

Joining the Madrid Protocol -Steps to be considered-

Trademark Division
Japan Patent Office (JPO)
August 5, 2009



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- Preparation for Accession
- Current Status on Madrid filings in Japan



Preparation for Accession 1

- Study in the fiscal 1997-

- Step-1 Feasibility Study
- Step-2 User Needs Survey



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Preparation for Accession 2

Step 1: Feasibility Study

-for Overcoming the Legislative Hurdles-

- Time Period for Refusal
(P) within 18 months vs. (JP) more than 18 months
- International Register & National Register
(P) in English or French vs. (JP) in Japanese
- The Necessity for a Domestic Publication
(P) WIPO Gazette vs. (JP) Japanese Gazette



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Preparation for Accession 3

Step 2: User Needs Survey -July 1998-

Q1. Do you think Japan's accession to the Protocol would benefit your company?

Yes 94% (861 companies)

No 2% (14 companies)

Q2. If Japan joined the Protocol, would your company consider making use of the Protocol for filing abroad?

Yes 95% (741 companies)

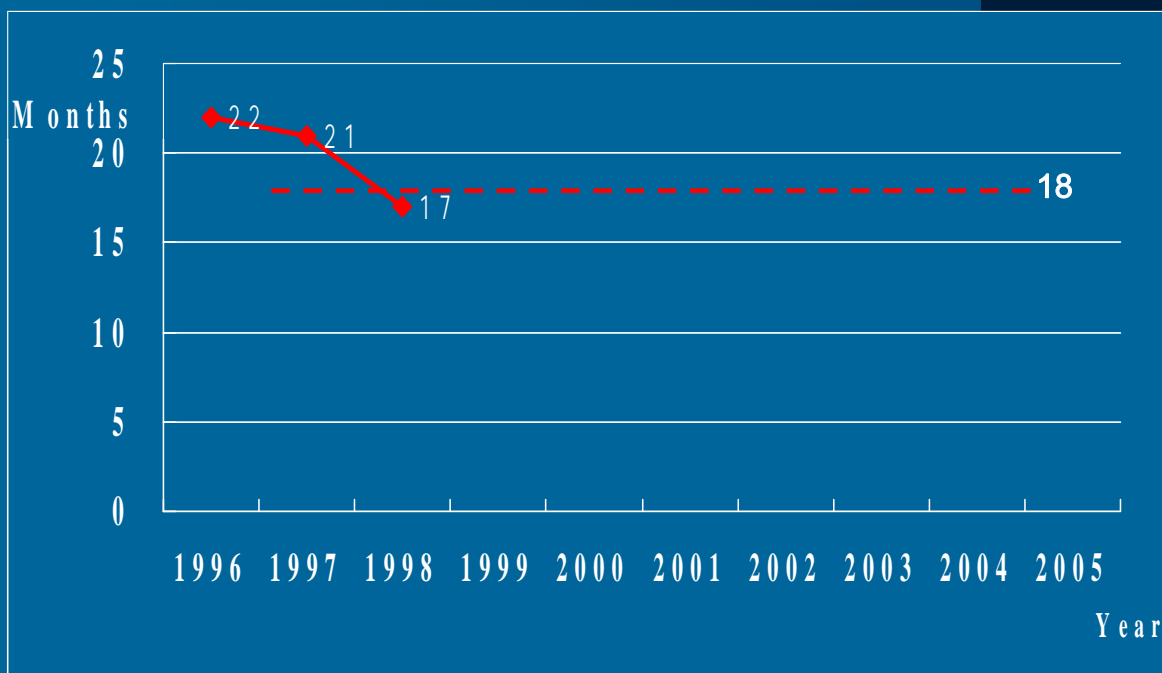
No 5% (36 companies)

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Preparation for Accession 4

First Action (FA) of Applications

1996-1998



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Preparation for Accession 5

-Measures to expedite examination processes-

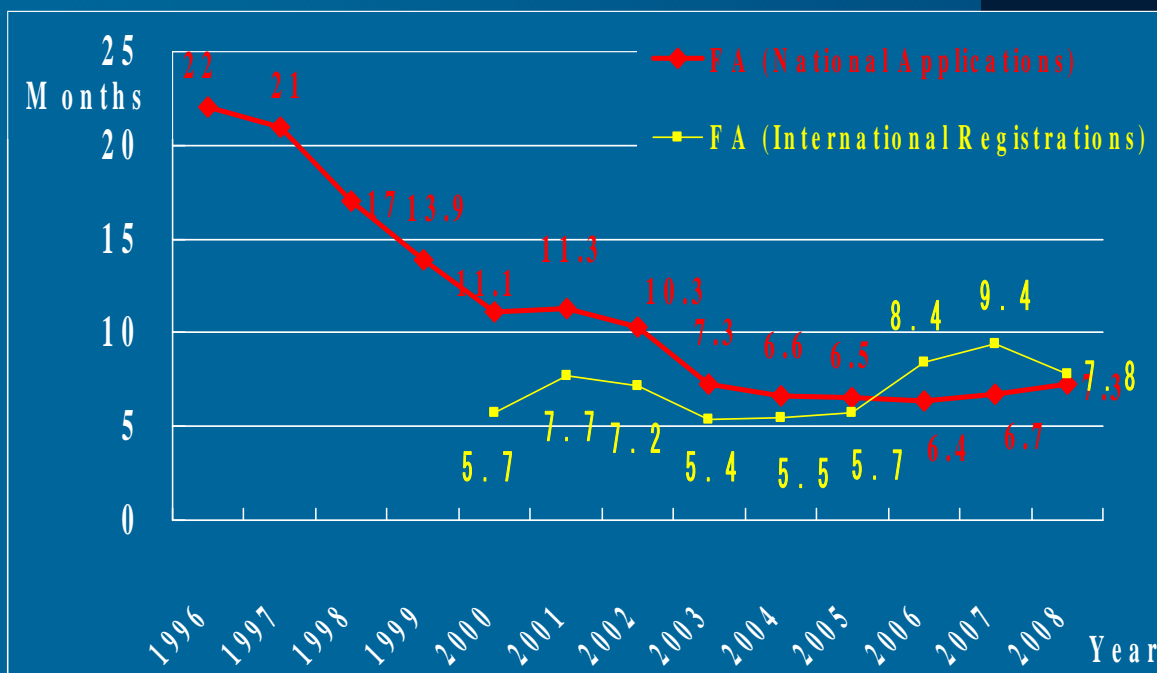
- Outsourcing
 - Pre-Examination Search
 - :Research on distinctive features,
 - :Prior searches for figurative trademarks
- Computerization of examination processes

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Preparation for Accession 6

First Action (FA) of Applications

1996-2008



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-Support Measures on Madrid Protocol Examinations-

- Set-up Two Divisions
 - :International Trademark Application Office
 - :Madrid Protocol Examination Division
- Examination Manuals of the Madrid Protocol
- Computer System for the Protocol



-Revision of Trademark Act-

- Implementation of the Madrid Protocol
 - (1) For the Office of Origin
 - (2) For the Office of Designated Office
 - The designations to Japan are considered as trademark applications in Japan.



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-Revision of Trademark Act-

(3) Treat Madrid Protocol & Domestics equally

- Examination within 18 months
- International register and National register
- Two times publications

:Notified of designations with Japanese

:Registrations (protected) in Japan
with Japanese



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Preparation for Accession 10

-Accession Instruments-

- Receive Individual Fees (Article 8(7)(a))
- 18-Month Period for Refusal

(Article 5(2)(b))

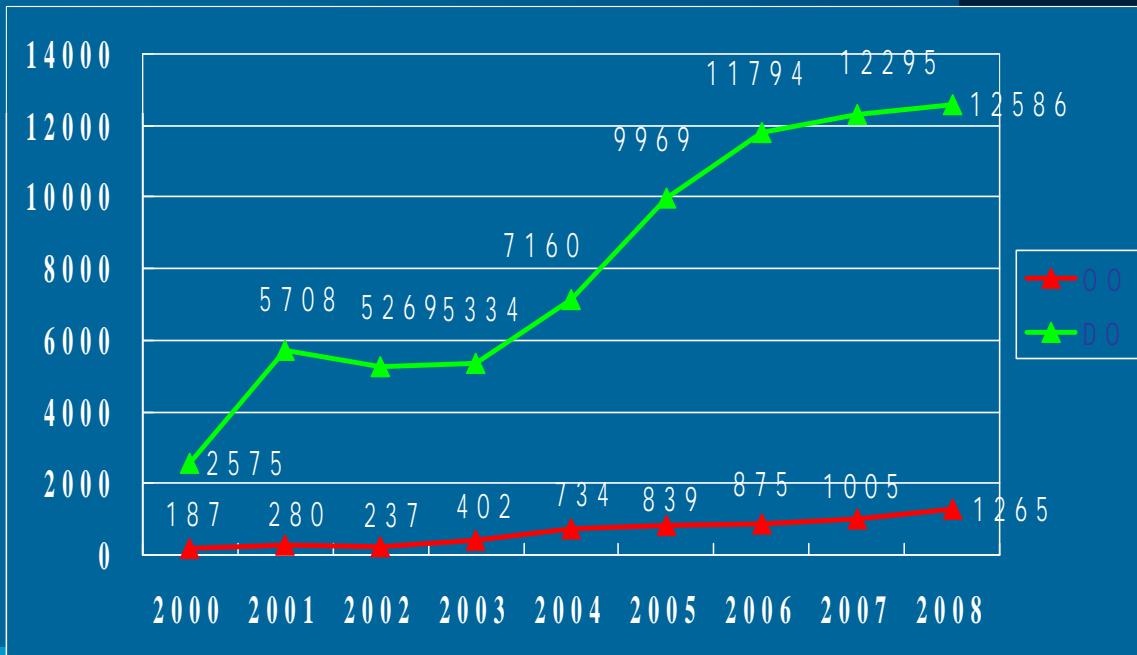


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JPO Implementation 1

International Applications/Registrations

- Office of Origin/Designated Office -

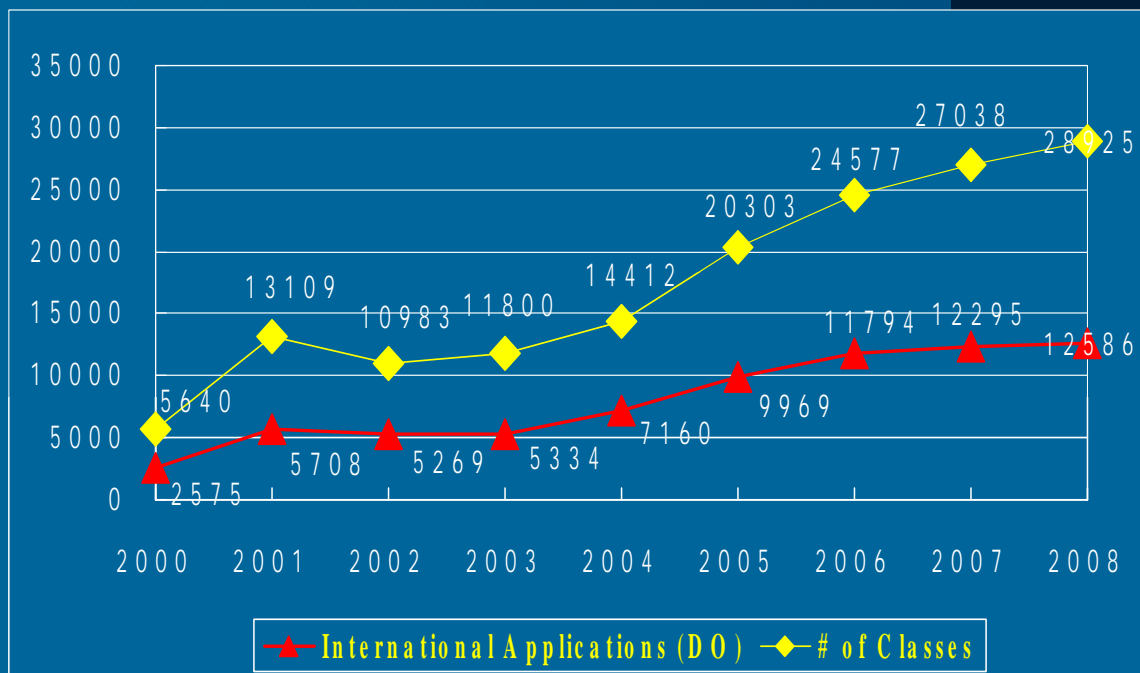


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JPO Implementation 2

International Registrations designating Japan

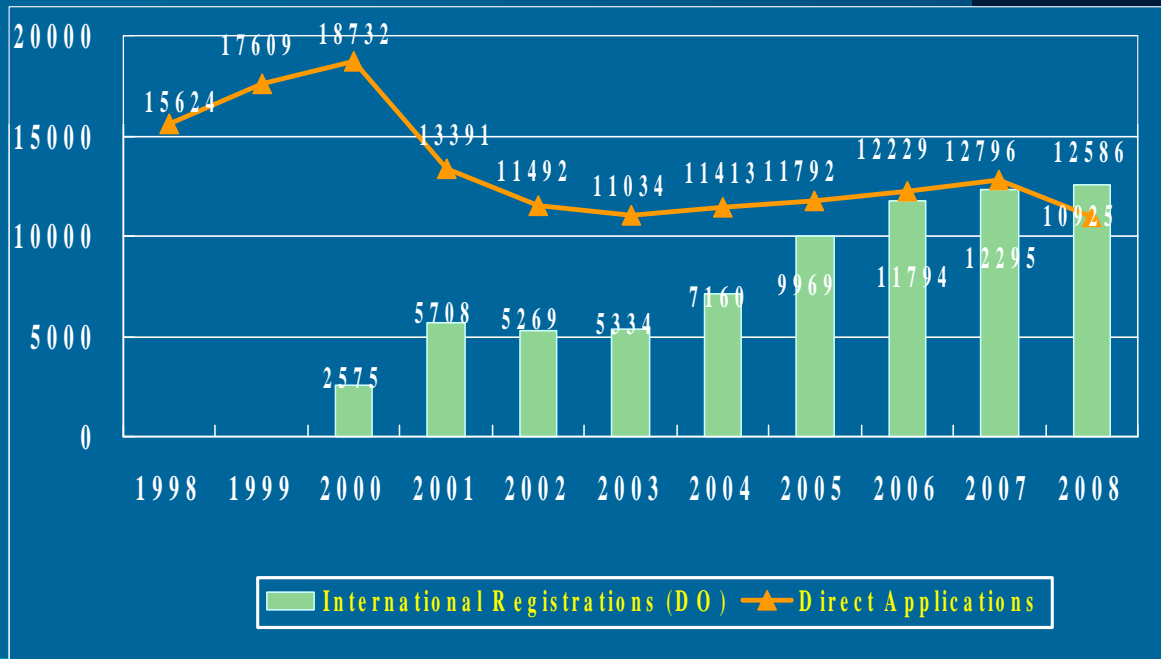
2000-2007



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Applications to JPO from outside

-Directly / Madrid system- 1998-2008



Thank you

