

Trademark Topics

*** Trademark Updates in Japan 2019 ***

The Japan Patent Office (JPO) published the petti pamphlet introducing the recent trend of Japanese trademark system on April 9, 2019. “**Trademark Updates in Japan 2019**” is available at the JPO’s the websites, [here](#).

The pamphlet reports the continuous increase of trademark filings from 2011 to 2017. In parallel with such increase, the examination pendency has become heavier. The first action pendency was 4.1 months in 2014 but 7.7 months in 2018. In favor of applicants, the “Fast Track Examination” has recently been introduced in addition to the currently-adopted acceleration of examination.

*** The new era name “令和” has started ***

In Japan, since the Meiji restoration, each Emperor has its own era (year) name during its imperial era. As you may know, on May 1, 2019, the Crown Prince ascended to the Imperial throne (the Emperor) and the era name was changed as below. The new era name is the 248th one having continuously been adopted since 645.

Old era name: **平成 (HEISEI)** to New era name: **令和 (REIWA)**

[*Crick here for the Official Site announcing the new era name.](#)

Now, the trademark question arises;

Can the era name be registered as a trademark?

The JPO’s examination guidelines say that a trademark recognized as indicating nothing more than a Japanese era name cannot be registered. This is because the era name is broadly used on goods or serves to indicate the year of manufacturer or distribution or to symbolize the historical or cultural features of the corresponding years. In fact, there is no registration for the mark consisting of the word “**平成**” (“HEISEI”) only. Of course, a mark combined by the era name and another distinctive word/figure or a mark even consisting of the era name only, if acquired the secondary meaning through a long and extensive usage, is registrable.