



Sonderhoff & Einsel News Update:
IP Newsletter (March 2017)

New Types of Trademarks - First Registration of a Color Mark in Japan

New types of trademarks involving sound, movement, position, holograms, and color have been eligible for registration in Japan since the revision of the Trademark Law in 2015. As of February 20, 2017 a total of 1494 applications have been made, resulting in the registration of 207 of these new types of trademarks. On the other hand, none of the applications for color marks consisting solely of colors had been registered so far.

The Japan Patent Office (JPO), however, recently granted registration of two color marks on March 1, 2017 for the first time.

One of them is an application (application number: 2015-29914) from Tombow Pencil Co. Ltd., a Japanese company producing and distributing stationery in Japan since 1913. The color mark to be registered has been used for erasers in the "MONO" series and consists of blue, white and black as follows:



The designated good is "eraser".

The other color mark is the corporate color of one of the most popular convenience stores in Japan, SEVEN-ELEVEN, and is used for their signage. This trademark (application number: 2015-030037) consists of orange, green and red as follows:



The designated service is "Retail services or wholesale services etc."

After the payment of the registration fee, these color marks will become registered trademarks.

For your reference, the aggregate number of applications and registrations of these new type of trademarks as of February 20, 2017 is as follows:

	Sound	Movement	Position	Holograms	Color
Application	517	123	345	17	492
Registration	110	65	23	9	0

Our comment:

Given that this is the first time colors have been registered as a trademark despite the amount of applications, it is indeed difficult to have them registered because of the requirement that the color mark needs to be highly distinguishable through their use for specific goods or services. The above color marks for Tombow and Seven-Eleven have historically been used to identify the Tombow eraser and Seven-Eleven convenience stores, so consumers have had many opportunities to view these color marks. Further, as the color mark needs to be well-known by consumers, a considerable amount of time and evidence is required for the JPO to verify this requirement. In fact, it took almost two years for these color marks to be registered.

Nevertheless, based on the fact that these color marks were granted for registration, it is expected that more of these new type of trademarks will be registered in the future, thereby further strengthening the branding strategy for many companies.

About us

Since 1910, Sonderhoff & Einsel has been among the first choices for International corporate clients seeking support in Japan regarding legal and intellectual property matters as well as tax and audit services. For more information, please visit <http://se1910.com/>.

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