

# SCIT.ATR.TM.2003.JP

## Annual Technical Report 2003 on Trademark Information Activities submitted by Japan (SCIT/ATR/TM/2003/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 2003 was 123,325. The number of registrations was 108,568.

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

The number of applications in 2003 increased by approximately 6,000 compared to the previous year. The number of claimed classes has increased by approximately 7,000. 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 "food" and "miscellaneous goods". There were 5,334 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 70 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

Nothing particular

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

The Japan Patent Office (hereinafter referred to as the "JPO") published the following trademark documents in 2003:

Publication of Registered Trademark 104,287 issues  
Publication of Reclassification on Registered Trademark 46,253 issues  
Publication of Unexamined Trademark Application 116,321 issues  
Publication of International Trademark Application 5,380 issues  
Publication of Registered International Trademark 3,862 issues  
Decision on Appeal / Trial Gazette 5,533 issues  
Registration Lists (Updated) 68,551 issues  
Registration Lists 28,984 issues

#### Mass storage media and microforms used

Nothing particular

#### Word processing and office automation

Nothing particular

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

Since January 2000, the JPO has been accepting on-line trademark applications (electronic application). The JPO electronically edits the collected data, acquired from electronic applications or electronic 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) Unexamined / International Trademark Gazette on CD-ROM

Starting from February 2000, the JPO has issued official gazettes that include Publication of Unexamined Trademark Application, Publication of International Trademark Application and Publication of Registered International Trademark on CD-ROM under the title of "CD-ROM Unexamined / International Trademark Gazette".

A single-volume Unexamined International Trademark Gazette on CD-ROM contains a total of about 3,300 issues and was published 50 times in 2003.

Publication of Unexamined Trademark Application on CD-ROM enables 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 on CD-ROM enables a search by using 7 items, including International registration number, Vienna classification, priority number, as search keys.

Publication of Registered International Trademark on CD-ROM enables 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.

The JPO has been providing, free of charge, viewer software to use "CD-ROM Unexamined / International Trademark Gazette".

b) Trademark Gazette on CD-ROM

Starting from January 2000, the JPO has issued official gazettes that include Publication of Registered Trademark and Publication of Reclassification on Registered Trademark on CD-ROM under the title of "CD-ROM Trademark Gazette and Trademark Classification Reconsolidated Registration Gazette".

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 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, containing the trademarks that were re-classified and re-registered.

A single-volume Trademark Gazette and Trademark Classification Reconsolidated Registration Gazette on CD-ROM contains a total of about 3,000 issues. It was published 50 times in 2003.

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. Publication of Reclassification on Registered Trademark 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 "CD-ROM Trademark Gazette and Trademark Classification Reconsolidated Registration Gazette".

### **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 state 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 will start the reference by the subdivided Vienna Classification (Version 5) from 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 been pushing hard with the computerization of trademark documents for trademark examination and examination-related documents. At the end of fiscal year 2003, trademark-related data for about 3,300,000 documents was collected.

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

The computerized retrieval system for trademarks uses reading (verbal sound) codes generated from trademarks and similarity group codes, which represent similarity of goods and/or services that are considered to be identical or similar with each other, as search keys. This is a system for searching prior filed trademarks and had been carried out by the batch processing system since 1978. In April 1999, the distributed real-time processing for retrieval has been employed. In 2003, about new 115,000 applications of character trademarks had been accumulated to be retrieved.

In January 2000, a search function using character string composing trademarks was realized. By this function, "a trademark for indication" which describes a trademark as characters in the similar constitution form as the original trademark is prepared and employed for indication on the screen. Moreover, "a trademark for search" that is used for character-code search is automatically created from "a trademark for indication", and used for character string search. In March 2001, a database for protection of well-known and famous trademarks as well as a search technique by using character strings was developed.

#### b) Figurative trademark examination system

From April 1998 the figure trademark examination system has been operated. It has search keys of viewpoints such as the Japan's original figure terms for classification of figure elements and similar group codes. In this system, search and screening of the figure trademarks are carried out by contrasting and indicating the difference between the trademark concerned and the trademarks filed prior on screen.

From April 2004 the figure examination system according to the subdivided Vienna Classification (version 5) has been operated.

#### 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.)

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 electronic 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 electronic data. Therefore, a total system, covering from design 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 were able to save costs.

The electronic trademark 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 has reached a high percentage, 83% (annual average in 2003).

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 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)**

### **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 53 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 application and registration information search**

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 free-word or document number. An English version is available.

#### **4) 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).

#### **5) Figure trademark search**

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

From March 2004, search based on the Vienna Figure Classification instead of the Figure Classification of Japan will be 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 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 Conservancy of 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 second 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 85,000 persons used the services at the above facilities in 2003.

#### **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**

59 Intellectual Properties Centers throughout the nation have widely implemented support operations for users including regional companies.

They have given advice to users, provided them guidance in retrieval methods of patent information, etc. according to their purposes, regularly conducted workshops and prepared booklets relating to retrieval methods of patent information.

To support the above activities, NCIPI dispatches to the centers its electronic patent library 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 mutually exchanges official gazettes, etc. with 102 organizations (including international organizations) in 88 nations, out of which it sends the CD-ROM Trademark Gazette to 19 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.)**

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, 2003 Osaka, Aichi and Fukuoka

November, 2003 Tokyo, Miyagi, Hiroshima and Kagawa

December, 2003 Hokkaido

## **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

To provide training and advice on computerization of office administration and trademark examination, the JPO sent 2 expert officials to the Intellectual Property Division (IPD), Ministry of Commerce of Cambodia.

2) Training for government officials

In cooperation with WIPO, the JPO held training course on the Use of Information Technology.

b). Assistance to developing countries using other institutions

1) Sending experts

Under the Japan International Cooperation Agency's (JICA) scheme, the JPO sent 2 expert officials(long-term) to the National Office of Intellectual Property of Vietnam (NOIP), and 1 expert official(long-term) to the Directorate General of Intellectual Property Rights (DGIPR), in order to engage in JICA technical cooperation project.

2) Modernization of Intellectual Property Administration

Under the JICA scheme, starting from April 2000, the JPO has launched the "Modernization of Industrial Property Administration Project in Vietnam", a project for the modernization of administrative procedure at NOIP, and will continue the project until June 2004. This cooperation aims at developing human resources through the automation of administrative work.

3) Training for government officials

The JPO sent expert officials to the Socialist Republic of Viet Nam and invited 3 counterparts and also invited 1 counterpart from the Republic of Malaysia from these countries for specialized training such as lectures on computer-related technology and practical training.

## **IX. Other relevant matters**