

Trademark Right	Date	February 6, 2019	Court	Intellectual Property High Court, First Division
	Case number	2018 (Gyo-Ke) 10124		
- A case in which the court held that a trademark consisting of "envie CHAMPAGNE GRAY/アンヴィシャンパングレイ" with the designated goods of glasses and the like falls under Article 4, paragraph (1), item (vii) of the Trademark Act.				

Case type: Rescission of Trial Decision of Invalidation

Result: Dismissed

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

Number of related rights, etc.: Trademark Registration No. 5942675

Summary of the Judgment

1. The plaintiff is the trademark holder of the Trademark (designated goods: Glasses; Electronic publications; Application software in Class 9) consisting of the alphabetical letters, "envie CHAMPAGNE GRAY", and the Japanese katakana characters, "アンヴィシャンパングレイ", written in two lines with the former on top and the latter on bottom. The defendant (a corporation whose purposes of establishment include protection of interests of liquor producers in the Champagne region of France) filed a request for a trial for invalidation of the Trademark, and the JPO determined that the Trademark shall be invalidated. The present case is a suit against the above decision.
2. The court of the present case dismissed the plaintiff's claims by holding as follows.

When factors such as the configuration of the letters of the Trademark, descriptions of the designated goods, the meaning and significance which the letters, "CHAMPAGNE" or its Japanese equivalent, "シャンパン", of the Trademark would have in France, and the well-known status in Japan of the indications of "CHAMPAGNE" and its Japanese equivalent, "シャンパン", are generally taken into consideration, the use of the Trademark in its designated goods may be harmful to the public sentiment of not only the defendant who represents the interests of wine producers in the Champagne region of France but also the French people who have protected the reputation, credibility, and good name of "CHAMPAGNE (or its Japanese equivalent, 'シャンパン')", by law, thereby causing undesirable effect on the amicable relationship between Japan and France. Accordingly, it must be said that there is a high risk of violation of international fidelity and damage to the public interests of both countries.

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

Judgment rendered on February 6, 2019

2018 (Gyo-Ke) 10124 Case of Seeking Rescission of JPO Decision

Date of conclusion of oral argument: December 13, 2018

Judgment

Plaintiff: Kabushiki Kaisha Mimas

Defendant: Comité Interprofessionnel du Vin de Champagne

Main text

The plaintiff's claims shall be dismissed.

The plaintiff shall bear the court costs.

Facts and reasons

No. 1 Claims

The trial decision rendered by the JPO on July 26, 2018 for the Case of Invalidation Trial No. 2017-890086 shall be rescinded.

No. 2 Outline of the case

1. The Trademark

The plaintiff is the trademark holder of the trademark (Trademark No. 5942675; application for trademark registration filed on September 6, 2016; decision for registration issued on February 24, 2017 and registration established on April 28 of the same year; hereinafter referred to as "Trademark") indicated in the attached Present Trademark, which is registered for the designated goods of "glasses; electronic publications; application software" in Class 9.

2. Development of procedures at the JPO

- (1) On December 25, 2017, the defendant filed a demand for invalidation trial for the Trademark with the JPO on the grounds that the trademark registration is in violation of Article 4, paragraph (1), item (vii) of the Trademark Act.
- (2) The JPO examined the above demand as the Case of Invalidation Trial No. 2017-890086, and on July 26, 2018, rendered a trial decision to the effect that the "registration of the Trademark No. 5942675 shall be invalidated" (hereinafter

referred to as "Trial Decision"), as per the attached Written Trial Decision (copy), and a copy of the Written Trial Decision was delivered to the plaintiff on August 3 of the same year.

(3) On the 31st of the same month, the plaintiff, who was dissatisfied with the Trial Decision, filed the present suit.

3. Gist of reasons for Trial Decision

Reasons for the Trial Decision are as indicated on the attached Written Trial Decision (copy). In short, since the Trademark registration is in violation of the provisions of Article 4, paragraph (1), item (vii) of the Trademark Act, it shall be invalidated pursuant to the provisions of Article 46, paragraph (1), item (i) of the same Act.

4. Grounds for rescission

Judgment error pertaining to Article 4, paragraph (1), item (vii) of the Trademark Act.

(omitted)

No. 4 Judgment of this court

1. Findings

(1) Parties

A The plaintiff is a stock company whose purposes include import and export, and sale of clothing accessories as well as other daily necessities and miscellaneous goods, and sells colored contact lenses under the brand name of "envie" through its affiliate, a non-party company (Exhibits Ko 7, 16, 40, and the entire import of the oral argument).

B The defendant (Comité Interprofessionnel du Vin de Champagne (CIVC)) is a corporation having been established with the purpose of protecting the interests of liquor producers in the Champagne region of France, among other purposes. One of the activities of CIVC is to safeguard the appellation of controlled origin for "Champagne (or its Japanese equivalent, 'シャンパン')" in and outside France (the parties are not in dispute over this matter).

(2) As per the attached Present Trademark, the Trademark consists of the alphabetical letters, "envie CHAMPAGNE GRAY", and its Japanese equivalent, "アンヴィ シャンパングレイ", written in two lines with the former on top and the latter on bottom. The designated goods are "glasses; electronic publications; application software" in Class 9.

(3) About "Champagne (or its Japanese equivalent, 'シャンパン')"

The parties are not in dispute over the following facts.

A. In France, legal protection which is given over the name, "CHAMPAGNE (or its Japanese equivalent, 'シャンパン')"

(A) French Decree of June 29, 1936 concerning "CHAMPAGNE"

Article 1: The right to use the appellation of controlled origin of Champagne [geographical name] ... shall be granted only in regards to the wine produced in the regions restricted under Article 5 of the law of July 22, 1927. Only the wine produced using the grapes harvested in the production areas of Vitry-le-François, and certified by the committee ... of the administrative agency ... is entitled to be called by the appellation of controlled origin of "CHAMPAGNE".

(B) Law concerning the appellation of controlled origin (Decree of July 30, 1935)

Certification of the appellation of controlled origin

Article 20: The National Committee of Appellations of Origin for Wines and Spirits shall be established and granted the corporate status. [Pursuant to the provisions of Decree of July 16, 1947, the National Committee of Appellations of Origin for Wines and Spirits shall be the National Institute of Appellations of Origin for Wines and Spirits (INAO).]

Article 21: The INAO designates the production areas to be granted the right for the appellation and determines the various production requirements to be fulfilled by the wine and spirits which bear the appellation of controlled origin. These requirements particularly concern the production areas of wine, varieties of grapes, production output, minimum purity level of natural alcohol, cultivation method, brewing method, and distilling method.

(C) French Code Rural, Chapter III, National Institute of Appellations of Origin for Wines and Spirits/L641-5

The National Institute of Appellations of Origin for Wines and Spirits (INAO) is a public administrative agency having corporate status.

(D) European Intellectual Property Review, 1994 No. 4

The role of the INAO (Note by the court: National Institute of Appellations of Origin for Wines and Spirits) is to promote and protect the appellations of controlled origins in France and overseas. Meanwhile, the CIVIC (Note by the court: the defendant) protects the specialized interests of wine products of the Champagne region.

(E) Section on "Champagne" in "*Sekai-no-sakejiten*" (New Edition --- Dictionary of Wines of the World) (published on May 20, 1982)

The sparkling wine produced in the Champagne region of France is officially called "Vin de Champagne". While various types of sparkling wine are produced in different parts of the world, those which are called "Champagne" are limited to the sparkling wine produced in the Champagne region of France, in particular, the Premier Cru (prime locations of Montagne de Reims and Vallée de la Marne) and the Deuxième Cru (villages in the department of Marne other than the villages located in the prime locations), as stipulated by the Code of 1911.

(F)"*Meidi-Ya's Dictionary of Alcoholic Beverages --- Revised Edition*" (Published on August 1, 1988)

a. Section on "Champagne"

The term, which is used for the name of wine, derives from the name of a historical province in France called "Champagne". Today, the term is an "appellation of controlled origin", and use of the term without any adjective is only permitted for the "white" sparkling wine produced by the "Champagne method" in certain areas of the department of Marne using the grapes produced there. There is also a limit to the maximum production output, and any excessive volume must be referred to in conjunction with an adjective.

b. Section on "Appellation of controlled origin"

Qualification is required for the use of the geographical name, "Champagne", for Champagne, or "Vin de Champagne" in full name. The first law concerning the name, "Champagne" [geographical name], was enacted in 1908, and the name was "designated by law" ... Specifically, the following four requirements must be fulfilled for wine to be called "Champagne": (i) the wine must be produced in the Champagne region, (ii) the wine must be produced by the Champagne method (making wine by post-fermentation inside a bottle so that the gas generating from fermentation is sealed inside the bottle); (iii) the wine must be white .. and (iv) there is a limit to the maximum production output per year ... Before the Second World War, Japan had a history of misusing the name, "Champagne". However, as a result of losing the war and entering the Treaty of San Francisco, Japan was forced to join the Madrid Protocol, and has respected the laws of France ever since.

(G)Section on "Definition of Champagne" in "*Hajimete-no champagne & sherry*" (First-time Champagne & Sherry) (published in 1999)

The term, "Champagne", gives the impression of being a pronoun for sparkling wine, but to be exact, it refers only to the sparkling wine produced in the Champagne region of France using the traditional brewing method. "Champagne" is defined in detail by a French law on viticultural designations (Appellation d'Origine Contrôlée (AOC)). Various requirements must be fulfilled, including the use of grapes cultivated in the Champagne region, production by the traditional Champagne method, and carrying out of the entire production processes within the designated areas. Even if sparkling wine is produced by the same method as Champagne in other countries or areas, it cannot be called "Champagne".

B. Descriptions about well-known indications of "CHAMPAGNE" and its Japanese equivalent, "シャンパン" in Japan

(A) Dictionaries, etc.

- a. Section on "Champagne" in "Concise Dictionary of Katakana Words" (published on October 1, 1996)

A type of sparkling wine, good wine produced in the Champagne region in the northeastern part of France.

- b. Section on "Champagne" in "*Kojien* 6th Edition" (published on January 11, 2008)

A type of sparkling white wine. In a strict sense, it refers to the sparkling white wine produced in the Champagne region in the northeastern part of France.

- c. Section on "Champagne" in "*Yoshushojiten*" (Dictionary of Western Liquors) (published on June 15, 1981)

A general name for the sparkling wine produced in the Champagne region of France.

- d. Others

"Dictionary of French Wines & Champagne by Shinya Tasaki" (published on September 30, 1996), "Latest Edition --- The Wine & Cognac & Armagnac" (published on October 14, 1987), "The WORLD ATLAS OF WINE" (published on May 27, 1991), and "World Wine Catalogue 1999 by Suntory" (published on December 1, 1998) also describe Champagne as the sparkling wine produced in the Champagne region of France.

(B) Magazines, etc.

- a. Section on "Villages in Champagne" in "Wine *Kiko*" (Travel Book on Wines) (published on September 25, 1991) contains descriptions about the

history of Champagne and its production processes, etc.

- b. Section on "Champagne" [geographical name] in "Wines and Spirits in France" (published in 1987) contains descriptions about the Champagne region as well as about the history of Champagne and its production processes.
- c. Section on "Diversity Chart on Champagne Flavors" in "*Ryoriokoku Ichigatsugo Bessatsu (Kikan Wine Okoku No. 5)*" (Cuisine Kingdom January Issue Supplement Edition (Quarterly-Issued Wine Kingdom No. 5)) (Published on January 20, 2000)

The number of all breweries compiled by the Comité Interprofessionnel du Vin de Champagne (CIVC) amounts to 5,200. The Committee has its overseas offices in the ten top countries in terms of the highest consumption volume of Champagne, and has maintained that "only the sparkling wine produced in the Champagne region can be called 'Champagne'". Since around 1993, however, the Committee has also emphasized the point that "if there are 5,200 breweries, there are 5,200 types of Champagne".

- d. "*The Ichiryuhin Ketteiban*" (Definitive Collection of Top-Notch Products) (published between 1986 and 1989) contains the description, "Sparkling wine: Sparkly wine containing a large amount of carbon dioxide. The most famous sparkling wine is Champagne. In France, only the wine made from the grapes produced in the vineyards of the four departments of Marne, Aube, Aisne, and Seine-et-Marne is certified as authentic Champagne".
- e. Others
 - (a) "*Sekai-no-meishujiten*" (Dictionary of Famous Breweries of the World) (1980 Revised Edition, 1982-1983 Edition, 1984-1985 Edition, 1987-1988 Edition, 1990 Edition, 1991 Edition, 1992 Edition, 1993 Edition, 1994 Edition, 1995 Edition, 1996 Edition, 1997 Edition, 1998 Edition, 1999 Edition, 2000 Edition, 2001 Edition, 2002 Edition, 2003 Edition, 2004 Edition, 2005 Edition, 2006 Edition, 2008-2009 Edition, 2010-2011 Edition, 2012 Edition, 2013 Edition, 2014 Edition, 2015 Edition, 2016 Edition; all of the above having been published from May 30, 1980 until the decision for registration was issued for the Trademark), "*Kateigaho Special Selections Made in EUROPE Definitive Collection of Top-Notch Products Female Edition*" (published on

November 1, 1982), and "*Kateigaho* Editorial Female Edition Definitive Collection of Top-Notch Products 1984" (published on November 1, 1983) contain detailed descriptions about Champagne being the sparkling wine produced in the Champagne region of France, along with its history and production processes.

(b) "*Otoko-no-ichiryuhindaizukan*" (Dictionary of Men's Top-Notch Products) (1986 Edition, 1987 Edition, 1988 Edition; all of the above having been published from December 1, 1985 until when the decision of registration was issued for the Trademark) also contains descriptions of Champagne.

(c) Section on "At-A-Glance Data on Champagne" in "*Hajimete-no champagne & sherry*" (First-time Champagne & Sherry) (published in 1999) contains the description that the shipment volume from France amounted to 229,090,000 bottles (each bottle containing 750 ml; the same applies hereinafter) in 1993, and 292,460,000 bottles in 1998, with gradual increase in the meantime, and that, of the shipment volume from France to other countries in 1998, the shipment volume to Japan, which was among the top ten countries in shipment volume, amounted to 2,980,000 bottles after England, Germany, US, Belgium, Switzerland, and Italy.

(C) Newspapers

a. The Nikkei dated January 5, 1989

Under the heading, "Champagne (production area)", there is the description, "'Champagne' refers to the sparkling wine produced in the Champagne region of France".

b. The Nikkei dated June 13, 1989

Under the heading, "Booming popularity of Champagne --- 50% increase in import volume of sparkling wine (Urban NOW)", there is the description, "Pursuant to the regulations imposed by the National Institute of Appellations of Origin for Wines and Spirits" (INAO), the name 'Champagne' can be used today only for the sparkling wine produced in the Champagne region, which is the 'birthplace' of Champagne".

c. The Asahi Shimbun dated November 16, 1990

Under the heading, "Be Careful when Using Foreign Geographical Names on Products (True Face of the Uruguay Round)", there is the description, "While champagne is indispensable for making a toast at a

celebration party, there is difference between "Champagne" and "sparkling wine" in a strict sense of the word ... the former refers to the wine produced in the Champagne region of France, and the latter refers to the wine brewed in other countries and regions".

d. The Asahi Shimbun dated April 27, 1991

Under the heading, "Sparkling wine Enjoyable at a reasonable price (brochure)", there is the description, "There are detailed standards by law concerning Champagne, such as production by the in-bottle fermentation method in the Champagne region, and use of the term, 'Champagne', for the sparkling wine produced in other regions is prohibited".

e. Other newspapers also contain descriptions about Champagne referring to the sparkling wine produced in the Champagne region of France, along with its history and production processes.

(4) Applications for trademark registration of "CHAMPAGNE (or its Japanese equivalent, 'シャンパン')"

According to evidence (the evidence shown in the column of "Evidence Number" in the exhibit described later) and the entire import of the oral argument, it can be recognized that the trademarks indicated in the attached "JPO decisions, etc. concerning trademarks containing the letters, 'CHAMPAGNE' (or its Japanese equivalent, 'シャンパン')" were determined as falling under Article 4, paragraph (1), item (vii) of the Trademark Act.

2. Applicability of the Trademark to Article 4, paragraph (1), item (vii) of the Trademark Act

(1) As indicated in the attached Present Trademark, the Trademark has "glasses; electronic publications; application software" as its designated goods, and the alphabetical letters, "envie CHAMPAGNE GRAY", and its Japanese equivalent in katakana characters, "アンヴェイ シャンパングレイ", are written in two lines with the former on top and the latter on bottom. The alphabetical letters ("envie", "CHAMPAGNE", and "GRAY") and katakana characters ("アンヴェイ", "シャンパン", and "グレイ") respectively correspond to each other, and this fact is easily understandable by traders and consumers.

Next, considering the descriptions in dictionaries, magazines, newspapers, and the like as well as the media containing the descriptions, as per the above findings, the indications of "CHAMPAGNE" and its Japanese equivalent, "シャンパン", in the Trademark refer to the "sparkling wine produced in the Champagne region of France", and they refer to an appellation of controlled origin in France which can

be used only for the wine which fulfills certain requirements such as the production area, production method, and production output. Accordingly, even before issuance of the decision for registration of the Trademark, it could be recognized that in Japan, the name was widely acknowledged not only by traders but also by consumers, so much so that it gave the impression of being a pronoun for sparkling wine, let alone being the name for the sparkling wine produced in the Champagne region, and that it was a very famous indication that had the power to attract a large number of customers. Furthermore, although the applicability of Article 4, paragraph (1), item (vii) of the Trademark Act has been pointed out, considering that applications for trademarks whose configuration contains the letters, "CHAMPAGNE (or its Japanese equivalent, 'シャンパン')", or for similar trademarks have been filed for various designated goods and services, one can gather that in Japan, the above indications are not restricted to the field of goods of wine, but that they have a high level of power to attract customers from among traders and consumers.

On the other hand, of the other components which constitute the Trademark, while "envie" or its Japanese equivalent, "アンヴィ", is a French word meaning "envy", it is difficult to say that ordinary traders and consumers are familiar with this word. Also, while it can be said that another component, "GRAY", or its Japanese equivalent, "グレイ", is widely recognized as an English word or foreign word meaning "gray", when the word is unified with "CHAMPAGNE" or its Japanese equivalent, "シャンパン", thereby creating "CHAMPAGNE GRAY", or its Japanese equivalent, "シャンパングレイ", there is no evidence to sufficiently support the statement that it is indeed an expression which is widely acknowledged by the public as a word for indicating color or other meanings, although there are indeed cases in which the word is used to indicate colors in the products of the plaintiff or those of a non-party company and other companies. Moreover, there is no evidence to sufficiently recognize that the expression, "envie CHAMPAGNE GRAY", or its Japanese equivalent, "アンヴィ シャンパングレイ", which is a combined word of "envie" or its Japanese equivalent, "アンヴィ" and "CHAMPAGNE GRAY" or its Japanese equivalent, "シャンパングレイ", is widely recognized among consumers.

In light of these circumstances, it can be said that the Trademark not only generates the sound and concept of "*envie champagne gray*", but also the sound of "*champagne*" and the concept of "sparkling wine produced in the Champagne region of France".

(2) According to the above findings, it can be recognized that the parts, "CHAMPAGNE" and its Japanese equivalent, "シャンパン", of the Trademark refer to the sparkling wine produced in the Champagne region of France. In 1908, a law was established in France, legally designating the name, "CHAMPAGNE". It can also be recognized that other laws, including the law concerning the appellation of controlled origin (Decree of July 30, 1935), were later established to protect the name, "CHAMPAGNE", as an appellation of controlled origin. Specifically, only the wine which fulfills various production requirements concerning production area, varieties of grapes, production output, minimum purity level of natural alcohol, cultivation method, brewing method, and distilling method specified by the National Institute of Appellations of Origin for Wines and Spirits (INAO) which is a public administrative agency are entitled to bear the name of "CHAMPAGNE (or its Japanese equivalent, 'シャンパン')", and thus the quality of the wine products produced in the Champagne region is strictly managed and controlled. At the same time, the producers of the wine are protected, and the defendant has the duty to protect the expertise interests of its products, and engages in activities for protection of the appellation of controlled origin for "CHAMPAGNE (or its Japanese equivalent, 'シャンパン')" in and outside France. As a result of the efforts made by the defendant and other wine producers of the Champagne region, the indications of "CHAMPAGNE" and its Japanese equivalent, "シャンパン", as well as the relevant sparkling wine produced in the Champagne region, have gained and maintained status of being well known, having shaped high reputation, credibility, and good name.

In light of the circumstances described above, it can be recognized that the indication of "CHAMPAGNE (or its Japanese equivalent, 'シャンパン')" and the relevant sparkling wine produced in the Champagne region can be called cultural products of France and its people, and can be deemed to be highly important.

In addition, in Japan, at least by the time the Second World War ended and ever since, the domestic laws of France have been respected in regards to the indication of "CHAMPAGNE (or its Japanese equivalent, 'シャンパン')".

(3) When the aforementioned factors, such as the configuration of the letters of the Trademark, descriptions of the designated goods, the meaning and significance which the letters, "CHAMPAGNE" or its Japanese equivalent, "シャンパン", of the Trademark would have in France, and the well-known status in Japan of the indications of "CHAMPAGNE" and its Japanese equivalent, "シャンパン", are generally taken into consideration, the use of the Trademark in its designated

goods may be harmful to the public sentiment of not only the defendant who represents the interests of wine producers in the Champagne region of France but also the French people who have protected the reputation, credibility, and good name of "CHAMPAGNE (or its Japanese equivalent, 'シャンパン')" by law, therefore inflicting undesirable effect on the amicable relationship between Japan and France. Accordingly, it must be said that there is a high risk of violation of international fidelity and damage to the public interests of both countries.

Therefore, it should be said that the Trademark falls under Article 4, paragraph (1), item (vii) of the Trademark Act.

(4) Allegations made by the plaintiff

A. The plaintiff alleges that the term, "envie CHAMPAGNE GRAY", refers to the colored contact lenses sold by the plaintiff or a non-party company under the brand name of "envie" for contact lenses having the color of "champagne gray", and that since "CHAMPAGNE" or its Japanese equivalent, "シャンパン", is an indication of color, and since it is inseparable from the "GRAY" or its Japanese equivalent, "グレイ", for indicating color, it is unlikely that together, they would evoke any meaning other than color.

B. However, as described above, it cannot be said that "CHAMPAGNE GRAY" or its Japanese equivalent, "シャンパン グレイ", or "envie CHAMPAGNE GRAY" or its Japanese equivalent, "アンヴェイ シャンパン グレイ", is acknowledged as an inseparable expression.

Also, although there are cases in which the word, "champagne", is used to refer to color, the use consists of "champagne color (greenish yellow or yellowish brown color)" (Exhibit Ko 17), "champagne color, light yellow [greenish yellow] color / champagne (color)" (Exhibit Ko 18), "champagne color (greenish yellow or amber color)" (Exhibit Ko 19), "champagne color (greenish yellow or brownish yellow color)" (Exhibit Ko 20), and "champagne color (light yellow)" (Exhibit Ko 21), and these expressions of the color corresponding to the color, "champagne", contain variations such as "greenish yellow", "yellowish brown", and "amber", which are not always consistent, suggesting that all these terms are expressions of color with the figurative use of the word, "champagne", so to speak, so that onlookers are led to think of the sparkling wine, Champagne. This, as described above, can be considered to be another factor for ensuring that the Trademark produces the sound of "champagne" and the concept of "sparkling wine produced in the Champagne region".

Furthermore, although the plaintiff points out to the relationship with other trademarks and the actual circumstances of trademark registration in the United States, among others, none of them is directly related to the present case.

Therefore, the plaintiff's claims regarding this point cannot be accepted.

(5) Summary

From what is described above, the JPO decision to the effect that the Trademark falls under Article 4, paragraph (1), item (vii) of the Trademark Act does not contain any error, and thus the plaintiff's claims for rescission are groundless.

3. Conclusion

Accordingly, the plaintiff's request, having no grounds, shall be dismissed, and the court rules as per the Main Text.

Intellectual Property High Court, First Division

Presiding Judge: TAKABE Makiko

Judge: SUGIURA Masaki

Judge: KATASE Akira

(Attachment)

Present Trademark

envie CHAMPAGNE GRAY



アンヴィシャンパングレイ

(Attachment)

JPO decisions, etc. concerning trademarks containing the letters, "CHAMPAGNE (or its Japanese equivalent, 'シャンパン')"

(1) JPO decisions (decisions on oppositions)

Case No.	Trademark	Designated goods or services	JPO decision date	Evidence No.
Invalidation 2001-35160	Pink Champagne ピンク シャンパン	Class 25: clothing, etc.	September 15, 2004	Exhibit Otsu 75
Invalidation 2002-35301	CHAMPAGNE シャンパン	Class 14: Precious metals, etc.	September 15, 2004	Exhibit Otsu 76
Opposition 2001-90706	CHAMPAGNE SAPPHIRE シャンパンサファイア	Class 14: Precious metals; personal ornaments, etc.	December 6, 2004	Exhibit Otsu 77
Opposition 2001-90707	CHAMPAGNE TOPAZ シャンパントパーズ	Class 14: Precious metals; personal ornaments, etc.	December 6, 2004	Exhibit Otsu 78
Opposition 2001-90708	CHAMPAGNE STONE シャンパンストーン	Class 14: Precious metals; personal ornaments, etc.	December 6, 2004	Exhibit Otsu 79
Opposition 2001-90709	CHAMPAGNE GEM シャンパンジェム	Class 14: Precious metals; personal ornaments, etc.	December 6, 2004	Exhibit Otsu 80
Opposition 2001-90710	CHAMPAGNE JEWELRY シャンパンジュエリー	Class 14: Precious metals; personal ornaments, etc.	December 6, 2004	Exhibit Otsu 81
Opposition 2001-90815	CHAMPAGNE GOLD シャンパンゴールド	Class 14: Gold; gold earrings, etc.	December 6, 2004	Exhibit Otsu 82
Opposition 2001-90829	CHAMPAGNE SILVER シャンパンシルバー	Class 14: Silver; silver earrings, etc.	December 6, 2004	Exhibit Otsu 83
Opposition 2001-90830	CHAMPAGNE GARNET シャンパンガーネット	Class 14: Garnet earrings, etc.	December 6, 2004	Exhibit Otsu 84
Opposition 2001-90831	CHAMPAGNE PALLADIUM シャンパンパラジウム	Class 14: Palladium; palladium alloy medals, etc.	December 6, 2004	Exhibit Otsu 85
Opposition 2001-90832	CHAMPAGNE PLATINA シャンパンプラチナ	Class 14: Platinum; platinum earrings, etc.	December 6, 2004	Exhibit Otsu 86
Opposition 2001-90649	CHAMPAGNE CUBIC シャンパンキュービック	Class 14: Precious metals; personal ornaments, etc.	December 6, 2004	Exhibit Otsu 87

Opposition 2003-90843	DOMAINE CHAMPAGNE ドメヌ・シャンパーニュ	Class 16: Paper and cardboard; stationery; magazines; newspapers, etc.	May 18, 2005	Exhibit Otsu 88
Opposition 2005-90015	シャンパンアイ ボリ (shanpan aibori) (Standard characters)	Class 25: Clothing; footwear, etc.	March 13, 2006	Exhibit Otsu 89
Opposition 2005-90437	シャンパンフラワー	Class 35: Intermediation services for internet mail order of products	July 5, 2006	Exhibit Otsu 90
Opposition 2006-90123	Champagner (Standard characters)	Class 3: Cosmetics	January 19, 2007	Exhibit Otsu 91
Opposition 2005-90670	シャンパンローズ	Class 30: Confectionery and bread using sparkling wine produced in the Champagne region of France	March 27, 2007	Exhibit Otsu 92
Opposition 2007- 900168	 Champagne pop	Class 18: Handbag frames, etc.	April 21, 2008	Exhibit Otsu 93
Opposition 2007- 900488	シャンパン烏龍 (shanpan uron) (Standard characters)	Class 30: Oolong tea	September 9, 2008	Exhibit Otsu 94
Opposition 2009- 900015	シャンパンクリスタル CHAMPAGNE CRYSTAL	Class 3: Soaps; perfumery; cosmetics, etc.	September 29, 2009	Exhibit Otsu 95
Opposition 2008- 900455	ゴールドシャン パンの香り (gorudo shanpan no kaori) (Standard characters)	Class 5: Pharmaceutical, veterinary and sanitary preparations	January 12, 2010	Exhibit Otsu 96
Opposition 2010- 900194		Class 33: Japanese liquors	March 31, 2011	Exhibit Otsu 97
Opposition 2009- 900363	シャンパングレ イ (shanpan gurei) (Standard	Class 19: Synthetic building materials, etc.	April 14, 2011	Exhibit Otsu 98

	characters)			
Opposition 2011- 900207	独歩 シャンパンビール	Class 32: Beer brewed using Champagne yeast	March 1, 2012	Exhibit Otsu 99
Invalidation 2011- 890113	P R O M A T I Z C H A M P A G N E G O L D プ ロ マ テ ィ ス シャンパンゴールド	Class 3: Soaps; perfumery; cosmetics	June 22, 2012	Exhibit Otsu 100
Invalidation 2013- 890084	PINK CHAMPAGNE デシマジャパン株式会社	Class 30: Confectionery and bread made with sparkling rose wine produced in the Champagne region	June 23, 2014	Exhibit Otsu 101
Invalidation 2013- 890085	PINK CHAMPAGNE ベシユレジャパ ン株式会社 (beshure japan kabushiki kaisha) (Standard characters)	Class 30: Confectionery and bread made with sparkling rose wine produced in the Champagne region	June 4, 2014	Exhibit Otsu 102
Invalidation 2013- 890086	シャンパントリ ユフロゼ ベシ ユレジャパン株 式会社 (shanpan toryufu roze beshure japan kabushiki kaisha) (Standard characters)	Class 30: Confectionery and bread made with sparkling rose wine produced in the Champagne region	June 4, 2014	Exhibit Otsu 103
Opposition 2015- 900152	シャンパンフロ ーラルの香り (shanpan furoraru no kaori) (Standard characters)	Class 3: Breath freshening preparations; deodorants for animals; soaps; dentifrices; cosmetics, etc.	April 20, 2016	Exhibit Otsu 104
Invalidation 2016- 890024	シャンパンマン ゴー (shanpan mango) (Standard characters)	Class 31: Mangos	October 18, 2016	Exhibit Otsu 105

Invalidation 2016- 890035	シャンパークリ ング (shanpa kuringu) (Standard characters)	Class 33: Japanese liquors; Western liquors; alcoholic beverages of fruit; Japanese shochu-based beverages [Chuhai]; Chinese liquors; flavored tonic liquors	November 14, 2016	Exhibit Otsu 106
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(2) Applications filed with JPO

Application (examination) No.	Trademark	Designated goods or services	Date of decision for registration (JPO decision)	Evidence No.
Trademark Application No. 2004-070964	シャンパンバー チ (shanpan bachi) (Standard characters)	Class 20: Furniture	March 22, 2005	Exhibit Otsu 107
Trademark Application No. 2005-002769	パイオシャンパンティーン	Class 1: Chemicals for use in the manufacture of cosmetics	January 20, 2006	Exhibit Otsu 108
Trademark Application No. 2004-109283	シャンパンティーン CHAMPAGNETINE	Class 1: Chemicals for use in the manufacture of cosmetics Class 3: Soaps; cosmetics, etc.	June 5, 2006	Exhibit Otsu 109
Trademark Application No. 2006-051237	シャンパンチェ ア (shanpan chea) (Standard characters)	Class 20: Sofas, etc.	February 16, 2007	Exhibit Otsu 110
Trademark Application No. 2006-051889	champagne cocktail gloss シャンパンカクテルグロス	Class 3: Soaps; cosmetics, etc.	April 12, 2007	Exhibit Otsu 111

Trademark Application No. 2009-020191	シャンパンいちご大福	Class 30: Glutinous rice cake stuffed with sweet filling and containing a strawberry [Daifuku-mochi]	February 2, 2010	Exhibit Otsu 112
Trademark Application No. 2009-034822	ストロベリー & シャンパンの香り (sutoroberi ando shanpan no kaori) (Standard characters)	Class 3: Soaps; perfumery, etc.	August 25, 2010	Exhibit Otsu 113
Appeal 2009-018927	シャンパンハニージュレ (shanpan hani jure) (Standard characters)	Class 3: Cosmetics containing sparkling wine produced in the Champagne region of France	September 17, 2010 (JPO decision date)	Exhibit Otsu 114
Appeal 2009-018928	シャンパンハニージュレ (shanpan hani jure) (Standard characters)	Class 1: Chemicals for use of cosmetics containing sparkling wine produced in the Champagne region of France	September 17, 2010 (JPO decision date)	Exhibit Otsu 115
Trademark Application No. 2010-044441	XAMPAGNE シャンパン	Class 14: Personal ornaments Class 18: Bags, etc. Class 24: Labels of cloth Class 25: Clothing, etc. Class 26: Insignias for wear, etc.	December 10, 2010	Exhibit Otsu 116
Trademark Application No. 2010-025045	Pink Champagne ピンク シャンペーン	Class 31: Preserved flowers, etc.	December 28, 2010	Exhibit Otsu 117
Trademark Application No. 2010-062966	ChampagneRose シャンペンローズ	Class 3: Soaps, cosmetics, etc.	March 4, 2011	Exhibit Otsu 118
Trademark Application No.	CHAMPAGNE LOVERS シャンパーニュラバース	Class 30: Confectionery and bread	May 27, 2011	Exhibit Otsu 119

2010-076087				
Trademark Application No. 2010-093101	シャンパンアッシュ	Class 3: Soaps; cosmetics, etc.	June 17, 2011	Exhibit Otsu 120
Trademark Application No. 2010-091054	CHAMPAGNE PEACH (Standard characters)	Class 3: Soaps; cosmetics, etc.	July 1, 2011	Exhibit Otsu 121
Trademark Application No. 2012-068354		Class 43: Services for providing food and drink	May 20, 2013	Exhibit Otsu 122
Trademark Application No. 2012-086754	MODE ET JACOMO CHAMPAGNE	Class 35: Retail services or wholesale services for woven fabrics and bedding; retail services or wholesale services for clothing, etc.	March 25, 2013 (Notice of Reasons for Refusal drafted)	Exhibit Otsu 123
Trademark Application No. 2013-029868	シャンパン色のドレスを着たコニー (shanpan iro no doresu wo kita koni) (Standard characters)	Class 25: Clothing	November 15, 2013	Exhibit Otsu 124
Trademark Application No. 2013-060857	Salon de Champagne (Standard characters)	Class 43: Services for providing food and drink mostly of alcoholic beverages of fruit produced in the Champagne region and cuisines	July 25, 2014	Exhibit Otsu 125
Trademark Application No. 2013-097760	シャンパンストロベリー	Class 29: Processed vegetables and processed fruit	July 4, 2014	Exhibit Otsu 126
Trademark Application No. 2013-101567	シャンパンブック (shanpan bukaku) (Standard characters)	Class 9: Cash registers; telecommunication machines and apparatus; computers, etc.	September 26, 2014	Exhibit Otsu 127

Trademark Application No. 2014-000516	Original Champagne オリジナルシャンパン	Class 33: Liquors (other than Japanese liquors), etc. Class 35: Retail services or wholesale services for liquors (other than Japanese liquors) and wine glasses, etc.	October 17, 2014	Exhibit Otsu 128
Trademark Application No. 2014-019471	シャンパンハニー	Class 30: Cube sugar, etc. Class 31: Fresh vegetables (other than tea leaves), etc.	October 10, 2014	Exhibit Otsu 129
Appeal 2015-011193	シャンパンいちご大福🍓	Class 33: Rice cake stuffed with sweet filling [Daifuku] and a strawberry containing sparkling wine produced in the Champagne region	January 18, 2016	Exhibit Otsu 130
Trademark Application No. 2015- 036481	シャンパンフローラル (shanpan furoraru) (Standard characters)	Class 3: Anti-static preparations for household purposes, etc.	December 8, 2015	Exhibit Otsu 131
Trademark Application No. 2015-049154	きらめく恋に飛び出すシャンパンピンクの香り (kirameku koi ni tobidasu shanpan pinku no kaori) (Standard characters)	Class 3: Breath freshening preparations; cosmetics, etc.	April 8, 2016	Exhibit Otsu 132
Trademark Application No. 2015-079660	シャンパンジャグジー (shanpan jaguji) (Standard characters)	Class 11: Prefabricated bathrooms sold as a unit	August 5, 2016	Exhibit Otsu 133
Trademark Application No. 2015-088030	クリスタルシャンパン (kurisutaru shanpan) (Standard characters)	Class 11: Boilers (other than parts of prime movers, engines), etc.	June 28, 2016	Exhibit Otsu 134

Trademark Application No. 2015-092206	ディープシャンパン (dipu shanpan) (Standard characters)	Class 7: Chemical processing machines and apparatus, etc.	August 2, 2016	Exhibit Otsu 135
Trademark Application No. 2015-119792		Class 18: Bags and the like made in France; pouches and the like made in France, etc.	September 27, 2016	Exhibit Otsu 136
International Registration No. 1300722	CHAMPAGNE POP	Class 3: Cosmetics	November 2, 2017	Exhibit Otsu 137-1, Exhibit Otsu 137-2