

Trademark Right	Date	March 12, 2025	Court	Intellectual Property High Court, First Division
	Case number	2024 (Gyo-Ke) 10090		
<p>- A case in which, with regard to the trademark in the application, "ぽんちゃん", represented in standard characters, the JPO rendered a decision to the effect that the appeal against the examiner's decision of refusal is groundless because the trademark is identical with, or similar to, the famous mark indicating the tourism promotion business carried out by Tatebayashi City, Gunma Prefecture, "ぽんちゃん" (Cited Mark), and therefore, it falls under Article 4, paragraph (1), item (vi) of the Trademark Act; however, the court rescinded the JPO decision, holding that there is an error in the JPO's finding that the Cited Mark is a "famous" mark as referred to in that item.</p>				

Case type: Rescission of Appeal Decision of Refusal

Result: Granted

References: Article 4, paragraph (1), item (vi) of the Trademark Act

Related rights, etc.: Trademark Application No. 2021-154842

Appeal against Examiner's Decision of Refusal No. 2023-2913

Summary of the Judgment

1. The Plaintiff filed an application for registration of the trademark, "ぽんちゃん", represented in standard characters, while designating the goods in Class 9 ("Recorded media and video files of animated cartoons," etc.) and Class 16 ("Passport holders," etc.) (this application and this trademark are respectively referred to below as the "Application" and the "Trademark").

The examiner of the Japan Patent Office (JPO) rendered a decision to refuse the Application on the grounds that the Trademark falls under Article 4, paragraph (1), items (vi) and (vii) of the Trademark Act. Dissatisfied with this, the Plaintiff filed an appeal against the examiner's decision of refusal.

The JPO rendered a decision to the effect that the appeal is groundless because, in summary, the Trademark is a trademark that is identical with, or similar to, the famous mark indicating the tourism promotion business carried out by Tatebayashi City, Gunma Prefecture, "ぽんちゃん" (Cited Mark, the nickname of Tatebayashi City's mascot character), and therefore, it falls under Article 4, paragraph (1), item (vi) of the Trademark Act. The Plaintiff instituted this action to seek the rescission of the JPO

Decision.

2. In this judgment, the court rescinded the JPO Decision, holding that there is an error in the JPO's finding that the Cited Mark is a "famous" mark as referred to in Article 4, paragraph (1), item (vi) of the Trademark Act. The reasons for this judgment are as summarized below.

(1) Interpretation of Article 4, paragraph (1), item (vi) of the Trademark Act

Article 4, paragraph (1), item (vi) of the Trademark Act provides that a trademark that is "identical with, or similar to, a famous mark indicating the national government, a local government, an agency of these, a non-profit, public interest organization, or a non-profit, public interest business" may not be registered. It is understood that this provision is intended to respect the authority of and trust in an organization, etc. referred to in that item in view of its public nature and to protect the interests of traders and consumers by preventing confusion as to the source of goods or services. In light of such intentions, it cannot be considered that a mark is necessarily required to be known widely across Japan in order to be "famous" in the meaning prescribed in that item. In other words, it can be said that in the process of finding whether a mark is famous, there is room to limit the geographical extent in consideration of the regionality of the relevant organization or business referred to in that item.

On the other hand, Article 4, paragraph (1), item (vi) of the Trademark Act limits the mark to which it is applicable to one that is "famous" because there can be an extremely large number of marks that indicate an organization or business referred to in that item. It is not necessary to interpret the term "famous" completely in consistency with other provisions of the Trademark Act (e.g., Article 4, paragraph (1), item (viii) of the Trademark Act), but it is at least inappropriate to interpret this term in a manner contrary to its meaning. The same applies to the geographical extent of famousness. If registration is prohibited for a trademark that is identical with, or similar to, a mark that is known only in a specific area as a mark indicating a public interest business, etc., this would result in excessive restriction on the right to acquire a trademark right and use the trademark nationwide, which should have generally been granted.

According to the above, it is appropriate to construe that in order to be "famous" as referred to in Article 4, paragraph (1), item (vi) of the Trademark Act, a mark is not necessarily required to be recognized widely across Japan in light of the regionality of an organization or business referred to in that item, but it is required to be recognized widely to the geographic extent of a certain size.

(2) Application to this case

The Cited Mascot Character, "ぽんちゃん", was created as Tatebayashi City's

mascot character for tourism, and has been used in combination with its nickname "ぽんちゃん" (Cited Mark) by Tatebayashi City and the Tatebayashi Tourism Association in various ways for the tourism promotion business. Therefore, the Cited Mark is a "mark indicating a non-profit, public interest business" referred to in Article 4, paragraph (1), item (vi) of the Trademark Act.

However, based on the facts found (e.g., the status of use in and outside Tatebayashi City, coverage by newspaper articles, and publicity across Japan), the Cited Mascot Character and its nickname, "ぽんちゃん" (Cited Mark), can be found to be widely recognized as representing a mascot character that is familiar to Tatebayashi City residents, but its appearances outside Tatebayashi City took place only sporadically and in a limited manner. Also given the fact that while the total population of Gunma Prefecture was about 1.97 million, the population of Tatebayashi City was only slightly below 80,000, the Cited Mascot Character cannot be found to be recognized widely in Gunma Prefecture as a whole and its surrounding areas. Accordingly, even in consideration of the regionality of the tourism promotion business carried out by Tatebayashi City and the Tatebayashi Tourism Association, the Cited Mark cannot be found to be recognized widely to the geographic extent of a certain size, and therefore, it is not regarded as a "famous" mark as referred to in Article 4, paragraph (1), item (vi) of the Trademark Act.

Judgment rendered on March 12, 2025

2024 (Gyo-Ke) 10090

Case of seeking rescission of the JPO decision

Date of conclusion of oral argument: January 15, 2025

Judgment

Plaintiff: X

Defendant: Commissioner of the Japan Patent Office

Main text

1. The decision made by the Japan Patent Office (JPO) on September 3, 2024, for the case of Appeal against Examiner's Decision of Refusal No. 2023-2913 shall be rescinded.
2. The court costs shall be borne by the Defendant.

Facts and reasons

No. 1 Claim

Same as the main text.

No. 2 Outline of the case

1. Summary of procedures at the JPO

(1) On November 29, 2021, the Plaintiff filed an application for registration of the trademark, "ぽんちゃん", represented in standard characters, while designating the goods specified in the application which fall under Class 9 and Class 16 (this application and this trademark are respectively referred to below as the "Application" and the "Trademark"). The Plaintiff amended the designated goods as specified in Attachment 1 by submitting a written amendment dated December 22, 2021.

(2) The JPO examiner issued a notice of reasons for refusal of the Application on May 27, 2022, and then rendered a decision of refusal on November 1, 2022 (referred to below as the "Decision of Refusal").

The summary of the reasons for refusing the Application stated in the Decision of Refusal is as follows.

A. The Trademark falls under Article 4, paragraph (1), item (vi) of the Trademark Act.

The Trademark is represented in standard characters, "ぽんちゃん", and this set of characters would remind people of "ぽんちゃん" (Ponchan), a famous mascot character used by Tatebayashi City, Gunma Prefecture, for the tourism business.

Accordingly, the Trademark is found to be a trademark that is identical with, or similar to, a famous mark indicating a non-profit, public interest business, and thus, it falls under Article 4, paragraph (1), item (vi) of the Trademark Act.

B. The Trademark falls under Article 4, paragraph (1), item (vii) of the Trademark Act.

The Trademark is represented in standard characters, "ぽんちゃん", and this set of characters consists of the same characters that constitute the name of Tatebayashi City's mascot character for tourism, "ぽんちゃん" (Ponchan). It is found that there is an actual situation in which "ぽんちゃん" (Ponchan) has contributed to Tatebayashi City's tourism promotion and community development after it was released before the filing date of the Application. If the Plaintiff exclusively uses the Trademark, which is found to indicate the name of "ぽんちゃん," for its designated goods based on the application filed without obtaining consent from Tatebayashi City, such use would impede Tatebayashi City's public-interest projects, such as tourism promotion and community development, which would be contrary to the public interest in society. It can be said that the Plaintiff had an address in Tatebayashi City and therefore could have known the abovementioned actual situation at the time of filing the Application.

(3) Dissatisfied with the Decision of Refusal, the Plaintiff filed an appeal against the examiner's decision of refusal on February 2, 2023.

The JPO examined this appeal as Appeal against Examiner's Decision of Refusal No. 2023-2913, and rendered a decision to the effect that the request for appeal is groundless (referred to below as the "JPO Decision") on September 3, 2024. A certified copy of the JPO Decision was served upon the Plaintiff on September 18, 2024.

(4) On October 1, 2024, the Plaintiff instituted this action to seek the rescission of the JPO Decision.

2. Summary of the reasons for the JPO Decision

(1) Regarding whether Tatebayashi City's mascot character and its nickname are famous

A. In January 2010, Tatebayashi City decided on a mascot character with the composition as specified in Attachment 2 for the purpose of promoting tourism in the city, which is known for a folktale of Bunbuku-Chagama (a raccoon dog that shapeshifts into a tea kettle) (below, this mascot character is referred to as the "Cited Mascot Character" and its nickname, "ぽんちゃん", is referred to as the "Cited Mark").

With regard to the Cited Mascot Character, the Tatebayashi Tourism Association engages in the licensing business and the business of management and operation of the social media accounts. The Cited Mascot Character is introduced as the Tatebayashi City Tourism Ambassador on Tatebayashi City's website, and is also presented and offered for use on the website of the Tatebayashi Tourism Association. It is used on the

city's official Twitter account, official Instagram account, LINE stamps, websites for its facilities and services, pamphlets, public-relations magazines, and other media.

The Cited Mascot Character was in 33rd place in the overall ranking in "Yuru-Chara Grand Prix 2015," and it was covered as Tatebayashi City's mascot character, with characters "ぽんちゃん", which represent its nickname, in a considerable number of articles in various national newspapers and local newspapers published between January 2010 and April 2022.

B. According to the facts mentioned above, it is appropriate to determine that not only the Cited Mascot Character but also the Cited Mark that consists of the characters representing its nickname, "ぽんちゃん", have become famous as marks that indicate Tatebayashi City's tourism promotion business.

(2) Regarding whether the Trademark falls under Article 4, paragraph (1), item (vi) of the Trademark Act

The Trademark is represented in standard characters, "ぽんちゃん". On the other hand, the Cited Mark consists of the characters, "ぽんちゃん", and as mentioned above, it is famous as a mark that indicates the tourism promotion business carried out by Tatebayashi City. Tatebayashi City is a local government, and the tourism promotion business carried out by the city is a non-profit, public interest business. Accordingly, the Cited Mark can be regarded as a "famous mark indicating a non-profit, public interest business."

The Trademark and the Cited Mark, both of which consist of the characters, "ぽんちゃん", have constituent characters in common, and therefore, they are identical with or similar to each other.

It follows that the Trademark is a trademark that is identical with, or similar to, the Cited Mark, a famous mark indicating a non-profit, public interest business, and therefore, it falls under Article 4, paragraph (1), item (vi) of the Trademark Act.

(3) Regarding the Plaintiff's arguments

Article 4, paragraph (1), item (vi) of the Trademark Act is intended to respect the authority of and trust in an organization, etc. in view of its public nature and to protect the interests of traders and consumers by preventing confusion as to the source of goods or services. It is understood that the extent of famousness under that item is not necessarily required to be at a level of being famous among consumers nationwide, nor is it required to be at a level where the Cited Mark is used for the designated goods of the Trademark or it is famous as a mark indicating the designated goods. Furthermore, in light of the intention mentioned above, the geographical extent of famousness should be determined while also taking into consideration whether the organization or business

in question is related to the national government, a prefectural government, or a municipal government.

Since the Cited Mascot Character is designed to promote tourism in Tatebayashi City and is used as part of the tourism promotion business, these aspects of the actual use should also be taken into consideration when determining whether the Cited Mark is famous. According to the facts found, it can be said that the Cited Mark is recognized widely at least in Gunma Prefecture and its surrounding areas. Also in consideration of the fact that the Cited Mark has been created and is used for the purpose of promoting tourism in Tatebayashi City, it is appropriate to determine that the Cited Mark is a "famous" mark as referred to in Article 4, paragraph (1), item (vi) of the Trademark Act.

No. 5 Judgment of this court

1. Facts found

According to the evidence indicated herein, the facts specified in Attachment 3 are found as facts concerning the use of the Cited Mascot Character and the Cited Mark.

2. Regarding Ground for Rescission 1 (the error in the JPO's determination that the Trademark falls under Article 4, paragraph (1), item (vi) of the Trademark Act)

(1) Article 4, paragraph (1), item (vi) of the Trademark Act

Article 4, paragraph (1), item (vi) of the Trademark Act provides that a trademark that is "identical with, or similar to, a famous mark indicating the national government, a local government, an agency of these, a non-profit, public interest organization, or a non-profit, public interest business" may not be registered. It is understood that this provision is intended to respect the authority of and trust in an organization, etc. referred to in that item in view of its public nature and to protect the interests of traders and consumers by preventing confusion as to the source of goods or services. In light of such intentions, it cannot be considered that a mark is necessarily required to be known widely across Japan in order to be "famous" in the meaning prescribed in that item. In other words, it can be said that in the process of finding whether a mark is famous, there is room to limit the geographical extent in consideration of the regionality of the relevant organization or business referred to in that item.

On the other hand, Article 4, paragraph (1), item (vi) of the Trademark Act limits the mark to which it is applicable to one that is "famous" because there can be an extremely large number of marks that indicate an organization or business referred to in that item. It is not necessary to interpret the term "famous" completely in consistency with other provisions of the Trademark Act (e.g., Article 4, paragraph (1), item (viii))

of the Trademark Act), but it is at least inappropriate to interpret this term in a manner contrary to its meaning. The same applies to the geographical extent of famousness. If registration is prohibited for a trademark that is identical with, or similar to, a mark that is known only in a specific area as a mark indicating a public interest business, etc., this would result in excessive restriction on the right to acquire a trademark right and use the trademark nationwide, which should have generally been granted.

According to the above, it is appropriate to construe that in order to be "famous" as referred to in Article 4, paragraph (1), item (vi) of the Trademark Act, a mark is not necessarily required to be recognized widely across Japan in light of the regionality of an organization or business referred to in that item, but it is required to be recognized widely to the geographic extent of a certain size.

(2) Examination

A. According to the facts found as mentioned in 1. above, it is found that the Mascot Character in question was created in January 2010 as Tatebayashi City's mascot character for tourism, and has been used in combination with its nickname "ぽんちゃん" (Cited Mark) by Tatebayashi City and the Tatebayashi Tourism Association in various ways for the tourism promotion business. Therefore, even in consideration of the facts, such as that the goods carrying the Cited Mark are sold for value, the Cited Mark can be found to be a "mark indicating a non-profit, public interest business."

B. (A) According to the facts found as mentioned in 1. above, the Mascot Character in question has actually been used as Tatebayashi City's mascot character in many ways, such as appearing in various official documents, being displayed at public facilities or tourist facilities in the city, and participating in events held in the city, and from the records of such use, the Mascot Character in question is presumed to have gained name recognition in Tatebayashi City.

However, the use of the Mascot Character in question as mentioned above basically targets only residents in Tatebayashi City and tourists visiting Tatebayashi City. As mentioned in 8.(1) of Attachment 3, according to the data collected by the Tatebayashi Tourism Association, the number of tourists visiting Tatebayashi City over the past four years (from 2018 to 2021) exceeded 4.24 million people in total. This is the total calculated by the Tatebayashi Tourism Association by adding up the numbers of visitors (including Tatebayashi City residents) to the major tourist sites and events in the city (Exhibit Otsu 1-Ko 27).

(B) Looking at the records of the use of the Cited Mascot Character outside Tatebayashi City, evidence shows that there were only four cases in which the Cited Mascot Character participated in events held in Saitama Prefecture or the Tokyo Metropolis

(Exhibits Otsu 1-Ko 42, Otsu 1-Ko 77, and Otsu 13 and 14). The Cited Mascot Character participated in the event of the 50th Anniversary of Singapore-Japan Diplomatic Relations (SJ50) (Exhibit Otsu 16) and the "Seven Ryomo Cities Stamp Rally" organized by Tobu Railway (Exhibits Otsu 17 and 18), not independently but together with many other mascot characters, etc.

Next, let us take a look at the records of the appearance in newspaper articles. According to evidence, the Cited Mascot Character or the Cited Mark appeared in slightly less than 90 newspaper articles during the period of about 13 years from January 2010 to 2023 (Exhibits Otsu 1-Ko 70 to Ko 134, Otsu 2, 4, 5, 9, 10, 13, 16, 20, 22, 24 to 26, 28, 29, 31, and 32). It is found that all these newspaper articles are articles published in Jomo Shinbun, a local newspaper in Gunma Prefecture, or in view of their texts, articles published in local pages of national newspapers.

Furthermore, in terms of the publicity across Japan, the number of followers of the Cited Mascot Character's social media account is only 3,186 for X and 1,931 for Instagram (Exhibits Otsu 1-Ko 8 and Otsu 1-Ko 9-2; both as of 2022). It is found that the Cited Mascot Character has made public appearances as follows: it was featured in the commercials of "Asahi 16 Cha" (a tea beverage), which were produced in various editions including the "national edition" and the "Kanto edition," together with other characters for about one month (Exhibits Ko 163 and Otsu 5); it was ranked 33rd in the overall ranking in the "Yuru-Chara Grand Prix 2015," a nationwide competition of "yurui" (laid-back) mascot characters ("yuru-chara" pronounced as "yuru-kyara") (Exhibit Ko 165); and it was covered in an article of about 3 cm by 3 cm in "Rurubu Gunma '16," a travel guidebook issued nationwide (Exhibit Otsu 12). However, all these appearances took place only in a limited manner between 2014 and 2015. Whether the Cited Mascot Character and the Cited Mark have been used for gifts offered in reward for hometown tax donations is unknown.

(C) Taking all the circumstances mentioned above into consideration, the Cited Mascot Character and its nickname, "ぽんちゃん", (Cited Mark) can be found to be widely recognized as representing a mascot character that is familiar to Tatebayashi City residents, but its appearances outside Tatebayashi City took place only sporadically and in a limited manner. Also given the fact that while the total population of Gunma Prefecture was about 1.97 million, the population of Tatebayashi City was only slightly below 80,000 (as of April 1, 2016; Exhibit Otsu 1-Ko 116), the Cited Mascot Character cannot be found to be recognized widely in Gunma Prefecture as a whole and its surrounding areas.

Accordingly, even in consideration of the regionality of the tourism promotion

business carried out by Tatebayashi City and the Tatebayashi Tourism Association, the Cited Mark cannot be found to be recognized widely to the geographic extent of a certain size, and therefore, it is not regarded as a "famous" mark as referred to in Article 4, paragraph (1), item (vi) of the Trademark Act.

(3) Regarding the Defendant's arguments

A. The Defendant argues that in light of the intention of Article 4, paragraph (1), item (vi) of the Trademark Act as well as the fact that this item covers not only marks indicating the national government but also marks indicating local governments, etc. and marks indicating various public interest businesses, the geographical extent of "famousness" should be determined while also taking into consideration whether the organization or business in question is related to the national government, a prefectural government, or a municipal government. Then, the Defendant argues that the Cited Mark should be regarded as a "famous" mark as referred to in that item in consideration of its regionality if it is recognized widely at least in Gunma Prefecture and its surrounding areas.

However, as mentioned in (1) above, even in light of the intention of Article 4, paragraph (1), item (vi) of the Trademark Act as well as the fact that this item covers marks indicating local governments, etc. or various public interest businesses, the term "famous" should not be interpreted in a manner contrary to its meaning as defined in the text of the law; and if registration is prohibited for a trademark that is identical with, or similar to, a mark that is known only in a specific area, this would result in excessive restriction on the right to acquire a trademark right and use the trademark nationwide. In addition, as mentioned in (2) above, even based on the entire evidence of the case, the Cited Mascot Character cannot be found to be recognized widely in Gunma Prefecture as a whole and its surrounding areas.

Consequently, the Defendant's arguments mentioned above cannot be accepted.

B. The Defendant argues that according to the documents submitted by the Plaintiff in the examination and appeal procedures, the Plaintiff understood that if the Plaintiff exclusively used the Trademark for its designated goods, such use would impede the tourism promotion and other businesses carried out by Tatebayashi City, etc. and would create confusion among traders and consumers.

However, although such circumstances can be regarded as circumstances to be referenced when determining whether the Trademark falls under Article 4, paragraph (1), item (vii) of the Trademark Act, which is another reason for refusal stated in the Decision of Refusal, they do not affect a determination as to whether the Cited Mark is a "famous mark indicating a non-profit, public interest business."

Consequently, the Defendant's argument mentioned above cannot be accepted.

(4) Summary

According to the above, the Cited Mark is not a "famous mark indicating a non-profit, public interest business," and therefore, the Trademark is not a trademark that falls under Article 4, paragraph (1), item (vi) of the Trademark Act. There is an error in the determination presented in the JPO Decision that is contrary to this, and hence, Ground for Rescission 1 is well-grounded.

3. Ground for Rescission 2 (procedural violation)

The Plaintiff argues that because of the impossibility to learn the content of the information provided by means of a document for submission of publications, even by filing a request to inspect information from the court's computer files or a request to be issued a document certifying information from the court's computer files, the Plaintiff, as the applicant, was not completely notified of the reasons for refusal based on the content of such information, and therefore, the JPO Decision is illegal due to violation of Article 15-2 of the Trademark Act.

However, since the JPO Decision was not rendered as a result of finding a reason for refusal that was not mentioned in the Decision of Refusal, it cannot be regarded as violating Article 15-2 of the Trademark Act as applied *mutatis mutandis* pursuant to Article 55-2, paragraph (1) of that Act. In addition, even based on the entire evidence of the case, the Plaintiff cannot be found to have had no opportunity to read the publications, etc. submitted by means of the document for submission of publications dated September 16, 2022 (Exhibit Otsu 38).

Consequently, Ground for Rescission 2 is groundless.

4. Conclusion

As mentioned above, Ground for Rescission 1 argued by the Plaintiff is well-grounded, and therefore, the court rescinds the JPO Decision and renders a judgment as stated in the main text.

Intellectual Property High Court, First Division

Presiding Judge: HONDA Tomonari

Judge: TOYAMA Atsushi

Judge: AMANO Kenji

(Attachment 1)

Designated Goods of the Application (amended as of December 22, 2021)

Class 9

"Recorded media and video files of animated cartoons; downloadable image files; downloadable music files; computer software applications (for sale by download through telecommunication lines); computer game software (for sale by download through telecommunication lines); computer programs (for sale by download through telecommunication lines); sunglasses; cases for personal digital assistants; downloadable emoticons for mobile telephones; downloadable graphics for cell phones; game programs for arcade video game machines; electronic publications; and 3D spectacles"

Class 16

"Passport holders; bookends; garbage bags of plastics for household purposes; photographs; printed publications; wrapping paper; printed matter; stationery; books; paper; bunting of paper; bibs of paper; paper and cardboard; and pencil sharpeners (electric or non-electric)"

End

(Attachment 2)

Cited Mascot Character



(Attachment 3)

Facts Concerning the Use of the Cited Mascot Character and the Cited Mark

1. In January 2010, Tatebayashi City decided on a mascot character with the composition as specified in Attachment 2, and its nickname, "ぽんちゃん", (Cited Mark) for the purpose of promoting tourism in the city, which is known for a folktale of Bunbuku-Chagama (Exhibits Ko 137, Ko 138, Otsu 1-Ko 2, Otsu 1-Ko 70, Otsu 1-Ko 71, and Otsu 11).
2. (1) The Cited Mascot Character has been appointed as the Tatebayashi City Tourism Ambassador (Exhibits Ko 139 and Otsu 1-Ko 5). It is used in the Tatebayashi City's sightseeing guidebook (Exhibits Ko 154 and Otsu 1-Ko 13) and its map (Exhibits Ko 161 and Otsu 1-Ko 14). In 2013, it was used in the logo for Tatebayashi City's 60th anniversary of municipalization (Exhibits Otsu 1-Ko 88 and Otsu 1-Ko 92).
(2) In 2014, as the project for Tatebayashi City's 60th anniversary of municipalization, a CD and a DVD featuring the Cited Mascot Character introducing the city's tourist sites in a song, titled "ぽんちゃん音頭" (Ponchan Dance Song), were created (Exhibits Ko 158, Otsu 1-Ko 55, and Otsu 4). In the same year, the Cited Mascot Character appeared in the "commercials of Asahi 16 Cha" as the representative of Gunma Prefecture (Exhibits Ko 163, Otsu 1-Ko 25-1, and Otsu 5).
3. For the purpose of "disseminating information on various attractive features of Tatebayashi City from the viewpoint of the city's mascot character for tourism, "ぽんちゃん" (Ponchan), thereby publicizing the city and improving its name recognition and image," the Tatebayashi Tourism Association launched and has operated and managed Ponchan's official accounts on Twitter and Instagram (Exhibits Ko 137, Ko 140, Ko 141, Otsu 1-Ko 4, Otsu 1-Ko 8, Otsu 1-Ko 9, Otsu 1-Ko 33, and Otsu 1-Ko 34).
4. (1) The Tatebayashi Tourism Association accepts applications for the use of the costume and illustrations of Ponchan and manages them by establishing the costume use manual, the terms of use of illustrations, and the IOU for Ponchan (Exhibit Otsu 1-Ko 7).
(2) Confectionery stores and prepared meal stores in Tatebayashi City sell goods carrying illustrations of the Cited Mascot Character, with names such as "ぽんちゃんのおやつ" (Ponchan's Sweets; Exhibits Ko 167-1, Ko 167-2, and Otsu 6) and "ぽんちゃん焼き" (Ponchan-Yaki Cake; Exhibit Otsu 7). Mugi-rakugan (dry confectionery made of barley flour) with the design of Ponchan is used as a gift in reward for hometown tax donations to the city (Exhibit Otsu 8).

(3) Tatebayashi Shinkin Bank deals with installment savings with extra interest rate named "ぽんちゃん定期積金 2" (Ponchan Installment Savings 2; Exhibit Otsu 9), and distributes consolidated account passbooks carrying the illustration of the Cited Mascot Character (Exhibits Ko 173, Otsu 1-Ko 62, and Otsu 10).

5. (1) In the extra volume of the History of Tatebayashi City published for the city's 60th anniversary of municipalization, titled "Shashin de Miru Tatebayashi" (Tatebayashi in Photographs), it is stated that: the temperature display featuring Tatebayashi City's mascot character, "ぽんちゃん" (Ponchan), was installed in front of the Tatebayashi Station in 2011, and a party celebrating Ponchan's first birthday was held in February the same year; and Ponchan was appointed by the Japan Weather Association as the Heatstroke Prevention PR Ambassador in June 2013 (Exhibits Ko 149 and Otsu 1-Ko 17).

(2) In the "Tatebayashi Shishi Tsūshihen 3 Tatebayashi no Kindai, Gendai" (History of Tatebayashi City, Complete History 3, Modern Period and Contemporary Period), it is stated with relevant photographs that: Tatebayashi City's mascot character for tourism, "ぽんちゃん" (Ponchan), was born in 2010, and a party celebrating Ponchan's first birthday was held in 2011; Ponchan was appointed by the Japan Weather Association as the Heatstroke Prevention PR Ambassador in June 2013; and Ponchan participated in the Japan Travel Fair in the Festival of the 50th Anniversary of Singapore-Japan Diplomatic Relations (SJ50) in Singapore in 2016 (Exhibit Otsu 11).

(3) In "Rurubu Jōhōban, Gunma Kusatsu Ikaho Tomioka '16" (a travel guidebook), the Cited Mascot Character appears as a "next-generation star character of Gunma" with the characters "ぽんちゃん" (Cited Mark) (Exhibit Otsu 12).

6. (1) The Cited Mascot Character participated in the "Yuru-Chara Grand Prix" from 2011 to 2015 (Exhibits Otsu 1-Ko 93, Otsu 1-Ko 94, and Otsu 1-Ko 101). In the "Yuru-Chara Grand Prix 2015," Tatebayashi City established the election campaign office (Exhibits Otsu 1-Ko 103 to Otsu 1-Ko 105, and Otsu 1-Ko 107) and carried out PR activities including the press conference (Exhibits Ko 164 and Otsu 1-Ko 25-3) and the campaign meeting (Exhibits Otsu 1-Ko 111 and Otsu 1-Ko 112), and the Cited Mascot Character was ranked 33rd (Exhibits Ko 165 and Otsu 1-Ko 26).

(2) The Cited Mascot Character has regularly participated in events held in Gunma Prefecture as a "gotōchi chara" (local mascot character) or "yuru-chara" (Exhibits Otsu 1-Ko 25, Otsu 1-Ko 40, Otsu 1-Ko 41, Otsu 1-Ko 73, Otsu 1-Ko 80, and Otsu 1-Ko 96), and also participated in events held in Saitama Prefecture and the Tokyo Metropolis (Exhibits Otsu 1-Ko 42, Otsu 1-Ko 77, Otsu 13, and Otsu 14). It is used in leaflets and newspaper articles in combination with the Cited Mark.

(3) It was reported in the national newspaper that a stuffed toy of the Cited Mascot Character was delivered in the exchange event between Tatebayashi City and Taiwan (Exhibit Otsu 15), and that the Cited Mascot Character participated in the commemorative event of the 50th Anniversary of Singapore-Japan Diplomatic Relations (SJ50) held in Singapore (Exhibit Otsu 16).

7. (1) The Cited Mascot Character and the Cited Mark are used in the name plate on the front of Tobu Railway's special express train "Ryomo Chiiki Shimin Go" (Ryomo Area Citizens Train) (Exhibit Otsu 1-Ko 78) and used in the leaflet (Exhibit Otsu 1-Ko 67) and the prize (Exhibit Otsu 17) of the event produced by the railway company. Goods featuring the Cited Mascot Character are offered as a premium for the discount tickets sold by the railway company (Exhibit Otsu 18).

(2) The Cited Mascot Character and the Cited Mark are also used in the event leaflets for traveling to Gunma Prefecture and Tochigi Prefecture (Exhibit Otsu 1-Ko 69). The tours starting at and returning to Tokyo organized by Tobu Top Tours are advertised with premiums in which Ponchan will greet the guests and the goods featuring Ponchan will be offered as gifts to them (Exhibits Otsu 1-Ko 66 and Otsu 19).

8. (1) According to the data collected by the Tatebayashi Tourism Association, the number of tourists to Tatebayashi City over the past four years (from 2018 to 2021) exceeded 4.24 million people in total, and in particular, the number of visitors to the Tsutsujigaoka Park has been between 160,000 and 320,000 people during the same period (Exhibit Otsu 1-Ko 27). In this park and the "Tsutsujigaoka Fureai Center (Tsutsuji Video Learning Center)," the Cited Mascot Character and the Cited Mark are used in the maps, pamphlets (Exhibits Ko 148, Ko 155, Otsu 1-Ko 15, and Otsu 1-Ko 16), and leaflets (Exhibit Otsu 1-Ko 39) for events, such as a "problem-solving game featuring Ponchan" (Exhibits Otsu 1-Ko 10 and Otsu 1-Ko 29).

(2) At the Tsutsuji Video Learning Center, the Cited Mascot Character and the Cited Mark are used in the guidance information (Exhibits Ko 148 and Otsu 1-Ko 54). The 4D theater in this center screens a video of about ten minutes in which the Cited Mascot Character appears (Exhibits Otsu 1-Ko 54 and Otsu 1-Ko 108). This video won the Excellence Award in the Lumiere Japan Awards Winning Works 2015 (Exhibit Otsu 1-Ko 110).

9. The reference libraries of Tatebayashi City use the Cited Mascot Character and the Cited Mark in the exhibition of the stored items and the worksheets (Exhibits Otsu 1-Ko 20 and Otsu 20). At the Morinji Temple, events such as one titled "ぽんちゃん祭りだ！" (Ponchan Festival!) (Exhibit Otsu 1-Ko 102) were held (Exhibit Otsu 1-Ko 89). At the Mukai Chiaki Children's Science Museum, the Cited Mascot Character

appeared in the planetarium program produced for Tatebayashi City's 60th anniversary of municipalization and MUKAI Chiaki's 20th anniversary of her space flight, titled "ぽんちゃん・コン太の大冒険" (Adventure of Ponchan and Konta) (Exhibits Otsu 21 and Otsu 22). The children's centers of Tatebayashi City distributed "歴史ぽんちゃんカード" (History Ponchan Cards) in the event for the Children's Day (Exhibit Otsu 23). As such, the Cited Mascot Character and the Cited Mark have been used continuously in various ways at the tourist facilities in the city.

10. Every year, Tatebayashi City holds events, including: "Azalea Festival" (Exhibits Otsu 1-Ko 30, Otsu 1-Ko 95, and Otsu 1-Ko 116); "Lotus Flower Festival" (Exhibit Otsu 1-Ko 31); "Tatebayashi Cherry Blossoms and Carp Streamers Village Festival" (Exhibit Otsu 1-Ko 32); "Citizens Festival" (Exhibit Otsu 1-Ko 36); "Industrial Festival" (Exhibits Otsu 1-Ko 37 and Otsu 1-Ko 131); "Tatebayashi Dolls Festival" (Exhibit Otsu 1-Ko 74); and "Tatebayashi Pageant of Light" (Exhibit Otsu 1-Ko 109). The Cited Mascot Character and the Cited Mark are used in the event leaflets and on the information boards and signboards at these event sites. The performer wearing the costume of the Cited Mascot Character and the electric lights representing the Cited Mascot Character appear in these events.

11. (1) The Cited Mascot Character and the Cited Mark are used in various publications, including: "PR Magazine Tatebayashi" (Exhibit Otsu 1-Ko 25); "Tatebayashi City's Original Forms of Marriage Notification and Birth Notification" (Exhibits Ko 174 and Otsu 1-Ko 24); a textbook titled "ぽんちゃんと学ぼう 館林の歴史" (Let's Learn the History of Tatebayashi with Ponchan) (Exhibits Ko 152, Otsu 1-Ko 19, and Otsu 1-Ko 130); "Tatebayashi City Cash Voucher" (Exhibits Ko 168, Otsu 1-Ko 37-3, Otsu 1-Ko 57, and Otsu 24); "Schedule of Wide-Area Public Bus Covering Tatebayashi City and Other Four Towns" (Exhibits Ko 162 and Otsu 1-Ko 22); and "Information from Tatebayashi City" (Exhibit Otsu 1-Ko 23).

(2) The Cited Mascot Character has been used continuously in various campaigns and PR activities, including: an event of appointment as the chief of the police station for one day (Exhibits Ko 159, Otsu 1-Ko 25-2, and Otsu 1-Ko 133); the Day of Sewage (Exhibit Otsu 1-Ko 100); tax payment campaign (Exhibits Otsu 1-Ko 126 and Otsu 1-Ko 129); COVID-19 eradication campaign (Exhibit Otsu 25); and heatstroke prevention campaign (Exhibit Otsu 26). It is also used in combination with the Cited Mark in the "Individual Number Card Image" (Exhibits Ko 166 and Otsu 1-Ko 25-4) and the leaflet titled "ふるさと納税で館林を楽しもう" (Make Hometown Tax Donations and Enjoy Tatebayashi) (Exhibit Otsu 1-Ko 21).

(3) Tatebayashi City provides information service, "ぽんちゃんの予防接種・子育て

ナビ" (Ponchan's Vaccination and Childrearing Guide) (Exhibits Ko-157, Otsu 1-Ko 12, and Otsu 1-Ko 25-7). In 2023, the city started to issue an electronic local currency, "ぽんちゃん P a y " (Ponchan Pay) (Exhibits Otsu 2(1) and Otsu 2(2)).

12. (1) In Tatebayashi City, monuments and panels of the Cited Mascot Character carrying the Cited Mark are installed in front of the station, the city hall, and stores (Exhibits Otsu 1-Ko 47 to Otsu 1-Ko 49, Otsu 1-Ko 52, Otsu 1-Ko 82, and Otsu 1-Ko 120). The Cited Mascot Character and the Cited Marks are also used for items including: the countdown board for the Inter-High School Athletic Meeting in Tatebayashi (Exhibit 1-Ko 25-10); the signboards and information boards at tourist facilities, etc. (Exhibit Otsu 1-Ko 28); signboards of construction work (Exhibits Ko 171 and Otsu 1-Ko 60); banners (Exhibit Otsu 1-Ko 63); flowerbeds (Exhibit Otsu 1-Ko 50) and play equipment (Exhibit Otsu 1-Ko 52) at parks in the city; bus service (Exhibit Ko 170 and Otsu 1-Ko 59); chartered buses of the social welfare council (Exhibit Otsu 1-Ko 62); official vehicles (Exhibit Otsu 1-Ko 63); fire hydrants (Exhibits Ko 172 and Otsu 1-Ko 61); rental bicycles, "ぽんチャリ" (Ponchari) (Exhibits Otsu 1-Ko 65 and Otsu 27); and gasholders (Exhibits Otsu 1-Ko 25-16 and Otsu 1-Ko 134). Among others, six temperature displays with panels representing Ponchan have been installed so far (Exhibits Ko 149, Otsu 1-Ko 17, Otsu 1-Ko 106, and Otsu 28), and the product in the shape of this display has been commercialized as "Tatebayashi Gacha" (capsule toys) (Exhibit Otsu 29).

(2) The Cited Mark is used for the names of the café for dementia patients and their families, "オレンジカフェぽんちゃん" (Orange Café Ponchan) (Exhibit Otsu 1-Ko 25-12), and the school lunch center, "スクールランチぽんちゃん" (School Lunch Ponchan) (Exhibits Otsu 1-Ko 25-9 and Otsu 1-Ko 127) in Tatebayashi City. At the School Lunch Ponchan, the Cited Mascot Character is used for the walls of the building, signboards, delivery cars, pamphlets, and school lunch newsletters (Exhibits Ko 147 and Otsu 1-Ko 53), and the event featuring the Cited Mascot Character, "出張スクールランチぽんちゃん" (Visit School Lunch Ponchan), is held (Exhibit Otsu 1-Ko 25-13).

13. Tatebayashi City has been distributing free of charge the manhole card (a card showing the design of the manhole cover) carrying the Cited Mascot Character and the Cited Mark (Exhibits Ko 169, Otsu 1-Ko 25-8, Otsu 1-Ko 58, Otsu 1-Ko 121 to Otsu 1-Ko 123, Otsu 1-Ko 128, and Otsu 30) since 2017, and the car registration plate carrying the Cited Mascot Character (Exhibits Ko 160, Otsu 1-Ko 56, Otsu 2(4), and Otsu 31) since 2021.

14. (1) Tatebayashi City sells LINE stamps featuring the Cited Mascot Character and

carrying the Cited Mark (Exhibits Ko 156 and Otsu 1-Ko 11), and at the tourist facilities and shopping malls in the city, it also sells original goods carrying the Cited Mascot Character and the Cited Mark, including: "ぽんちゃんポロシャツ" (Ponchan polo shirt), "ぽんちゃんピンバッチ" (Ponchan pin badge), "ぽんちゃんぬいぐるみキーホルダー" (stuffed Ponchan key chain), "ぽんちゃん缶バッチ" (Ponchan button badge), "ぽんちゃんボールペン" (Ponchan ballpoint pen), "ぽんちゃんエコバッグ" (Ponchan shopping bag), "ぽんちゃんぬいぐるみ" (stuffed Ponchan), "ぽんちゃんタオル" (Ponchan towel), "ぽんちゃんストラップ" (Ponchan phone strap), "ぽんちゃんネックストラップ" (Ponchan neck lanyard), and "ぽんちゃんクリアファイル" (Ponchan plastic sleeve) (Exhibits Ko 142 to Ko 145, Otsu 1-Ko 25-11, Otsu 1-Ko 43, Otsu 1-Ko 46, Otsu 1-Ko 76, and Otsu 1-Ko 132). The Tatebayashi Tourism Association created a name card format featuring "ぽんちゃん" and sells the printed cards to people who want them (Exhibits Ko 146, Otsu 1-Ko 44, Otsu 1-Ko 90, Otsu 1-Ko 91, and Otsu 32).

(2) Tatebayashi City's original goods carrying the Cited Mascot Character were covered in newspaper articles including those in national newspapers continuously from April 2010 to December 2022, with a statement that the Cited Mark is the nickname of Tatebayashi City's mascot character (Exhibits Otsu 1-Ko 75, Otsu 1-Ko 81, Otsu 1-Ko 83 to Otsu 1-Ko 87, Otsu 1-Ko 98, Otsu 1-Ko 99, Otsu 1-Ko 113 to Otsu 1-Ko 115, Otsu 1-Ko 119, and Otsu 29).

End