



## Study Question

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### Bad faith trademarks

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## I. Current law and practice

### Bad faith - prior third party use or filing

**1** Does your Group's current law provide for an action against the application or registration for a trademark in a jurisdiction by a party (Party A), if that trademark or a similar sign is already used in one or more jurisdictions by another party ( Party B), but is not registered in the jurisdiction where Party A has filed the trademark?

*If yes, please answer questions 2) – 7). If no, please go to question 8).*

Yes

Please Explain

Under the Japanese Trademark Act, Party A's trademark may be found unregistrable, and the application may be refused (Article 15 (1)), or if registered in error, the registration may be invalidated (Article 46 (1)(i)). The details of available legal measures are given in our answer to Q15 below.

To prevent such a registration, it is possible to provide information (pre-issuance submissions) to the Office; or after registered, it is possible to file an opposition or a request for an invalidation trial. When Party A exercises its right against Party B, Party B may assert a defense of invalidity (Article 39 of the Trademark Act & Article 104-3 (1) and (2) of the Patent Act) or a defense of abuse of rights to prevent the exercise of rights by Party A.

Among those provided in the Japanese Trademark Act as unregistrable trademarks, the following provisions may be applicable to bad faith trademarks:

- The main sentence of Article 3 (1)

Lack of intention to use the trademark.

- Article 4 (1)(vii):

A trademark that is likely to cause damage to public policy or good moral.

- Article 4 (1)(viii):

A trademark that contains the portrait of another person, or the name, famous pseudonym, professional name or pen name of another person, or famous abbreviation thereof (except those the registration of which has been approved by the person concerned).

- Article 4 (1)(x):

A trademark that is identical with, or similar to, another person's trademark which is well known among consumers as that indicating goods or services in connection with the person's business, if such a trademark is used in connection with such goods or services or goods or services similar thereto.

- Article 4 (1)(xv):

A trademark that is likely to cause confusion in connection with the goods or services pertaining to a business of another person (except those listed in items (x) to (xiv) inclusive).

- Article 4 (1)(xix):?

A trademark that is identical with, or similar to, a trademark which is well known among consumers in Japan or abroad as that indicating goods or services pertaining to a business of another person, if such trademark is used for unfair purposes (referring to the purpose of gaining unfair profits, the purpose of causing damage to the other person, or any other unfair purposes, the same shall apply hereinafter) (except those provided for in each of the preceding items).

On the assumption that Party B's sign is not well known in Japan, it will be necessary to determine whether Party A's trademark falls under Article 4 (1) (vii) or (xix).

Item (xix) allows the owner of a trademark that is well known abroad to get rid of any trademark application or registration by someone who intends to use an identical or similar trademark for unfair purposes in Japan. Under Subparagraph (vii), any trademark application or registration may be eliminated as a trademark contrary to public policy or good moral if it is found that a registration of the trademark would contravene public order that is expected by the Trademark Act and therefore, be totally unacceptable, e.g. there is something socially unreasonable with regard to how and why it was filed.

In the "DUCERAM" case (Tokyo High Court judgment, December 22, 1999), a Japanese company registered a trademark that was owned and used by a German manufacturer for its products while the Japanese company had contacted the German manufacturer and was preparing to start importing the products from the German manufacturer. This registration was invalidated and the court upheld the decision, holding that the trademark in question was contrary to public order as provided under Subparagraph (vii) because such a registration would not only be against international business ethics and disrupt order in fair transactions, but also contravene international fidelity.

Basically, however, Article 4 (1) (vii) or (xix) will not be applicable if Party A was merely aware of use of Party B's sign at the time of filing the application. According to another court decision, the applicability of Subparagraph (vii) should be considered on an exceptional basis, only when Subparagraph (xix) or other grounds for unregistrability are not applicable ("CONMER" trademark case, IP High Court judgment, June 26, 2008).

**2** Is the application or registration as described under question 1) above denoted as "bad faith"? If not, what is it called?

No

It is called...

The term "bad faith" is not used in the Japanese Trademark Act. However, such a trademark may fall under the category of an unregistrable trademark that "is likely to cause damage to public policy or good moral (Article 4 (1)(vii))" or "is identical with, or similar to, a trademark which is well known among consumers in Japan or abroad as that indicating goods or services pertaining to a business of another person, if such trademark is used for unfair purposes (Article 4 (1)(xix))".

**3** Are the following factors relevant for proving an application or registration as described under question 1) in your jurisdiction?

*Please tick or fill in all boxes as applicable to your jurisdiction. If you select "other", please describe further.*

- Party A knows, or should reasonably be aware, of use of an identical or similar sign abroad for identical goods or services

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Please Explain

Yes.

- Party A knows, or should reasonably be aware, of use of an identical or similar sign abroad for similar goods or services

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Please Explain

Yes.

- Party A knows, or should reasonably be aware, of use of an identical or similar sign in the same jurisdiction for identical goods or services

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Please Explain

Yes.

- Party A knows, or should reasonably be aware, of use of an identical or similar sign in the same jurisdiction for similar goods or services

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Please Explain

Yes.

- Party A intends to prevent Party B from continuing to use the earlier sign or to only allow such under certain conditions (e.g. a license)

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Please Explain

Yes.

- the degree of legal protection enjoyed by Party B

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Please Explain

Yes.

- other

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Please Explain

**(1)** To establish whether the application or registration has an "unfair purpose" of Party A under Subparagraph (xix), the following facts are fully taken into consideration (Trademark Examination Guidelines 13th edition, put into force on April 1, 2017):

- 1) The fact that Party B's sign is well known among the consumers.
- 2) The fact that Party B's sign is made of a coined word or has a remarkable feature in its composition.
- 3) The fact that Party B has a specific plan to enter the Japanese market (e.g. to export or sell their products to/in Japan).
- 4) The fact that Party B has a plan to expand the scale of its business in the near future (e.g. to develop a new business or start its business in new areas).
- 5) The fact that Party B is forced to accept a request from Party A to buy Party A's trademark or conclude an agency agreement with Party A or the fact that Party A is trying to prevent Party B from entering the Japanese market.
- 6) Use of the trademark by Party A is likely to impair credibility, reputation, and/or consumers-attractiveness associated with Party B's well-known mark.

**(2)** To establish whether the application or registration falls under Subparagraph (vii), specific circumstances, including the factors shown above, are taken into consideration.

(3) Regardless of which of the above (vii) and (xix) is relevant, if Party A has filed a bad-faith application in a similar manner on another occasion, this fact may constitute an important factor.

**4** Is any one or more of the above factors sufficient on their own, or will the assessment instead always take the specific circumstances of the case into account? If one or more of those factors are sufficient on their own, please identify those factors.

Yes

Please Explain

Specific circumstances of the case are always taken into account. However, when an application or registration is examined by the JPO in relation to Article 4 (1)(xix), a trademark that meets the requirements 1) and 2) below is presumed to be "intended to use someone else's well-known mark for unfair purposes" (Trademark Examination Guidelines 13th edition):

- 1) It is identical or very similar to a trademark that is well known in at least one foreign country or well known throughout Japan.
- 2) The said well-known trademark is made of a coined word or has a remarkable feature in its composition.

**5** Which of the following factors are relevant to establishing whether there was or should have been knowledge as described under question 3) above?

*Please tick or fill in all boxes as applicable to your jurisdiction. If you select "other", please describe further.*

- whether Party A operates in the same or a similar field of business as Party B

Please Explain

Yes.

- whether the earlier sign is well known or enjoys a reputation

Please Explain

Yes.

- whether there have been formal or informal dealings or contact between Party A and B (such as an agreement, written communication etc.)

Please Explain

Yes.

- other

Please Explain

In addition to the above, "whether Party B's sign is made of a coined word or has a remarkable feature in its composition" is a relevant factor for establishing whether there was or should have been knowledge. However, as mentioned above, under the first-to-file rule in Japan, Article 4 (1) (vii) or (xix) will not be applicable if Party A was merely aware of use of Party B's sign at the time of filing the application. Other factors than that (mere knowledge or awareness of the use) are required for application of Subparagraphs (vii) and (xix).

**6** Is the degree of similarity between the signs relevant? Please explain why in either case.

Yes

Please Explain

To determine whether a trademark falls under Subparagraph (vii), various circumstances are taken into account in a comprehensive manner. However, if the degree of similarity is higher, that trademark is more likely to be found unregistrable under this provision. Under Subparagraph (xix), similarity between the signs may be enough to meet the requirements, but an unfair purpose is more likely to be found to exist if the degree of similarity is higher.

**7** Is the degree of similarity between the goods/services relevant? Please explain why in either case.

Yes

Please Explain

To determine whether a trademark falls under Subparagraph (vii), various circumstances are taken into account in a comprehensive manner. However, if the degree of similarity is higher, that trademark is more likely to be found unregistrable under this provision. Under Subparagraph (xix), similarity in the goods and services is not required, but an unfair purpose is more likely to be found to exist if the degree of similarity is higher.

## Repeat filings

**8** Can the filing of a trademark in your Group's jurisdiction by a trademark owner for a trademark identical or similar to a trademark it already owns in that jurisdiction be refused or cancelled on the ground that the previous trademark fails to meet applicable genuine use requirements?

*If yes, please answer questions 9) -11). If no, please go to question 12).*

No

Please Explain

Even if a trademark owner subsequently files a trademark that is identical or similar to a trademark already owned by the owner in the same jurisdiction, the subsequent trademark will not automatically be refused or cancelled.

According to the past practice, if the same person filed the same trademark (including one that is different only in scaling factor) designating the same goods or services, the application would be refused on the grounds that it was "against the purpose of the Trademark Act."

There was no explicit provision for this type of refusal under the Trademark Act and it was only included in Chapter XVIII "Others" of the Examination Guidelines, while grounds for refusal were listed in a limited manner in Article 15 of the Trademark Act for the purpose of ensuring the certainty of examination. However, the Examination Guidelines stipulates that if the same person files the same trademark (including one that is different only in scaling factor) designating the same goods or services, the application shall be refused on the grounds that it is against "the intent of Article 3 of the Trademark Act," which is a general provision on the registrability requirements.

**9** Is the application or registration as described under question 8) above denoted as "bad faith"? If not, what is it called?

**10** Which of the following factors are relevant when assessing whether a trademark as described under question 8) should be refused or cancelled?

*Please tick or fill in all boxes as applicable to your jurisdiction. If you select "other", please describe further.*

**11** Are the answers to questions 8) -10) above different if the previous trademark is no longer in force? Please explain.

## Defensive marks

**12** Is it permissible under your Group's current law to file a trademark if the trademark owner does not have any intent to use that trademark for part or all of the goods/services claimed? If not, is there a timeframe (and if so, what) for such intention to use (e.g. must the intent be to start use immediately)?

*If yes, please answer question 13). If no, please go to question 14).*

Yes

Please Explain

1) As a rule, when the applicant designates a wide range of goods and services, usually eight or more similar group codes in one Class, as classified under the JPO's Guidelines, they need to make sure that the trademark is used or they have intention to use it. However, there is not a timeframe for such intention, and the examiner only checks if there is a probability of the use (main paragraph of Article 3 (1) of the Trademark Act).

2) According to the provisions for registration of a defensive mark, the owner of a well-known trademark may file an application for registration to defend the trademark in connection with other goods and services than those for which the trademark is used in their business activities, even if they do not have any intention to use it for such goods or services (Article 64 of the Trademark Act).

**13** Is the application or registration as described under question 12) above denoted as "bad faith"? If not, what is it called?

No

It is called...

It is called "defensive mark registration."

However, it is possible that someone can file an application or hold a registered trademark, without intention to use it, for the purpose of misappropriating a trademark owned by someone else and of hindering them from using it. In this case, such an application or registration may be found "bad faith".

## Other

**14** Does any other conduct in respect of trademarks, as an independent ground for action, amount to bad faith <sup>16</sup> under your Group's current law? If so, what conduct and how is it denoted, ie as "bad faith" or something else?

<sup>16</sup> Including fraud within the context of this Study Question, as explained on p. 1 at paragraph 5.

Trademark application filed in a misappropriative manner:

The trademark holder proactively made an application for registration of a trademark that was adopted for use abroad by a third party who was likely to file for its registration in Japan afterwards. According to the court ruling, this application was made in a misappropriative manner, with an unfair purpose and therefore it was against the intent of the Trademark Act (Article 1) and could disrupt order in the trademark system. ("ASRock case, IP High Court judgment, 19 August 2010). The registered trademark in question had been invalidated based on Article 4 (1)(vii).

If a trademark application were eliminated by broadening the applicability of "likelihood of damage to public policy (Article 4 (1)(vii) of the Trademark Act)" to include disputes between private citizens, such interpretation would jeopardize predictability and certainty of the law in relation to the eligibility for trademark registration. According to the "CONMER" trademark case (IP High Court judgment, June 26, 2008), the applicability of Subparagraph (vii) should be considered on an exceptional basis, only when the grounds for unregistrability under

Subparagraphs (viii), (x), (xv), and (xix) are not applicable.

## Type of proceedings

**15** In which proceedings can the grounds, insofar as they are available under your Group's current law, described in your response to questions 1), 8), 12) and 14) above be invoked in your jurisdiction?

*Please tick or fill in all boxes as applicable to your jurisdiction. If you select either of the last two boxes, please describe further.*

- ex officio by the trademark/IP office

Please Explain

(i.e. Submission of information? on reasons of refusal to examiners)

- opposition proceedings (before the trademark/IP office)

Please Explain

- a cancellation action (before the trademark/IP office)

Please Explain

- court proceedings concerning a bad faith registration

Please Explain

(i.e. Action for revocation of a decision to invalidate the trademark registration)

## II. Policy considerations and proposals for improvements of your current law

**6.a** Could any of the following aspects of your Group's current law be improved?

**The possibility of taking action against the application or registration of a trademark in a jurisdiction by a Party A, if that trademark or a similar sign is already used in one or more jurisdictions by a Party B, but is not registered in the jurisdiction where Party A has filed the trademark**

*Please tick or fill in only the applicable box. If you select "yes", please explain.*

Yes

Please Explain

If Party B's trademark is well known among consumers in the jurisdiction(s) where it is used and Party A applies for registration of a trademark that is identical or similar to Party B's trademark in a different jurisdiction for unfair purposes (the purpose of gaining unfair profits, the purpose of causing damage to the other person, or any other unfair purposes), Party B may file opposition against the registration of Party A's trademark and/or a request for trial for invalidation of Party A's trademark under Article 4 (1)(xix) of the Trademark Act.

However, Paragraph (xix) will not be applicable if Party B's trademark is not well known in the jurisdiction(s). Then, the next step is to assess whether Party A's act is so unfair that Paragraph (vii) of the same article (likelihood of damage to public policy) may be applicable. Traditionally, Paragraph (vii) is only applicable to cases of a highly malicious act, and according to a court precedent, this provision should be available on an exceptional basis, only when there are special circumstances in which public policy may be damaged. However, this provision will contribute to protection of trademarks owned by foreign proprietors, in particular, when applied to solve disputes between private citizens, which are not directly related to public interests.

**6.b** Could any of the following aspects of your Group's current law be improved?

**The possibility of taking action against or refusing the refiling of a trademark by a trademark owner as described above under question 8) above**

*Please tick or fill in only the applicable box. If you select "yes", please explain.*

No

Please Explain

**6.c** Could any of the following aspects of your Group's current law be improved?

**The possibility of taking action against or refusing the filing of a trademark by a trademark owner without an intent to use such for part or all of the goods/services claimed as described above under question 12) above.**

*Please tick or fill in only the applicable box. If you select "yes", please explain.*

Yes

Please Explain

If the trademark owner has no intention to use a trademark (for goods/services), the application will be refused. Checking of the applicant's intention to use should not be conducted merely as a formality. Especially when one files for registration (in bad faith) of a large number of trademarks owned by other people, it is necessary to make sure that there is a probability of the use.

Under the current Examination Guidelines, if the applicant designates 8 or more similar group codes in one Class of goods or services, the application will be automatically refused. However, if the applicant reasonably asserts that the designated goods or services are related to one another, they should be allowed to designate these goods or services, regardless of the number of similar group codes.

A certain type of trademark, e.g. a house mark, is usually intended for use in a wide range of goods and services. The designation of such a wide range of goods and services also needs to be allowed.

**6.d** Could any of the following aspects of your Group's current law be improved?

**The possibility of taking action against other conduct as described in your response to question 14) above.**

*Please tick or fill in only the applicable box. If you select "yes", please explain.*

Yes

Please Explain

In addition to an application filed in a misappropriative manner, there are the following types of trademarks that need to be prevented: a trademark that is not similar to a well-known or famous mark but is likely to cause confusion with such a mark (e.g. a trademark intended to look associated with a famous mark); a trademark that does not cause confusion but seems to take a free ride on a famous mark (e.g. a parody mark); and a trademark that is likely to cause dilution. However, it is difficult to regulate these types of trademarks under the Trademark Act. (It is possible to refuse a trademark that is contrary to public policy (Article 4 (1)(vii)), and there have actually been cases where a parody mark is refused in examination.

It is also difficult to apply the Unfair Competition Prevention Act, where similarity of marks is a requirement for protection (although it might be possible to apply regulations under this Act by broadening the interpretation of "similarity").

Thus, our current law could be improved from the viewpoint of prevention of dilution etc. of well-known and famous marks.

**17** Are there any other policy considerations and/or proposals for improvement to your current law falling within the scope of this Study Question?



In Japan, there is a problem related to a large number of trademark applications filed by a single person (and a company represented by him) with no intention to use them.

During a period of over three years since 2013, this applicant has filed for registration of more than 30,000 trademarks both in his name and in the name of his company. In 2015 in particular, he made nearly 15,000 applications, which accounted for about 11% of the applications filed in total, approx. 147,000. He only paid fees for about 30 of these applications and most of the remaining applications were rejected in most cases due to his failure to pay the fees.

Owing to these trademark applications filed in large numbers, trademark owners and applicants shoulder an increasing burden of conducting prior trademark searches and monitoring for misappropriation of their trademarks, which poses a significant obstacle to their business activities.

This problem is partly due to the fact that the payment of application fees is not a requirement for a filing date to be accorded based on the Trademark Law Treaty.

## Proposals for harmonisation

**18** Does your Group consider that harmonisation in any or all of the four areas described in question 16) above is desirable?

*If yes, please respond to the following questions without regard to your Group's current law.*

*Even if no, please address the following questions to the extent your Group considers your Group's current law could be improved.*

Yes

Please Explain

**19** Does your Group consider there should be a harmonised definition of bad faith?

*Please tick or fill in only the applicable box. If you have different reasons for selecting "no" or "yes" to those identified, please explain.*

No; identifying circumstances that can be relevant in assessing whether the types of conduct identified above under question 16) are allowed can be helpful, but a definition as such does not allow sufficient flexibility

Please Explain

## Bad faith - third party use or filing

**20** Should it be possible to take action against the application or registration for a trademark in a jurisdiction by a Party A, if that trademark or a similar sign is already used in one or more jurisdictions by a Party B, but is not registered in the jurisdiction where Party A has filed the trademark?

*If yes, please answer questions 21) – 25). If no, please go to question 26).*

Yes

Please Explain

**21** Which of the following should be relevant factors for proving an application or registration as described under question 20)?

*Please tick or fill in all relevant boxes. If you select "other", please describe further.*

- Party A knows, or should reasonably be aware, of use of an identical or similar sign abroad for identical goods or services

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Please Explain

- Party A knows, or should reasonably be aware, of use of an identical or similar sign abroad for similar goods or services

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Please Explain

- Party A knows, or should reasonably be aware, of use of an identical or similar sign in the same jurisdiction for identical goods or services

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Please Explain

- Party A knows, or should reasonably be aware, of use of an identical or similar sign in the same jurisdiction for similar goods or services

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Please Explain

- Party A intends to prevent Party B from continuing to use the earlier sign or to only allow such under certain conditions (e.g. a license)

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Please Explain

- the degree of legal protection enjoyed by Party B's sign and the sign used by party A

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Please Explain

- other

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Please Explain

- Party B's sign is well known in the jurisdiction(s) where it is used.

- Party A files the application for an unfair purpose. To establish Party A's unfair purpose, various circumstances described in our answer to Q3 should be taken into consideration.

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**22** Should any one or more of the above factors be sufficient on their own, or should the assessment instead always take the specific circumstances of the case into account? If one or more factors should be sufficient on their own, which should they be?

The assessment instead should always take the specific circumstances of the case into account.

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**23** Which of the following should be relevant when establishing whether there was or should have been knowledge as described above under question 21) above?  
*Please tick or fill in all relevant boxes. If you select "other", please describe further.*

- whether Party A operates in the same or a similar field of business as Party B

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Please Explain

- whether the earlier sign is well known or enjoys a reputation

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Please Explain

- whether there have been formal or informal dealings or contact between Party A and B (such as an agreement, written communication etc.)

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Please Explain

- other

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Please Explain

In addition to the above, "whether Party B's sign is made of a coined word or has a remarkable feature in its composition" is a relevant factor for establishing whether there was or should have been knowledge. Basically, however, Party A's trademark should not be eliminated as a bad faith trademark if Party A was merely aware of use of Party B's sign.

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**24** Should the degree of similarity between the signs be relevant? Please explain why or why not.

Yes

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Please Explain

Various circumstances should be taken into consideration in a comprehensive manner, but an unfair purpose is more likely to be found to exist if the degree of similarity is higher.

**25** Should the degree of similarity between the goods/services be relevant? Please explain why or why not.

Yes

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Please Explain

Various circumstances should be taken into consideration in a comprehensive manner, but an unfair purpose is more likely to be found to exist if the degree of similarity is higher.

## Repeat filings

**26** Should it be possible to refuse or cancel the filing by a trademark owner of a trademark identical or similar to a trademark it already owns in your Group's jurisdiction on the grounds that it fails to meet applicable genuine use requirements?

*If yes, please answer questions 27) – 28). If no, please go to question 29).*

No

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Please Explain

It may be possible to refuse or cancel the filing of a trademark that is identical or similar to the owner's previous trademark on the grounds of failure to meet applicable genuine use requirements. However, the subsequent trademark application should not be refused or cancelled automatically solely on such grounds. If the owner files a trademark application for the purpose of protecting their brand value by preventing dilution of their existing trademarks outside the scope of actual use (business activities), this application should not be treated in the same manner as a misappropriative application e.g. an application filed by a third party who intends to sell the mark for profit or take a free ride on the famous mark. Such consideration is needed especially when the trademark is used as the applicant's house mark.

If repeated filings are not permitted in any case, it will be necessary to have a system, e.g. a defensive mark system as in Japan, to protect house marks etc. outside the scope of actual use.

**27** Which of the following factors should be relevant when assessing whether a trademark as described under question 26) above should be refused or cancelled?

*Please tick or fill in all relevant boxes. If you select "other", please describe further.*

**28** Should the answers to questions 26) - 27) above be different if the previous trademark is no longer in force? if so, how?

## Defensive marks

**29** Should it be permissible to file a trademark if the trademark owner does not have any intent to use that trademark for part or all of the goods/services claimed? If not, should there be a timeframe (and if so, what) for such intention to use (e.g. must the intent be to start use immediately)? Please explain.

According to the provisions for registration of a defensive mark, the owner of a well-known trademark may file an application for registration to defend the trademark in connection with other goods and services than those for which the trademark is used in their business activities, even if they do not have any intention to use it for such goods or services (Article 64 of the Trademark Act).

We think this type of application should be available. The defensive mark system in Japan is intended to defend a well-known trademark when there is likelihood of confusion as to the source of goods or services that are not similar to those designated for the well-known trademark. Registered defensive marks are placed on a list of well-known/famous marks on the JPO's website, which is used as reference information on marks that are also well known in other countries.

For example, to defend a famous trademark "Salonpas" used for pain relieving products, its holder (a pharmaceutical company) filed applications for defensive marks, "Alonpas," "Ilonpas," etc., which they had no intention to use. This is a strategy for defending a trademark against dissimilar marks in the context of free riding or dilution, because identicalness or similarity is a requirement for protection of marks under both the Trademark Act and the Unfair Competition Prevention Act.

An intention to use such defensive marks should not be required from the viewpoint of harmonization.

**Other**

**30** Should any other conduct in respect of trademarks, as an independent ground for action, amount to bad faith <sup>17</sup>? If yes, please explain.

<sup>17</sup> Including fraud within the context of this Study Question, as explained on p. 1 under paragraph 5 above.

N/A

**Type of proceedings**

**31** In which proceedings should it be possible to invoke the grounds described in your response to questions 20), 26), 29) and 30) above, inasfar as they should be grounds for action in your view?

*Please tick or fill in all boxes. If you select either of the last two boxes, please describe further*

- ex officio by the trademark/IP office

Please Explain

- opposition proceedings (before the trademark/IP office)

Please Explain

- a cancellation action (before the trademark/IP office)

Please Explain

- court proceedings concerning a bad faith registration

Please Explain

**Other**

32

**Please comment on any additional issues concerning bad faith (or equivalent concepts) in the context of trademark law you consider relevant to this Study Question.**

In the near future, an artificial intelligence (AI) system will probably have the capability to detect buzzwords through automatic extraction of frequently searched keywords from Internet search engines and to file trademark applications online without involvement of people. Such trademarks could hinder the legitimate use and registration of trademarks and disrupt order in the trademark system.

**Please indicate which industry sector views are included in part "III. Proposals of harmonization" on this form:**

Includes views of Japanese companies, attorney at law, patent attorneys"

Please enter the name of your nominee for Study Committee representative for this Question (see Rule 12.8, Regulations of AIPPI). Study Committee leadership is chosen from amongst the nominated Study Committee representatives. Thus, persons not nominated as a Study Committee representative cannot be in the Study Committee leadership.

Hirumichi AOKI