Trade Marks Training Workshop for Trade Mark Prosecutors

14 & 16 November 2016

Brought to you by the Registry of Trade Marks, IPOS
Translation and Transliteration

Vivis Tan (Registry of Trade Marks)
14 & 16 November 2016
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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
Introductory

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

<table>
<thead>
<tr>
<th>General translation websites</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>Google Translate</td>
<td><a href="http://translate.google.com/#auto">http://translate.google.com/#auto</a></td>
</tr>
<tr>
<td>WordReference.com</td>
<td><a href="http://www.wordreference.com/">http://www.wordreference.com/</a></td>
</tr>
<tr>
<td>Reverso Translation</td>
<td><a href="http://www.reverso.net/text_translation.aspx?lang=EN">http://www.reverso.net/text_translation.aspx?lang=EN</a></td>
</tr>
<tr>
<td>Babylon Translation</td>
<td><a href="http://translation.babylon-software.com/">http://translation.babylon-software.com/</a></td>
</tr>
</tbody>
</table>
Some Useful Translation Websites

<table>
<thead>
<tr>
<th>Chinese translation websites</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>MDBG</td>
<td><a href="https://www.mdbg.net/chindict/chindict.php">https://www.mdbg.net/chindict/chindict.php</a></td>
</tr>
<tr>
<td>YellowBridge</td>
<td><a href="http://www.yellowbridge.com/chinese/chinese-dictionary.php">http://www.yellowbridge.com/chinese/chinese-dictionary.php</a></td>
</tr>
<tr>
<td>Zdic.net</td>
<td><a href="http://sf.zdic.net/">http://sf.zdic.net/</a></td>
</tr>
</tbody>
</table>

*To check for ancient Chinese characters*
Some Useful Translation Websites

<table>
<thead>
<tr>
<th>Japanese translation websites</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jisho</td>
<td><a href="http://jisho.org/">http://jisho.org/</a></td>
</tr>
<tr>
<td>Romaji Desu</td>
<td><a href="http://www.romajidesu.com/translator">http://www.romajidesu.com/translator</a></td>
</tr>
</tbody>
</table>
## Some Useful Translation Websites

<table>
<thead>
<tr>
<th>Korean translation websites</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glosbe</td>
<td><a href="https://glosbe.com/ko/">https://glosbe.com/ko/</a></td>
</tr>
</tbody>
</table>
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 | 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. |
| English Translation/Transliteration | 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. |
| Certified Translation/Transliteration | Allowable file size: 100 MB, current file size: 0.00 MB. There are no uploaded files. |
Indication in Form TM4

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

<table>
<thead>
<tr>
<th>Insertion of translation/transliteration clause</th>
<th>Form TM27 required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Where there is <strong>no</strong> indication in Form TM4 that the mark contains/consists non-English words)</td>
<td>Yes</td>
</tr>
<tr>
<td>Amendment of translation clause, confirmation of translation clause, request for translation documents etc</td>
<td>No</td>
</tr>
<tr>
<td>(There must be <strong>some</strong> indication in Form TM4 that the mark contains/consists non-English words)</td>
<td></td>
</tr>
</tbody>
</table>
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”.

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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)

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

(Note: "大中" has no meaning, and "服务器" refers to "computer servers")
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:

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”.

宝和堂
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 (e.g. 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

No need translation for fine prints
The transliteration of the Chinese characters in the mark is “Shu” meaning “Tree” and “Niu” meaning “Bull”.
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”.
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

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

http://www.zitizhuanhuan.com/guziti

https://www.mdbg.net
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.

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.

カム！ 北海道！
Come！ Hokkaido！
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.

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

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”.

麒麟
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