

***Experiences of JPO in developing trademark guidelines/manuals
to improve the quality and consistency of examination***

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Trademark Act

Enforcement
Regulation

Cabinet Order

- Have binding force
as a statute

Enforcement Order
for the Trademark Act

Ministerial Order

Internal Rules



- Examination Guidelines
- Examination Guidelines for Similar Goods and Services
- Examination Manual
(Supplementary Materials for the Examination Guidelines)

Internal Tools

- Similar Group Code (SGC)
- Check Sheets

etc.

Internal rules

to improve the quality and consistency of TM examination

Japanese | Opinion Box | How to use JPO website | Access

JPO JAPAN PATENT OFFICE

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Text size S M L

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Examination Guidelines for Trademarks

The basic concepts (including interpretation and operation) of the application of the Trademark Act in the performance of practical duties in trademark examination are summarized in the Trademark Examination Guidelines, which are classified as general guidelines for trademark examination and are broadly used in order to deepen trademark applicants' and their representatives' understanding of the practical duties performed at the JPO.

The current Trademark Examination Guidelines have been partially revised many times since the first version of the Guidelines was issued in 1971, in order to respond to revisions of laws, societal changes, and changes in the needs of users. However, extensive overall reviews and revisions of the Guidelines had not been made. In recent years, users have been requesting that the Guidelines be made clearer and more understandable, and the environment surrounding commercial transactions has been changing substantially. Therefore, an overall review and revision of the Guidelines has been deemed important, and the JPO is making efforts for such reviews and revisions under a two-year plan for FY2015 and FY2016. After that, the JPO has revised the Guidelines to make it more clear and useful for users in FY 2018 and FY 2019.

The following Examination Guidelines are effective on April 1, 2020.

[Flow-Chart Concerning Trademarks-Related Procedures \(PDF:41KB\)](#)

[Examination Guidelines for Trademark \(download all\) \(PDF:3.440KB\)](#)

Contents

[Table of contents \(PDF:12KB\)](#)

Part I: Article 3(1) (Requirements for trademark registration)

[Chapter 1: Overall Article 3\(1\) \(PDF:102KB\)](#)

[Chapter 2: Main Paragraph of Article 3\(1\) \(PDF:1.055KB\)](#)

[Chapter 3: Article 3\(1\)\(i\) \(Common name of goods or services\) \(PDF:106KB\)](#)

[Chapter 4: Article 3\(1\)\(ii\) \(Trademarks customarily used\) \(PDF:103KB\)](#)

[Chapter 5: Article 3\(1\)\(iii\) \(Indication of origin, place of sale, quality and other characteristics of the goods, or indication of location, quality and other characteristics of provision of the services\) \(PDF:111KB\)](#)

[Chapter 6: Article 3\(1\)\(iv\) \(Common surname or name of a juridical person\) \(PDF:87KB\)](#)

5. Collective trademark

An application for registration of a collective trademark not to be used by an organization and its members or to be used for the designated goods and services only by an organization but not by its members is judged not to fall within the category of trademarks registrable under the main paragraph of Article 3(1) (as applied under Article 7(2)).

6. Three-dimensional trademark

A trademark stated as a three-dimensional trademark but not so recognized from the trademark stated in the column in which the trademark for which registration is sought is required to be stated (hereinafter referred to as the "column for stating the trademark") in the application (hereinafter referred to as the "trademark stated in an application") is judged not to fall within the category of trademarks registrable in accordance with the main paragraph of Article 3(1).

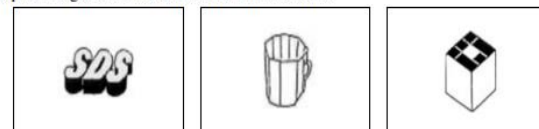
(1) Cases of indicating a three-dimensional shape (including that comprised of multiple three-dimensional shapes; the same shall apply hereinafter)

(a) Examples not recognized as three-dimensional trademarks



(Note) A shape as an outer appearance of a three-dimensional object, such as thickness, etc. as a three-dimensional shape, is not described, and the trademark is recognized as characters, a figure, or a symbol.

(b) Examples recognized as three-dimensional trademarks



(Note) A shape as an outer appearance of a three-dimensional object, such as thickness, etc. as a three-dimensional shape, is described, and the trademark is recognized as a three-dimensional shape

Examination Guidelines for Similar Goods and Services (corresponding to the Nice Classification, 11th Edition, Version 2022)

December, 2021

International Trademark Classification Office, Trademark Division

The Japan Patent Office announces the Examination Guidelines for Similar Goods and Services (corresponding to the Nice Classification, 11th Edition, Version 2022) has been revised. In this Examination Guidelines, the English entry of goods and services in the alphabetical list of international classification has been listed in principle for the purpose of reference.

This Examination Guidelines for Similar Goods and Services is applied to the applications on or after January 1st, 2022.

Examination Guidelines for Similar Goods and Services (corresponding to the Nice Classification, 11th Edition, Version 2022) (PDF:4,398KB)

Classes

Classes				
Class 1 (PDF:640KB)	Class 2 (PDF:562KB)	Class 3 (PDF:533KB)	Class 4 (PDF:560KB)	Class 5 (PDF:622KB)
Class 6 (PDF:622KB)	Class 7 (PDF:664KB)	Class 8 (PDF:590KB)	Class 9 (PDF:668KB)	Class 10 (PDF:593KB)
Class 11 (PDF:613KB)	Class 12 (PDF:601KB)	Class 13 (PDF:511KB)	Class 14 (PDF:524KB)	Class 15 (PDF:508KB)
Class 16 (PDF:596KB)	Class 17 (PDF:525KB)	Class 18 (PDF:565KB)	Class 19 (PDF:593KB)	Class 20 (PDF:563KB)
Class 21 (PDF:522KB)	Class 22 (PDF:522KB)	Class 23 (PDF:552KB)	Class 24 (PDF:567KB)	Class 25 (PDF:585KB)
Class 26 (PDF:571KB)	Class 27 (PDF:502KB)	Class 28 (PDF:585KB)	Class 29 (PDF:585KB)	Class 30 (PDF:590KB)
Class 31 (PDF:572KB)	Class 32 (PDF:505KB)	Class 33 (PDF:505KB)	Class 34 (PDF:505KB)	Class 35 (PDF:589KB)
Class 36 (PDF:563KB)	Class 37 (PDF:592KB)	Class 38 (PDF:508KB)	Class 39 (PDF:523KB)	Class 40 (PDF:570KB)
Class 41 (PDF:532KB)	Class 42 (PDF:521KB)	Class 43 (PDF:511KB)	Class 44 (PDF:514KB)	Class 45 (PDF:513KB)

[<Excel : 1,823KB>](#)

類似商品・役務審査基準 第1類

第1類

CLASS 1

【商品・サービス国際分類表（第11-2022版） 類別表（注釈付き）】

工業用、科学用、写真用、農業用、園芸用及び林業用の化学品；
未加工天然樹脂、未加工プラスチック；
消火剤及び防火剤；
焼灰し剤及びはんだ付け剤；
獣皮用なめし剤；
工業用接着剤；
パテ及びその他のペースト状充填剤；
堆肥、肥料；
工業用及び科学用の生物学的製剤。

注釈

第1類には、主として、工業用、科学用及び農業用の化学品（他の類に属する商品の製造に用いられるものを含む。）を含む。

この類には、特に、次の商品を含む：

感光紙；
タイヤ修理用合成物；
保存用塩（食品の保存に用いられるものを除く。）；
特定の食品工業用添加物、例えば、ペクチン、レシチン、酵素、化学保存剤；
化粧品製造用及び医薬品製造用の特定の成分、例えば、ビタミン、保存剤、酸化防止剤；
特定のろ過剤、例えば、紙性物質から成るろ過剤、植物性物質から成るろ過剤及び粒状セラミック製ろ過剤。

この類には、特に、次の商品を含まない：

未加工天然樹脂（第2類）、半加工樹脂（第17類）；
医療用及び獣医科用の化学剤（第5類）；
殺菌剤、除菌剤及び有害動物駆除剤（第5類）；
文房具としての又は家庭用の接着剤（第16類）；
食品保存用の塩（第30類）；
根覆い用わら（第31類）。

化学品	chemicals	O I A O I
		審査基準 [2, 3, 4, 19, 30 類] 国際分類表 [2, 3, 4, 5, 15, 19, 29, 30 類]
1	無機酸類	inorganic acids
	亜硫酸	sulfurous acid 010502
	塩化スルホン酸	chlorosulphonic acid
	塩酸	hydrochloric acid 010185
	過塩素酸	perchloric acid
	混酸	mixed acids
	硝酸	nitric acid 010095
	タングステン酸	tungstic acid 010541
	ほう酸	boric acid
	よう素酸	iodic acid 010367
	硫酸	sulfuric acid 010503
	りん酸	phosphoric acid 010433
2	アルカリ類	alkalies
	アンモニア水	ammonia water
	苛性カリ	caustic potash [potassium hydroxide] 010087

The Trademark Examination Manual

March 2013
Japan Patent Office

The Trademark Examination Manual is based on the understanding that in order to ensure the smooth administration of the trademark system, it is necessary for the examination to follow a certain standard in a uniform, fair and appropriate manner. Based on this perception, the trademark manual has been organized into categories of laws and regulations, handling and material/evidence that are required for the daily administration of examinations. It supplements the Trademark Examination Standards, and as such, both the Trademark Examination Standards and the Trademark Examination Manual prescribe the administration and operation/handling of trademark examinations.

It is from this perspective that the Trademark Examination Manual was prepared by the Trademark Examination Standards Office in March 1981 with the cooperation of related organizations, after studies on the practical operations of the examination, and documents were created by the Trademark Examination Standards Committee established inside the Trademark Division. Since then, in line with the amendments that were made to the Commercial Code, the Trademark Examination Manual has been revised whenever necessary.

Until now, the Trademark Examination Manual was only available to JPO examiners for use as examination material to be used in executing their practical duties. In the view of the need to promote a common understanding both inside and outside the JPO regarding the administration of practical trademark examinations in order to promote the smooth operation of the trademark system, and in response to demands from third parties, the JPO has decided to publicly disclose the Trademark Examination Manual.

The administration of trademark examinations must accommodate the changes in the way goods and services are traded in a society, and must be conducted in a fair and appropriate manner. We will continue to study the current Trademark Examination Manual, while reviewing and adding contents as necessary.

Followings are the English texts of The Trademark Examination Manual in Japan. When any ambiguity of interpretation is found in this provisional translation, the [Japanese text](#) shall prevail.

INDEX

[Notes \(PDF:26KB\)](#)

13. Representative

[13.71 Drafting in a Case Where an International Trademark Application Does Not Have a Domestic Representative \(PDF:17KB\)](#)

15. Priority Right

- [15.01 With regard to Examination of Effect of Priority Claim on Application for Trademark Registration Claiming Priority \(PDF:263KB\)](#)
- [15.02 Regarding the Decision of "Identicalness of Trademarks" for Three-Dimensional Trademarks, Motion Marks, Hologram Marks, Color Marks, Sound Marks and Position Marks Where an Application for Trademark Registration Accompanies a Priority Claim \(PDF:18KB\)](#)
- [15.03 Regarding the Decision of "Identicalness of Trademarks" Concerning Standard Characters Where an Application for Trademark Registration Accompanies a Priority Claim \(PDF:59KB\)](#)

49.02

49.02

Specific Handling Concerning Examination on Distinctiveness of a Three-Dimensional Trademark

The specific handling concerning examination on distinctiveness of a three-dimensional trademark is to be as follows.

1. A three-dimensional trademark comprised of the shape of goods (including the shape of packaging of goods), articles to be used for the provision of services, etc. (Article 3(1)(iii) and (vi) of the Trademark Act)

If the trademark is a three-dimensional trademark solely comprised of a shape that is acknowledged by the consumer as a shape that does not go beyond the scope of the shape of the designated goods or articles to be used for the provision of the designated services (hereinafter referred to as "goods, etc.") itself, the trademark lacks distinctiveness (Article 3(1)(iii) of the Trademark Act). The examination as to whether or not a trademark is comprised of a shape that is "acknowledged by the consumer as a shape that does not go beyond the scope of the shape of goods, etc. itself" will be conducted based on the following basic concepts.

Also in the case of a three-dimensional trademark comprised of the shape (including the shape of the interior; the same shall apply hereinafter) of a store, office, place of business, or facility (hereinafter referred to as a "store, etc."), if the three-dimensional shape constituting the trademark could fall under Article 3(1)(iii) of the Trademark Act,¹ the judgment is made in the same manner as above.

Even in the case where a three-dimensional trademark comprised of the shape of a store, etc. does not fall under Article 3(1)(iii) of the Trademark Act, if the trademark is acknowledged by the consumer as merely being the shape of a store, etc., the trademark lacks distinctiveness on the basis of Article 3(1)(vi) of the Trademark Act. In this case, the basic concepts (1) and (2) below apply mutatis mutandis to the determination as to whether or not the trademark is comprised of a shape that is "acknowledged by the consumer as merely being the shape of a store, etc."

Meanwhile, in the case where a three-dimensional trademark comprised of the shape of a store, etc. is attached with a mark using characters, figures, etc. that have distinctiveness, the basic concept (3) below applies mutatis mutandis where the trademark falls under either Article 3(1)(iii) or Article 3(1)(vi) of the Trademark Act.

¹ Examples of such case include a three-dimensional shape of the outer appearance of the building subject to transaction for designated services "construction of a building," a three-dimensional shape of the interior of a railway vehicle for designated services "transportation," and a three-dimensional shape of a kitchen car for designated services "providing foods and beverages."

Internal tools

to improve the quality and consistency of TM examination

- Organizing and grouping related goods/services based on the similarity of goods/services.
- Providing 5-digit codes to each group (Similar Group Codes)

Goods/services with the same Similar Group Code are assumed to be similar in examinations at the JPO

Similar group code
32D01

Spinach



Similar

Tomato



Similar group code
33D01 (35K11)



Flowers,
natural

Similar



Retail services
for flowers

Similar group code
42V02

Medical
services



Similar

Preparation
and dispensing
of medications



Japan-China-Korea Concordance List of Similar Group Codes

Class	BasicNo.	EN - Goods and Services NCL(11-2022)	Acceptable or not by the JPO	Japanese Translation	JPO's similar group code	Acceptable or not by the KIPO	Korean Translation	KIPO's similar group code	Acceptable or not by the CNIPA	Chinese Translation	CNIPA's similar group code
01	010001	combusting preparations [chemical additives to motor fuel]	0	原動機燃料用添加剤	01A01	0	자동차 연료용 화학첨가제	G1001	0	易燃剂 (发动机燃料用化学添加剂)	0104
01	010002	adhesives for industrial purposes	0	工業用接着剤	01A02	0	공업용 접착제	G1002	0	工业用黏合剂	0115
01	010003	salt for preserving, other than for foodstuffs	0	保存用塩 (食品の保存に用いられるものを除く。)	01A01	0	비식품보존용 소금	G1001	0	非食品用防腐盐	0104
01	010004	auxiliary fluids for use with abrasives	0	研磨用補助液	01A01	0	연마용 보조액	G1001	0	和研磨剂配用的辅助液	0104
01	010005	vulcanization accelerators	0	加硫促進剤	01A01	0	가황(加硫) 촉진제	G1001	0	硫化加速剂	0104
01	010006	anti-frothing solutions for batteries	0	蓄電池用消泡液	01A01	0	전지용 발포(發泡) 방지액	G1001	0	电池用防泡沫溶液	0104
01	010006	anti-frothing solutions for accumulators	0	蓄電池用消泡液	01A01	0	축전지용 발포(發泡) 방지액	G1001	0	蓄電池用防泡沫溶液	0104
01	010007	acetates [chemicals]*	0	酢酸鹽	01A01	0	초산염(醋酸제)	G1001	0	醋酸盐(化学品)	0102
01	010008	acetate of cellulose, unprocessed	0	未処理酢酸セルロース	01A01	0	미가공 셀룰로오스 아세테이트	G2401	0	未加工醋酸纤维素	0104
01	010009	bacteriological preparations for acetification	0	酢酸化용 박테리아調製剤	01A01,33D05	0	초화용(酢化用) 세균학적 제제	G1006	0	醋化用细菌制剂	0113
01	010010	acetic anhydride	0	無水酢酸	01A01	0	무수(無水) 초산	G1001	0	醋酸酐	0102
01	010011	acetone	0	아세톤	01A01	0	아세톤	G1001	0	丙酮	0102
01	010012	acetylene	0	아세틸렌	01A01	0	아세틸렌	G1001	0	乙炔	0102
01	010013	acetylene tetrachloride	0	四氯化아세틸렌	01A01	0	사염화아세틸렌	G1001	0	四氯乙烯	0102
01	010014	acids*	0	酸類	01A01	0	산류(酸類)	G1001	0	酸	0102
01	010015	chemical condensation preparations	0	冷媒	01A01	0	화학적 응축제(凝縮劑)	G1001	0	化学冷凝剂	0104
01	010016	acid proof chemical compositions	0	耐酸性化学合成物	01A01	0	내(耐)산성 화학조성물	G1001	0	耐酸化学物质	0104

- IP Vietnam is suffering from increasing number of TM applications.
- There is no specific examination guideline for goods and services.

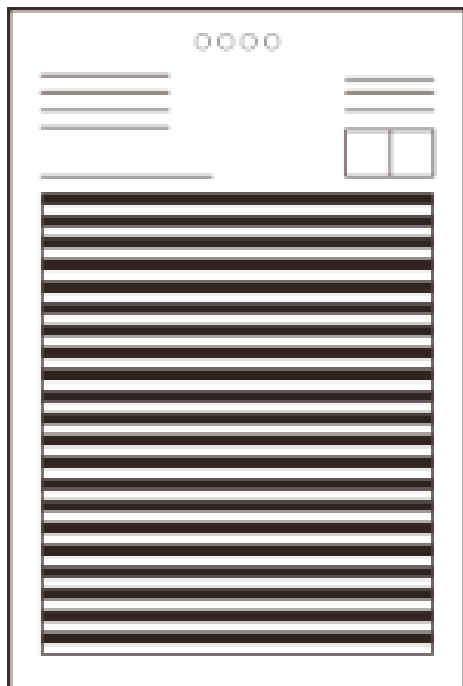


- IP Vietnam officials visited JPO to study SGC (Sep. 2019)
- JPO provided IP Vietnam with SGC data and started the SGC collaboration with IP Vietnam.(Nov. 2020)



- IP Vietnam is now trying to make SGC of Vietnam ver.

SGC will improve the examination consistency and efficiency.



Special mention	<input checked="" type="checkbox"/> Has priority been claimed?	<input checked="" type="checkbox"/> Is this a divisional application?	<input checked="" type="checkbox"/> Did third-parties provide information?
Search Judgement Process	Goods & services		
	<input checked="" type="checkbox"/> Are indications clear?	<input checked="" type="checkbox"/> Has correct similar group-code been assigned?	
	Trademarks		
	<input checked="" type="checkbox"/> Phonetic search conducted?	<input checked="" type="checkbox"/> Internet/newspaper search conducted?	
	<input checked="" type="checkbox"/> Search report checked?	<input checked="" type="checkbox"/> Figurative search conducted?	
	<input checked="" type="checkbox"/> Any related application(s) exist?	<input checked="" type="checkbox"/> Applicable legal clause applied?	
Details of Notices	<input checked="" type="checkbox"/> Contact Information filled?	<input checked="" type="checkbox"/> Any typos?	
	<input checked="" type="checkbox"/> Applicable legal clause been applied?	<input checked="" type="checkbox"/> All necessary explanations provided?	
	<input checked="" type="checkbox"/> Concise and readable explanation?	<input checked="" type="checkbox"/> Any amendment(s) proposed?	



Quality management activities

to improve the quality and consistency of TM examination

- The JPO published “**Quality Policy on Trademark Examination**” in August 2014.
- This indicates the **fundamental principles** of quality management.

The Japan Patent Office's
Quality Policy on Examination

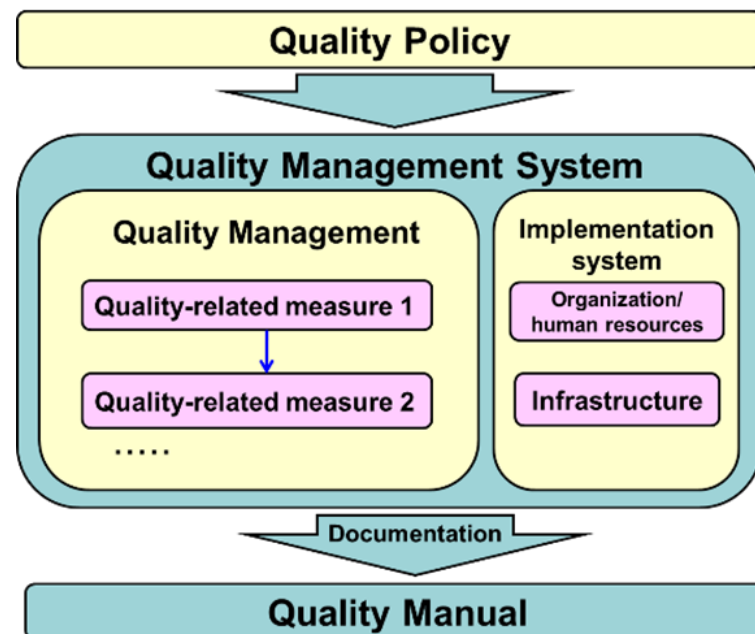
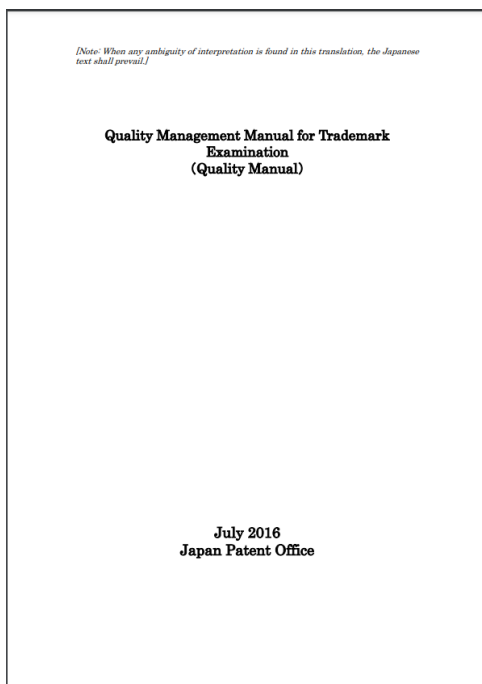
The Japan Patent Office (JPO) established this Quality Policy to further improve the quality of its examination on patents, designs and trademarks.

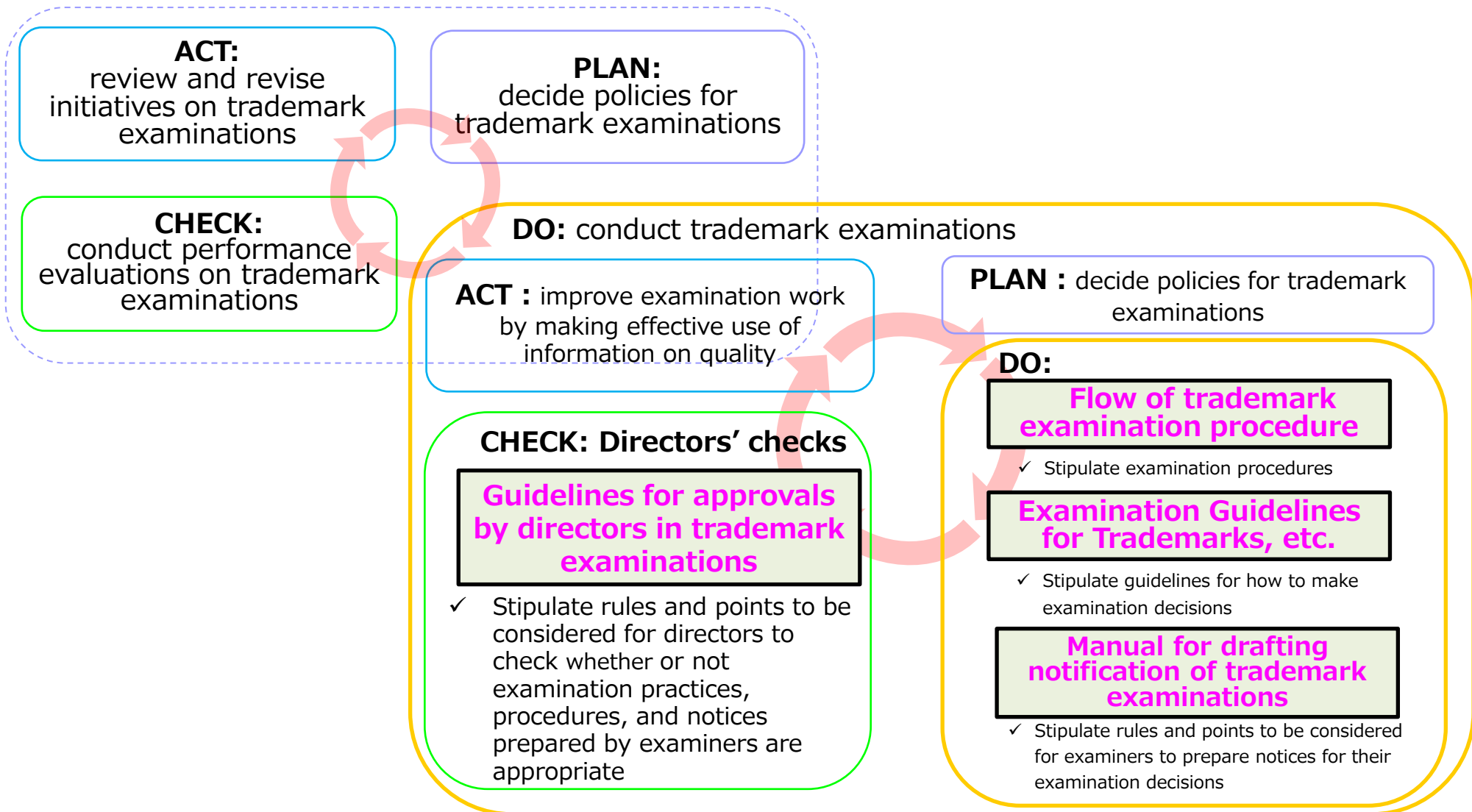
This Quality Policy outlines the fundamental principles of the JPO's quality management on examination. Based on the common recognition that conducting globally reliable examination of high quality and properly granting rights are two important factors that support companies to smoothly expand their businesses worldwide, which leads to promoting innovation, and maintaining the healthy order of business transactions, the JPO is dedicated to achieve examination of the fastest and utmost quality in the world by maintaining and improving the quality of its examination in accordance with this Quality Policy.

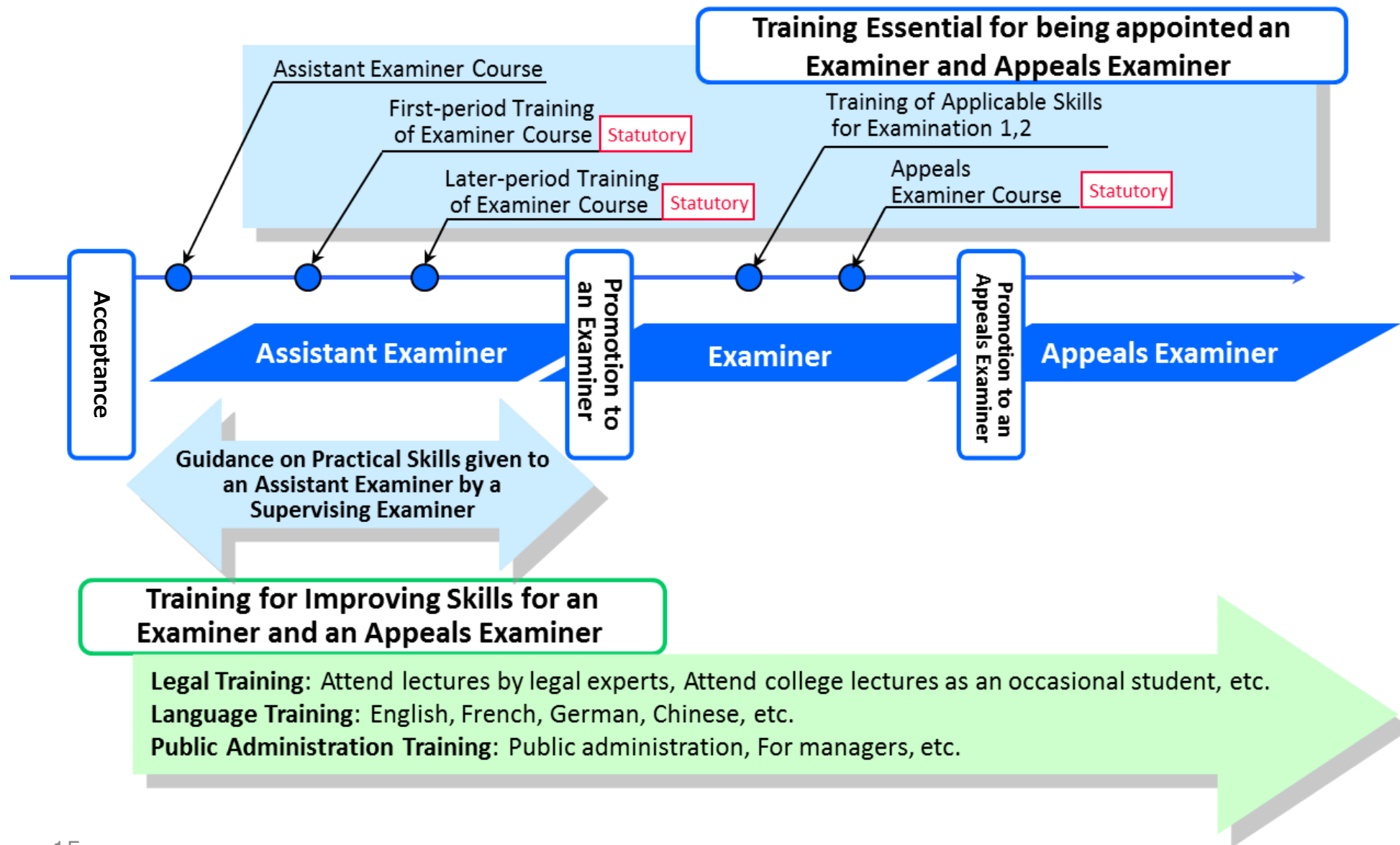
The image shows the cover of a document titled 'The Japan Patent Office's Quality Policy on Examination'. It features the JPO logo, a circular graphic with text, and a photograph of a modern building with a large, abstract sculpture in the foreground.

- ✓ We contribute to the protection and enhancement of brands and the smooth consumption of goods and services
- ✓ We conduct consistent and objective trademark examination
- ✓ We promote the utilization of the trademark system by closely communicating with applicants
- ✓ We actively share information with relevant persons inside and outside Japan in order to improve the quality of trademark examination
- ✓ We consistently improve operations
- ✓ We raise the knowledge and capabilities of our staff

- The JPO published the “**Quality Management Manual for Trademark Examination**” (**Quality Manual**) in December 2014.
- This indicates the quality management measures and implementation system based on the quality policy.







Thank you for your attention.