

Trademark Topics

*** Non-traditional Trademarks in Japan ***

Non-traditional trademarks, such as motion, hologram, color per se, sound, and position marks, can be registered in Japan from April 1, 2015.

In comparison with traditional trademarks, examination results are very interesting. As for color per se marks, almost all applications of color per se marks have encountered refusals by the examiners due to lack of distinctiveness, because a color per se is hardly capable of distinguishing goods and services from those of others. Although more than 400 marks filed during 2015 to 2018 have finally been rejected, only seven color marks have been registered. These registered marks consist of two or three color combination and are quite well recognized by the public through a long and extensive usage. No single color marks have been registered so far.

Sound marks, especially made by human voices, may easily be granted registration without objections on distinctiveness, but those consisting of music score (instrumental music) without human voices can hardly be registered. The Japan Patent Office had registered only seven sound marks among more than 100 sound marks having no human voices. On the other hand, 281 sound marks having human voices have been registered so far.

*** Statics of Filing and Registrations for Non-traditional Trademarks ***

As of August 20, 2019

		Sound Marks	Color per se Marks	Motion Marks	Position Marks	Hologram Marks
Filings	2015	367	463	81	243	14
	2016	133	31	37	81	3
	2017	77	20	8	53	0
	2018	51	17	26	39	2
	2015 ~ 2018	628	531	152	416	19
Examination Results	Pending	38	94	23	99	0
	Registered	287	7	110	70	14
	Rejected or Withdrawn	303	430	19	247	5

* The above figures do not include International Registrations.

***** Illustrations of Color per se marks registered *****

◆No. 5930334; Stationaries



◆No.5933289; Retail Service



◆No. 6021307; Financial Services



◆No. 6021308; Financial Services



◆No. 6078470; Pencils



◆No. 6078470; Pencils



◆No. 6085064; Retail Services



***** Illustrations of Sound marks registered *****

◆No. 5985746; Digestive medicine

*Music (Background music for advertisement)

◆No. 5985747; Microprocessors

*Sound (for startup by Intel)

◆Nos. 6115374 and 6115375; Financial services

*Music (Background music for advertisement)

◆Nos. 6159412 and 6161697; Motion pictures or Video disks

*Music (Background music for startup screen by 20th Century Fox Film)

◆International Reg. No. 1177675; Automobiles

*Music (Background music for advertisement by BMV)

* Sound marks are available for reproduction at J-PlatPat (Japan Platform for Patent Information Retrieval: <https://www.j-platpat.inpit.go.jp/>).

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