

Japan Patent Office (JPO)
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 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: 1274024
 Mark: VOLVO (with figurative elements)
 Date of international registration: 2015/02/12
 Holder of the international registration:
 Volvo Trademark Holding Aktiebolag

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/02/2016 by

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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: 2016/06/16

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 01 Chemicals used in science and photography, agriculture, horticulture and forestry; hydraulic oils.

[Example for amendment/limitation]

(1)Chemicals used in science and photography, agriculture, horticulture and forestry;

---> Chemical preparations for scientific purposes (other than for medical or veterinary use); chemical preparations for use in photography; agricultural chemicals, horticulture chemicals and chemicals for forestry, except fungicides, weedkillers, herbicides, insecticides and parasiticides;

(2)hydraulic oils.

---> hydraulic fluids.

Class 03 Wax compositions, spray preservatives, powder boxes.

[Example for amendment/limitation]

(1)Wax compositions,

---> Wax compositions for automobile,

(2)spray preservatives,

---> spray preservatives for leather,

(3)powder boxes.

---> Powder compacts [cases].

Class 05 Desinfectants.

[Example for amendment/limitation]

---> Disinfectants.

Class 06 Non-electrical wires, cables and cable terminals, and speedometer cables of common metal; ironmongery, small items of metal hardware and goods of common metal (included in this class), including locks, latches, metallic tubes, metallic hoses, metallic valves for pipes, pipes, pipe connections, screws, bolts, nuts, rivets, lock washers, spring washers, flat washers, chains (except drive chains for vehicles), plugs, split pins, shims, spacer rings, and clips, woodruff keys, screw unions, spring bolts, shackles, ball joints, hinges, brackets, tanks for liquids, tank accessories, nipples, fuel cans, ladders, handles, metallic signs, wire baskets, metal wires, badges for vehicles, fasteners, tow ropes of metal, canisters, badges, keys, key blanks, key ring pendants and pins, vehicle registration plates, non-luminous signs, boxes, luggage labels of metal, ornaments.

[Example for amendment/limitation]

(1)Non-electrical wires, cables and cable terminals, and speedometer cables of common metal;

---> non-electrical wires, cables and cable joints, and speedometer cables of common metal;

Continuation sheet

(2) ironmongery,

---> bolts of metal; bottle caps of metal; boxes of common metal; buckles of common metal[hardware]; chests of metal; junctions of metal for pipes; keys; statuettes of common metal;

(3) small items of metal hardware and goods of common metal (included in this class), including locks, latches, metallic tubes, metallic hoses, metallic valves for pipes, pipes, pipe connections, screws, bolts, nuts, rivets, lock washers, spring washers, flat washers, chains (except drive chains for vehicles), plugs, split pins, shims, spacer rings, and clips, woodruff keys, screw unions, spring bolts, shackles, ball joints, hinges, brackets, tanks for liquids, tank accessories, nipples, fuel cans, ladders, handles, metallic signs, wire baskets, metal wires, badges for vehicles, fasteners, tow ropes of metal, canisters, badges, keys, key blanks, key ring pendants and pins, vehicle registration plates, non-luminous signs, boxes, luggage labels of metal, ornaments.

---> small items of metal hardware and goods of common metal (included in this class), namely, locks, latches, metallic tubes, metallic hoses, metallic valves for pipes, pipes, clips for pipes, binding screws of metal for cables, bolts, nuts, rivets, lock washers, spring washers, flat washers, chains (except drive chains for vehicles), plugs, split pins, shims, spacer rings, and clips, woodruff keys, screw unions, spring bolts, shackles, ball valves (not machine elements), hinges, brackets of metal for building, tanks for liquids, tank accessories, grease nipples, containers of metal for liquid fuel, ladders, door handles of metal, signs of metal (non-luminous and non-mechanical), wire baskets, metal wires, badges for vehicles, box fasteners, tow ropes of metal, canisters, badges of metal for vehicles, keys, key blanks, key ring pendants and pins, vehicle registration plates, non-luminous signs, boxes, nameplates of metal, ornaments.

Class 07 Shaft seals, drive chains and belts, springs, regulators, starters, accelerators, hydraulic cylinders, hydraulic reservoirs, hydraulic filters, hydraulic motors, hydraulic pipes, hydraulic valves, boost units for hydraulic transmission, all for machines, engines and motors; power steering systems, compressed air reservoirs, electronic control devices for production technology and servo drives; machines for the automobile industry; machine tools and tools therefore; electric power tools and their plug-in tools; loading and handling machines for pressing plants and foundries and machines for the tooling of blanks; bucket, grapple and fork type implements for machines; teeth and cutting edges for machines; radiators, fans, fan belts.

[Example for amendment/limitation]

(1) Shaft seals,

---> shaft seals for bearings,

(2) drive chains and belts,

---> drive chains and belts not for vehicles,

(3) springs,

---> springs [parts of machines],

(4) regulators,

---> pressure regulators,

(5) starters,

---> starters for motors and engines,

(6) accelerators,

---> speed change gears (machine elements not for land vehicles),

Continuation sheet

(7)hydraulic cylinders, hydraulic reservoirs, hydraulic filters, hydraulic motors, hydraulic pipes, hydraulic valves, boost units for hydraulic transmission, all for machines, engines and motors;

---> hydraulic cylinders, hydraulic reservoirs, hydraulic filters, hydraulic motors, hydraulic pipes, hydraulic valves, boost units for hydraulic transmission, all for machines, engines and motors (not for land vehicles);

(8)power steering systems,

---> power steering wheels for vehicles;

(9)compressed air reservoirs,

---> compressed air reservoirs for internal combustion engines,

(10)electronic control devices for production technology and servo drives;

---> electronic control devices for engines or motors and servo drives;

(11)machines for the automobile industry;

---> machines for assembling automobile bodies;

(12)machine tools and tools therefore;

---> electrically operated power tools and accessories for electrically operated power tools (metal working machines);

(13)electric power tools and their plug-in tools;

---> electric power tools for metalworking and their plug-in tools;

(14)loading and handling machines for pressing plants and foundries and machines for the tooling of blanks;

---> handling apparatus for loading-unloading for pressing plants and foundries;

(15)bucket, grapple and fork type implements for machines;

---> bucket, grapple and fork type implements for loading-unloading machines;

(16)teeth and cutting edges for machines;

---> teeth and cutting edges for machines (mechanical parts for earth moving, agriculture and mining);

(17)radiators,

---> radiators for motors and engines,

(18)fans,

---> fans for motors and engines,

(19)fan belts.

---> fan belts for motors and engines.

Class 08 Rim crosses, razors and travel razors.

[Example for amendment/limitation]

(1)Rim crosses,

---> Null.

Applicant must further specify the goods by their common commercial names.

(2)razors and travel razors.

---> razors and travel razors, electric or non-electric.

Class 09 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and

Continuation sheet

teaching apparatus and instruments; programmable controllers electric and electronic apparatus and instruments, including electric batteries, charging devices, battery testers, electric mountings, electric blowers; electric compasses, electric filters, testing apparatus; traffic control systems, transport supervision system, dipsticks, electronic parking assistance systems.

[Example for amendment/limitation]

(1)Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments;

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

(2)programmable controllers electric and electronic apparatus and instruments, including electric batteries, charging devices, battery testers, electric mountings, electric blowers;

---> programmable logic controllers; power distribution or control machines and apparatus; batteries; battery chargers; battery testers; electronic machines and apparatus;

(3)electric compasses,

---> electronic compasses,

(4)electric filters,

---> electric filters for radio interference suppression,

(5)testing apparatus;

---> testing apparatus not for medical purposes;

(6)traffic control systems,

---> electronic traffic control signals systems,

(7)transport supervision system,

---> computer software for transport supervision system,

(8)dipsticks,

---> dipsticks for automotive engine, (parts of engine),

(9)electronic parking assistance systems.

---> electronic parking assistance devices for motor vehicles.

Class 11 Parts and fittings for vehicles, engines/motors and machines (including drive units and construction machines).

[Example for amendment/limitation]

---> Null.

This goods should be limited because we consider that the above-mentioned goods must be classified in the class 12.

Class 12 Vehicles, including cars, vans, sport-utility vehicles (including golf carts), buses, trucks, on and off road vehicles/dump trucks and parts, including components, and accessories to these items which do not pertain to other classes, including vehicle chassis, vehicle bodies, braking installations, brake calipers, draw bars, bumper bars, clutches, engines, electric engines, motors, electric motors, turbines, combustion engines, starting devices for internal combustion engines, hydraulic cylinders and motors, silencers/mufflers, spark eliminators, power transmissions,

Continuation sheet

gearboxes/transmissions, transmission shafts, differential gears, drive gears, drive shafts, gear change selectors, exhaust cowls, axles, shafts and couplings, machine coupling and transmission components, manual and power steering apparatus, power steering systems, hydraulic steering systems, as well as component parts of these items, compressed air reservoirs, compressed air cylinders and anti-pollution devices, air pumps, anti-dazzle devices, anti-theft devices and alarms, vehicle immobilizing units, trailer hitches, power take-offs, springs, shock absorbers, wheels, wheel bearings, wheel trims, balance weights for wheels, engine mountings, tanks and fuel tanks, engine noise shields, protective covers, radiators grilles, front grills, fluid reservoirs, deflectors, direction indicators, hatches, upholstery, handles for doors, hoods, horns, hubs, hub caps, hydraulic circuits, tyres, non-skid devices for tyres, mud flaps, brakes, servo brakes and compressed-air brakes, antilock brake systems, brake pads and brake linings, bumpers, mudguards/fenders, cabs, cab tilt mechanisms, reversing alarms, mechanical controls, head rests for seats, arm rests, doors, seats, safety-seats, personal safety restraints seats, safety seats for children, tables for seats, seat covers, headrest covers, seat belts, devices for collision protection, parking assistance systems, sliding roofs, sun roofs, vehicle steering columns, steering wheels, steering linkages, stabiliser bars, suspensions, suspension lowering outfits, torsion bars, tow bars, windows, window winding mechanisms, power windows, windscreens/windshields (also of safety glass), windscreen/windshield and headlight wipers, defrosting systems for windscreens, wiper blades, vehicle window blinds, driving mirrors, mirrors (retrovisors), tank caps, cover caps for extra headlights, warning lamps, luggage restraints for vehicles, luggage nets, luggage carriers, wheel carriers, bicycle carriers, surfboard carriers, boat carriers, mud-guards, snow chains, pet screens, stone screens, storage screens, roof racks and ski racks, stowage boxes, deposit boxes, stowage compartments, trim panels, spoilers, side and rear skirts, safety cushions, air bags, breakdown cases, holders for mirrors, sun shades, mobile telephone mounting equipment; rudders, propellers, trimming vanes, steerage units, steering wheels and fittings for boats as well as component parts of these items; vehicles for locomotion by land, air or water.

[Example for amendment/limitation]

(1)Vehicles, including cars, vans, sport-utility vehicles (including golf carts), buses, trucks,
 ---> Vehicles, namely, cars, vans, sport-utility vehicles (including golf carts), buses, trucks,

(2)on and off road vehicles/dump trucks and parts, including components, and accessories to these items which do not pertain to other classes, including vehicle chassis, vehicle bodies, braking installations, brake calipers, draw bars, (*partially omitted*), safety cushions, air bags, breakdown cases, holders for mirrors, sun shades, mobile telephone mounting equipment;
 ---> on and off road vehicles/dump trucks and parts, including components, and accessories to these items which do not pertain to other classes, namely vehicle chassis, vehicle bodies, braking installations, brake calipers, draw bars, (*partially omitted*), safety cushions, air bags, breakdown cases, holders for mirrors, sun shades, mobile telephone mounting equipment;

(3)rudders, propellers, trimming vanes, steerage units, steering wheels and fittings for boats as well as component parts of these items;
 ---> boat parts, namely, rudders, propellers, trimming vanes, steerage units, steering wheels;

(4)vehicles for locomotion by land, air or water.
 ---> aircraft; automobiles; bicycles; motorcycles; rolling stock for railways; ships.

Continuation sheet

Class 14 Precious metals and their alloys and goods made from these materials, and jewellery and precious stones, including cuff-links, tie clips, coins, medals, lapel pins, rings, model figures (ornaments) coated with precious metal and other decorative goods.

[Example for amendment/limitation]

---> Precious metals, unwrought or semi-wrought; key rings [trinkets or fobs] of precious metal; statues of precious metal; jewellery cases [caskets] of precious metal; boxes of precious metal; ornaments [jewellery, jewelry (Am.)]; shoe ornaments of precious metal; aircraft.

Class 16 Paper, cardboard and goods made from these materials, including paper cubes and notes; advertising materials.

[Example for amendment/limitation]

(1) Paper, cardboard and goods made from these materials, including paper cubes and notes;

---> Paper, boxes of paper, table cloths of paper, table napkins of paper, cardboard and cardboard articles, including note books;

(2) advertising materials.

---> printed advertising materials.

Class 17 Rubber, gutta-percha, gum, asbestos, mica and goods made of these materials; reflex tape, felt rings, flexible covers made of rubber or of plastic materials for protecting mechanical components; packing and stopping materials, including oil seals (packing), sealing, locking and caulking compounds and fluids (in the nature of jointings or packings); parts and fittings for vehicles, engines/motors and machines (including drive units and construction machines).

[Example for amendment/limitation]

(1) Rubber, gutta-percha, gum, asbestos, mica and goods made of these materials;

---> Packing [cushioning, stuffing] materials of rubber or plastics; cotton wool for packing [caulking]; Joint packings for pipes; stops of rubber; rubber stoppers; insulators; asbestos packing;

(2) reflex tape,

---> fluorescent adhesive tapes and fluorescent tapes,

(3) felt rings,

---> insulating felt rings,

(4) flexible covers made of rubber or of plastic materials for protecting mechanical components;

---> packing [cushioning, stuffing] materials of rubber or plastics for protecting mechanical components;

(5) packing and stopping materials, including oil seals (packing),

---> packing [cushioning, stuffing] materials of rubber or plastics; cotton wool for packing [caulking]; Joint packings for pipes; stops of rubber; rubber stoppers;

(6) sealing, locking and caulking compounds and fluids (in the nature of jointings or packings);

---> sealing, mounting and caulking compounds or fluids (in the nature of jointings or packings);

(7) parts and fittings for vehicles, engines/motors and machines (including

Continuation sheet

drive units and construction machines).

---> plastic parts for the construction of motors, engines and gears for vehicles.

Class 18 Leather and imitations of leather, and goods made of these materials.

[Example for amendment/limitation]

---> Leather, unworked or semi-worked; imitation leather; stirrup leathers; girths of leather; chin straps, of leather; bags [envelopes, pouches] of leather, for packaging; leather leads; leather bags; tool bags of leather, empty.

Class 20 Boxes, canisters; goods of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

[Example for amendment/limitation]

(1)Boxes,

---> boxes of wood or plastic,

(2)canisters;

---> canisters of metal;

(3)goods of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

---> furniture made from wood or substitutes for wood; corks; screens of reed or substitutes for reed; chairs of cane and wicker or substitutes therefor; statuettes of horn, bone, ivory, whalebone, shell, amber.

Class 24 Flags, (roller) blinds; textiles and textile goods.

[Example for amendment/limitation]

(1)Flags,

---> flags, not of paper,

(2)(roller) blinds;

---> blinds (outdoor) of textile;

(3)textiles and textile goods.

---> fabrics; face towels of textile; sheets [textile]; table napkins of textile; table linen [textile]; tapestry [wall hangings] of textile.

Class 26 Sewing kit.

[Example for amendment/limitation]

---> Sewing boxes.

Class 28 Games equipment.

[Example for amendment/limitation]

---> Video games equipment.

Class 35 Retail services and wholesale, namely in respect of vehicles, engines/motors and machines (including drive units and construction machines), as well as of parts, fittings and accessories for the aforesaid goods, and of tools and workshop equipment, and of merchandise products; consultancy in the field of vehicle fleet management.

Continuation sheet

[Example for amendment/limitation]

(1) Retail services and wholesale, namely in respect of vehicles, engines/motors and machines (including drive units and construction machines), as well as of parts, fittings and accessories for the aforesaid goods, and of tools and workshop equipment, and of merchandise products;

---> Retail and wholesale services for automobiles, bicycles, motorcycles, construction machines, engines/motors and drive units for land vehicles, as well as of parts, fittings and accessories for the aforesaid goods, and of tools and workshop equipment, and of merchandise products;

(2) consultancy in the field of vehicle fleet management.

---> business management consultancy in the field of vehicle fleet management.

Class 36 Monetary and financial affairs, including credit card services; warranty.

[Example for amendment/limitation]

(1) Monetary and financial affairs, including credit card services;

---> Capital investments; exchange money; fund investments; securities brokerage; stocks and bonds brokerage; financial consultancy; financial evaluation [insurance, banking, real estate]; financial management; credit card services;

(2) warranty.

---> assumption of warranties.

Class 37 Installation services related to vehicles, motors and machines (including drives and contract machines); installation, service, repair, inspection, restoration, maintenance, reconditioning, diagnostic tuning, cleaning, painting, polishing and preservation services in relation to vehicles, engines/motors and machines (including drive units and construction, agricultural and forestry machines), power hand tools, workshop appliances and devices, or parts, fittings and accessories (including telecommunication equipment) for the aforesaid; rental of tools and workshop equipment.

[Example for amendment/limitation]

(1) Installation services related to vehicles, motors and machines (including drives and contract machines);

---> machinery installation;

(2) installation, service, repair, inspection, restoration, maintenance, reconditioning, diagnostic tuning, cleaning, painting, polishing and preservation services in relation to vehicles, engines/motors and machines (including drive units and construction, agricultural and forestry machines), power hand tools, workshop appliances and devices, or parts, fittings and accessories (including telecommunication equipment) for the aforesaid;

---> vehicle maintenance; repair or maintenance of telecommunication machines and apparatus; repair or maintenance of agricultural machines and implements; repair or maintenance of construction machines and apparatus;

(3) rental of tools and workshop equipment.

---> rental of construction machines and apparatus.

Class 38 Collection and supply of information as well as provision of a service-hotline (in particular with respect to traffic and technical information, and with respect to sports and entertainment); telematic assistance using GPS and GSM/3G technology via a service and alarm center for transport and traffic, in particular checking (supervision), positioning and (remote) control/automatic control of land vehicles, air vehicles, watercraft and locomotion systems, the

Continuation sheet

load thereof as well as of engines/motors and machines (including drive units and transport machines) as well as intervention and help for persons and vehicles in the case of accident, breakdown, raid or theft.

[Example for amendment/limitation]

(1)Collection and supply of information as well as provision of a service-hotline (in particular with respect to traffic and technical information, and with respect to sports and entertainment);

---> Telecommunication services for the collection and supply of information (in particular with respect to traffic and technical information, and with respect to sports and entertainment);

(2)telematic assistance using GPS and GSM/3G technology via a service and alarm center for transport and traffic, in particular checking (supervision), positioning and (remote) control/automatic control of land vehicles, air vehicles, watercraft and locomotion systems, the load thereof as well as of engines/motors and machines (including drive units and transport machines) as well as intervention and help for persons and vehicles in the case of accident, breakdown, raid or theft.

---> telematic communication services using GPS and GSM/3G technology via a service and alarm center for transport and traffic.

Class 39 Salvaging, transportation, warehousing and other rescue services and operations in an emergency and provision of this; rental of vehicles, engines/motors and machines (including drive units and construction and transport machines); logistic services.

[Example for amendment/limitation]

(1)Salvaging, transportation, warehousing and other rescue services and operations in an emergency and provision of this;

---> salvaging, transportation, warehousing in an emergency;

(2)rental of vehicles, engines/motors and machines (including drive units and construction and transport machines);

---> rental of vehicles;

(3)logistic services.

---> logistic services consisting of the storage and transportation of goods.

Class 40 Surface treatment and finishing, in particular of metals, plastics, textiles, glass, wood, leather, rubber and of ceramics, in particular for use for vehicles, engines/motors and machines (including drive units and construction machines), and for parts, fittings and accessories thereof.

[Example for amendment/limitation]

---> Treatment of materials, namely, coating and surface processing of metals, plastics, textiles, glass, wood, leather, rubber and of ceramics, in particular for use for vehicles, engines/motors and machines (including drive units and construction machines), and for parts, fittings and accessories thereof.

Class 42 Scientific and technological services and research and design relating thereto; technical consultation and preparation of expert opinions; information technology services; technical consultation in the field of recycling.

[Example for amendment/limitation]

(1)Scientific and technological services and research and design relating thereto;

---> scientific and technological research and development; computer software

Continuation sheet

design; industrial design;

(2) technical consultation and preparation of expert opinions;
 ---> technical research consultancy and preparation of technical expert opinions;

(3) information technology services;
 ---> technical consultancy regarding information technology;

(4) technical consultation in the field of recycling.
 ---> technical consultation in the field of recycling of waste and trash.

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 06, 07, 09, 11, 12, 14, 16, 17, 18, 20, 24, 36, 37, 39, 40 and 42

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 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.]

<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 main points for filing an application regarding retail services or wholesale services are available on the JPO website at http://www.jpo.go.jp/tetuzuki_e/t_tokkyo_e/pdf/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.

Continuation sheet

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 2, 4, 21, 22, 25, 27 and 41 remain unchanged.

- 1 Chemicals used in industry, in particular for use in the operation, repair, servicing and maintenance of vehicles, engines/motors and machines (including drive units and construction machines), including brake fluids, fluids for hydraulic systems, antifreeze compositions, defrosting compositions, rubber and plastic cements, plastics, adhesives, compositions for repairing surfaces, sealing compositions, saturants, water-repellent and spot-repellent agents (finishers), impregnation agents; coolants for vehicle engines, coolants (anti-boil preparations for engine); chemical preparations for scientific purposes (other than for medical or veterinary use); chemical preparations for use in photography; agricultural chemicals, horticulture chemicals and chemicals for forestry, except fungicides, weedkillers, herbicides, insecticides and parasiticides; unprocessed artificial resins, unprocessed plastics; fertilizers; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; putties; adhesives used in industry; hydraulic fluids.
- 3 Bleaching preparations and other substances for laundry use; cleaning, care, preservation, polishing, scouring and abrasive agents, in particular such for vehicles, engines/motors and machines (including drive units and construction machines), including detergents, windscreen/windshield washer fluids, wax compositions for automobile, cleaning sprays, auto shampoos, spray preservatives for leather, interior cleaning agents, motor cleaning agents, light metal or metal alloy wheel rim care agents; soaps; perfumery, essential oils, cosmetics, hair lotions, including perfume atomisers, toilet waters, non-medicated toilet preparations, powder compacts [cases], shaving and after-shave preparations, oils, creams and lotions for the skin; dentifrices.
- 5 Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; materials for dressings; first-aid kits (filled); material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.
- 6 Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electrical wires, cables and cable joints, and speedometer cables of common metal; bolts of metal; bottle caps of metal; boxes of common metal; buckles of common metal [hardware]; chests of metal; junctions of metal for pipes; keys; small items of metal hardware and goods of common metal (included in this class), namely, locks, latches, metallic tubes, metallic hoses, metallic valves for pipes, pipes, clips for pipes, binding screws of metal for cables, bolts, nuts, rivets, lock washers, spring washers, flat washers, chains (except drive chains for vehicles), plugs, split pins, shims, spacer rings, and clips, woodruff keys, screw unions, spring bolts, shackles, ball valves (not machine elements), hinges, brackets of metal for building, grease nipples, containers of metal for liquid fuel, door handles of metal, wire baskets, metal wires, box fasteners, tow ropes of metal, canisters, keys, key blanks, key ring pendants and pins; safes, ores.

[NOTE] For your reference, the following designated goods are deleted in relation with the above Ground 2:

"statuettes of common metal; tanks for liquids, tank accessories, ladders, signs of metal (non-luminous and non-mechanical), badges for vehicles, badges of metal for vehicles, vehicle registration plates, non-luminous signs, boxes, nameplates of

Continuation sheet

metal, ornaments; blinds of metal."

- 7 Motors and engines (except for land vehicles), including marine engines, aircraft engines, engines for industrial, agricultural and forestry machines, stationary combustion engines, turbines, electric motors; electric generators and alternators; high-frequency generators; air cleaners (air filters) for engines and anti-pollution devices for motors and engines; carburettors, converters for liquid fuels, injectors, injection pumps, fuel pumps, speed governors, injection nozzles and nozzle holders, machine valves, vaporizers, starters, ignition systems, ignition coils, glow plugs, spark plugs, spark plug connectors, lambda probes, magnetos, silencers/mufflers and spark arresters for combustion engines; fuel filters, oil filters, air filters; rolling bearings, plain bearings, shafts, shaft seals for bearings, gearwheels, drive wheels, speed change gear, pulleys, drive chains and belts not for vehicles, srings [parts of machines]; filters, pumps, pressure regulators, relief valves, controls, fans and fan belts, all for engine cooling radiators; cooling fans, cooling radiators, starters for motors and engines, fuel feed apparatus, oil cooling apparatus, brakes, caps for cooling radiators, speed change gears (machine elements not for land vehicles), hydraulic pumps, hydraulic cylinders, hydraulic reservoirs, hydraulic filters, hydraulic motors, hydraulic pipes, hydraulic valves, boost units for hydraulic transmission, all for machines, engines and motors (not for land vehicles); machine coupling and transmission components (except for land vehicles), including power transmissions, gearboxes/transmissions, reverse gears, reduction gears, gearbox controllers, traction control systems, vehicle dynamics control systems, shaft connections, couplings and clutches, exhausts, couplings and transmission belts; power transmission take-off units for motor vehicle engines, for use as prime movers; inboard/outboard drive units and sailing boat drive units for inboard engines; hydraulic pumps and motors and components thereof, air pumps as vehicle accessories; bushes and bearings (machine parts); power steering wheels for vehicles; control valves (machine parts), braking valves (machine parts); exhaust-gas turbo-chargers; compressors, compressed air brakes, compressed air reservoirs for internal combustion engines, compressed air cylinders and compressed air motors, bilge pumps; metal and plastics working machines; incubators for eggs; agricultural implements (not hand operated); construction machines; electronic control devices for engines or motors and servo drives; electric power tools for metalworking and their plug-in tools; conveyors, conveyor belts; handling apparatus for loading-unloading for pressing plants and foundries; loaders, dumper bodies, excavators as well as parts, including components, and accessories to such products; hydraulic lifting apparatus, cranes, winches; bucket, grapple and fork type implements for loading-unloading machines; wood working machines, including delimbing, slashing and debarking equipment; teeth and cutting edges for machines (mechanical parts for earth moving, agriculture and mining); parts, fittings and accessories for the abovementioned goods and for motor land vehicles; bushings; cooling radiators, radiators for motors and engines, radiator caps, exhausts, compressed air motors, fans for motors and engines, fan belts for motors and engines, bearings.

[NOTE] For your reference, the following designated goods are deleted in relation with the above Ground 2;

"machines for the chemical industry, for agriculture, mining, textile machines, machines for the beverage industry; machines for assembling automobile bodies; electrically operated power tools and accessories for electrically operated power tools (metal working machines); electric can openers; hydraulic lift jacks, body and frame aligners; packing and labelling machines, car vacuum cleaners; car wash facility; automatic vending machines;"

- 8 Hand tools and implements (hand operated), including manually handled lifting jacks, hand tools sets, ice scrapers, non-electric can openers; hand operated implements for use in agriculture, horticulture and forestry, for the construction, maintenance and repair of apparatus, vehicles, engines/motors and machines (including drive units and construction machines), and for the building industry; parts of all aforementioned goods; cutlery, including knives, pocket knives; side arms; scissors,

Continuation sheet

manicure sets and manicure tools; razors and travel razors, electric or non-electric; clamps.

- 9 Apparatus and instruments for scientific research in laboratories; nautical, surveying, photographic, cinematographic, optical and weighing apparatus and instruments; measuring apparatus; luminous or mechanical signals; electric monitoring apparatus; teaching apparatus; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; programmable logic controllers; power distribution or control machines and apparatus; batteries; battery chargers; battery testers; electronic machines and apparatus; electric accumulators, electronic compasses, electric circuit breakers, commutators, electric condensers, electric wiring harnesses, capacitors, relays, electronic time relays, switches, fuses, electrical contacts, electric cables, electric fuses; electric fuse boxes, electrical sensors, electrical sockets, printed electrical circuits, integrated circuits; leads for electric, electronic and optical signals; cable connections, cable drums; transformers; electronic headlamp beam adjustment; sensors, detectors, switching devices/switch boxes, solar cells and solar generators; analysers for motor vehicles, namely for exhaust gas analysis, soot particle analysis, brake function analysis, diagnostic instruments and equipment for simulations, engine testers, workshop test devices; high-frequency generators, power supply devices, electric filters for radio interference suppression, semiconductor components, optoelectronic components; testing apparatus not for medical purposes; apparatus for recording, transmission or reproduction of data, sound or images and data processing equipment and computers, including radio apparatus, video screens, tape players, loudspeakers, amplifiers, telecommunication equipment, car telephone installations, compact disc players, telematic terminals, distress signal terminals, navigation and radar terminals, electronic traffic control signals systems, computer software for transport supervision system, locating devices, black box (accident data monitoring and recording device), auto-computers and on-board computers, magnetic data carriers; computer software; computer hardware; video games software; storage boxes for recording media; data processing equipment; interference suppressors, aerials/antennas; gauges, measuring instruments and apparatus, including such for fuel, oil pressure, tyre pressure, compressed air, temperatures, amperage, speed and engine revolutions; mileage recorders, odometers, tachometers; voltage regulators, voltmeters; rudder indicators, instrument panels and clusters, dipsticks for automotive engine, (parts of engine), thermostats; dynamometers, brake testers, electrical and mechanical instruments and apparatus for control and testing for vehicles, engines/motors and machines (including drive units and construction machines); electronic parking assistance devices for motor vehicles; warning reflectors; electronic monitors and regulators for engines and motors; tape measures; thermometers; compasses; level controllers [electrical apparatus], warning triangles, jumper cables, starter cables.

[NOTE] For your reference, the following designated goods are deleted in relation with the above Ground 2;

"life-saving apparatus and equipment; toll terminals for electronic toll detection in traffic, calculators and pocket calculators; recorded and non-recorded data carriers and recording media of all kinds, including compact discs, tape cassettes; highway emergency warning equipment; time recorders, signal lamps; automatic alarm units, anti-theft warning devices, electronic anti-theft devices, including vehicle immobilizing units; fire extinguishing apparatus; magnets; optical apparatus and instruments, including binoculars, magnifying glasses, spectacles, sun glasses and goggles, lenses for lamps sun-proof optical lenses; sun glasses and goggles, ophthalmic frames; warning triangles; clothing for protection against accidents, including footwear, special clothing as lifesaving equipment, workmen's protective face-shields, protective eye pieces and masks; registers; safety nets."

- 11 Lighting apparatus and installations (also for vehicles), including headlights/headlamps, lamp assemblies, lanterns, bulbs, lamp fittings, flashlights, electrical torches, reading lights; anti-dazzle devices for vehicles, motors and

Continuation sheet

machines, reflectors for lightning devices; installations and apparatus for air filtering and air conditioning, ventilation, refrigerating or heating, including electric and non-electric radiators, ventilators, fans, metallic valves for pipes, parts for the aforementioned goods; compressed air ventilators, apparatus for steam generating, cooking, drying, water supply and sanitary purposes.

12

Vehicles, namely, cars, vans, sport-utility vehicles (including golf carts), buses, trucks, tractor units/prime movers, on and off road vehicles/dump trucks and parts, including components, and accessories to these items which do not pertain to other classes, namely vehicle chassis, vehicle bodies, braking installations, brake calipers, draw bars, bumper bars, clutches, engines, electric engines, motors, electric motors, turbines, combustion engines, starting devices for internal combustion engines, hydraulic cylinders and motors, silencers/mufflers, spark eliminators, power transmissions, gearboxes/transmissions, transmission shafts, differential gears, drive gears, drive shafts, gear change selectors, exhaust cowls, axles, shafts and couplings, machine coupling and transmission components, manual and power steering apparatus, power steering systems, hydraulic steering systems, as well as component parts of these items, compressed air reservoirs, compressed air cylinders and anti-pollution devices, air pumps, anti-dazzle devices, anti-theft devices and alarms, vehicle immobilizing units, trailer hitches, power take-offs, springs, shock absorbers, wheels, wheel bearings, wheel trims, balance weights for wheels, engine mountings, tanks and fuel tanks, engine noise shields, protective covers, radiators grilles, front grills, fluid reservoirs, deflectors, direction indicators, hatches, upholstery, handles for doors, hoods, horns, hubs, hub caps, hydraulic circuits, tyres, non-skid devices for tyres, mud flaps, brakes, servo brakes and compressed-air brakes, antilock brake systems, brake pads and brake linings, bumpers, mudguards/fenders, cabs, cab tilt mechanisms, reversing alarms, mechanical controls, head rests for seats, arm rests, doors, seats, safety-seats, personal safety restraints seats, safety seats for children, tables for seats, seat covers, headrest covers, seat belts, devices for collision protection, parking assistance systems, sliding roofs, sun roofs, vehicle steering columns, steering wheels, steering linkages, stabiliser bars, suspensions, suspension lowering outfits, torsion bars, tow bars, windows, window winding mechanisms, power windows, windscreens/windshields (also of safety glass), windscreen/windshield and headlight wipers, defrosting systems for windscreens, wiper blades, vehicle window blinds, driving mirrors, mirrors (retrovisors), tank caps, cover caps for extra headlights, warning lamps, luggage restraints for vehicles, luggage nets, luggage carriers, wheel carriers, bicycle carriers, surfboard carriers, boat carriers, mud-guards, snow chains, pet screens, stone screens, storage screens, roof racks and ski racks, stowage boxes, deposit boxes, stowage compartments, trim panels, spoilers, side and rear skirts, safety cushions, air bags, breakdown cases, holders for mirrors, sun shades, mobile telephone mounting equipment; restraining systems for installation in motor vehicles, namely belt tensioners, airbags and sensors; tires, pneumatic tires; adhesive rubber patches for repairing inner tubes; baby carriages, bicycles; boat parts, namely, rudders, propellers, trimming vanes, steerage units, steering wheels; aircraft; automobiles; bicycles; motorcycles; rolling stock for railways; ships; electrical lighters for automobiles; starter motors for land vehicles.

[NOTE] For your reference, the following designated goods are deleted in relation with the above Ground 2;

"wheeled chairs for invalids;"

14 Precious metals, unwrought or semi-wrought; key rings [trinkets or fobs] of precious metal; statues of precious metal; jewellery cases [caskets] of precious metal; boxes of precious metal; ornaments [jewellery, jewelry (Am.)]; shoe ornaments of precious metal; horological and chronometric instruments, including clocks and watches, travel alarm clocks; key fobs, key rings of common metal.

16 Paper, boxes of paper, table cloths of paper, table napkins of paper, cardboard and cardboard articles, including note books; printed matter, including books,

Continuation sheet

instruction books, (computer/computer software) manuals, periodicals, magazines, newspapers, calendars, posters, stickers, banners and pennants of paper, country and road maps, spare parts lists, maintenance manuals, printed advertising materials, printed publications relating to automotive subjects; bookbinding material; adhesives for stationery or household purposes; artists' materials, paint brushes; stationery, including pens and pencils; typewriters and office requisites (except furniture), including pen stands, letter holders, storage boxes for recording media and paper knives; instructional and teaching material (except apparatus).

[NOTE] For your reference, the following designated goods are deleted in relation with the above Ground 2;

"photographs; plastic materials for packaging, including plastic carrier bags; printers' type; printing blocks; money clips."

- 17 Packing [cushioning, stuffing] materials of rubber or plastics; cotton wool for packing [caulking]; Joint packings for pipes; stops of rubber; rubber stoppers; insulators; asbestos packing; plastics in extruded form for use in manufacture; rubber supports for motors/engines, fluorescent adhesive tapes and fluorescent tapes, insulating felt rings, sealing compound, non-metallic tubes, pipe connection parts for radiator systems, radiator sealing compounds, fasteners and connectors, all made of plastic materials, for pipes and cables; packing [cushioning, stuffing] materials of rubber or plastics for protecting mechanical components; mountings made of rubber or of plastics materials for engines, transmission assemblies and for exhausts; plastic materials in the form of sheets (non-textiles) for use in the manufacture of roof coverings for vehicles; clutch linings; gaskets (other than fibrous gaskets for ships); washers (other than washers for water taps) made of rubber, plastics materials or of vulcanised fibre; grommets made of rubber or of plastics material; non-metallic hoses; strips made of rubber or of plastics materials for sealing joints; packing [cushioning, stuffing] materials of rubber or plastics; cotton wool for packing [caulking]; Joint packings for pipes; stops of rubber; rubber stoppers; sealing, mounting and caulking compounds or fluids (in the nature of jointings or packings); stuffings for engines/motors and machines; insulating materials; flexible pipes (not of metal); plastic parts for the construction of motors, engines and gears for vehicles.

- 18 Leather, unworked or semi-worked; imitation leather; stirrup leathers; girths of leather; chin straps, of leather; bags [envelopes, pouches] of leather, for packaging; leather leads; leather bags; tool bags of leather, empty; animal skins, hides; boxes of artificial leather, bags, baggage bags, trunks and travelling bags, handbags, sports bags, conference folders, umbrellas, pocket wallets, purses, back-packs, document cases, briefcases, card cases; vanity cases, not fitted; key cases, walking sticks, parasols, tool bags (empty); whips, harness and saddlery.

- 20 Locks (not of metal), for vehicles; mirrors (looking glasses); air cushions, not for medical purposes; non-luminous signs; vehicle registration plates (not of metal); storage containers, storage boxes for recording media (included in class 20), boxes of wood or plastic, canisters of metal; seat cushions, pillows; non-metal clamps; all aforesaid goods also as parts and fittings of vehicles; furniture; mirrors; furniture frames; indoor blinds.

[NOTE] For your reference, the following designated goods are deleted in relation with the above Ground 2;

"furniture made from wood or substitutes for wood; corks; screens of reed or substitutes for reed; chairs of cane and wicker or substitutes therefor; statuettes of horn, born, ivory, whalebone, shell, amber."

- 24 Blankets, plaids, winter seat covers, towels, pennants, flags, not of paper, bed covers, table covers; blinds (outdoor) of textile; fabrics; face towels of textile; sheets [textile]; table napkins of textile; table linen [textile]; tapestry [wall hangings] of textile; pennants of textile.

Continuation sheet

- 26 Lace and embroidery, ribbons, and braid; buttons, hooks and eyes, pins, and needles; sewing boxes; artificial flowers.
- 28 Games, playthings and toys, including models, scale model vehicles, plush animals, video games equipment, balloons, and beach balls; decoration for Christmas trees; gymnastic and sporting articles, including clubs, gloves, bags and balls for golf, sports racquets, and fishing tackle; golf bags.
- 35 Retail and wholesale services for automobiles, and parts, fittings and accessories thereof; advertising, organisation of promotional programs, office functions, business administration (including bookkeeping), business management and business management advisory services, in particular relating to the design, development, manufacture, sale, distribution, repair or maintenance of vehicles, engines/motors and machines (including drive units and construction machines), and of parts, fittings and accessories for the aforesaid; business management consultancy in the field of vehicle fleet management.
- 36 Real estate affairs; capital investments; exchange money; fund investments; securities brokerage; stocks and bonds brokerage; financial consultancy; financial evaluation [insurance, banking, real estate]; financial management; credit card services; insurance, assumption of warranties, financing (including hire purchase and lease purchase financing services and leasing), in particular relating to vehicles, engines/motors and machines (including drive units and construction, transport, agricultural and forestry machines), to parts, fittings and accessories for the aforesaid, and to tools and workshop equipment.
- 37 Building construction; machinery installation; vehicle maintenance; repair or maintenance of telecommunication machines and apparatus; repair or maintenance of agricultural machines and implements; repair or maintenance of construction machines and apparatus; emergency road side vehicle repair assistance; rental of construction machines and apparatus; looking after and overhauling of motor vehicles in motor-sport events; reservation of garage services for the maintenance and repair of motor vehicles; technical assistance related to motor vehicles during motorsports events.
- 38 Internet, telecommunication and satellite communication services, in particular telephone services relating to vehicle radio telephones, paging services, logistic services, telematic services, telecommunication services for the collection and supply of information (in particular with respect to traffic and technical information, and with respect to sports and entertainment); telematic communication services using GPS and GSM/3G technology via a service and alarm center for transport and traffic, unidirectional or bi-directional transmission of text, voice and alarm messages and of signal, measuring, sound, image, video, position, movement, state and working hour data between land vehicles, air vehicles, watercraft and locomotion systems, the load/cargo thereof as well as between engines/motors and machines (including drive units and construction machines) and a wide variety of service points (also in the Internet), for emergency services, breakdown services and traffic information as well as for the remote checking (supervision) and remote control/remote automatic control of land vehicles, air vehicles, watercraft and locomotion systems, the load/cargo thereof as well as between engines/motors and machines (including drive units and construction machines); communication via the Internet, communications by computer terminals, computer aided transmission of messages and images; providing telecommunication channels for teleshopping services and chatrooms.
- 39 Transport, also of persons; salvaging, transportation, warehousing in an emergency; packaging, warehousing and distribution of goods; rental of vehicles; consultation in the field of traffic and transport, including mobile telematics applications; logistic services consisting of the storage and transportation of goods; traffic information and control services; route guidance services; travel arrangement and tourist information services.

Continuation sheet

- 40 Treatment of materials, namely engraving, treatment of materials, namely, coating and surface processing of metals, plastics, wood, rubber and of ceramics, in particular for use for vehicles, engines/motors and machines (including drive units and construction machines), and for parts, fittings and accessories thereof; recycling, incineration and destruction, in particular of vehicles, engines/motors and machines (including drive units and construction machines), and of parts and accessories thereof; sorting of waste and recyclable material, in particular from vehicles, engines/motors and machines (including drive units and construction machines), and from parts and accessories thereof.

[NOTE] For your reference, the following designated services are deleted in relation with the above Ground 2;

"treatment of materials, namely, coating and surface processing of textiles, glass, leather,"

- 42 Scientific and technological research and development; computer software design; industrial design; technical research consultancy and preparation of technical expert opinions; engineering services; services in connection with research development and testing of new products; programming of data processing software, computer programming, installation, maintenance and care of computer programs, in particular in the field of technical engineering, logistics and traffic and transport telematic; technical consultancy regarding information technology; design and development of computer hardware and software, IT services via data processing centers, service and alarm centers for transport and traffic, in particular the detection, checking (supervision), evaluation and processing of alarm messages, and signal, measuring, sound, image, video, position, movement, state and working hour data and (remote) control/automatic control of land vehicles, air vehicles and aircraft, locomotion systems, the load/cargo thereof as well as between engines/motors and machines (including drive units and construction machines); technical consultation in the field of recycling of waste and trash; technical consultation in the field of environmental protection; scientific research, also relating to the ocean; meteorological research; industrial analysis and research.

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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