

◆PATENT

1. Object of protection

The Patent system protects "Invention" defined as the highly advanced creation of technical ideas utilizing the laws of nature in the Patent Law §2 (1).

2. Requirements for registration

In the Patent system, a substantive examination principle has been introduced. Following requirements are mainly required for registration;

- (1) Absolute Novelty (Patent Law §29 (1))
- (2) Inventive Step (Patent Law §29 (2))
- (3) Industrial Applicability (Patent Law the body of §29 (1))
- (4) First-to-file rule (Patent Law §39)

In Patent system, a Request for Examination principle has been introduced, namely no application will be examined unless a Request for Examination is filed (Patent Law §48-3). A Request for Examination can be filed within three years from the filing date with the official fee. If a Request for Examination is not filed by the due date, the patent application will be deemed to be withdrawn.

3. Requirements for filing

Following requirements are required for filing;

- (1) Application documents (Specification, Claims, Drawings and Abstract)
- (2) Full name, address, nationality and legal status (i.e., kind of incorporation) of the applicant, and Identification number allocated by the Japan Patent Office (if the applicant has ever filed a patent, utility model, design or trademark application with the JPO)
- (3) Full name, address and nationality of the inventor
- (4) Name of the country in which the basic or home application was filed and filing date and number (if priority is claimed)
- (5) Priority documents (if priority is claimed)

※ No executed documents, e.g. a power of attorney or an assignment, are required for filing an application.

4. Duration of right

The patent right has duration of 20 years from filing date (Patent Law §67 (1)).

◆UTILITY MODEL

1. Object of protection

The Utility Model system protects the creation of technical ideas utilizing the laws of nature, which is defined as “Device” in the Utility Model Law, §2 (1), in common with the Patent system. While the Patent system is for protecting said “Invention” involving highly advanced technologies, the Utility Model system is for protecting simple “Device” relating to a shape or construction of articles or a combination of articles. Thus, computer programs, any methods such as a manner to use or a manufacturing process, etc. can not be protected by the Utility Model system.

2. Requirements for registration

Being different from the patent system, a non-substantive examination principle has been introduced in the Utility Model system (Utility Model Law §14 (2)).

Requirements for registration are almost the same as the Patent system.

3. Requirements for filing

Requirements for filing are the same as the Patent system.

※ No executed documents, e.g. a power of attorney or an assignment, are required for filing an application.

4. Duration of right

The Utility Model right has duration of 10 years from filing date (Utility Model Law §15).

◆DESIGN

1. Object of protection

The Design system protects “Design” defined as a shape, pattern or color or any combination thereof in an article (including a part of an article) which produces an aesthetic impression on the sense of sight in the Design Law, §2 (1).

2. Requirements for registration

In the Design system, a substantive examination principle has been introduced. Following requirements are mainly required for registration;

- (1) Absolute Novelty (Design Law §3 (1))
- (2) Creativity (Design Law §3 (2))
- (3) Industrial Applicability (Design Law the body of §3 (1))
- (4) Unity of Design (Design Law §7)
- (5) First-to-file rule (Design Law §9)

With regard to Item (4), it means that two or more designs can not be included in one application.

3. Requirements for filing

Following requirements are required for filing;

- (1) Drawings or Photographs
- (2) Full name, address, nationality and legal status (i.e., kind of incorporation) of the applicant, and Identification number allocated by the Japan Patent Office (if the applicant has ever filed a patent, utility model, design or trademark application with the JPO)
- (3) Full name, address and nationality of the designer
- (4) Name of the country in which the basic or home application was filed and filing date and number (if priority is claimed)
- (5) Priority documents (if priority is claimed)

With regard to Item (1), when a design is three-dimensional, drawings showing all six sides of an article are required. A set of six-side views in orthographic projection, i.e. front, rear, top, bottom, right and left side views, are normally used. Instead of all the views or a part of the views, drawings in isometric projection or oblique projection can be used. On the other hand, when a design is two-dimensional, for example textiles, only two-side views showing front and back sides are acceptable. All views must be represented in the same scale.

※ No executed documents, e.g. a power of attorney or an assignment, are required for filing an application.

4. Duration of right

The Design right has duration of 20 years from registration date (Design Law §21 (1)).

◆TRADEMARK

1. Object of protection

The Trademark system protects “Trademark” defined as a “mark” which is used in respect of goods by a person who produces, certifies or assigns such goods in the course of trade, or as a “mark” which is used in respect of services by a person who provides, certifies such services in the course of trade. The “mark” is defined as characters, figures, signs or three-dimensional shapes or any combination thereof, or any combination thereof with colors (Trademark Law §2 (1)).

2. Requirements for registration

In the Trademark system, a substantive examination principle has been introduced. Following requirements are mainly required for registration;

- (1) Inherent registrability [Absolute grounds] (Trademark Law §3)
- (2) Relative grounds (Trademark Law §4)
- (3) First-to-file rule (Trademark Law §8)

With regard to Item (2), for example following Trademarks are not registrable;

- (a) Trademarks which are identical with, or similar to, another person’s trademarks covering identical or similar goods or services with earlier registration and filing dates (Trademark Law §4 (1) (xi)).
- (b) Trademarks which are identical with, or similar to, trademarks well-known among consumers in Japan or abroad as indicating the goods or services as being connected with another person’s business, and which the applicant uses with unfair intention (Trademark Law §4 (1) (xix)).

3. Requirements for filing

Following requirements are required for filing;

- (1) Specimen of the mark (word mark, device mark, 3D mark)
- (2) List of Goods and/or Services, and Class(es)
- (3) Full name, address, nationality and legal status (i.e., kind of incorporation) of the applicant, and Identification number allocated by the Japan Patent Office (if the applicant has ever filed a patent, utility model, design or trademark application with the JPO)
- (4) Name of the country in which the basic or home application was filed and filing date and number (if priority is claimed)
- (5) Priority documents (if priority is claimed)

※ No executed documents, e.g. a power of attorney or an assignment, are required for filing an application.

4. Duration of right

The trademark right has duration of 10 years from registration date. Its term can be renewed for a next ten-year period as many times as you wish (Trademark Law §19).