

## **Research Study on Trademark Systems and Operations in Various Countries and Regions**

The purpose of this research study was to investigate the details of trademark systems that could be introduced or reviewed in Japan and their operation in other countries, and to use the results of such investigation as basic data for considering whether or not a review of the systems and operation in Japan is necessary. Based on publicly available information, we surveyed and organized laws, regulations and operations in other countries, and conducted a questionnaire survey in Japan and interview surveys in Japan and abroad. Specifically, the following three themes were covered.

### Theme 1: Partial Refusal System

The “partial refusal system” is a system under which, when an application is refused for some designated goods or services, registration is granted for other designated goods or services for which there are no reasons for refusal. In Japan, if the reasons for refusal are issued against only some of the designated goods and services, the entire application is rejected unless the reasons for refusal are overcome by amendments or other means. On the other hand, since some countries and regions have introduced this system, we investigated the details of the systems and operations in those countries and regions and the needs for the introduction of this system in Japan.

### Theme 2: Smell and other non-traditional trademarks

Among the non-traditional trademarks, “smell/olfactory mark”, “touch/tactile mark”, and “taste/gustatory mark” were included in this research study. In Japan, “color mark per se”, “sound mark”, “motion mark”, “hologram mark” and “position mark” were introduced by the amendment of the Trademark Law in 2014, but the above three are not subject to protection. We conducted various surveys on “smell and other non-traditional trademarks” in order to comprehend the status of their protection in other countries and regions, the needs for protection in Japanese companies, etc.

### Theme 3: Applications using non-graphical methods

“Applications using non-graphical methods” or “non-graphical applications” are applications for sound marks, motion marks, hologram marks, multimedia marks (i.e., combinations of sound and motion of letters, graphics, etc.) and so on, where the trademark is expressed only or mainly by a single digital file (e.g., audio or video file) at the time of filing. Since it is now possible to file international applications (so-called Madrid applications) using non-graphical method, we investigated the actual status of the systems and operations in Contracting States, as well as the needs for revision of the system and operation in Japan.