

Cabinet Approved Bills to Strengthen Protection of Brand and Design

On March 10, 2023, bills making partial amendments to the Trademark Law, Design Law, Anti-Unfair Competition Law and other related laws were approved by the Cabinet and submitted to the Diet. The amendments are aimed at improving the IP system given how digitalization and further internationalization have been quickly progressing in recent years.

As breaking news, we would like to introduce some parts of these bills which might be interesting to you. Some of these are important and will have practical effects, therefore, we will continue to keep you informed of the details in upcoming newsletters.

Enhancing Protection of Brand and Design, in Accordance with Business Diversification under Digitalization.

Trademark Law: Registrable Trademarks Expanded

- **[Important]** Trademarks that are similar to trademarks already registered by others cannot be registered in principal. However, if a consent from the registered trademark owner is obtained and there is no risk of likelihood of confusion, the trademark can be registered (i.e. introduction of letters of consent).
- Trademarks containing names can be registered without consents of others under certain conditions. This allows those who do business in their own name, etc. to use their name as a trademark.

Design Law: Requirements for Registration Procedures to be Relaxed

- **[Important]** Requirements for procedures to enjoy an exception to lack of novelty (i.e. a grace period) when a design is disclosed multiple times before the application is filed are to be relaxed.

Anti-Unfair Competition Law: Counterfeit Activities in the Digital Space Prevented

- Regarding counterfeits of the shape of products, offering products in a digital space (e.g. metaverse) that imitate the shape of another person's products (e.g. NFT products), will also be subject to the acts of unfair competition and be the subject to the right to enforce injunction, etc.

*Note; "Important" labeled topics are significantly important and will have effects on practice. We are planning to make more detailed newsletters on those topics once the details have been published.

Reference: <https://www.meti.go.jp/press/2022/03/20230310002/20230310002.html> (Japanese Only)