

* IT Words ... @/e/Internet/Web/.com/.jp

[Distinctiveness]

In the present age of IT technology, it is likely that net terms such as @, web, com are considered to be descriptive/non-distinctive for the related goods/services in Class 9 (e.g. computers) and Class 42 (e.g. providing computer programs), and even for the other goods/services. But they can be registrable in case the marks consisting of net terms and other words as a whole are not commonly used in the actual market place or the distinctive features are shown in their appearances.

Meanwhile, it is difficult for the marks to be registered when net terms are combined with descriptive/non-distinctive words and so overall impressions remain non-distinctive (Ref. 'InternetStreamingServer').

[Similarity]



In the examination of similarity, sometimes net terms are excluded from the trademarks as non-distinctive common words/signs. When they go to the Board of Appeal, however, net terms are mostly perceived as parts of trademarks and the trademarks are compared as a whole.

(1) @ / e

Distinctiveness (: Distinctive, X : Non-distinctive)


Trademark	Class	Distinctiveness	Case No.	Memo
CLE@R	3		2001-13450	
@Map	9	X	2003-12316	
@Memo	9	X	2002-6944	

Similarity (= : Similar X : Dissimilar)

Trademark	Similarity	Cited mark	Class	Case No.	Memo
	=	EXPRESS	9,38	2005-25162	
@Remote	=	REMOTE	9,42	2004-11809	
@ACE	X	ACE	36	2006-25162	
@BOOKPORT	X	BOOK PORT 203(device)	16	2006-15494	
@MESSAGE	X	MESSAGE	42	2004-8753	
@property	X	PROPERTY	9,42	2003-20067	
Mobile@Innovation	X	INNOVATION	9	2003-18983	
	X	WAP	9,42	2003-12206	

(2) Internet / WEB

Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
	16,41,42		2002-18170	
Personal Web	9,35,42		2000-17278	
WEB STYLE	9		2002-23940	
Web Money	35,36,42		2002-11543	
Web Credit	36		2001-15637	
InternetStreamingServer	9,42	X	2002-14783	The mark directly refers the nature of goods/services.
WebImageMonitor	9	X	2003-14593	The mark directly refers the nature of goods/services.

● Similarity (= : Similar X : Dissimilar)


Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
Dream Internet	X	Dream	38	2006-13485	
Internet Counselor	X	<i>Counselor</i>	9	2004-14798	
WebCreate	X	CREATE	9	2001-21466	

(3) .com / .jp

● Distinctiveness (: Distinctive, X : Non-distinctive)

Trademark	Class	Distinctiveness	Case No.	Memo
.3da	9,42		2003-2517	「.3da」 is not common term such as 「.com」 「.org」
WATER.COM	32,35	X	2001-7712	

● Similarity (= : Similar X : Dissimilar)

Trademark	Similarity	Cited Trademark	Class	Case No.	Memo
WORLDSPORT.COM	=	WORLDSPORTS	25	2001-9095	
MELODY.JP	X	MELODY	9,38	2007-20332	
.universe	X	UNIVERSE	9	2007-7729	
	X	ICH	9,38	2006-8801	
.com City	X	CITY	36	2004-2459	