

SCIT.ATR.TM.2005.JP

Annual Technical Report 2005 on Trademark Information Activities submitted by Japan (SCIT/ATR/TM/2005/JP)

Where URLs are requested below, it is preferred that either URLs which are likely to remain stable over time (three years or more) are provided, or home (main) page URLs are provided with a short explanation of how to access the corresponding information.

I. Evolution of registration activities

Changes experienced in terms of application filings and registrations with respect to the previous year

The number of applications in 2005 was 135,776. The number of registrations was 94,439

Trends or areas experiencing rapid changes with respect to the previous year

The number of applications in 2005 increased by approximately 4,000 compared to the previous year. The number of claimed classes has increased by approximately 13,000. Regarding the trend in each field, the number has increased slightly on the whole compared to the previous year, and the high proportion of the increase is shown in the fields of "services". There were 9,969 applications that specified Japan as the designated office in accordance with the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. The number of applications has increased by approximately 2,800 from the previous year.

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

Publishing, printing, copying techniques

The Japan Patent Office (hereinafter referred to as the "JPO") published the following trademark documents in 2005:

Publication of Registered Trademarks 88,924 issues
Publication of Reclassification on Registered Trademarks 51,230 issues
Publication of Unexamined Trademark Applications 122,958 issues
Publication of International Trademark Applications 9,207 issues
Publication of Registered International Trademarks 4,243 issues
Decision on Appeal/Trial Gazette 4,741 issues

Main types of announcements of the Office in the field of trademark information

Nothing particular

Mass storage media and microforms used

Since January 2000, the JPO has been accepting on-line trademark applications (electronic applications). The JPO electronically edits the collected data acquired from electronic applications or electronic conversion of paper-based applications and creates Trademark Gazettes. The Trademark Gazette contains mixed-mode type data, composed of text data and image data, thus text search using text data part is available.

a) Publication of Unexamined / International Trademark and Registered International Trademark

Starting from February 2000, the JPO issues official gazettes in the form of a CD-ROM that include Publication of Unexamined Trademark Applications, Publication of International Trademark Applications and Publication of Registered International Trademarks.

A single-volume of Publication of Unexamined / International Trademark Applications and Registered International Trademarks contains a total of about 2,800 issues and they were issued 49 times in 2005.

Publication of Unexamined Trademark Applications enables search using 8 items as search keys, including application number, goods and/or service classification and designated goods and/or services. Publication of International Trademark Applications enables search using 7 items as search keys, including International registration number, Vienna classification, and priority number. Publication of Registered International Trademarks enables search using 14 items as search keys, including International registration number, classification of goods and/or services, translation of classification of goods and/or services and classification of similar-group.

b) Publication of Registered Trademarks and Reclassification on Registered Trademarks

Starting from January 2000, the JPO issues official gazettes in the form of a CD-ROM that include Publication of Registered Trademarks and Reclassification on Registered Trademarks.

By the Trademark Law revision in 1996, a scheme was introduced to reclassify and re-register designated goods of trademarks registered before March 31, 1992 in accordance with the goods and services classification in force at the time of the submission of a reclassification registration application. The JPO has been publishing Publication or Reclassification on Registered Trademarks, containing the trademarks that were thus re-classified and re-registered.

A single-volume Publication of Registered Trademarks and Reclassification on Registered Trademarks contains a total of about 2,800 issues and they were issued 50 times in 2005.

Publication of Registered Trademarks allows search using 16 items as search keys, including registration number, goods and/or services classification, designated goods and/or services, and appeal/trial number. Publication of Reclassification on Registered Trademarks allows a search using 13 items as search keys, including goods classification before reclassification, designated goods before reclassification, goods classification after reclassification, and designated goods after reclassification.

The JPO provides, free of charge, software for using Publication of Unexamined / International Trademarks and Registered International Trademarks. This software is also operable on Windows English Version so that it can be used by foreign Patent Offices.

Word processing and office automation

Refer to the third section of paragraph.

Techniques used for the generation of trademark information (printing, recording, photocomposing, etc.)

Nothing particular

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

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 (please indicate whether goods and services for the registration of marks and whether the figurative elements of marks are classified by your Office and, if so, which classification(s) is (are) used)

a) Nice International Classification

The JPO has adapted Nice Classification Version 6 in April 1992 and migrated to Nice Classification Version 7 on January 1, 1997, Version 8 on January 1, 2002. On April 1, 1998, a "consolidation of classification" scheme was enacted. This scheme requires that to reclassify the trademarks registered under old Japanese classification and to reregister them in accordance with Nice Classification.

b) Vienna Classification

The JPO has used the Japanese original coding system to classify the figurative elements of marks.

In order to use the Vienna Classification, the JPO surveyed the relation between the Japanese original coding system and the Vienna Classification from April, 1999 to March, 2000 and has created the Vienna Classification Table, which has been subdivided according to the Japanese situation.

The JPO has assigned the subdivided Vienna Classification to the registered trademarks and the filed trademarks from April 2001 until March 2004. The JPO started the reference by the subdivided Vienna Classification (Version 5) in April 2004.

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

The Classification Signs listed on the application filed by applicants are examined electronically by the names of goods and/or services classified according to the classes of Nice Classification recorded in the JPO computer system.

Obligation for applicants to use pre-defined terms of the classification applied

Nothing particular

Bibliographic data and processing for search purposes

Classification of goods and/or services can be searched for by using the "Check Table of names of goods and services", which stores the names of goods and/or services previously adopted. This Check Table is also used to confirm the classification of designated goods and/or services that are described in filing documents.

The subdivided Vienna Classification (version 5) showing figure elements is used for figure classification, and is granted as a search key for retrieving the figure trademarks.

IV. Trademark manual search file establishment and upkeep

File Building

Nothing particular

Updating

Nothing particular

Storage, including mass storage media

Nothing particular

Documentation from other offices maintained and/or considered part of the available search file

Nothing particular

V. Activities in the field of computerized trademark search systems

In-house systems (online/offline)

The JPO has stored of trademark applications and examination-related documents for trademark examination. At the end of fiscal year 2005, trademark-related data for about 3,650,000 documents was accumulated.

(a) On-line trademark search system

On-line trademark search system comprises phonetic search, character string search, and well-known / famous trademarks search. The phonetic search performs similar trademark search by use of sound (calling) generated from a trademark and similarity group codes (which represent similarity relationship of goods and/or services that are estimated to be identical or in similarity relationship with each other), as search keys. The character string search using character strings composing a trademark was commenced in 2000. For this system, "trademark for indication (text)" is produced from the application trademark (image) composed of characters, from which "trademark for search" is automatically produced to be stored in the database for search.

In order to protect well-known / famous trademark, well-known / famous trademark database was constructed and the search system thereof was brought into operation in March 2001. The database has been updated since then, although the frequency thereof is not as many as every year.

(b) Figurative trademark examination system

For the figure trademark search system, Japanese unique figure terms and similarity group codes were used as search keys, and the figure examination system according to the subdivided Vienna Classification (version 5) instead of domestic ones has been operated since March 2004.

(c) Appeal and trial decision search system (J-term search)

Gazettes and other documents on appeal and trial decisions are converted into electronic form and search keys, called J-term, are assigned to them; thereby enabling search and browsing by using J-term. A full-text search is available for appeal and trial decisions issued after January 2000.

External databases

Telephone directory database and newspaper article databases are used in the examination.

Administrative management systems (e.g., register, legal status, statistics, administrative support, etc.)

The trademark electronic application and trademark paperless system were started in January 2000. Administrative work and examination processing system based on the electronic data was constructed, namely, all works including filing, formality and substantive examination, sending, registration, gazette issuing, viewing, and certification request are processed electronically, thus remarkable improvement has been achieved on office working environment by efficiently improving office works, substantiating application and case management, and the like. Further, with improved efficiency in works by the real time trademark search and the examination system actively using electronic information, and the downsizing of the retrieving systems, cost efficiency has been also improved. Of all the trademark applications filed in 2005, 83% in average was made by the electronic application.

On the other hand, when participated into the membership states of Madrid Agreement and the Protocol, Madrid Protocol system was developed, and put into operation in March 2000.

For international registration application (an application filed at member states) and for international trademark registration application (an application requesting the protection that specifies Japan as one of the member states or as an added member state after filing the original application), the Madrid protocol system performs information management, such as various notifications, ad interim documents and decisions, as well as time and progress management. Moreover, registration of application for international trademark registration application is controlled using the electronic register, thus the registration can be on-line referred to. The examination system for the examination of international trademark registration application was constructed, and the electronic transmission system to the International Bureau was commenced in April 2005. Please note that the JPO's system is an integrated system and that the trademark system is part of the integrated system. Thus for the overall system, please refer to the "Annual Technical Report on Patent Information Activities".

Equipment used (hardware, including the types of terminal and network used, and software), carriers used

Please refer to the "Annual Technical Report on Patent Information Activities".

VI. Administration of trademark services available to the public (relating to facilities, e.g., for lodging applications, registering trademarks, assisting clients with search procedures, obtaining official publications and registry extracts)

Planning, administration, automation, security

The Intellectual Property Related Materials Reading Room is provided on the first basement of the JPO office building, and is operated in the following manner. And it is a branch library of the National Diet Library.

(1) The user

- JPO workers and those who obtained permission from the Director of the Patent Information Division (inclusive of public users).
- Personnel of the National Diet Library and personnel of the branch libraries of each ministries and government offices.

(2) Open

- 9:30 to 18:00

Collection management, preservation

The following are collected: Materials concerning industrial property right legislation and the peripheral laws inside and outside of Japan, related materials necessary for understanding industrial property right, related materials necessary for study of industrial property right, and reference materials for general administration.

As of the end of 2005, the library contains 31,500 volumes.

Books are added with the storage number and classification and put on shelves, while bibliographic information is inputted in the library system to construct a database for a collection of books.

Information services available to the public (including computerized services and search files contained in libraries remote from your Office and trademark information posted by your Office on the World Wide Web)

a) Providing industrial property rights information via the Internet

The JPO has been providing the Industrial Property Digital Library service since March 1999. This service is accessible through the Internet and covers 55.5 million items of industrial property information by using document number and/or classification as search keys. This service was transferred to the National Center for Industrial Property Information and Training (NCIPI) in October 2004, and has been operated thereby.

Main services relating to trademark information that the JPO provides are as follows:

(1) Simplified search for beginners (trademark)

This search method is for beginners who are not familiar with industrial property information. A trademark whose registration is being applied for or one to which a certain right is already held by someone, can be searched by free-word search or by document number.

(2) Trademark Gazette database search

Trademark Gazettes published in and after 1885 can be searched by using document number.

(3) Search by trademark document number

Various trademark gazettes published after 1964 can be searched with the number of each type of gazettes.

(4) Trademark application and registration information search

Bibliographic particulars, legal status, etc. of a pending application or registration in force regarding a text trademark can be searched by using trademarks (for search purposes) or document number, etc. An English version is available.

(5) Search by use of title

Bibliographic particulars, legal status information, etc. regarding a trademark whose registration is being applied for or one to which a valid right is held by someone can be searched by using a title (pronunciation).

(6) Japanese figure trademarks search

Bibliographic particulars, legal status, etc. of a pending application or registration in force regarding a figure trademark can be searched by using subdivided Vienna Classification. An English version is available.

(7) List of Vienna Classification of Figure

Starting from April 2004, Subsection Table of Vienna Classification of Figurative Elements of Marks (2nd edition prepared in accordance with the fifth edition of the Vienna Classification) can be referred to. An English version is available.

(8) List of Goods and services

Goods and services, classification, designated goods and/or services, similar-group code, etc. can be searched and referred to. An English version is available.

(9) International Classification of Goods and Services

International Classification of Goods and Services on Nice Agreement (8th edition) together with similar-group code can be referred to.

(10) Japanese Well-known trademark search

Registered trademarks, registered as defensive mark or certified as Japanese Well-known trademark by appeal/trial decision, can be searched. An English version is available.

In addition, as related information, progress information on application, registration and appeal/trial decision, are also available.

b) Providing JPO data

In March 1999, the JPO began providing the JPO's bibliographical and progress information to outside users by organizing and converting it in the standard format for better usability for the users. Further, the service was transferred to NCIPI in October 2004, and the service has been provided to the outside users with a pace of twice a month.

c) Reference to trademark gazettes, etc.

NCIPI has provided about 129 devices for search for the gazette access room on the second floor of the JPO office building to allow the public access to the "IPDL Service," "CD-ROM", etc. free of charge.

At the same time, in eight places (Sapporo, Sendai, Nagoya, Osaka, Hiroshima, Takamatsu, Fukuoka, and Naha), such devices are provided for giving search service. The number of the users of the services at the above devices in 2005 was about 69,000.

d) Reference to examination and trial documents

NCIPI 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 made available to the public.

e) Intellectual Property Center

59 Intellectual Property Centers throughout the nation have widely implemented support operations for users including regional companies and applicants etc. They have given advice to the users, provided them guidance in retrieval methods of IP information (trademark information), etc. according to their purposes, regularly conducted workshops and prepared booklets relating to retrieval methods of IP information etc. In addition, in order to support the above project, NCIPI dispatches to the Intellectual Property Centers and other institutions Patent Information Advisers, experts on IP information, who give the users advice so that they can perform technical development, and IP right obtaining /management through effective use of the IP information.

VII. Matters concerning mutual exchange of trademark documentation and information

International or regional cooperation in the exchange of trademark information, e.g., in the form of official gazettes

The JPO mutually exchange official gazettes, etc. with 102 organizations (including international organizations) in 83 nations, out of which it sends the CD-ROM Trademark Gazette to 18 organizations.

Exchange of machine-readable information

In CD-ROM format, the JPO has sent "Trademark Gazette and Trademark Classification Reconsolidated Registration Gazette" since January 2000 and "Unexamined Trademark Application Gazette and International Unexamined Trademark Application Gazette" since February 2000.

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

Promotional activities (seminars, exhibitions, visits, advertising, etc.)

1. Promotional activities (briefing sessions, exhibitions, visits, advertising, etc.)

a) Briefing sessions

Briefing sessions on IPDL

Briefing sessions for patent search using the Industrial Property Digital Library (IPDL) were held for individuals and medium and small sized companies concurrently with the traveling examination through interview sponsored by the JPO.

September 2005 Aichi

October 2005 Osaka

December 2005 Fukuoka

January 2006 Kyoto

The above services have been provided at the National Center for Industrial Property Information and Training (NCIPI), an Independent Administrative Institution since October 2004.

b) Patent Information Adviser

In order to realize effective use of IP information in medium and small-sized enterprises and universities/research institutions, NCIPI dispatches Patent Information Advisers to each prefecture to give advices for prior art search method and to hold training courses, thus responding to various demands regarding the use of the IP information.

Training courses for national and foreign participants

See previous/next items

Assistance to developing countries (sending consultants and experts, receiving trainees from developing countries, etc.)

a) Activities and assistance through WIPO Funds-in-Trust/Japan

Dispatch of Experts

The JPO sent two expert officials to the Chinese Patent Office in order to give instructions and advice regarding trademark search systems.

Training for government officials

In cooperation with WIPO, the JPO held training course on the Use of Information Technology for about 2 weeks in Japan.

b) Assistance to developing countries using other institutions

Dispatch of Experts

Under the Japan International Cooperation Agency's (JICA) scheme, the JPO sent 2 expert officials to the National Office of Intellectual Property (NOIP) and 1 expert official to the Directorate General of Intellectual Property Rights (DGIPR) as long-term experts. The JPO also sent 1 short-term expert official to the DGIPR to provide advice and guidance in establishing the trademark examination standard.

Modernization of Intellectual Property Administration

The Socialist Republic of Viet Nam: Under JICA scheme, from April 2000 to June 2004, the JPO carried out the "Modernization of Industrial Property Administration Project", a project for the modernization of administrative procedure at the NOIP, a developing human resources was performed through the automation of administrative work.

Since January 2005, "The Project for Utilization of Intellectual Property Information" has been carried out, which aims at construction of a search system and an information system as well as human resources development by use of the systems in order to realize modernization of the industrial property operation. In July, the JPO sent one expert official in order to give guidance and advice regarding the development of the trademark search systems. In October, the JPO sent one expert official to the National Office of Intellectual Property (NOIP) of Vietnam in order to give advice and technical guidance on the development of the IPDL system. Under the development and investigation scheme of the JICA, the JPO has been supporting establishment of the IPDL system and sent members for an investigation team to the Directorate General of Intellectual Property Rights (DGIPR) of Indonesia for providing advice and guidance.

Training for government officials

The JPO invited counterparts, 2 from Vietnam and 3 from Indonesia, to give them lectures/on-site training on computer-related technologies and other technological fields.

IX. Other relevant matters

Nothing particular