

# SCIT.ATR.TM.2002.JP

## Annual Technical Report 2002 on Trademark Information Activities submitted by Japan (SCIT/ATR/TM/2002/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 2002 was 117,406. The number of registrations was 105,114.

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

In 2002, about 6,000 less applications were filed than the previous year.

The number of application classes has decreased by about 11,000. Regarding the trend of each class, there is a continued decline in IT-related classes such as "telecommunication", "advertisement" and "telecommunication equipment", as well as e-commerce, all of which showed a sharp increase in 2000. There has been a slight rise for "food".

There were 5,269 applications that specified Japan as the designated office on the Madrid Agreement and the Protocol, which has increased by about 440 from the previous year.

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

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

The Trademark Gazettes published in 2002 are as follows.

Trademark Gazette 99,532 issues

Trademark classification reconsolidated registrations 46,560 issues

Unexamined Trademark Applications 111,814 issues

International unexamined Trademark Applications 5,386 issues

International trademarks 4,161 issues

Published appeal and trial decisions 5,368 issues

Registration lists 49,982 issues

Registration lists (Updated) 47,499 issues

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

Since January 2000, the JPO has been accepting trademark applications, filed via on-line (electronic filing). The JPO electronically edits the collected data, acquired from electric applications or electric conversion of paper-based applications, and creates 2 kinds of Trademark Gazettes on CD-ROM.

The Trademark Gazette on CD-ROM contains mixed-mode type data, composed of text data and image data, thus text search using the text data part is available.

##### a) Publication of International Trademark Applications on CD-ROM

The JPO has been publishing Unexamined International Trademark on CD-ROM since February 2000.

A single Unexamined International Trademark Gazette on CD-ROM contains a total of about 3,300 issues of Publication of Unexamined Trademark Application Gazettes, Publication of registered International Trademark Gazettes. It was published 50 times in 2002.

Publication of Unexamined Trademark Application Gazettes, on CD-ROM allows a search by using 8 items, including application number, goods and/or service classification, designated goods and/or designated services, as search keys. Publication of International Trademark Application Gazette on CD-ROM allows a search by using 7 items, including International registration number, Vienna classification, priority number, as search keys. Publication of registered International Trademark Gazettes on CD-ROM allows a search by using 10 items, including International registration number, classification of goods or service classification of goods service similar group classification, as search keys.

##### b) Trademark Gazette on CD-ROM

The JPO has been publishing of Registered Trademark and Publication of Reclassification on Registered Trademark on CD-ROM since January 2000.

By the Trademark Law revision in 1996, a scheme to reclassify designated goods was introduced. This scheme requires that the trademarks registered before March 31, 1992 to be re-classified and re-registered in accordance with the goods and services classification submitted in the application reclassify.

The JPO has been publishing Publication of Reclassification on Registered Trademark Gazettes, containing the trademarks that were re-classified and re-registered.

A single Trademark Gazette and Trademark Classification Reconsolidated Registration Gazette on CD-ROM contains a total of about 3,000 issues of Trademark Gazette and Trademark Classification Reconsolidated Registration Gazette. It was published 50 times in 2002.

Publication of Registered Trademark on CD-ROM allows a search by using 15 items, including registration number, goods and/or services classification, designated goods and/or designated services, and appeal/trial number, as search keys. Trademark Classification Reconsolidated Registration Gazette on CD-ROM allows a search by using 12 items, including goods classification before consolidation, designated goods before consolidation, goods and/or services classification after consolidation, and designated goods after consolidation, as search keys.

The JPO has been providing, free of charge, Japanese-language software to use Trademark Gazette on CD-ROM.

### **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)**

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 the reclassification of trademarks registered under old Japanese classification and to reregister them in accordance with Nice Classification.

The JPO uses 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.

It has been planned to assign the subtilized Vienna Classification to the registered trademarks and filed trademarks from April 2001 until March 2004, and from April 2004, make the survey possible by the subtilized Vienna Classification (Version 5).

**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.

#### **Bibliographic data and processing for search purposes**

For character trademarks, a free word, based on the phonation of the trademark, is assigned to the character trademark as a search key to enable character trademark search. In 2002, phonation data for about 105,000 applications for character trademarks was created for the search system.

For character trademarks, the JPO creates a "trademark for display" that is expressed in standard characters for print out and for display on screens, and also automatically creates a "trademark for search" that is used in character code searches for character string search.

Similar group code is a code indicating similarity among products or services and is used as a search key for searching for a trademark within a range of identical or similar products or services.

The figure term is an element-of-figure classification and is used as a search key for searching for a figure trademark.

### **IV. Trademark manual search file establishment and upkeep**

### **V. Activities in the field of computerized trademark search systems**

#### **In-house systems (online/offline)**

The JPO has been pushing hard with the computerization of trademark documents for trademark examination and examination-related documents. At the end of fiscal year 2002, trademark-related data for about 3,100,000 documents was collected.

##### **a) On-line trademark search system**

The trademark search system is a system for prior trademark search by using codes as search keys. The codes show the pronunciation of goods, the goods similarity, (and the service similarity since the service mark scheme was implemented). When the system was started in 1978, the search was conducted in batch processing. Since April 1999, the search in real-time distributed processing has been available.

Further in January 2000, a search function for character string contained in trademark was enabled. The JPO built a database in March 2001 for protection of well-known and/or famous trademarks and to enable searching of the database by using character string.

##### **b) Figurative trademark examination system**

Since April 1998, a figurative trademark examination system has been in operation. This system enables figurative trademark search and screening by comparing the trademark applied and the sample image data of the registered trademarks and of the prior applications. Available search keys are a figurative term that classifies figurative element and a code that shows similarity of goods and/or services.

#### **External databases**

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

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

For automation of the trademark examination administrative procedure, a "trademark examination drafting system" has been in operation since April 1997. This system enables the effective use of electric data, such as bibliographic database for applications, bibliographic database for trademark applications, trademark sample image data and the pronunciation of goods search result. This system supports various procedures in the trademark examination, such as drafting, management and referencing, and allows many examination procedures to be performed on the examination workstation, thus makes trademark examination more efficient.

In January 2000, the trademark paperless system was started and the administrative and examination procedures were completely moved to the system based on electric data. Therefore, a total system, covering from trademark application filing, formality check and substantive examination, dispatching, registration, publishing a gazette, requesting for inspection of files, to requesting for certification, was completed. The effect of this system is far reaching, such as more efficient examination procedure and environment improvement including application management.

With the implementation of the real-time trademark search function, a trademark examination scheme that actively takes advantage of data in electronic form was built. Further, with the downsizing of the search system, we have been able to save the cost.

The trademark electronic application filing began in January 2000, at the same time as the trademark paperless system began its operation. The ratio of the trademark applications filed on-line reached a high percentage, 84% (annual average in 2002).

On the other hand, Japan became a member state of Madrid Agreement and the Protocol. In order to perform the member state duty, such as informing the international bureau and managing international register information, of an Office of Origin or Designated Office in sure and efficient manner, the JPO designed the Madrid protocol system and put it in operation on 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.

Also, the JPO has a domestic registration register management and viewing system. In order to manage the international trademark registration application by using the register and to provide information about it, the JPO has been expanding the domestic system step-by-step to improve the administrative efficiency, based on usage and user's needs.

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 2002 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 2002 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)**

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 48 million items of industrial property information by using document number and/or classification as search keys.

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) Trademark/trademark application information search

Unexamined trademark information (such as trademark sample image) can be retrieved by a search using document number.

4) Search by use of title

Bibliographic data, legal status information, etc. regarding a figure trademark whose registration is being applied for or one to which a valid right is held by someone can be searched by using a key word (phonation). An English version is available.

5) Figure trademark search

Bibliographic data, 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 the figure term. An English version is available.

6) Well-known/famous Japanese trademark search

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

7) Goods and/or services list

Classification, designated goods and/or designated services, similar group code and others can be referred. An English version is available.

In addition, as related information, progress information on application, registration and appeal/trial decision, a collection of decisions on suits against appeal/trial decision and others are also available.

b) Providing JPO data

In March 1999, the JPO began providing the JPO's bibliographical and progress information to outside users at marginal cost by organizing and converting it in the standard format for better usability for the users. About twice a month, the data is provided.

c) National Center for Industrial Property Information (NCIPI), an independent administrative institution

NCIPI, which became an independent administrative institution in April, 2001, supplies industrial property information including patent gazettes. Its major activities are listed below:

1) Reference to trademark gazettes, etc.

Gazettes on CD-ROM, etc. as well as the JPO's "IPDL Service" are available to the public free of charge in the gazette reading room on the 2nd floor of the JPO building. There are approximately 150 such reading devices in the room.

Reading devices for this purpose are provided at eight other places in Japan (Sapporo, Sendai, Nagoya, Osaka, Hiroshima, Takamatsu, Fukuoka and Naha) where similar reference services and so forth are provided.

A total of approximately 67,000 persons used the services at the above facilities in 2002.

2) Reference to examination and trial documents

Various technical documents (books, etc.) to be used for the JPO's examinations and trials are collected both domestically and from abroad and made available to the public.

d) Intellectual Property Centers

At Intellectual Property Centers at 58 places throughout Japan, visitors are given advice on suitable industrial property information search methods and the like, and seminars on industrial property information search methods are held periodically. Pamphlets and other documents are prepared at these centers and distributed to local companies, etc.

To support the above activities, NCIPI dispatches to the centers its IPDL search advisors with specialized knowledge of patent information and methods of searching for such 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 is engaged in mutual exchange of gazette and other documents with 88 countries (including international organizations), and of which, the JPO sends its Trademark Gazettes to 23 countries.

### **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.)**

The JPO held briefing sessions at the following places to explain to users of industrial property information on how to conduct trademark searches at the Industrial Property Digital Library (IPDL):

October, 2001 Tokyo, Osaka, Aichi and Kagawa

November, 2001 Hokkaido, Miyagi and Fukuoka

January, 2002 Hiroshima

### **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**

#### **1) Sending experts**

The JPO sent one expert official to the National Office of Intellectual Property of Vietnam, to provide training and advice as trademark systems and trademark examination.

2) In cooperation with the JIII, the JPO accepted 62 trainees in total from the People's Republic of China, the Republic of Indonesia, Malaysia, the Republic of the Philippines, the Kingdom of Thailand, the Independent State of Papua New Guinea, the Socialist Republic of Viet Nam, the People's Republic of Bangladesh, the Kingdom of Bhutan, the Kingdom of Cambodia, the Republic of the Fiji Islands, India, the Islamic Republic of Iran, the Lao People's Democratic Republic, Mongolia, the Union of Myanmar, the Kingdom of Nepal, the Islamic Republic of Pakistan and the Democratic Socialist Republic of Sri Lanka (19 countries) for training on Industrial Property Administration, the Enforcement of the Intellectual Property Rights, the Examination Practices of Industrial Property Rights, and the Use of Information Technology in Industrial Property Administration.

### **b) Assistance to developing countries using other institutions**

#### **1) Sending experts**

Under the Japan International Cooperation Agency (JICA) scheme, the JPO sent one expert official for each to the Intellectual Property Corporation of Malaysia and the Department of Justice and Human Right Republic of Indonesia, Directorate General of Intellectual Property Rights to provide training and advice in such areas as trademark systems and trademark examinations.

#### **2) Modernization of Intellectual Property Administration**

Under the JICA scheme, in April 2000, the JPO began the "Modernization of Industrial Property Administration Project in Viet Nam", a four-year project for the modernization of administrative procedure at the National Office of Intellectual Property of Viet Nam. This project is aimed at developing human resources through the automation of the administrative works.

#### **3) Training for government officials**

In cooperation with JICA, the JPO provided a group training course on intellectual property for government officials from developing APEC economies involved in intellectual property right administration and examination. 17 officials in total from the Republic of Chile, the People's Republic of China, the Republic of Indonesia, the Republic of the Philippines and the Socialist Republic of Viet Nam attended the training course. Patent information lectures and practical training regarding searches were provided.

The JPO sent expert officials to the Republic of Malaysia, the Republic of Philippines and the Socialist Republic of Viet Nam and invited a total of 9 counterparts from these countries for specialized training such as lectures on computer-related technology and practical training.

The JPO held industrial property right enforcement seminars in the People's Republic of China and the Republic of Singapore. 35 participants from the enforcement-related governmental agencies in the People's Republic of China and 29 participants from 5 Asian countries including the Republic of Singapore attended the seminar.

### **4) Training for the private sector**

In cooperation with the Association for Overseas Technical Scholarship (AOTS) and the JIII, the JPO held a total of 8 industrial property right training courses. Lectures were given on industrial property rights in general, including industrial property right information searches. 131 participants from the Republic of Chile, the People's Republic of China, the Republic of Indonesia, Malaysia, the United Mexican States, the Republic of the Philippines, the Kingdom of Thailand, the Independent State of Papua New Guinea, the Socialist Republic of Viet Nam, the Kingdom of Cambodia, India, the Lao People's Democratic Republic, Mongolia and the Union of Myanmar attended the seminar.

### **c) Production projects of CD-ROMs containing laws and regulations related to intellectual property rights**

In order to assist intellectual property Offices in developing countries, that have been developing domestic intellectual property right regulations, the JPO has been engaged in a project to assist in gathering information related to overseas industrial property rights systems. Under this program, laws and regulations related to the industrial property rights of major developed and developing countries are translated into English, if necessary, and recorded on CD-ROM, to which a search function is added.

In fiscal year 2002, industrial property right laws (including laws and enforcement rules) from a total of 54 countries and a total of 14 international agreements were recorded on CD-ROM and provided without charge to developing countries, mainly in the APEC region. Information from the Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Chile, China, Chinese Taipei, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hong Kong, Hungary, Indonesia, Italy, Japan, Luxembourg, Malaysia, Mexico, The Netherlands, New Zealand, Norway, The Philippines, Portugal, The Republic of Korea, Romania, Singapore, Slovakia, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Turkey, The UK, The US, Viet Nam, Ireland, India, Latvia, Liechtenstein, Lithuania, Peru, Russia, Saudi Arabia, Ukraine, Benelux Union, Eurasia Patent Office, EPO, European Community, Budapest Treaty, Madrid Agreement & Protocol, NAFTA, Paris Convention, PCT, Trademark Law Treaty, and TRIPS. The JPO intends to increase the number of countries and laws covered under this program.

## **IX. Other relevant matters**