

Trademark Right	Date	August 27, 2020	Court	Intellectual Property High Court, Third Division
	Case number	2019 (Gyo-Ke) 10143		
- A case in which the court held that the JPO decision which refused the application for registration of a position trademark is not erroneous.				

Case type: Rescission of Appeal Decision of Refusal

Result: Dismissed

References: Article 3, paragraph (1), item (vi), and Article 3 paragraph (2) of the Trademark Act

Related rights, etc.: Trademark Application No. 2016-34650

Decision of JPO: Appeal against Examiner's Decision of Refusal No. 2018-8775

Summary of the Judgment

1. Plaintiff is an applicant for registration of a trademark. The trademark pertaining to the application is a position trademark, and the content of the application, after having been amended during the examination and appeal procedures, is as follows.

[The trademark for which registration is sought]



[Detailed description of the trademark]

The trademark for which registration is sought is a position trademark with a specific manner in which a mark is affixed to the product, and it consists of a figure, which is a combination of through-holes that are carved out into oval shapes and are lined up horizontally at regular intervals in the longitudinal direction on the right and left parts of the comb, respectively, except for the center, on the body of a comb having multiple extended comb-teeth. The dashed lines indicate one example of the shape of a product, and they are not constituent parts of the trademark.

[Designated goods]

Class 21 "Combs for cutting hair"

2. In the JPO decision, the JPO ruled that the Applied Trademark falls under Article 3, paragraph (1), item (vi) of the Trademark Act, and that Article 3, paragraph (2) is not applicable, and that the appeal filed by Plaintiff against the examiner's decision of refusal is groundless.

3. In the judgment of the present case, the court ruled that the JPO decision is not erroneous and dismissed the claim by Plaintiff.

(1) Concerning the distinctiveness of the constitution of the Applied Trademark (applicability of Article 3, paragraph (1), item (vi) of the Trademark Act)

A. The level of distinctiveness required of a trademark

The essential function that is required of a trademark is to function as an indicator of source for goods or service (hereinafter this function is referred to as "distinctiveness"). As such, it is interpreted that a trademark must be one which causes customers to recognize the product concerned as pertaining to a person's business, and that such function is sufficient.

It is also interpreted that the distinctiveness of a position trademark should be considered in the entirety of the trademark by comprehensively taking into consideration the mark which constitutes the position trademark and the position to which the mark is affixed.

B. Customers for the Applied Trademark

A "hair-cutting comb" refers to a comb that is used by a barber or hairdresser to cut hair or the like, so that it is presumed that the persons who are envisaged as customers by the traders, who are involved in the manufacture and sale of the product, are mostly expert professionals such as barbers and hairdressers. However, in the distribution of hair-cutting combs, purchasing the same is not particularly restricted for being goods that are exclusively used for certain services, for example by requiring certain qualifications upon purchase. Furthermore, according to evidences, hair-cutting combs are also sold to general consumers for use in trimming hair at home and the like, and it is also acknowledged that the combs that are used as beauty products are mixed with the combs that are used for general purposes, and are widely distributed through the internet and the like. As such, it can sufficiently be presumed that not only barbers and hairdressers who cut hair professionally, but also general consumers may purchase hair-cutting combs for the purpose of trimming hair for children and other members of the family.

Accordingly, in order to determine whether or not the Applied Trademark has distinctiveness, it is reasonable to envisage general consumers as the customers for the designated goods.

C. Distinctiveness of the Applied Trademark

It is believed that the combs that are used for grooming or trimming hair

are, due to the nature of being tools for use by barbers and hairdressers, valued for their functionality. Even in the actual circumstances of transaction, it is acknowledged that patterns, dents, or through-holes or the like are placed at regular intervals on the ridge of a comb for use as scale marks, or to serve the function of a grip for fingers, or to create flexibility and improve usefulness, and thus it is acknowledged the comb is actually designed to improve functionality, and that such design is actually advertised. As such it would usually be the case that the through-holes at the back of a hair-cutting comb are generally recognized as a design that is intended for improving functionality, and it cannot be said that they would be understood as constituting a feature that serves as an indicator that distinguishes the product from other goods.

The same is true of hair-cutting combs that have through-holes pertaining to the Applied Trademark. When such products are introduced, emphasis is placed on the design concerning functionality, and there is no reference as to through-holes having the function of an indicator that distinguishes the product from other goods. In that case, generally speaking, customers who come in contact with these descriptions would normally recognize the above through-holes as having been placed as a design for improving functionality, so that it is difficult to believe that the through-holes would be recognized as an indicator that distinguishes the product from other goods.

D. Summary

Based on the consideration above, it cannot be said, in light of the attention paid by general consumers who are envisaged as customers for the designated goods, that the constitution of the Applied Trademark has distinctiveness because of its constitution per se.

(2) Concerning the distinctiveness acquired through the use of the Applied Trademark (whether or not Article 3, paragraph (2) of the Trademark Act is applicable)

A. Regarding this point, the court ruled in its decision that, based on the evidences submitted in the appeal procedures, it cannot be acknowledged that the Applied Trademark has acquired, through its use, distinctiveness as a product that is manufactured and sold by Plaintiff, and this ruling does not particularly contain any error.

B. Plaintiff asserts that the Applied Trademark has acquired distinctiveness, and Plaintiff submits plenty of catalogues and the like of the product as well

as questionnaire results and written statements from hairdressers, barbers, and personnel related to vocational schools for barbers and hairdressers. Certainly, according to these evidences, it is acknowledged that the combs sold by Plaintiff are well known among hairdressers and barbers and the like, and that many of these hairdressers and barbers and the like indicate that the state of being a "comb with holes" is an indicator that distinguishes Plaintiff's product.

However, according to the above evidences, it is acknowledged that some of the combs sold by Plaintiff have through-holes that are carved out in a different number from the constitution of the Applied Trademark (Appellant's Similar Products), and the number of such combs is not few, and as described above, barbers and hairdressers rely, as an indicator of distinction, on the state of being a "comb with holes" instead of on the constitution of the Applied Trademark, which consists of through-holes that are carved out in a set of seven holes on the right and left parts of the comb, respectively, except for the center. As such, it is therefore questionable to conclude that the constitution per se of the Applied Trademark serves as an indicator that distinguishes the product from other goods. Furthermore, given that general consumers should be envisaged as the customers and traders for the products to which the Applied Trademark is affixed (as described above in (1) B), it cannot be found, based on these evidences, that the Applied Trademark has acquired distinctiveness among customers and traders in general.

Judgment rendered on August 27, 2020

2019 (Gyo-Ke) 10143 A case of seeking rescission of the JPO decision

Date of conclusion of oral argument: June 30, 2020

Judgment

Plaintiff: Kabushiki Kaisha Parkway

Defendant: Commissioner of JPO

Main text

1. Plaintiff's claim shall be dismissed.
2. Plaintiff shall bear the court costs.

Facts and reasons

No. 1 Claim

The decision rendered by the JPO on September 17, 2019 for the Case of Appeal against Examiner's Decision of Refusal No. 2018-8775 shall be rescinded.

No. 2 Outline of the case

1. History and the like of the procedures at JPO

- (1) On March 28, 2016, Plaintiff filed an application for registration of a position trademark as follows (Trademark Application No. 2016-34650).

[The trademark for which registration is sought]



[Detailed description of the trademark]

The trademark for which registration is sought (hereinafter referred to as "Trademark") is a position trademark with a specific manner in which it is affixed to the product, and it consists of a figure, which is a combination of multiple oval-shaped through-holes lined up in the longitudinal direction along the body of a comb having multiple extended comb-teeth. The dashed lines

indicate one example of the shape of a product, and they are not constituent parts of the trademark.

[Designated goods]

Class 21 "Combs"

- (2) In a written amendment dated August 7, 2017, Plaintiff made the following amendments to the detailed description of the trademark.

[Detailed description of the trademark]

The trademark for which registration is sought (hereinafter referred to as "Trademark") is a position trademark with a specific manner in which it is affixed to the product, and it consists of a figure, which is a combination of through-holes that are carved out into oval shapes and lined up horizontally at regular intervals in the longitudinal direction, respectively on the right and left parts of the comb, except for the center, on the body of a comb having multiple extended comb-teeth. The dashed lines indicate one example of the shape of a product, and they are not constituent parts of the trademark.

- (3) On March 26, 2018, the JPO issued a decision of refusal.
(4) On June 26 of the same year, Plaintiff filed an appeal against the examiner's decision of refusal (Case of Appeal against Examiner's Decision of Refusal No. 2018-8775).

During the appeal procedures, Plaintiff amended the designated goods as follows.

[Designated goods]

Class 21 "Combs for cutting hair"

- (5) On September 17, 2019, the JPO rendered a decision to the effect that "the appeal of the present case was groundless".
(6) On October 1 of the same year, Plaintiff received a certified copy of the JPO decision, and on the 29th of the same month, filed the lawsuit of the present case seeking rescission of the decision.

2. Summary of the JPO decision

(The "Appellant" as used in this section refers to the Plaintiff. Copies of "Attachment 3" to "Attachment 5" of the JPO decision are attached to this judgment, and the photographs referred to in "Attachment 3" are shown at the end of the Attachments. The word, "comb", written in hiragana characters in the JPO decision, may sometimes be written in a kanji character hereunder.)

(1) Distinctiveness of the figure of the Applied Trademark

A. The trademark pertaining to the application filed by Appellant

(hereinafter referred to as "Applied Trademark") is as follows; namely, (A) it is a position trademark which is positioned in the longitudinal direction on the right and left parts of the comb, except for the center, on the body of a comb having multiple extended comb-teeth, and (B) it consists of a figure, which is a combination of seven through-holes that are carved out into oval shapes and are lined up horizontally at regular intervals, respectively. The figure, in its entirety, gives the impression of a linear pattern, consisting of successive small oval shapes lined up horizontally in a set of seven shapes each (a total of fourteen oval shapes), except for the center.

- B. As far as its relationship in terms of the comb pertaining to the designated goods for the Applied Trademark is concerned, the act of placing various patterns and motifs as decorations at the base of comb-teeth of the body of the comb is commonly conducted in the trade, and in many cases, the method of "Sukashibori" (a carving method in which designs are created by carving out a plate, wood, or stone, etc.) is adopted for decoration (Attachment 3).

In addition, the combs that are actually manufactured and sold include ones that are decorated to give the impression, as a whole, of a linear pattern consisting of successive small dots or oval shapes (in some cases, the successive pattern may consist of small dots or oval shapes lined up horizontally on the right and left parts of the comb, with the center of the body of the comb left as a blank, or dots of a different shape being placed there), with successive small dotted patterns and oval-shaped dents and the like being placed at regular intervals in the longitudinal direction at the base of comb-teeth of the body of the comb for the purpose of serving as decorations or functions (scale marks, grip) (Attachment 4). Incidentally, Appellant's catalogue also indicates that the through-holes give flexibility to the comb, and that they are placed in such way so as to serve as a ruler that is marked at one-centimeter intervals, and that the through-holes play a functional role as well.

Furthermore, as in the case of the Applied Trademark, the combs being manufactured and sold include ones in which multiple successive through-holes are lined up horizontally at regular intervals in the longitudinal direction at the base of comb-teeth of the body of the comb. For example, there are ones in which multiple successive through-holes (seven holes on one side, and nine holes on the other side) are lined up horizontally on the

right and left parts of the comb, with the center of the body of the comb left as a blank, and there are also ones in which multiple successive through-holes (seven holes and eight holes) are lined up horizontally (Attachment 5).

- C. Given the actual circumstances of the trade as described above, the Applied Trademark, in terms of its relationship with the comb, which constitutes designated goods for the Applied Trademark, is such that it indicates a figure (linear pattern) in which successive through-holes are lined up horizontally at a position where it is common in the trade to add patterns or dents for decorative or functional purposes, and the figure, in its entirety, gives the impression of a pattern that has a decorative or functional purpose.

In that case, the Applied Trademark is such that, because of the constitution of the figure and the position, it merely gives the impression of a pattern that simply has a decorative or functional purpose to the customers pertaining to the designated goods, and thus it is difficult to find any feature that can function as an indicator of source.

- D. As described above, the Applied Trademark is deemed to be a trademark consisting of only a mark which shows, by way of the figure from among its constitution and the position, a pattern or decoration of a product in a commonly used method, and customers cannot recognize the Applied Trademark as being a product that pertains to someone's business.

(2) Distinctiveness acquired through the use of the Applied Trademark

A. Findings

- (A) Appellant manufactures and sells multiple types of combs in which a set of seven through-holes are lined up horizontally at regular intervals, in the longitudinal direction on the right and left parts, respectively, except for the center, on the body of a comb (hereinafter referred to as "Appellant's Product").

Appellant also manufactures and sells multiple types of combs having similar shapes to Appellant's Product and having more than or equal to eight through-holes placed on the right and left parts (hereinafter referred to as "Appellant's Similar Products"), respectively.

- (B) It is asserted that Appellant's Product began to be sold in 1989. A wholesaler's catalogue indicates a product called "YS-CL337" having the features of Appellant's Product (a set of seven through-holes on the right and left parts, respectively) being shown with the then-current

price of March 1, 2002.

- (C) Appellant's Product and Appellant's Similar Products are sold in Japan and overseas, and in all, approximately 170,000 to 270,000 pieces of these products were annually sold between fiscal years of 2012 and 2016.
- (D) Between 2004 and 2018, Appellant exhibited products at exhibitions for goods for hair salons and barber shops, both in Japan and overseas. Of those, Appellant exhibited products at exhibitions in Japan once in each of 2018, 2014, 2013, and 2010. Of the exhibitions in Japan, in the ones held in 2010 and 2014, it is said that a banner bearing the photograph of Appellant's Product along with Appellant's brand name, "Y.S. Park", and the like, was used, but otherwise, manners of advertisement of Appellant's Product are unknown.
- (E) Some of Appellant's Product and Appellant's Similar Products have been featured as samples of combs in books, magazines, and TV programs and the like, and they have also appeared in photographs showing the scenes in which such combs are used for cutting hair. However, there are no articles introducing Appellant's Product and no description that gives the impression that the shape of the comb constitutes an indicator of source. Furthermore, the TV programs featuring Appellant's Product introduced functional features of Appellant's Product and Appellant's Similar Products, as well as the fact that the products are made in Japan, but there does not seem to be any introduction that gives the impression that the figure, which consists of through-holes, is an indicator of source.

B. Matters for consideration

Appellant's Product, which has the features of a figure for the Applied Trademark, has been sold in Japan for 17 years or more. It seems that the sales volume, along with that of Appellant's Similar Products, has shown slight increases each year.

However, Appellant handles Appellant's Product and Appellant's Similar Products, which are similar in shape but are different in the number of through-holes, without any distinction from among the product lineups that are sold concurrently. As such, for customers coming in contact with the products, the memory concerning the number of through-holes would be distracted, and although the products will give a vague impression of a

pattern consisting of many through-holes, it is unlikely that customers would recognize or remember the products as a figure that consists of through-holes pertaining to Appellant's Product (a set of seven through-holes lined up horizontally on the right and left parts, respectively).

In addition, concerning the advertisement of Appellant's Product (or Appellant's Similar Products), no large-scale advertisement is made in media such as newspapers and magazines, and since the frequency at which Appellant exhibited products at exhibitions in Japan is as low as once in several years, and since even the manner of advertisement on such occasions is unclear, it is not clear how much contribution the advertisement had on improving the level of recognition of the figure part, which consists of through-holes pertaining to Appellant's Product.

Furthermore, in regards to the articles on Appellant's Product (or Appellant's Similar Products) in newspapers and magazines and the like in Japan, the manner of appearance of Appellant's Product (or Appellant's Similar Products) is such that the product is merely included in a photograph or video showing the manner of use at the time of cutting hair, so that it is difficult to confirm details such as the constitution or number of the through-holes, and as for some of the articles which introduce the functional features and the place of origin and the like, it is unlikely that they helped improve the level of recognition of the figure part, which consists of through-holes pertaining to Appellant's Product.

In that case, even if the actual use pertaining to Appellant's Product is taken into consideration, it cannot be acknowledged, in the Applied Trademark, that the figure part consisting of through-holes (a set of seven through-holes lined up horizontally on the right and left parts, respectively) is widely recognized among customers, and it cannot be said that the Applied Trademark has come to be recognized, as a result of use by Appellant, by customers as a product pertaining to someone's business.

- C. As described above, it cannot be said that the Applied Trademark is, because of the figure from among its constitution and the position, such that customers in Japan would be led to associate the Applied Trademark specifically with Applicant or to products pertaining to its business, or that such specific relationship would be evoked.

Accordingly, it cannot be said that the Applied Trademark is one which customers obtained by recognizing the same as a product pertaining to

someone's business.

(3) Conclusion

Based on the above, the Applied Trademark is a trademark which, even in light of the figure from among its constitution and the position as well as the actual use by Appellant, cannot be recognized by customers as goods or service pertaining to someone's business, and thus falls under Article 3, paragraph (1), item (vi) of the Trademark Act.

(omitted)

No. 5 Judgment of this court

1. Concerning the constitution of the Applied Trademark

(1) The Applied Trademark is a position trademark, and the application was filed for a "trademark provided by Order of the Ministry of Economy, Trade and Industry" as stipulated in Article 5, paragraph (2), item (v) of the Trademark Act. As such, the application form indicates "Detailed description of the trademark" (hereinafter referred to as "Detailed Description") pursuant to paragraph (4) of the same Article in addition to the drawings of the "trademark for which registration is sought" (hereinafter referred to as "Requested Drawings").

It is believed that the submission of Detailed Description is required under Article 5, paragraph (4) of the Trademark Act in light of the fact that, in the case of a position trademark, it is usually the case that the meaning of the constitution cannot be clearly and unambiguously understood from Requested Drawings alone. As such, it is interpreted that Detailed Explanation should be referred to upon considering the constitution of a trademark for which registration is sought (refer to Article 27, paragraph (3) of the Trademark Act).

(2) When the content of the Requested Drawings and the Detailed Description of the present application are considered together, the Applied Trademark is a position trademark which is positioned in the longitudinal direction on the right and left parts, except for the center, on the body of a comb having multiple comb-teeth, and consists of a set of seven through-holes that are carved out into oval shapes and are lined up horizontally at regular intervals, respectively.

From among the constitution, the meaning of a through-hole is, as per the meaning of the words in the Detailed Description of "through-holes that are

carved out", interpreted as having the meaning of the three-dimensional state of piercing through the ridge of the body of a comb. Regarding this point, Defendant asserts that a "through-hole" has a shape like a flat surface that is expressed by being outlined, but given the manner of use of the word, "like", to refer to the flat surface, it cannot be believed that Defendant is against the idea that a through-hole has the meaning of being three-dimensional, so that the above assertion by Defendant is not contrary to the understanding described above.

2. Concerning the distinctiveness of the constitution of the Applied Trademark

(1) The degree of distinctiveness that is required of a trademark

The essential function that is required of a trademark is to serve as an indicator of source for goods or service (hereinafter this function is referred to as "distinctiveness"). As such, it is interpreted that a trademark must be one which causes customers to recognize the product concerned as pertaining to someone's business, and that such function is sufficient.

It is also interpreted that the distinctiveness of a position trademark should be considered in terms of the entirety of the trademark by considering together the mark which constitutes the position trademark and the position to which the mark is affixed.

(2) Customers for the Applied Trademark

A "hair-cutting comb" refers to a comb that is used by a barber or hairdresser to cut hair or the like, so that it is presumed that the persons who are envisaged as customers by the traders, who are involved in the manufacture and sale and the like of the product, are mostly expert professionals such as barbers and hairdressers. However, in the distribution of hair-cutting combs, purchasing the same is not particularly restricted for being goods that are exclusively used for certain services; for example, by requiring certain qualifications upon purchase. Furthermore, according to evidences (Exhibits Otsu 31 to 37), hair-cutting combs are also sold to general consumers for use in trimming hair at home and the like, and it is also acknowledged that in some cases, the combs that are used as beauty products are mixed with the combs that are used for general purposes, and are widely distributed through the Internet and the like. As such, it can sufficiently be presumed that not only barbers and hairdressers who cut hair professionally, but also general consumers may purchase hair-cutting combs for the purpose of trimming hair for children and other members of the family.

Accordingly, in order to determine whether or not the Applied Trademark has distinctiveness, it is reasonable to envisage general consumers as the customers for the designated goods.

(3) Distinctiveness of the Applied Trademark

It is believed that the combs that are used for grooming or trimming hair are, due to the nature of being tools for use by barbers and hairdressers, valued for their functionality. In the actual trade, it is acknowledged that patterns, dents, or through-holes or the like are placed at regular intervals on the ridge of a comb for use as scale marks, or to serve the function of a grip for fingers, or to create flexibility and improve usefulness, and thus it is acknowledged that the comb is designed to improve functionality, and that such design is advertised (Exhibits Otsu 5 to 17). As such, it would usually be the case that the through-holes at the back of a hair-cutting comb are generally recognized as a design that is intended for improving functionality, and it cannot be said that they would be understood as constituting a feature that serves as an indicator of source.

The same is true of hair-cutting combs that have through-holes pertaining to the Applied Trademark placed thereon. When such products are introduced, emphasis is placed on factors such as the design concerning functionality; for example, the "'air suspension function (holes that are hollowed out at one-centimeter intervals on the back)' for achieving both hardness and flexibility", and there is no reference as to through-holes having the function of an indicator of source (Exhibits Otsu 23 to 25). In that case, generally speaking, customers who come in contact with these descriptions would normally recognize the above through-holes as having been placed as a design for improving functionality, so that it is difficult to believe that the through-holes would be recognized as an indicator of source.

(4) Based on the consideration above, it cannot be said, in light of the attention paid by general consumers who are envisaged as customers for the designated goods, that the constitution of the Applied Trademark has distinctiveness because of its constitution per se.

3. Concerning the distinctiveness acquired through the use of the Applied Trademark

(1) Regarding this point, the court held in the JPO decision, based on the evidences submitted in the appeal procedures, that it cannot be acknowledged that the Applied Trademark has acquired, through its use, distinctiveness as a product that is manufactured and sold by Plaintiff, and this ruling does not

contain any error in particular.

- (2) Plaintiff asserts that the Applied Trademark, as a result of its use, has come to be recognized by customers as being a product that pertains to someone's business, and Plaintiff submitted catalogues and the like of the product (Exhibits Ko 3 to 48, Ko 73, Ko 103, Ko 172 to 183, Ko 185 to 194, Ko 197 to 300) as well as questionnaire results and written statements from hairdressers, barbers, and personnel related to vocational schools for barbers and hairdressers (Exhibits Ko 77, Ko 87, Ko 333 (including branch numbers); naturally, Exhibit Ko 333 is a form indicating routine words with each person's signature and seal placed thereon, so that it must be said that its credibility is somewhat low). Certainly, according to these evidences and the like, it is acknowledged that the combs sold by Plaintiff are well-known among professional hairdressers and barbers, and that many of these hairdressers and barbers indicate that the state of being a "comb with holes" is an indicator of source for being Plaintiff's product.

However, according to the above evidences, it is acknowledged that some of the combs that are sold by Plaintiff have through-holes that are carved out in a different number from the constitution of the Applied Trademark (Appellant's Similar Products), and the number of such combs is not few, and as described above, barbers and hairdressers rely, as an indicator of source, on the state of being a "comb with holes" instead of on the through-holes that are carved out in a set of seven holes on the right and left parts of the comb, respectively, except for the center, which is the constitution of the Applied Trademark. As such, it is questionable to conclude that the constitution per se of the Applied Trademark serves as an indicator of source. Furthermore, the above questionnaire results are from barbers, hairdressers, and personnel related to vocational schools for barbers and hairdressers, so that, in light of the fact that general consumers should be envisaged as the customers and traders for products bearing the Applied Trademark (as described above in 2 (2)), it cannot be found, based on these evidences, that the Applied Trademark has come to acquire distinctiveness among customers and traders in general.

Accordingly, the above claim by Plaintiff cannot be accepted.

4. Conclusion

Based on the above, the JPO decision which held that the Applied Trademark falls under Article 3, paragraph (1), item (vi) of the Trademark Act and that paragraph (2) of the same Article is not applicable is not erroneous in its ruling,

and Plaintiff's claim pertaining to the cause for rescission is not reasonable.

Therefore, Plaintiff's claim shall be dismissed for being unreasonable, and the court renders a judgment in the form of the main text.

Intellectual Property High Court, Third Division

Presiding judge: TSURUOKA Toshihiko

Judge: UEDA Takuya

Judge: TSUNO Michinori

Attachment 3 Cases in which patterns are carved out by Sukashibori at the base of comb-teeth of the body of the comb.

(1) On the website of "Orokugushihonpo", a photograph of a comb that is decorated near the base of comb-teeth with a design carved out by Sukashibori is shown with the words, "this comb, made of Japanese box wood, is carved out by Sukashibori", in a column for introducing a product called "つげ すかし彫り 花櫛 (小) 紅葉" [Japanese box wood Sukashibori Comb decorated with artificial flowers]

<http://www.orokugushi.com/?pid=12346538>

(2) On the website of "Nagasaki Local Products Promotional Association", a photograph of a comb that is decorated near the base of comb-teeth with a design carved out by Sukashibori is shown with the words, "this model is carved out by 'Sukashibori' by a specialized craftsman", in a column for introducing a product called "[透彫り]ツゲとき櫛小判型ケースセット" [[Sukashibori] Japanese box wood Comb Set including a small-sized, ellipse-shaped case].

<https://www.e-nagasaki.com/shops/kougei/tuge/20552001/>

(3) On the website of "Wasakura-An" on "Rakuten Market", a photograph of a comb that is decorated near the base of comb-teeth with a design carved out by Sukashibori is shown in a column for introducing a product called "半月型小ぶり本つげ櫛 (くし・クシ) 小梅 (椿油仕上) 和小物" [Half-moon-shaped, small comb made of Japanese box wood Small plum blossoms (finished with camellia oil) Japanese-style small articles]

<https://item.rakuten.co.jp/wasakura-an/tugegusi-1/>

Attachment 4 Cases in which successive patterns or dents are placed at regular intervals in the longitudinal direction at the base of comb-teeth of the body of the comb.

(1) On the website of "Mapepe", a photograph of a comb in which successive dotted patterns are placed at regular intervals on the back is shown with the words,

"Useful scale marks for cutting hair: This product with scale marks is useful for cutting hair like bangs", in a column for introducing a product called "スタイリングセットコーム P" [Styling Set Comb P].

<https://www.chantilly.co.jp/product/p4901604583318/>



(2) On the website of "Rakuten Market", a photograph of a comb in which successive dotted patterns are placed at regular intervals on the back is shown in a column for introducing a product called "ホンゴ ビュープロコーム 101 ホワイト目盛入" [Hongo BeuyPro Comb 101 White With Scale marks]

<https://item.rakuten.co.jp/atbeautyplus/atbeauty-019620/>



(3) On the website of "Bitsuhan", a photograph of a comb in which successive

dotted patterns are placed at regular intervals on the back is shown with the words, "A T2 comb with cute crystal stones", in a column for introducing a product called "カーボンテーツコーム ウィズクリスタル" [Carbon T2 Comb with crystals]

<http://www.bitsuhan.com/shop/g/g00070405/>



(4) On the website of "PRIMP PRODUCT PROJECT", a photograph of a comb in which successive dents are placed at regular intervals on the back is shown with the words, "Suction ... This product will stick to your fingers in a way that is essential for cutting dried hair, and prevents your grip from side slipping", in a column for introducing a product called "ドライカットコーム" [Comb for cutting dried hair].

http://www.primp.jp/product/drycut_comb.html



(5) On the website of "PRIMP PRODUCT PROJECT", a photograph of a comb in which successive dents are placed at regular intervals on the back is shown with the words, "Designed so that fingers fit into spots, steadying all fingers", in a column for introducing a product called "ボブコーム" [Bob Comb]

http://www.primp.jp/product/bob_comb.html



Attachment 5 Cases in which multiple successive through-holes are placed at regular intervals in the longitudinal direction at the base of comb-teeth of the body of

the comb.

(1) On the website of "Amazon", a photograph of a comb in which successive oval-shaped through-holes (a set of seven holes on each side) are placed at regular intervals on the back in both directions, except for the center, is shown in a column for introducing a product called "B Blesiya 帯電防止櫛" [B Blesiya Comb for preventing static buildup].

<https://www.amazon.co.jp> (Product search available by the product name)



(2) On the website of "Yahoo! Shopping", a photograph of a comb in which successive oval-shaped through-holes seven holes on each side are placed at regular intervals on the back in both directions, except for the center, is shown in a column for introducing a product called "Healifty くし コーム" [Healifty Comb].

https://store.shopping.yahoo.co.jp/match/20190220100215-01511.html?sc_e=slga_pla

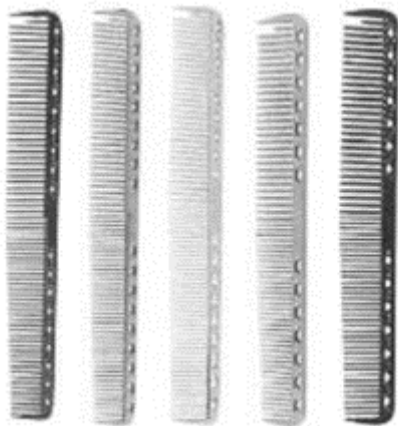


(3) On the website of "Yahoo! Shopping", a photograph of a comb in which successive oval-shaped through-holes (seven holes on each side) are placed at regular intervals on the back in both directions, except for the center, is shown in a column for introducing a product called "ROSE NICE アルミニウム製の棒の櫛セット" [ROSE NICE A set of stick-type combs made of aluminum]

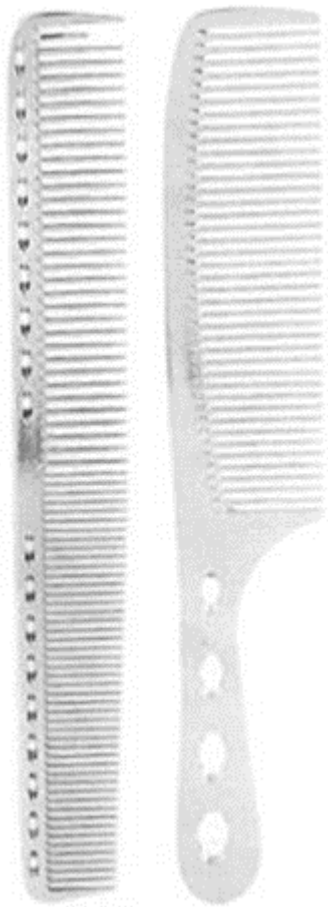
https://store.shopping.yahoo.co.jp/run-up-joy/ru07jwb9mb.html?sc_e=slga_pla



(4) On the website of "Amazon", a photograph of a comb in which successive through-holes (nine or seven holes on each side) are placed at regular intervals on the back in both directions, except for the center, is shown in a column for introducing a product called "Kesoto 5 個入り 髪の櫛" [Kesoto Five pieces Comb for hair].
<https://www.amazon.co.jp> (Product search available by the product name)



(5) On the website of "Amazon.co.jp", a photograph of a comb in which successive through-holes (nine holes on each side) are placed at regular intervals in both directions, except for the center, is shown in a column for introducing a product called "Salinr カットコーム プロ用 2 点セット" [Salinr Hair-cutting comb for professionals A set of two pieces].
<https://www.amazon.co.jp> (Product search available by the product name)



(6) On the website of "Amazon", a photograph of a comb in which successive through-holes (nine holes on each side) are placed at regular intervals on the back in both directions, except for the center, is shown in a column for introducing a product called "SM SunniMix".

<https://www.amazon.co.jp> (Product search available by the product name)



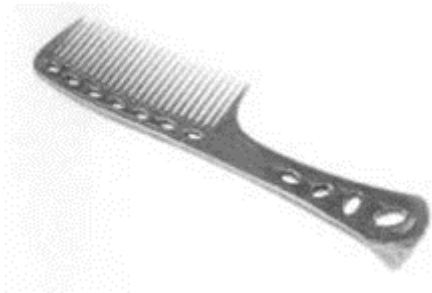
(7) On the website of "Amazon", a photograph of a comb in which successive through-holes (eight holes) are placed at regular intervals on the back is shown in a column for introducing a product called "LZROL はさんでサラ髪ストレート!ブロー&スタイリングコーム" [LZROL Hold your hair in between to straighten it! Blow & Styling Comb].

<https://www.amazon.co.jp> (Product search available by the product name)



(8) On the website of "Amazon", a photograph of a comb in which successive oval-shaped through-holes (seven holes) are placed at regular intervals on the back is shown in a column for introducing a product called "B Blesiya ヘアコーム" [B Blesiya Hair comb].

<https://www.amazon.co.jp> (Product search available by the product name)



Photographs of the combs described in Attachment 3

(1) "Tsuge gushi" [a comb made of Japanese box wood] that is shown on the website of "Orokugushihonpo"



(2) "Tsuge gushi" [a comb made of Japanese box wood] that is shown on the website of "Nagasaki Local Products Promotional Association"



(3) "Tsuge gushi" [a comb made of Japanese box wood] that is shown on the website of "Wasakura-An"

