

Part V: Article 6 (Single trademark on each application)

Article 6 (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.

1. Regarding the single application on each trademark rule

Single application for trademark registration "shall be filed for each trademark" and thus when an application is found to have been filed for multiple marks, such application does not satisfy the requirements set forth in Article 6(1).

2. Case where the trademark does not satisfy the requirements set forth in Article 6(1)

(1) The description of designated goods or designated services needs to be so made that the content and scope of goods or services may be clearly grasped as, for example, indicated in the appended table of the Ministerial Order (Article 6 of the Regulation for Enforcement the Trademark Act) and the Examination Guidelines for Similar Goods and Services. Where the descriptions of the designated goods and services are not clear, a reason of refusal will be notified for not satisfying the requirements under Article 6(1).

(Example) Class 29 "Meat and other goods contained in this class"

Class 39 "Transport by freight cars and other services contained in this class"

(2) In the case where the indication of designated goods or designated services includes a registered trademark indicating specific goods or services, a reason for refusal will be notified for not satisfying the requirements under Article 6(1).

3. Case where the application does not satisfy the requirements under Article 6(2)

Where the descriptions of the designated goods and designated are is clear, but may be judged not to be conforming to the classifications of the goods and services provided in the Cabinet Order (Article 2 of the Order for Enforcement of the Trademark Act), a reason of refusal will be notified for not satisfying the requirements under Article 6(2).

(Example)

Class 9 "Clocks"

This may be amended as: "Class 14 Clocks"

Class 36 "Employment agencies"

This may be amended as: "Class 35 Employment agencies"

(Example)

Class 16 "Magazines, Advertising agency through magazines"

This may be amended as: Class 16 "Magazines," Class 35" Advertising agency through magazines"

4. Case where the application does not satisfy the requirements under Article 6(1) and (2)

When the description of the designated goods and designated services is not clear and the classification of the goods and services does not conform to that specified by the Cabinet Orders, a reason for refusal will be notified for not satisfying the requirements under Article 6(1) and (2).

(Example 1)

Indications of designated goods and designated services as follows where the goods or services may be allotted to more than one class

Class 5 "Sanitary masks and goods similar thereto"

Class 40 "Treatment for hazardous substances and related services"

(Explanation) Indications of "other similar goods" and "related services" could belong to multiple classes and thus are unclear.

Class 7 Machinery and appliances

(Explanation) The indication of "machinery and appliances" could, for example, be recognized as referring to Class 10 "Medical machines and apparatus" or Class 11 "Freezing machines and apparatus" and thus is unclear.

Class 37 "Lease for machinery and appliances"

(Explanation) The indication of "lease for machinery and appliances" could, for example, be recognized as referring to Class 39 "Rental of packing or wrapping machines and apparatus" or Class 40 "Rental of chemical processing machines and apparatus" and thus is unclear.

(Example 2)

Goods and services designated as r "store" (the name of facility).

Class 25 "Department store"

Class 42 "General rental business"

(Example 3) Goods and services designated using the indications shown in the attached table of the Cabinet Order.

Class 12 "Vehicles and other apparatus for locomotion"

Class 32 "Non-alcoholic beverages and beer"

However, cases where the contents and scope of the goods or services or the classification of goods or services is clear, for example where the indication of the designated goods or designated services shown in the attached tables of the Cabinet Order and that of the Ministry Ordinance are identical, will be excluded.

5. Regarding the order for amendment

Where, in response to the notice of reasons for refusal mentioned in the above Items 2(1) and 4, the applicant submits a written opinion or written submission of materials in which the contents include only the explanation of the designated goods or designated services, the examiner will, in consideration of the submitted written opinion or written submission of materials, order the applicant to make amendments to the designated goods or designated services by suggesting a draft amendment (order concerning amendment by the examiner).

When the applicant does not make any correspondence to the order concerning amendment, or when adequate amendments are not made, the application for trademark registration will be refused according to the earlier reasons for refusal.

6. Regarding retail services

Retail service (provision of benefits for customers conducted in the course of retail or wholesale business) is considered as follows.

(1) Retail services means comprehensive service activities conducted in the business of retail or wholesale (activities that will result in making profits by sales of the products, such as the bringing together of a variety of goods, setout, service to customers).

(2) Retail services do not include retailers' sales of products to customers nor wholesalers' sales of products to retailers