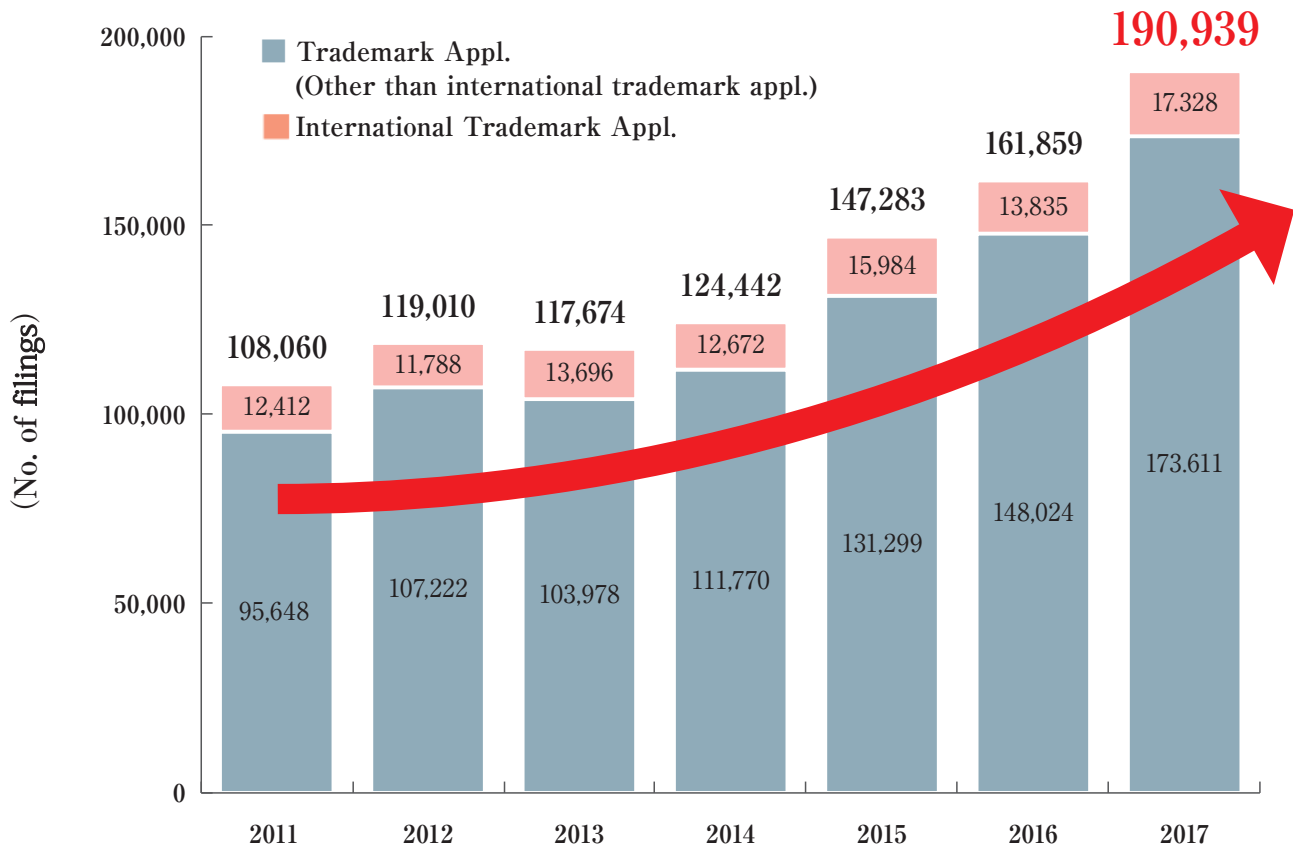


Trademark Updates in Japan

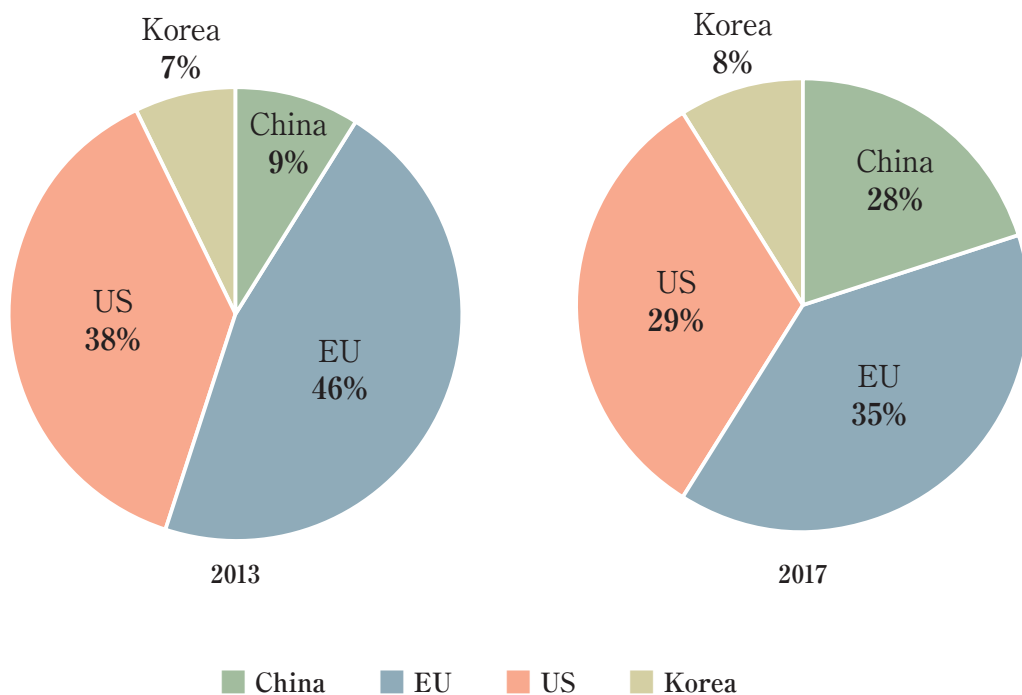


JAPAN PATENT OFFICE

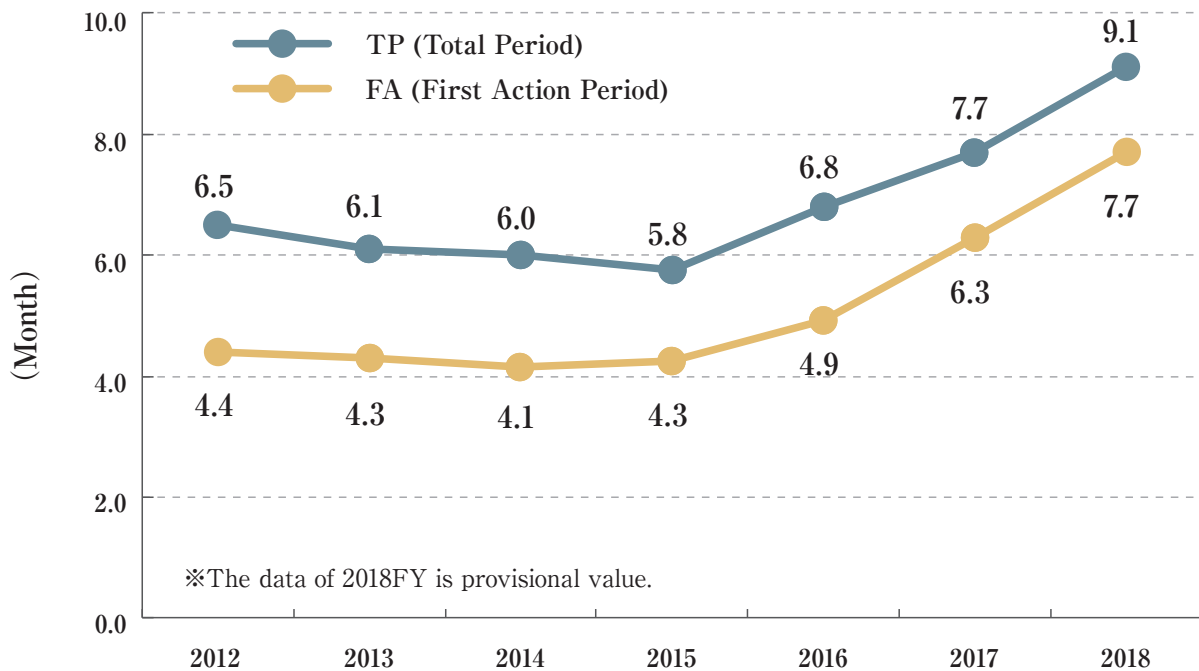
Number of filings to register trademarks in Japan



Percentage of filings by foreign applicants to register trademark



In recent years, the number of trademark applications filed in Japan has been increasing every year, and reached a record high of around 190,000. The examination pendency for trademark applications at the Japan Patent Office (JPO) has been directly affected by the increase in filings. In 2014, the first action (FA) pendency was 4.1 months. However, by 2017 the FA had increased to 6.3 months. Also, the total pendency (TP) had increased to 7.7 months by 2017.



As ways to shorten the examination pendency, the JPO has outsourced and computerized examination processes, as well as increased the number of assistants for examiners.

■ Accelerated Examinations

The JPO conducts accelerated examination on trademark applications free of charge for applicants that need to acquire rights sooner. However, there are certain requirements for accelerated examination, for example, the filed trademarks need to be either already in use or have been prepared to a considerable extent to be used. In addition, applicants need to submit requests for accelerated examination. The average FA period of accelerated examination was **1.8 months** (in 2017) from the date that accelerated examination was requested.

https://www.jpo.go.jp/e/system/trademark/shinsa/outline_accelerated_trademark.html

■ Fast-Track Examinations

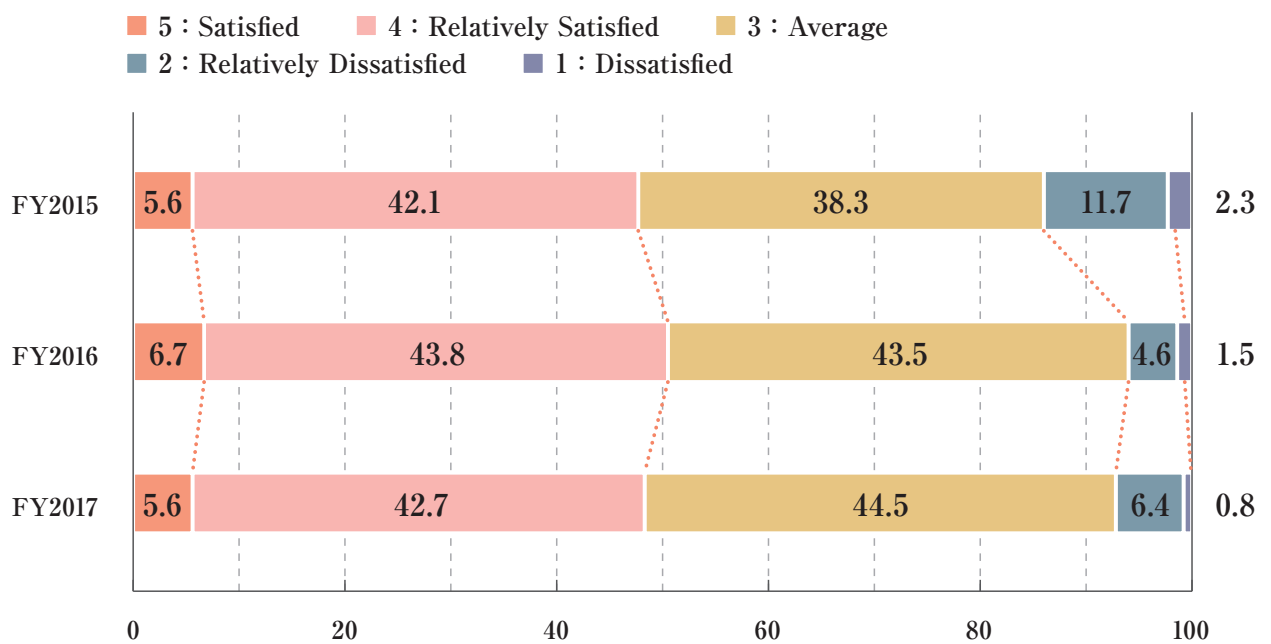
Under fast-track examination, if goods and/or services designated in trademark applications meet certain requirements, the first notices of examination results will be issued around **2 months earlier than regular applications**. This requires neither additional requests nor fees.

https://www.jpo.go.jp/e/system/trademark/shinsa/shohyo_fast_e.html

QUALITY

The JPO implements three, major initiatives to ensure quality management. They are quality assurance, verification, and evaluations. Quality assurance includes quality checks and approvals by directors, consultations among examiners, the utilization of check sheets by examiners, and developing human resources. Quality verification includes quality audits, user-satisfaction surveys, and discussions between the examination and appeals departments. Evaluations, along with recommendations for improving quality management, are conducted by third parties.

Results of the User-Satisfaction Survey (FY2017)



Non-traditional Trademarks

Percentage of filings for and registrations of non-traditional trademarks

	Total	Sound	Color	Position	Motion	Hologram	3D
Filings	8,695(1,125)	624(1)	528(2)	436(22)	154(3)	19(0)	6,934(1,097)
Registrations	3,512(377)	251(0)	7(0)	69(11)	100(1)	12(0)	3,073(365)

(As of the end of November 2018)

【Position Mark】



Registration No. 6034112

【3D Mark】



Registration No. 6031041

【Color Mark】

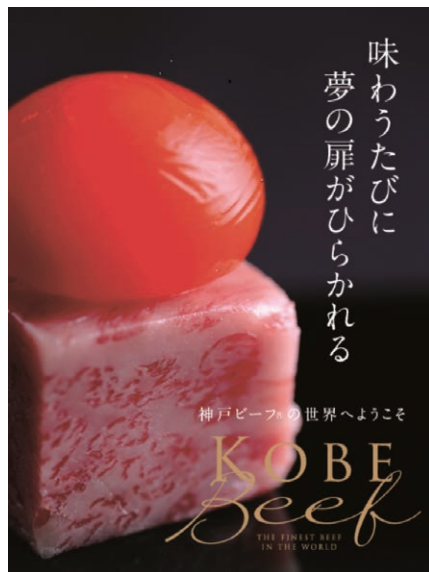


Registration No. 5933289

Regional Collective Trademarks

Regional collective trademarks are trademarks that consist of regions' names and the names of goods (and/or services) particular to the respective regions. They are registered by associations affiliated with the regions, who intend to let their members use the trademarks, as long as the trademarks have become well known in a certain area.

Registration No. 5068214
「神戸ビーフ」(Kobe Beef)



Registration No. 5069264

横濱中華街 (Yokohama Chinatown)



■ The Logo Mark of Regional Collective Trademarks

The logo to right, which was launched in January 2018, is used to identify local specialties as those that have been registered under the regional-collective-trademark system. It was created to raise awareness of the system.

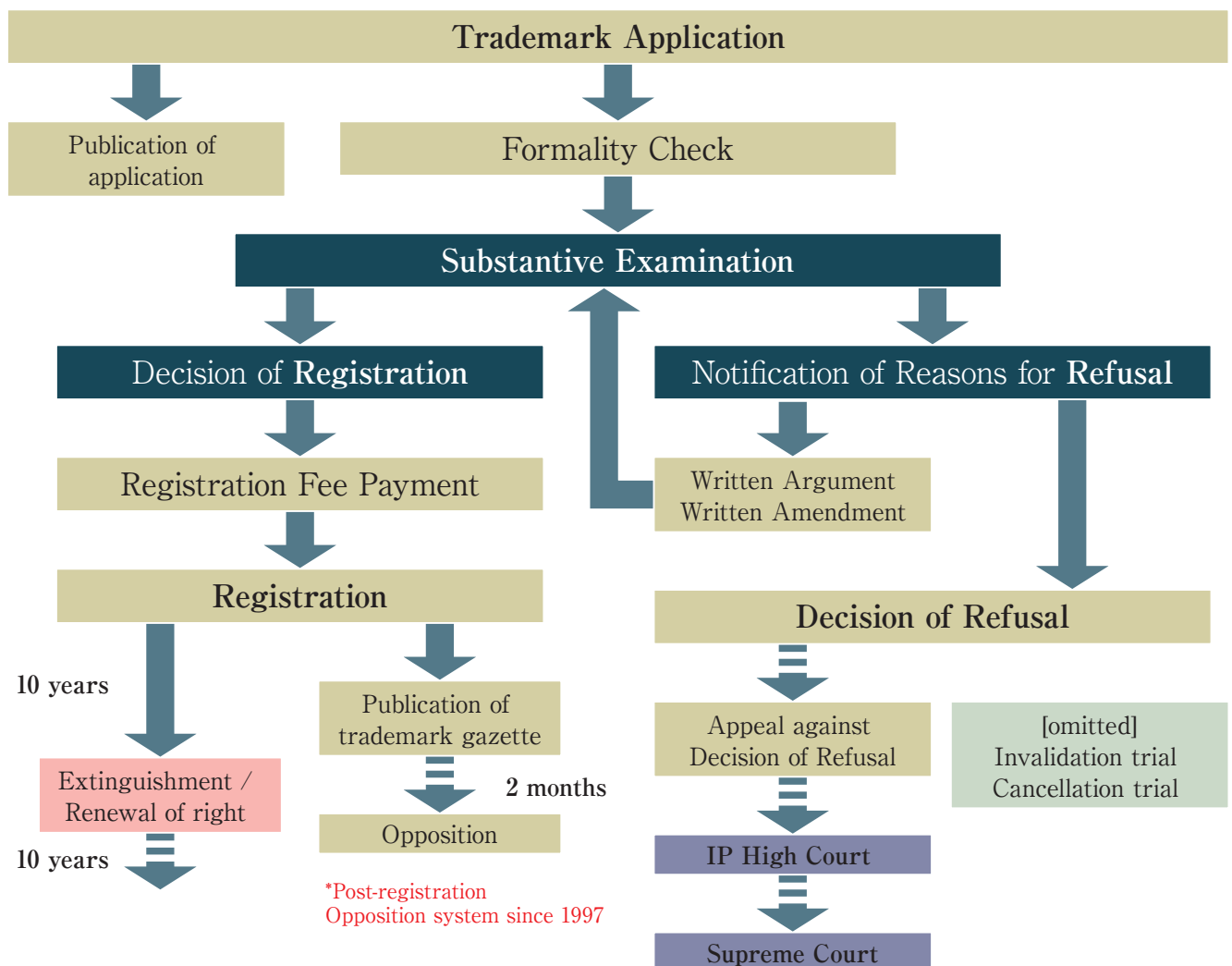


Protection of Well-known Trademarks

The Japanese Trademark Act protects well-known trademarks that are recognized to be well known among consumers in Japan or abroad. There are a number of applicable provisions to protect well-known trademarks. For example, any trademarks which is identical with, or similar to, a trademark which is well known among consumers in Japan or abroad as that indicating goods or services pertaining to a business of another person, if the trademark is used for unfair purposes, cannot be registered (Article 4(1)(xix)).

EXAMINATION FLOW

After completing formality checks, examiners conduct substantive examination. If they find no reasons for refusal, they will send a “Decision of Registration” to the applicant, and the trademark will be granted exclusive rights after the applicant pays the applicable registration fee. In the event that there are reasons for refusal, the examiners notify the applicant of reasons and give opportunities for the applicant to make corrections and give opinions to overcome the refusal. If not resolved, the application will be refused. The applicant, in this situation, can appeal to reverse the examiner’s decision.



Japan Patent Office, Ministry of Economy, Trade and Industry
Trademark Division

3-4-3 Kasumigaseki, Chiyodaku, Tokyo 100-8915, Japan
JPO Website: <https://www.jpo.go.jp/e/index.html>