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Well-Known Trade Marks

A Comparative Study of
Japan and the EU

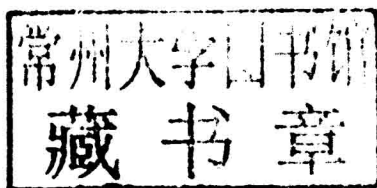
Hiroko Onishi



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Well-Known Trade Marks

This book considers the effectiveness of well-known trade mark protection at an international level. It particularly considers EU trade mark law from Japanese perspectives, and provides a practical and critical overview of trade mark law in Japan, including the historical development of the law and the recent development on cases and policy.

The book includes detailed coverage of the Japanese Unfair Competition Prevention Act, and contains the first systematic analysis of Japanese jurisprudence and legislative amendments of law in relation to well-known trade marks and unfair competition. The book goes on to comparatively analyse Japanese trade mark law alongside that of the European Community Trade Mark system. The book critically considers the difficulties in comprehensively defining a 'well-known trade mark' in the relevant international trade mark instruments. In breaking down the traditional definition of the 'well-known trade mark', the book works to address existing theoretical ambiguities in the application of trade mark law.

The book will be of great interest to academics and students of legal theory and intellectual property law.

Hiroko Onishi is a lecturer at Kingston University London, UK.

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List of abbreviations

AC	Appeal Cases (House of Lords)
All ER	All England Report
BoA	Board of Appeal (of the European Communities)
BUJ Sci & Tech L	Boston University Journal of Science and Technology Law
Bus Law	Business Lawyer
Bus L R D	Business
CA	Court of Appeal, England and Wales
Cal L Rev	California Law Review
Cal W Int'l L J	California Western International Law Journal
Cardozo Art & Ent L J	Cardozo Arts and Entertainment Law Journal
CEC	European Community Cases
CFI	Court of First Instance (of the European Communities)
Ch	Law Report Chancery Division
Ch D	Law Report Chancery Division
Chi-Kent L Rev	Chicago-Kent Law Review
Chi-Kent J Intell Prop	Chicago-Kent Journal of Intellectual Property
CIPA	Chartered Institute of Patent Agent
CIPAJ	Chartered Institute of Patent Agent Journal
CLJ	Cambridge Law Journal
CLR	Commonwealth Law Reports
CMLR	Common Market Law Revive
Colum Bus L Rev	Columbia Business Law Review
Colum L Rev	Columbia Law Review
Comms L	Communication Law
Conn L Rev	Connecticut Law Review
Corp Brief	Corporate Brief
CMLR	Common Market Law Reports
CTLR	Comminute and Telecommunications Law Review
CTM	Community Trade Mark
CTMR	Community Trade Mark Regulation
CW	Copyright World
EBL Rev	European Business Law Review

ECC	European Commercial Case
ECJ	European Court of Justice
ECLR	Electronic Commerce and Law Report
ECR I	European Court Reports (European Court of Justice)
ECR II	European Court Reports (Court of First Instance)
ECTA	European Communities Trade Mark Association
EEA	European Economic Area
EFTA	European Free Trade Association
EIPR	European Intellectual Property Review
Ent LR	Entertainment Law Review
ETMR	European Trade Mark Report
EU Focus	European Union Focus
EWCA	England and Wales Court of Appeal
EWCA Civ	England and Wales Court of Appeal Civil Division
EWHC	England and Wales High Court
Fla L Rev	Florida Law Review
Fordham L Rev	Fordham Law Review
Fordham Int Pro	Fordham Intellectual Property Media, and Entertainment Law Journal
FSR	Fleet Street Report
GATT TRIPS	Agreement of Trade-Related Aspects of Intellectual Property Law
Geo Wash J Int'l L & Econ	George Washington Journal of International Law and Economics
GI	Geographical Indication
Harv L Rev	Harvard Law Review
HC	High Court
HL	House of Lords
Hous L Rev	Houston Law Review
ICCLR	International Company and Commercial Law Review
IIC	International Review of Industrial Property and Copyright Law
IJL & IT	International Journal of Law and Information Technology
IHL	In-House Lawyer
Ill L Rev	Illinois Law Review
ILT	Irish Law Times
INTA	International Trade Association
Int T L R	International Trade Law and Regulation
Iowa L Rev	Iowa Law Review
IP News	Intellectual Property News
IPQ	Intellectual Property Quarterly
IPR	Intellectual Property Report

ITLQ	International Trade Law Quarterly
JBL	Journal of Business Law
J Intell Prop L	Journal of Intellectual Property Law
JL & Economics	Journal of Law and Economics
JIPLP	Journal of Intellectual Property Law
J Pat Off Soc'y	Japanese Patent Office Society
JPO	Japanese Patent Office
Law & Comtem Probs	Law and Contemporary Problems
Liverpool L R	Liverpool Law Review
LS	Legal Studies
Marq Intell Prop L Rev	Marquette Intellectual Property Law Review
MIP	Managing Intellectual Property
MLR	Modern Law Review
New Eng L Rev	New England Law Review
NLJ	National Law Journal
Nw J of Tech & Intell Prop	Northwestern Journal of Technology and Intellectual Property
OAMI	Spanish language for OHIM
OHIM	Office for Harmonisation in the Internal Market
Paniser IPB	Paisner Intellectual property Briefing
Paris Convention	The Paris Convention for the Protection of Industrial Property (of March 20, 1883)
Pharm LI	Pharmaceutical Law Insight
PLC	Practical Law Companies
Rev Litig	Review of Litigation
RPC	Reports of Patent Cases
Singapore Treaty	Singapore Treaty on the Law of Trademark
SJ	Solicitors Journal
SL Rev	Student Law Review
TLT	Trademark Law Treaty
TLR	Tulan Law Review
TM Bulletin	Trade Mark Bulletin
TMR	Trade Mark Reporter
TW	Trademark World
U Chi L Re	University of Chicago Law Review
U Dayton L Rev	University of Dayton Law Review
U Pa Int'l Econ L	University of Pennsylvania Journal of International Economic Law
USPTO	United States Patents and Trademarks Office
U W Ontario L Rev	University of Western Ontario Law Review
Vande L Rev	Vanderbilt Law Review
Vir L Rev	Virginia Law Review
Wake Forest L Rev	Wake Forest Law Review
Wash U J L & Pol'y	Washington University Journal of Law and Policy
WIPO	World Intellectual Property Organization

WIPR	World Intellectual Property Reporter
WLLR	World Licensing Law Report
WLR	Weekly Law Reports (UK)
WTLR	World Trademark Law Report
WTO	World Trade Organization
Yale L.J.	Yale Law Journal
YC & ML	Yearbook of Copyright and Media Law

List of Japanese terms

防護商標	<i>bogo-syohyo</i>	Defensive trademark
防護商標登録	<i>bogo-syohyo toroku</i>	Registration of defensive trademark
知的財産	<i>chiteki zaisan</i>	Intellectual property
知的財産法	<i>chiteki zaisan ho</i>	Intellectual Property Law
不正の目的	<i>fuseino mokuteki</i>	Unfair purposes
不正競争防止法	<i>fusei kyoso boshi ho</i>	Unfair Competition Law
漢字	<i>kanji</i>	Japanese kanji scripts
希釈化	<i>kisyakuka</i>	Dilution
混同	<i>kondo</i>	Confusion
混同のおそれ	<i>kondo no osore</i>	Likelihood of confusion
民法	<i>min po</i>	Civil Code
水際規制	<i>mizugawa kisei</i>	Border control
識別力	<i>shikibetsu ryoku</i>	Distinctiveness
種苗法	<i>syohyo ho</i>	Plant Variety Protection Seed Act
商標	<i>syohyo</i>	Trademark
商標法	<i>syohyo ho</i>	Trademark Law
商標条例	<i>syohyo jyorei</i>	Old Trademark Ordinance
商標審査基準	<i>syohyo shinsa kijyun</i>	Trademark Examination Guidelines
著名	<i>tyomei</i>	Famous
著名商標	<i>tyomei-syohyo</i>	Famous trademark
特許庁	<i>tokkyo cyo</i>	Patent Office

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