

Trademark System

Trademark Law Article 1

The purpose of the Trademark Law is, through the protection of trademarks, to ensure the maintenance of business confidence of persons who use trademarks, and thereby to contribute to the development of the industry and to protect the interests of consumers.

Definition of trademark

Any character(s), figure(s), sign(s) three-dimensional shape(s), any combination thereof, or any combination thereof with colors.

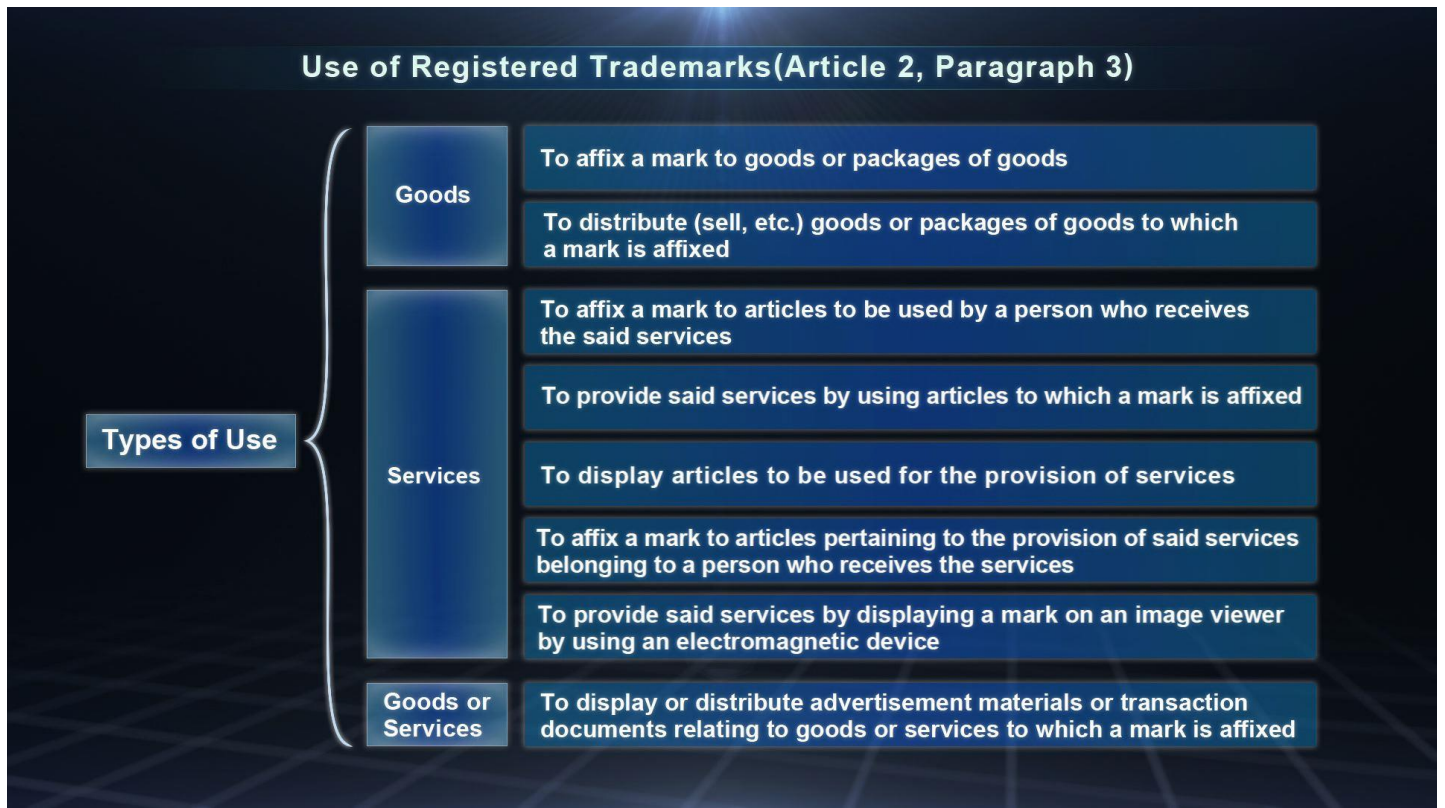
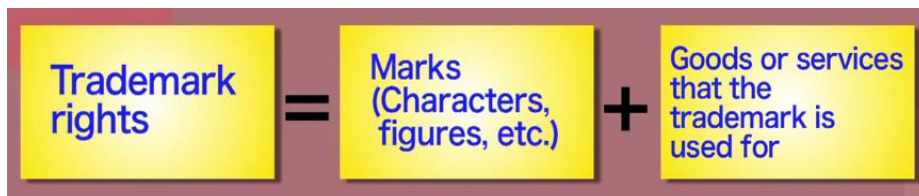
- Used in connection with the goods of a person who produces, certifies or assigns the goods as a business
- Used in connection with the services of a person who provides or certifies the services as a business

Types of trademarks :

- **Character trademarks**
 - **Figure trademarks**
 - **Symbol trademarks**
 - **Three-dimensional trademarks**
 - **Composite trademarks**

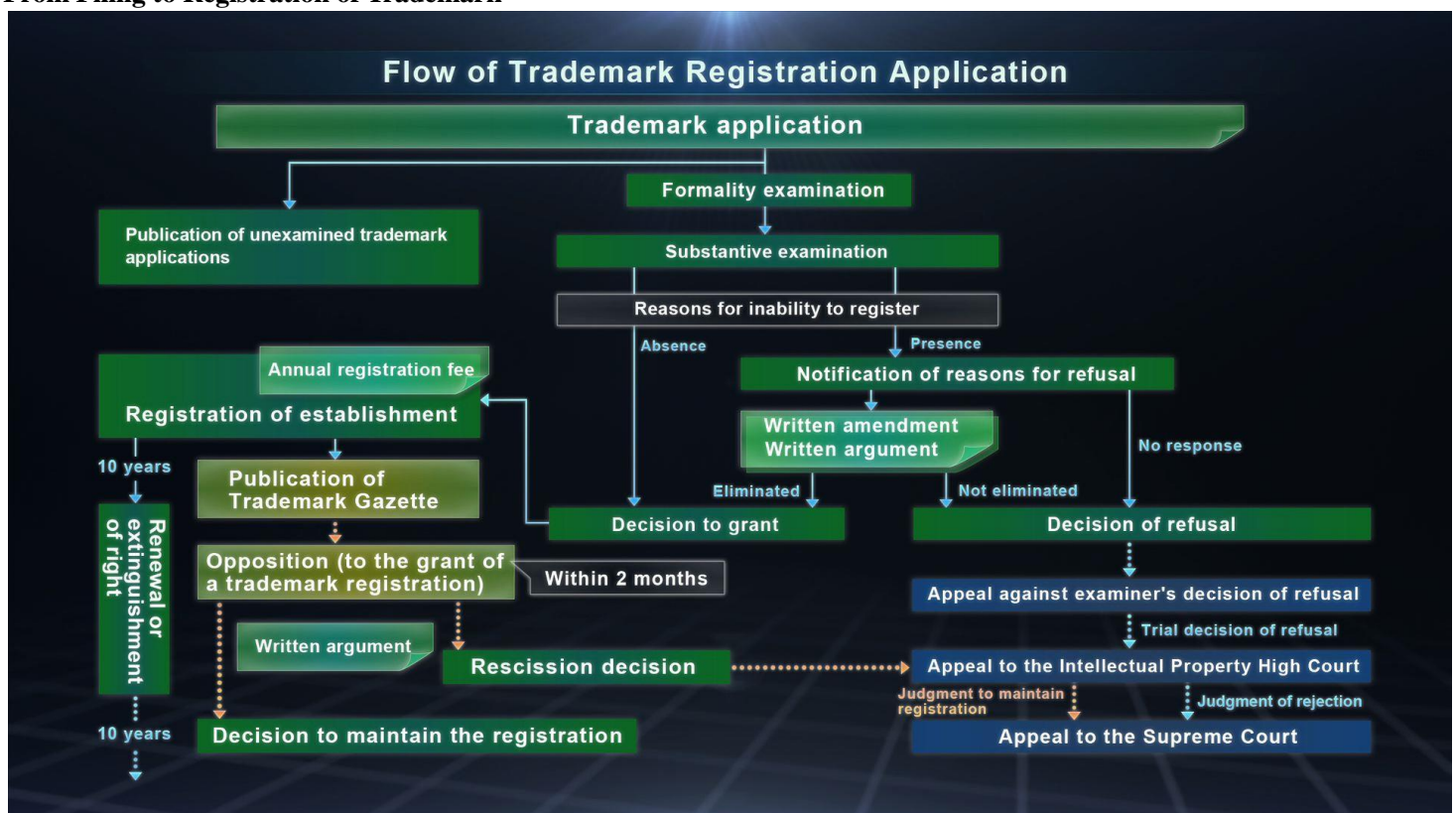
There are also plans to protect new types of trademarks :

- Holograms
- Colors
- Position
- Sound



1

From Filing to Registration of Trademark



Trademark Applications That Do Not Satisfy Requirements

Trademarks likely to cause confusion in connection with the goods or services pertaining to a business of another person
(No capability to distinguish one's goods or services from those of others)

A common name of goods or services



*Naming a personal computer "PC"

Trademarks customarily used



*Naming a brand of sake "Masamune"

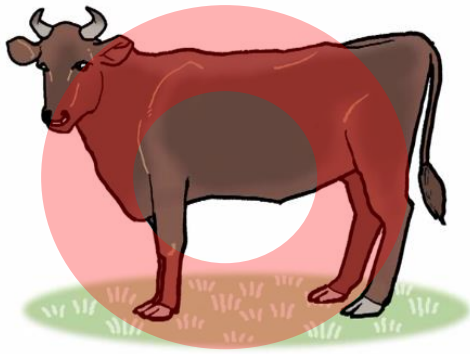
Note: In Japan, sake names traditionally use "Masamune" as a suffix.

Indication of quality or place of origin



*Naming a car model "Deluxe"

Indication of quality or place of origin



Regional collective trademark *Kobe beef

Trademarks containing a common surname or name, or a very simple and common mark

- Common names in Japan
e.g. Sato
- 1 character or 2 alphabet letters

Trademarks by which consumers are not able to recognize the goods or services as those pertaining to a business of a particular person

e.g.

- Slogan (catchphrase)
- The name of the current era, etc.

*Cases of a trademark determined to have distinctiveness acquired through use: e.g. HONDA

A trademark that works against the public benefit, such as an indication that could be confused with the trademark of a public organization



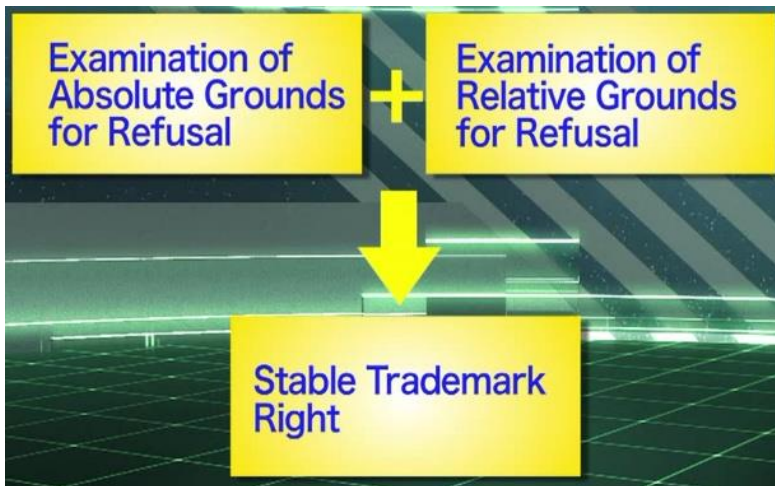
A trademark confusingly similar to another person's registered trademark, or well-known/famous trademarks

A trademark confusingly similar to another person's registered trademark, or well-known/famous trademarks



*"Satay", meat grilled on a skewer, is well-known in Southeast Asia.

Reason for Refusal / Rejection



Here are two examples of cases that will not be registered because they are similar to prior registered trademarks:

Similarity in appearance
e.g. HONDA and HCNDA

Similarity in sound
e.g. BUFFALO and BAHHALO

Similarity in concept
e.g. TORA and TIGER

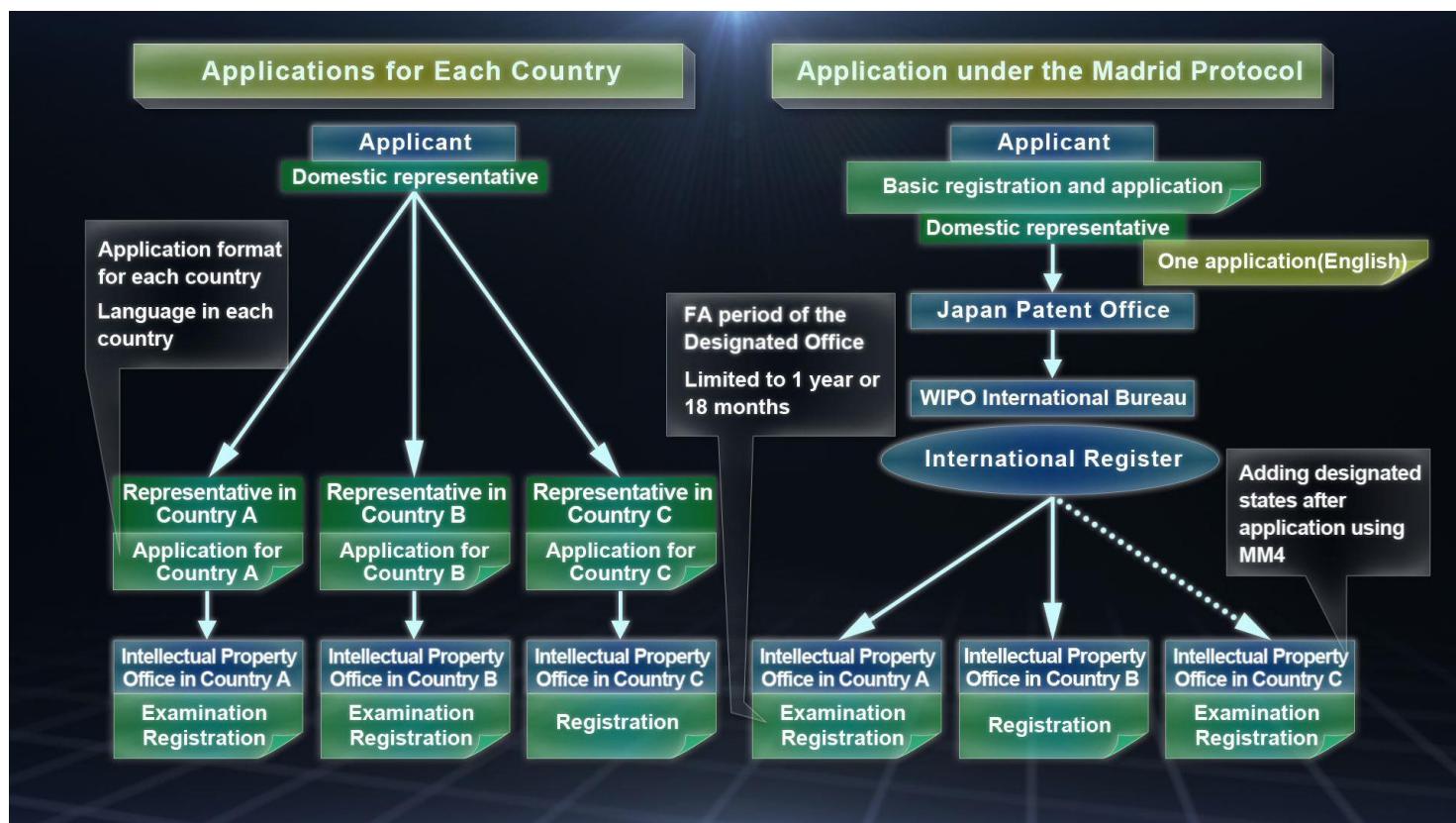
International Classification of Goods and Services

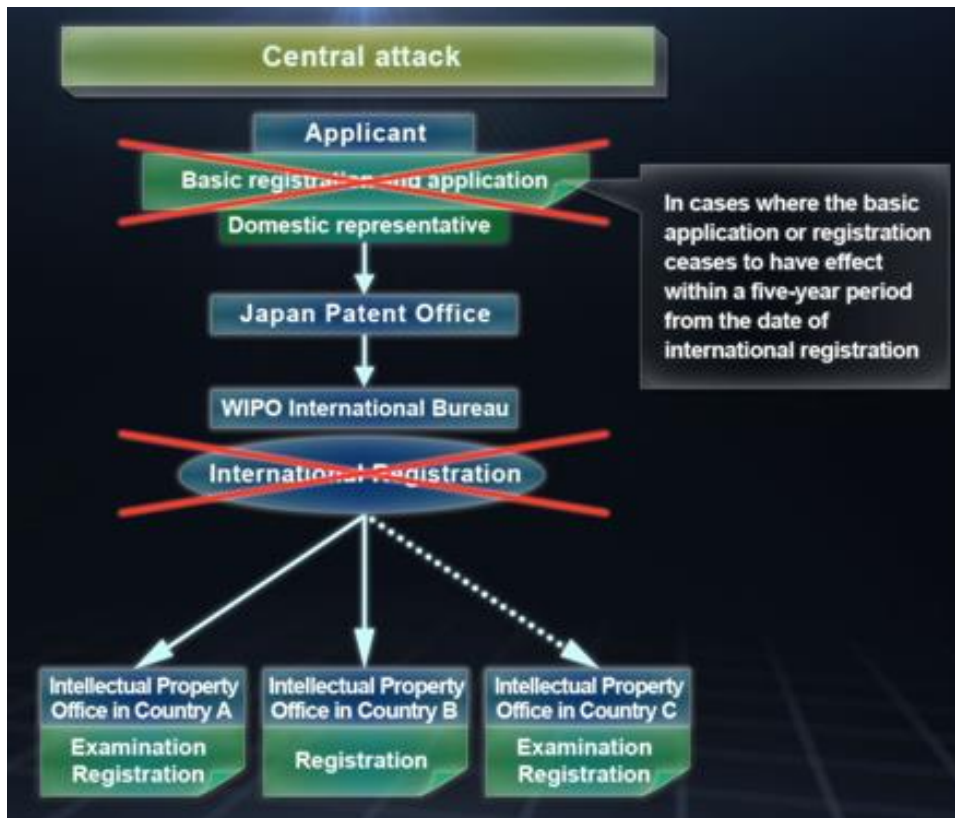
Nice Agreement Concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks

The Nice Agreement was concluded in Nice in 1957 as an internationally standard classification of goods and services for the purpose of registering trademarks and service marks.

Class	Consecutive code	goods
09	A0001	Abacuses
10	A0002	Abdominal belts
10	A0003	Abdominal corsets
10	A0004	Abdominal pads
08	A0005	Abrading instruments [hard instruments]
03	A0006	Abrasive cloth
21	A0007	Abrasive pads for kitchen purposes
03	A0008	Abrasive paper
21	A0009	Abrasive sponges for scrubbing the skin
03	A0010	Abrasives *
01	A0011	Abrasives (Auxiliary fluids for use with -)
05	A0012	Abrasives (Sponges)
Class	Consecutive code	Services
40	A0001	Abrasion
41	A0002	Academies [education]
38	A0003	Access time to global computer networks (Rental of -)
36	A0004	Accident insurance underwriting
36	A0005	Accommodation bureaux [apartments]
43	A0006	Accommodation bureaux [hotels, boarding houses]
43	A0007	Accommodation (Rental of temporary -)
43	A0008	Accommodation reservations (Temporary -)
35	A0009	Accounting
35	A0010	Accounts (Drawing up of statements of -)
36	A0011	Actuarial services
--	-----	Administration (Commercial -) of the licensing

Madrid Protocol





Office of Origin

