

February 16, 2009

Via Email and Airmail
openid@openideurope.eu; antoniodossantos2@gmail.com

Mr. Antonio Dos Santos
The OpenID Europe Foundation
66, avenue des Champs Elysées,
FR 75008 Paris
France

Re: Japanese Trademark Application No. 2008-26160
Mark: OpenID (design) in class 42
Applicant: Snorri Giorgetti
Y/R:
O/R: IT2008-043

Dear Mr. Dos Santos:

Please be advised that we recently received a Notification of Reasons for Refusal regarding the above-identified application from the Japan Patent Office (JPO). Copies of the Notification are attached to the confirmation copy of this letter. A response is due on **April 27, 2009**.

The examiner provisionally rejected registration of your client's mark on the following reasons:

Reason 1: The veracity of use or intention of use of the trademark in regard to the services in class 42 is doubted, since the designation of services ranges widely and these services belong to different fields from each other. Thus, it is sort that this application does not conform to the requirement as provided in the main paragraph of Section 3 (1) of the Trademark Law.

However, this does not apply where the use or intension of use of the trademark would be ascertained by next (i) or (ii).

(i) To prove that the applicant is carrying out business connected with the designated goods or services in Japan by submitting some documents such as newspapers, catalogs, business documents etc.

(ii) To prove that the applicant is planning to start to use the trademark connected with the designated goods or services in Japan within 3 to 4 years from the filing date by submitting a written declaration of use of the trademark and documents stating his/her business preparation status, when to start to use the trademark and what goods or services the trademark will be used for.

Reason 2: (1) The below listed services are unclear and inappropriately described. It is necessary to explain the services in detail and if necessary, to amend the description of services or delete the services.

1. "Industrial analysis and research services"
2. "Computer network services"
3. "Design and development of computer hardware and software, equipment and facilities in the field of information technology, including restoration of brands and licenses approval"
4. "Authentication of the identity and/or a digital signature in a transaction or an electronic message"
5. "Issuance of certificates and seals of compliance and services related to the certification of conformity to standards, standards and other regulatory documents national and international products, systems and management personnel"

6. "Recovery database"
7. "Internet services"
8. "Computer services"
9. "Hosting of databases"

(2) The description of services "location of web servers" is unclear and inappropriately described. The examiner suggested that the above description of services should be amended to either following 1 or 2:

1. "Installation of internet servers" in class 37
2. "Rental of web servers" in class 42

(3) The description of services "integration and maintenance of computer software" is unclear and inappropriately described. The examiner suggested that the above services should be amended to read "integration of computer systems".

(4) The description of services "development, maintenance and updating of a telecommunication network search engine" is unclear and inappropriately described. The examiner suggested that the above services should be amended to either following 1 or 2:

1. "Providing search engines via internet" in class 42
2. "Design, development, maintenance and updating of computer programs for a network search engine via internet" in class 42

(5) The description of services "protection of online computer networks against access by unauthorized third parties" is unclear and inappropriately described. The examiner suggested that the above services should be amended to read "providing computer programs for protection of computer systems and computer network security against illegal access".

(6) The description of services "security services" is unclear and inappropriately described. The examiner suggested that the above services should be amended to read "providing security programs for computer networks".


(7) The description of services "service protection against viruses" is unclear and inappropriately described. The examiner suggested that the above services should be amended to read "providing computer programs for protection against viruses".

(8) The description of services "online monitoring" is unclear and inappropriately described. The examiner suggested that the above services should be amended to read "online remote monitoring services of computer systems".

(9) The description of services "certification services" is unclear and inappropriately described. The examiner suggested that the above services should be amended to read "certification of users on the internet, e-mails or other communication networks".

Please let us know if you agree to the amendment of the description of services as the examiner suggested. Also, please provide us with explanations of the services listed in 2 (1) in detail and a copy of your client's products catalogs, if available. Please provide us with your instructions **by April 10, 2009**. If you have any questions, please feel free to contact us.

Very truly yours,



Kanako YASHIRO (Ms.)
Patent Attorney
Hiroe and Associates

Encls.: Copies of Notice of Reasons for Refusal
cc: Takenori HIROE