Joining the Madrid Protocol
-Steps to be considered-

Trademark Division
Japan Patent Office (JPO)
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• Current Status on Madrid filings in Japan
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- Study in the fiscal 1997-

• Step-1 Feasibility Study
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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
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)
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

Preparation for Accession 6

First Action (FA) of Applications 1996-2008
-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.
-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

-Accession Instruments-

• Receive Individual Fees (Article 8(7)(a))
• 18-Month Period for Refusal
  (Article 5(2)(b))
Applications to JPO from outside
-Directly / Madrid system- 1998-2008

Thank you