

(Information sheet for recent revisions to the Japanese Trademark Law)

As of April 1, 2007, major revision to the Japanese Trademark Law has gone into effect.

Since the ninth edition of the Nice Agreement has come into force, the Japanese Trademark Law has been revised. Before this revision, retail services and wholesale services were protected only when the trademark was used for goods. However, as a result of this new revision to the Japanese Trademark Law, retail and wholesale services are now sufficiently protected as services belonging to Class 35.

As a transitional measure, during the 3-month period from April 1st to June 30th, 2007, trademark applications designating retail and wholesale services filed on different dates will be treated as having been filed on the same date. (Priority date(Paris Convention) is applied to the transitional measure.)

If several identical or similar trademarks are filed by different applicants within the 3 month transition time period, negotiations should be required among the applicants, in order to determine which applications will be abandoned and which applications will be filed by which applicant.

In cases in which the applicants fail to reach an agreement, each applicant will be required to submit proof of trademark usage to the Japan Patent Office. In such cases, trademark registration will only be granted to applicants who have submitted proof of trademark usage.

Therefore, parties who plan to enter into the Japanese commercial market, should file trademark applications before June 30th, 2007.