

# JAPAN INTELLECTUAL PROPERTY ASSOCIATION

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12<sup>th</sup> September 2011

Attn: Ms. Cynthia C. Lynch

Commissioner for Trademarks,  
P.O. Box 1451, Alexandria,  
V A 22313-1451,

## Public Comment for the Proposed Rules of Federal Register

### Vol. 76, No. 133

Dear Ms. Cynthia C. Lynch:

We, the Japan Intellectual Property Association having around 1,200 members including regular and associate members in Japan, are a private IP user organization. Regarding the subject matter, we express below comments:

**(1) Whether the collection of information is necessary for proper performance of the functions of the agency;**

Considering the U.S. trademark system, we can understand the contents of the revision. However, it may be against the mind of the Trademarks law treaty that prohibits a demand of submitting a use evidence of trademark at the time of renewal.

**(2) The accuracy of the agency's estimate of the burden;**

Because the revision is applicable to the limited cases, it is expected that most of other cases do not reflect the goods and services as it is actually used. Accordingly, the scope we need to conduct Trademark searches in advance of adopting new marks will not be narrower, so we will not be able to reduce the cost for such searches.

Also, even if the evidences can be collected by trademark owners themselves, it would cost when they are submitted to the USPTO by local attorneys.

Further, Bail-out measure on the specification of goods should be adopted against foreign applicants, especially from Asian counties, who file new trademark applications based on their home country registrations. This is because many Asian countries following the principle of first-to-file usually allow wider range of specification of goods in one application, and the applicants from these counties are



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always requested to amend the specifications to conform with the descriptions accepted by the USPTO in the examination process.

Your deeply consideration on this matter will be appreciated.

Sincerely yours,



(Hirokazu Kokumai)

Chairperson of the Trademark Committee  
Japan Intellectual Property Association



日本知的財産協会

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