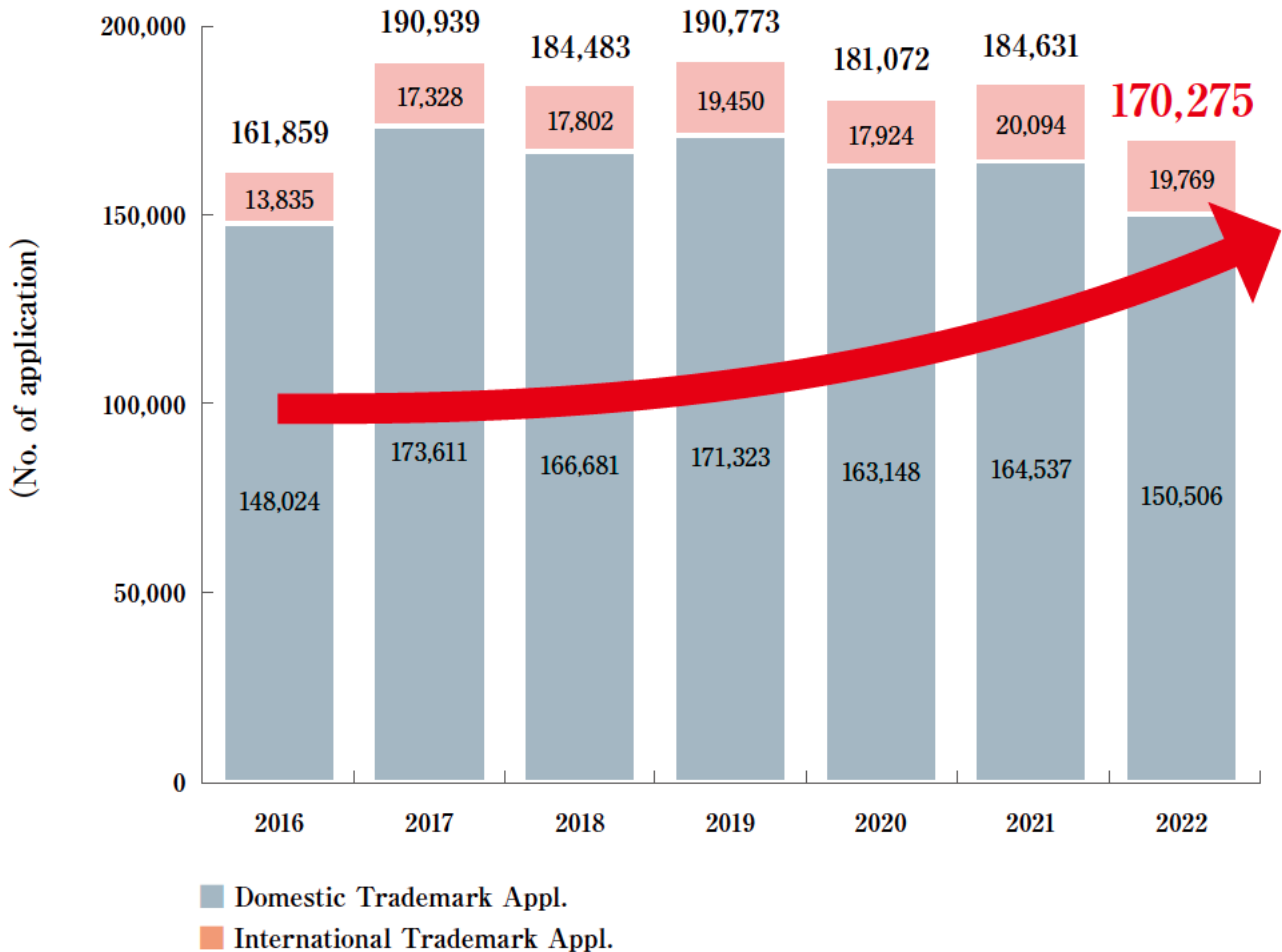


Trademark Updates in Japan

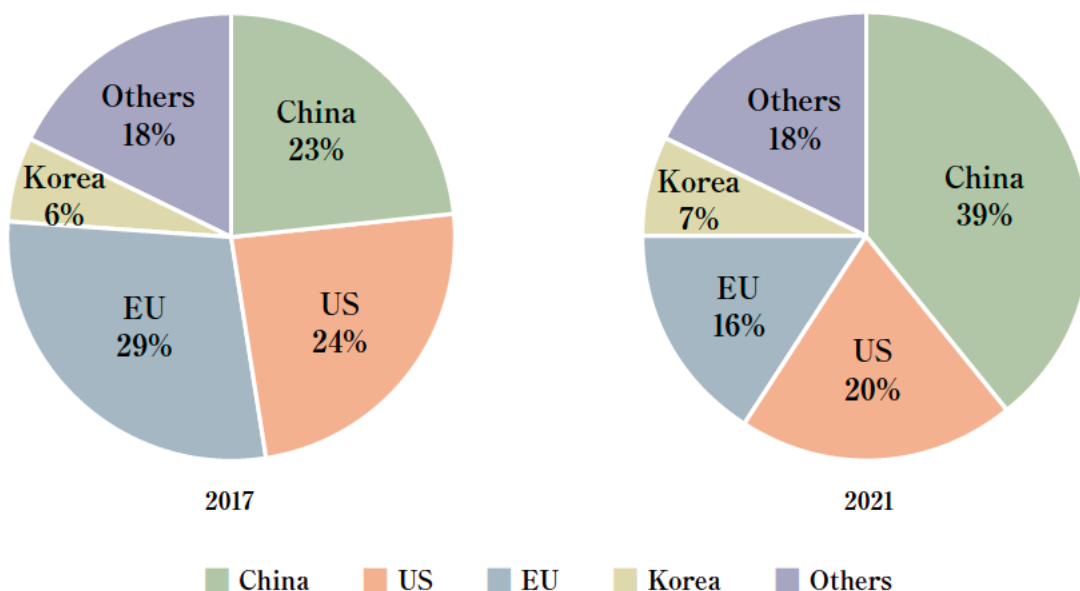


JAPAN PATENT OFFICE

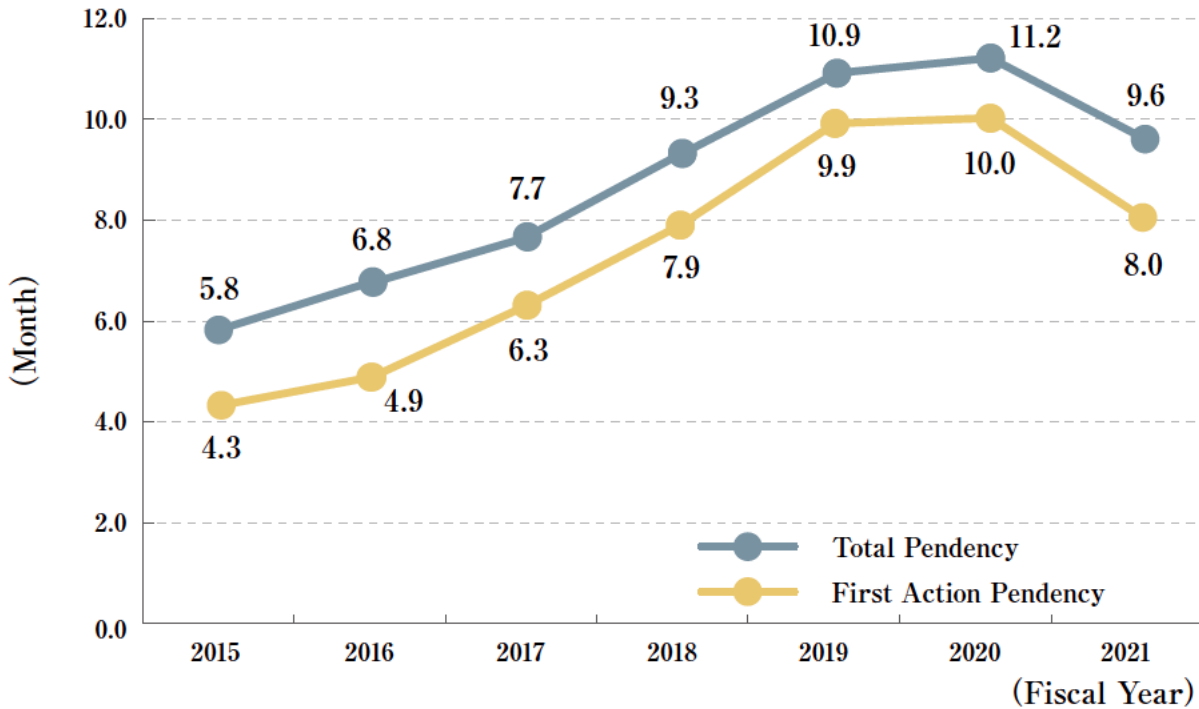
Number of filings to register trademarks in Japan



Percentage of filings by foreign applicants to register trademarks



In recent years, the number of trademark applications filed in Japan has been increasing. The examination pendency for trademark applications at the Japan Patent Office (JPO) is directly affected by the increase in filings. This began to shorten as examinations were made more efficient, however, with the First Action (FA) Pendency decreasing to eight months, and the Total Pendency (TP) being 9.6 months in FY2021.



As ways to shorten the examination pendency, the JPO has outsourced and computerized examination processes and also started employment of fixed-term examiners from FY2020.

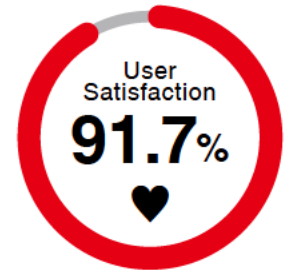
Accelerated Examinations

The JPO conducts accelerated examination of trademark applications free of charge for applicants who 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 pendency of accelerated examination is around 2 months from the date on which accelerated examination is requested.

normal	10.0 months
Accelerated Examinations	2.0 months

QUALITY

The JPO implements three, major initiatives to ensure quality management. These 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 development of 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.



Non-traditional Trademarks

Percentage of filings for and registrations of non-traditional trademarks

() International Trademark Appl.

	Total	Sound	Color	Position	Motion	Hologram	3D
Filings	10,288(1,324)	736(9)	567(8)	624(50)	239(4)	21(0)	8,101(1,253)
Registrations	4,432(464)	347(1)	9(0)	151(20)	182(3)	16(0)	3,727(440)

(As of the end of December 2022)

【Position Mark】



Registration No. 6034112

【3D Mark】



Registration No. 6031041

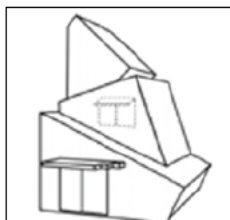
【Color Mark】



Registration No. 5933289

Protection of the outer appearance and the interior of a store

In 2020, the JPO revised the application methods for 3D trademarks and the Examination Guidelines for Trademarks in order to appropriately protect 3D trademarks, including distinctive interiors and/or exteriors of stores, as indications of the origins of goods and/or services.



* Source: Excerpts from the Examination Guidelines for Trademarks

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, trademarks cannot be registered if they are identical with, or similar to, a trademark which is well known among consumers in Japan or abroad as one indicating goods or services pertaining to a business of another person, if the trademark is used for unfair purposes (Article 4(1)(xix)).

As a part of initiatives to protect well-known trademarks, the JPO leads the “Bad Faith Trademark Project” among TM5 offices. Recently, the TM5 published an updated report, as well as digest version of case examples, and a manga booklet.

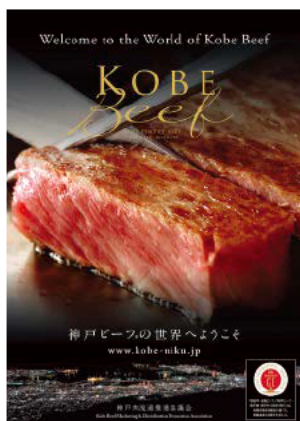


<http://tmfive.org/continuationexpansion-of-bad-faith-project-2-2/>

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. 5085277
「江戸切子」(Edo Kiriko)



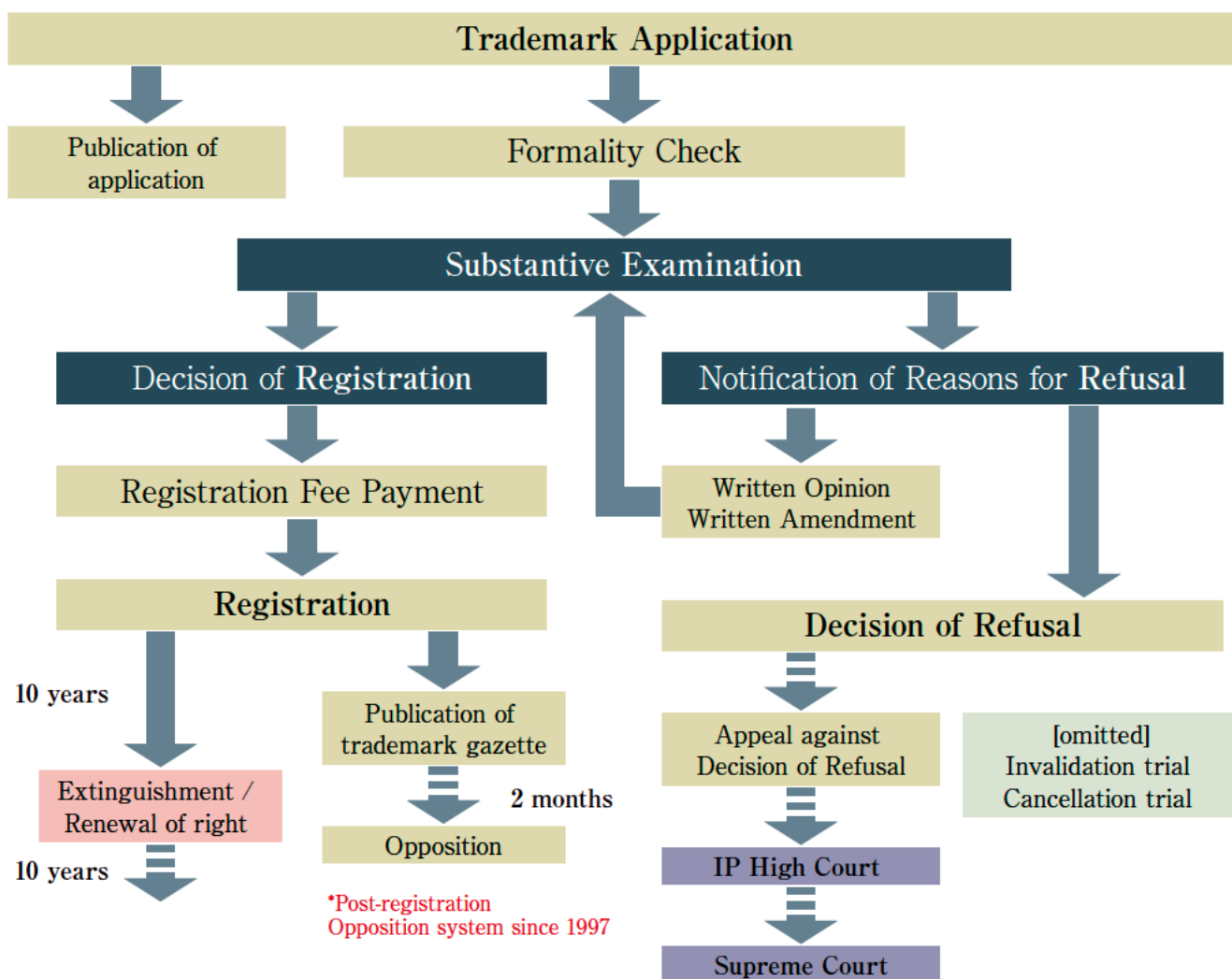
■ The Logo Mark of Regional Collective Trademarks

The logo to the right, which was launched in January 2018, was created to identify local specialties that have been registered as regional collective trademarks, as well as to raise awareness regarding this system.



EXAMINATION FLOW

After completing a formality check, an examiner conducts a substantive examination. If no reasons for refusal are found, the examiner will send a “Decision of Registration” to the applicant. The trademark will then be granted exclusive rights after the applicant pays the applicable registration fee. In cases where there are reasons for refusal, the examiner notifies the applicant of the 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. In such cases, however, the applicant can still 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>