



INTELLECTUAL PROPERTY
OFFICE OF SINGAPORE

Trade Marks Training Workshop for Trade Mark Prosecutors

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OFFICE OF SINGAPORE

Translation and Transliteration

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Relevant Legislation

Trade Marks Rules

Translation and transliteration

- 20.** —(1) Where a trade mark contains or consists of a word or words in characters other than Roman or in a language other than English, there shall, unless the Registrar otherwise directs, be endorsed on the application form —
- (a) a translation in English to the satisfaction of the Registrar and, if the case requires, a transliteration in English to the satisfaction of the Registrar, of the word or words; and
 - (b) the language to which the word or words belong.
- (2) The Registrar may at any time require a copy of the translation or transliteration, certified or verified to the satisfaction of the Registrar, to be filed with the Registrar.

Introduction

What is “translation”?

- The meaning of the foreign words/characters

What is “transliteration”?

- The pronunciation of the foreign words/characters
- Examples:
 - Chinese characters => Hanyu Pinyin
 - Japanese characters => Romanji

Introduction

When is translation required?

- Translation is required when a mark contains non-English words or characters.

Why is translation and transliteration important?

- Included in mark indexing and will affect the picking up of similar marks in search reports generated
- Aid examiners in understanding the meaning of the foreign words to
 - determine whether the mark is distinctive, descriptive, deceptive or generic, and
 - for comparing similar marks for likelihood of confusion
- Useful for third parties inspecting the register

Acceptable Translation and Transliteration documents

- Certified translations from translation companies
- Photocopy extracts from dictionary (to indicate source)
- Print-outs from online translation websites
- Translation documents not done by professional translators have to meet the following conditions:
 - Name, designation, address of translator
 - Translator declare that he/she is proficient in English and the relevant language
 - Translator declare that the translation given is accurate/true
 - Signature and date

Circulars on Translation and Sample Translation Document

TM Circulars

- Change in practice relating to the translation of non-English words
 - (Circular No [7/2013](#), dated 11 Oct 2013)
- Translation of Non-English words
 - (Circular No [3/2012](#), dated 9 Nov 2012)
- Translation of Non-English words
 - (Circular No [17/2007](#), dated 7 May 2007)

Sample document for Translation and Transliteration

- TM Resources on IPOS website
 - (Link: <https://goo.gl/2t5JQO>)

Some Useful Translation Websites

General translation websites	Link
Google Translate	http://translate.google.com/#auto en
WordReference.com	http://www.wordreference.com/
Reverso Translation	http://www.reverso.net/text_translation.aspx?lang=EN
Babylon Translation	http://translation.babylon-software.com/

Some Useful Translation Websites

Chinese translation websites	Link
MDBG	https://www.mdbg.net/chindict/chindict.php
YellowBridge	http://www.yellowbridge.com/chinese/chinese-dictionary.php
Zdic.net <i>*To check for ancient Chinese characters</i>	http://sf.zdic.net/

Some Useful Translation Websites

Japanese translation websites	Link
Jisho	http://jisho.org/
Romaji Desu	http://www.romajidesu.com/translator
LEXILOGOS Japanese Dictionaries	http://www.lexilogos.com/english/japanese_dictionary.htm

Some Useful Translation Websites

Korean translation websites	Link
zkorean	http://www.zkorean.com/english-korean-dictionary
NAVER English Dictionary	http://endic.naver.com/?sLn=en
NAVER Translate	http://translate.naver.com/#/ko/en
Glosbe	https://glosbe.com/ko/

Indication in Form TM4

- To fill up Part 4G of the Form TM4 and upload translation (and transliteration) document

PART 4G	
Derivations of the Word(s) in Marks	<p>Provide the derivation of the word(s). If it is a coined word and does not have any meaning in the trade/industry, state so.</p> <div style="border: 1px solid #ccc; height: 40px; width: 100%;"></div>
English Translation/Transliteration	<p>If the mark contains or consists of non-English word(s) and/ or non-Roman character(s), provide the English translation and/ or transliteration as follows and attach translation and/ or transliteration either by a certified translator or from dictionary.</p> <div style="text-align: right;">Remove Add</div>
Certified Translation/Transliteration	<p>Allowable file size : 100 MB, current file size : 0.00 MB There are no uploaded files.</p> <div style="text-align: right;">Remove Add</div>

Indication in Form TM4

- To fill up Part 4G of the Form TM4 and upload translation (and transliteration) document

Romanised Character/Non-Romanised Character

For marks incorporating non-Romanised characters

The applicant has advised that the character(s)

appearing in the mark may be transliterated as:

has no meaning

may be translated into English as

For marks incorporating Romanised words

The applicant has advised that the English translation of the word(s)

appearing in the mark :

has no meaning

is

Cancel OK

Examination Workflow

Examiners will:

1. Check whether there are foreign words/characters in the mark
2. Conduct online search of the meaning of the foreign words/characters
3. Check whether the applicant has filled up Part 4G in Form TM4

Endorse clause if

Translation and transliteration document is in order

There is no translation and transliteration document but the applicant's proposed translation and transliteration tallies with our findings

Raise objection if

No indication of foreign words/characters in Part 4G

No or incomplete translation/transliteration document or proposed translation and transliteration by applicant

Translation/transliteration document or proposed translation and transliteration by applicant does not tally with our findings

Examination

- We will not require translation of a mark in a remote language.
 - Example: Icelandic, Yiddish.
- Translation is not required for Latin words, as Latin is a defunct language.
 - Example: “Aqua” (water), “Inter alia” (among other things).
- If we disagree with the translation submitted, we may present our findings for the applicant’s consideration.
- Please inform us if you wish to refer to a translation document that had been submitted for a prior registration with the same foreign term.

Amendment

Description of Amendment	Form TM27 required?
Insertion of translation/transliteration clause (Where there is <u>no</u> indication in Form TM4 that the mark contains/consists non-English words)	Yes
Amendment of translation clause, confirmation of translation clause, request for translation documents etc (There must be <u>some</u> indication in Form TM4 that the mark contains/consists non-English words)	No

Endorsing Translation Clauses – General Practices

For mark containing foreign Romanised words

→ only translation would be required (transliteration not required)

Romanised languages

- Translation clause takes the following format:
 - The %s words in the mark mean %s.

La Vallée

The French words "La Vallee" in the mark mean "The Valley".

Endorsing Translation Clauses – General Practices

For mark containing foreign non-Romanised characters

→ translation and transliteration would be required

– Example: Chinese, Japanese, Korean, Arabic, Tamil, Cyrillic, Thai, etc.

Non-Romanised languages

- Translation clauses take the following format:
 - The transliteration of the %s characters in the mark is %s meaning %s.
 - The transliteration of the %s characters in the mark is %s which has no meaning.

华文

The transliteration of the Chinese characters in the mark is “Hua Wen” meaning “Chinese Language”.

Endorsing Translation Clauses – General Practices

- If a trade mark is made of portion which has no meaning and another portion which refers to the name of a legal entity, country/city/place, indicates any goods/services (regardless if they are the subject goods or services), the translation clause should be broken up accordingly to indicate the part which has no meaning and in respect of the part which has a meaning, what the meaning is.
(Reference: Circular No. 7/2013, dated 11 October 2013)

Subject Mark	Class	Goods/Services claimed	Translation Clause Endorsed
大中服务器 (Note: "大中" has no meaning, and "服务器" refers to "computer servers")	9	Computers; computer software; computer hardware.	The transliteration of the Chinese characters in the mark is "Da Zhong" which has no meaning and "Fu Wu Qi" meaning "Computer servers".
	25	Clothing, footwear, headgear.	

Endorsing Translation Clauses – General Practices

- We will endorse separately the portion of the foreign words which indicate any goods or services:

南洋千里追风油

Class 05

Medicinal oils; oils adapted for medical use; oils adapted for pharmaceutical purposes; ointments for pharmaceutical purposes; balms for medical purposes; herbal medicine; all included in Class 5.

- The transliteration of the Chinese characters in the mark is “Nan Yang” which is Southeast Asia, “Qian Li Zhui Feng” which has no meaning and “You” meaning “Oil”.

*Note: There is no listing of the term “风油” in the dictionary, but searches reveal a common and formal term being “风油精” or “驱风油”.

Endorsing Translation Clauses – General Practices

- If the non-English characters in the mark have no meaning as a whole, or contain a portion which has no meaning, we will also accept the translation of each individual non-English character.

Example:

宝和堂

These translation clauses are acceptable:

- The transliteration of the Chinese characters in the mark is “Bao He Tang” which has no meaning.
- The transliteration of the Chinese characters in the mark is “Bao” meaning “Treasure”, “He” meaning “Together With” and “Tang” meaning “Hall”.

Endorsing Translation Clauses – General Practices

- If there are foreign words/characters in **multiple languages** appearing in the mark, we will endorse translation clauses for all these foreign words/characters.



1) The transliteration of the **Chinese** characters in the mark is "Wu Jia" which has no meaning.

2) The transliteration of the **Korean** characters in the mark is "Ogada" meaning "Five Beautiful Tea" or "Come and Go".



1) The transliteration of the **Chinese** characters in the mark is "Ji Xiang" meaning "Auspicious".

2) The **Malay** words "Cap Limau" in the mark mean "Lime Mark".

Endorsing Translation Clauses - Foreign Word Found in English Dictionary

If foreign word can also be found in English dictionary:

- No translation required

Example:

BISTRO COFFEE & CAKE

- No translation required for “Bistro” since it is also found in English dictionary.

Endorsing Translation Clauses - Translating Non-Trade Mark Matters

- Non-trade mark matters are non-distinctive elements which are not indicators of origin (eg. ingredients, nutritional information, capacity/weight)
- We will generally only endorse a translation clause for non-trade mark matters which are overwhelming, as shown in the following example:

Endorse a translation

玛丽猪熊牌巧克力

Mary Piggy Bear

CHOCOLATE

Ingredients:
Permeated food stabiliser, cocoa powder, cocoa butter, sugar, food colouring, milk, artificial flavouring.

营养成分表:
可可粉, 可可脂, 糖, 食用色素, 牛奶, 人工香料。

Nutrition Facts	
Serving Size	
Amount Per Serving	
Calories 206	
	% Daily Values*
Total Fat 12g	18%
Saturated Fat 8g	40%
Trans Fat 0g	
Sodium 13mg	1%
Total Carbohydrate 29g	10%
Dietary Fiber 3g	12%
Sugars 19g	
Protein 0g	0%

Instructions to consume:
Please consume within 72 hours upon opening. Children are limited to 2 blocks for every hour.

温馨提示:
请在开放后72小时内使用。儿童每小时限制2块。

Mary Piggy Bear

纽西兰制

No need translation for fine prints

Endorsing Translation Clauses - Translating Stylised Characters



The transliteration of the Chinese characters in the mark is “Shu” meaning “Tree” and “Niu” meaning “Bull”.

Endorsing Translation Clauses - Translating Stylised Characters

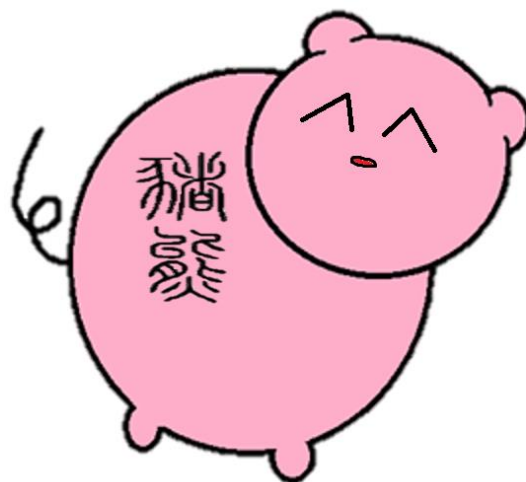


- There is no such character “囍” in the Chinese dictionary.
- We will endorse the following translation clause:

The ligature of the Chinese character “Xi” in the mark means “Double Happiness”.

Endorsing Translation Clauses - Translating Ancient Chinese Characters

- Translation documents lodged should show that the ancient Chinese characters indeed correspond to the simplified or traditional Chinese characters



The transliteration of the ancient Chinese characters in the mark is “Zhu” meaning “Pig” and “Xiong” meaning “Bear”.

Endorsing Translation Clauses - Translating Ancient Chinese Characters



Example of a workaround of how translation documents for ancient Chinese characters can be lodged with us:

(1) Provide Ancient Chinese to Simplified Chinese characters document

and

(2) Provide Simplified Chinese to English translation document

<http://www.zitizhuanhuan.com/guziti>

Original Text	Simplified Pinyin	English definition	Traditional HSK
猪	猪 zhū	hog / pig / swine / CL: 口, 頭 头	豬 HSK 4
熊	熊 Xióng	surname Xiong	
	熊 xióng	bear / to scold / to rebuke / brilliant light / to shine brightly	

<https://www.mdbg.net>

➤ The transliteration of the ancient Chinese characters in the mark is “Zhu” meaning “Pig” and “Xiong” meaning “Bear”.

Endorsing Translation Clauses - Translating Names in Marks

- We will treat names as having no meaning:

迪耳 · 马琦

The transliteration of the Chinese characters in the mark is “Di Er” and “Ma Qi” which have no meaning.

Endorsing Translation Clauses - Translating Name of Places

Translation clauses for name of places take the following format:

- The transliteration of the %s characters in the mark is %s which is %s.

カム！ 北海道！
Come! Hokkaido!

✗ The transliteration of the Japanese characters in the mark is “Kamu Hokkaido” meaning “Come Hokkaido”.

✓ The transliteration of the Japanese characters in the mark is “Kamu” meaning “Come” and “Hokkaido” which is a prefecture in Japan.

Endorsing Translation Clauses - Translating Name of Places

More examples

- The transliteration of the Japanese characters in the mark is “Hokkaido” **which is a prefecture in Japan.**
- The transliteration of the Chinese characters in the mark is “Pu Tian” **which is a city in Fujian, China.**
- The transliteration of the Chinese characters in the mark is “Ji Zhou Dao” **which is Jeju Island, a province of South Korea.**
- The transliteration of the Chinese characters in the mark is “Zheng Hua” **which is the old name of Bukit Panjang, a town in Singapore.**

[source: http://en.wikipedia.org/wiki/Bukit_Panjang]

Endorsing Translation Clauses - Where Foreign Words/Characters Have Multiple Transliterations and/or Translations

麒麟

We allow for both translation clauses to be endorsed:

- 1) The transliteration of the Chinese characters in the mark is “Qi Lin” meaning “Mythical Creature”.
- 2) The transliteration of the Japanese characters in the mark is “Ki Rin” meaning “Mythical Creature”.

Endorsing Translation Clauses - Where Foreign Words/Characters Have Multiple Transliterations and/or Translations

乐歌

The transliteration of the Chinese characters in the mark is "Le Ge" or "Yue Ge" which has no meaning.

THANK YOU

Q & A