

## **SPECIAL EDITION OF THE MADRID HIGHLIGHTS**

### **THE JAPAN PATENT OFFICE (JPO) AS DESIGNATED CONTRACTING PARTY (DCP)**

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## **SPECIAL EDITION OF THE MADRID HIGHLIGHTS**

Welcome to the second Special Edition of the Madrid Highlights featuring the role of the Japan Patent Office (JPO) as an Office of a designated Contracting Party under the Madrid System.

The effect of an international trademark registration, once it has been granted protection in the designated Contracting Parties, is the same as if the mark has been filed directly with that designated Contracting Party. Whether an international trademark registration is granted protection is determined by the Offices of those designated Contracting Parties that will examine the mark in accordance with their local laws and practices. Accordingly, as a result the holder will obtain one International Registration with a “bundle of national rights”.

It follows that an international mark may be examined differently by the Offices of the designated Contracting Parties before ultimately being granted protection in those designated Contracting Parties concerned for example, payment of the designation fee in two parts and the use of “Similar Group Codes” to help identify similar goods and services are just two characteristics of the JPO’s substantive examination procedure.

The aim of this special edition is to help users of the Madrid System to understand aspects of the JPO procedures that they need to be aware of when they designate Japan in international applications or subsequently to the international registration.

## INTRODUCTION

Japan has been a member of the Madrid System since March 2000 when it acceded to the Madrid Protocol.

When designating Japan under the Madrid System the following requirements apply:

- trademark owners are required to pay the individual fee for Japan in two parts (see more on this in Part 4);
- the JPO has a time limit of 18 months to issue a provisional refusal;
- recording a license in the International Register has no effect in Japan. The trademark holder would therefore, need to file a request to record a license of an international registration to take effect in Japan directly before the JPO in accordance with national requirements.

Trademark systems around the world continue to evolve with a steady rise in cross-border economic activities and diversified sales strategies due to the rapid spread of technologies and the expanding use of the Internet. Japan has been working on various initiatives such as the revision of its trademark laws and regulations to cope with this trend.

Since April 2015, non-traditional trademarks, such as sound and color marks, may be protected in Japan. Therefore, foreign trademark owners seeking to protect such trademarks in multiple countries can file international applications designating Japan under the Madrid System.

Japan also revised its domestic laws and regulations in compliance with the Singapore Treaty on the Law of Trademarks (STLT), and acceded to that Treaty in March 2016. In addition, Japan has streamlined and harmonized its filing procedures with those of other countries, making it easier for Japan to promote trademark protection for overseas users including those of the Madrid System. Furthermore, the JPO's Trademark Examination Guidelines have been thoroughly revised to enhance predictability and transparency in trademark examination. The new Guidelines came into effect in April 2017.

Since its accession to the Madrid Protocol, the numbers of international trademark applications filed in Japan under the Madrid System and designations of Japan in international registrations continue to increase. The JPO sincerely hopes that this special edition will further facilitate better use of the Madrid System and assist users to effectively protect their trademarks in Japan.

## SPECIAL CONSIDERATIONS WHEN DESIGNATING THE JPO

### (1) Checklist for the Completion of the MM2 Form

When Japan is designated in an international application, the following items of the international registration must meet the necessary requirements before the JPO, if not the JPO will issue a statement of refusal.

#### (a) *Name/Address of the Applicant (Item 2(a) and (b) of the MM2 Form)*

If an international registration holder owns an existing registration in Japan for the same or similar mark and the same or similar goods or services under a different name/address, the international registration will nevertheless be refused protection because of the existence of his/her prior registration in Japan.

To overcome such a refusal, the name and address of the applicant in the international application must be identical to the name and address of his/her prior registrations in Japan.

- Note: the relative grounds for refusal cannot be overcome by a claim of ownership of prior registrations or a submission of a letter of consent.

#### (b) *Appointment of a Representative (Item 4 of the MM2 Form)*

Irrespective of the fact that a representative has been appointed in an international application before WIPO, a “decision of registration” (Annex I), “certification of national registration” (Annex II) and “decision of refusal” (Annex III) will be sent directly to the holder or his/her local representative (if any).

- Note: it is not possible for WIPO’s representative to receive these national decisions from JPO directly.

#### (c) *Reproduction of the Mark (Item 7(a) of the MM2 Form)*

It is not possible to amend the reproduction of the mark before the JPO. Consequently, if the ground for refusal is in relation to the reproduction of the mark, it cannot be overcome in any way.

In most cases, such refusals concern color *per se* marks (marks consisting exclusively of a single color or a combination of colors), three-dimensional marks, sound marks, motion marks, hologram marks and position marks.

##### (i) *Color per se (Marks Exclusively of Color)*

The reproduction of color *per se* marks (marks exclusively of color) should consist of figures or photographs indicating the colors for which trademark registration is sought.

In the case of a position-specific color trademark, the applicants may present the color(s) for which trademark registration is sought, and use lines, dots, etc., to define the position where the trademark will be affixed. In this case, the applicant is required to explain in item 9(e) of the MM2 form “Description of the Mark”, the manner of defining the color(s) and the

position(s). For the details, please refer to 54.1 of the Trademark Examination Manual ([http://www.ipa.go.jp/tetuzuki\\_e/t\\_tokkyo\\_e/1308-029.htm](http://www.ipa.go.jp/tetuzuki_e/t_tokkyo_e/1308-029.htm)).

(Article 4<sup>quater</sup> of the Enforcement Order of the Trademark Act).

#### Acceptable Example 1 (Single Color)



#### Acceptable Example 2 (Combination of Colors)



#### Acceptable Example 3 (Position-Specific Color)



#### Unacceptable Examples.

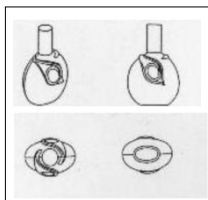
“Where a color mark clearly represents specific characters, figures, etc. from a trademark stated in its application” (TM Guideline I. Part 2, 9(1)(a)).



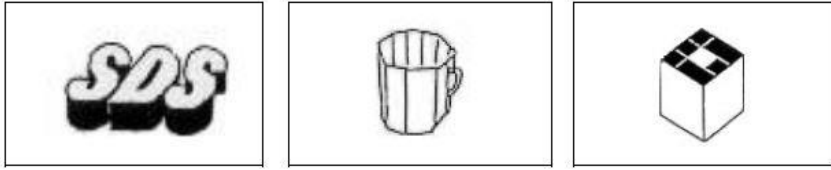
#### (ii) Three-dimensional Marks

The reproduction of a three-dimensional mark should consist of figures or photographs indicating the trademark from one angle or two or more different angles. While several angles of the three-dimensional shape may fit in the single box (8cm x 8cm) in the international application, a single angle of the three-dimensional shape is sufficient if the three-dimensional shape can be identified from that single angle (Article 4<sup>ter</sup> of the Enforcement Order of the Trademark Act).

#### Acceptable Example 1

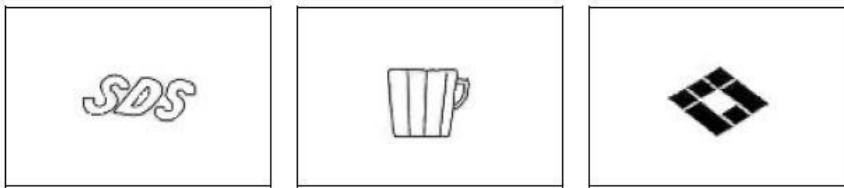


### Acceptable Example 2



### Unacceptable Examples

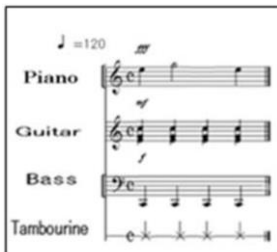
Where a shape as an outer appearance of a three-dimensional object such as a thick contour cannot be described and recognized as characters, figures or symbols. (TM Guideline I. Part 2, 6(1)(a)).



### (iii) Sound Marks

The graphical representation of a sound mark should clearly define what makes up the mark by using characters, full score or a combination of both, provided, however, that it may be described using a single line stave in addition to the full score, if required (Article 4*quinquies* of the Enforcement Order of the Trademark Act).

### Acceptable Example 1



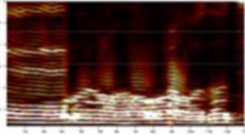
### Acceptable Example 2



### Unacceptable Example 1

A sonogram is a three-dimensional representation of a sound signal showing sound frequencies and distribution of amplitudes and time through a sound analysis device (TM Guideline I. Part 2, 10(1)).

Because consumers and businesses cannot easily identify the sounds for which trademark registration is sought by only seeing a sonogram, the scope of the trademark right will be unclear.



### Unacceptable Example 2

**Tablature** is a form of musical **notation** indicating instrument fingering rather than musical pitches. **Tablature** is common for fretted stringed instruments such as the guitar (TM Guideline I. Part 2, 11(1)(a)).

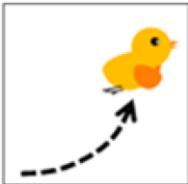
Because consumers and businesses cannot easily identify the sounds for which trademark registration is sought by only seeing a tablature, the scope of the trademark right will be unclear.



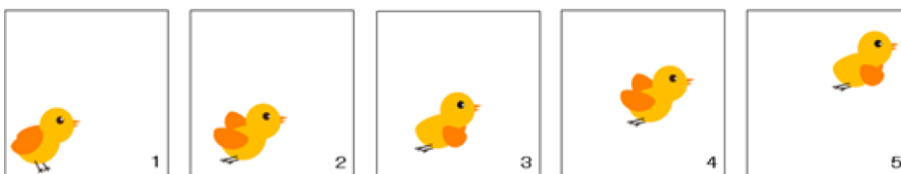
### (iv) Motion Marks

The reproduction of a motion mark should consist of one figure or photograph or two or more different figures or photographs indicating the state of change as time progresses in an identifiable way (Article 4 of the Enforcement Order of the Trademark Act).

### Acceptable Example 1 (the Movement of the Mark Is Depicted by Using the Arrow)



### Acceptable Example 2 (the Movement of the Mark Is Depicted by Using Several Views)



### Unacceptable Example

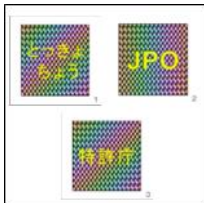
Where a trademark is stated in a single figure and changes in time cannot be recognized due to the lack of a pointing line (TM Guideline I. Part 2, 7(1)).



#### (v) Hologram Marks

The reproduction of a hologram mark should consist of one figure or photograph or two or more different figures or photographs indicating the state before and after changes in an identifiable way (Article 4*bis* of the Enforcement Order of the Trademark Act).

### Acceptable Example



### Unacceptable Example

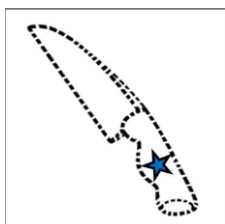


Where changes of its states cannot be recognized from a trademark stated in its application or from its visual effects based on holography and other means (TM Guideline I. Part 2, 8(1)).

#### (vi) Position Marks

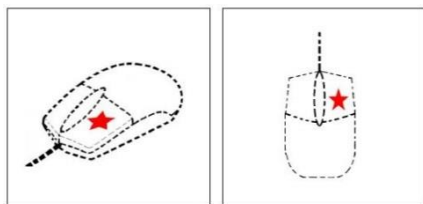
Reproduction of a position mark should consist of one figure or photograph or two or more different figures or photographs indicating the way in which the mark and the position to which it is attached is specified by drawing some parts of the mark with solid lines and other parts with broken lines (Article 9*sexies* of the Enforcement Order of the Trademark Act).

### Acceptable Example



### Unacceptable Example

Where the position of marks are different in several figures shown, and it is not possible to determine to which part of the mark the goods are related (TM Guideline I. Part 2, 11(1)(a)).



(d) *Checkbox for Standard Character<sup>1</sup> (Item 7(c) of the MM2 Form)*

In Japan, a mark in standard characters is NOT equivalent to a “non-stylized word mark”.

Please note that the Japanese so-called standard character system is the designated font system. It does not allow the applicant to register the word(s) in any design, style, capitalization, or font. Therefore, there is no difference in the scope of the protection between the mark in standard characters and the mark not in standard characters, contrary to the situation in some other countries.

(e) *Checkbox for Color per se Mark (Mark Exclusively of Color) (Item 7(d) of the MM2 Form)*

Tick the box if the mark applied for is a color *per se* mark (mark exclusively of color).

(f) *Miscellaneous Indications*

– Indicate for the transliteration and translation of the mark (item 9(a) and (b) of the MM2 form).

Both indications will be only considered as a reference for the examination.

– Checkbox for three-dimensional mark, sound mark or collective mark, certification mark, or guarantee mark (item 9(d) of the MM2 form).

Tick the box if the mark applied for is a three-dimensional mark, sound mark, collective mark or regional collective mark<sup>2</sup>.

Neither a certification mark nor a guarantee mark<sup>3</sup> is specifically recognized as a type of mark in Japan. However, a mark may be recorded as a collective mark, provided that it complies with the applicable requirements.

– Description of the mark (item 9(e) of the MM2 form)

<sup>1</sup> [19.71](#) of the Trademark Examination Manual.

<sup>2</sup> As a unique feature of the Japanese trademark system, a mark containing the name of the region (it may be considered as less distinctive) may be registered as a regional collective mark under certain conditions. There are a couple of registrations requesting from the outside of Japan, such as “PROSIUTTO DI PARMA” (National Registration No. 5073378) in respect of class 29 (ham) and “镇江香醋” (IRN 965 547) in respect of class 30 (vinegar) (see [27.02](#) of the Trademark Examination Manual).

<sup>3</sup> [27.71](#) A iii of the Trademark Examination Manual.

It is optional to complete item 9 concerning the description of the mark except where the mark type is a motion mark, a hologram mark or a position mark.

The description of the mark may be added or amended and presented directly to the JPO through the local representative as a response to the provisional refusal.

- Disclaimer (item 9(g) of the MM2 Form)

The indication of disclaimer does not apply to Japan and will be disregarded as such.

(g) *Goods & Services*

- Class Headings

Class headings of list of classes, with explanatory notes under the NICE Agreement, do not cover all goods or services in that class.

Some of the class headings are acceptable as indications of goods or services, provided that the indication meets the clarity requirement.

- Unacceptable class headings and examples for alternative indications are available on the JPO's profile in the Madrid Member Profiles Database (<http://www.wipo.int/madrid/memberprofiles/#/>).

- Unacceptable indications relating to retail/wholesale services (Class 35)

*"Retail services", "Retail store services" or "Retail services or wholesale services for all goods"*.

These are considered to be too vague. Goods which are subject to retail or wholesale services must be specified. e.g. "Retail services for cosmetics".

*"The bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods"*.

It is not clear whether the service described above is intended to support third parties businesses or retail services or wholesale services.

➤ Suggestions for amending and limiting the indication

*"The bringing together, for the benefit of others, of a variety of goods (excluding the transport thereof), enabling customers to conveniently view and purchase those goods (other than retail or wholesale services)"; or*

*"Retail or wholesale services for [specified goods]"*.

(2) Declarations and Notifications

Japan has made the following specific declarations and notifications under the Madrid Protocol:

- Individual fees payable in two parts (Article 8(7)(a) of the Protocol and Rule 34(3)(a) of the Common Regulations):

For each designation of Japan and renewal of international registrations covering a designation of Japan, the trademark owner has to pay an individual fee.

The [fee calculator](#) shows the current applicable fees for Japan. These fees are payable in two parts, one part must be paid at the time of designation and the second part must be paid when the JPO has granted protection for the mark.

- Extended time limit to issue provisional refusal (Article 5(2)(b) of the Protocol):

The JPO has a time limit of 18 months to issue a provisional refusal, counted from the date of notification by WIPO to JPO of the designation.

- Recording of licenses in the International Register has no effect for Japan (Rule 20bis(6)(b) of the Common Regulations):

If a holder wants to record a license in the International Register with effect for Japan, the holder would need to contact JPO directly, following the national procedure for recording licenses.

### (3) Registration Procedure

If there are no grounds for refusal the JPO will send a “*decision to grant a TM registration*” under the Japanese law to the holder directly or local representative (if any).

At the same time, the JPO will send a statement of grant of protection under Rule 18ter(1) together with a notification of the second part of the fee under Rule 34(3)(c) to WIPO. WIPO will notify the holder or the holder’s representative accordingly.

If the fees are paid, WIPO will send the notification of the payment to the JPO. Upon receipt of the payment, the JPO will send a “*certificate of TM registration*” to the holder directly or the local representative (if any).

If there is any ground for refusal the JPO will send a notification of total provisional refusal under Rule 17 to WIPO. WIPO will notify the holder or the holder’s representative accordingly.

If the holder fails to respond to the refusal within the prescribed time limit, the JPO will follow up with a “*decision to refuse a TM registration*” under the Japanese law and send this to the holder directly or local representative (if any).

Unless the local representative files an appeal against the “*decision to refuse a TM registration*”, the JPO will send a confirmation of the total refusal under Rule 18ter(3) to WIPO. If the appeal is successful, Rule 18ter(2) will be sent to WIPO, instead. In any event WIPO will notify the holder’s/holders’ representative accordingly.

### (4) Total Provisional Refusal

Japan only issues a total refusal even where the grounds for refusal concern only some of the goods and services.

The holder may challenge the provisional refusal from the JPO through a local representative, within three months from the date of pronouncement of the provisional refusal. Alternatively, the holder may, through a local representative, request the JPO to record an amended list of goods and services, to overcome the provisional refusal.

If the holder does not respond to the refusal, following the sending of the “decision to refuse a TM registration” addressed to the holder, the JPO will send a confirmation of total refusal under Rule 18ter(3) to WIPO, which will forward this to the holder.

(5) Response to Provisional Refusal – Limitation (MM6 Form)

A request for recording a limitation for Japan in the International Register may be filed with WIPO at any time using the official MM6 Form. However, as a response to the provisional refusal, the holder must submit a request for limitation to WIPO before the JPO sends a “decision to refuse a TM registration” under the Japanese law to the holder. It is not necessary for the holder to inform the JPO of the fact that a limitation has been requested recorded with WIPO if the request has been filed within the prescribed time limit to respond to the provisional refusal.

If the JPO has suggested, in the provisional refusal, specific goods and services that would be acceptable for the JPO, the holder can insert this suggestion into the MM6 Form for recording a limitation.

(6) Response to Provisional Refusal – Challenging the Provisional Refusal (Through a Local Representative)

As mentioned above, the holder has the option to contest the provisional refusal from the JPO through a local representative, within three months from the date of pronouncement of the provisional refusal.

One of the advantages of appointing a local representative is that the holder may amend the list of goods and services in a different way to the suggested goods and services in the provisional refusal. The other advantage is that the holder may contest the relative grounds (similarity of earlier rights) for refusal.

(7) Second Part of the Individual Fee

Individual fees for Japan are payable in two parts.

The first part must be paid at the time of the designation of Japan, that is, at the time the applicant or holder files the international application or subsequent designation. The second part must be paid only after the JPO has decided to grant protection to the international registration.

If there are no grounds for refusal, the JPO will send to the holder or his/her local representative a “*decision to grant a TM registration*”, including a note advising about the payment of the second part of the fee. This is not a separate note, it is rather a part of that decision.

At the same time, the JPO will send a notification of the second part of the fee to WIPO, together with a statement of grant of protection under Rule 18ter(1). WIPO will then transmit this notification to the holder via registered mail or registered e-mail, with a cover letter indicating the following:

- (i) WIPO's reference number;
- (ii) the amount of fees to pay;
- (iii) the date within which the second part of the fee must be paid.

The easiest way for holders to pay the second part of the fee is through "e-payment" which is available on the WIPO website (by entering the WIPO reference). The payment may be made by credit card or through a WIPO current account. However, e-payment cannot be used to delete some of the classes to reduce the amount due. If the holder wishes to restrict the number of classes, the holder should send a request to WIPO, not to the JPO, to record a limitation for Japan first, then pay the fees using bank transfer or WIPO current account. A limitation will be taken into account when calculating the amount of the fees only if it is recorded in the International Register not later than the date of expiry of the time limit of the payment.

If payment still has not been made two weeks before the expiry of the time limit, WIPO will send an unofficial reminder to the holder by regular mail or e-mail. The payment can still be made up to two months after the date on which the second part was due, if the holder sends a request for continued processing to WIPO.

Where the fees have been paid before the given time limit, WIPO will send a notification of the payment to the JPO. The JPO will record the mark in its national Register and send a "*certificate of TM registration*" to the holder directly or the local representative (if any). If the fees are not paid, WIPO will cancel the international registration with respect to Japan and notify the holder and the JPO accordingly.

#### (8) Special Types of Marks

The following types of marks may be protected, in addition to marks consisting of words, letters, numerals and figurative elements, or combinations thereof:

- (i) color *per se* (marks being exclusively a color or combination of colors);
- (ii) three-dimensional mark;
- (iii) sound mark;
- (iv) motion mark;
- (v) hologram mark; and
- (vi) position mark.

The holder does not need to submit regulations governing the use of a collective mark to the JPO. However, the holder must submit a "document certifying that the holder is a juridical person" through a local representative. The JPO can require that this be in Japanese.

For sound marks, holders are required to submit audio files (MP3) to the JPO through a local representative.

(9) Description of the Mark

A description of the mark is required for motion marks, hologram marks and position marks. This description may be included as a voluntary description in the international application of subsequent designation, if not already included in the international registration. The holder may also present such description directly to the JPO, through the local representative as a response to the provisional refusal.

(10) Disclaimers

The indication of a disclaimer does not apply to Japan and will be disregarded as such. Please note that Japanese laws do not provide for the recording of disclaimers.

(11) Use of Similar Group Codes

Although Japan has adopted the [Nice Classification](#), goods and/or services are categorized into groups unique to Japan and independent of the Nice International Classification. Each group has a certain code. Specifically, goods and/or services bearing the same code, that is, goods or services categorized into the same group, are presumed to be similar. If the goods or services for an application have the same codes as the cited prior trademark, the goods or services are deemed to be similar to one another.

Similar group codes presume similarity of goods and services and are used as keys for searching prior trademarks. They ensure consistency in determining similarity of goods and services during the examination process and degree of predictability for applicants and holders.

The Examination Guidelines for Similar Goods and Services categorize goods and services in terms of production sector, the sales sector, raw materials, qualities, intended purpose, targeted consumers and relationship between finished-products and parts.

The goods or services in each group are given a “Similar Group Code”, which is a five-digit, common, alphanumeric code (such as 11C01 for the term “electronic apparatus”). When conducting their examinations, examiners consider any goods and services assigned to the same group code to be in principle similar to each other.

(12) Intention to Use the Mark

Japanese Trademark Act is based on “registration” rather than on “use”. It is therefore not necessary for the trademark to be in actual use when the application is filed. However, when it is reasonably questionable as to whether the holder currently uses or will use the trademark for the designated goods/services, the JPO will issue a provisional refusal to confirm the holder’s use of or intent to use the trademark.

Holders may respond to such provisional refusal by the JPO through any of the following means:

- (i) Providing documents, such as newspaper articles, catalogs and business documents, etc., to prove that they are currently conducting business in Japan in connection with the goods/services;
- (ii) Providing documents showing that they intend to do business in connection with the goods/services in Japan within three to four years from the date of the international registration or the subsequent designation;
  - a. a declaration of Intention to Use stating the expected date when the goods/services relating to the trademark will be launched in Japan; and
  - b. documents indicating the current state and schedule of their business plan; or
- (iii) Limiting the goods/services to a reasonable range [Item VI of the provisional refusal can be helpful].

(13) Replacement

In order to record a replacement in the International Register:

- (i) The holder must submit a request to the JPO. Holders domiciled or residing in Japan can submit such requests directly to the JPO, while holders domiciled or residing outside Japan must submit such requests through their local representatives.
- (ii) There is no specific form to file a request for replacement.
- (iii) The request for replacement is free of charge.
- (iv) The mark which has been the subject of an earlier national registration must be *perfectly* identical to the mark which has been the subject of an international registration.

(14) Transformation

- (i) Requests for transformation must be submitted by using the specified form;
- (ii) A local representative is required. However, applicants domiciled or residing in Japan can request transformation directly at the JPO;
- (iii) The request must be submitted in Japanese;

- (iv) The request is subject to the payment of fees:
- the amounts of the fees vary depending on whether the second part of the fee has been paid on or before the date of cancellation. As for the detail, please refer to the Madrid Member Profiles:  
<https://www.wipo.int/madrid/memberprofiles/#/>.

(15) About the JPO

The links below provide more information on the law and practice in the JPO, on TM search and how to obtain a local representative.

*Law & Practice*

[Trademark Act](#)  
[Examination Guidelines](#) for Trademarks  
Trademark Examination Manual  
[Regional Collective Trademark System](#)  
Examination Guidelines for similar goods and services  
[Similar Group Codes](#)

*TM search (J-Plat Pat)*

[Searching Japanese Trademark Database](#)  
[Searching Goods and Services](#)  
[Searching Japanese Well-Known Trademarks](#)

*Local attorney*

*How to find a local representative (attorney)*  
[Japan Patent Attorney Search](#) (including TM Attorney)

If the holder has address outside of Japan and is considering requesting the service of a patent/trademark attorney in Japan, the Japan Patent Attorney Search provides publicly available information helpful for selecting such attorney to consult.

[Organizational chart](#)

*Contacts*

Name of the Office: Japan Patent Office (JPO)

Address: 3-4-3 Kasumigaseki, Chiyoda-ku, Tokyo, Japan 100-8915

Opening hours: Monday – Friday, 09:00 a.m., to 6.15 p.m. (Tokyo time)

Website: [www.jpo.go.jp](http://www.jpo.go.jp)

For general questions on the Madrid System in Japan: Trademark Policy Planning Office,  
Trademark Division

E-mail: [PA1T80@jpo.go.jp](mailto:PA1T80@jpo.go.jp)

For specific questions on the designation of Japan: Madrid Protocol Team, Trademark  
Division

E-mail: [PA1TA40@jpo.go.jp](mailto:PA1TA40@jpo.go.jp)

For other questions on the designation of Japan: Office for International Application  
Trademark Applications under the Madrid Protocol

E-mail: [PA1B00@jpo.go.jp](mailto:PA1B00@jpo.go.jp)

[Annex I follows]

## ANNEX I DECISION TO GRANT A TM REGISTRATION

JPO Reference number: 2017-35 (1 / 1)

THE PROTOCOL RELATING TO THE MADRID AGREEMENT  
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

## 登録査定の際本

CERTIFIED COPY OF DECISION TO GRANT A TRADEMARK REGISTRATION

起案日  
Drafting date: 2017/11/21

I. 締約国官庁  
Office of a Designated Contracting Party:  
日本国特許庁 〒100-8915 東京都千代田区霞が関3-4-3  
Japan Patent Office (JPO) 4-3, Kasumigaseki 3-chome Chiyoda-ku Tokyo 100-8915 JAPAN  
Tel:+81-3-3501-2392 Fax:+81-3-3593-2398  
日本国特許庁審査官  
Examiner of the JPO

II. 国際登録番号/International registration number:  
13  
商標/Mark:  
国際登録日/Date of international registration:  
2016/11/23  
商品又は役務の区分の数/Number of classes of goods and services:

III. 商標登録出願人の氏名又は名称/Holder of the international registration:

IV. この商標登録出願\*については、拒絶の理由を発見しないから、この出願に係る商標は、日本国において登録すべきものと認めます。  
The trademark of this application\* is to be registered as a trademark registration in Japan with respect to all the goods and/or services in this application since no reason for refusal has been found.

\*マドリッド協定議定書に基づき日本国を指定する領域指定は、商標法第68条の9の規定により、日本国における商標登録出願とみなされます。

\*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.

## 注意事項/Note:

「個別手数料の第二の部分」は、後日、国際事務局から送付される「個別手数料の第二の部分に関する通知書」に記載された期日までに、当該個別手数料を国際事務局に納付してください。

納付されない場合には、我が国に関する国際登録簿の国際登録は取り消されます。  
The second part of the individual fee is payable within the prescribed period indicated in the notification, which will be transmitted from the International Bureau in due course. Where the second part of the individual fee is not paid within the said period, the international registration in the International Register shall be cancelled with respect to Japan.

この謄本は原本と相違しないことを認証する。

I hereby certify this is a true copy

By Authority of the Commissioner of the Japan Patent Office

認証日 (発送日) 2017/11/30

経済産業事務官

Authentication date (sending off date)

Certifying Officer



[Annex II follows]

ANNEX II CERTIFICATION OF TM REGISTRATION



[Annex III follows]

## ANNEX III DECISION TO REFUSE A TM REGISTRATION

JPO Reference number: 2011-3525 (1 / 1)

THE PROTOCOL RELATING TO THE MADRID AGREEMENT  
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

## 拒絶査定の本

## CERTIFIED COPY OF DECISION TO REFUSE A TRADEMARK REGISTRATION

起案日

Drafting date: 2012/03/02

## I. 締約国官庁

Office of a Designated Contracting Party:

日本国特許庁

〒100-8915 東京都千代田区霞が関3-4-3

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

Tel:+81-3-3501-2392 Fax:+81-3-3593-2398

日本国特許庁審査官

Examiner of the JPO

## II. 国際登録番号/International registration number:

10

商標/Mark:

国際登録日/Date of international registration:

2010/11/12

## III. 商標登録出願人の氏名又は名称/Holder of the international registration:

## IV. この商標登録出願\*は、日本国商標法第15条の規定に基づき、商標登録できません。

This trademark application\* is refused under Section 15 of the Japanese Trademark Law.

\*マドリッド協定議定書に基づき日本国を指定する領域指定は、日本国における商標登録出願とみなされます。

\*A request for territorial extension to Japan under the Protocol relating to the Madrid Agreement is deemed as a trademark application made in Japan.

理由/Reason:

この商標登録出願は、2011年08月22日付けの拒絶理由通知に記載した理由によって、登録できないものと認めます。

The JPO refuses this international trademark application relating to all designated goods/services for the reason(s) indicated in the notification of provisional refusal dated August/22/2011.

## 注意事項/Note:

この査定に不服があるときは、この査定の謄本の送達があった日から3月以内に、日本国特許庁に対し審判を請求することができます(商標法第44条第1項)。審判を請求する場合は、日本国内に居住する代理人を介して行わなければなりません。

この査定を取消し得る訴訟は、この査定についての審判の決定に対してのみ提起することができます(商標法第63条第2項で準用する日本国特許法第178条第6項)。

この審判において著作物の複製をしている場合について：特許庁は、著作権法第42条第2項第1号(裁判手続等における複製)の規定により著作物の複製をしています。取扱いにあたっては、著作権侵害とならないよう十分にご注意ください。

Where you are dissatisfied with this decision, you may make a request for an appeal examination to the JPO within three (3) months of the date on which this notice of decision was dispatched. (Section 44 (1) of the Trademark Law)

The request should be made through the intermediary of a representative domiciled in Japan.

An action which can annul this decision of refusal may be instituted only against an appeal decision concerning the decision of refusal. (Section 178 (6) of the Japanese Patent Law shall apply mutatis mutandis to the action based on Section 63 (2) of the Trademark Law)

この謄本は原本と相違しないことを認証する。

I hereby certify this is a true copy

By Authority of the Commissioner of the Japan Patent Office

認証日(発送日) 2012/03/

経済産業事務官

Authentication date (sending off date)

Certifying Officer



[End of Annex III and of document]