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ON TRADEMARK INFORMATION ACTIVITIES

submitted by

JAPAN

An annual series of reports on the trademark information activities
of members of the Standing Committee on Information Technologies

JAPAN
Annual Technical Reports on Trademark Information Activities
(1999 Edition)

I. Evolution of registration activities

-Changes caused concerning the procedures in application filings and grants (registration) in the year reported:

In 1999, application filings and registrations totaled 121,861 and 123,656, respectively.

-Trends or areas experiencing rapid changes in the year reported:

Application filings in 1999 increased about 9,000 in comparison with the preceding year.

II. Matters concerning the generation, reproduction, and distribution of secondary sources of trademark information, (i.e., trademark gazettes)

-Publication, printing and photocopying technologies:
Nothing particular to report

-Major public notices published by the Japanese Patent Office in the trademark information field.

The trademark gazettes and documents published totals in 1999 are:

Trademark gazettes:	124,000
Appeal and trial decisions gazettes:	3,850
Lists of registration:	869
Lists of registration (renewal):	48,000
Final disposition lists;	0

-Word-processing and office automation:
Nothing particular to report

-Technologies used for generation of trademark information (e.g., printing, recording, microfilming, phototypesetting, and the like):

The Japan Patent Office (JPO)-published trademark documents are offset printed. Trademark printing plates are photoengraved. The above four kinds of gazette printing plates, excluding trademark gazettes, are made using a direct process.

III. Matters concerning classifying, reclassifying, and indexing of trademark information:

-Classification and reclassification activities:

The JPO had employed the 6th Edition of the Nice International Classification since April 1992 and the 7th Edition since January 1, 1997. Since April 1, 1998, the JPO has implemented a "Rewriting System" where trademarks registered according to conventional Japanese classifications are converted into international classifications.

-Coding system used, for example, Vienna classification for marks graphic elements:

The JPO employs a unique Japanese coding system for classification of marks graphic elements.

As for letter-form trademarks, free words produced from pronunciation are applied as search keys and used to search letter-form trademarks. In 1999, approximately 78,000 letter-form trademark applications were received and their pronunciation data was produced for the computer search system.

-Use of electronic classification systems to check the classification symbols filed by an applicant and which are contained in the lists of goods and/or services:

Use of an automatic system to give similar group codes contrasting the "Designated goods and service names" listed on the application filed by the applicant with "a table corresponding to codes (similar group codes) indicating goods, service names and classification, goods and service group in similar relation".

-Obligations for applicants to use pre-defined terms of the classification to be applied:

None.

-Bibliographic data and processing for search purposes:

On letter-form trademarks, "trademark for display" represented in regular letters are reproduced for print-out and screen display and also "trademarks for retrieval" for letter code retrieval (search) are reproduced automatically for letter line retrieval.

IV. Establishment and upkeep of trademark manual search file:

-File generation:

The JTO developed the online graphic trademark examination system and commissioned it to serve in April 1998.

-Updating;

Graphic trademarks applied for registration are stored in the online graphic trademark examination system as computer data at any time.

-Forms of storage for mass storage media and microfilms:

Various kinds of trademark information, including application information, are stored as digital data on magnetic disk and MT.

-Foreign documentation maintained and/or considered to be a part of the available search file:

None.

V. Activities in the field of computerized trademark search systems:

In-house systems (online/offline):

The JPO has been converting paper-based information data relating to application and examination into electronic data for the purpose of trademark examination and storing of trademark image data. As of the end of 1999, the JPO had stored about 2.6 million image data on marks.

The trademark retrieval system, developed in 1978, was designed to retrieve phonetically identical or similar data with specific keys. Aforementioned retrieval used to be conducted in a batch mode but, since April 1999, can be conducted in a decentralized real-time manner.

Also, the JPO encodes (makes similar group code) similar groups of goods and services and uses them as search keys together with the above described phonetic search keys.

Since April, 1997, the JPO has been operating the trademark examination processing system which supports multiple functions in drafting, application control and inquiry, making effective use of search findings, similar group codes, and image and application data in order to improve operational efficiency in trademark examination.

Concurrently, since April 1998, the JPO has been operating the graphic trademark examination system which supports graphic examination and inquiry, using trademark sample image data including graphic terms, similar group codes and color and the like.

Also, in accordance with the starting of acceptance of electronic filing of trademark applications beginning in

January 2000, the JPO has been involved in the development of the trademark examination support system. This system closely interfaces with the trademark retrieval system and the graphic examination system, while taking over the functions of the aforementioned trademark examination processing system. It also incorporates new functions in electronic drafting, approval and trademark sample display (6 samples) in a trademark retrieval result list.

-External database:

The JPO uses external data, such as telephone directories and press articles, for examination purposes.

-Administrative management systems (e.g. registration, legal status, statistics, administrative supports, and the like):

The JPO is operating the following major administrative management systems:

a) The application processing system processes trademark application data and provides online inquiry function about the legal status of trademark applications. When an examiner or an administrative officer inputs a trademark application number from the terminal, the system displays processing details regarding the application concerned and prints out the results.

The application processing system also automatically drafts various notifications and actions with respect to refusal decisions in the case of non-response from applicants and decisions of registration in case no opposition is filed. In the event applicants fail to respond to the notification of reason for refusal within a specified period from the date on which the notification was dispatched, after they were served with regard to given applications, these applications are listed and refusal decisions are automatically drafted according to list entries. In this instance, file-wrappers applicable to the listed application numbers are selected and combined with printed-out documents.

b) The dispatch processing system records data relating to notifications served and actions taken, using OCR device.

This system records several items of numeric data on application number, kinds of notifications served, and actions taken and the examiners' codes and the like, as code data. Items entered in Japanese, such as the applicant's and/or attorney's names, contents of notifications and actions taken and the like are recorded as facsimile image data. This system prints out the patent office's notifications and actions taken by the applicant or attorney and sorts them in order. Finally, the system places these printouts in envelopes for dispatch, weighs them and generates mail slips. The system also compiles statistics

data on mail dispatch.

c) The registration system processes registration data and generates notifications and register entries.

d) The appeals and trials system processes data on appeals and trials. It also collects numerical data on appeal and trial number, category of notification, examiners' codes and the like, using OCR device and prints out appeal and trial notifications.

e) The file-wrapper control system, (a system which manages trademark application file-wrappers for which final action was taken) enables survey on the existence of applicable file wrappers, or whether desired file wrappers have been reviewed or scrapped.

-Equipment used (hardware including terminals and network used, and software) and network:

The JPO operates a comprehensive, integrated system, which incorporates the trademark processing system and the search system as subsystems.

VI. Administration of trademark services available to the public:

-Planning, management, automation and safety:

a) Planning, publication and management of trademark gazettes are performed by the JPO Publication Division. The Japan Patent Information Organization (JAPIO) has been planning and publishing trademark application lists on CD-ROMs since July 1997.

b) The National Center for Industrial Property Information (NCIPI) offers counseling services on how to use gazettes and file applications.

-Collection, management and preservation;

NCIPI sorts out JPO-published trademark gazettes under international classification by 42 classes and binds them to assure long-term preservation. Also, routine checks are made for breakage, spoilage, missing books or pages, and the like.

Foreign trademark gazettes are collected through the international exchange program, sorted by issued date or document number, and bound for preservation.

-Information service available to the public (including computer services):

a) The JPO offers a gratuitous public inspection service at NCIPI and 8 regional bureaus of International Trade and Industry and 55 intellectual property centers established in all prefectures across the country. NCIPI allows public inspection of foreign gazettes collected through the international exchange program:

b) Public inspection of comprehensive document database:
Online access to the comprehensive document database is available at NCIPI

(33 terminals), Kinki Regional Bureau (6 terminals), Chubu Regional Bureau (2 terminals), Hokkaido Regional Bureau (1 terminal), Tohoku Regional Bureau (1 terminal), Chugoku Regional Bureau (1 terminal), Shikoku Regional Bureau (1 terminal), and Kyushu Regional Bureau (1 terminal) of International Trade and Industry, and Okinawa General Office (1 terminal).

i) Document number-based inquiry service

ii) Number, indexing and inquiry service which checks other relevant numbers from application number, publication number, registration number, appeal or trail number.

c) Public inspection of new comprehensive document database:

In addition to the public inspection service for unexamined gazettes, patent gazettes, and the like, the JPO has been offering online inspection of trademark applications service at NCIPI (27 terminals), Kinki Regional Bureau (9 terminals), Chubu Regional Bureau (3 terminals), Kyushu Regional Bureau (3 terminal), Hokkaido Regional Bureau (2 terminal), Tohoku Regional Bureau?(2 terminal), Chugoku Regional Bureau (2 terminal), and Shikoku Regional Bureau (1 terminal) of International Trade and Industry, and Okinawa General Office (1 terminal).

Thus, bibliographic and phonetic searches can be included in a search item.

d) Document photocopying service has been offered at cost:

e) Offer of industrial property information by means of the internet:

The JPO has been providing patent electronics library service, which enables users to retrieve about 40 million pieces of industrial property information through document numbers or various classifications on the internet since March, 1999.

Major services on the trademark information to be offered are as follows:

(1) Retrieval of trademark gazette database:

Document number can refer to trademark gazettes published since 1885. (2) Retrieval of trademark application and registration information:

The trademark publication information (trademark sample images and the like) can be referred by document number through the retrieval using trademarks (for retrieval).

(3) Retrieval of well-known and famous trademarks in Japan:

The retrieval of registered trademarks that are registered as defensive marks and registered trademarks that

are recognized as well-known and famous trademarks in appeal/trial decision and court decision can be made.

(4) Goods and/or service names list

The classification, designated goods and/or designated services, similar group codes, and the like, can be referred.

In addition, the JPO offers transitional information on application, registration, and appeals/trials, court decision reports on suits against appeals/trial decision or law guide information, and the like, as related information.

f) Any person can review application documents and registers at the Application Division on request or obtain certified copies or photocopies thereof on request.

VII. Matters concerning mutual exchange of trademark documentation and information:

-International or regional cooperation in the mutual exchange of trademark information by the form of gazette:

The JPO exchanges trademark gazettes with 46 countries (including 2 international organizations).

-Exchange of machine-readable data:

The exchange of machine-readable data is not carried out.

VIII. Matters concerning education and training including technical assistance to developing countries:

a) Activities and cooperation through Japanese voluntary contribution to WIPO: WIPO Funds-in-Trust/Japan

?The JPO sent one official as a WIPO expert respectively to the State Administration for Industry and Commerce Trademark Office of China, the Department of Intellectual Property, the Science Technology and Environment Agency of Lao People's Democratic Republic, the National office of Industrial Property of Viet Nam and the Directorate General of Intellectual Property Rights, Ministry of Law and Legal Affairs of Indonesia to give lectures and advice on trademark examination.

??The JPO accepted a total of 60 trainees from Bangladesh, Cambodia, China, India, Indonesia, Iran, Laos, Malaysia, Mongolia, Myanmar, Nepal, Pakistan, Papua New Guinea, Sri Lanka, Thailand, the Philippines and Viet Nam to provide education and training on administration, enforcement and examination of industrial property rights, as well as IP information and Office automation in IP Office with the cooperation of the Japan Institute of Invention and Innovation (JIII).

b) Cooperation to developing countries utilizing other schemes

? Training for government officials

With the cooperation of JICA, the JPO provided intellectual property administration JICA training courses for administrative work related to industrial property in non-APEC developing countries. The 10 participants were officials from Brazil, Columbia, Cuba, Egypt, India, Kyrgyzstan, Nepal, Paraguay, Slovakia and Turkey. The APEC industrial property course was provided for government officials working in industrial property administration and examination in the APEC region. The 21 participants were officials from China, Indonesia, Korea, Mexico, the Philippines, Thailand, Peru and Viet Nam. As part of the training courses, the JPO provided lectures and patent information search training.

The JPO invited one to three trainees each from Thailand, the Philippines, Indonesia and Viet Nam as counterparts of experts dispatched to these countries to provide training in specialized fields which included lectures and training on computer technology. The JPO also held the fourth APEC/PFP training course on management of industrial property rights in Thailand. The 47 participants came from 10 APEC member countries and 2 regions, and there were 22 lecturers from 7 countries and one international organization.

In Singapore, the JPO held a Seminar on Intellectual Property Rights for IP Enforcement Staff Members which was attended by 43 officials from 8 Asian countries including the host nation.

? Training for the private sector

With the cooperation of the Association for Overseas Technical Scholarship (AOTS) and JIII, the JPO lectured on the subject of industrial property as a whole including industrial property information searches in the Industrial Property Training Course, which was held a total of eight times. The courses were attended by 135 trainees from Cambodia, China, India, Indonesia, Korea, Laos, Malaysia, Mexico, Mongolia, Myanmar, Papua New Guinea, Thailand, the Philippines and the Viet Nam.

The JPO received a total of 33 trainees from Cambodia, China, India, Indonesia, Laos, Mongolia, Myanmar, Papua New Guinea, the Philippines, Thailand, Viet Nam and provided them with training courses on trademark examination and industrial property administration.

c) Publication of intellectual property laws on CD-ROM

The Japan Patent Agency translated the intellectual property laws of major industrial nations and developing countries into English to assist the intellectual property offices of developing countries who were revising their domestic intellectual property laws for the WTO/TRIPS Agreement by

January 1st, 2000, and required the "Cooperative Work of Information Arrangement of Foreign Industrial Property Systems" in CD-ROM form. The 1999 version of the CD-ROM includes industrial property right laws and ordinances of 22 countries, one region and one organization including: Australia, Belgium, Brazil, Britain, Canada, China, EU, France, Germany, Holland, Indonesia, Italy, Japan, Korea, Malaysia, New Zealand, Spain, Singapore, Switzerland, Taiwan, Thailand, the Philippines, the United States and Viet Nam. The JPO then distributed the CD-ROMS to developing APEC economies in free of charge. In the future, the Agency is planning to summarize IP laws of certain nations

IX. Other relevant matters:

None