



REPORT
on the new Japanese Law
on protection of geographical indications

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1.- A new law for protecting geographical indications, which was prepared by the Ministry of Agriculture, Forestry and Fisheries, was enacted on June 18, 2014, and will come into force by June 2015, at the latest, in Japan.

2.- Prior to this law, in Japan there was no system to directly protect geographical indications. It would be possible for a combined trademark consisting of “geographical indication” and “name of products” to be registered as long as it meets several requirements under the current trademark law (Article 7-2 of the trademark law). Recently, the Japanese trademark law was amended and relaxed a requirement regarding “who can file this kind of trademark application” stipulated under such article (this amendment came into force on August 1, 2014). However, since the main purpose of this kind of trademark is to activate Japanese industry, unfortunately it would be very difficult for the foreign clients to obtain trademark registration. Anyway, we succeeded in obtaining the first trademark registration for foreign client, which is “Prosciutto di Parma” (Japanese trademark registration no. 5073378).

3.- Due to recent TPP agreement negotiations, the Japanese Government considered to adopt a new system to directly protect geographical indications. This brought to the enactment of the new law of June 18, 2014.

4.- According to the information we have, the points of the new law are as follows:

- The law would be applied only to geographical indications (hereinafter referred as "GI") of "foods", "beverages", "agricultural and marine products" as long as the GI can identify the "place of production" and "feature of products". The law would not be applied to medicine, cosmetics.

- The process for registering a GI application would be as follows:

i) Producer's group in some geographical area should discuss and decide a "quality standard" regarding production method, etc. in connection with the products;

ii) Producer's group can file an application for a GI (including the above quality standard) at the Ministry of Agriculture, Forestry and Fisheries;

iii) The Ministry would examine the GI application and if the application fulfills the requirements stipulated in the law, they will publish the GI application in a gazette for two months for possible opposition;

iv) If the GI application is identical or similar to a registered trademark in terms of "mark" and "goods", it would be rejected;

v) Unless the ministry finds any refusal ground, they will register the application and notify the producer's group and publish the mark.

- The protection of a GI would be as follows:

i) Once the GI application is registered, everybody in the corresponding geographical area can affix the GI to their products as long as their products meet the above "quality standard";

ii) Producer's group should check the quality of products bearing the GI as to whether they fulfill the above "quality standard";

iii) The Ministry of Agriculture, Forestry and Fisheries will check the management system of the producer's group regarding quality control;

iv) If any third party who is not authorized to do so affixes the GI, the Ministry of Agriculture, Forestry and Fisheries will order removal of the GI.

August 13, 2014