

CWS/ATR/TM/2015/JP

Annual Technical Report on Trademark Information Activities in 2015 submitted by JAPAN

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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 plans.

a) Plan for Optimization of Operations and Systems of the JPO (revised in March 2013)

The following actions are proposed about improvement of the search environment and external provision of information.

- (i) Use of machine translation in order to meet needs for/search foreign documents
- (ii) External provision of information relevant to examination and appeal/trial on trademark

b) Summary of the Intellectual Property Committee, under Industrial Structure Council, the Ministry of Economy, Trade and Industry (February 2014)

The following actions were proposed as subjects for which specific measures should be taken.

- (i) Realization of the world's utmost quality service to provide information on intellectual property rights
- (ii) Provision of information on valid domestic and foreign trademarks in order to promote innovation centering on brands in Japan

c) Intellectual Property Promotion Plan

The following actions are proposed as matters to be addressed in a short period also in the Intellectual Property Promotion Plan of the government.

- (i) Dissemination of English translations of trial/appeal decisions made by the JPO examiners in foreign countries in order to improve/enhance the dissemination of information on those trial/appeal decisions to international users
- (ii) Further consolidating the infrastructure in order to reduce users' burden for the access to trademark information including overseas

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 a)(i), the JPO started Foreign Patent Information Service (FOPISER) which enables users to retrieve overseas trademark information obtained by data exchange with foreign IP offices in Japanese by means of machine translation in August 2015. For details, see 3.(4) a-3).

Concerning the above b)(i), the JPO renovated the "Industrial Property Digital Library (IPDL)" that had provided IP rights information via the Internet without any charges since March 1999 and started providing the "Japan Platform for Patent Information (J-PlatPat)" in March 2015, a new service to provide IP rights information, in order to meet advancing and diversifying user needs. The J-PlatPat has user-friendly interface and provides search/retrieve services for IP rights information. In addition, it enables commercial providers in Japan to download the JPO-owned data in bulk. For more information about this, see 3.(4)(a-2).

Concerning the above c)(i), the JPO implemented provision of manual English translations of trial/appeal decisions etc. (trial/appeal decisions, decisions on opposition, Hantei (advisory opinions on the scope of industrial property rights)) which are considered useful for understanding of legal interpretations and operations categorized by type, field or other attributes of the case. In addition, the Office began providing machine English translations of trial/appeal decisions published as gazettes on the J-PlatPat in January 2016.

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.

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

In 2015, the number of applications was 147,283 (up 18.4% from the previous year).

Among them, the number of international trademark applications¹ was 15,984 (up 26.1% from the previous year).

The number of trademark registrations in 2015 was 98,085 (down 1.8% from the previous year).

[1] These applications refer to international applications filed based on the Madrid Protocol which designate the Japan Patent Office. Refer to Article 68-9 of the Trademark Act

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 National Center for Industrial Property Information and Training (the INPIT) provides the free consultation service on the procedures for industrial property rights at the Consultation Department on the second floor of the JPO office building. Moreover, the on-line consultation service on IP-related questions 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, trademarks, and PCT-RO international applications, 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.

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

The JPO adopted the 6th edition of the Nice Classification in April 1992, the 7th Edition of the Nice Classification on January 1, 1997, the 8th Edition on January 1, 2002, the 9th Edition on January 1, 2007, and the 10th Edition on January 1, 2012. Currently, the JPO adopts the new additional edition 10-2016 (NCL (10-2016)) of the 10th edition which came into effect on January 1, 2016. Besides, since April 1, 1998, the Office has been executing “renewing system” by which trademark rights that were registered in accordance with the conventional Japanese classification are reclassified in accordance with the international classification.

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 Viennal Classification (5th edition) in the context of the actual situation of Japan. Specifically, the JPO created a subdivided original Vienna Classification by subdividing the Viennal 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 into subject matter for protection in Japanese Trademark Law: “Soundmarks,” “Color marks,” “Position marks,” “Motion marks” and “Hologram marks” which had been protected in foreign countries, and has accepted their applications since April 1, 2015. There were more than 1,300 of those applications as of May 2016 and 71 cases out of them were decided to be registered.

[Reference 1] Breakdown of the number of application

Motion marks: 92, Hologram marks: 16, Sound marks: 439, Color marks: 478, Position marks: 295

[Reference 2] Breakdown of the number of registration

Motion marks: 30, Hologram marks: 1, Sound marks: 32, Color marks: 0, Position marks: 8

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 trademark documents in 2015.

- Published Registered Trademarks: Internet
- Published Reclassification on Registered Trademarks: Internet
- Published Unexamined Trademark Applications: Internet
- Published International Trademark Applications: Internet
- Published Registered International Trademarks: Internet
- Decision on Appeal/Trial in Trademark: Internet

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) Nikkei Telecom

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

c) SAEGIS

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 IP rights information via the Internet

a-1) Providing official gazettes via the Internet

Refer to 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 IP rights information by using document numbers and classifications as search keys. This service was transferred to the National Center for Industrial Property Information and Training (the "INPIT") as of October 2004, and has been operated there since.

In order to meet advancing and diversifying user needs for IP rights information, the JPO renovated the "Industrial Property Digital Library (IPDL)" and started providing the "Japan Platform for Patent Information (J-PlatPat)" in March 2015, a new service to provide IP rights information via user-friendly interface. The J-PlatPat currently stores about 110 million cases of IP rights information.

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

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

The main services relating to trademark information provided on the J-PlatPat are as follows:

(1) Simplified Search (patent, utility model, industrial design and trademark)

(2) Trademark number search

(3) Trademark application/registration information search

(4) Phonetic search

(5) Trademark search by figures, etc.

It is possible to retrieve bibliographic data/status information, etc. regarding pending figure trademarks and registered figure trademarks by the segmentalized Vienna classification of figure (classification of figures or the like).

(6) Classification table of Figures, etc.

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

(7) List of Goods and services

Goods and services, classification, designated goods and/or services, similar group codes, etc. based on the 9th and 10-2015th edition and 10-2016th edition of the Nice Classification can be searched and referenced.

(8) International Classification table of Goods and Services

International Classification of Goods and Services on the Nice Agreement (9th edition, 10-2014th edition, 10-2015th edition and 10-2016th edition) together with similar-group codes can be referred to.

(9) Japanese well-known/famous trademark search

(10) Unregistrable trademark search

(A part of) unregistrable trademarks at the Trademark Act can be searched by using the item (pronunciation).

a-3) Foreign Patent Information Service (FOPISER)

In August 2015, the JPO launched the “Foreign Patent Information Service (FOPISER)” a search service to expeditiously 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 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

Since March 1999, the JPO began providing 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 service was managed by the INPIT, and 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 Public 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 Japan Platform for Patent Information (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. Administrative work and examination processing systems based on electronic data was constructed, and all work including filing, formality and substantive examination, sending, 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 2015, 85.2% 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.

Please note that the JPO's system is a comprehensive system and that the administrative work processing and trademark search system is a part of this comprehensive system. Thus for the overall system, please refer to the "Annual Technical Report on Patent Information Activities."

Hardware used to supporting business processes of the Office

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

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 April 2016, trademark-related data for about 5,100,000 documents had been 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 well-known/famous trademark, 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)

Refer to 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. Japan Platform for Patent Information (J-PlatPat)

The National Center for Industrial Property Information and Training (the INPIT) compiles an instruction 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."

Refer to 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.

a) J-PlatPat training seminars

Training seminars of trademark search of the Japan Platform for Patent Information (J-PlatPat) were held by the National Center for Industrial Property Information and Training (the INPIT) for beginners of industrial property right search from individuals and SMEs (16 times in 11 major cities nationwide in FY2015).

In addition, information sessions of the J-PlatPat were held by request from universities and enterprises (41 times in FY2015).

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 DVD-ROM overseas in March 2015.

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 exchange of official gazettes including “Published Registered Trademarks” in November 2014 as far as international provision of the JPO’s electronic information is concerned. In 2015, the Office newly started exchanging trademark information with Russia, Taiwan, the European Union of Intellectual Property Office (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

(1) Training for government officials

A 2-week training related to computerization was provided in Japan in October 2015 under the cooperation with the WIPO. Trainees from 18 IP offices were invited.

<http://www.training-jpo.go.jp/en/index.php/2963>

(2) Capacity building for effective innovation support services with a focus on access to and utilization of technical database.

A regional seminar was held in Malaysia in December 2014 to provide ASEAN countries with a place to discuss a roadmap for implementation of innovation support services. In March 2015, a training seminar was held in Mongolia by the Technology & Innovation Support Center (TISC).

(3) Data capture, digitization support, workshop at IP offices of African countries/regions

A project on data capture was conducted in Nigeria, Botswana, and Tanzania. Also, in Zimbabwe, Ethiopia and Kenya, as well as the Organisation Africaine de la Propriété Intellectuelle (OAPI) and the African Regional Intellectual Property Organization (ARIPO), projects of digitizing domestic and foreign fillings to make it possible to manage them were conducted. In addition, in Namibia and others, workshops for discussing management method using the IPAS were held. Furthermore, in Zimbabwe, a workshop for activation, collation and exchange of IP information was held.

b) Cooperation using other organizations for developing countries

Nothing in particular

Other activities

Nothing in particular

VII. OTHER RELATED MATTERS

Nothing in particular