

Japanese Trademark System Overview for International Customers

Japanese Trademark System is similar to that of the US and other countries.

- Madrid Protocol supported
- Paris Convention priority supported
- Nice Standards supported
- First-to-file basis examination

The following are points to be noted for International Customers:

Representative

- An applicant residing outside Japan has to assign an agent residing in Japan, required by the law. This applies to amendments via Madrid Protocol, too.
- A certified patent attorney usually works as an agent.
- POA is not necessary for filing an application (required for amendments for Madrid Protocol registration).

Non-Conventional Trademark

- Now, soundmarks, color-only marks and animated marks can be registered, though secondary meaning is usually required.

Paris Convention

- Original (i.e. paper) Priority Certification documents must be submitted (i.e. have to be mailed by you to us) by 3 month after the priority date.

Trademark Usage

- Trademark use is not necessary for application and registration.
- If a trademark owner does not use the mark for 3 consecutive years, a third party can request a non-use cancellation.
- If designated goods/services are too broad, submission of an intent-to-use document may be requested by the examiner.

Please consult us for more information (info@techvisor.jp).