

Comprehensive Trademark Support Services for Protecting and Enhancing Brand Value

Trademarks are indispensable business tools for communicating a company's identity, brand image, and building trust, as they are termed "silent salesmen." In order to enhance a company's brand value, it is important not only to acquire trademark rights and prevent the use of other people's trademarks (defensive strategy), but also to actively enhance brand value by utilizing the acquired trademark rights (offensive strategy).

Benefits of acquiring and utilizing trademark rights

1 Gaining trust through the use of trademarks and improving brand value

- Generally, it is said that if the same trademark is used continuously, the reputation of related products/services and the company name as well as the trust among consumers, etc., will increase.
- When a trademark right is obtained by way of trademark filing and various trademark registration procedures, the holder of the trademark right can use the registered trademark exclusively. Continued use of registered trademarks contributes to enhancing the brand value of related products/services.

2 Reducing business risks and securing profit through the exercise of trademark rights

- In the event that a trademark identical or similar to a company's registered trademark is used by another person without authorization, the holder of the trademark right may take legal measures such as an injunction, a claim for damages, and/or a claim for restoration of credibility.
- Without trademark rights, it is difficult to prevent others from using your trademark, and there is a possibility of confusion in the origin of goods/services, or damage to your brand value due to inability of preventing distribution of poor-quality goods using your trademark.
- The holder of the trademark right can also license others to use the registered trademark and obtain royalties. Such trademark license may allow trademark holders to enjoy stable profits therefrom.

Comprehensive Trademark Support from Tokyo Kyodo IP

Tokyo Kyodo IP not only supports filing and prosecution of trademark applications but also responds to the various needs of customers related to trademarks, such as support for the utilization of trademark rights, such as licensing and countermeasures against trademark infringement, and procedures for valuation and change of title in situations where trademark rights are transferred, such as M&A and inheritance.

1 Trademark Prosecution Trademark Filing and Prosecution Support

In order to acquire trademark rights, an application for trademark registration must be filed with the Japan Patent Office. However, if there is already a registered trademark of another person (one that uses the same or similar mark for the same or similar goods or services) prior to the filing of the application, trademark registration cannot be obtained. The use of one's own trademark may infringe the trademark rights of others. Therefore, when trying to acquire a trademark right, it is important to conduct a search for any prior existing trademarks. In addition, in order to obtain trademark registration, it is necessary to satisfy the various registration requirements stipulated in Japanese Trademark laws and regulations. When applying for trademark registration, it is desirable to thoroughly determine whether such registration requirements are met.

- Conducting of Preliminary Trademark Search
- Drafting and Filing of Trademark Applications
- Responding to Office Actions by Japanese Patent Office
- Payment of Issue Fees/Renewal Fees and Management of Registered Trademarks

2 Trademark Utilization Trademark Utilization including Trademark Licensing/Enforcement Support

Expanding the use of your trademark by licensing it to others could be beneficial in growing your business through outsourcing manufacturing and sales or developing franchises. It could also boost the brand image of your products and services. The risk, however, is inappropriate use by the other party and potentially damaging the brand image associated with the trademark. As such, it is important to prepare a suitable licensing agreement and construct a system that monitors such inappropriate use, as well as a system that can respond quickly to breaches of contracts and violations of trademark rights.

- Drafting and Reviewing of Trademark License Agreements
- Negotiating and Advising of IP contracts
- Monitoring of License Usage
- Drafting Warning Letters
- Supporting of Trademark Enforcement and Countermeasures of Trademark Infringement, etc.

3 Trademark Transfer Trademark Transfer and Trademark Valuation/Title Change Support

Trademark rights are transferred in trademark assignment transaction as well as business mergers, acquisitions, inheritance, etc. In addition, a trademark right attained by a company is not always recorded as an asset for accounting purposes unlike real estate and other tangible assets. Therefore, it may be necessary to evaluate the value of the trademark right for the purpose of calculating the appropriate transfer amount or the amount of inheritance tax, etc.

- Drafting of Trademark Assignment Agreement
- Drafting of Trademark Transfer Application
- Preparing of Trademark Appraisal Report (Trademark Valuation)