



INPI

**INTELECTUAL
PROPERTY GUIDE
FOR EXPORTERS**

JAPAN



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Summary	
Introduction	4
Before you start exporting.....	4
Five biggest mistakes of the exporter in the area of Intellectual Property	5
Courses on Intellectual Property	8
Intellectual Property information and tools for companies.....	10
How to protect your Intellectual Property in Brazil.....	11
National Intellectual Property Rights Institutions in Japan	12
Where to conduct your IP search in Japan	12
Trademark search.....	13
Patent search.....	14
Industrial Design search.....	15
New Plant Variety search.....	16
Relevant data on Intellectual Property in Japan	17
Trademarks.....	17
Patents.....	18
Utility Model	20
Industrial Design	21
Copyright	22
Layout-Designs of Integrated Circuits	23
Intellectual Property laws and regulations in Japan.....	24
International Intellectual Property Agreements in Japan.....	25
How to protect your Intellectual Property in Japan	26
How to apply for the protection of your Intellectual Property in Japan via International Treaties and Cooperation Agreements	27
Intellectual Property costs in Japan.....	28
Trademarks.....	28
Patents.....	28
Industrial Design	29
Who can apply for Intellectual Property in Japan	29
How to enforce your Intellectual Property Rights in Japan	29
Closing remarks	31

Introduction

This guide is part of a collection designed to help Brazilian exporters protect their Intellectual Property (IP) assets in the countries they wish to export to.

Each country has its own particularities regarding the IP system and this volume is dedicated to Japan.

The IP topics covered in this guide are: trademarks, patents, industrial designs, geographical indications, new plant varieties and copyright.

The guide is divided into three parts. In the first, we indicate reliable sources where you can deepen your knowledge about Intellectual Property. In the second, we introduce you to Japan's IP system, advising you on how to protect your IP assets in the country and addressing issues to consider before you start exporting there. At the end, we provide information on what to do if you suffer any type of violation of your rights.

Our goal is to provide you with important and easy-to-understand information, so you can confidently navigate IP challenges and make the most of export opportunities to Japan.

Before you start exporting

Before starting your export process, what steps need to be taken in the IP area?

1. Know what IP is;
2. Have a deep understanding of the IP of your business and protect it in your home country;
3. Develop a strategic export plan that includes IP-related issues;
4. Research if there is anything similar to your IP assets that is already protected in the countries you want to export to;
5. Protect your IP in these countries and only after that;
6. Take your product or service overseas.

This guide will tell you:

1. The main mistakes of exporters in the area of IP;
2. Where to learn more about IP and about IP and export;
3. Where and how to protect your IP in Brazil;
4. Where to conduct research if there are already IP assets similar to yours in other countries;
5. What is Japan's international IP law;
6. Where and how to protect your IP in Japan;
7. Some cost estimates of this process;
8. What to do to protect yourself in case you are copied.

We hope this will be a facilitator in your export process!

Five biggest mistakes of the exporter in the area of Intellectual Property

Some common IP mistakes made by those who start exporting that we want to help you avoid:

1. **Do you know that your trademark, your patent and your industrial design are only valid in the country where they are registered?**

One of the most common mistakes made by exporters is not knowing that Intellectual Property rights, such as trademarks, patents and industrial designs, are **TERRITORIAL**. This means that, although we live in a globalized world, IP rights are not. They are valid only in the country or territory in which they were protected.

The only exception to this rule is that which is protected by copyright. This is because the 181 signatory countries of the Berne Convention agreed that the protection of rights of artistic and literary works, among others, should not be subject to the fulfillment of any formality, nor depend on the existence of protection of the work in their country of origin. The author has moral and patrimonial rights in relation to his work, since it was produced, regardless of registration.

However, all other intellectual property rights need to be protected **IN EACH COUNTRY** where you wish to export, so that you have rights to these assets.

Thus, BEFORE you start your export activities, it is crucial that you decide WHERE you want to protect your IP assets. This is a fundamental decision that must be made with caution and planning, as the costs involved can be high.

2. Do you want to have your trademark, your patent and your design protected?

Did you know that the disclosure of an invention or an industrial design, without having a previously filed application for protection, can make your right over these assets unfeasible?

We are sure that you do not want to have your IP copied, inadvertently made public, or protected by a third party. Imagine, for example, not being able to use your own trademark in another country because someone else has already registered it before you.

Therefore, it is essential that you seek to secure your IP rights BEFORE entering and presenting your products in a new market. Remember: **what guarantees the right to IP in a territory is its REGISTRATION, and not just its use.**

When planning your international expansion, pay special attention to protecting your IP assets. This way, you'll avoid unpleasant surprises and maintain control over your resources.

3. Do you want to protect yourself from taking an IP infringement lawsuit in another country?

Did you know that it is essential **to RESEARCH** if there are already trademarks, patents or industrial designs similar to yours, which are already protected, in the country to which you want to export? This is an important step to avoid the risk of infringing on a third party's right in a new market.

Most countries make databases available for research in their IP offices. You can make an online query in these systems to check if there is already any prior notice that may make your request unfeasible. This pre-search can help you save a lot

of time and money. In addition, there are also international databases that allow research to be carried out. Several of them are indicated in this guide.

4. Does IP rights obtained in one country guarantee the same right in another?

Many exporters think that if they have obtained an IP right in one country, they will automatically get the same right in another. Unfortunately, this is not the reality.

Although there are some common parameters established by international agreements, the area of IP varies widely between countries in terms of legislation and rules for granting rights.

Therefore, there is no guarantee that what was granted in one country will also be granted in another. Each nation has its own particularities and requirements when it comes to protecting Intellectual Property, which makes each country's decision **INDEPENDENT**.

This means that when planning your export strategy, you need to carefully analyse the IP situation in each destination country. It is not possible to assume that a right obtained in one place will be automatically recognized in another.

5. Did you include IP issues when you did your export project?

The preparation of a good **STRATEGIC PLANNING** is key to success in exporting. Many exporters make the mistake of neglecting IP-related issues when planning their export activities. However, it is essential to consider these issues as an essential part of this process.

IP assets can be some of the most valuable that your company has. Therefore, it is essential that your planning is careful and that it includes a detailed analysis of these assets.

Depending on the number of countries in which you decide to protect these assets, the costs can be significant. Therefore, it is necessary to evaluate in advance what, and where you want to protect¹.

Regarding the deadlines you have for the protection of your IP assets, according to the Paris Agreement, an international treaty of the World Intellectual Property Organization (WIPO) valid in 176 countries, when you file an application for a patent, utility model (MU), trademark or industrial design (DI) with an IP office, you have a period of 12 months (for patent and utility model), and 6 months (for industrial design and trademark), to apply for protection in any other country, without losing the "right of priority", that is, in this period you will have priority in relation to another applicant who files something similar to the one you filed, anywhere in the world. After this period, what you have protected in a territory will be free and available to anyone, in all countries where your asset has not been protected.

We highlight that this happens when you choose to make national deposits, in each country individually. There is also the option of making international deposits, in a group of countries, at once, through WIPO, which makes the process much easier. We'll detail this option later.

For these reasons, it is essential that you make a good strategic planning regarding the IP area in the initial phase of the project, even before starting export actions, when you decide to protect your IP assets. This way, you'll avoid missing opportunities, reduce risk, and lower unnecessary costs.

By prioritizing IP planning in your export project, you will be taking a crucial step towards the success of your business in the international market.

Courses on Intellectual Property

Intellectual Property is traditionally divided into three branches:

- **Copyrights** that protect literary, artistic, technological and software works;
- **Industrial property**, such as trademarks, patents, utility models, industrial designs and geographical indications; and

¹ Some important questions that need to be answered in strategic planning: why, what, when, where, with whom, how and how much it costs to export.

- **Sui generis protection**, such as the protection of new plant varieties.



If you wish to deepen your knowledge of IP before deciding to use it when exporting to Japan, you can consult the schedule of free courses on the subject available on the website of the National Institute of Industrial Property (INPI).




You can also participate in the free IP course, in Portuguese, offered twice a year by WIPO, called: DL 730 "Executive Course on Intellectual Property and Exports".



Intellectual Property information and tools for companies





INPI offers guides on intellectual property for businesses that can help you explore the possibilities of IP for your company.

Table 1: INPI Information and tools on IP for companies

Tools	Link
IP Information for Businesses	

WIPO also offers a series of tools, guides and information on IP available free of charge that can help you.

Table 2: WIPO IP information and tools for businesses

Tools	Link
IP Information for Businesses	
IP self-diagnostics for businesses	
IP Guides for Businesses *	
Strategic IP Walkthrough for SMEs	

* Some of the guides provided by WIPO, in Spanish, English and French, are:

1. **Secrets of Intellectual Property: A Guide for Small and Medium-sized Exporters;**
2. **Inventing the Future: An Introduction to Patents for Small and Medium-sized Enterprises;**
3. **Making a Mark: An Introduction to Trademarks for Small and Medium-Sized Enterprises;**
4. **Looking Good: An Introduction to Industrial Designs for Small and Medium-sized Enterprises;**
5. **Exchanging Value - Negotiating Technology Licensing Agreements: A Training Manual;**
6. **A Guide to Intellectual Property for Startups; among others.**

How to protect your Intellectual Property in Brazil

Before you start exporting, consider protecting your IP in Brazil. Here we indicate the step-by-step process for trademarks, patents, industrial designs, protection of plant varieties and copyrighted works.

Table 3: Step by step for filing Intellectual Property in Brazil









Type of IP	Institution	Link
Trademarks	National Institute of Industrial Property (INPI)	
Patents	National Institute of Industrial Property (INPI)	
Industrial Designs	National Institute of Industrial Property (INPI)	
Plant Variety Protection	Ministry of Agriculture and Livestock (MAPA)	

Table 4: Institutions for voluntary registration of copyrighted works in Brazil

Type of Copyrighted Work	Institution	Link
Musical Works	School of Music of the Federal University of Rio de Janeiro (UFRJ)	
Architectural Works	Council of Architecture and Urbanism of Brazil (UCC)	
Audiovisual Works	National Film Agency (ANCINE)	
Computer Programs	National Institute of Industrial Property (INPI)	

National Intellectual Property Rights Institutions in Japan

In Japan, the **Japan Patent Office (JPO)**, an agency linked to the **Ministry of Economy, Trade and Industry (METI)**, is the main responsible for the country's Industrial Property system, which includes the registration and administration of trademarks, patents, utility models and industrial designs.



Copyright registration, in turn, is managed by the **Japan Copyright Office (JCO)**, an agency linked to the **Agency for Cultural Affairs, linked to the Ministry of Education, Culture, Sports, Science and Technology (MEXT)**.



The **Plant Variety Protection Office (PVP)**, an agency linked to the **Ministry of Agriculture, Forestry and Fisheries (MAFF)**, is responsible for operating the plant variety protection system in Japan.



The body responsible for the registration of Geographical Indications in Japan is the **Ministry of Agriculture, Forestry and Fisheries (MAFF)**.



Finally, the registration of Layout-Designs of Integrated Circuits must be done with the **SOFTIC**.



Where to conduct your IP search in Japan

How to search if an IP is already protected in Japan?

As we said, before applying for an IP right in another country, you need to check if your trademark, invention, industrial design or plant variety already exists and if it is already protected.

If you find something similar in the market you want to explore, it may be difficult to get the protection you want.

Your search should include the Internet, social media, international IP search databases, and search databases from the country where you are filing.

Make sure your search is as broad as possible, to avoid future unnecessary costs.

With the advancement of Artificial Intelligence technology, in a short time it will be much easier and faster to know if there are already protected assets similar to the ones you want to protect.

Trademark search

Before applying for a trademark, you can start by searching the JPO database for trademarks for products and services similar to yours. Your trademark cannot be registered in Japan only so that it can be approved in the country.



You can also search the global database of trademarks. WIPO's **Global Trademark Database**, which contains data from more than 80 countries and includes trademarks, designations of origin and official emblems.



Search **Madrid Monitor**, in turn, allows access to international applications and registrations made through the Madrid System, with millions of trademarks from its more than 130 member countries. In this database, your search can include words, numbers, dates, classes, and countries.



Another database available in the trademark area is **TMview**. TMview contains trademarks from throughout the European Union and parts of Africa, Asia, America, and Oceania. This database allows search by words, numbers, dates, classes and countries.



If you find the process complex, you can hire an IP professional to help you.

Patent search

Before you file a patent and apply for the protection of an invention, you need to make sure that it is new and inventive. Because the invention needs to be new, it can't have been published anywhere in the world, not just in the country where you want to protect it.

The JPO database is a good place to start your searches.



You can continue your search on **Google Patent Advanced Search**, which allows you to search by name, date, inventor, applicant, patent office, and language, among other options.



You can also search WIPO's **Patentscope**, which contains data on more than 120 million patents. Here you can search by title, abstract, name, and filing date.



Examiners from the INPI have prepared, based on material provided by WIPO, a Guide that indicates how to perform a search on **Patentscope**.



Another important search tool is esp@cenet, developed by the European Patent Office (EPO), which allows users to search and analyze more than 150 million patent documents from around the world for free. Here, users can search in several languages, allowing them to search by name, date, number, classification, text fields (title, abstract, description, claims), among other options and combinations, in simple or advanced search.



The patent search process is more complex than the trademark and industrial design search process. As a result, if you wish, you can hire a professional specialized in IP to help you.

Industrial Design search

Your Industrial Design needs to be new and original so that you can protect it. Because of this, you will need to search any published designs and check if they have similarities to yours.

Your search needs to include, in addition to design databases, trademark and patent databases, the Internet, and social media. Any similar results, even if they are not registered, may prevent your right to register the design.

In the databases, you can search by image, product name, rating, number, and owner.

JPO's ID database is a good place to start your searches.



The **Global Design Database** is a worldwide collection of data organized by WIPO, from deposits made through the Hague System. You can search by description, name, depositor, date, and country.



DesignView, in turn, allows you to search for designs from all over the European Union and parts of Africa, Asia, America and Oceania. You can search by name, number, designer, Locarno classification, filing date, and country.



New Plant Variety search

If you want to sell your plant variety internationally, you will need to do an international search to verify that the variety of your plant is really new.

First, you can check the internet if you can find any disclosures of varieties similar to yours.

Then, you can search in databases of new plant varieties in the country where you want to protect and market your new variety. In most databases, you will find information regarding the common name of the plant, genus, species, title holder, and term of protection.

In Japan, you can do a search on the official Plant Variety Database run by the Plant Variety Protection Office, on application filing dates, protection date, title holder, etc.



There is also, a private database run by Japan Association for Techno-innovation in Agriculture, Forestry and Fisheries (JATAFF), that allows for search with product brand names of the variety, as well as the restrictions on use by the Plant Variety Holder if any.



In the European Union, there is a plant variety database in the **Community Plant Variety Office** (CPVO), with information on plant registers from more than 70 countries.



You can also search the International Union for the Protection of New Plant Varieties (**UPOV**) **PLUTO plant variety database**, which provides name results for plant varieties protected by members of UPOV and other international organizations. To access PLUTO, you will need to create a user account.



Relevant data on Intellectual Property in Japan

Trademarks

A trademark in Japan consists of a combination of symbols, words, designs, colors, three-dimensional shapes, holograms, sounds, movements, and all kinds of visually recognizable marks, or any combination of these devices, used to identify a company's products or services.

In Japan, a trademark is acquired through **Trademark registration**, which is valid for **10 years** and **can be renewed indefinitely every 10 years**, depending on the payment of the corresponding fee.

In Japan, if you register a trademark and do not use it for a period of more than three years, you can request its cancellation.

Since applications filed directly with the JPO must be or have a copy in Japanese, if you choose this route, be sure to have a good translation of your documents.

If, at the end of the process, your trademark application is denied, there is the possibility of appeal within the JPO itself and, if the decision continues to be unfavourable, you can still appeal to the Superior Court of Intellectual Property.



We emphasize that the JPO requires that all management with it be carried out by a representative of the **Japan Patent Attorneys Association (JPAA)**.

There are two paths to trademark registration in Japan:

1. **National Route:** The registration of a **National Trademark**, with the JPO.

2. **International Route:** The registration of an **International Trademark**, through WIPO's International Madrid System. In this system, you choose, among the more than 130 member countries, those in which you want to have your trademark protected, with a single application, in a single language (English, French or Spanish) and with the payment of a single set of fees.

The objective of the Madrid System is to facilitate the registration of trademarks in the world. The application for registration must be made through one of the IP offices of the countries that are part of the agreement. The INPI, in Brazil, is part of it. Thus, if your company wants to renew or expand its global portfolio of trademarks, it can easily do so through this centralized model.

After the certification of the International Registration has been made by the office of origin (the office where the registration application was made), the registration will be sent to WIPO and distributed to the countries designated by you, those where you want to have your trademark protected. This is where a second stage begins, known as the national phase, in which your application will be examined by the IP offices of the designated countries. In analysing the application, these offices will use local laws and practices for the examination, which makes **each country's decision independent**. After your application has been reviewed by each of them, the offices will communicate their decisions to WIPO, which in turn will inform you of the decisions of each of the designated countries.

The path you choose will depend on the needs of your business. Later in this guide, there are cost links so that you can make analyses that facilitate your decision process, as well as links to make deposits, of each of the IP rights presented here, through the different existing routes.

Patents

A patent is a right granted for an invention. It can take the form of a new product, process, or technical improvement to an existing technology. They are granted for inventions that are new, involve inventive step and are industrially applicable.

The protection of a **Patent** in Japan is **20 years** from the date of filing.

In Japan, since 2018, inventors have the possibility to disclose their invention for up to one year before applying for filing, without this meaning that they have lost the novelty requirement, this is known as “grace period”, but as this is not accepted in all countries, it is recommended to maintain confidentiality before filing².

Since applications filed directly with the JPO must be or have a copy in Japanese, if you choose this route, be sure to have a good translation of your documents.

In Japan, there are two different ways to apply for an invention patent:

1. **National Route:** you file your patent directly with the JPO.
2. **International Route:** As Japan is a signatory to the Patent Cooperation Treaty (PCT), you can elect it from among the countries in the International Patent System of the [WIPO PCT](#). Through this system, with a single patent application, in one language and a group of fees, you can apply for protection in more than 150 countries at the same time.

The international application via PCT has two phases: international and national.

- International Phase - There are two ways to file an international application: directly at the Office of a country that is part of the PCT (where the applicant is domiciled or a national of this country); or, at the International Bureau of WIPO.

When making the international filing, it is necessary to indicate an Office that is approved by the PCT to carry out the international search (International Search Authority – ISA), among those indicated by the country where the international filing took place.

² A grace period in patent law refers to a designated timeframe, typically ranging from six to twelve months, prior to the filing date of a patent application during which disclosures made by the inventor will not be considered as prior art that can be used against the novelty of the invention. This means that if an inventor publicly discloses their invention—such as through presentations or publications—within this period, such disclosures will not jeopardize their ability to obtain a patent, provided they file their application before the grace period expires. The specific rules and duration of grace periods can vary significantly between countries.

The language of the international application must meet that defined by the country in which it was filed and the chosen ISA. In case Brazil is chosen as ISA, the deposit can be in Portuguese, English or Spanish.

- National Phase - After the international phase, usually 30 months, from the date of international filing or priority (if any), you must apply for the granting of your patent directly with the countries in which you are interested. At the end of the process you will have the patent for your invention, if granted, in each country you chose. **The decision of each country is independent of that of the others.**

Entry into the national phase can be requested in any country that is part of the PCT, adapting your international PCT application to the legislation of that country.

A relevant issue regarding the JPO is that the examination of patents is not carried out automatically. An explicit request for examination must be made within a maximum of three years after the application is filed. If this request is not made, the request will be considered withdrawn and will be archived.

If, at the end of the process, your patent application is denied, there is the possibility of appeal within the JPO itself and, if the decision continues to be unfavorable, you can still appeal to the Superior Court of Intellectual Property.



Another relevant issue, with regard to patents, is that the JPO is a member of the *Global Patent Prosecution Highway (GPPH)*. This means that you can request expedited examination of your patent application.

Utility Model

Utility models are a form of industrial property protection that aims to guarantee exclusive rights over innovations that introduce functional improvements in existing products or processes.

About Utility Models, in Japan, they are registered without conducting substantive examinations, just meeting the requirements of the formal examination.

The term of protection of the **Utility Model** in the country is **10 years** from the date of filing.

Industrial Design

Industrial Design refers to the characteristics of a shape, configuration, colors, pattern, or ornament applied to any product that gives that product its appearance. It protects the external appearance of the product.

In Japan, the protection of an **Industrial Design** (ID) is **20 years** from the date of registration.

To register an Industrial Design in Japan, the creator may have disclosed his design for up to a year before filing in the country, without losing the right to the novelty requirement, but there are formal requirements to achieve this. This period is called the "grace period." As this is not accepted in all countries, it is recommended to maintain confidentiality before filing.

There are two ways to register your ID in Japan.

1. **National Route:** The National ID registration, where you apply for protection directly with the JPO.
2. **International Route:** The registration of an international ID through the Hague System, which allows you to choose the countries where you want to have your ID protected, with a single application, among the more than 90 countries participating in the WIPO System.

When your Industrial Design application is denied, there is the possibility of filing an appeal within the JPO.

After the grant, it is also possible for a third party to file an appeal to annul its registration. This request will be evaluated by a group of examiners from the JPO, which will decide whether or not to maintain it. If you wish to appeal this decision, you can seek the Superior Court of Intellectual Property.



Geographical Indications

Geographical Indication (GI) is an IP right that protects the name of a product that has a specific geographical origin and owes its qualities and/or reputation to this origin.

In Japan, it is possible to register a Geographical Indication (GI) with MAFF. The duration of protection of a GI is indefinite, as long as the GI's quality standards are maintained and the fees corresponding to the maintenance of the registration are paid.

Japan also accepts the registration of Traditional Collective Marks with the JPO. The term of protection of trademarks is **10 years**, and is renewable indefinitely every 10 years, provided that the corresponding fees are paid.

GIs are different from Collective Trademarks because the granting of a GI establishes criteria, such as the definition of a geographical origin, that influence the final quality of the product. In addition, the GI must also have an established quality control process, in order to ensure the standardization of the quality of products that hold that GI.

Plant Variety Protection

In Japan, Plant Variety Protection can occur in two ways:

1. In the JPO, in the form of patents, when the patentability criteria are accepted. In this case, the protection is **20 years** from the date of filing. However, in Japan, patents related to the chemical industry linked to agriculture and the pharmaceutical industry can have their term extended for **another 5 years** depending on conditions for the approval.
2. In PVP, in the form of registration. In this case, the protection time for new plant varieties is **25 years** from the date of registration, and **30 years** for trees. You would need a local agent for application if you do not have a domicile or residence in Japan.
3. For information on the PVP Law, see a link for the legislation.



4. For information on the PVP application procedures, see the link above.



Copyright

The time of copyright protection in Japan is from the creation of the work until **70 years after the author's death**.

The time of related right protection for a performance is from that in which the performance takes place until 70 years.

The time of related right protection for a phonogram is from that in which the first fixation of sounds is made until 70 years after that in which the phonogram is published.

The time of related right protection for a broadcast is from that that in which the broadcast takes place until 50 years.

The time of related rights protection for a cablecast is from that that in which the cablecast takes place until 50 years.

Since Japan is a signatory to the Berne Convention, this means that it is not necessary to register your work in the country to have your work protected by copyright. It is automatically protected, from the moment of creation, in all signatory countries of this agreement.

However, you can register your work with the JCO, as registration helps demonstrate proof of ownership, which can be important in the event of licensing or legal disputes.

Layout-Designs of Integrated Circuits

In Japan, Layout-Designs of Integrated Circuits protection is **10 years** from the date of registration. The registration request must be made with SOFTIC, but SOFTIC hasn't received any registrations since 2014.

Intellectual Property laws and regulations in Japan

Japan has adopted a number of regulations and directives to protect and enforce IP rights in the country.

Table 5: Some of Japan's IP laws

Law	No.
Invention Patents	Patent Law No. 121, of April 13, 1959 (with wording amended until July 3, 2023).
Copyright and Related Rights	Copyright Law No. 48, of May 6, 1970 (with wording amended until June 1, 2025).
Industrial Design	Industrial Design Law No. 125, of April 13, 1959 (with wording amended until October 1, 2022).
Trademarks and Trade Names	Trademark Law No. 127, of April 13, 1959 (with wording amended until October 1, 2022).
Geographical Indication	Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (Geographical Indication (GI) Act) No. 84 of June 25, 2014 (with wording amended until Law No. 88 of February 1, 2019).
Industrial Property, Copyright and Related Rights	Basic Law on Intellectual Property, of December 4, 2002 (with wording amended until September 1, 2021).
Plant Variety Protection and Seed	Plant Variety Protection and Seed Law, No. 83, of May 29, 1998 (with wording amended until Law No. 74 of December 9, 2020).
Semiconductor Integrated Circuit Layout	Law on the Layout of Semiconductor Integrated Circuits No. 43, of May 31, 1985 (with wording amended until Law No. 72 of July 13, 2018).
Utility Models	Utility Model Law No. 123, of April 13, 1959 (with wording amended until Law No. 55 of July 10, 2015)

A comprehensive list of Japan's national IP legislation can be found on the WIPO website.



International Intellectual Property Agreements in Japan

Japan is a signatory to several international IP agreements with the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO).

Table 6: International IP Agreements in Japan

Agreement	Description
Paris Convention	It allows an applicant from another signatory state to apply for a patent or trademark and expect the same rights as a holder from Japan.
Berne Convention	It ensures that parties to the convention, including Japan, give equal recognition to copyright holders from other convention member states.
UPOV Convention	It establishes a harmonised system for the rights of producers of new plant varieties.
International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention)	It deals with rights for Performers, Producers of Phonograms and Broadcasting Organizations.
Patent Cooperation Treaty (PCT)	It allows inventors to search and obtain patent protection in more than 150 countries. *
Madrid Protocol	It allows trademark owners to register their trademarks in more than 120 countries. *
WIPO Copyright Treaty (WCT)	It deals with copyright in the digital environment.
WIPO Performance and Phonograms Treaty (WPPT)	It deals with related rights for Performers and Producers of Phonograms in the digital environment.
Hague Agreement	It is an agreement for industrial designs in which it is possible to register designs in more than 90 countries. *
TRIPS Agreement	It establishes a minimum level of protection and enforcement of IP rights that all members of the World Trade Organization, including Japan, must comply with.

*Data referring to October 2024

A comprehensive list of international IP agreements adopted by Japan can be found on WIPO's website.



How to protect your Intellectual Property in Japan

A list of the IP objects recognized in Japan, with a link to the websites where information on how to protect each of them can be found in the tables below.

Table 7: Where to protect your IP in Japan










IP Object	Description	Link
Invention patents	Patents protect inventions, which are products or processes that provide a new way to do something or offer a new technical solution.	
Utility Model Patents	Like patents, utility models protect new technical inventions by granting a limited exclusive right.	
Trademarks	A trademark is a combination of symbols, words, designs, colors, three-dimensional shapes, holograms, sounds, movements, and all kinds of visually recognizable marks or any combination of these devices used to identify a company's products or services.	
Collective Regional Marks	In Japan, it is possible to register Collective Regional Trademarks.	
Industrial Design	Industrial Designs protect the appearance, shape, or configuration of a product.	
Layout-Designs of Integrated Circuits	Integrated circuit topographies protect the three-dimensional yet express arrangement of the elements of an integrated circuit.	
Geographical Indications	Geographical Indications made with MAFF	
Plant Variety Protection	Protection of new plant varieties in PVP	











Table 8: Where to Voluntarily Register Copyrighted Works in Japan

Types of Copyrighted Work	Link
Registration of literary and musical works, works of art, computer program, among others, in the JCO. In Japan, compilations that, by the selection or arrangement of their content, constitute intellectual creations, which includes newspapers, magazines and encyclopaedias, may also be protected.	

How to apply for the protection of your Intellectual Property in Japan via International Treaties and Cooperation Agreements

In the table below, we provide information on how and where to file your IP in Japan, via international treaties and cooperation agreements.

Table 9: IP application requests in Japan

IP Object	Description	Link
Patents	Information from the INPI on how to protect your patent abroad.	
	Information from the INPI on international patent filing.	
	Information from the INPI on fees, codes and procedures of the Patent Cooperation Treaty (PCT).	
	Application for filing an International Patent Application via PCT directly with WIPO.	
	Application for <i>Global Patent Prosecution Highway (GPPH)</i> at JPO.	
Trademarks	Information from the INPI on the Madrid Protocol and step-by-step instructions for applying for international trademark registration.	
	Application for International Trademark Registration directly on the WIPO website – Madrid System .	
Industrial Designs	Information from the INPI on the Hague System and step-by-step instructions for applying for International Industrial Design Registration .	
	Application for international Industrial Design registration directly on the WIPO website – Hague System .	
WIPO	All WIPO International Deposits	

Intellectual Property costs in Japan



Before deciding on which system to use to file an IP application in Japan, you need to evaluate the costs involved and each of the options.

Trademarks

In the case of trademarks, it is possible to choose between national filing by the JPO or international filing via the Madrid System.

To make your decision easier, we have provided links to the comparative calculation of costs, in the table below, remembering that, in the Madrid System, you will need to choose the countries in which you want to protect your trademark, among the more than 130 that are part of the System.



Table 10: Information for calculating trademark filing costs

Institution	Link
JPO Costs	
Madrid System Costs	

Patents

Understanding the costs involved in a patent, in turn, is much more complicated. In the table below, you will find information about the fees requested for a patent in the JPO, as well as the PCT price list, so that you have an idea of the costs involved in an international patent application.



Table 11: Information for calculating patent filing costs

Institution	Link
JPO Costs	
PCT System Costs	

Industrial Design

As for the costs involved in the registration of an Industrial Design, the following table allows the comparison of the costs of filing DI with the JPO and the WIPO Hague System.

Table 12: Information for calculating industrial design filing costs

Institution	Link
JPO Costs	
Costs of the Hague System	

Who can apply for Intellectual Property in Japan

If you wish to file directly in Japan, without the use of an international system, and do not have a business or residential address in the country, you will need to appoint a representative to act on your behalf, which must be a lawyer belonging to the **Japan Patent Attorneys Association** ([JPAA](#)).



How to enforce your Intellectual Property Rights in Japan

If you believe that an entity is using or benefiting from your IP rights without your consent, you may want to seek expert IP legal advice at an early stage.

Gather evidence that proves the violation of your rights, such as copies of works, trademark or patent registrations, and communications that evidence the violation.

When you already own the intellectual property rights, you can report and request the country's Customs Authority to hold goods suspected of infringing trademarks, copyrights, industrial designs or plant variety rights, when they cross borders.³

³ In Japan, border measures do not include Geographical Indication.

Japan's customs authority is the **IPR Border Enforcement**. The customs tariff law suspends goods that infringe IP rights, and if proven to be infringing, the company may have to pay fines of up to \$100,000.



In addition to customs seizure, if your IP right has been violated, you have three other alternatives: warning letter, mediation, and civil litigation.

The first step, in the case of infringement of your rights, is to send a "*a cease and desist letter*", informing the infringer of the infringement, demanding the cessation and desistance of the use of your IP right. The goal, at this first moment, is to make it cease use.

If this does not occur, Japan encourages the use of Alternative Dispute Resolution, such as mediation and arbitration. These are procedures that seek to resolve legal disputes out of court, and involve the participation of an impartial third party. The JPO has an arbitration portal.



In cases where these alternatives are not sufficient, IP rights holders can file a lawsuit requesting an injunction to prevent them from continuing the acts of infringement until the case is resolved.

For this, the Superior Court of Intellectual Property, created in the country in 2016, with the objective of speeding up civil proceedings in the IP area, can be activated.

This is the exclusive Court of Appeal in matters relating to patents, trademarks, utility model, copyright, computer programs, and layout-designs of integrated circuits.



Another option for international IP protection is the use of the Mediation and Arbitration services for Intellectual Property and Technology Disputes offered to companies by WIPO.



WIPO also offers mediation alternatives for resolving disputes over internet domains.



In the link opposite, you will find the Japan patent case management guide prepared for judges, made available by WIPO.



Closing remarks

After the path proposed in this document, we hope that it has become easier to protect your IP before you start exporting.

Remember, because IP law is territorial, you'll need to protect it before you can introduce, sell, or manufacture your product in a new market. You can also protect it in other markets, even if you do not wish to exploit them at this time, in order to prevent others from copying, manufacturing or importing your trademark, product or service, and not paying your rights.

In some countries it is possible to carry out the procedures described here directly, but many require the hiring of a local IP professional who will act on your behalf. Having the support of an IP agent, in general, helps, not only with filings, but also to understand issues related to the local culture that can facilitate their access to the market in the region.

Another point that deserves to be highlighted is the cost of IP protection. It can be expensive, so it is always important to emphasize the need for good initial planning on how, where and why to invest abroad.

Finally, the information provided in this document is a support resource for exporting and protecting your IP in other countries and should not be used as a substitute for expert legal advice.