflicting goods and/or services and their class(es), corresponding to class 09 and 35 covered in this application:

International class 09:

電子計算機用プログラム, その他の電子応用機械器具及びその部品

International class 42:

電子計算機のプログラムの設計・作成又は保守, 電子計算機・自動車その他その用途に応じて的確な操作をするためには高度の専門的な知識・技術又は経験を必要とする機械の性能・操作方法等に関する紹介及び説明, 電子計算機の貸与, 電子計算機用プログラムの提供

- 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

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there are no underlined goods/services.)

Class 38 remains unchanged.

9 apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; DVD players; 3D spectacles; coin-operated musical automata [juke boxes]; answering machines; accumulators, electric; accumulators, electric, for vehicles; actinometers; alidades; altimeters; ammeters; anemometers; antennas; apertometers [optics]; high-frequency apparatus; testing apparatus not for medical purposes; remote control apparatus; electro-dynamic apparatus for the remote control of railway points; electro-dynamic apparatus for the remote control of signals; monitoring apparatus, electric; sound recording apparatus; Global Positioning System [GPS] apparatus; distillation apparatus for scientific purposes; diffraction apparatus [microscopy]; air analysis apparatus; sound transmitting apparatus; apparatus for fermentation [laboratory apparatus]; electric apparatus for commutation; intercommunication apparatus; stills for laboratory experiments; projection apparatus; flashing lights [luminous signals]; stereoscopic apparatus; telephone apparatus; facsimile machines; phototelegraphy apparatus; acid hydrometers; salinometers; acidimeters for batteries; aerometers; beacons, luminous; battery jars; barometers; anode batteries; galvanic batteries; batteries for lighting; solar batteries; batteries, electric; balances [steelyards]; binoculars; lens hoods; signalling buoys; marking buoys; directional compasses; vacuum gauges; variometers; verniers; scales; letter scales; weighbridges; precision balances; levelling staffs [surveying instruments]; camcorders; video baby monitors; video cassettes; video telephones; video screens; viewfinders, photographic; sockets, plugs and other contacts [electric connections]; micrometer screws for optical instruments; viscosimeters; circuit closers; wavemeters; voltmeters; mechanical signs; signs, luminous; switchboxes [electricity]; current rectifiers; gas testing instruments; gasometers [measuring instruments]; galvanometers; hands free kits for phones; heliographic apparatus; hygrometers; hydrometers; weights; loudspeakers; sounding leads; plumb bobs; range finders; densimeters; densitometers; detectors; slide projectors; diaphragms [photography]; dictating machines; dynamometers; sound recording discs; DNA chips; signal bells; mirrors for inspecting work; road signs, luminous or mechanical; probes for scientific purposes; needles for record players; measures; pressure measuring apparatus; inverters [electricity]; pressure indicators; temperature indicators; incubators for bacteria culture; measuring instruments; cosmographic instruments; levelling instruments; instruments containing eyepieces; surveying instruments; azimuth instruments; calipers; slide calipers; screw-tapping gauges; cinematographic cameras; holders for electric coils; carriers for dark plates [photography]; spools [photography]; choking coils [impedance]; coils, electric; electromagnetic coils; push buttons for bells; calibrating rings; commutators; comparators; marine compasses; condensers [capacitors]; contacts, electric; wind socks for indicating wind direction; traffic cones; branch boxes [electricity]; distribution boxes [electricity]; battery boxes; cabinets for loudspeakers; galena crystals [detectors]; covers for electric outlets; logs [measuring instruments]; lactodensimeters; lactometers; darkroom lamps [photography]; flashlights [photography]; head cleaning tapes [recording]; videotapes; surveying chains; rulers [measuring instruments]; correcting lenses [optics]; optical lenses; optical condensers; sounding lines; measuring spoons; magnifying glasses [optics]; thread counters; close-up lenses; crash test dummies; pressure gauges; material testing instruments and machines; furniture especially made for laboratories; megaphones; portable media players; diaphragms [acoustics]; diaphragms for scientific apparatus; rules [measuring instruments]; carpenters' rules; dressmakers' measures; coin-operated mechanisms for television sets; shutter releases [photography]; micrometers; microscopes; microtomes; microphones; lightning conductors [rods]; temperature indicator labels, not for medical purposes; headphones; surveyors' levels; sound recording carriers; weighing machines; objectives [lenses] [optics]; lenses for astrophotography; limiters [electricity]; octants; eyepieces; ohmmeters; oscillographs; plumb lines; mirrors [optics]; signalling panels, luminous or mechanical; radio pagers; transmitters

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[telecommunication]; telephone transmitters; transmitters of electronic signals; switches, electric; periscopes; furnaces for laboratory use; pipettes; pyrometers; planimeters; plane tables [surveying instruments]; compact disc players; cassette players; sound recording strips; laboratory trays; polarimeters; measuring glassware; fuses; circuit breakers; converters, electric; telerupters; food analysis apparatus; distance recording apparatus; distance measuring apparatus; speed measuring apparatus [photography]; appliances for measuring the thickness of leather; apparatus for measuring the thickness of skins; speed checking apparatus for vehicles; surveying apparatus and instruments; weighing apparatus and instruments; nautical apparatus and instruments; navigational instruments; optical apparatus and instruments; apparatus and instruments for physics; chemistry apparatus and instruments; measuring apparatus; measuring devices, electric; boiler control instruments; meteorological instruments; observation instruments; navigation apparatus for vehicles [on-board computers]; satellite navigational apparatus; regulating apparatus, electric; precision measuring apparatus; audio- and video-receivers; prisms [optics]; hemline markers; retorts' stands; apparatus for changing record player needles; drainers for use in photography; cleaning apparatus for sound recording discs; sighting telescopes for firearms; test tubes; pressure indicator plugs for valves; magnetic wires; record players; rods for water diviners; distribution consoles [electricity]; control panels [electricity]; radar apparatus; masts for wireless aerials; transmitting sets [telecommunication]; radios; vehicle radios; walkie-talkies; voltage surge protectors; voltage regulators for vehicles; light dimmers [regulators], electric; speed regulators for record players; cell switches [electricity]; washing trays [photography]; time switches, automatic; relays, electric; rheostats; retorts; refractometers; refractors; horns for loudspeakers; saccharometers; traffic-light apparatus [signalling devices]; signalling whistles; sextants; signals, luminous or mechanical; couplings, electric; connectors [electricity]; lighting ballasts; resistances, electric; spectrograph apparatus; spectrosopes; speed indicators; alcoholmeters; audiovisual teaching apparatus; radiotelegraphy sets; radiotelephony sets; personal stereos; stereoscopes; stands for photographic apparatus; stroboscopes; sulfitometers; drying racks [photography]; spherometers; counters; kilometer recorders for vehicles; revolution counters; taximeters; tachometers; television apparatus; telegraphs [apparatus]; telescopes; teleprinters; portable telephones; theodolites; thermometers, not for medical purposes; thermostats; thermostats for vehicles; crucibles [laboratory]; tone arms for record players; transponders; protractors [measuring instruments]; transformers [electricity]; step-up transformers; vehicle breakdown warning triangles; capillary tubes; Pitot tubes; telephone receivers; gauges; quantity indicators; automatic indicators of low pressure in vehicle tires [tyres]; gasoline gauges; water level indicators; electric loss indicators; slope indicators; levels [instruments for determining the horizontal]; mercury levels; spirit levels; amplifiers; electric installations for the remote control of industrial operations; baby monitors; balancing apparatus; video recorders; sound reproduction apparatus; tape recorders; film cutting apparatus; drying apparatus for photographic prints; centering apparatus for photographic transparencies; dosage dispensers; battery chargers; chargers for electric batteries; editing appliances for cinematographic films; demagnetizing apparatus for magnetic tapes; acoustic couplers; fog signals, non-explosive; heat regulating apparatus; filters [photography]; filters for ultraviolet rays, for photography; magic lanterns; optical lamps; signal lanterns; cameras [photography]; glazing apparatus for photographic prints; shutters [photography]; darkrooms [photography]; photometers; flash-bulbs [photography]; digital photo frames; enlarging apparatus [photography]; photovoltaic cells; containers for microscope slides; cases especially made for photographic apparatus and instruments; chromatography apparatus for laboratory use; chronographs [time recording apparatus]; laboratory centrifuges; compasses [measuring instruments]; frequency meters; Petri dishes; jigs [measuring instruments]; pedometers; meteorological balloons; cell phone straps; tripods for cameras; switchboards; distribution boards [electricity]; screens [photography]; projection screens; fluorescent screens; exposure meters [light meters]; galvanic cells; epidiascopes; ergometers;

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commercial information agencies; advertising agencies; cost price analysis; rental of advertising space; business auditing; employment agencies; computerized file management; invoicing; demonstration of goods; opinion polling; marketing studies; business information; commercial information and advice for consumers [consumer advice shop]; business investigations; business research; marketing research; personnel recruitment; business management and organization consultancy; business organization consultancy; business management consultancy; personnel management consultancy; professional business consultancy; layout services for advertising purposes; marketing; business management of performing artists; business management of sports people; news clipping services; updating of advertising material; word processing; organization of exhibitions for commercial or advertising purposes; organization of fashion shows for promotional purposes; organization of trade fairs for commercial or advertising purposes; shop window dressing; business appraisals; payroll preparation; sponsorship search; business management assistance; commercial or industrial management assistance; commercial intermediation services; provision of commercial and business contact information; providing business information via a web site; presentation of goods on communication media, for retail purposes; economic forecasting; retail or wholesale services for pharmaceutical, veterinary and sanitary preparations and medical supplies; sales promotion for others; production of advertising films; office machines and equipment rental; rental of advertising time on communication media; publicity material rental; rental of sales stands; rental of photocopying machines; publication of publicity texts; radio advertising; bill-posting; distribution of samples; dissemination of advertising matter; direct mail advertising; writing of publicity texts; on-line advertising on a computer network; advertising by mail order; television advertising; compilation of statistics; business inquiries; advisory services for business management; negotiation and conclusion of commercial transactions for third parties; telemarketing services; psychological testing for the selection of personnel; business management of hotels; business management for freelance service providers; commercial administration of the licensing of the goods and services of others; business project management services for construction projects; administrative processing of purchase orders; public relations; modelling for advertising or sales promotion; typing; relocation services for businesses; search engine optimization; web site traffic optimization; price comparison services; pay per click advertising; procurement services for others [purchasing goods and services for other businesses]; business efficiency expert services.

- 36 Insurance; real estate affairs; credit bureaux; debt collection agencies; real estate agencies; financial analysis; renting of apartments; leasing of real estate; rental of offices [real estate]; leasing of farms; lease-purchase financing; savings bank services; accommodation bureaux [apartments]; rent collection; issuing of travellers' checks [cheques]; issuance of credit cards; issue of tokens of value; capital investment; insurance information; financial information; clearing, financial; insurance consultancy; financial consultancy; debt advisory services; stock exchange quotations; lending against security; business liquidation services, financial; brokerage; financial management; exchanging money; online banking; debit card services; credit card services; factoring; organization of collections; arranging finance for construction projects; antique appraisal; jewellery [jewelry (Am.)] appraisal; financial evaluation of standing timber; stamp appraisal; real estate appraisal; numismatic appraisal; art appraisal; financial evaluation of wool; financial evaluation [insurance, banking, real estate]; repair costs evaluation [financial appraisal]; electronic funds transfer; surety services; securities brokerage; real estate brokers; brokerage of carbon credits; insurance brokerage; loans [financing]; pawnbrokerage; providing financial information via a web site; check [cheque] verification; charitable fund raising; mortgage banking; instalment loans; insurance underwriting; life insurance underwriting; health insurance underwriting; accident insurance underwriting; marine insurance underwriting; fire insurance underwriting; apartment house management; real estate management; actuarial services; banking; stock brokerage services; retirement payment services; trusteeship; provident fund services; mutual funds; financing services; safe deposit services; deposits of valuables;
- 45 security services for the protection of property and individuals; marriage agencies;

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detective agencies; night guards; adoption agency services; embalming services; undertaking; lost property return; genealogical research; legal research; security consultancy; monitoring of burglar and security alarms; crematorium services; guards; missing person investigations; baggage inspection for security purposes; inspection of factories for safety purposes; personal background investigations; fire-fighting; escorting in society [chaperoning]; horoscope casting; dating services; house sitting; funerals; on-line social networking services; personal body guarding.

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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