



JAPAN PATENT ATTORNEYS ASSOCIATION

3-4-2, Kasumigaseki Chiyoda-ku, Tokyo 100-0013, JAPAN

Telephone: + 81-3-3581-1211 / Facsimile: +81-3-3581-9188

Internet: <http://www.jpaa.or.jp>

March 14, 2013

We greatly appreciate your invitation to submit a proposal regarding the possible division and merger of international registrations and/or designations under the Madrid system.

We, the Japan Patent Attorneys Association, a professional association consisting of more than 9,000 patent attorneys practicing in all aspects of intellectual property laws in Japan, would like to submit our comments on the introduction of the division of international registrations at the level of the designated Contracting Party.

We believe that Japanese practitioners would welcome the division of international registrations at the level of the designated Contracting Party. The new structure would increase the benefits of using the Madrid System for International Registration of Marks.

For Japanese practitioners, there is a need for the division of international registrations, especially when an international registration is provisionally refused citing prior filed registration(s) which partially conflict(s) in relation to the designated goods and/or services with that international registration. A trademark holder could proceed with the undisputed part of the application into a registration while prosecuting the disputed part of the application further at the national level by using the system of the division of the international registration. A trademark holder could then be prepared for the possible infringements of the approved part of the international registration.

Should a procedure for the division of international registrations be introduced, we would also like to express our support that the full information concerning such division should be available in the ROMARIN database in a centralized format. It would be quite helpful for Japanese practitioners.



We thank the Delegation of Switzerland for their preparation of document MM/LD/WG/10/6. However, we think further contemplation is necessary to adjust the mechanism to the Madrid and Japanese systems without increasing the complexity of the Madrid system. This is because Japan does not have a system of the later merger of registrations, and the individual fees should be paid in two parts.

Under the circumstances, we would appreciate further detailed discussion before introducing the division and merger of international registrations at the level of the designated Contracting Party. Our gratitude goes out to the International Bureau and all its members. We look forward to continuing the discussion on this matter.

End