



TOPIC

1. The JPO enhances cooperation with foreign countries
特許庁、外国との連携を強化
2. "Criteria for Examination of Similar Goods/Services" to be revised
商標の「類似商品・役務審査基準」改正へ
3. Nissan licenses its painting technology related patent to NTT DoCoMo.
日産自動車、NTTドコモに塗装技術特許をライセンス



The JPO enhances cooperation with foreign countries 特許庁、外国との連携を強化

The Japan Patent Office (JPO), which promotes enhancement of cooperation with foreign countries, established cooperative relations with China and Brazil in connection with the development of intellectual Property experts.

Also, the "Patent Prosecution Highway (PPH) Program", which enables accelerated examination between two countries, will commence on a trial basis between Japan and the European Union on January 29, 2010, following already initiated Japan-Canada PPH Pilot Program.

In conjunction with the commencement of the PPH Pilot Program between Japan and the European Union, a program which utilizes deliverables, such as the International Search Report (ISR) issued at the international stage for PCT applications, will also be launched on a trial basis between Japan and the United States, as well as between Japan and the European Union, on January 29, 2010.

特許庁は、外国との連携強化を進めており、中国やブラジルと知的財産に精通した人材育成に関して協力関係を結んだ。

また、二国間で早期審査を可能にする「特許審査ハイウェイ(PPH)」の試行は、カナダに引き続き、2010年1月29日より欧州と日本との間でも開始される。日欧特許審査ハイウェイの試行開始とともに、日米、日欧の間では、PCT出願における国際段階での国際調査報告(ISR)等の成果物を利用するプログラムも2010年1月29日より試行的に開始される。



“Criteria for Examination of Similar Goods/Services” to be revised 商標の「類似商品・役務審査基準」改正へ

In the examination of a trademark application, similarity of goods/services is determined according to “Criteria for Examination of Similar Goods/Services”. Currently, the JPO is considering revising said “Criteria for Examination of Similar Goods/Services”. After the revision, the new criteria will be effective on the day the 10th edition of International Classifications based on the Nice Agreement comes into effect.

The orientation of revision of “Criteria for Examination of Similar Goods/Services” is as follows:

1. With respect to the similarity of goods/services associated with a plurality of classes, particularly, it is reconsidered in more detail whether or not they still have similarity. If it is determined that little similarity exist between them, or that the market for them is weak, the thus determined goods/services are deleted from the examples of similar goods/services, in order to reduce similarity of goods/services associated with a plurality of classes.
2. If, due to the revision, it is determined that a trademark which could be registered under the existing criteria is similar to another right under the new criteria so that the registration of the trademark is not allowed, taking the industry’s wishes and tendency of appeal decisions into account, the revision should be limited to a minimum as not to affect the brand strategy of companies.

商標出願の審査では、「類似商品・役務審査基準」に基づいて、商品・役務の類似関係が判断されている。特許庁は、この「類似商品・役務審査基準」の見直しを検討している。改正後の「類似商品・役務審査基準」については、ニース協定に係る国際分類第10版の発効の日から施行する予定だ。

「類似商品・役務審査基準」の見直しの方向性は、以下のとおり。

1. 複数の類に及ぶ類似関係については、特に、現在も類似関係にあるか詳細に見直しを図り、類似関係や取引実態が希薄なものと判断される場合は例示から削除する等により、複数の類に及ぶ類似関係の縮小を図る。
2. 類似基準の見直しによって、これまで登録できていたものが、他人の権利と類似することとなり登録できなくなるような見直しについては、企業のブランド戦略に支障が生じないよう、業界の意向や審判決の動向を踏まえ、必要最小限の範囲にとどめる。



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Nissan licenses its painting technology related patent to NTT DoCoMo. 日産自動車、NTTドコモに塗装技術特許をライセンス

On November 10, 2009, Nissan Motor Co., Ltd. announced that it would license its automobile painting related patent technology to NTT DoCoMo. The patent technology to be licensed is a painting technology that is referred to as “Scratch Shield” and was jointly developed by Nissan and Tokyo University. The paint is combined with a special elastic resin that self-heals with time if the paint is finely scratched on the surface.

Since December 2005, Nissan has applied “Scratch Shield” when painting car bodies. Currently, various types of cars, such as the compact “Tiana” and luxury sedan “Skyline” use “Scratch Shield”.

日産自動車は2009年11月10日、NTTドコモに自動車向けの塗装技術特許についてライセンスを供与すると発表した。特許ライセンスを供与するのは「スクラッチシールド」と呼ばれる塗装技術で、日産が東京大学などと共同開発した。塗料に弾力のある特殊樹脂を配合しており、塗装の表面上の細かな擦り傷であれば、時間の経過とともに自然に修復する。

日産は、「スクラッチシールド」を2005年12月から車のボディ用塗装に採用しており、現在は小型車「ティアナ」や高級セダン「スカイライン」など複数の車種に使用している。



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Please contact us if you have any comments or require any information.

Please acknowledge that the purpose of our column is to provide general information on the field of intellectual property, and that the description here does not represent our legal opinion on a specific theme.

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