



Outline of Amendments in 2023 for Enhancing Brand Protection

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2. Outline of Letter of Consent

1. Outline of Amendments in 2023

2. Outline of Letter of Consent

1. Outline of Amendments in 2023

1) Enhance brand/design protection

- Trademark, design, and unfair competition law

2) Develop new digitalization procedures

- Patent and trademark

3) Create systems for international business

- Unfair competition law

1. Outline of Amendments in 2023

1) Enhance brand/design protection

i. Relaxation of Requirements for Design

Registration Procedures (Art. 4 of Design Act)

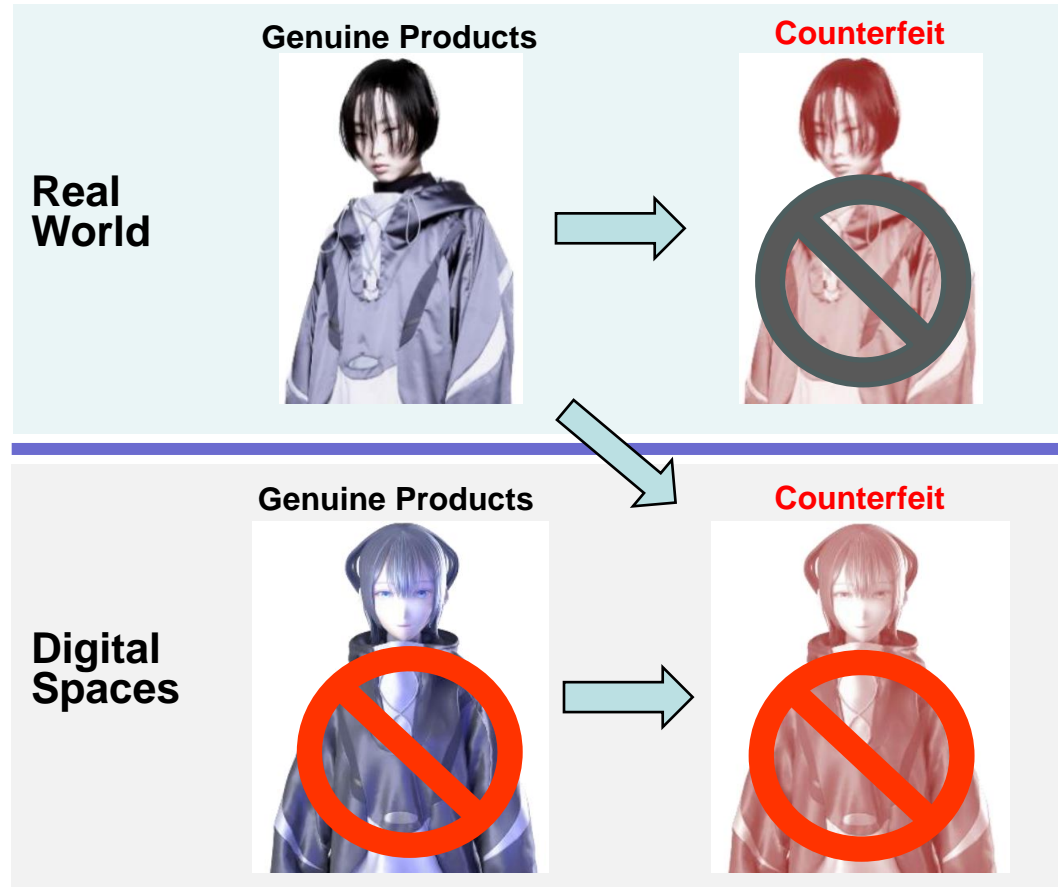
When a creator makes a design publicly available multiple times...

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

1. Outline of Amendments in 2023

1) Enhance brand/design protection

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



1. Outline of Amendments in 2023

1) Enhance brand/design protection

iv. Expansion of Registrable Trademarks

- ✓ Trademark containing a person's name (Art. 4(1)(viii) of Trademark Act)

Trial No.	Trademark	Applicant
2016-19730	FRANCK MULLER	FMTM Distribution Ltd.
2016-650060	LISA LARSON	Lisa * Johanna Larson Limited

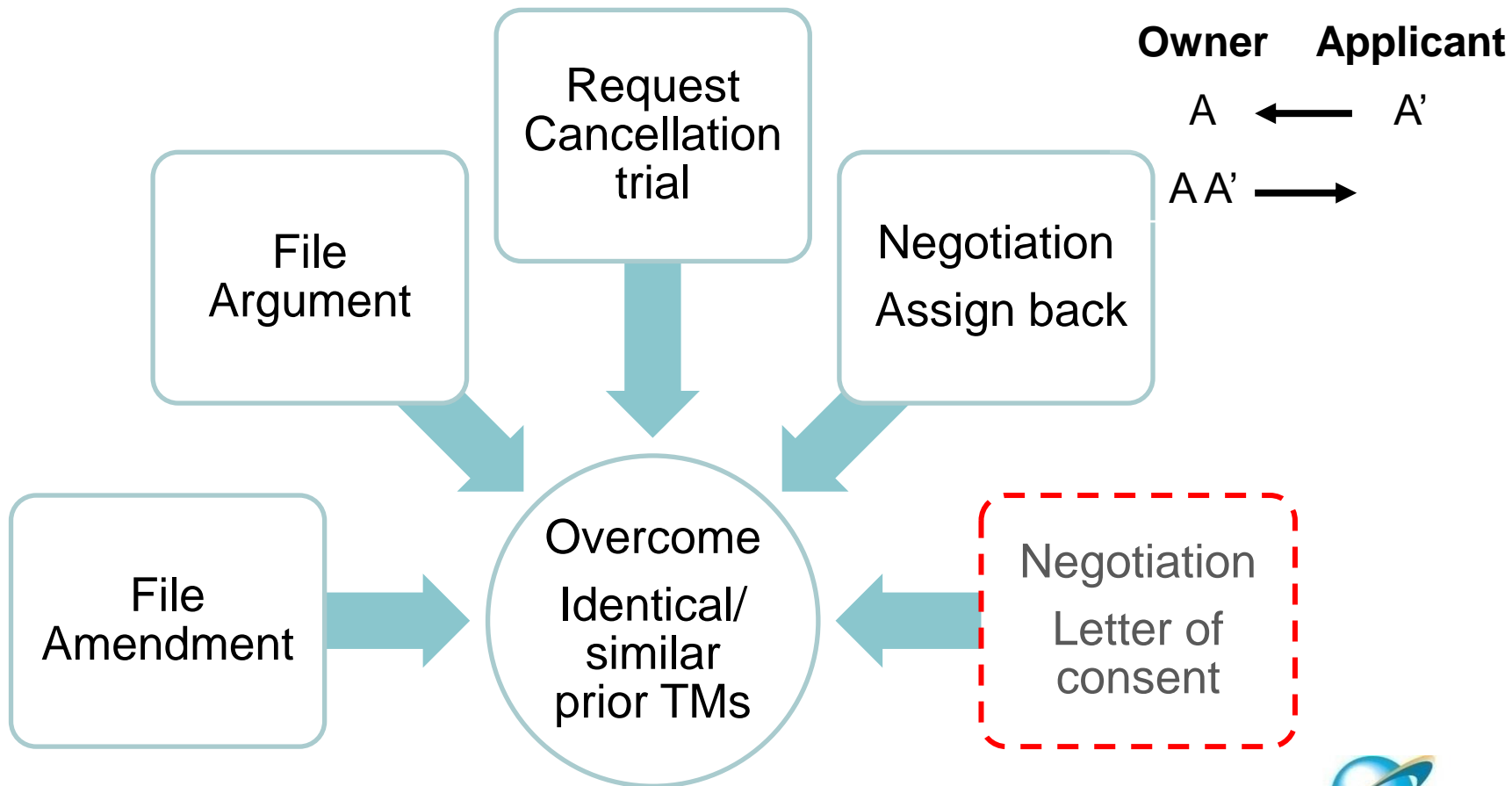
- ✓ Introduction of Consent System for Trademark (New Art. 4(4) of Trademark Act and Art. 19 of UCP Act)

1. Outline of Amendments in 2023

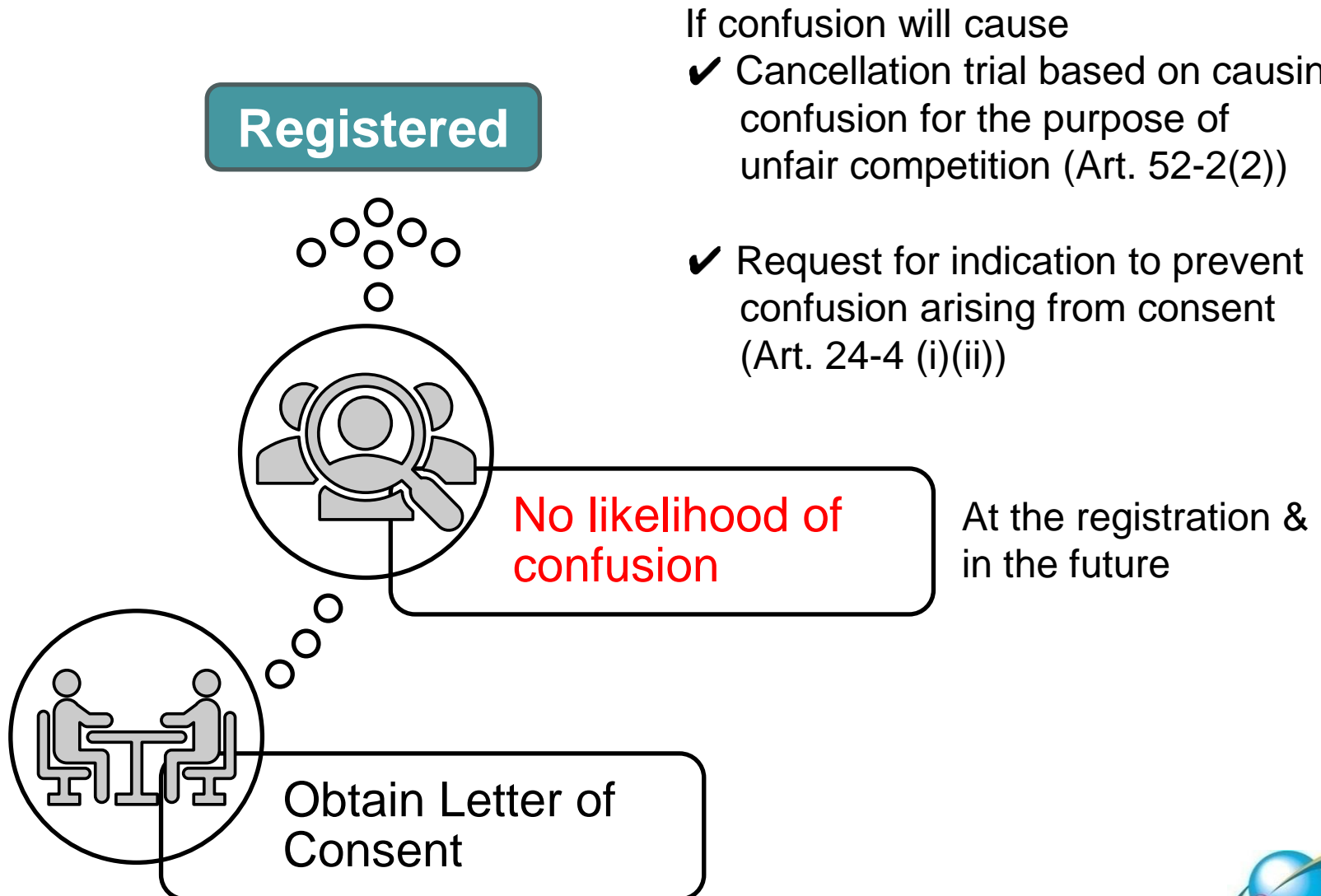
2. Outline of Letter of Consent

2. Outline of Letter of Consent

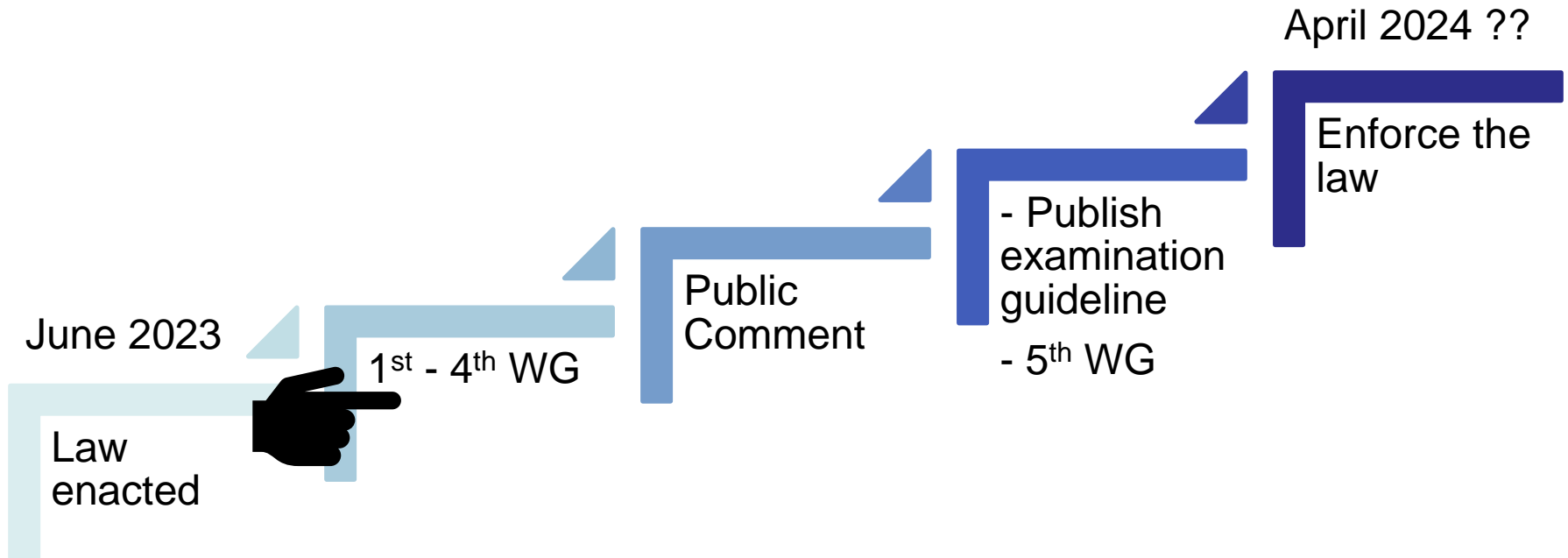
Options to overcome identical/similar prior trademark(s)



2. Outline of Letter of Consent



2. Outline of Letter of Consent



- ✓ How would an examiner determine that there is no likelihood of confusion?
- ✓ No likelihood of confusion in the future?
- ✓ What documents should we submit?

2. Outline of Letter of Consent

Draft of JPO

- Consent from the owner
- Usage of marks
 - i) Composition of TMs
 - ii) Way to use TMs
 - iii) Goods/Services bearing TMs
 - iv) Way to sell/provide G/S
 - v) Season to sell/provide G/S
 - vi) Area to sell/provide G/S
- No likelihood in the future

**Documents
should be
submitted**



Applicant

- Similarity of both marks
- Well-known mark or not
- Coined mark or not
- House mark or not
- Possibility of diversification
- Similarity of goods/services
- Commonality in the consumer
- Usage of marks

**Elements for
determining the
likelihood of
confusion**



Examiner

2. Outline of Letter of Consent

	JPO	WG members
Consent from the owner	Consent and status of use are needed	Letter of consent from cited owner means there is no confusion
At the registration	For judging, the materials of usage are needed	Materials submitted are subject to public comment
After being registered	Necessary to protect consumers	Agreement of NO confusion in the future binds future business

No likelihood of confusion

Evidences based on the fact >> OK

2. Outline of Letter of Consent

SUMMARY

- ✓ Allowed only if there is no risk of confusion
- ✓ Usage of marks would be needed
- ✓ Submitted documents are subject to public comment

TIPS

- ✓ Identical in mark/goods >> Use “assign-back”
- ✓ Parent-Subsidiary company >> Use another rule (available now unless the identical in TM&G/S)



Thank you!

We appreciate your feedback from [here](#):



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OHNO & PARTNERS