

*** Color Marks**

[Distinctiveness]

Whether the color concerned is commonly used as a word that shows the quality in the specified goods/services is conclusive. When the color and other words are combined, it is judged whether recognized as an inseparable coin word. In addition, the word "COLOR" is also one issue because it means colored goods.

[Similarity]

There are a case to compare trademarks excluding the color part and a case to compare the whole as an inseparable coined word.

As same as the judgment of distinctiveness, whether the color concerned is commonly used as a word that shows the quality in the specified goods/services is conclusive.

(1) **Red**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
REDDISH	Old 21		S58(1983)-5330	It is not commonly used as a word that shows the quality of goods in the specified good "puffs".
FRAMBOISE ROUGE	Old 30	X	H02(1990)-5494	"Framboise" and "rouge" show the quality of goods in the specified goods "Confectionery, bread and bun".

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
OUTBACK RED	=	OUTBACK	Old 17	H1(1989)-7261	"Red" is a word that shows the quality of goods in the specified good "clothes".
PASSION RED	X	PASSION	5	2005-90207	
REDCHAMPION	X	Champion	16	2003-90193	
RED BALL	X	BALL	22	2002-90587	
MONTRouGE	X	LA·MONT	Old 28	S58(1983)-510	"Montrouge" means "Red mountain" in French and it is inseparable. And it is called consecutively.

(2) **Blue**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
BLUE	10		2006-28211	It is not a word that shows the quality of goods in the specified goods "medical apparatus" etc.
AZUR	1		2004-65057	"Azur" is not a word commonly known in Japan though it means "blue or sky blue" in German and French.
AZUR FRAGRANCES	Old 4		S62(1987)-1370	Same as above. "AZUR" and "FRAGRANCES" are not separated; it is recognized as one coin word.

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
KID BLUE	=	KID	Old 4	S60(1985)-7822	The possibility that "KID" and "BLUE" are separately called is high because there is " ".
AQUARIANBLUE	X	AQUARIAN	32	2005-1105	
CHAMPIONBLUE	X	Champion	16	2003-90191	
REFRAIN BLUE	X	REFRAIN	9	2000-11297	
BLUE IN	X	In	Old 4	H02(1990)-9663	

(3) **Yellow**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
ACTIVE YELLOW	3		2003-24766	

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
YELLOWCHAMPION	X	Champion	16	2003-91094	

(4) **Orange**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
ORANGEGAL	Old 17		S57(1982)-12729	It is a trademark of coin word that combines "Orange" and "GAL" that is the slang word of "GIRL".

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
orangebear	X	BEAR	14	2004-7591	

(5) Green

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
GREEN MIX	19		2004-13245	
GREEN BEARING	7		2002-22427	It is not easy to think that the color indication is usually used in the specified good "bearings".
APPLEGREEN DIAMOND	14		2003-10377	It is not a word used usually in business in the specified goods "Diamonds".
GreenDP	9		2000-18100	

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
RACING GREEN	=	RACING	17	H5(1993)-19541	
Green Belle	=	BELL	Olds 4	H2(1990)-3567	
GREEN HEART	=	HEART	Old 1	S57(1982)-7638	
GREEN POLE	=	Pole·90	Old 11	S55(1980)-7072	
PALCOURT GREEN	X	PALCOURT	1	2007-13860	
FAÇADE GREEN	X	Façade	3	2006-22332	
Green Project	X	PROJECT	9	2001-131	
Vitagreen	X	VITA-C	29	H11(1999)-6862	

(6) PINK

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
BRILLIANT RADIANCE	3		2007-10508	
Pinkish	3		2005-25282	It doesn't indicate the quality of the specified goods "Soaps and detergents" concretely and immediately.

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
FUNNY PINK	X	FUNNY	3	2005-4070	
ANGEL PINK	X	ANGEL	3	2001-1466	

(7) PURPLE

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
MAUVE	3		H10(1998)-90988	Though "mauve" is a meaning of "pale purple color", it is not common as the word where it shows the quality of the specified good "lotions".

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
PURPLE FINISH	=	FINISH	5	2006-90574	A lot of purple is marketed on the specified good "Medicine".

(8) **BROWN**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
Brun Foncé	18		2007-25456	It is not common as the word that shows the color and judged that it is distinctive though it means "dark brown" in French.
BORNBROWN	Old 30		S58(1983)-16972	
BROWN	Old 11	X	S58(1983)-21058	

(9) **GOLD**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
GOLD POINT CARD	36		2006-10433	
GOLD	41		2005-18633	It is not a word that shows the quality or characteristics of the specified service "providing information".

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
GOLDUNICON	=	UNICORN	Old 17	H3(1991)-24515	
Rainbow Gold	=	RAINBOW	Old 23	S63(1988)-18875	
GOLD BEAR	=	Paddington Bear	Old 17	S60(1985)-13448	
SUN GOLD	=	SUN	Old 19	S54(1979)-9588	
GOLDENBERG	X	BERG	18	2004-90060	
Golden DRAGON	X	DRAGON	9	2002-20793	
GOLDSPIN	X	NEW SPIN	28	2000-6897	
LINE GOLD	X	LINE	9	H10(1998)-91082	
MARIGOLD	X	MARINE	Old 28	S60(1985)-1208	

(10) **SILVER**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
SILVER	34		2004-20428	It won't be said that it shows the quality of the specified goods "tobacco and matches".

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
SilverStone	=	STONE	Old 3	S61(1986)-9307	
SILVERWOODS	=	WOODS	Old 17	S57(1982)-18605	
Silver Blade	X	Blade	28	2008-16125	

(11) **BLACK**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
BLACKLIPS	25		2004-10321	
BLACK&BLACK	Old 17		S57(1982)-22551	

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
BLACKMISSILE	=	MISSILE	Old 24	H2(1990)-14077	"Black" is commonly used in the movement tool industry.
BLACK ART	=	ART	Old 24	S63(1988)-15996	
PENNYBLACK	=	Benny	Old 17	S56(1981)-20178	"Black" is commonly used as a word that shows color on the specified good "clothes".
CHAMPIONBLACK	X	Champion	16	2003-90192	"CHAMPIONBLACK" is a inseparable coin word.
BLACK ANGELS	X	ANGEL	9	2001-19296	
BLACK JACK	X	JACK	Old 12	S57(1982)-22549	"Black Jack" is recognized as a kind of games rather than color indication.

(12) **WHITE/IVOLY**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
URBAN WHITE	19		2003-90339	"urban white" is not a color that actually exists.

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
CARTE BLANCHE	=	CARTE	4	2004-89083	"Blanche" means "white" in French, and French is used willingly in the industry.
NOBLE WHITE	=	NOBLE	Old 17	S62(1987)-8222	Color is important in the specified good "beddings", and "white" is recognized as a common color.
WHITE DOG	X	THE DOG	25	2002-18991	
FUTURE WHITE	X	FUTURE	3	2000-4590	
WHITE WING	X	WING	Old 17	S63(1988)-20729	
IVORYHOUSE	X	HOUSE	Old 36	S61(1986)-5544	

(13) **AMBER**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
AMBRÉE	Old 1		S56-9942	It is not common in Japan though "amberé" means "amber" in French.

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
ARDENT AMBER	=	ARDENT	Old 4	S56(1981)-3926	"Amber" is recognized in the cosmetics industry.

(14) **COLOR**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
SUPER COLOR	3		H11(1999)-21021	It is difficult to say to indicate the quality of the goods concretely.
TOUGH COLOR	Old 6		H3(1991)-21542	
TENCOLOR	Old 25	X	S57(1982)-5422	It means "goods with ten colors" when using it for the specified goods "Crayons" etc.

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
COLORS	=	COLOR SunTerrace	25	2006-65082	"COLOR" and "Sun Terrace" are difficult to say as a inseparable word
viva color	=	viva	3	2004-18416	
Color Navigator	=	NAVIGATOR	9	2000-1813	
Color Flirt	=	FLIRT	3	H10(1998)-8691	
COLOR RELEASE	X	RELEASE	1	2006-515	
ENERGY COLOR	X	ENERGY	16	2003-90199	
COLOR JETRAN	X	JETLAN	9	2002-17302	
Colorcandy	X	CANDY	3	2002-90637	
COLOR CREATOR	X	CREATOR	3	2001-6637	

(15) **TO NE**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
MARBLE TONE	Old 19	X	S59(1984)-19577	"Marble" is common as a word that shows "tone" in the specified goods "Bathtubs and the like".

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
BOL·TONE	X	BOL	Old 17	S60(1985)-13016	

(16) **COLOR X COLOR**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
PLATINUM YELLOW	3		2007-121	
SILVER BLACK	3		2006-68013	

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
RED FLYER	X	BLUE FLYER	33	2007-9983	
WHITE DOG	X	BLACKDOG	25	2002-18991	
MELLOW WHITE	X	BLUE MELLOW	Old 11	S59(1984)-20356	
BLUE RIBBON	X	YELLOW RIBBON	Old 36	S53(1978)-6029	

(17) **OTHERS**

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
MARRON	Old 24		S62(1987)-13842	It cannot be said that "marron" shows the color of the specified goods "baseball gloves" etc.
FAWN	Old 17		S60(1985)-4652	"Fawn" is not a common word in Japan.
café	Old 4		S58(1983)-10342	It is difficult to say that it has a meaning of "Coffee color" in the specified goods "Soaps and detergents" though "cafe" is common as a word with the meaning of "Coffee and coffee shop".
GARNET	Old 4		S55(1980)-737	It cannot be said that it is commonly used in Japan and show the color of goods though "GARNET" has a meaning of "dark red color" in English.
SEPIA	25	X	2004-866	Color is one of the important elements in the specified good "Clothes".
BRITISH KHAKI	Old 17	X	S60(1985)-1760	"British" is a common word and "khaki" is recognized in the fiber industry. Moreover, another meaning is not caused by having crossed the two words.
WINE MAHOGANY	Old 7	X	S59(1984)-14881	It means "Mahogany material of wine color (dull red)", and it is recognized a word that indicate the quality of goods.

Similarity (= : Similar, X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
BEIGE PATTERN	=	PATTERNS	Old 4	H03(1991)-11134	"Beige" is a common word that shows the quality of the specified good "cosmetics".