

CWS/ATR/TM/2019/JP

Annual Technical Report on Trademark Information Activities in 2019 submitted by Japan

Please fill in your items before submitting your report

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.

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

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

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

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

The future direction of the official patent information provision service operated by the JPO and the National Center for Industrial Property Information and Training (INPIT) has been summarized as below.

The JPO and the INPIT should continuously improve the infrastructure of patent information provision service to broadly disseminate the patent information with the efforts to provide the world's utmost quality service for the users in Japan with full considerations of the trends of globalization, advancement of IT, approaches to the related services by foreign IP offices and private business operators, and requests from users in Japan including small and medium-sized companies and individuals.

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

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

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

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

Concerning the above (v), the J-PlatPat, in May 2019, reduced the time lag of the update for examination and trial status information, and allowed users to search for documents received and prepared in January 2019, and after. Further, since March 2020, the JPO has made functional improvements such as batch download of multiple publication documents in PDF, addition of a narrow-down retrieval search function based on the date of trial decision search, etc.

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

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

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

In 2019, the number of applications was 190,773 (up about 3% from the previous year). Among them, the number of international trademark applications* was 19,450 (up about 9% from the previous year). The number of trademark registrations in 2019 was 109,859 (down about 6% from the previous year).

*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.

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

(Annual Report in Japanese) <https://www.jpo.go.jp/resources/report/nenji/index.html>

(Status Report in Japanese and English) <https://www.jpo.go.jp/resources/report/statusreport/index.html>

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

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

a) Paper-based application

The INPIT provides the free consultation service on the procedures for industrial property rights at the Consultation Desk on the second floor of the JPO office building.

Moreover, the portal site for consultation and support on intellectual property is available at:

<https://faq.inpit.go.jp/>

b) Electronic application

The e-filing software allows users to conduct administrative procedures such as the filing of applications for patents, utility models, industrial designs and trademarks, and PCT-RO international application, appealing for trials and payment of the annual fees, and receipt of documents dispatched from the JPO, on-line. The software may be downloaded for free.

<https://www.jpo.go.jp/system/process/shutugan/pcinfo/index.html>

(2) Availability of the application dossier in electronic form

a) On-line reference

The software for electronic application allows users to request or refer to application documents and registers from computers from their home or office, and to make a request for issuing certifications on-line.

See 2. (1) b) for the software for electronic application.

(3) Matters concerning classifying

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

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

a) Nice Classification

By adopting internationally common classification (Nice Classification), for the purpose of making it easier to search of domestic and international prior trademarks and to manage trademarks such as the procedure for the registration of a trademark etc., in April 1992, the JPO has adopted the Nice Classification which is an international classification of goods and services as the main classification system. Currently, the JPO adopts the International classification, 11th edition, version 2020 that came into effect on January 1, 2020.

b) Vienna Classification

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

In consequence, the JPO started examinations based on a subdivided Vienna Classification made by subdividing the Vienna Classification (5th edition) in the context of the actual situation of Japan.

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

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

In order to support various brand strategies of enterprises, the JPO added five types of non-traditional trademark, "Motion marks," "Hologram marks," "Sound marks," "Color marks" and "Position marks" into subject matter for protection in Japanese Trademark Law and has accepted their applications since April 1, 2015. Search for trademarks by type is available on the J-PlatPat.

(5) Other activities

Nothing in particular

3. SOURCES OF TRADEMARK INFORMATION PROVIDED BY THE OFFICE

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

The JPO publishes the following major official gazettes via the Internet in 2019:

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

The following is the URL of publications provided through the Internet.

URL: <https://www.publication.jpo.go.jp>

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

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

Nothing in particular

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

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

a) Data of classified telephone directory

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

b) Newspaper/Magazine article information

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

c) Foreign application/registration information database

A database capable of searching for foreign application/registration information.

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

a) Providing patent information via the Internet

a-1) Providing official gazettes via the Internet

See 3.(1)

a-2) Japan Platform for Patent Information(J-PlatPat)

The JPO started to provide the Industrial Property Digital Library (IPDL) service through the Internet in March 1999. This service has enabled users to search patent information by using document numbers and classifications as search keys. This service was transferred to the INPIT as of October 2004, and has been operated by the INPIT since then.

In order to meet advancing and diversifying user needs for patent information, the INPIT renovated the IPDL and started providing the J-PlatPat in March 2015, a new service to provide patent information via user-friendly interface. The J-PlatPat currently stores about 130 million cases of patent information and can be searched by document numbers, various classifications, keywords, etc. In addition, all functions are also available in English.

(URL) <https://www.j-platpat.inpit.go.jp/>

a-3) FOPISEER

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

b) Providing JPO data

The following types of data are currently provided to commercial providers in Japan by bulk download service on the J-PlatPat.

b-1) New Standardized Data

This data is the JPO's bibliographical and status information converted and processed into TSV format for better usability for external users. The data has been provided since May 2019.

b-2) Preceding Standardized data

This data is the JPO's bibliographical and status information converted and processed into XML format, etc. for better usability for external users. As of August 2020, the data up to September 2019 has been provided.

c) Reference to trademark gazettes, etc.

The INPIT has 7 access devices which are available in the Official gazettes reading room on the second floor of the JPO office building. This allows free public access to the J-PlatPat Service, gazettes on CD-ROM/DVD-ROM, etc.

d) Reference to examination and trial documents

The INPIT is collecting various technical documents (books, etc.), which are used in the examinations and trials by the JPO, widely from inside and outside of Japan and making them available to the public.

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

A service is provided that legal status information of applications registered in the past and filed in 2000 onwards can be searched on the J-PlatPat by using document numbers such as application numbers and registration numbers. In addition, easy-to-understand icons (TM5 Common Status Descriptors) of trademark status (LIVE or DEAD/REGISTRATION, on appeals, etc.) agreed at TM5 are posted on the J-PlatPat. Alert Service to notify of the status information update of designated applications is also available.

(6) Other sources

Nothing in particular

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

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

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

Furthermore, with the implementation of the real-time trademark search function, and a trademark examination scheme that actively takes advantage of data in electric form, resulting in the downsizing of the trademark search system, cost efficiency has been also improved. Of all the trademark applications filed in 2019, 83.8% 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.

(2) Hardware used to supporting business processes of the Office

Servers, network devices, PCs for business use etc.

(3) 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 July 2020, trademark-related data for about 5,890,000 documents were accumulated.

Trademark search system comprises phonetic search, character string search, well-known/famous trademarks search and classified telephone directory search.

In order to protect famous trademarks, a well-known/famous trademark database was constructed and the search system thereof was put into operation in March 2001.

b) Figurative trademark examination system

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

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

c) Search System for Appeal/Trial and Court Decisions (J-term search system)

Appeal/trial and court decisions are accumulated in the form of electronic data with a search index, called "J-term," and searching and screening for the appropriate appeal/trial and court decisions are conducted by using "J-term."

In addition, a full-text search service is available for appeal/trial and court decisions issued after January 2000.

d) Check table search system for indications of goods/services

With regard to the indications of designated goods and designated services, those 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.

(4) 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.

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

See 4.(1)

(6) Other matters

Nothing in particular

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

(1) 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 17:30

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.

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

a. J-PlatPat

The INPIT compiles an instruction brochure/manual for how to operate and utilize various search services provided by the J-PlatPat.

URL

https://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".

URL <http://www.pcinfo.jpo.go.jp/site/>

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

(3) Cooperation with universities, technology and innovation support centers, etc.

Nothing in particular

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

a) J-PlatPat training seminars

Training seminars of the J-PlatPat were held by the INPIT for beginners of industrial property right search from individuals and SMEs (25 times in 16 major cities nationwide in FY2019).

The organization also held information sessions of the J-PlatPat by request from universities and enterprises (2 times in FY2019).

(5) Other activities

Nothing in particular

6. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF TRADEMARK INFORMATION

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

a) Sending Official Gazette on CD-ROM to overseas

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

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

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

Based on an international cooperative framework, the JPO and the WIPO started the data exchange of official gazettes including "Published Registered Trademarks" in November 2014, expanded the range of data exchanges in 2016, and are continuing it as far as international provision of the JPO's electronic information is concerned. In addition, the Office also exchanges the data with Russia, Taiwan, the EUIPO, Vietnam, Thailand and Malaysia.

(3) Assistance to developing countries

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

a-1) Development support of IT system for developing countries

The JPO supports system development of WIPO-IPAS.

a-2) Digitization support

In FY2019, the digitization project was implemented in Philippines, Thailand, Vietnam, Uganda, Eswatini (former Swaziland), Botswana, Madagascar, Malawi, Zambia and OAPI, the Regional IP Office for Africa. The Philippines project was completed.

a-3) IT Personnel Development Workshop

In August 2019, a workshop for African countries for OAPI and ARIPO members and other countries was held in Tanzania. The online tools and services provided by WIPO were introduced, and explanations and discussions were also carried out on the preconditions that the IP offices should consider in advance to realize the digitization of IP offices' operation using these tools and services. In October, a workshop for 10 ASEAN countries was held in Vietnam and the development status and specific functions of IT systems provided by WIPO such as the ASEAN Patentscope and WIPO-IPAS were introduced for the purpose of promoting the implementation and functional improvement of IT systems in each IP office. Furthermore, as part of the support for the establishment of the Myanmar Intellectual Property Office, workshops for introducing online services were held three times in total, and experiences of the implementation of IT systems in the IP offices of neighboring countries were shared with the Myanmar side.

(4) Other activities

Nothing in particular

7. OTHER RELATED MATTERS