

6. Opposition to Trademark Registration

Q1: What is the deadline for filing a Written Opposition to Trademark Registration?

A1: The filing deadline is two months from the date of publication of the bulletin containing the trademark on the Internet (Trademark Act §43-2 (1)).

Q2: After an opposition is filed, how long will it take a decision on the opposition to be rendered?

A2: The JPO aims to process oppositions in eight months on average after the filing, but the time may vary by case.

Q3: When is a duplicate of a Written Opposition sent to the right holder?

A3: If the opponent is a resident of Japan, the duplicate is sent approximately two months after the expiry of the period for filing an opposition. If the opponent is a resident of a foreign country, the duplicate is sent approximately four months after the expiry of that period.

Q4: Can the right holder state an opinion on the duplicate of a Written Opposition that has been sent?

A4: The right holder can state an opinion by means of a Written Statement. Also, when the trial examination has proceeded and a Notification of Reasons for Revocation has been issued, the right holder is granted an opportunity to submit a Written Opinion in response.

Q5: How can I learn that an opposition has been filed?

A5: A Notice of Opposition Number is sent by postcard to the opponent and to the right holder approximately three to four weeks after an opposition is filed. In addition, a registration of the request for a trial for opposition is entered into the registry.

Q6: What is a registration of a request for a trial?

A6: When an opposition has been filed, that fact is registered in the registry. This is done for the purpose of providing a warning to persons engaging in transactions concerning trademark rights, since they may face the risk of suffering unforeseen damage at a later date. The request for a trial is recorded in the registry approximately four weeks after the opposition is filed. It is also recorded on the Japan Platform for Patent Information (J-PlatPat) database approximately one month after the request for trial is recorded in the registry.

Q7: Is there a way for the opponent to learn of the progress of a trial examination?

A7: The opponent can do so through an application for viewing or through the J-PlatPat patent information platform*.

*Please contact the helpdesk (helpdesk@j-platpat.inpit.go.jp) for more information.

Q8: Is it possible to make additional amendments when new grounds have been discovered after the expiry of the period for submission of supplementary grounds?

A8: After expiry of the period for submission of supplementary grounds, it is not possible to amend the grounds for opposition and add new grounds.