

Revision of Trademark Law

The amended Trademark Law, promulgated in 2014, introduces [1] Expansion of qualification to register regional collective trademarks and [2] Protection of new types of trademarks. The former was implemented on August 1, 2014 and the latter will become effective on April 1, 2015. The details of the revision are as follows.

[1] Expansion of qualification to register regional collective trademarks

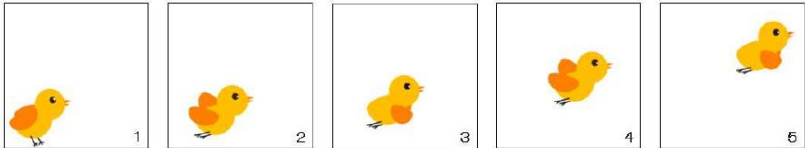
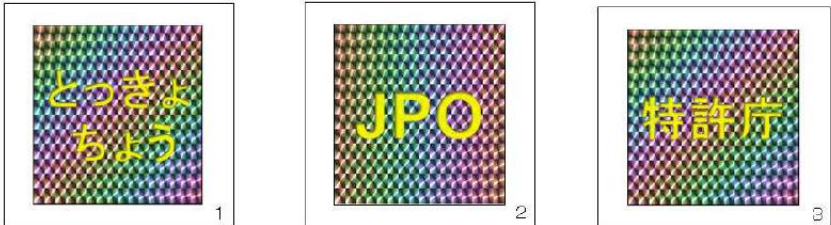
The regional collective trademark system has been introduced since April, 2006 to ease the requirements of trademark registration for certain groups such as cooperative business associations or equivalent foreign legal entities. The regional collective trademark consists solely of the name of region and the name of the goods or services.


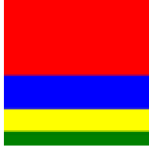
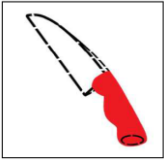
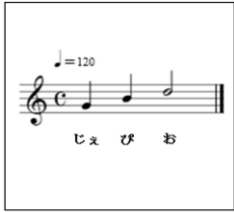
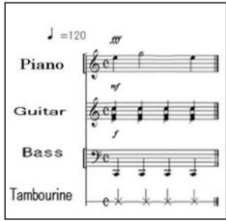
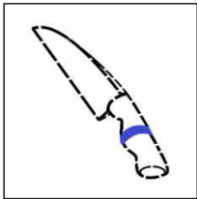

According to the recent revision, the following groups qualified for registering regional collective trademarks: commerce and industry associations, chambers of commerce and industry, non-profit organizations, or equivalent foreign legal entities (§7-2(1)).

[2] Protection of new types of trademarks

(1) New types of trademarks

It will be possible to register the following five types of trademarks as new types of trademarks (§5(2)).

<p>Motion Mark</p>	<p>The target of protection is the changing of the characters or figures as the time passes. (For example, changing characters or figures on the TV or computer screen)</p> <p>Example:</p> 
<p>Hologram Mark</p>	<p>The target of protection is the changing of the characters or figures by holography or other methods.(characters or figures appearing to look different depending on the viewing angle.)</p> <p>Example:</p> 

<p>Color Per Se Mark</p>	<p>The target of protection is an individual color, or a combination of colors. Please note that a device mark with color, which has been already registrable, is not included. (For example, colors used in wrapping paper or advertisement signs)</p> <p>Example:</p> <p>i individual color ii combination of colors iii color in specific position of goods</p> <div style="display: flex; justify-content: space-around; align-items: center;">    </div>
<p>Sound Mark</p>	<p>The target of protection is music, sound, natural sound, etc., recognizable in hearing. (For example, the sound logos used in commercials or the start-up sound for PCs)</p> <p>Example:</p> <p>i staff notation</p> <div style="display: flex; justify-content: space-around;">   </div> <p>ii text</p> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 5px; margin-right: 20px;"> <p>本商標は、「パンパン」と2回手をたたく音が聞こえた後に、「ニャオ」という猫の鳴き声が聞こえる構成となっており、全体で3秒間の長さである。</p> </div> <div style="border: 1px solid black; border-radius: 15px; padding: 10px; background-color: #e6f2ff; width: 300px;"> <p>< English translation > The mark is composed of : clapping one's hands twice, and then, cry of a cat "meow". The total length is three seconds.</p> </div> </div>
<p>Position Mark</p>	<p>The target of protection is a specific position on a device mark.</p> <p>Example:</p> <div style="display: flex; justify-content: space-around; align-items: center;">   </div>

(2) Application with a priority under Paris Convention

Even if basic application in other country was filed before April 1, 2015, it will be possible to file new types of trademarks with a priority under Paris convention within six months from the prior filing date on or after April 1, 2015.

(3) Necessary items for filing the new types of trademarks

The following items should be described in an application form or attached to an application form when you file the new types of trademarks.

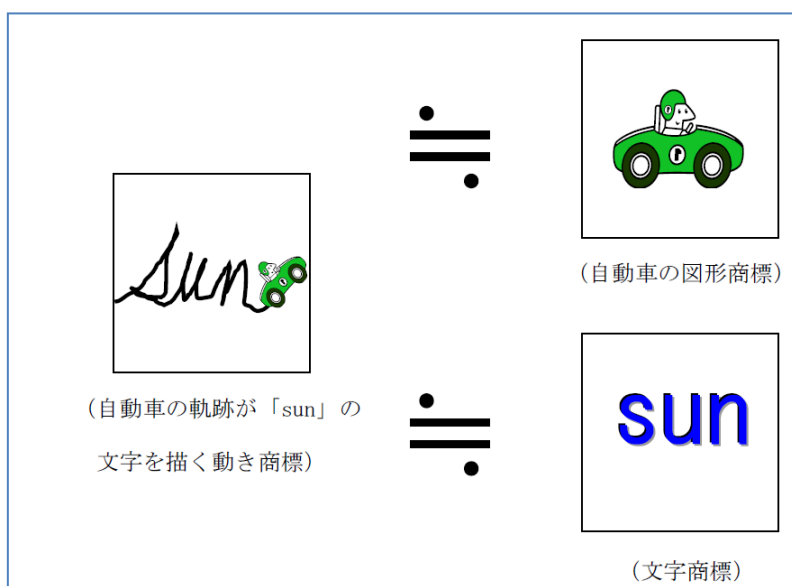
	Description of the mark type	Description of the mark	Attachment
Motion Mark	required	required	not required
Hologram Mark	required	required	not required
Color Per Se Mark	required	required	not required
Sound Mark	required	on a voluntary basis	required (audio file)
Position Mark	required	required	not required

(4) Inherent registrability of new types of trademarks

In principle, Color Per Se Mark itself does not possess distinctive feature. Regarding Sound Mark, one of only melody or wordless one does not possess distinctive feature.

(5) Judgement of similarity in the JPO Examination: new types of trademarks vs. other trademarks

Trademark, regardless of types, is judged to be similar when the subject trademark may be confused with other existing trademarks. The followings are typical examples of judgement of similarity: Motion Mark vs. Device Mark and Motion Mark vs. Letter Mark.



Cited from Trademark Examination Guidelines, the revised 11th edition
Please refer to the following web-site of Japan Patent Office.

(http://www.jpo.go.jp/iken/pdf/shohyo_141225_kekka/kaisei_kijun.pdf)