Profile
Japan has an estimated population of around 127 million and is the third largest economy in the world. In 2015-16, two-way trade in goods and services between Australia and Japan was valued at A$60 billion, making Japan our third largest trading partner. Japanese is the official language of Japan.

IP protection in Japan
Most IP rights are overseen by the Japan Patent Office (JPO). Copyright is administered by the Japan Copyright Office (JCO) and plant variety protection by the Plant Variety Protection Office.

An address for service in Japan and a local agent or attorney is generally required when seeking IP registration.

Trade marks
• Trade mark applications can be filed directly with the JPO, or made through the Madrid System for the international registration of trade marks. Applications can be submitted online.
• The official language of Japan is Japanese; additionally a number of other languages and dialects (e.g. Ryukyuan languages) are used. Applicants using word elements in their trade marks may need to consider protecting translations and transliterations.
• Unlike Australia, Japan has a “first to file” rule for obtaining trade mark rights, meaning that if there is a dispute between you and another party over a trade mark, whoever filed for registration first will generally have superior rights, regardless of who developed or first used the trade mark.
• Trade mark registrations may be removed from the register if they are not used within three years of the date of registration and any consecutive three-year period thereafter.
• A trade mark’s validity can generally no longer be challenged after five years from the initial registration date.
• There are other circumstances under which a trade mark may be challenged, cancelled or removed. Please check the relevant requirements prior to application.
• A trade mark registration is valid for 10 years and may be renewed indefinitely for successive 10 year periods upon payment of fees.

Patents
• Applications may be made directly to JPO or can enter through national phase entry via the Patent Cooperation Treaty (PCT).
• Applications may be filed in English, but must be accompanied by a Japanese translation, or be supported by a Japanese translation within a specified period from submitting the initial application.
• Japan also offers protection for “utility models”. These generally operate the same way as patents, but only cover aspects of devices relating to shape, construction or combination of articles. Utility models differ in undergoing no substantive examination and having no opposition system. They are granted for 10 years from the date of filing.
• Japan has a six month grace period from public disclosure to filing of the patent. If an invention is publicly demonstrated or sold in another country before securing a priority application in that overseas country, then Japan will not grant a patent for that invention.
• Japan allows for the patenting of new plant varieties, provided that the requirements for patentability are complied with. New plant varieties may also be protected under separate rights for new plant varieties (see Plant varieties further down).
• Patent protection is for up to 20 years from the date of filing. A patent can only be extended for up to an additional five years where laws to ensure safety to others have hindered the working of the patent invention.
• Patents for pharmaceutical products and agricultural chemicals have an initial five years of protection, but this period can be extended.

**Designs**
• Applications may be made directly to the JPO.
• If a design is made public prior to filing for an application, design registration can still be sought so long as the application is filed within six months of the public disclosure.
• Protection is available for up to 20 years from the date of registration, with no extension.

**Copyright**
• Like Australia, copyright arises automatically at the time of creation of an eligible work.
• The term of protection varies depending on the type of work. In general, most published works are protected for the life of the author plus 50 years.

**Plant varieties**
• Applications may be made directly to the Plant Variety Protection Office.
• Protection is granted for up to 25 years from the registration date, and up to 30 years for ornamental, timber or fruit trees, etc.

**Enforcing your IP rights in Japan**
• It is your responsibility to protect your IP. You should actively monitor the marketplace for any unauthorised use of your IP.
• IP law is complex. If legal action is necessary, then you should consult a legal professional who specialises in IP law.

**Doing business in Japan**
Before entering the business market in Japan, there are a number of factors to take into account including culture, politics and business etiquette.
You can start by taking a look at the extensive information about doing business in Japan on the Austrade website.

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**More information**
• Japan Patent Office (JPO)
• Japan Copyright Office (JCO)
• Plant Variety Protection Office
• Madrid System
• Patent Cooperation Treaty
• Austrade
• DFAT
• Export Council of Australia
• Professional advice - If you are considering exporting to Japan, it is recommended that you contact an IP professional experienced in Japanese IP law and trade to advise on local IP, customs and other laws regulating imports and trade in Japan. Australian IP professionals can facilitate this contact.

IP registration and protection can be a complex process, especially in an international context. It is recommended that you seek advice from an IP professional. Every effort has been made to ensure that the information provided is accurate at the time of drafting; however, we accept no responsibility for any errors, omissions or misleading statements in this factsheet. This information is written in general terms and should be used as a guide only. It should not be used as a substitute for professional advice.