

PATENT ABSTRACTS OF JAPAN NEWS

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Table of Contents

1. Improvements of the Usability of the IPDL	2
2. JPO's Efforts: Internet Filing	3
3. Notice of System Reform in Japan:	
Outline of the Regionally Based Collective Trademark System	
<i>(Revision of the Trademark Law in 2005)</i>	4
4. Announcements of PAJ	7

1. Improvements of the Usability of the IPDL

The National Center for Industrial Property Information and Training (NCIPI) will continue to improve the search function and increase the usability of the Industrial Property Digital Library (IPDL), aiming to provide information services while actively reflecting user needs.

The major additional functions to be implemented in FY2005 are as follows. These additional functions will be available mainly in Japanese.

Patent and utility model

- Currently, patent and utility model gazettes can be displayed and printed only one page at a time. Improvement will be made to enable the downloading of each gazette as a whole in PDF file format and the printing of all pages of each gazette.
- With respect to applications filed in July 2003 and thereafter, the IPDL will disclose, as dossier data, the contents of documents submitted by or sent to applicants during the period from the filing of an application until the decision of grant or refusal.
- By the revision of the Trust Business Law in 2004, intellectual property rights have been included in the scope of objects for which trusts may be established. The IPDL will also provide information relating to trusts through the patent/utility model legal status search.

Design

The IPDL will provide bibliographical data of publicly known designs and image data of such designs with consent from right holders.

Trademark

By the revision of the Trademark Law in 2005, the regionally based collective trademark system will enter into force on April 1, 2006. New kind code of regionally based collective trademarks will be added as a new type of trademark.

The IPDL will provide information concerning the Madrid Protocol as trademark trial data.

Other

- Sequence data
The IPDL will provide sequence data that is disclosed in gazettes published in 1993 and thereafter (also available in English).
- Access control function
The IPDL is intended for public use. To this end, measures will be taken to further expand the access control function of the IPDL, following the measures taken in FY2003, against mass data downloading and robot access (programmed data collection performed periodically and automatically), which disturb general data access.
- F-term descriptions in English
The IPDL will provide F-term descriptions in English through PMGS services regarding 80 F-terms. The IPDL will continue this effort (available in English).

2. JPO's Efforts

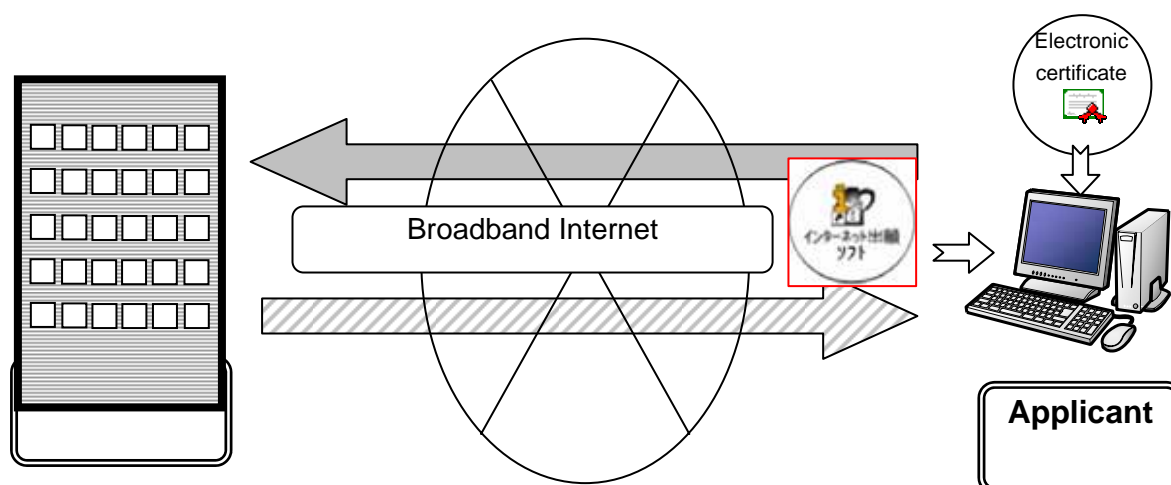
Internet Filing

In October 2005, the Japan Patent Office(JPO) started accepting applications filed in Japan via the Internet.

The Internet filing system is a new type of electronic filing system that uses broadband communication lines, such as ADSL, FTTH, and CATV, and technology for electronic certificates and signature.

With the introduction of this system, electronic applications can now be filed in two ways, via the conventional ISDN lines (using ISDN lines and on-line filing software) and via the Internet (using broadband communication lines, Internet filing software, and electronic certificates).

Internet filing system



Major features of the system

- Achieves high-speed communication (large-volume applications can be transmitted at a high speed).
- Uses electronic certificates for identification.
- Encodes communication channels to ensure security.
- Provides Internet filing software via the Internet.
- Issues identification numbers and deposit account numbers instantly via Internet filing software (without requiring documents).
- Accepts on-line payment of fees using Internet banking systems.

3. Notice of System Reform in Japan

Outline of the Regionally Based Collective Mark System (amendments of the Trademark Law in 2005)

In consideration of the increase in necessity of strengthening the industrial competitiveness and activating the local economies, and in order to maintain the businesses reputation of producers or providers of local goods or services, the amendment was effected for the purpose of allowing trademarks to be registered as regionally based collective marks when those trademarks consist of the names of the regions and names of the products (services) (amendments will be put into force on April 1, 2006).

< Outline of the Amendments to the Law >

Requirements for registration of regionally based collective mark

➤ Requirements of entity

In order to register a regionally based collective mark, one must be an association having a corporate status and have legal regulations that forbid the act of unfairly limit participation of people who are qualified to become a member. Examples include cooperative business associations based on the Cooperative Union Law such as small and medium-sized enterprises, agricultural cooperative associations based on the Agricultural Cooperative Association law, and fisheries cooperative associations based on the Fishery Cooperative Union Law.

Well-known trademark

A trademark registration of a regionally based collective mark may be obtained where, as a result of the use of the trademark consisting only of the name of the region and the name of the product (service), the trademark has become widely known among customers within a defined area as indicating a product (service) connected with a business of the applicant and/or its members.

Trademarks that can be registered

Trademarks that can be registered as regionally based collective marks are as follows: (i) trademarks consist of the name of the region and the common name of the product (service), (ii) trademarks consist of the name of the region and the commonly used name of the product (service), and (iii) trademarks which commonly used expressions when displaying the origin of the product or place where the service is provided are added to (i) or (ii) (ex. real XX).

Relationship between the regional area and the goods/services

Trademarks can be registered as regionally based collective marks when they comprise the names of the production area of the goods, of the place in which the services are provided, or of another geographical area which is recognized as having a close relationship to the goods or services.

Transfer of a trademark right of regionally based collective mark; grant of exclusive use right

The owner of a regionally based collective mark may not assign or grant an exclusive use right of the trademark.

Right to use the regionally based collective mark based on prior use

Where, from a time prior to the filing by another person of an application of regionally based collective mark registration and without any intention of unfair competition, a person has been using in Japan the trademark in the application, such person shall have the right to continue to use the trademark.

Opposition, Trial for invalidation

Any person may file an opposition to the registration of regionally based collective mark which has been made in violation of the requirements for registration. When a registration has been made in violation of the requirements for registration of a regionally based collective mark, a trial for invalidation of the registration may be demanded. In addition, when a registered regionally based collective mark does not meet the requirements of registration of a regionally based collective mark after the registration, a trial for invalidation may be demanded.

Outline of the New System



Application for Registration of Regionally based Collective Mark



Examination of Registration Requirements (Article 7-2, Article 3-1, Items 1 and 2, Article 4)

Name of region + Name of product (service)
 - Source of product, place the service is provided, etc.
 - Abbreviated name of product

- Qualification of association
- Close relationship between name of region and product (service)
- Known to a certain extent
- No other similar well-known trademarks

Qualification requirements for associations

- Corporate status
- Legal guarantee of free participation
- Cooperative business association, agricultural cooperative association, etc.

Registration of Regionally based Collective Mark (Article 18)

(Term of right: 10 years, renewal is possible)

Opposition (2 months)

Violation against the requirements (same as at present)
 Any person may file (Article 43-2)

Trial for invalidation (partial: 5 years)

Violation of the requirements (Adding loss of ex post facto visibility)
 Possible only by interested person (Article 46)

Protection of use by a legitimate third party

Protection of user prior to application

Relaxation of prior user's right (Article 32-2)
 Possibility to continue using the trademark for personal use

Use as the display of the product's features

Maintenance of restriction of effect (Article 26)
 common name, origin, place of sale, quality, etc.

Rights of the regionally based collective mark right holder

- Exclusive right to use the registered trademark of the designated goods (services) (Article 25)
- Use by another person of a trademark similar to the one of the designated goods (services) or use of trademark that is the same or similar to similar goods (services) are deemed to constitute an infringement of trademark right (Article 37)
- Right to require an injunction (Article 36) or to demand compensation for damage due to the use by another person
- Restriction of transfer and of establishment of right of exclusive use (Article 24-2, Article 30)

Trial for cancellation

Not being continuously used, or being counterfeited by associations or their members, etc.
 Any person can demand (Article 50, Article 51, Article 53)

- Received national recognition
- Nonexistence of same trademarks

A national brand !

4. Announcement of PAJ

Questionnaire Survey on the Quality of PAJ

The NCIPI conducted a questionnaire survey targeting all entities that received PAJ as of August 2005. Based on the survey results, the NCIPI will make further efforts to improve the quality of PAJ.

- Survey period
From August to September 2005
- Survey targets
Recipients of PAJ (patent offices, libraries and other public agencies overseas)
- Survey outline
 - Frequency of the issuance of PAJ
 - Contents of PAJ
 - Quality of translation of PAJ
 - Evaluation of PAJ
 - Requests (points that need to be improved)

PAJ Issuance Schedule

[2005]

Date of publication of PAJ	PAJ			PAJ index
	Serial number for the year	Total serial number	Number of PAJ stored	Coverage
Jan. 31 (Mon.)	2005-1	121	30,000	2004-1[097]/2004-12[120]
Feb. 28 (Mon.)	2005-2	122	32,000	
Mar. 31 (Thu.)	2005-3	123	27,500	
Apr. 28 (Thu.)	2005-4	124	27,500	2005-1[121]/2005-3[123]
May 31 (Tue.)	2005-5	125	24,500	
Jun. 30 (Thu.)	2005-6	126	35,000	
Jul. 29 (Fri.)	2005-7	127	30,900	2005-1[121]/2005-3[126]
Aug. 31 (Wed.)	2005-8	128	19,300	
Sep. 30 (Fri.)	2005-9	129	39,400	
Oct. 31 (Mon.)	2005-10	130	27,900	2005-1[121]/2005-9[129]
Nov. 30 (Wed.)	2005-11	131	25,300	
Dec. 28 (Wed.)	2005-12	132	40,100	

Notice for update of MIMOSA viewer soft

The retrieval software MIMOSA will be updated version 4.3. to version 5.053. from Serial number "2005-10".