

SHIMIZU & DAIGO

PATENT & TRADEMARK ATTORNEYS

PHONE: 81-3-3243-1245

Terasaki Bldg. No.2, 4th Floor
12-15, Nihonbashi-Muromachi 1-chome
Chuo-ku, TOKYO 103-0022
JAPAN

TELEFAX: 81-3-3246-2049

E-Mail: ip-law@shimizu-daigo.com

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Cabinet Decision on the Bill for the Act of Partial Revision of the Unfair Competition Prevention Act, etc.

The “Act for Partial Amendment to the Unfair Competition Law and others” was decided in the Cabinet and was submitted to the 196th ordinary Diet sessions on February 27, 2018. The main issue was related to the wrongful acquisition, use or provision of data that is protected by management system (e.g. IDs and passwords managing method), the above Act also includes the following design and trademark issues.

Revision of Design Law

It stipulates the provisions for: expansion of the period regarding the exception to lack of novelty of design from 6 months to one year.

Revision of Trademark Law

An applicant for trademark registration may file one or more new applications with regard to part of an application which designates two or more goods or services as its designated goods or designated services, provided that the filing fee for trademark registration has been paid.

In Japan, it is not necessary to pay the application fee at the time of filing and the JPO accords the filing date to the applicant even if the application fee has not been paid. Mr. X and its wholly owned Company Y file many trademark applications over the past several years which may consist of more than 10% of the total number of trademark applications in Japan. The above applicant usually does not pay the application fee and continuously files divisional applications so that it keeps the trademark applications alive. It seems that the above revision of the law aims at Mr. X and Company Y.

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