

# SHIMIZU & DAIGO

PHONE: 81-3-3243-1245

Terasaki Bldg. No.2, 4<sup>th</sup> Floor  
12-15, Nihonbashi-Muromachi 1-chome  
Chuo-ku, TOKYO 103-0022  
JAPAN

TELEFAX: 81-3-3246-2049

E-Mail: [ip-law@shimizu-daigo.com](mailto:ip-law@shimizu-daigo.com)

## News

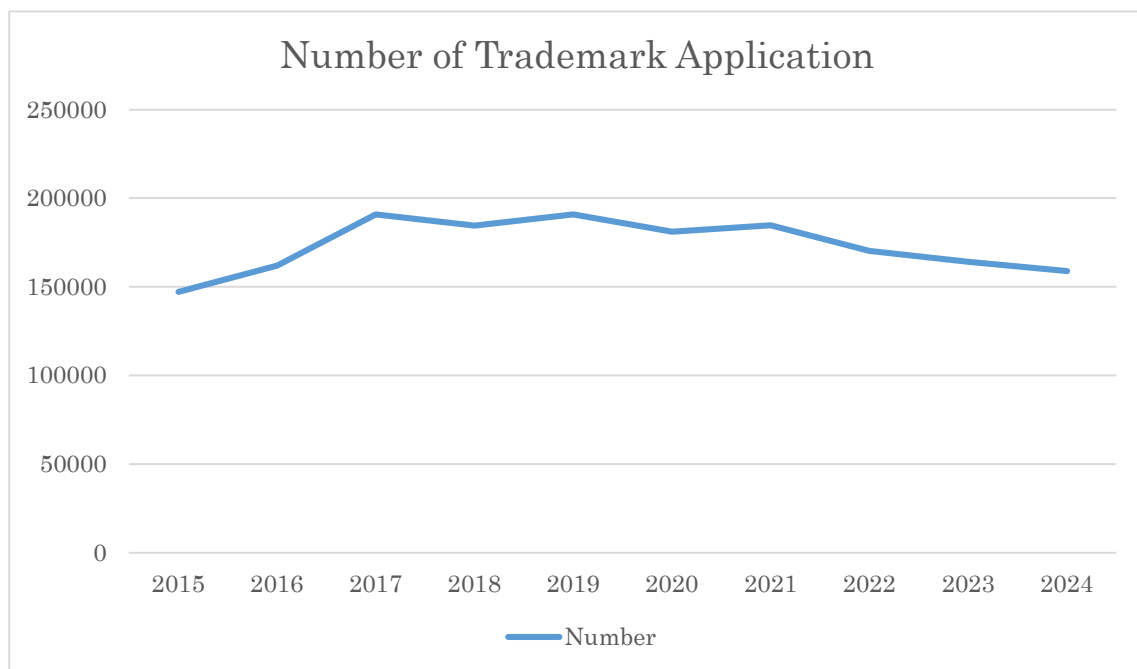
July 2025

### Current Status of Trademark Examination

The following is based on the announcement by Japan Patent Office as of July 2025.

#### Number of Trademark Applications

Trademark applications have been on a downward trend over the past three years (both domestic applications and international registrations designating Japan).



#### Examination Period – FA (First Action) and TP (Total Pendency)

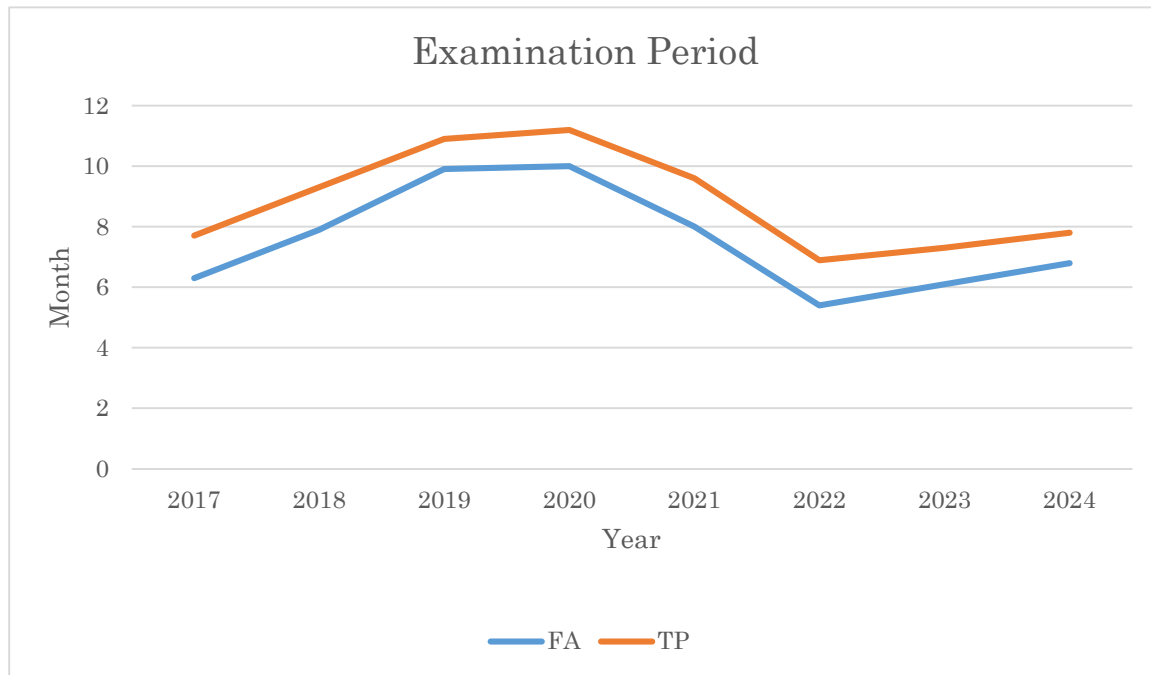
The JPO considers 6 to 7 months to be an appropriate FA period.

2025 fiscal year implementation target

FA: 5.5 to 7.5 months

TP: 7 to 9 months

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## **Revision of Trademark Law**

### **1) Another Person's Name**

Under Article 4(1)(viii) of the Trademark Act, a trademark that includes another person's name etc. could not be registered without that person's consent. However, as of April 1, 2024, the law was revised to ease this restriction. The updated provision provides that a trademark that includes another person's name which is widely recognized among consumers in the field of goods or services for which the trademark is used cannot be registered without consent.

This means:





- If the name is not widely recognized in the relevant industry, the trademark may be registered without consent if there is a "substantial connection" between the name in the trademark composition and the applicant and there is no "unfair purpose" in obtaining trademark registration
- If the name is well-known in that field, consent is still required.

### **2) Letter of Consent**

A newly introduced Article 4 (4) of the Trademark Law (effective on April 1, 2024) states that if a trademark falls under 4(1)(xi)(Refusal Due to Similarity with Earlier Registered Trademarks), registration shall be permitted if the consent of the prior registered trademark owner has been obtained and there is no risk of confusion between the prior registered trademark and the applied-for trademark. Although you can search the JPO database for cases in which consent letters have been accepted, there are only three cases. These are cases considered unlikely to cause confusion at first glance, and further accumulation of such examples is anticipated. At present, it seems advisable to make use of the assign-back arrangements that have been employed so far.

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## Cases

Trademark		Prior Trademark	
①  *Pronunciation: HARI	Class 33: Sake, Shochu [Japanese white liquor]		Class 35: Retail service (alcoholic beverages)
② グラングリーン大阪 THE NORTH RES IDENCE  *English translation of “グラングリーン大阪” is GRAND GREEN OSAKA.	Class 36	GRAND GR EEN OSAK A \ グラングリー ン大阪	Class 36 etc.
③  LAWSON UNITED CINEMAS	Class 35, 41 他	 ユナイテッド・シネマ	Class 35, 41

There are eight joint applicants in Case no. 2 and there is a slight difference in the joint applicants of the cited reference. Case no. 3 above is the parent company of the cited reference.

*\*\*If you have any questions or comment, please feel free to contract us.*