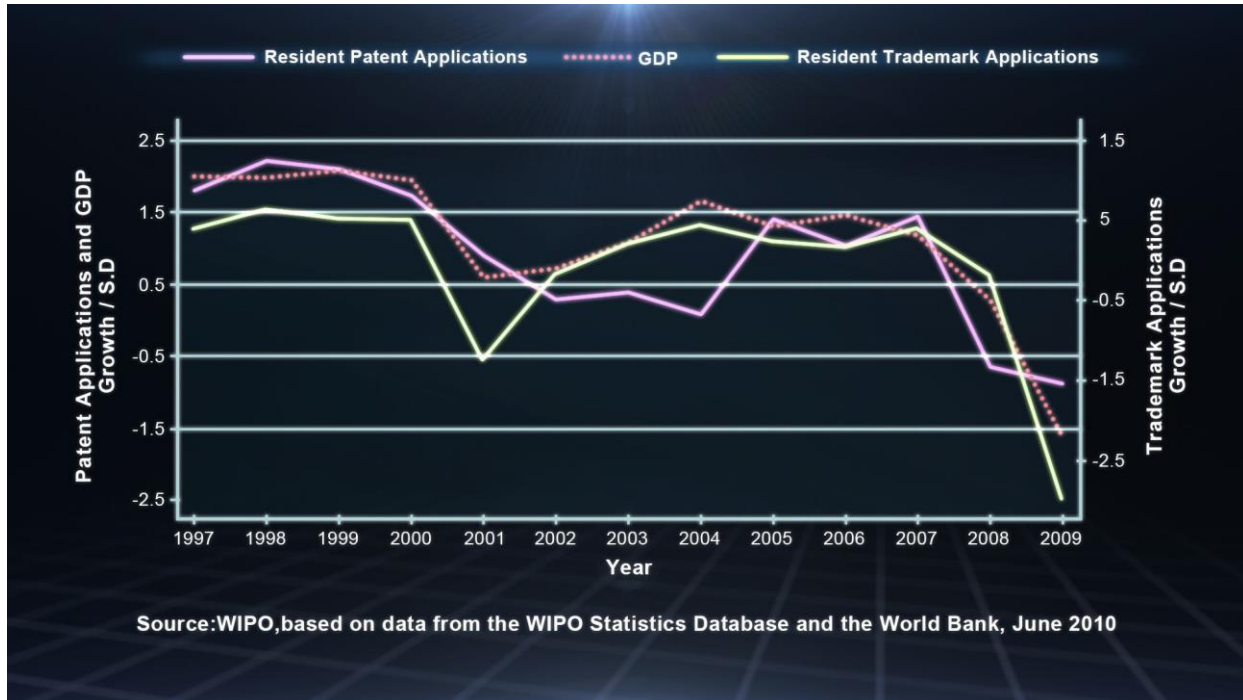


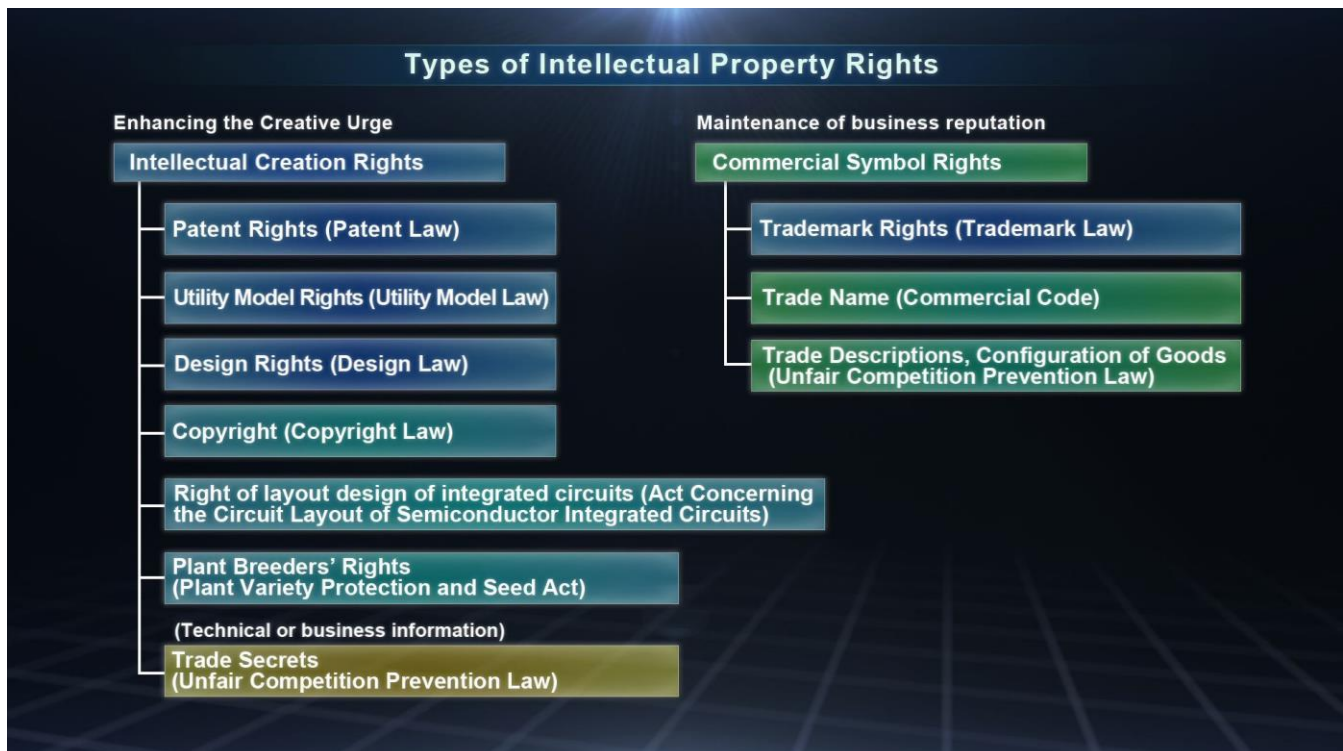
“The Industrial Property Rights System in Japan” **Chapter 1. The Role of the Industrial Property Rights System**

The Role of The Intellectual Property Rights System

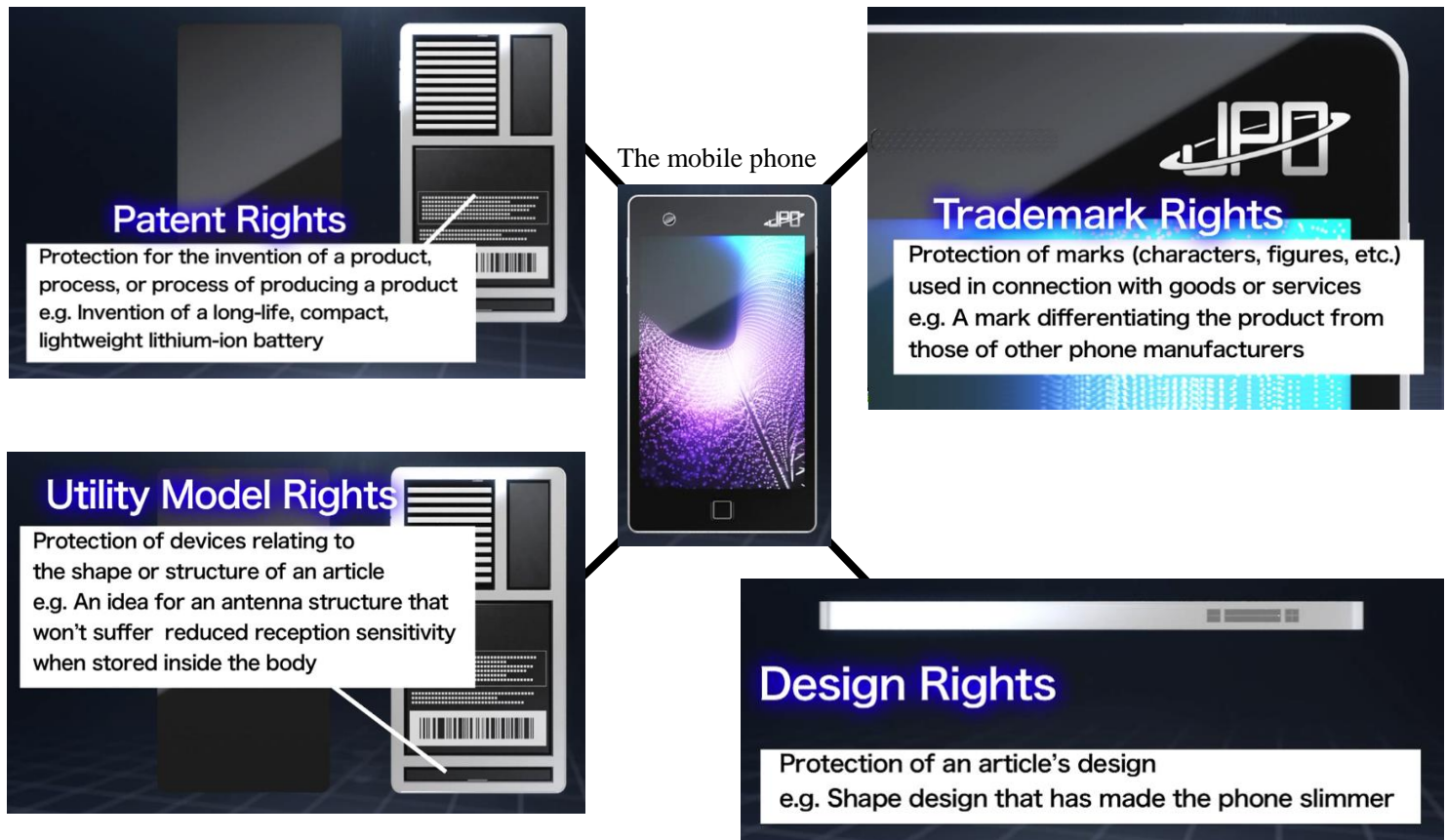
The relationship between economic activities and the creation of intellectual works



Types of Industrial Property Rights



Industrial Property Rights



Intellectual Creation Cycle



Unfair Competition Prevention Law, Article 1

The purpose of this Law is to provide measures, etc. for the prevention of unfair competition and for the compensation of damage caused by unfair competition, in order to ensure fair competition among business operators and proper implementation of international agreements related thereto, and thereby contribute to the sound development of the national economy.

System of the Unfair Competition Prevention Law

Types of Unfair Competition

Causing confusion with a famous indication of goods or business	Unauthorized use of a famous indication of goods or business
Providing goods of practically identical configuration to another person's goods	Infringement of trade secrets
Providing devices to invalidate technological restriction measures	Act of wrongfully acquiring domain names
Misleading representations regarding goods/services (country of origin, quality, etc.)	Acts injurious to another person's business reputation
Unjustifiable use of a trademark by an agent, etc.	

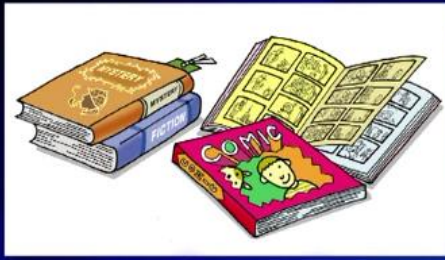
Prohibited Activities Based On International Agreement

Unauthorized use of foreign national flags and marks
Unauthorized use of an international organization's mark
Bribery of foreign public officials

Copyright Law, Article 1

The purpose of this Law is to provide for, and to secure protection of, the rights of authors, etc. and the rights neighboring thereto with respect [copyrightable] works as well as performances, phonograms, broadcasts and wire-broadcasts, while giving due regard to the fair exploitation of these cultural products, and by doing so, to contribute to the development of culture.

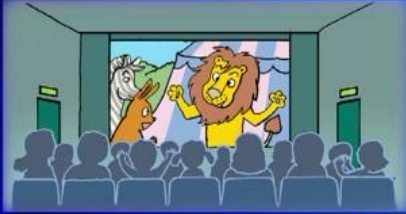
Works that are protected under Copyright Law



novels, comics,



paintings,



cinematographic works,
animations,



musical works,

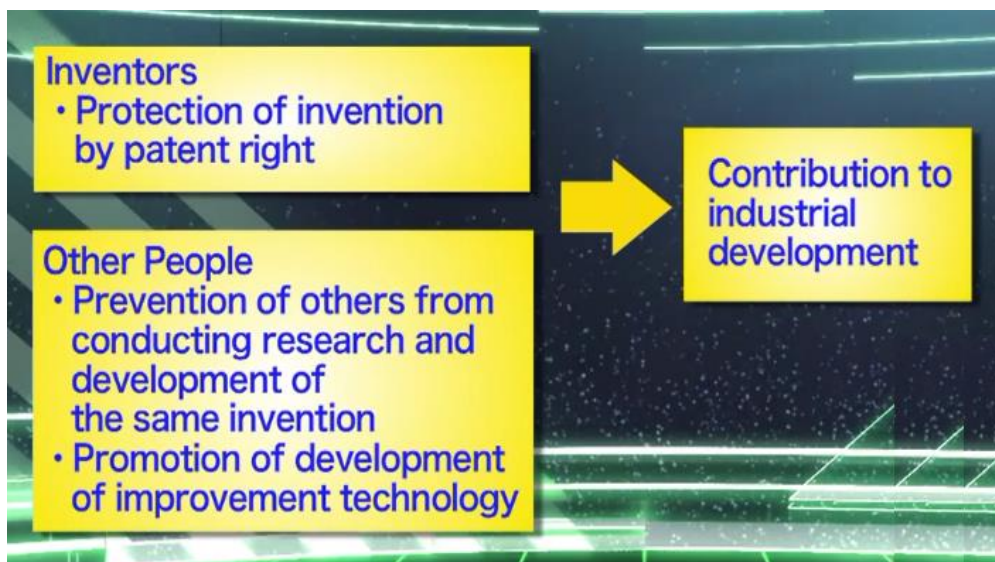


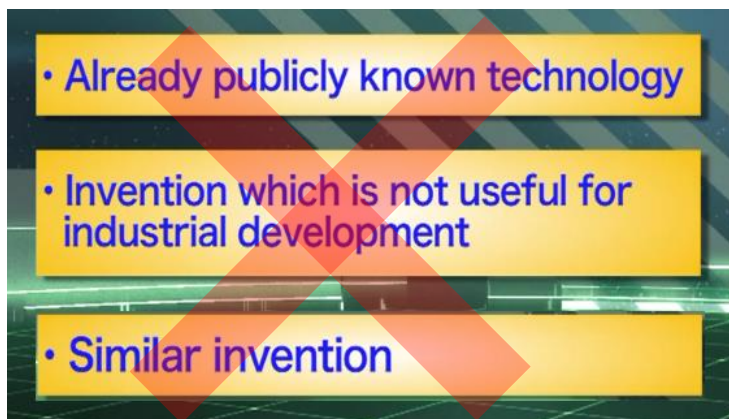
computer programs,
etc.

Patent System

Patent Law, Article 1

The purpose of this Law is,
through promoting the protection
and the utilization of inventions,
to encourage inventions,
and thereby to contribute to
the development of industry.





First-to-File System

Merits of the “First-to-file system”

- Once a patent is registered, there is no need for concern of its revocation by a new determination of existence of prior invention
- It is easier to prove a date of filing than a date of invention

Industrially Applicable

Outline of Patent System by Country ~Medical Field~

	Surgery Methods	Treatment Methods	Diagnosis Methods	Determination Methods
USA	✓	✓	✓	✓
Australia	✓	✓	✓	✓
Japan	×	×	×	×
Europe	×	×	△	△
Canada	×	×	△	△
New Zealand	×	×	△	△
South Korea	×	×	×	△

✓ Applicable × Not applicable △ Subject to conditions

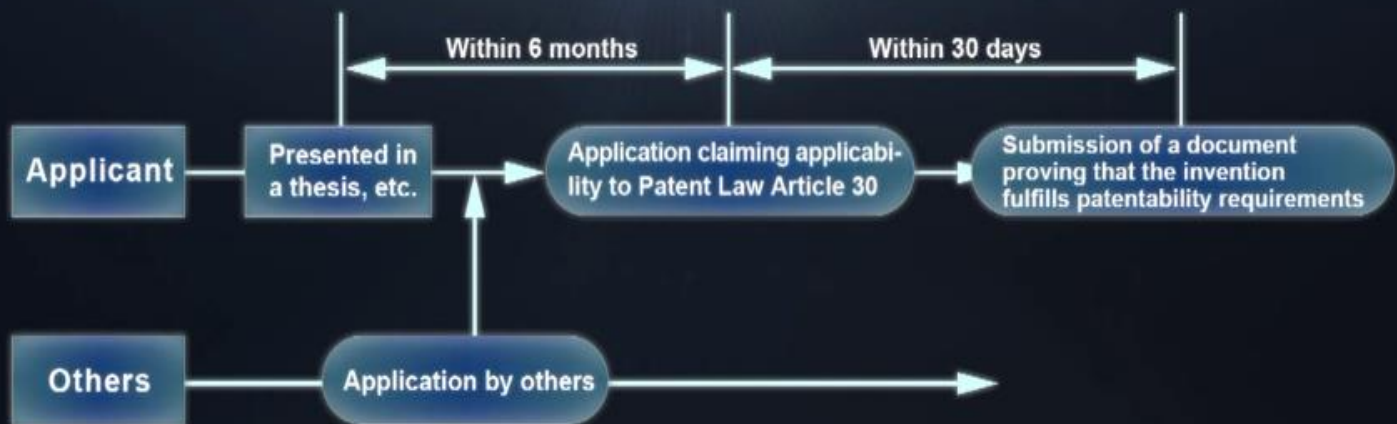
In some countries, a patent right may be granted by expressing a method as the invention of a product.

Novelty

The following invention lacks novelty.

- Publicly known in Japan or a foreign country prior to the filing of the patent application
- Publicly worked in Japan or a foreign country prior to the filing of the patent application
- Inventions that were described in a distributed publication, or inventions that were made publicly available through an electric telecommunication line in Japan or a foreign country, prior to the filing of the patent application

Timing of Presentation and Application



Application by applicant → Refused if the same as prior applications by others

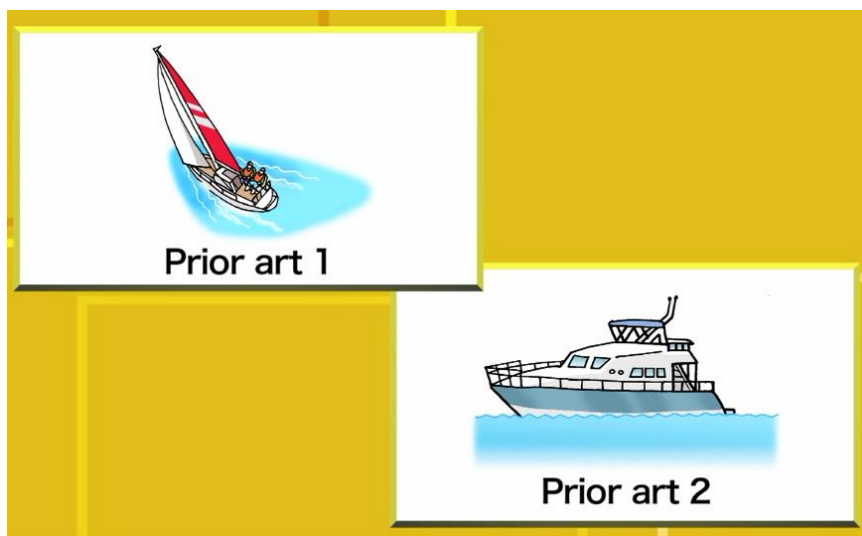
Application by others → Refused because contents of thesis, etc. are considered to be publicly known

Inventive Step

Not considered to represent an “Inventive step”

- Inventions that are simply an aggregation of other publicly known inventions
- Inventions with just slight structural modifications
- Inventions that could easily be created by anyone

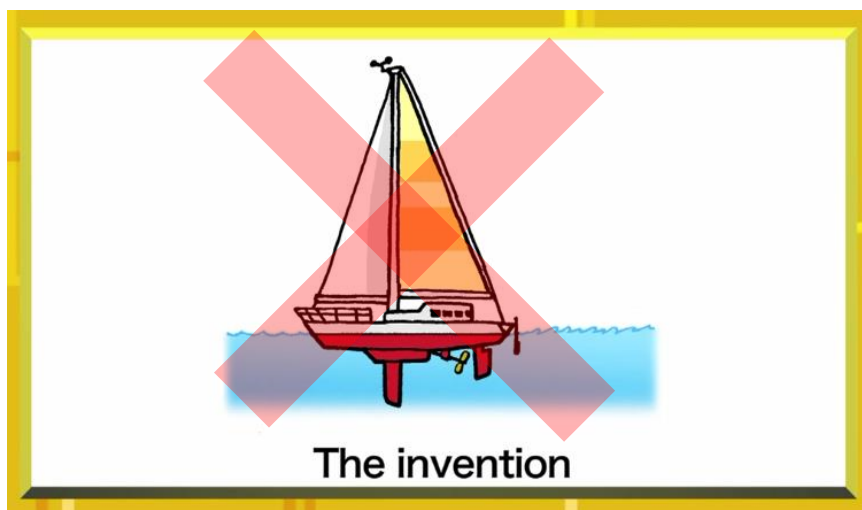
Case Study



Prior art 1: Yacht

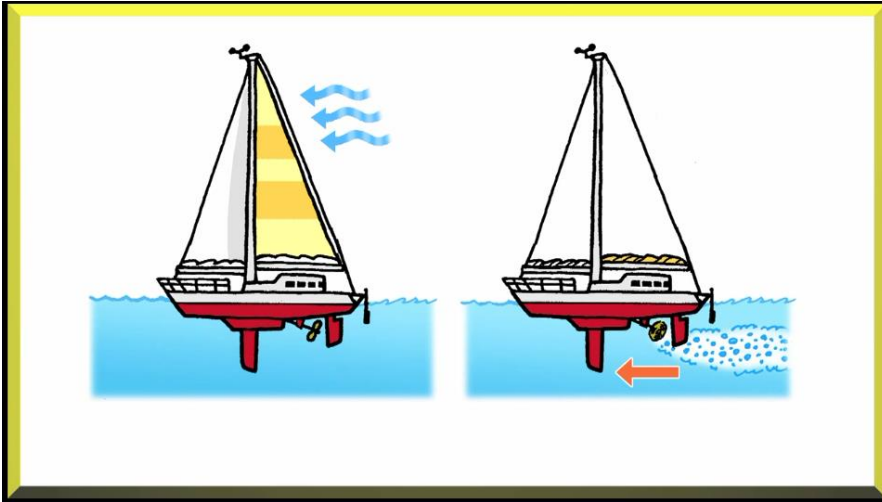
Prior art 2: Motorboat

Case 1



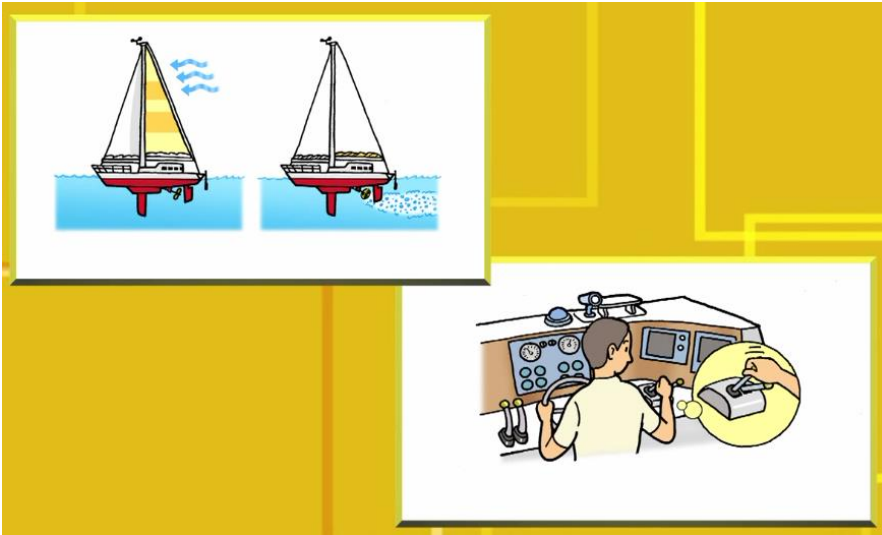
Prior art 1 (Yacht) + Prior art 2 (Motorboat) \Rightarrow The invention (Motor yacht)

Case 2



Automatic switching by digital anemometer

Case 3



Manual switching by digital anemometer

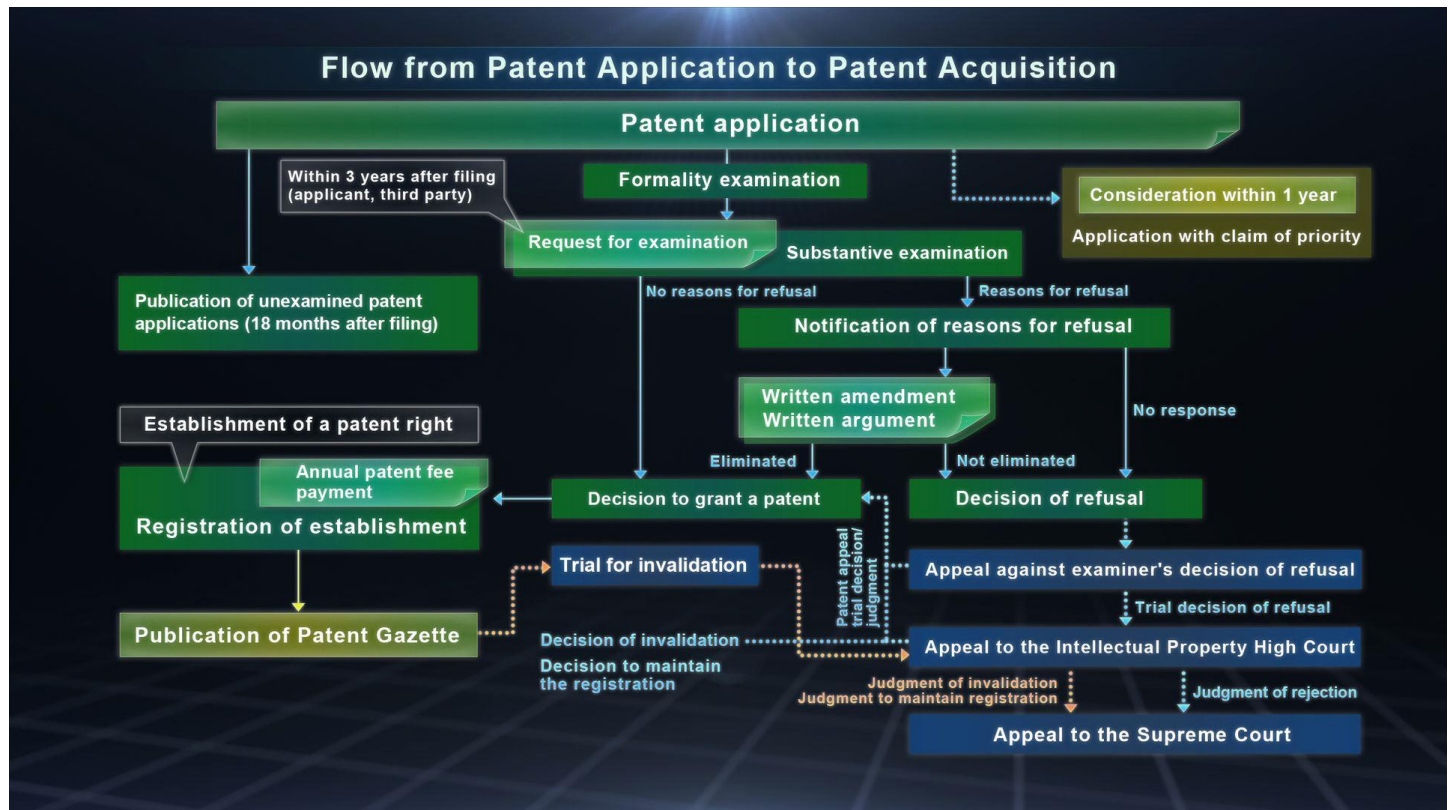
Point of examination

The examination should be carried out by comparing the scope of claims of an invention with the existing technologies

Patent examiners must be able to:

- Fully comprehend the substance of the invention under examination
- Compare it with existing technologies

Patent Examination



Accelerated examination system

Applications eligible for the accelerated examination system:

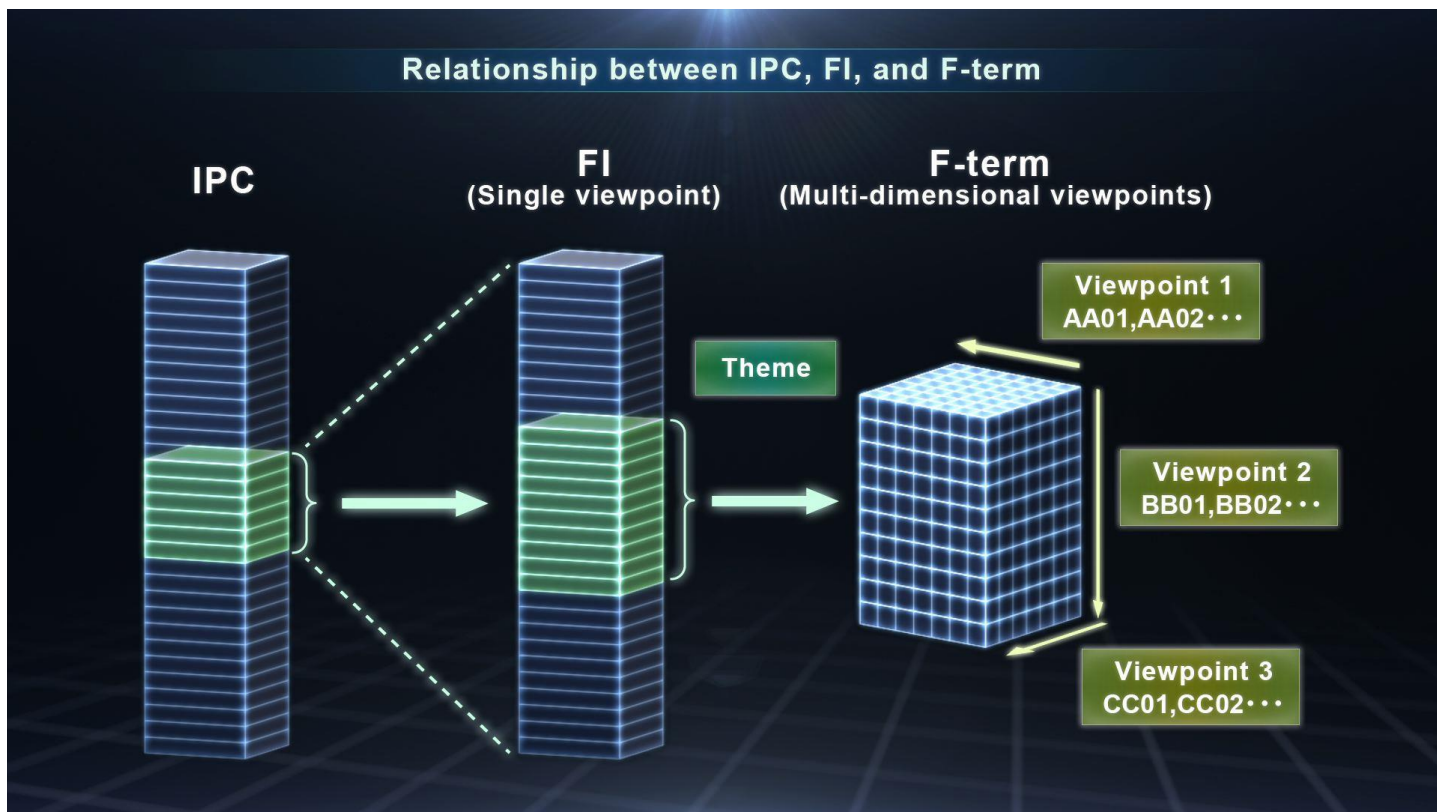
- Working-related applications
- Internationally-filed applications
- Green-technology related applications
- Earthquake Disaster Recovery Support-related applications

Prior art Searches

FI / F-term

File Index (FI) codes, a classification created to further subdivide classes from the slow-moving pre-reform IPC system, are mainly used for searching from a single viewpoint.

F-term is a system for classifying Japanese patent documents according to the technical features of the inventions described therein, so it can be used for searching from multi-dimensional viewpoints.



IPDL: Industrial Property Digital Library

IPDL Industrial Property Digital Library

National Center for Industrial Property Information and Training (INPIT)

▶ INPIT Home Page ▶ JPO Home Page ▶ To Japanese Page

The Industrial Property Digital Library (IPDL) offers the public access to IP Gazettes of the JPO free of charge through the Internet.

Access Total : 7,055,692

<p>➔ Patent&Utility Model</p> <p>Patent & Utility Model Gazette DB Patent & Utility Model Concordance FI/F-term Search PAJ Patent Map Guidance</p>	<p>➔ Trademark</p> <p>Japanese Trademark Database Japanese Figure Trademarks Japanese Well-Known Trademark List of Goods and Services</p>	<p>News</p> <p>News</p>
<p>➔ Design</p> <p>Design Gazette DB Design Classification Search</p>	<p>➔ Database Contents</p> <p>Patent & Utility Model Gazette DB Patent & Utility Model Concordance FI/F-term Search PAJ Design Gazette DB Design Classification Search Japanese Trademark Database Japanese Figure Trademarks</p>	<p>Link</p> <p>IPDL Links</p>
		<p>Questionnaire</p> <p>Questionnaire</p>
		<p>Notice</p> <p>Notice</p>

Please enable Cookie and JavaScript of the browser when you use the Industrial Property Digital Library.

✉ helpdesk@ipdl.inpit.go.jp

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National Center for Industrial Property Information and Training (INPIT)

→ :: Patent&Utility Model

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[Patent & Utility Model Concordance](#)
[FI/F-term Search](#)
[PAJ](#)
[Patent Map Guidance](#)

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[FI/F-term Search](#)
[PAJ](#)
[Design Gazette DB](#)
[Design Classification Search](#)
[Japanese Trademark Database](#)
[Japanese Figure Trademarks](#)

→ :: Trademark

[Japanese Trademark Database](#)
[Japanese Figure Trademarks](#)
[Japanese Well-Known Trademark](#)
[List of Goods and Services](#)

→ :: Design

[Design Gazette DB](#)
[Design Classification Search](#)

Searching PAJ

Patent Map Guidance

Searching PAJ

[MENU](#) [NEWS](#) [HELP](#)

Text Search For "Number Search", please click on the right button. (Number Search)

Applicant, Title of invention, Abstract e.g. computer semiconductor

Please input a SPACE between each keyword when you use more than one keyword.
One letter word or **Alphabetical** are not searchable.

Date of publication of application e.g. 19980401 - 19980405

IPC e.g. D01B/24 A61D11/02

Please input a SPACE between each IPC symbol, when you use more than one IPC symbol.

Inquiry

Click "FI" or "F-term". Or input FI / F-term code to the query box and click Search button.

Query **Search Object**

- FI**
e.g. : A61K A61K6 C08L27/06 A61K7/46@A A61K7/46,315@A
- F-term** ☒ F-term List ☐ F-term Description
e.g. : 2B 2B396

Indication type selection is effective in the lower hierarchies than the FI main group.
Indication Type ☒ List ☐ Target ☐ The same hierarchy

IPC-FI Concordance Search

Input IPC code to the query box and click Search button.

Query

IPC code
e.g. : A61K A61K6 A61K6/02 A01N25+B01B



• Inquiry
 Click "FI" or "F-term". Or input FI / F-term code to the query box and click Search button.

Query **Search Object**

• [FI](#)
 e.g.: A61K A61K6 C08L27/06 A61K7/46@A A61K7/46,315@A

• [F-term](#) ☒ F-term List ☐ F-term Description
 e.g.: 2B 2B396

Indication type selection is effective in the lower hierarchies than the FI main group.
Indication Type ☒ List ☐ Target ☐ The same hierarchy

• IPC-FI Concordance Search
 Input IPC code to the query box and click Search button.

Query

IPC code
 e.g.: A61K A61K6 A61K6/02 A01N25+B01B

Walking sticks; Sticks for umbrellas

- [1/00](#) Sticks with supporting, hanging or carrying means
- [3/00](#) Sticks combined with other objects
- [5/00](#) Walking sticks or umbrellas convertible into seats; Hunting
- [7/00](#) Other sticks, e.g. of cranked shape
- [9/00](#) Details

Umbrellas

- [11/00](#) Umbrellas characterised by their shape or attachment
- [13/00](#) Umbrellas made of paper
- [15/00](#) Umbrellas with detachable covers
- [17/00](#) Tilttable umbrellas
- [19/00](#) Special folding or telescoping of umbrellas
- [21/00](#) Umbrellas convertible into walking sticks
- [23/00](#) Other umbrellas

- [25/00](#) Details of umbrellas (sticks for umbrellas A45B 1/00-A45B 9/00; illuminating devices for umbrellas A45B 3/02)

- Z Others
- [3/02](#) . with illuminating devices
 - [3/04](#) . . electrical
 - A having a lighting device on the end
 - B having a lighting device on the grip
 - C having lighting devices on multiple positions
 - D having a lighting device on a stick
 - Z Others
 - [3/06](#) . with coat-hangers
 - [3/08](#) . with measuring or weighing appliances
 - [3/10](#) . with purses

- [25/08](#) . Devices for fastening or locking
 - A Attachment with the grip shaft
 - B Lathe engaging device for opening the umbrella
 - Z Others
- [25/10](#) . Umbrella crowns
- [25/12](#) . Devices for holding umbrellas closed, e.g. magnetic devices
 - A Ball stopper (having no spring)
 - B Automatic umbrella opening ball stopper (spring provided)
 - C Automatic umbrella opening lock device (safety device)



Publication Date --- e.g. 20010101-20031231
 You can specify a range of Publication Date to narrow your search.
 This choice can be omitted.
 From: - To:

FI/F-term/facet --- e.g. AA01+[A63F9/22-ZAA]
 Enter the query into the box below, up to 500 letters (essential requirement for searching)
 Boolean operators : "+" means 'OR', "*" means 'AND', "-" means 'NOT'.

Display Type

Priority of search result display
 Check the kind of document, which you want to indicate the Search Result (Document Number).
☒ unexamined applications ☐ examined applications

<p>DOCUMENT 3/3 DOCUMENT NUMBER Publication date order</p> <p>1. JP,2006-255219,A 2. JP,3058878,U 3. JP,05-095311,U(1993)</p>	<p>[JAPANESE] [JP,05-095311,U]</p> <p>CLAIMS DETAILED DESCRIPTION TECHNICAL FIELD PRIOR ART EFFECT OF THE INVENTION TECHNICAL PROBLEM MEANS OPERATION EXAMPLE DESCRIPTION OF DRAWINGS DRAWINGS</p> <p>[Translation done.]</p>	<p>Drawing selection <input type="button" value="Representative drawing"/></p>
	<p>* NOTICES *</p> <p>JPO and INPIT are not responsible for any damages caused by the use of this translation.</p> <p>1.This document has been translated by computer. So the translation may not reflect the original precisely. 2.*** shows the word which can not be translated. 3.In the drawings, any words are not translated.</p> <p>CLAIMS</p> <p>[Claims] [Claim 1]A safe umbrella which is what attached the light emitting diode 1 at a tip of a bone of an umbrella, builds the switch 3, its power supply, and the control device 4 into the grip section 2 of a handle, and could be made to carry out lighting blink of the light emitting diode 1.</p> <p>[Translation done.]</p>	<p>[Translation done.]</p>

AIPN Japan Patent Office
National Center for Industrial Property Information and Training
Advanced Industrial Property Network

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Number Search

☒ **Search from JAPANESE Application/Priority/Publication/Patent Number**

Type:

Document Number:

e.g. Application/Priority Number : 2001-123456 or H13-123456
 A, U, B, Y : 2001-123456 or H13-123456
 A1 : WO1998-123456 or WO98-123456
 U, B, Y : 3234567

Display type: ☐ File Wrapper Information ☒ Patent Family

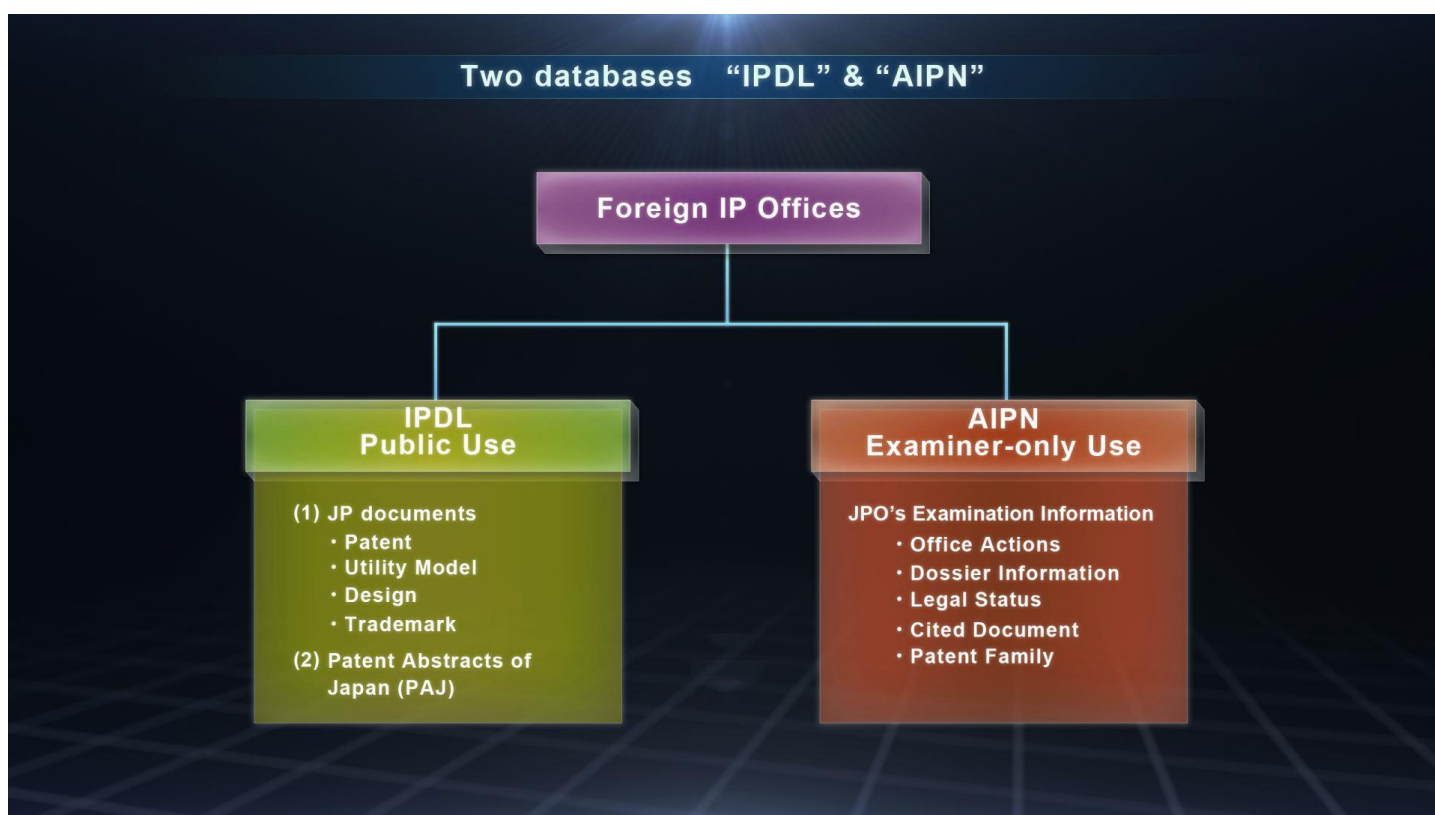
Note: Please select "Patent Family" when you search by PCT international publication number as corresponding file wrapper information is not directly accessible.

☒ **Search from OTHER Application/Priority Number**

Application Number:
 Priority Number:

e.g. : US-2003-668357, WO-1998-US012345

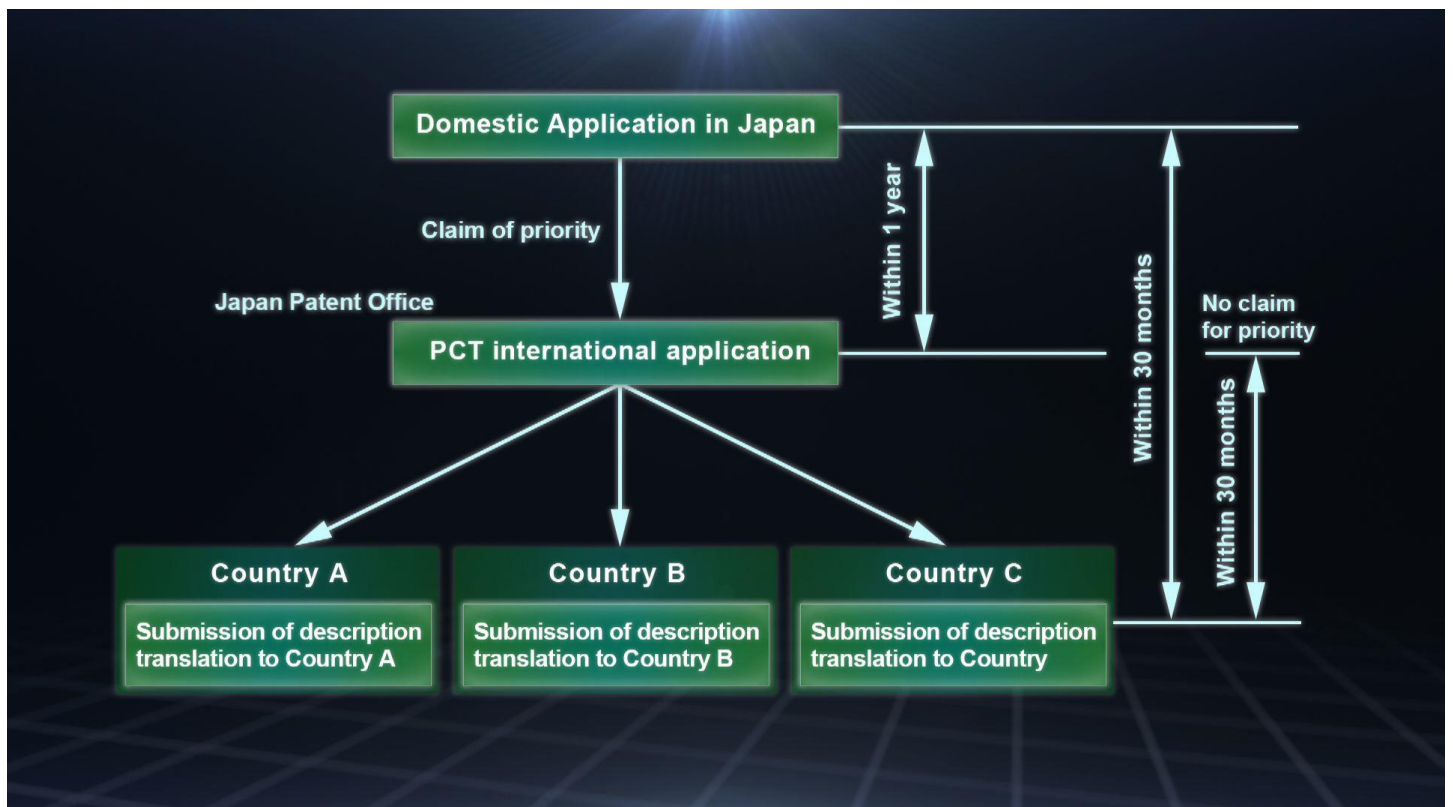
SEARCH



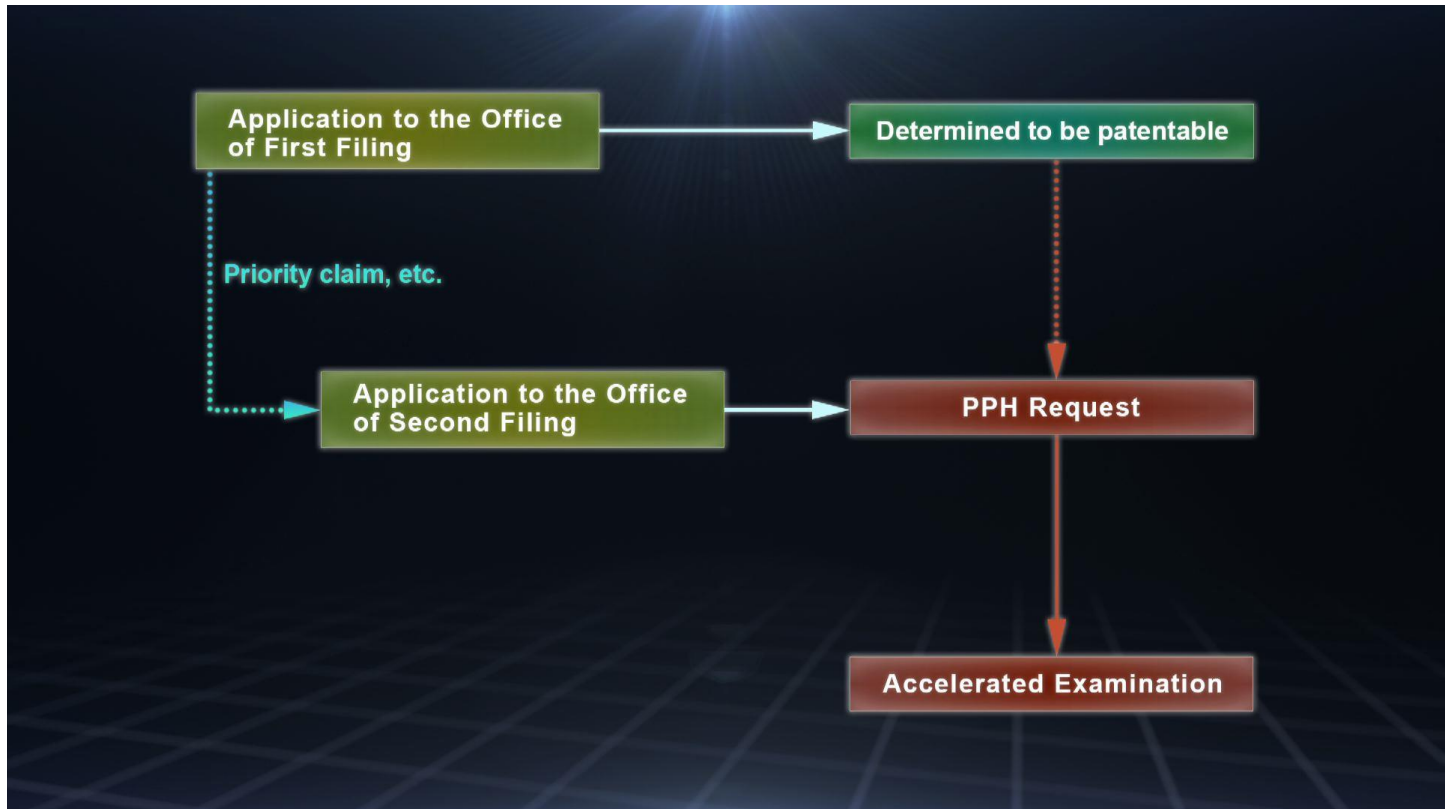
The Paris Convention Route



The PCT Route



Patent Prosecution Highway (PPH)



Utility Model Law, Article 1

The purpose of this Law is to encourage devices by promoting the protection and the utilization of devices relating to the shape or structure of an article or combination of articles, and thereby to contribute to the development of industry.

Sample of a typical report

実用新案法第12条の規定に基づく実用新案技術評価書

1. 登録番号 3012345
 2. 出願番号 実願2006-092345
 3. 出願日 平成18年5月1日
 4. 優先日/原出願日
 5. 考案の名称 寝具付きぬいぐるみ
 6. 実用新案登録出願人/実用新案権者 実用 太郎
 7. 作成日 平成18年9月1日
 8. 考案の属する分野の分類 A63H 3/02
 (国際特許分類) A63H 3/00
 A63H 3/04
 A47J 9/08
 9. 作成した審査官 佐 香志代 (9136 3L)
 10. 考案した手続補正書・訂正書

11. 先行技術調査を行った文献の範囲

●文献の種類 日本国特許公報及び実用新案公報
 分類 国際特許分類
 A63H 3/00-3/04
 A47J 9/00-9/08
 時間的範囲 ~平成18年9月1日

●その他の文献 ・〇〇〇〇編「生活百科(収納編)」(平成3年5月
 6日発行)〇〇社
 ・特開昭62-123456号
 ・特開昭63-246734号
 ・実用昭63-134567号(実開平01-023
 464号)のマイクロフィルム

(備考)
 『日本国特許公報及び実用新案公報』は、日本特許庁発行の公開特許公報、公表特許公報、再公表特許、特許公報、特許発明明細書、公開実用新案公報、公開実用新案明細書マイクロフィルム等、公表実用新案公報、再公表実用新案、実用新案公報及び登録実用新案公報を含む。

The Report of Utility Model Technical Opinion

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.

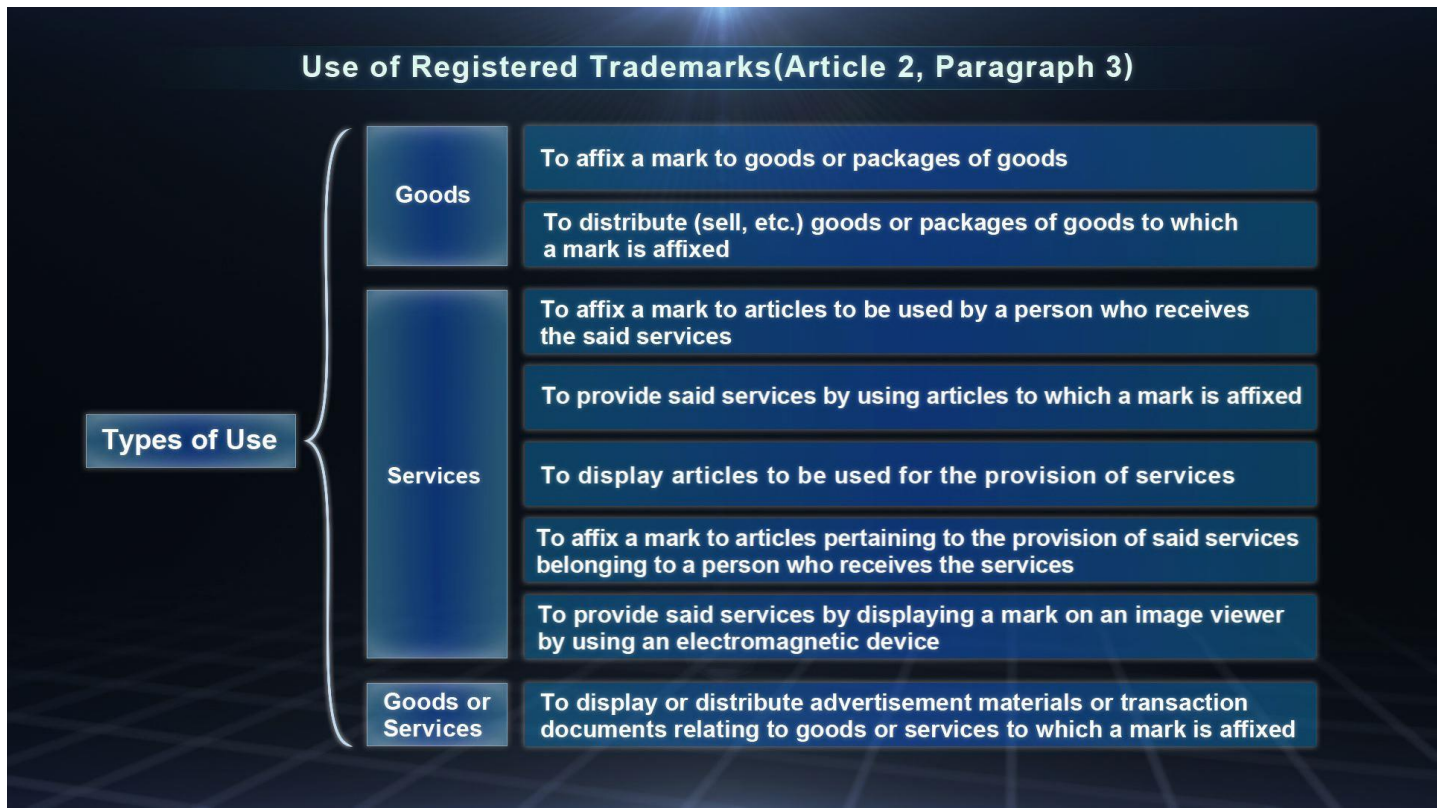
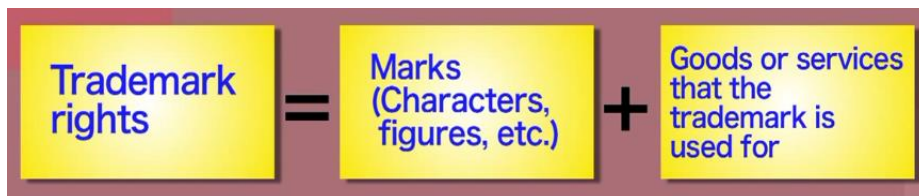
- Used in connection with the goods of a person who produces, certifies or assigns the goods as a business
- Used in connection with the services of a person who provides or certifies the services as a business

Types of trademarks :

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

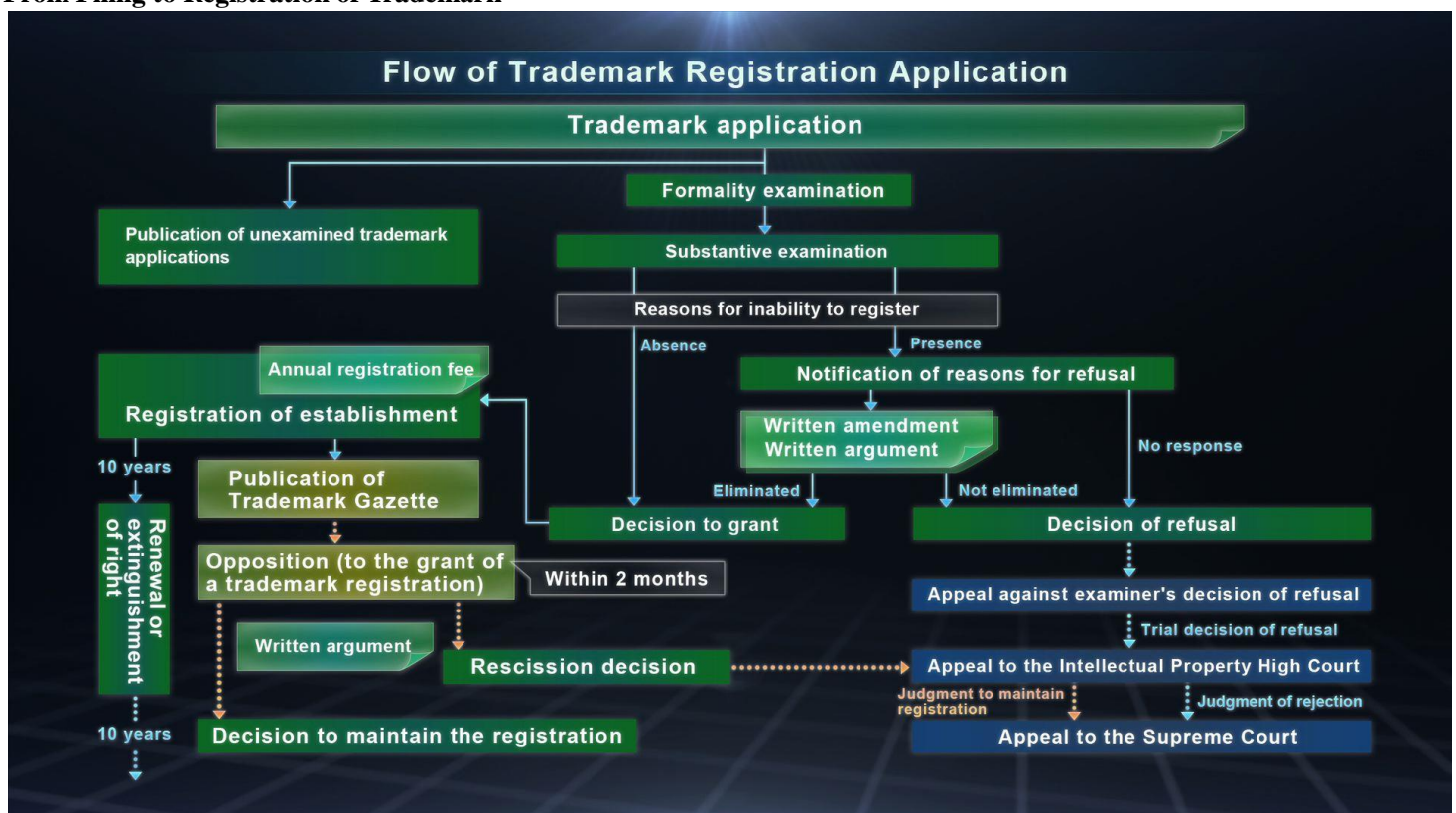
There are also plans to protect new types of trademarks :

- 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"

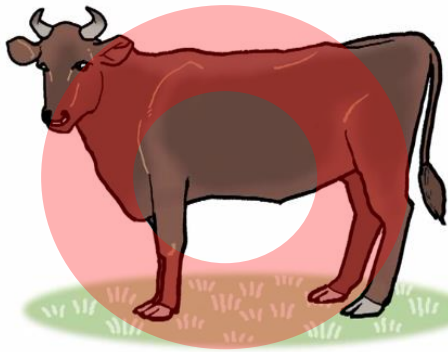
Note: In Japan, sake names traditionally use "Masamune" as a suffix.

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

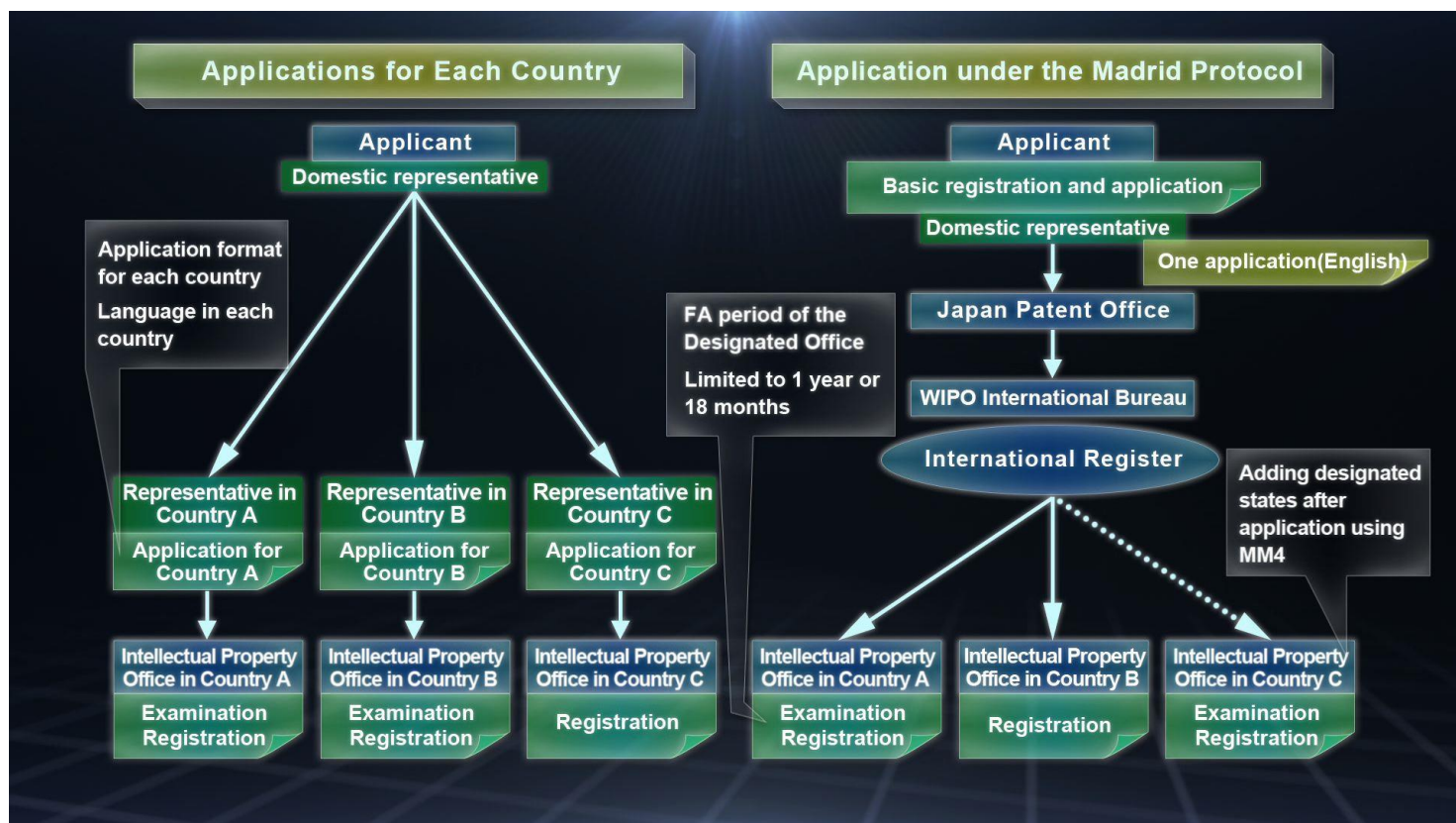
International Classification of Goods and Services

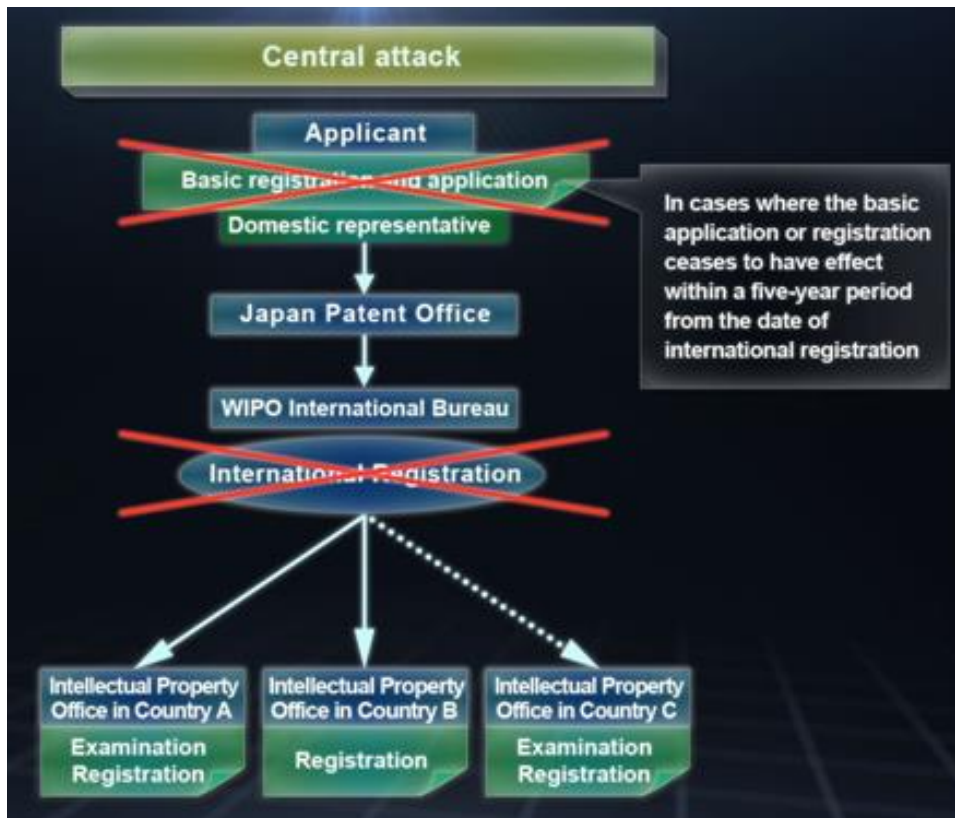
Nice Agreement Concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks

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.

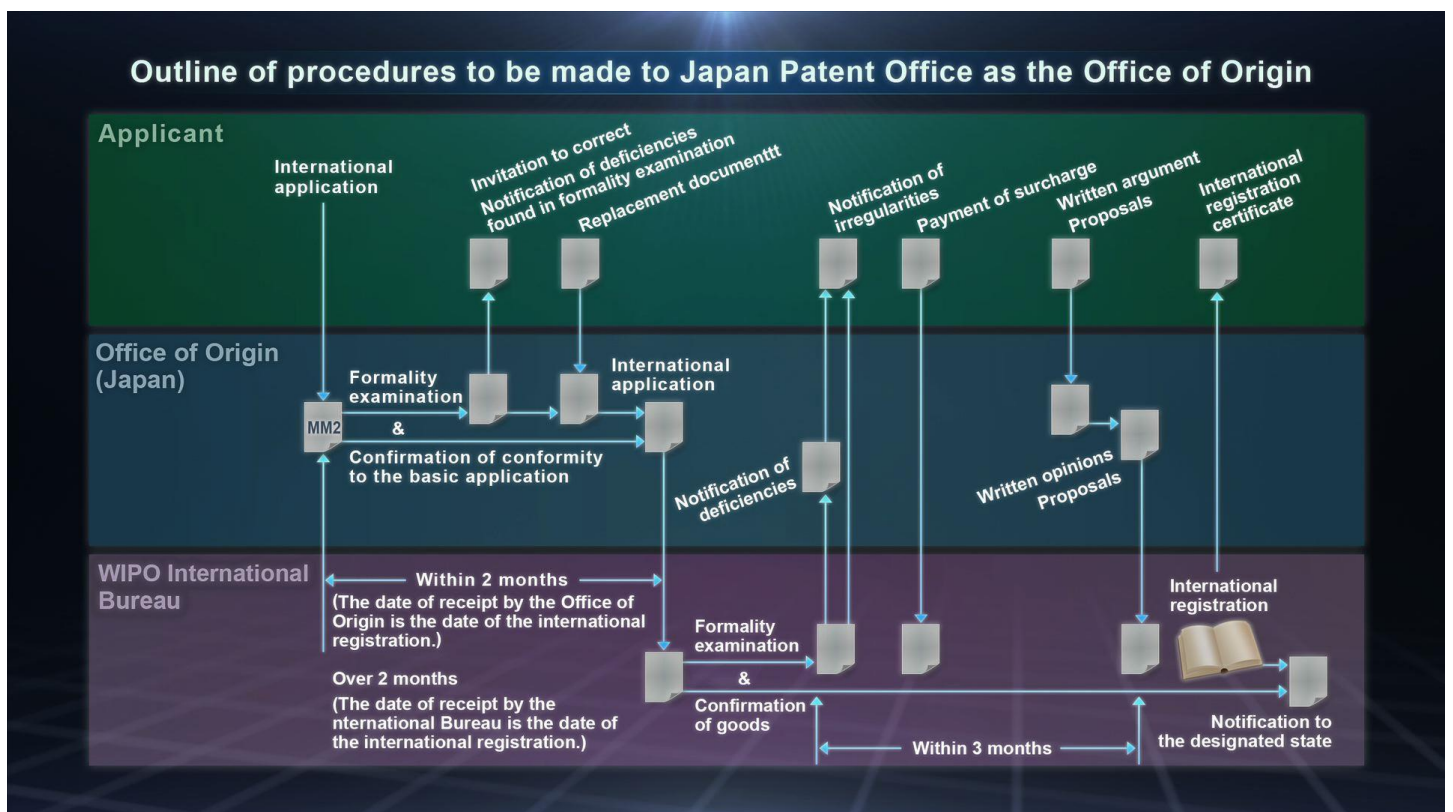
Class	Consecutive code	goods
09	A0001	Abacuses
10	A0002	Abdominal belts
10	A0003	Abdominal corsets
10	A0004	Abdominal pads
08	A0005	Abrading instruments [hard instruments]
03	A0006	Abrasive cloth
21	A0007	Abrasive pads for kitchen purposes
03	A0008	Abrasive paper
21	A0009	Abrasive sponges for scrubbing the skin
03	A0010	Abrasives *
01	A0011	Abrasives (Auxiliary fluids for use with -)
05	A0012	Abrasives (Dusts)
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

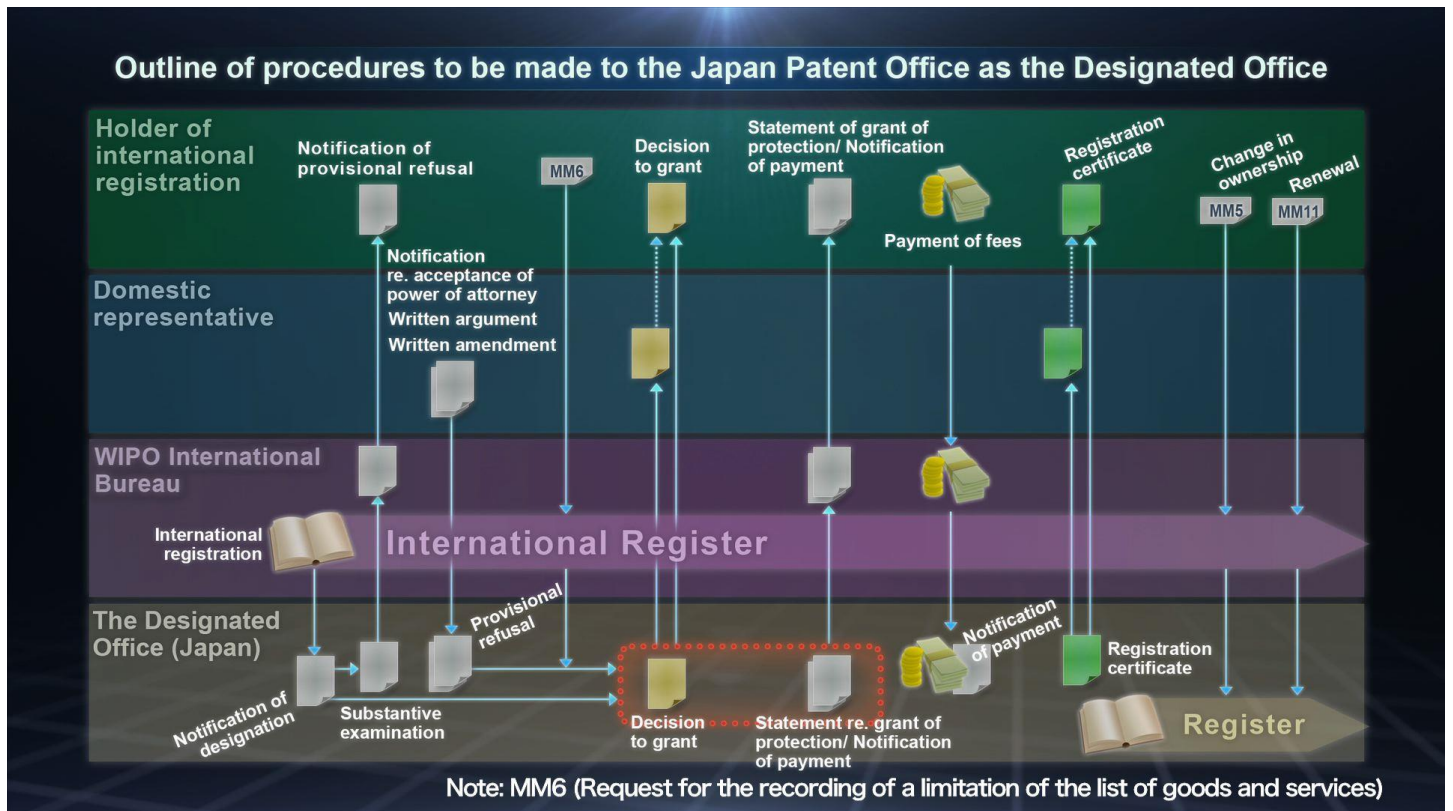
Madrid Protocol





Office of Origin





Design System

The Design Law, Article 1

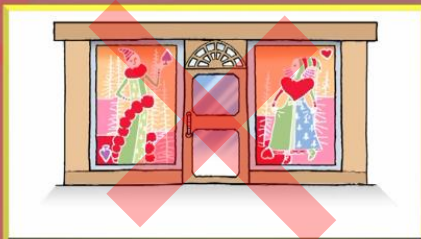
The purpose of this Law is,
through promoting the protection and the utilization
of designs, to encourage creation of designs,
and thereby to contribute to the development of industry.

Subject of Protection of the Design Right
under the Design Law

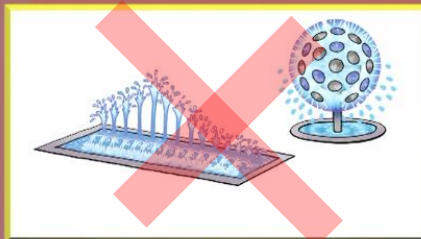
- Shapes
- Pattern
- Color

Items regarded as “articles”

Disregarded cases



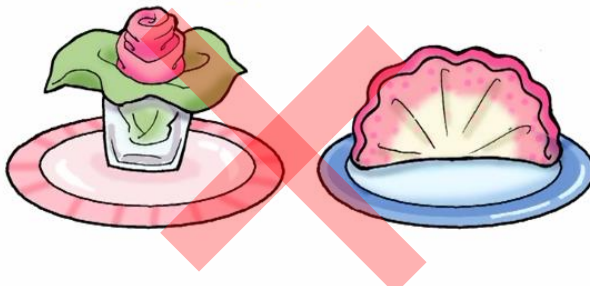
Shop window displays



Fountain

A design consisting solely of a shape
that is inseparable from an article

Disregarded cases



Flowers made from folded napkins

Visible articles

Articles that create a visually aesthetic impression

Disregarded cases



One grain of powder,
or a particle that is
invisible unless enlarged



Articles whose major purpose is functional
(do not create a visually aesthetic impression)
General screws and bolts

Requirements for Registrability

Industrially applicable (Design Law: Article 3, Paragraph 1, Main paragraph)

Disregarded cases



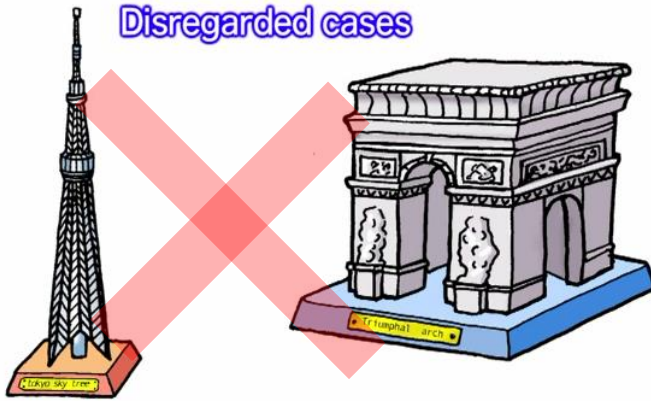
Natural objects such as a foliage plant
(even if the same kind of plant is used,
it's impossible to produce an identical shape.)

Novelty (Design Law: Article 3, Paragraph 1)

- A design that is identical with or similar to part of a design described in the statement in another application, nor publicly known in Japan or a foreign country.
- Publications containing the design have not been published.
- Electronic information about the design has not been published on the Internet.

Creativity
(Design Law: Article 3, Paragraph 2)

Disregarded cases



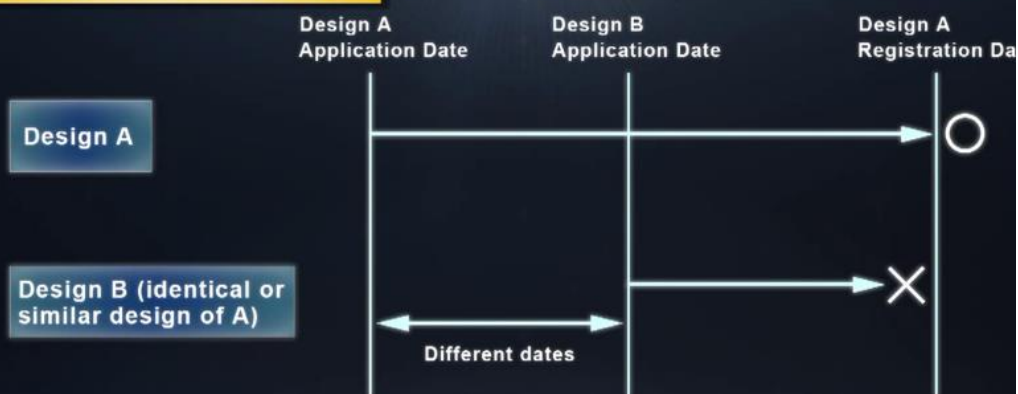
e.g. Ornamental motif on Tokyo Skytree, or The Arc de Triomphe

Does not contravene public order or morality
(Design Law: Article 5)

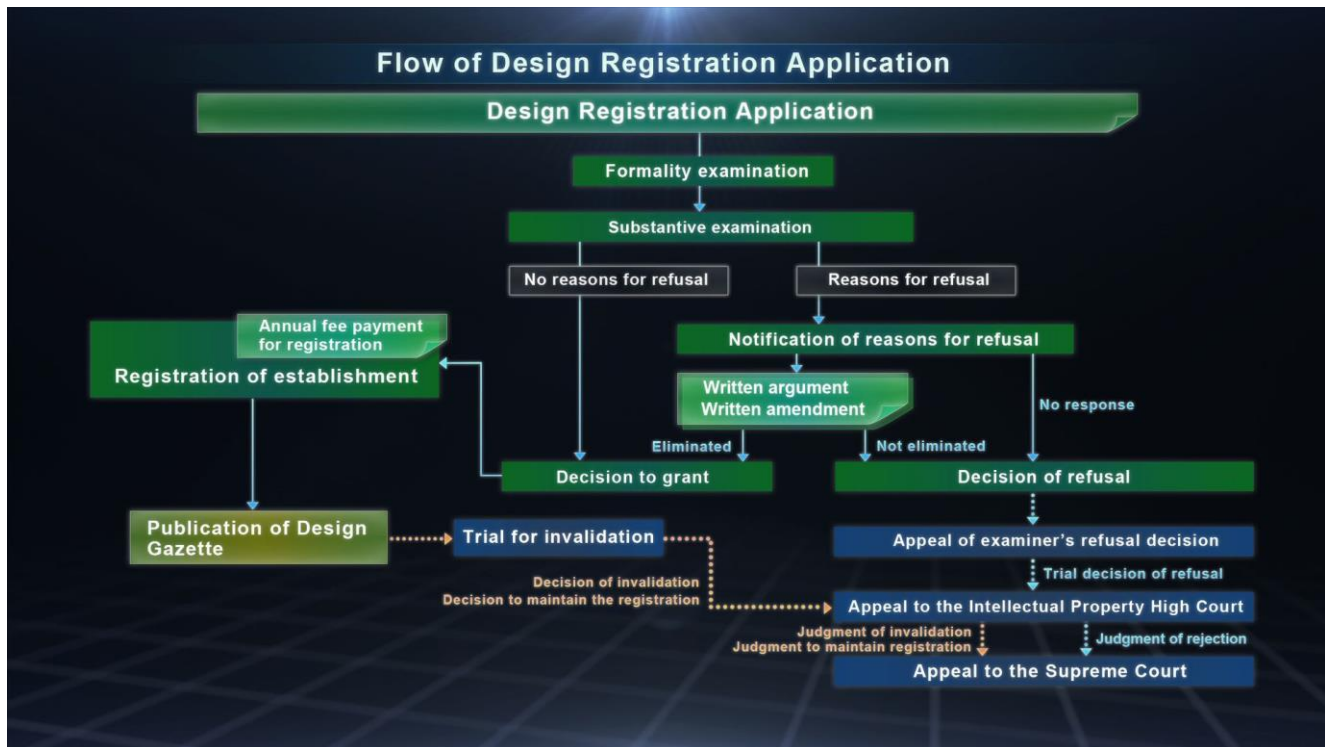
Disregarded cases



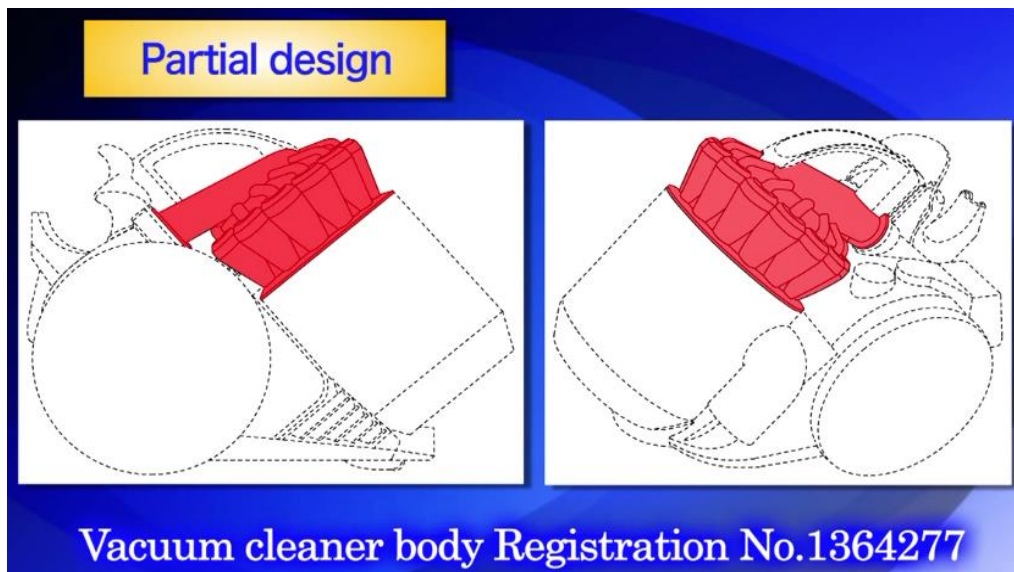
Prior application
(Design Law: Article 9)



One application per design
(Design Law: Article 7)



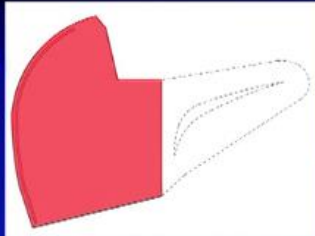
Special Design Registration



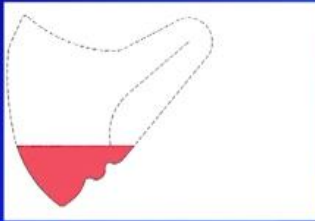
It is possible to protect a right with a partial design not against the goods in their entirety, but against the partially imitated article that has been infringed.

Partial design
Registration No.

1307215



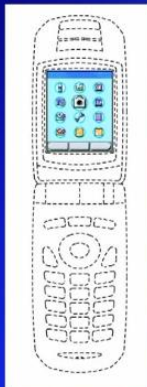
1286492



1325221

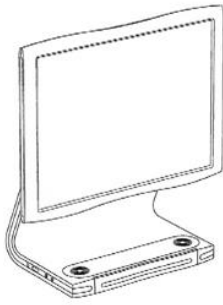


Graphic image on a screen

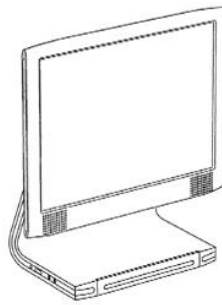


Walkie-talkie Registration No.1207282

Related design



Principal design
Registration No.1075393

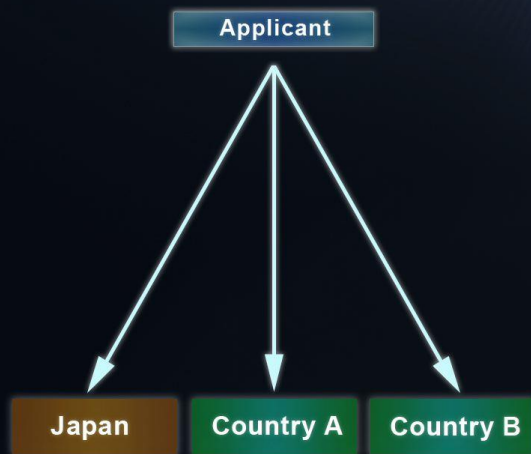


Related design
Registration No.1075674

Secret design

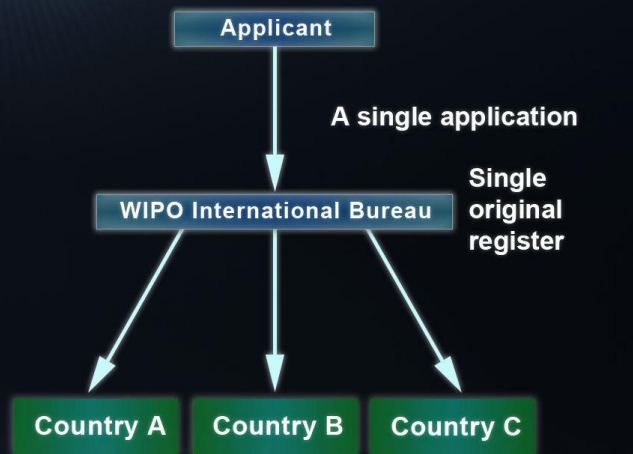
The Hague Agreement

Current Procedures



Language in each country
Procedure for each country

Procedures under the Hague Agreement



The right in more than
one contracting country