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News

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Development of Japanese IP Law

1. Trademark Examination Manual published on April 2, 2018.

The Trademark Examination Manual is used by examiners for use as examination material in executing their practical duties. It supplements the Trademark Examination Standards which are classified as general guidelines for trademark examination and are broadly used in order to deepen trademark applicants' and their representatives' understanding of the practical duties.

On April 2, 2018, the new Trademark Examination Manual was published. Under the previous Manual, the applicant, in principle, designates eight or more similar group codes under one international class, examiners have reasonable doubts over the applicant's use of or intention to use the trademark and issue an office action under the main paragraph of Article 3(1) of the Trademark Act.

After April 2, such an office action will be issued only when the applicant designates more than twenty two similar group codes other than for retail services in Class 35. We believe that chances of such an office action will become very small in the future. If the applicant designates two or more similar group codes for retail services in Class 35, an office action will be continued to be issued as in the previous Manual.

The above Manual will be applied to all pending applications and future applications.

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2. JPO STATUS REPORT 2018

The "JPO Status Report 2018" was published on March 29, 2018.

It is interesting to see that the number of trademark applications have increased for the past several years as follows.

Number of Trademark Applications										
Year	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Total	119,185	110,841	113,519	108,060	119,010	117,675	124,442	147,283	161,859	190,939
a. IR	12,586	10,641	10,825	12,412	11,788	13,696	12,672	15,984	13,835	17,328
b. Excluding IR	106,599	100,200	102,694	95,648	107,222	103,979	111,770	131,299	148,024	173,611
a. IR: Number of International Applications for Trademark Registration										
b. Excluding IR: Number of Trademark Applications Excluding International										

The report also states that the First Action Pendency is 4.9 months and Total Pendency is 6.8 months for trademark examinations during the period of April 2016 to March 2017. It is interesting to note that the trademark applications filed during the period of January to March 2018 are scheduled to be examined within seven to eight months after filing on average according to the information JPO periodically published on JPO home page. We assume that the Total Pendency is now eight to ten months on average. The increase of the number of trademark applications might be one of the reasons.

If you have any questions, please feel free to contact us.