

Amendments to the Unfair Competition Prevention Act in Japan

1. Enhance the protection of brands, designs, etc. in light of the diversification of business activities accompanying digitalization

i. Expansion of Registrable Trademarks

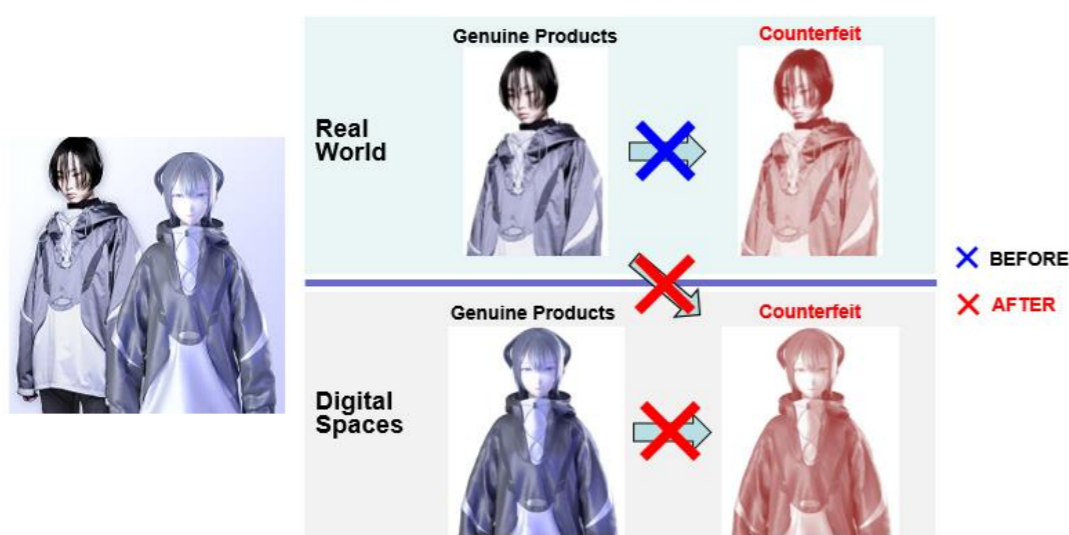
- Introduction of Consent System for Trademark (New Art. 4(4) of Trademark Act and Art. 19 of UCP Act)
- Trademark containing applicant's name (Art. 4(1)(viii) of Trademark Act)

ii. Relaxation of Requirements for Design Registration Procedures (Art. 4 of Design Act)

When a creator makes the design publicly available multiple times...

Prior to Amendments	After Amendments
File a request for exception to lack of novelty for each disclosure	File a request for exception to lack of novelty only for the first disclosure

iii. Prevention of Counterfeiting in Digital Spaces (Art. 2(1)(iii) of UCP Act)



iv. Strengthening Protection of Trade Secrets and Data (Art. 2(7) and 5 of UCP Act)

		Before	After
Data Kept Secret	Publicly Unavailable	Trade Secret	Trade Secret
	Partially Published	?	
Data Not Kept Secret	Publicly Unavailable	Shared data with Limited Access	Shared data with Limited Access
	Publicly Available		

Big Data

2. Develop New Procedures to Address Digitalization

i. Review of Delivery System (Art. 191 of Patent Act)

- When it is unable to reach out to an overseas resident, delivery of a notice or an action from the JPO will be deemed completed by publication.
- The JPO will develop an internet-based delivery system.
- When a creator makes the design publicly available multiple times...

ii. Digitalization of Document Procedures (Art. 43 of Patent Act and Art. 68-2 of Trademark Act)

iii. Revision of Fee Reduction System (Art. 195-2 of Patent Act)

- Set a limit on the number of cases for fee reductions or exemptions related to patents for some SMEs.

3. Establish Systems for International Business Development

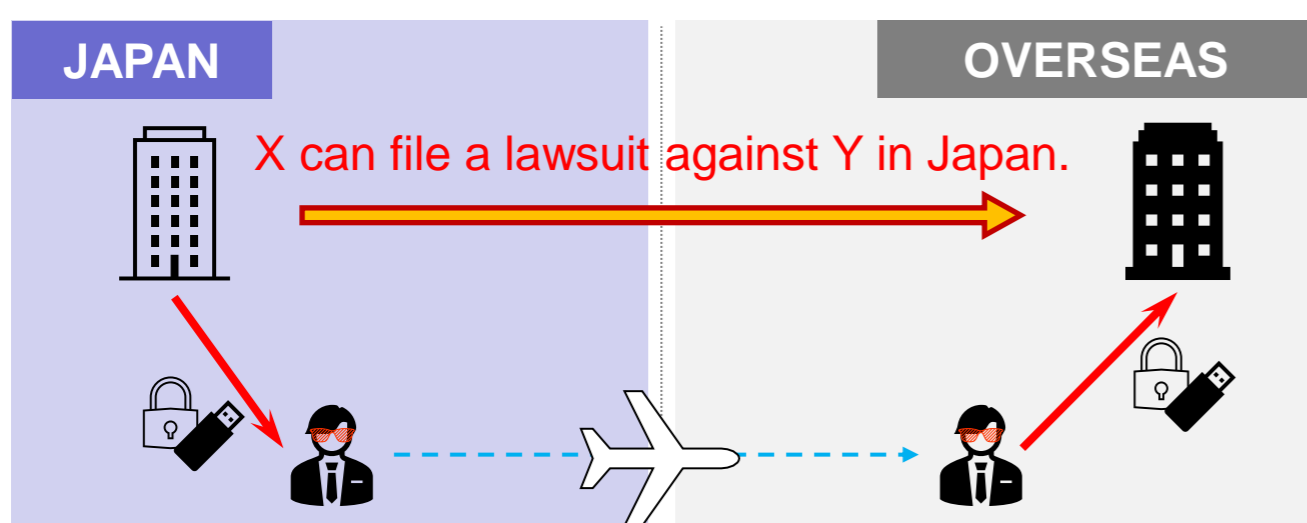
Protection of trade secrets across the border of Japan (Art. 19-2 and 19-3 of UCP Act).

- JP courts will have jurisdiction over lawsuits against wrongful acquisition, use, and/or disclosure of trade secrets stored in Japan by a party outside Japan

- Japanese UCP Act shall govern the lawsuits.

[E.g.]

- A is a former employee of Japanese Company X.
- A wrongfully acquires X's trade secrets.
- After resignation from X, A joined foreign company Y.
- A revealed X's trade secrets to Y, and Y wrongfully uses it.



Update of Japanese Design Law

Enlargement of the Scope of Protection in 2020 and Examples of Registered Design after that

Old law (Before April 1, 2020)

"Design" means the shape, patterns or colors, or any combination thereof, of an article (including a part of an article), which creates an aesthetic impression through the eye.



Current law (On or After April 1, 2020)

"Design" means the shape, patterns or colors, or any combination thereof, of an article (including a part of an article), **or of a building (including a part of a building), or a graphic image (including a part of a graphic image)**, which creates an aesthetic impression through the eye.

Current law



Building exterior design



Building interior design



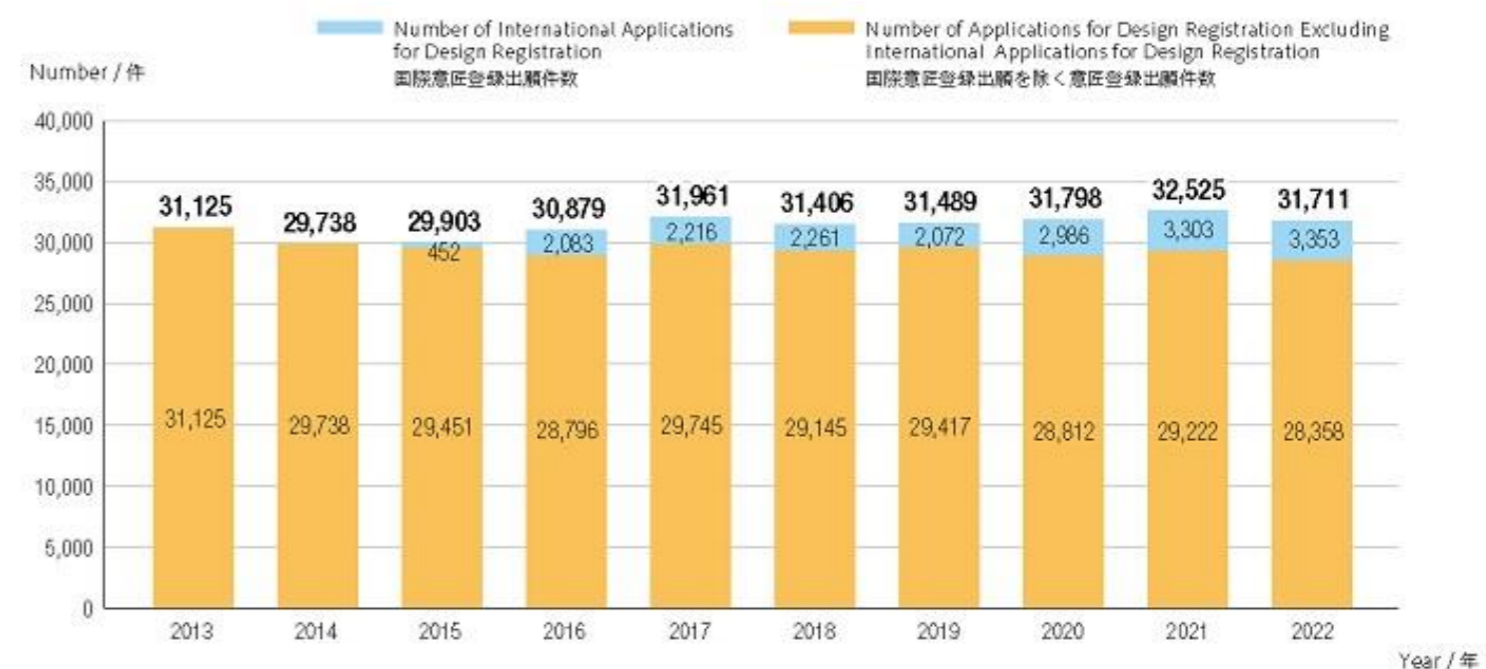
Graphic image stored on the cloud and provided via networks



Graphic image projected on road

* The pictures above are cited from the JPO website.

Number of Applications for Design Registration



* The pictures above are cited from the JPO website.

Actual Examples of Registered Design under Current law

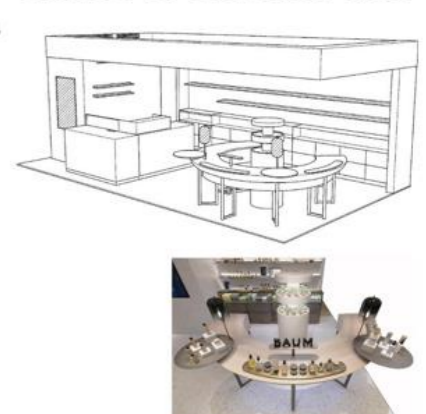
Exhibition hall Reg. No. 1700416



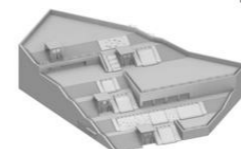
Reg. No. 1695120
Complex housing



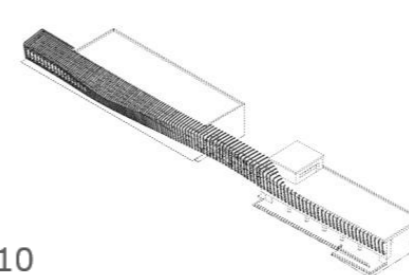
Reg. No. 1701737
Interior of the store floor



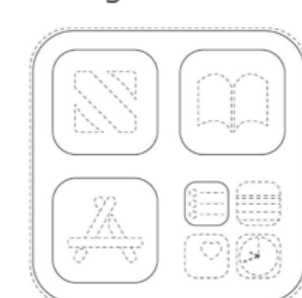
Reg. No. 1671773
Commercial building



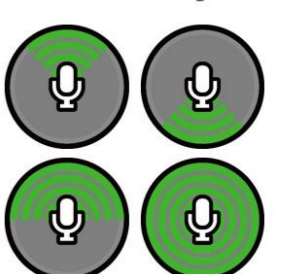
Reg. No. 1671774
Station building



Reg. No. 1691894
Image for menu



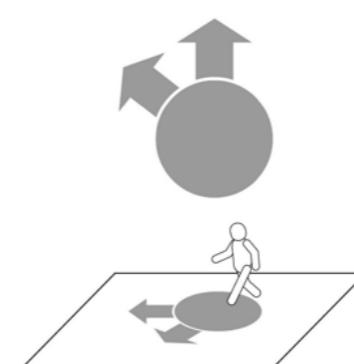
Reg. No. 1691802
Image for displaying sound collection direction and sound collection range



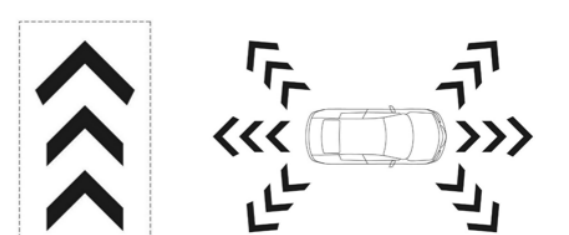
Reg. No. 1701010
Image for icon



Reg. No. 1697089
Image for route guidance



Reg. No. 1676765
Image for displaying the direction of travel



Reg. No. 1681248
Image for icon

