

CWS/ATR/TM/2017/JP

Annual Technical Report on Trademark Information Activities in 2017 submitted by the Japan Patent Office (JPO)

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I. GENERAL OVERVIEW OF RECENT DEVELOPMENTS IN TRADEMARK INFORMATION ACTIVITIES CARRIED OUT BY THE OFFICE

Outline of main policies and plans aimed at development of trademark information activities and expected time frames for their realization

The outline of main policies and plans of patent information activities have officially been announced in the following report.

"Toward further utilization of patent information" Report, submitted by the subcommittee on dissemination and utilization of patent information consisting of patent information experts, appointed under the Intellectual Property Committee under Industrial Structure Council, the Ministry of Economy, Trade and Industry, in May 2016

The future direction of the official patent information provision service operated by the JPO and the National Center for Industrial Property Information and Training (INPIT) has been summarized as below. The JPO and the INPIT should continuously improve the infrastructure of patent information provision service to broadly disseminate the patent information with the efforts to provide the world's utmost quality service for the users in Japan with full considerations of the trends of globalization, advancement of IT, approaches to the related services by foreign IP offices and private business operators, and requests from users in Japan including small and medium-sized companies and individuals.

The following policies are mentioned in the report with the said fundamental concept.

(i) Improving accessibility to foreign patent documents by using machine translation to Japanese. (ii) Provision of One Portal Dossier (OPD) service, which is to offer overseas dossier information collectively. (iii) Improving accessibility to unified database, which is internal and external to the JPO, through basic functions. (iv) Provision of the service to share Japan's world's fastest and utmost quality examination results. (v) External provision of substantive examinations/ appeal examinations related information regarding Design and Trademark.

New projects launched or resumed this year in the context of the policies and plans mentioned above, short description: aims, partners, tasks

Concerning the above (i), the JPO started Foreign Patent Information Service (FOPISE) which enables users to retrieve overseas patent information obtained by data exchange with foreign IP offices in Japanese by means of machine translation in August 2015 and the number of the foreign countries which have agreed to provide their patent information is increasing. For details, see 3.(4) a-3).

Main areas of trademark information activities and related information and communication technology (ICT) practices which were in the focus of attention last year

Toward the realization of "the world's utmost quality service to provide patent information," in order to discuss how the measures for disseminating and utilizing patent information should be, the subcommittee on dissemination and utilization of patent information consisting of patent information experts was appointed under the Intellectual Property Committee under Industrial Structure Council, the Ministry of Economy, Trade and Industry in July 2015. The result of the study was summarized as a report, "Toward further utilization of patent information" in May 2016. Based on the report, activities were promoted.

Statistics: changes in terms of application filings and registrations with respect to previous year; trends or areas experiencing rapid changes

In 2017, the number of applications was 190,939 (up about 18% from the previous year). Among them, the number of international trademark applications was 17,328 (up about 25% from the previous year). The number of trademark registrations in 2017 was 111,180 (up about 6% from the previous year).

Other matters and useful links (URLs): annual report of the Office, news page, statistics, etc.

(Annual Report in Japanese) <http://www.jpo.go.jp/shiryoutoukei/gyosenenji/index.html>

(Status Report in Japanese and English) http://www.jpo.go.jp/english/reference_room/statusreport/index.html

II. SERVICES AND ACTIVITIES RELATED TO TRADEMARK INFORMATION CARRIED OUT BY THE OFFICE

Information and support provided by the Office to applicants regarding filing on paper and/or e-filing (instructions, seminars, etc.) - URLs

a) Paper based application The INPIT provides the free consultation service on the procedures for industrial property rights at the Official Gazettes Reading Room/Consultation Department on the second floor of the JPO office building. Moreover, the portal site for consultation and support on intellectual property is available on a 24-hour basis at <http://faq.inpit.go.jp/>

b) Electronic application The e-filing software allows users to conduct administrative procedures such as the filing of applications for patents, utility models, industrial designs and trademarks, and PCT-RO international application, appealing for trials and payment of the annual fees, and receipt of documents dispatched from the JPO, on-line. The software may be downloaded for free at: <http://www.jpo.go.jp/tetuzuki/pcinfo/outline/index.html>

Availability of the application dossier in electronic form

a) On-line reference The software for electronic application allows users to request or refer to application documents and registers from computers from their home or office, and to make a request for issuing certifications on-line. See 2. (1) b) for the software for electronic application.

Matters concerning classifying

(i) Classification and reclassification activities; classification systems used, e.g., International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), International Classification of the Figurative Elements of Marks (Vienna Classification), other classification

(ii) Use of electronic classification systems and pre-defined terms of the classification applied

a) Nice Classification By adopting internationally common classification (Nice Classification), for the purpose of making it easier to search of domestic and international prior trademarks and to manage trademarks such as the procedure for the registration of a trademark etc., in April 1992, the JPO introduced the 6th edition of the Nice Classification which is an international classification of goods and services as the main classification system. Currently, the JPO adopts the 11.1th International classification edition that came into effect on January 1, 2018.

b) Vienna Classification The JPO had adopted its own figure classification as a classification of figurative element of mark, and then investigated comparative relations between the Japanese own figure classification and the Vienna Classification from April 1999 to March 2000, in order to use the Vienna Classification which is an international classification.

In consequence, the JPO started examinations based on a subdivided Vienna Classification made by subdividing the Vienna Classification (5th edition) in the context of the actual situation of Japan. Specifically, the JPO created a subdivided original Vienna Classification by subdividing the Vienna Classification (5th edition) based on the actual situation in Japan, and has utilized it as search keys of Figure trademark search system.

Matters concerning processing of different types of non-traditional marks (e.g., three-dimensional, motion, hologram, color mark, etc.)

In order to support various brand strategies of enterprises, the JPO added five types of non-traditional trademark, "Motion marks," "Hologram marks," "Sound marks," "Color marks" and "Position marks" into subject matter for protection in Japanese Trademark Law and has accepted their applications since April 1, 2015. There were 1,684 of those applications as of the end of June 2018 and the 394 cases out of them were registered.

[Reference 1] Breakdown of the number of application Motion marks: 140, Hologram marks: 19, Sound marks: 604, Color marks: 522, Position marks: 399

[Reference 2] Breakdown of the number of registration Motion marks: 96, Hologram marks: 12, Sound marks: 231, Color marks: 4, Position marks: 51

Other activities

Nothing in particular.

III. SOURCES OF TRADEMARK INFORMATION PROVIDED BY THE OFFICE

Main types of publications in the field of trademark information, outline of the content and medium (on paper, on CDs, online - URLs)

The JPO publishes the following major official gazettes via the Internet in 2017:

- Publication of Registered Trademark - Publication of Reclassification on Registered Trademark - Publication of Unexamined Trademark Application - Publication of International Trademark Application - Publication of Registered International Trademark - Publication of Decision on Appeal/Trial in Trademark

The following is the URL of publications provided through the Internet. URL: <https://www.publication.jpo.go.jp>

The Trademark Gazette contains mixed-mode type data, composed of text data and image data, thus text search using only text data is available.

Official Gazettes: main types of announcements, frequency of publication, medium (on paper, on CDs, online, URL), etc.

Nothing in particular.

Information products (coverage, medium, etc.) available to examiners, including external documentation and databases

Concerning the following points, the examiners of the JPO use the databases for searches. These are all available online through the terminal set up in the JPO.

a) Data of classified telephone directory

A database capable of searching for names, addresses, telephone numbers, types of businesses etc. of companies and self employments

b) Newspaper/Magazine article information

A database capable of searching for entire texts of general newspapers, trade papers, and specialty journals

c) Foreign application/registration information database

A database capable of searching for foreign application/registration information

Information products (coverage, medium, etc.) and services available to external users; conditions of access (e.g., free of charge, subscription, etc.)

a) Providing patent information via the Internet a-1) Providing official gazettes via the Internet See 3.(1)

a-2) Japan Platform for Patent Information(J-PlatPat) The JPO started to provide the Industrial Property Digital Library (IPDL) service through the Internet in March 1999. This service has enabled users to search patent information by using document numbers and classifications as search keys. This service was transferred to the INPIT as of October 2004, and has been operated by the INPIT since then. In order to meet advancing and diversifying user needs for patent information, the INPIT renovated the IPDL and started providing the J-PlatPat in March 2015, a new service to provide patent information via user-friendly interface. The J-PlatPat currently stores about 130 million cases of patent information and can be searched by document numbers, various classifications, keywords, etc.

(Japanese) <https://www.j-platpat.inpit.go.jp/> (English) <https://www.j-platpat.inpit.go.jp/web/all/top/BTmTopEnglishPage>

a-3) FOPISER In August 2015, the JPO launched the FOPISER a search service to promptly provide the general users with patent information obtained from foreign IP Offices by data exchange between foreign IP Offices. Trademark documents of Russia, Taiwan, the European Union of Intellectual Property Office (the EUIPO), Vietnam, and Thailand, which are not available for a search on the J-PlatPat, are available for simplified search by using document numbers and English key words via Japanese user interface.

b) Providing JPO data The following types of data is currently provided to commercial providers in Japan by bulk download service on the J-PlatPat.

b-1) Standardized data The JPO provides the JPO's bibliographical and status information to external users by organizing and converting it into a standard format (Standardized data) for better usability for external users. This data has been provided to external users on a weekly basis.

c) Reference to trademark gazettes, etc. The INPIT has 8 access devices which are available in the Official gazettes reading room on the second floor of the JPO office building. This allows free public access to the J-PlatPat Service, gazettes on CD-ROM/DVD-ROM, etc. d) Reference to examination and trial documents The INPIT is collecting various technical documents (books, etc.), which are used in the examinations and trials by the JPO, widely from inside and outside of Japan and making them available to the public.

Legal status information (kind of information, coverage, medium, etc.)

Legal status information of applications filed in January 1990 onwards can be searched on the J-PlatPat by using document numbers such as application numbers and registration numbers. In addition, applications filed in 1989 and before can be searched if any data (e.g. publication of Gazettes, registration for establishment of rights, requests for trials/appeals) was renewed in April 1998 onwards.

Other sources

Nothing in particular.

IV. ICT SUPPORT TO SERVICES AND ACTIVITIES RELATED TO TRADEMARK INFORMATION CARRIED OUT BY THE OFFICE

Specific software tools supporting business procedures within the Office: general description, characteristics, advantages, possible improvements

A paperless trademark system has been available since January 2000. Systems for administrative work and examination processing based on electronic data were constructed, and all work including filing, formality and substantive examination, dispatch, registration, gazette issuing, viewing, and certification request are processed electronically. Thus a remarkable improvement has been achieved in terms of operational efficiency, substantiating application and case management and so forth.

Furthermore, with the implementation of the real-time trademark search function, and a trademark examination scheme that actively takes advantage of data in electric form, resulting in the downsizing of the trademark search system, cost efficiency has been also improved. Of all the trademark applications filed in 2017, 82.9% was via online. On the other hand, on joining the Madrid Agreement and the Protocol, a Madrid Protocol system was developed, and put into operation in March 2000. In addition, an examination system for the examination of international trademark registration application was constructed, and an electronic transmission system to the International Bureau was introduced in April 2005.

Hardware used to supporting business processes of the Office

Servers, network devices, PCs for business use etc.

Internal databases: coverage, updates, interlinks with external sources

a) On-line trademark search system The JPO has been electronically storing trademark applications and examination-related documents for trademark examination. At the end of June 2018, trademark-related data for about 5,500,000 documents were accumulated.

Trademark search system comprises of phonetic search, character string search, well-known/famous trademarks search and classified telephone directory search. In order to protect famous trademarks, a well-known/famous trademark database was constructed and the search system thereof was put into operation in March 2001.

b) Figurative trademark examination system The figurative trademark examination system is to narrow down trademarks from figurative image data restored in trademark sample files by using search keys of a figure classification and similar group codes and to search figurative trademarks by high-speed screening.

Since April 2004, a figure classification used as search keys has shifted the search method from the one using a figure classification unique to Japan to the one using a figure classification which subdivides the Vienna Classification (version 5) based on the Vienna Agreement in line with the actual status of Japan.

c) Search System for Appeal/Trial and Court Decisions (J-term search system Appeal/trial and court decisions are accumulated in the form of electronic data with a search index, called "J-term," and searching and screening for the appropriate appeal/trial and court decisions are conducted by using "J-term." In addition, a full-text search service is available for appeal/trial and court decisions issued after January 2000.

d) Check table search system for names of goods/services With regard to the descriptions of designated goods and designated services, indications of goods and services adopted by the JPO in the past which were judged to be clear are accumulated in this system in addition to indications listed in the international classification tables and the Examination Guidelines for Similar Goods and Services. This database is used to check classifications of goods and services listed in filing documents and to present appropriate indications.

Establishment and maintenance of electronic search file: file building, updating, storage, documents from other offices included in the search file

Geographical indication lists exchanged with other Offices are accumulated in the system as examination materials and served for search.

Administrative management electronic systems (register, legal status, statistics, and administrative support)

See 4.(1)

Other matters

Nothing in particular.

V. PROMOTION ACTIVITIES AIMED TO SUPPORT USERS IN ACCESS AND EFFICIENT USE OF TRADEMARK INFORMATION

Office's library (if deals with trademark information): equipment, collection management, network of libraries in the country, cooperation with foreign libraries

a) Operation of the JPO Library, collection and management of materials a-1) Operation of the JPO Library The JPO Library, as a branch library of the National Diet Library, is located on the first basement of the JPO office building, and is operated in the following manner: 1. Users - JPO staff and general users 2. Open - 9:30 to 18:00

a-2) Collection of materials The following are collected: Materials concerning IP right legislation and the peripheral laws inside and outside of Japan, related materials necessary for understanding IP rights, related materials necessary for study of IP rights, and reference materials for general administration.

a-3) Preservation methods of materials The books are labeled and stored with a storage number and classification data, and the bibliographic information is inputted in the library system constructing a database for the books.

Publications related to different business procedures and trademark information sources available to users, for example, books, brochures, Internet publications, etc.

a. J-PlatPat The INPIT compiles an instruction brochure/manual for how to operate and utilize various search services provided by the J-PlatPat. URL http://www.inpit.go.jp/j-platpat_info/reference/index.html

b. e-filing Useful information on e-filing including how to fill out application forms and FAQs is provided at the "E-filing software support website".

See 3.(4) for information products available to external users.

Cooperation with universities, technology and innovation support centers, etc.

Nothing in particular.

Education and training: training courses, e-learning modules (URLs), seminars, exhibitions, etc.

J-PlatPat training seminars

- Training seminars of the J-PlatPat were held by the INPIT for beginners of industrial property right search from individuals and SMEs (21 times in 13 major cities nationwide in FY2017). The organization also held information sessions of the J-PlatPat by request from universities and enterprises (7 times in FY2017).

Other activities

Nothing in particular.

VI. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF TRADEMARK INFORMATION

International exchange of trademark information in machine-readable form (e.g., Official Gazettes)

a) Sending Official Gazette on CD-ROM to overseas

In 2015, the JPO exchanged official gazettes, etc. with 56 organizations (including international organizations) in 53 nations, out of which it sent information on CD-ROM "Published Registered Trademarks and Reclassification on Registered Trademarks" and information on "Published Unexamined / International Trademark Applications" to 17 places among them.

The JPO discontinued sending official gazettes on CD-ROM overseas in March 2015 and is currently providing the data on line.

Participation in international or regional activities and projects related to trademark information

Based on an international cooperative framework, the JPO and the WIPO started the data exchange of official gazettes including "Published Registered Trademarks" in November 2014 and confirmed expansion of the range of data exchanges in 2016 as far as international provision of the JPO's electronic information is concerned. Also, in 2015, the Office started exchanging trademark information with Russia, Taiwan, the EUIPO and Vietnam, and also with Thailand in 2016.

Assistance to developing countries

a) Activities/cooperation through voluntary contributions (Funds-in-Trust) for WIPO

a-1) Training for government officials

A training related to computerization was provided in Japan for about a week in November 2017 under the cooperation with the WIPO. Trainees from 12 IP offices were invited.

a-2) Data capture, digitization support, workshop, etc. at IP offices of African countries/regions

Project about data capture were conducted at IP Offices in Nigeria, Zambia, Botswana, Namibia, and Swaziland. Also, in Kenya, Egypt, Botswana, Malawi and Mozambique as well as the Organisation Africaine de la Propriété Intellectuelle (OAPI) and the African Regional Intellectual Property Organization (ARIPO), projects that digitize domestic and foreign filings to make it possible to manage them were conducted. Also, to Ethiopia Intellectual Property Office, the support for e-filing of trademark and issuance of electronic gazette was provided. Furthermore, in Botswana, a workshop for discussing management method using the IPAS was held.

Other activities

Nothing in particular.

VII. OTHER RELATED MATTERS

Nothing in particular.