



## *New Japanese Trademark Law*

### *- Protection of New Types of Trademarks -*

In the view of the rising demand to protect “Motion Mark”, “Hologram Mark”, “Color Mark without–delineated contour”, “Position Mark”, and “Sound Mark”, these 5 types of trademarks (so-called New Types of trademarks) will become registrable in Japan after the amendment of the Japanese Trademark Law.

The new law will be enforced from April 1, 2015. In respect to the amendment of the Japanese Trademark law, please take note of the following three points:

1. Normally, when a new kind of trademark becomes registrable, all applications that are filed within a certain period of time after the application for such marks are accepted, will be considered to have been filed on the same date. However, for the coming amendment of the Japanese Trademark law, the possibility that these new applications will be treated in such manner is very low. Therefore, early filing of these applications will be necessary.
2. As for the New Types of trademarks used in Japan before the enforcement of the amended law, the priority use right will be granted only within the range of its original use. If there is any change to the area of use, goods/services of use, and appearance of the mark, the priority use right may not be accepted. Therefore, if there are any plans to such changes, we would advise you to file a trademark application as soon as possible.
3. For the New Types of trademarks, especially for “Color Mark without–delineated contour”, most applications may be refused due to the lack of distinctiveness of the trademark, and the chance of registration may be very small. Nevertheless, the chance of registration will increase, if the trademark is well-known in Japan after the long-term use of the trademark, and the acquired distinctiveness of the trademark can be proven.

Please do not hesitate to contact us for further information.



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