How to register a trademark in Japan: 

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3 Key Points!

If you are thinking of filing a trademark application in Japan, we hope this explanation will help enhance your understanding of the Japanese trademark system!

**Registration Principle**

Trademark rights are acquired after you have completed the registration of your trademark with the Japan Patent Office (JPO). Under this trademark right, you can secure the exclusive use of the trademark, file an injunction or claim for damages against infringers.

**First-to-file Principle**

In Japan, trademarks may be registered only by the first applicant. If someone else has registered a trademark similar* to your own, you may not be able to register it in Japan, even if you were using it first.

* JPO normally uses the words “identical” and “similar” in different ways; but in this booklet we have included the meaning of “identical” within the word “similar” in order to avoid redundant expressions.

**Examination Principle**

Every trademark application is examined by a JPO examiner. The filed trademark will be examined with regard to both the following aspects:

1. Absolute grounds for refusal arising from the trademark itself, such as whether it is distinguishable
2. Relative grounds for refusal, which relate to questions of applicability in relation to the rights of others
Pre-filing Checklist

Before filing a trademark application, let's check the list below:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you have a representative?</td>
<td>If you wish to file an application, you need to appoint a representative. Let's check <strong>Step 1:</strong> Appointment of a Representative.</td>
</tr>
<tr>
<td>Does the trademark have “distinctiveness”?</td>
<td>Trademarks that are not distinctive cannot be registered. Let's check <strong>Step 2:</strong> Verification of the Logo and Naming (Trademarks).</td>
</tr>
<tr>
<td>Is the indication of the goods / services to be designated concise and clear?</td>
<td>Some indications, that can be accepted in other countries, may not be accepted in Japan. Let's check <strong>Step 3:</strong> Designation of Goods / Services.</td>
</tr>
<tr>
<td>Do you currently conduct the business connected to the designated goods / services, or plan to do ?</td>
<td>When a broad range of goods / services are described, verification of actual or planned use of the trademark may be required. Let's check <strong>Step 3:</strong> Designation of Goods / Services.</td>
</tr>
<tr>
<td>Have you checked whether similar trademarks have been registered?</td>
<td>If you find a trademark similar to the one you want to register, your trademark may not be registered. Let's check <strong>Step 4:</strong> Searching for Similar Registered Trademarks.</td>
</tr>
</tbody>
</table>
You will not be able to register a trademark if someone else has registered a similar trademark in the range of similar goods/services before you. Searching for such other people’s registered trademarks before filing an application, therefore, will reduce the risks of not being able to register the trademark, or unknowingly infringing the rights of others.

### Searching for Similar Registered Trademarks

You will not be able to register a trademark if someone else has registered a similar trademark in the range of similar goods/services before you. Searching for such other people’s registered trademarks before filing an application, therefore, will reduce the risks of not being able to register the trademark, or unknowingly infringing the rights of others.

### Payment of Fees

Having decided on the details of your application, it is time to apply! Make sure to first pay the application fee.

Once an application is filed, it will be examined. If the examiner determines that the trademark can be registered, you will receive the “Decision for Registration”.

If you pay the registration fee within 30 days after the decision is sent out, your trademark registration is complete!
I want to apply to Japan! Can I apply directly from overseas in English?

When applying directly to Japan, all procedures must be conducted in Japanese through a representative.

In addition, there is another method of filing an application in English: filing an international trademark application using the Madrid system. You can choose the method that best suits your situation and brand strategy. For more information on the Madrid system, please refer to the WIPO website.

Pros and Cons of filing methods

<table>
<thead>
<tr>
<th></th>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct Application</td>
<td>■ Basic application or registration is not required&lt;br&gt;■ No risk of cancelation due to central attack*</td>
<td>■ Impossible to file a batch application to multiple countries</td>
</tr>
<tr>
<td>International Trademark Application</td>
<td>■ Possible to file a batch application to multiple countries&lt;br&gt;■ Application documents can be prepared in English&lt;br&gt;■ Easy management after registration</td>
<td>■ Basic application or registration is required&lt;br&gt;■ There is a risk of cancellation due to central attack*</td>
</tr>
</tbody>
</table>

* Cancelation of international registration due to revocation of basic application or registration. If the international registration is canceled, the protection in the designated country will also be canceled.

Selecting the appropriate filing method and representative.
**Step 2**

**Verification of the Logo and Naming (Trademarks)**

**Q** Any tips when coming up with trademarks?

When including characteristics of goods/services in a trademark, the key is to make it full of originality (i.e., distinctiveness), while also conveying its characteristics clearly.

**Learn more...**

**What is “Distinctiveness”?**

Distinctiveness is the power to have one’s goods/services recognized as distinct from those of others with respect to a certain logo or naming (trademark). The existence of distinctiveness is judged in relation to the goods/services for which the trademark is used.

**Ex.** The following trademarks do not have “distinctiveness”

- **Trademark**
  - **ORGANIC**
  - **An indication of the quality of goods:**
    - **Designated goods:** Alcoholic beverages
    - The term “ORGANIC” merely indicates the quality of the goods: “made from organic agricultural products”.
  - **Trademark**
  - **A**
  - **An indication consisting only of a very simple and common mark:**
    - **Designated services:** Providing financial information, etc.
    - It is very simple and consists only of a common mark.

**Learn more...**

Can the mark be registered if it is combined with a distinguishing letter or logo?

Even non-distinctive characters can be registered as long as they are combined with distinctive characters or logos (figures, etc.). However, this does not mean that the non-distinctive character part can be monopolized.

**Q** Can I change my trademark after filing?

No. You need to apply for a new trademark.

**Check 2**

Making the trademark “distinctive”.

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*Unix*

**Step 1**

**Step 3**

**Step 4**

**Step 5**
Step 3
Designation of Goods / Services

“Unclear description of goods / services” is the most common reason for refusal.

Be sure to designate goods / services by referring a list of goods / services on J-PlatPat.

Ex. Examples of goods / services

Be sure to designate the goods / services that you currently conduct or plan to conduct, the business connected to in the future.

For “Apparel manufacturers”…?

Class 25
Clothing

“Clothing” includes a wide range of items, such as “coats”, “sweaters”, “underwear”, “socks”, “hats”, etc. By describing such a term that encompasses a variety of goods, a right can be granted to include goods of that sub-concept as well.

For “App production companies”…?

Class 42
Computer software design

“Application Software”, for example, if you sell apps that can be downloaded on the web.

Be sure to also consider Class 9

CAUTION! “Unclear description of goods / services” is the most common reason for refusal.

Goods / Service Name Search (J-PlatPat)

Click! 

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* "Class XX" refers to a category of goods/services. The application fee and registration fee vary depending on the number of classes designated.
* Since the procedural language is Japanese, the English translations of the goods/services are for reference only.

**Q** Are there any other things to keep in mind?

Be sure to avoid overly detailed descriptions of goods/services. Concise expressions are recommended to avoid rejection. In addition, if you list goods/services for which you do not plan to conduct related business, you may not be able to register them. Or, even if they have been registered, these may be canceled.

**A**

It is recommended that the indications of goods/services be those listed on J-PlatPat.
Can the trademark be accepted in Japan by choosing the indication on the Nice Classification (NCL)?

Some indications in the NCL are judged to be unclear in Japan. For example, the class headings in the NCL cannot be accepted in Japan because the wording is ambiguous. The following are some examples.

<table>
<thead>
<tr>
<th>Class</th>
<th>Unacceptable indications of the class headings of NCL2012-2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Machines, machine tools, power-operated tools;</td>
</tr>
<tr>
<td>9</td>
<td>Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signaling, detecting, testing, inspecting, life-saving and teaching apparatus and instruments;</td>
</tr>
<tr>
<td>12</td>
<td>Vehicles;</td>
</tr>
<tr>
<td>12</td>
<td>Apparatus for locomotion by land, air or water;</td>
</tr>
<tr>
<td>17</td>
<td>Packing, stopping and insulating materials;</td>
</tr>
<tr>
<td>31</td>
<td>Raw and unprocessed agricultural, aquacultural, horticultural and forestry products;</td>
</tr>
<tr>
<td>33</td>
<td>Alcoholic preparations for making beverages;</td>
</tr>
<tr>
<td>36</td>
<td>Financial, monetary and banking services;</td>
</tr>
<tr>
<td>37</td>
<td>Installation and repair services;</td>
</tr>
<tr>
<td>40</td>
<td>Treatment of materials;</td>
</tr>
<tr>
<td>41</td>
<td>Sporting and cultural activities;</td>
</tr>
<tr>
<td>42</td>
<td>Scientific and technological services and research and design relating thereto;</td>
</tr>
<tr>
<td>42</td>
<td>Quality control and authentication services;</td>
</tr>
<tr>
<td>45</td>
<td>Funerary services;</td>
</tr>
</tbody>
</table>

If you change these indications to others, they could be accepted. For more information, please visit our website.

Click! Indications of goods / services appearing in the class headings of LIST OF CLASSES OF GOODS AND SERVICES WITH EXPLANATORY NOTES under the NICE Agreement (JPO)
Learn more... How should retail services be designated?

Q: Our main service is retailing goods. What type of service indications are eligible for registration?

A: Since the JPO organizes retail services according to the goods which are dealt with, it is necessary to clarify this information. Please consult your representative for details.

Case 1: General Retailing
When the retail service includes a variety of goods such as clothing, foods, beverages, daily necessities, etc. in department stores or supermarkets, etc.

“Retail services or wholesale services for a variety of goods in each field of clothing, foods and beverages, and livingware, carrying all goods together”

Case 2: Specified Retailing
When the retail service is for specific products

“Retail services or wholesale services for [XX(specified goods)]”

* If you are mainly planning to provide goods online, be sure to consider indicating “Online retail services or wholesale services for [XX (specified goods)]”.

However, please note that even in [Case 1] and [Case 2], if the range of goods dealt with in the retail services is extensive, the examiner may check the actual or planned use of the trademark.

Learn more... Can’t a trademark be registered if a wide range of goods / services are designated for it?

In principle, trademarks that can be registered are limited to goods / services for which an applicant actually conducts business, or plans to conduct business in the future.

Therefore, in the following cases, the examiner sends the applicant a “Notice of Reasons for Refusal” to confirm whether the applicant really plans to conduct business connected to the goods / services.

1. The applicant selects a wide range of goods / services within 1 class
2. The applicant selects multiple retail services in Class 35

The number of Similar Group Codes (SGC) is used to determine whether a wide range of goods / services have been selected.

Details of SGC ▶ P.14
1 When a wide range of goods / services are selected  
(23 or more Similar Group Codes (SGC) within 1 class)

If there are 23 or more SGC in 1 class, the examiner will consider that a wide range of goods / services have been selected and will issue a “Notice of Reasons for Refusal.”

Example

<table>
<thead>
<tr>
<th>goods</th>
<th>SGC</th>
<th>accumulated number of codes counted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baked apple</td>
<td>30A01</td>
<td>1</td>
</tr>
<tr>
<td>Sesame oil</td>
<td>31C01</td>
<td>2</td>
</tr>
<tr>
<td>Milk products</td>
<td>31D01</td>
<td>3</td>
</tr>
<tr>
<td>Milk</td>
<td>31D01</td>
<td>-</td>
</tr>
<tr>
<td>Meat</td>
<td>32A01</td>
<td>4</td>
</tr>
</tbody>
</table>

Since they are in the same SGC, counted as “1”.

“4” SGC within a class

No “Notice of Reasons for Refusal”

2 When multiple retail services are selected

SGC for retail services are indicated as “35 K XX.” A single selection of the code for retail services can cover a wide range of goods / services as shown in Example 1 below. Therefore, if there are 2 or more types of “35 K XX” designated as shown in Example 2 below, the examiner will consider that a wide range of services is designated and will notify the reason for refusal.

Example 1

<table>
<thead>
<tr>
<th>services</th>
<th>SGC</th>
<th>accumulated number of codes counted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail services for confectionery, bread and buns</td>
<td>35K03</td>
<td>1</td>
</tr>
<tr>
<td>Retail services for tea and coffee</td>
<td>35K03</td>
<td>-</td>
</tr>
</tbody>
</table>

Since they are in the same SGC, counted as “1”.

No “Notice of Reasons for Refusal”

Example 2

<table>
<thead>
<tr>
<th>services</th>
<th>SGC</th>
<th>accumulated number of codes counted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail services for confectionery, bread and buns</td>
<td>35K03</td>
<td>1</td>
</tr>
<tr>
<td>Retail services for cosmetics</td>
<td>35K10</td>
<td>2</td>
</tr>
</tbody>
</table>

There are 2 or more types of “35 K XX” designated.

“Notice of Reasons for Refusal”

Check

If you do not plan to use the trademark for all the range designated, be sure to narrow down the range of goods / services.
Step 4

Searching for Similar Registered Trademarks

Once a trademark and goods / services have been determined, it is important to check whether there have been similar registered trademarks in the past before filing an application. In addition to asking your representative to search, you can also conduct a Trademark Search via J-PlatPat.

Click! Trademark Search (J-PlatPat)

Q

How can I determine whether trademarks are similar?

Examination involves a comprehensive evaluation of the trademark's appearance, sound (pronunciation), and concept (meaning) in order to determine whether the trademarks are similar.

A

Ex. Examples of trademarks found to be similar

They are similar in appearance and share the same sound of “CIS”.

The composition that combines a skull and two bone fragments is common. Differences remain within a fine range.

Q

Are there cases where trademarks that do not appear similar at first glance have been found to be similar?

Yes. A trademark that combines multiple characters or contains a figure is called a “composite trademark,” and in this case, the examiner may separate the important part of the entire trademark (called the “primary part”) to determine whether the trademarks are similar.

A
Examples of Composite Trademarks

Comparing the primary parts “EMPIRE”, the appearances are confusing, and the sound (pronunciation) “Empire” and the concept of “Empire” are identical.

Intellectual Property High Court, 2019 (Gyo-ke) No. 10104

The court found that in the industry that provides the service designated by the trademark applied for, “Providing food and drink in restaurants”, the names and signboards of shops generally include a figure of a cow or the letters “STEAK HOUSE”, and therefore these are weak parts to distinguish the applicant’s services from those of others.

Then, by excluding what was determined to be the “weak parts” of the entire applied-for trademark, the court considered the word “EMPIRE” as the “primary part” of the applied-for trademark, and determined that the primary part was similar to that of another person’s registered trademark “EMPIRE”.

Check 5  Checking whether similar trademarks have been registered.
SGC is a grouping of goods/services that have commonalities in terms of the companies dealing them, as well as their content and other matters.

**Q** I found a similar trademark. In that case, do I have to give up registering my trademark?

**A** Even if the trademarks are similar, they can be registered if the goods/services are not similar. The following is a good way to think about this:

- **Are the trademarks similar?**
  - Yes → **Are the goods/services similar?**
    - Yes → **Not registrable**
    - No → Registrable

In the example below, both can be registered because the trademarks are similar, but the goods are not.

<table>
<thead>
<tr>
<th>Trademark</th>
<th>Designated goods</th>
</tr>
</thead>
<tbody>
<tr>
<td>「○△×」</td>
<td>Automobiles</td>
</tr>
<tr>
<td>「○△×」</td>
<td>Personal Computers</td>
</tr>
</tbody>
</table>

**Q** How do I determine whether goods/services are similar?

**A** The JPO assigns a five-digit alphanumeric code to goods/services called a “Similar Group Code” (SGC). Similar goods/services have the same SGC, so please check this.

---

**Learn more... What is SGC?**

SGC is a grouping of goods/services that have commonalities in terms of the companies dealing them, as well as their content and other matters.
Once you have decided on the trademark and the designated goods / services, let’s apply to the JPO for trademark registration. You must pay fees at the time of filing and registration.

The information on this page is current as of April 2023. Please be sure to check the JPO and WIPO websites for the latest fee information before filing an application.

**Direct Application**

| Application Fee | JPY 3,400 + (number of classes x JPY 8,600) |
| Digitization Fee (for paper procedures only)* | JPY 2,400 + (1 sheet x JPY 800) |
| Registration Fee | Lump sum payment for 10 years: number of classes x JPY 32,900 |
| | Payment in installments for 5 years: number of classes x JPY 17,200 |
| Renewal Fee | Lump sum payment for 10 years: number of classes x JPY 43,600 |
| | Payment in installments for 5 years: number of classes x JPY 22,800 |

* Digitization fees will be charged not only for the application form, but also for arguments, amendments, renewal registration applications and so on.

**International Trademark Application**

| Fees and Payments – Madrid System (WIPO) | Click! |

**Q** How much does it cost to get a trademark in Japan?

For example, if you file an online application designating 2 classes, you must pay the following fees.

- Application Fee : ¥20,600
- Registration Fee (Lump sum payment for 10 years) : ¥65,800

In addition, if the application is filed from abroad, payment of fees for a representative is also required.
Q Is the fee the same for obtaining trademark rights in Japan using an international trademark application?

A No. For international trademark applications, a basic fee and individual fees must be paid.

### International Trademark Applications

Below are the amounts when only Japan is designated. For details on fees related to the Madrid Protocol, please check the website of the International Bureau (WIPO).

#### Application

<table>
<thead>
<tr>
<th></th>
<th>If the mark is not colored</th>
<th>CHF 653</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Fee</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>If the mark is colored</th>
<th>CHF 903</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Individual Fee (amount to be determined by each Contracting Party)</th>
<th>Amount equivalent to the Registration Fee in Direct Application (number of classes x JPY 32,900)*</th>
</tr>
</thead>
</table>

* Please check the website of the International Bureau (WIPO) for specific amounts.

#### Renewal

<table>
<thead>
<tr>
<th></th>
<th>If renewal procedures are performed before the expiration of the duration</th>
<th>CHF 653</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Fee</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>If the payment is processed during the grace period of 6 months</th>
<th>CHF 326.5 (Surcharge)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Individual Fee (amount to be determined by each Contracting Party)</th>
<th>Amount equivalent to the Renewal Fee in Direct Application (number of classes x JPY 43,600)*</th>
</tr>
</thead>
</table>

* Please check the website of the International Bureau (WIPO) for specific amounts.
Understanding the application process is very important in order to proceed smoothly with your application.

**Application**

**Publication of Applications**
The contents of the application will be published in the Internet Bulletin.

**Examination**

**Notice of Reasons for Refusal**
This is the document to be notified by JPO if there are reasons for not being able to register as a result of examination.

**Decision of Registration**

**Amendment**

**Argument**

**Examination anew of Amended / Argued Application**

**Decision of Refusal**

**Decision of Registration**

**Appeal and Trial**

**Payment of Registration Fee**

**Certificate of Registration**
The term of trademark rights can be renewed every 10 years.

**Click!**
[Madrid System – The Process (WIPO)]
**References**

- **Trademark**
  - Trademark Search (J-PlatPat)

- **Goods / Services**
  - Goods / Service Name Search (J-PlatPat)
  - Similar Group Code (JPO)

- **Examination**
  - Examination Guidelines for Trademarks (JPO)
  - The Trademark Examination Manual (JPO)

- **International Trademark Applications**
  - Madrid System (WIPO)
  - Process of Filing International Trademark Applications (WIPO)
  - Fee (WIPO)
  - Information for users designating Japan under the Madrid Protocol (JPO)

- **Others**
  - Direct Application Fee (JPO)
  - JPO Initiatives and Information (JPO)
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