

“The Industrial Property Rights System in Japan”

Chapter 3. The Trademark System in Japan

From Filing to Registration of Trademark

In order to obtain a trademark right, the applicant must fill out the prescribed forms and submit them to the Japan Patent Office. A “first-to-file” system has been adopted in Japan, so if applications are submitted for an identical or similar trademark, priority will be granted to the one whose application was filed with the Patent Office first.

When an application is made for a trademark registration, the unexamined application is published in the Official Gazette, so that unauthorized third party use of a trademark for which an application for trademark registration has been made can be restrained even before the application is registered.

After a “formality examination”, examiners carry out a “substantive examination” to determine whether or not there are any reasons for refusal.