

THE ACCEPTABLE TYPES OF MARKS AND MEANS OF REPRESENTATION

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| Country | Japan |
| Definition of Trademark | |
| 1. According to the applicable legislation or to the practices of the Office, marks are defined as | |
| a) Visually perceptible signs | No |
| b) Signs capable of being represented graphically | Yes |
| c) Any sign capable of distinguishing the goods and services of one undertaking from those of another | No |
| 2. Signs excluded from registration | |
| Are any signs excluded from registration as a mark? | Yes |
| Please, specify: | <p>Signs excluded from registration as marks are those which do not fall under the categories of marks specified in Article 2 of the Trademark Act in Japan. Examples include olfactory marks, taste marks, and texture marks. **Applicable Legal Clauses**</p> <p>Trademark Act (Definitions) Article 2 (1) "Trademark" in this Act means, among those which can be perceived by people, any character, figure, sign or three-dimensional shape or color, or any combination thereof; sounds, or anything else specified by Cabinet Order (hereinafter referred to as a "mark") which is: (i) used by a person in connection with a good which the person produces, certifies or assigns as its business; or (ii) used by a person in connection with the services which the person provides or certifies as its business (except those provided for in the preceding item). ((Note)) English translations of the Trademark Act in Japan are for reference purposes only, not official clauses under law.</p> |
| Acceptable Types of Marks and Means of Representation | |
| Types of marks | |
| 3. Is the applicant required to specify in the application the type of mark for which registration is requested? | Yes |
| 4. Is a description of the mark [one option only] | b) Optional? |
| 5. When an indication of the type of mark is neither specified nor included in the description, would the Office accept and process the application? | Yes |
| One option only: | c) Other |
| Please, specify: | <p>In case the application does not indicate any of the trademarks set forth in items i, ii, iii, iv or v of Paragraph 2, Article 5 of the Trademark Act, our Office shall handle the application as a trademark application consisting of word marks or figurative marks. **</p> <p>Applicable Legal Clauses ** Trademark Act (Application for Trademark Registration) Article 5 (2) Where a person desires to register a trademark listed as follows, the application must contain a statement indicating thereof: (i) a trademark which consists of any character, figure, sign or three-dimensional shape or colors, or any combination thereof, where those characters, figures, signs or three-dimensional shapes or colors in connection with that trademark change; (ii) a trademark which consists of any three-dimensional shape (including the combination with any character, figure, sign or three-dimensional shape or colors, or any combination thereof) (excluding those</p> |

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| | <p>listed in the preceding item); (iii) a trademark which consists solely of colors (excluding those listed in item (i)); (iv) a trademark which consists solely of sounds; or (v) beyond those listed in each of the preceding items, trademarks provided by Order of the Ministry of Economy, Trade and Industry. ////////////// The Enforcement Ordinance of the Trademark Act, Article 4 septies A trademark set forth in the Ordinance of the Ministry of Economy, Trade and Industry under the Trademark Act, Article 5, Paragraph 2, item v shall be defined as a position trademark. (This includes cases in which it is applied mutatis mutandis pursuant to the same Act, Article 68, Paragraph 1.) ((Note)) English translations of the Trademark Act and the Enforcement Ordinance of the Trademark Act in Japan are for reference purposes only, not official clauses under law.</p> |
| 6. Please, indicate below the types of marks accepted by the Office and, where applicable, the way in which they must be represented: | |
| a) Word marks | Yes |
| i. Does the Office require the use of a standard character for the representation of word marks? | No |
| ii. Where applicable, does the Office require that words be translated into the language used by the Office | No |
| iii. Where applicable, does the Office require that words be transliterated following the phonetics of the language used by the Office | No |
| Please specify the font to be used to represent a standard character mark: | |
| b) Figurative marks (device marks) | Yes |
| Please, specify how they must be represented: | Figurative trademarks must be represented by a drawing, image or photo. Whenever applicants seek to register figurative trademarks, they must leave the column "Type of trademark" blank. |
| c) Hologram marks | Yes |
| Please, specify how they must be represented: | Hologram marks must be represented by one or more drawings, images or photos that can specify the states before and after the changes by holographic technology or other methods. In this regard, any arrow(s), sign(s) or character(s) can be used to specify the states before and after the changes of the hologram trademark. In this case, applicants must describe in the column "Detailed description of trademark" how the arrows(s), sign(s) or character(s) specify the states before and after the changes of the hologram mark. |
| d) Three-dimensional marks (shape marks) | Yes |
| Please, specify how they must be represented | Three dimensional marks must be represented by one or more drawings, images or photos of the trademark, as viewed from either one direction, or if more are shown, two or more different directions. |
| i. Product packaging | Yes |
| Please, specify how it must be represented: | Please see the answer to question 6 (d). |
| ii. Product shape | Yes |
| Please, specify how it must be represented: | Please see the answer to question 6 (d). |
| e) Color marks | Yes |
| Please, specify how they must be represented | There are two ways below to represent color marks; 1. Color marks can be represented by either an image or a photo. In this regard, the color(s) must be shown as broadly as possible across the entire trademark description column which is basically 8cm x 8cm in size. 2. Color marks can be represented by one or more drawings, images or photos that specify the color(s) and its/their position(s), by painting the |

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| | color(s) using only the color(s) for which the registration is sought, and by drawing other parts using dashed lines. In this regard, line(s), dot(s), or other means can be used to specify the color(s) for which the registration is sought and its/their position(s). In this case, applicants must describe in the column "Detailed description of trademark" how the line(s), dot(s) or other means specify the color(s) and its/their position(s). |
| i. A single color | Yes |
| Please, specify how it must be represented: | Please see the answer to question 6. (e). |
| ii. A combination of colors | Yes |
| Please, specify how it must be represented: | Please see the answer to question 6. (e). |
| f) Sound marks | Yes |
| Please, specify how they must be represented | Sound marks must be represented by characters, musical notations, or any combination thereof. More specifically, sound trademarks must be represented by the following means; 1. Trademarks representing sounds by using musical notation: The application must contain note(s), clef(s) (G clef, etc.), tempo (metronomic indications or tempo mark(s)), time signatures (four/four time, etc.) and linguistic elements (in case the sound trademark contains lyrics). Also, it is advisable for applicants to include tone features such as musical instruments played or vocal ranges sung. However, the trademark may not contain the title of a song or the name of the composer, as these are not elements constituting sound trademarks. 2. Trademarks representing a sound marks by using characters: The application must contain a type of sound that must be specified as a combination of the sound trademark with onomatopoeic words, mimetic words, etc. It also must contain the length of the sound (time), number of sounds, sequence of sounds, changes in sounds such as changes in volume, changes in voice, changes in tempo, etc.); and these must be written horizontally, using characters of the same size and font (*As a general rule, the font size must be 7 point or larger). |
| i. A musical sound | Yes |
| Please, specify how it must be represented: | Please see the answer to question 6. (f). |
| ii. Any sound | Yes |
| Please, specify how it must be represented: | Please see the answer to question 6. (f). |
| g) Motion marks | Yes |
| Please, specify how they must be represented: | Motion marks must be represented by one or more drawings, images or photos in order to specify changes in the states of the trademark as time progresses. In this regard, arrow(s), sign(s) or character(s) can be used to specify the changes in the states of the trademark. In this case, applicants must describe in the column "Detailed description of trademark" how the arrow(s), sign(s) or character(s) specify the changes in the states of the trademark. |
| h) Multimedia marks (motion and sound) | No |
| Please, specify how they must be represented: | |
| i) Other(s) (e.g., gesture marks, olfactory marks, pattern marks, position marks, taste marks, texture marks, trade-dress) | Yes |
| Please, indicate what other types of marks are accepted: | Position trademarks |
| Please, specify how each of the other types of marks indicated above must be represented: | Position trademarks must be represented by one or more drawings, images or photos. The applicants must specify marks and their positions by drawing the marks with solid lines, and by drawing other parts with dashed lines. In this regard, arrow(s), dot(s) or other |

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| | means can be used to specify the mark and its position. In this case, applicants must describe in the column "Detailed description of trademark" how the line(s), dot(s) or other means specify the mark and its position. |
| Format and Means to File an Application with the Office | |
| 7. Which of the following are acceptable formats to file an application with the Office? | |
| a) A paper form | Yes |
| b) The image of a paper form (e.g., PDF, JPG) | No |
| c) Structured data (e.g., e-filing, XML files) | Yes |
| 8. How does the applicant submit the application? | |
| a) On a physical support (e.g., paper, CD-ROM or USB device) | Yes |
| b) By fax | No |
| c) Electronically, other than fax (e.g., by e-mail, by e-filing) | Yes |
| 9. Is the applicant either required or allowed to submit an electronic representation of the mark along with the application? | No |
| Format(s) in which the Office accepts the electronic representation of the mark | |
| 10. Depending on the type of mark, may the electronic representation consist of one or more digital still images? | Yes |
| Please select below the format accepted by the Office | |
| a) GIF | No |
| b) JPEG | Yes |
| c) PNG | No |
| d) TIFF | Yes |
| e) Other(s) | No |
| Please, specify in which other format(s): | |
| When the representation consists of more than one digital still image: | |
| a) all images must be included in one file | No |
| b) each image may be in a separate file | Yes |
| 11. Depending on the type of mark, may the electronic representation consist of a digital recording of sound only (i.e., without moving images)? | Yes |
| Please, select below the format accepted by the Office | |
| a) MID | No |
| b) MP3 | Yes |
| c) WAV | No |
| d) Other(s) | No |
| Please, specify in which other format(s): | |
| 12. Depending on the type of mark, may the representation consist of a digital recording of moving images without sound? | No |
| Please, select below the format(s) accepted by the Office | |
| a) AVI | |
| b) GIF | |
| c) MOV | |
| d) MP4 | |
| e) MPEG | |
| f) WMV | |
| g) Other(s) | |
| Please, specify in which other format(s): | |
| 13. Depending on the type of mark, may the representation consist of a digital recording of moving images and sound? | No |
| Please, select below the format(s) used by the Office | |
| a) AVI | |
| b) MP4 | |

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| c) MPEG | |
| d) WMV | |
| e) Other(s) | |
| Please, specify in which other format(s): | |
| Formats and standards used by the Office to store, manage and publish electronic representation of marks | |
| SCRx3421 | |
| 14. Does the Office store and manage an electronic representation of the mark (whether provided by the applicant or produced by the Office) in a database? | Yes |
| 15. Is the electronic representation of the mark available to the public? | Yes |
| How can the public access the electronic representation of the mark? | |
| a) At the Office only (e.g., a dedicated computer terminal) | Yes |
| b) Online (e.g., online database) | Yes |
| 16. In which format does the Office store, manage and publish the electronic representation of the mark when this consists of: | |
| a) one or more digital still images | Jpeg/Tiff |
| b) a digital recording of sound only | Mp3 |
| c) a digital recording of moving images without sound | N/A |
| d) a digital recording of moving images and sound | N/A |