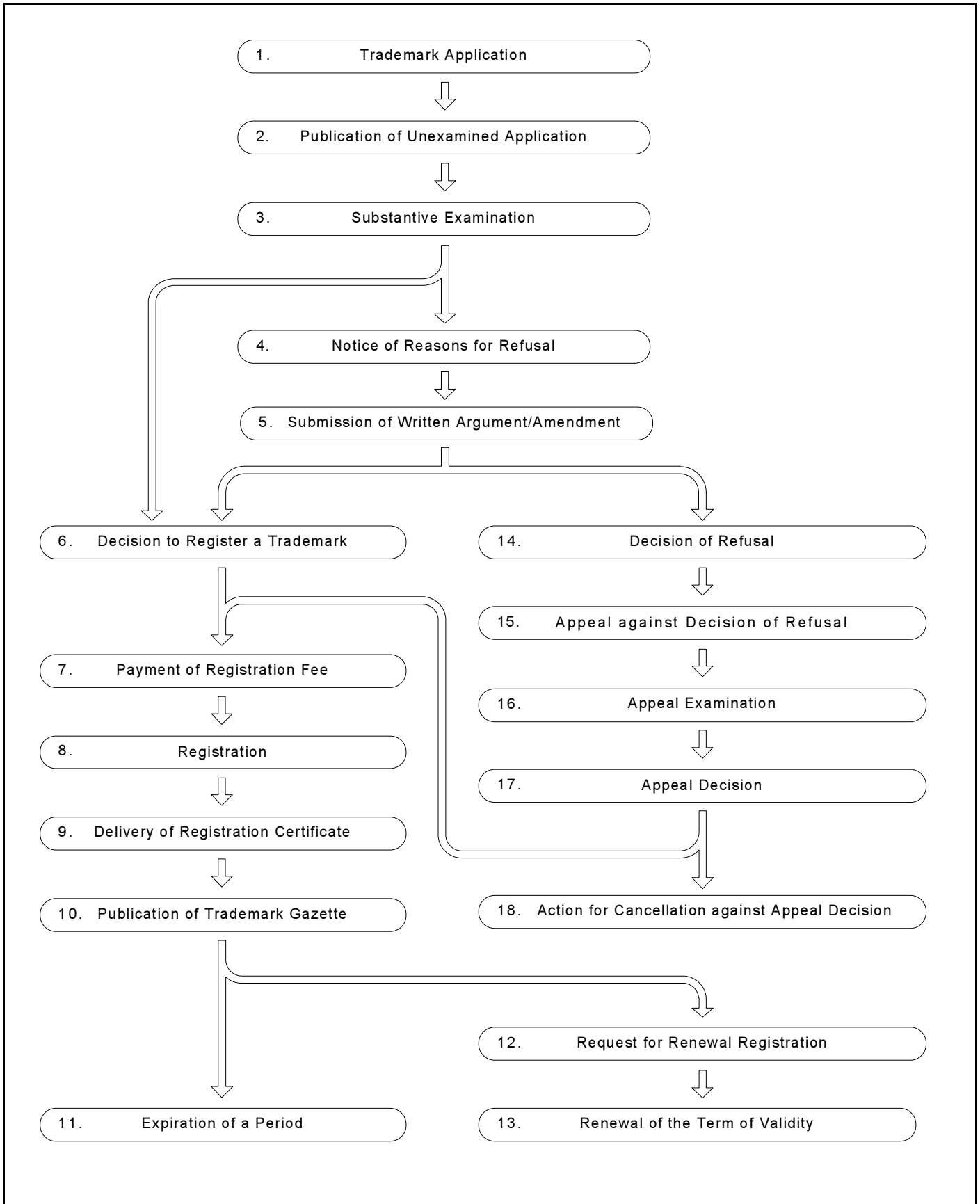


# ○ Trademark Grant Procedure ○



**ECHIZEN Intellectual Property Office**

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## 1. Trademark Application

A trademark right cannot be obtained unless it is applied for, or you submit necessary documents to Japan Patent Office(JPO).

It usually takes about 1 to 2 weeks for us to prepare an application document.

Official Fee: JPY 12,000 - [ JPY 3,400+ JPY 8,600 × ( number of classification ) ]  
Attorney Fee: JPY 60,000 - ( depending on the number of classification )

## 2. Publication of Unexamined Application

The JPO will publish the content of an application in the Official Gazette after a few months have elapsed from the date of filing.

## 3. Substantive Examination

An examination will be carried out by an examiner of the JPO, who will decide whether or not the claimed trademark should be registered, normally 6 to 12 months from the request.

## 4. Notice of Reasons for Refusal

If the examiner finds reasons for refusal, a notification of this result will be sent to the applicant.

## 5. Submission of Written Argument/Amendment

An applicant who has received the notice of reasons for refusal shall be given an opportunity to submit either a written argument claiming that the trademark differs from the prior art to which the notice of reasons for refusal refers, or an amendment of the claims in the case that this would nullify the reasons for refusal, within a period of 40 days.

Official Fee: JPY 0  
Attorney Fee: JPY 40,000 - (depending on the work volume)

## 6. Decision to Register a Trademark

If the examiner doesn't find any reason for refusal, a decision to grant a patent as a result of the examination, will be sent to the applicant.

## 7. Payment of Registration Fee

You should pay the registration fee for 10 years within the period of 30 days from the date of receipt of the decision to register. If you fail to pay the fee within such a period, the trademark right doesn't take effect. The registration fee can be paid in five yearly installments and then the latter half of it must be paid by the end of five years before the expiration of the term of the trademark right.

Official Fee: JPY 37,600 × ( number of classification )  
\* For Five yearly Installments ( each payment )  
JPY 21,900 × ( number of classification )  
Attorney Fee: JPY 10,000 - ( depending on the number of classification )

## 8. Registration

The trademark right will come into effect as it is entered in the Trademark Register. After that, the owner of a trademark may require the third parties who use the trademark without permission to discontinue or may claim damages.

## 9. Delivery of Registration Certificate

After a trademark is registered, a certificate of trademark will be sent to the applicant.

## 10. Publication of Trademark Gazette

A Trademark Gazette will be published containing the contents of the right of trademark registration in order to inform the public of its establishment.

The opposition, which is the procedure to extinguish the trademark right, may be filed by the third parties for two months from the publication date of trademark gazette.

## 11. Expiration of a Period

The Trademark right will come into effect through its registration, and expire 10 years from the filing date. However, the term of a trademark may be renewed by filing a request for renewal registration.



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## 12. Request for Renewal Registration

The term of a trademark may be renewed by filing a request for renewal registration to be extended by 10 years. This enables to protect the business trust accumulated on the trademark and to maintain the order of competitive work. The renewal request shall be filed within six months before the expiration of the trademark registration.

Official Fee: JPY 48,500 × ( number of classification )  
\* For Five yearly Installments ( each payment )  
JPY 28,300 × ( number of classification )  
Attorney Fee: JPY 30,000 - ( depending on the number of classification )

## 13. Renewal of the Term of Validity

If the registration is renewed against submission of an application for renewal of trademark rights and the renewal fee is paid, the trademark right will be valid for the next 10 years. The renewal of the term of validity can be done as many times as possible.

## 14. Decision of Refusal

If the examiner judges that the reasons for refusal have not been eliminated, a decision of refusal will be made.

## 15. Appeal against Final Rejection

The applicant who is dissatisfied with the decision of refusal may appeal against the decision of refusal within a period of 3 months.

Official Fee: JPY 55,000 - [ JPY 15,000+JPY 40,000 × ( number of classification ) ]  
Attorney Fee: JPY 120,000 - ( depending on the number of classification )

## 16. Appeal Examination

A notification of reasons for refusal may be sent to the applicant during the appeal examination. Please refer to "5. Submission of Written Argument / Amendment" for the procedure.

## 17. Appeal Decision

When it is judged as a result of appeal examination that the reasons for refusal was solved, "an appeal decision to register a trademark" is performed. Please refer to the steps from "6. Decision to Register a Trademark" for subsequent procedure. On the other hand, when the appeal examiners judge that the reasons cannot be canceled and the trademark cannot be registered, "an appeal decision of refusal" is performed.

## 18. Action for Cancellation against Appeal Decision

An applicant who is dissatisfied with an appeal decision of refusal of an appeal against decision of refusal may appeal to the Tokyo High Court within a period of 30 days. An applicant who is dissatisfied with an appeal decision of refusal by the Tokyo High Court may appeal to the Supreme Court.

### [Notes]

- The above is a summary of Trademark Grant Procedure. Please contact us for details.
- Attorney Fee in the above table should be only used as a guide. Please contact us for more information.
- Trial for invalidation, which is the procedure to extinguish the trademark right, may be requested by the third parties during the term of the trademark.

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