

News

April 2016

Development of Japanese IP Law

1. New Examination Guidelines For Trademarks

The Examination Guidelines For Trademarks has been fully revised since its introduction in 1971. The new guideline is applicable to the examination of trademark applications after April 1, 2016. The revision includes the examination standard for Article 3 (1) (registrability of trademarks (distinctiveness)). For example, the corporate slogan was in principle said to be unregistrable. The new guideline shows the acceptable distinctive corporate slogans considering the recent development of case laws. With regard to distinctiveness acquired through use, the designated goods in an application do not have to be exactly identical to those actually used now.

2. Extension of Time to Respond to the Notification of Refusal for Trademark Applications

After April 1, 2016, Request for Extension of Time to the Notification of Refusal within two months from the expiration of the due date is available without showing any causes for the notification of refusal of trademark applications. Only foreign applicants could file the one-month extension on or before the due date before March 2016. Now both domestic and foreign applicants not only can file the request for one-month extension before the due date, but also can file the two-month extension within two months from the expiration of the due date. Official fees are required for both type of extensions (2,100 yen for one-month extension and 4,200 yen for two-month extension).

3. JPO Status Report 2016

JPO Status Report 2016 was published on March 29, 2016. In the report, the number of trademark applications in 2015 reached 147,283 (15,984 for international applications and 131,299 for other applications). It increased by 18.4% from the previous year. The number of design applications in 2015 was 29,903 (452 for international applications for design registration and 29,451 for other design applications) and it increased by 0.6% from the previous year.

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