

-2-

The following amendment was approved in Committee #1, the U.S. abstaining:

"Steps should be taken to assure that merchandise manufactured in Japan should not be marked or advertised so as to suggest that it is made elsewhere than in Japan. Steps should also be taken to assure that wherever it is practicable to do so goods which are produced in Japan and exported are clearly marked to show their Japanese origin."

The first draft is considered to be satisfactory because the word "preferably" removes the necessity for SCAP to take any special action. The revised sentence is considered objectionable because it imposes a burden upon SCAP and the Japanese Government which, the members of Committee #1 have conceded, is not borne by other governments. It is up to the importing country, as a general rule, to see that goods which are admitted are marked with the country of origin. On the other hand it is understood to be SCAP's present practice to have all export goods marked "Made In Occupied Japan", and since FEC policy applies only for the period of occupation, there may be no objection by SCAP to this provision.

It is recommended that the U.S. continue to oppose the amendment on the grounds already stated, and if the paper is forwarded to the Steering Committee with this amendment included, abstain on that stated ground in Committee #1. SCAP's views should then be requested on this provision and any other provisions that depart from policies already agreed.

WST
FE:NA:NHemmendinger:lk
4/11/49

IR
c/w-Mr. Dixon

cc Mr Barrett

STANDARD FORM NO. 64

31936

Office Memorandum • UNITED STATES GOVERNMENT

TO : EP - Mr. Smith

DATE: April 20, 1949

FROM : L/P - Conrad E. Snow

SUBJECT: Your memorandum regarding "Marking provision in trade-marks paper".

This Document Must Be Returned to
Central Files

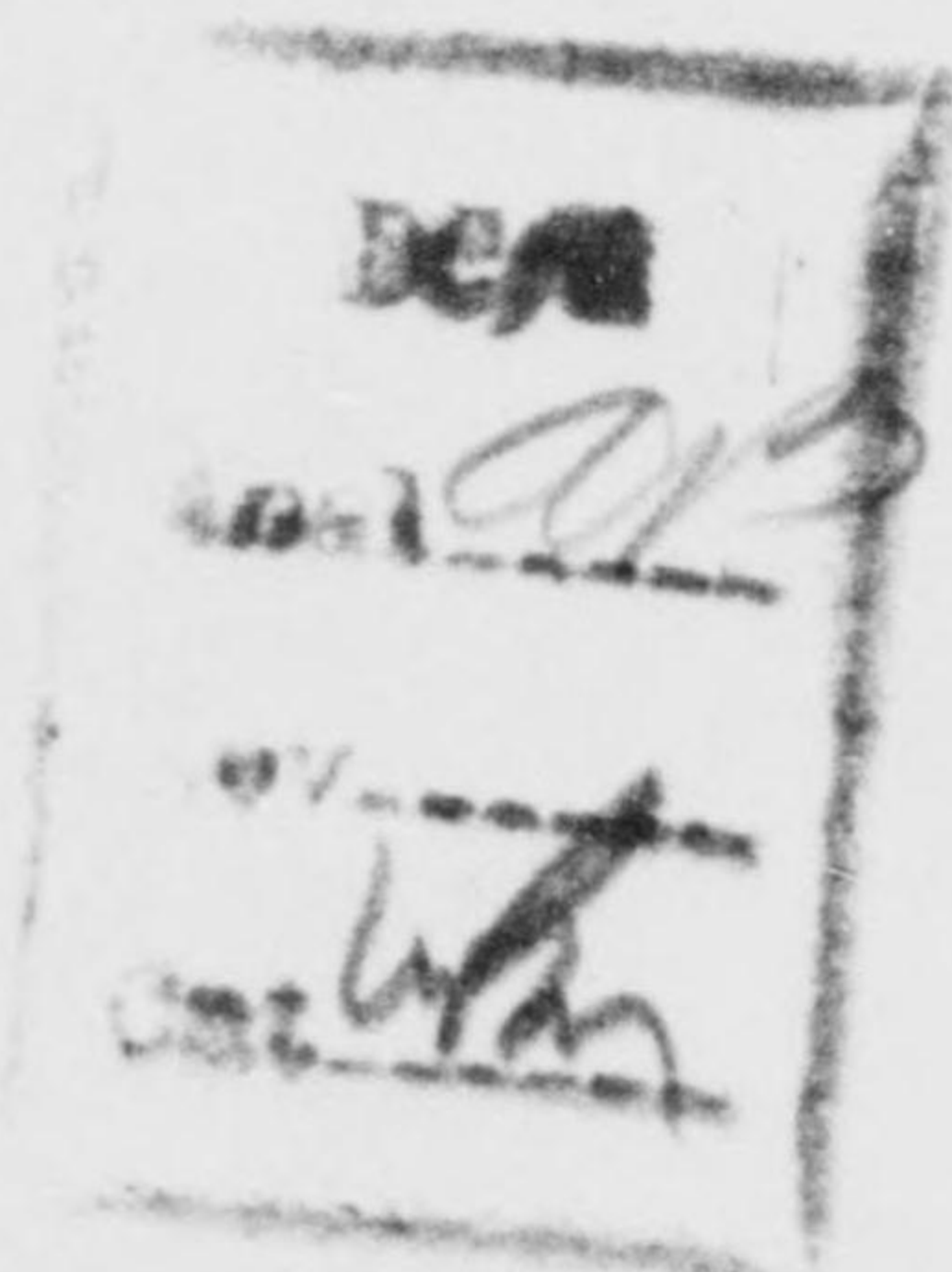
FW 894.543/4-1449

You ask which is the more "rigid" from the point of view of its implementation by SCAP and the Japanese Government, the subcommittee draft C1-332, or the amended version approved in Committee 1. The amended version appears to be the more drastic, if that is what is meant by "rigid".

Both versions deal with the two faces of the same subject: (1) must goods manufactured in Japan exported from Japan be marked "Made in Japan"? (2) May such goods be marked so as to suggest that they were made elsewhere? As to (1) the subcommittee draft provides that the goods "should preferably" be so marked; the amended version provides that "steps should be taken to assure that wherever it is practicable" goods should be so marked. It is obvious that the amended version requires action, while the original draft is merely the expression of a preference. As to (2), both versions require the taking of steps to assure that merchandise should not be so marked. But the amended version also requires that steps be taken to assure that such merchandise should not be advertised so as to suggest that it is made elsewhere than in Japan. This requirement is not only more drastic than the original draft, but it is so difficult to enforce as to be practically nugatory. The advertisement of Japanese exports would not normally be done by the Japanese exporter, but by the foreign importer, who desires to misrepresent the origin of the goods. The Japanese exporter can conceal nothing by such an advertisement, but the importer does not have to reveal where he got the goods, and so can advertise them as he pleases. Neither SCAP nor the Japanese Government have any control over him.

L;L/P:CESnow:lml

Legal Advisor



DIVISION OF ECONOMIC POLICY
APR 20 1949
DEPARTMENT OF STATE

CS/M 894.543/4-1449

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Snow - L/P

DATE: 4/14/49

FROM : Mr. Smith - EP *BOB*

LEGAL ADVISER

ced now 4-20-49 memo written in answer to this
APR 18 1949
File

SUBJECT: Marking provision in trade-marks paper.

DEPARTMENT OF STATE

CI-332, a sub-committee draft on the subject of trade-marks, contains the following paragraph on the subject of marking of merchandise:

"Steps should be taken to assure that merchandise manufactured in Japan should not be marked so as to suggest that it is made elsewhere than in Japan. Goods of Japanese manufacture exported from Japan should preferably be clearly marked 'Made in Japan'".

The following amended version was approved in Committee 1, the U.S. member abstaining:

"Steps should be taken to assure that merchandise manufactured in Japan should not be marked or advertised so as to suggest that it is made elsewhere than in Japan. Steps should also be taken to assure that wherever it is practicable to do so goods which are produced in Japan and expected are clearly marked to show their Japanese origin."

The US member has no instructions with regard to a mandatory marking provision in principle. Before requesting such instructions, we should like to have your views as to whether or not the amended version shown above is a more rigid provision than the original version from the point of view of its implementation by SCAP and the Japanese Government.

DC/S
Adm. <i>UP</i>
Rev. _____
Ent. _____

SGK
OFD:EP:SGKallis:mcm
4/14/49

bah-h / 4-14-49 / 894.543

RESTRICTED

Apr. 25, 1949

MEMORANDUM FOR THE UNITED STATES MEMBER, FAR EASTERN COMMISSION

Subject: Trade Marks and Marking of Merchandise in Japan

894.543/4-2249

It is requested that you instruct the appropriate members of the United States Delegation to the Far Eastern Commission to approve paragraphs 1, 2, 3, 4, 5 and 9 of Cl-332/2, "Trade Marks and Marking of Merchandise in Japan", now before Committee 1 of the FEC. You are further requested to instruct the U.S. Delegation to take the position and attempt to persuade other FEC delegations to take the position that paragraphs 6, 7 and 8 should be deleted on the following grounds:

(a) Paragraph 6 is not necessary since no special provision is needed to assure appropriate action by the Supreme Commander if applications filed in accordance with paragraph 6 are not promptly and satisfactorily treated by the Japanese Bureau of Patents.

(b) Paragraphs 7 and 8, which deal with marking of merchandise in Japan, are not appropriate to a paper intended primarily to establish policy for the restoration and revalidation of foreign-owned trade-mark rights in Japan.

In proposing the deletion of paragraphs 7 and 8, the U.S. Delegation should not indicate U.S. opposition to separate consideration of the substance of these paragraphs, if the FEC decides that a separate policy on fair trade practices in Japan is desirable. While the U.S. Delegation should not sponsor such separate policy treatment of this matter, it is authorized to approve such a policy in principle, subject to subsequent clearance by this Department of its precise terms.

Mr. Bishop of initials for

W. Walton Butterworth
Director for Far Eastern Affairs

CS/A

Mr. Butterworth

NUM

894.543/4-2249

AD
ABQ

OFD

Red
IR

let
NA

RESTRICTED

SGK
OFD:EP:SGKallis:mck
4/22/49

Action Assigned to *JMB*

Action Taken *5-9-49 JMB*

DEPARTMENT OF THE ARMY
SPECIAL STAFF, UNITED STATES ARMY
WASHINGTON 25, D. C.

*Please return
to HQ: Mr. Bishop
FE 117*

Date of Action *5-10*
CSCAD 091.31

4 May 1949

Action Office Symbol *IR*

Name of Officer *JMB*

Direction to DC/R *File*

Mr. Max W. Bishop, Director
Division of Northeast Asian Affairs
Department of State

DIVISION OF
NORTHEAST ASIAN AFFAIRS
*Referred to file
MAY 6 1949
L.P. Mr. Lightman
DEPARTMENT OF STATE
for action*

Dear Mr. Bishop:

Reference is made to memorandum from State Department dated 11 October 1948, concerning the similarity of trade names of two (2) firms in the corn products industry in Japan; one of which is an American subsidiary.

The Supreme Commander for the Allied Powers has now completed his investigation of this matter which discloses the following:

"a. The plant, including the main office, of Nippon Kokusan Kogyo Kabushiki Kaisha was located in North Korea.

"b. The main office of Nippon Kokusan Kogyo Kabushiki Kaisha is located in Tokyo, Japan. The plant is not yet in operation. Its main products will be corn starch, cattle feed, and germs extracted from corn. Sorghum and corn are used in obtaining these products.

"c. Neither company has registered its trade name in accordance with Commercial Code of Japan, Chapter IV, Article 19. Upon registration, the only protection granted is in the same "shi," "cho," "son." "Shi" is a city; "cho" is similar to a township; and "son" to a village. In Tokyo, Kyoto, Osaka, Yokohama, Kobe and Nagoya, "ku" (ward) is substituted for "shi." The protection thus extended is very limited in its scope.

"d. Article 21 of the Commercial Code provides:

'No person shall, for a dishonest purpose, use any trade name which is liable to induce the erroneous assumption that it represents the business of another person.

'In cases where a person has used a trade name in contravention of the provisions of the preceding paragraph, a person whose interest is liable to be thereby harmed may demand cessation of its use; this shall not, however, affect any claim for damages.'

894.543/5-449

FILED
JUN 9 1949

894.543/5-449
OS/H

DEPARTMENT OF STATE
RECEIVED
MAY 17 1949

W.S. [Signature]

160784

INTERNATIONAL RESOURCES DIVISION

MAY 9 1949
DEPARTMENT OF STATE

"e. The main officers of Nippon Kokusan Kako Kabushiki Kaisha are: Mr. Morita, Mr. Shimokawa, Mr. J. Okura, and Mr. Y. Oogane, one of whom was connected with the Mitsubishi Trading Company.

"In a conference with a representative of the Ministry of Finance, Japanese Government, and Mr. Morita and Mr. Shimokawa of Nippon Kokusan Kako Kabushiki Kaisha, the names of Japan Grain Chemical Processing Company (Nihon Kokurui Kako Kabushiki Kaisha) and Kyowa Syokuhin Kako Kabushiki Kaisha (Co-operative Food-stuff Processing Company) were suggested as alternatives by the Japanese firm. The first name suggested is still quite similar, both in Japanese Kana and Romaji, and the second name appears to be quite acceptable in all ways.

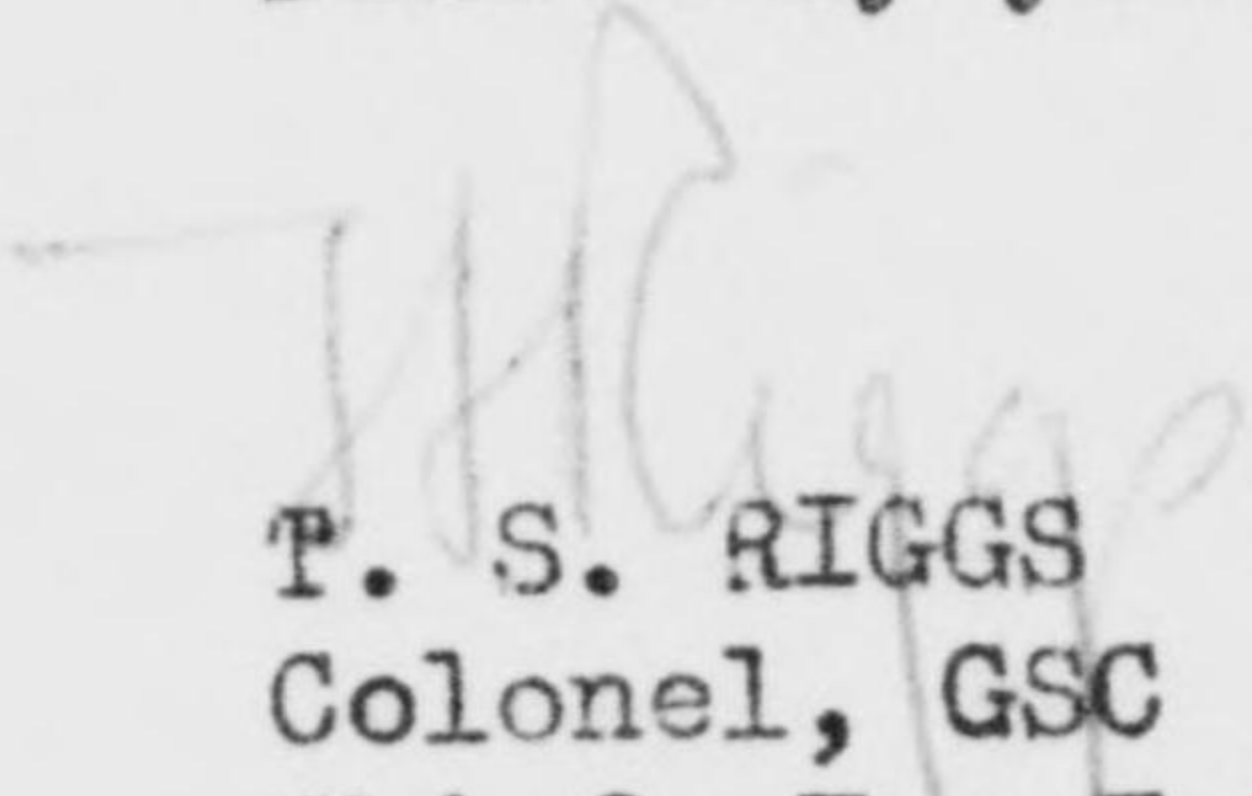
"This complaint has posed quite a problem due to the fact that the companies, if Japan Corn Products Refining Company were in a position to re-establish itself, would be in a competing business and dishonest purposes are difficult to prove. The Japanese firm has been eager to cooperate but, of course, is desirous of retaining a name which will describe its product. In this connection, Article 8 of the Paris Convention of 1883, which provides that "A trade name shall be protected in all the countries of the Union without the obligation of filing or registration, whether or not it forms part of a trade-mark," was directed to the attention of the Japanese firm as protecting the name of "Corn Products" in Japan, regardless of the status or location of its Japanese subsidiary, Nippon Kokusan Kogyo Kabushiki Kaisha.

"Copy of report from the Japanese Government is inclosed for your information. The Japanese firm stated that it had on hand almost five thousand (5,000) letterheads and containers which it desired to use because of the paper shortage in Japan. To prevent this economic loss, it was suggested that the following words be stamped thereon until the change of name becomes effective: 'Not connected with the Japan Corn Products Refining Company.' "

It would be desirable to have an expression of opinion from the Corn Products Refining Co. before action is taken by Nippon Kokusan Kako Kabushiki Kaisha at its shareholders' meeting in May to effect the desired change of name.

Sincerely yours,

1 Incl
Report fr Japanese
Govt dtd 28 Feb 49


F. S. RIGGS
Colonel, GSC
Chief, Far Eastern Affairs Group
Civil Affairs Division

28 February 1949.

TO: General Headquarters, Supreme Commanders for the Allied Powers,
Civil Property Custodian

FROM: Administration Bureau, Ministry of Finance

SUBJECT: Interim Report of Action taken by the Japanese Government
in Compliance with the SCAP Instruction.

1. Reference is made to the following memorandum for the Japanese Government from General Headquarters, Supreme Commander for the Allied Powers.

File AG 095 (22 Oct 48) CPC/FP, SCAPIN 6197-A, 26 November 1948, subject, "Application of Directives to Protection of Trade Names:

2. In compliance with your instruction, we herewith hasten to submit this interim report of development of affairs so far for your reference, as it is some time to come before the matter comes to final settlement.

3. The Ministry of Finance requested the officials of Nippon Kokusan Kako Kabushiki Kaisha to present themselves and brought the purport of the reference memorandum to their attention.

4. Following are the points as contained in the statement made by them on that occasion.

(1) Alteration of the trade name shall be proposed at the ordinary shareholders' meeting slated to be convened in May this year.

(2) The new name now under consideration "Kyowa Shokuhin Kako Kabushiki Kaisha (Cooperative Food-stuff Processing Company)."

5. The Ministry of Finance agreed on this projected plan on condition that the following words be stamped on letterheads and containers of the company until the alteration of trade name becomes effective.

"Not Connected with Japan Corn Products Refining Company"

6. The outcome of coming shareholders' meeting as well as any further steps shall be reported as soon as it becomes possible.

/s/ K. NEDA for

K. Naganuma
Director of Administration Bureau
Ministry of Finance

COPY

*FE 801R
File*

FR

May 11, 1949

Dear Colonel Riggs:

The receipt is acknowledged of your letter of May 4, 1949, addressed to Mr. Max W. Bishop, regarding the similarity of trade names of two firms in the corn products industry in Japan. As Mr. Bishop is out of town I have referred your letter to Mr. J. M. Lightman of the International Resources Division who is interested in this matter.

Sincerely yours,

Miles W. Bond
acting Assistant Chief
Division of Northeast Asian Affairs

Anal.	<i>[Signature]</i>
Rev.	
Col.	<i>[Signature]</i>
Dist.	

Col. T. S. Riggs,
Chief, Far Eastern Affairs Group,
Civil Affairs Division,
Department of the Army,
Washington 25, D. C.

FE:NA:MPMcKenna

894.543/5-449

894.543/5-449
CS/H

MAY 11 1949

My dear Mr. Adams:

Reference is made to Mr. Vernon's letter of December 22, 1948, indicating that the Japanese Government had been directed to take action to prevent the continuance of any use of a trade name similar to that of your Japanese subsidiary, Nippon Kokusan Kogyo Kabushiki Kaisha (Japan Corn Products Refining Co.).

We have now been advised that the Japanese Government has initiated the following action with regard to this matter. At a meeting called by the Japanese Ministry of Finance with the officers of Nippon Kokusan Kako Kabushiki Kaisha (Japan Chemical Products Processing Co.), the name Kyowa Syokuhin Kako Kabushiki Kaisha (Cooperative Food-stuff Processing Co.) was suggested as an alternative. The Japanese firm expressed a willingness to alter its trade name but stated that it had on hand almost 5,000 letter-heads and containers which it desired to use because of the paper shortage in Japan. To prevent this economic loss it was suggested that the words "Not connected with the Japan Corn Products Refining Co." be stamped thereon until the change of name becomes effective.

Action will be taken by Nippon Kokusan Kako Kabushiki Kaisha at its shareholders' meeting this month to effect the desired change of name.

The Department of State would appreciate an expression of opinion from your firm as to the proposed action.

Sincerely yours,

Anal	ad	Rep
Rev	ap	
Est	4	
Dist		

Roger C. Dixon
Acting Assistant Chief
International Resources Division

Mr. Warren S. Adams,
Corn Products Refining Company,
17 Battery Place,
New York, New York.

ITP:IR:JMLightman:prg
5-10-49

MAY 11 1949 P.M.

894.543/5-449

CS/JEC 894.543/5-449

RCB
JAB
~~ITP~~

CORN PRODUCTS REFINING COMPANY

17 BATTERY PLACE
NEW YORK 4, N. Y.

Action Assigned to _____

Action Taken _____

EXECUTIVE OFFICES

Date of Action _____

Action Office Symbol ITP-IR

May 17, 1949

Name of Officer _____

Mr. Roger C. Dixon, Acting Assistant Chief
International Resources Division
Department of State
Washington 25, D. C.

Direction to DC/IR [Signature]

Dear Mr. Dixon:

This will acknowledge receipt of and thank you for your letter of May 11 with reference to the use by Nippon Kokusan Kako K.K. of a name confusingly similar to that of our Japanese subsidiary, Nippon Kokusan Kogyo K.K.

The suggested settlement of the matter whereby Nippon Kokusan Kako, K.K. will change its name to Kyowa Syokuhin Kako K.K., but may use its present letterheads with the words "Not connected with the Japan Corn Products Refining Co." added is agreeable to us, except that we think that a time limit of perhaps two months should be fixed for the continued use of the confusing name, and the added words should be "Not connected with Nippon Kokusan Kogyo K.K." (these words to be, of course, clearly legible and in close proximity to the confusing name).

I trust that the foregoing will meet with favorable consideration by the State Department.

OFFICE OF
INTERNATIONAL TRADE POLICY
JUN 7 1949
DEPARTMENT OF STATE

Very truly yours,
Warren S. Adams, 2nd
Warren S. Adams, 2nd
Attorney

FILED
JUN 9 1949

164787

164787 MC
ODH
[Signature]

INTERNATIONAL RESOURCES DIVISION
MAY 18 1949
DEPARTMENT OF STATE

894.543/5-1749

894.543/5-1749
CS/H

~~ITP~~

DC/R

JUN 2 1949

In reply refer to
NA 894.543/5-449

My dear Colonel Porter:

Reference is made to Colonel Riggs' letter of May 4, 1949 regarding the similarity of trade names of two firms in the corn products industry in Japan; one of which is a subsidiary of an American firm, Corn Products Refining Company.

In accordance with the suggestion contained in the last paragraph of your letter, the Department of State has asked the Corn Products Refining Company for an expression of opinion regarding the action to be taken by Nippon Kokusan Kako Kabushiki Kaisha, the Japanese owned company, to effect the desired change of name.

The suggested settlement whereby the Japanese company will change its name to Kyowa Syokuhin Kako, K.K. and temporarily use its present letterheads with the words, "not connected with the Japan Corn Products Refining Co.", stamped thereon, is agreeable to Corn Products Refining Company. They have suggested, however, that a time limit of perhaps two months be fixed for the continued use of the old name with the added words, "not connected with Nippon Kokusan Kogyo K.K.", stamped on the letterheads.

Sincerely yours,

OSH
[Signature]

[Signature]

Max W. Bishop
Chief

Division of Northeast Asian Affairs

Colonel R. W. Porter, Jr.,
Chief, Far Eastern Affairs Group,
Civil Affairs Division,
Department of the Army.

CR
JUN 2 1949

ITP:IR:JMLightman:prg
5/24-6/1/49 see attached blue.

894.543/5-1749

894.543/5-1749
CR/M

My dear Colonel Riggs:

Reference is made to your letter of May 4 and my acknowledgment thereto of May 11 regarding the similarity of trade names of two firms in the corn products industry in Japan; one of which is a subsidiary of an American firm, Corn Products Refining Co.

In accordance with the suggestion contained in the last paragraph of your letter, the Department of State has requested the Corn Products Refining Co. for an expression of opinion regarding the action to be taken by Nippon Kokusan Kako Kabushiki Kaisha, the Japanese owned company, to effect the desired change of name.

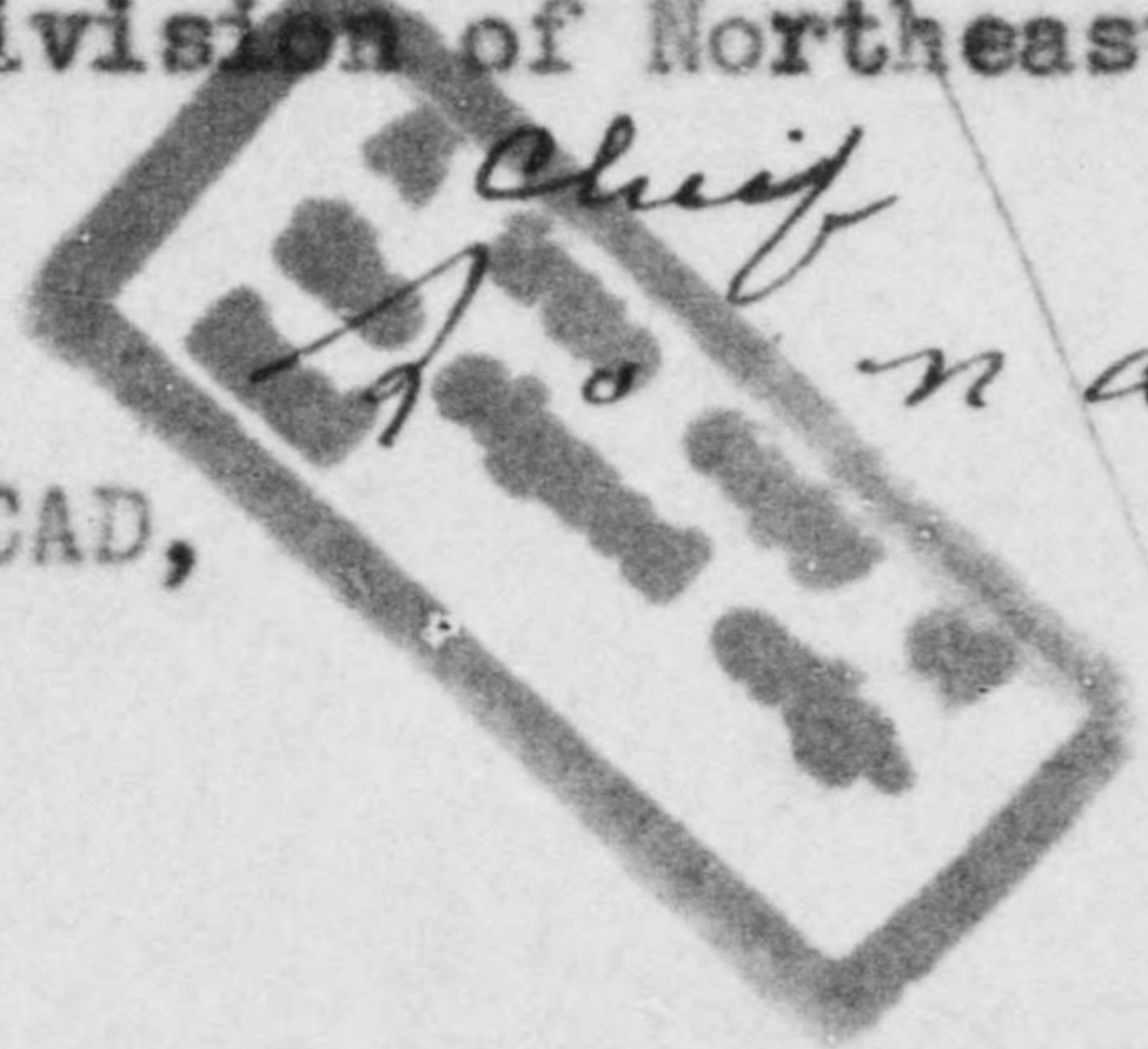
The suggested settlement whereby the Japanese Co. will change its name to Kyowa Syokuhin Kako, K.K. and temporarily use its present letterheads with the words "not connected with the Japan Corn Products Refining Co." stamped thereon, is agreeable to Corn Products Refining Co. They have suggested, however, that a time limit of perhaps two months be fixed for the continued use of the old name with the added words "not connected with Nippon Kokusan Kogyo K.K." stamped on the letterheads.

Sincerely yours,

M
Max W. Bishop, ~~Director~~
Division of Northeast Asian Affairs

Colonel T. S. Riggs, Chief,
Far Eastern Affairs Group, CAD,
Department of Army.

red
ITP:IR:JMLightman:prg
5-24-49



File 894.543/5-1749

CONFIDENTIAL

RM/R

May 27, 1949

Col. George P. Lynch, CAD,
Department of the Army.
Mr. H. Lory, Division of Northeast Asian Affairs,
Department of State.

It is requested that a cable along the following lines be sent to SCAP:

"FEC Steering Committee considering SC-332/5 Trade-Marks, Trade Names and Marking of Merchandise in Japan. Paper contains (as substitute second sentence para 7 FEC 01-332) following provision on marking not included in ourad WAR 86923, 8 Apr QTE Steps should also be taken to assure that wherever it is practicable to do so goods which are produced in Japan and exported are clearly marked to show their Japanese origin. UNQTE This provision strongly supported by majority FEC countries. Ur views re this provision requested soonest."

The State Department feels that it is necessary to have SCAP's views with respect to the advisability of supporting the inclusion of the second sentence of paragraph 6 of the FEC document FC-332/5 which is now under consideration by the Steering Committee.

This Document Must Be Returned to
RM/R
Central
Files

894.543/5-2749 CS/E

Confidential File

Rev
Cat <i>nc</i>

CONFIDENTIAL

*Cleared with EP-
Mrs Kellis
Barnett.*

NHM
FE:NA:HWMoseley:db

894.543/5-2749

~~GA~~
~~FE~~

DE WITT, VAN AKEN, NAST & CHAPMAN
OFFICE OF GERMAN
COUNSELLORS AT LAW
AUSTRIAN AFFAIRS

MACDONALD DE WITT
HARRY H. VAN AKEN
E. COUDERT NAST
EDGAR H. A. CHAPMAN
WILLIAM R. LONERGAN
WILLIAM E. FLANNERY

1949 JUN 27 PM 12 41

FE for reply

GRAYBAR BUILDING
420 LEXINGTON AVENUE
NEW YORK 17, N.Y.

DEPARTMENT OF STATE
DIVISION OF
NORTHEAST ASIAN AFFAIRS

June 24, 1949

Reply drafted 7/5/49
JUN 27 1949
for Mr. Bishop's signature
to Mr. Nast - W. Remmendinger
DEPARTMENT OF STATE

Mr. Charles E. Saltzman
Department of State
Washington, D. C.

Dyle

Dear Charlie:

I am writing you informally in the hope that you will be able to give me the name of the person or governmental agency to whom I should write formally.

As you may recall, my firm represents The Condé Nast Publications Inc., which publishes the fashion magazine VOGUE. We have recently been informed that a concern in Japan has commenced the publication of a fashion magazine, in both the English and Japanese languages, and is using the word "Vogue" as its title. This is an infringement of the trade-mark of The Condé Nast Publications Inc. and we wish to take action to prevent its continuance.

XA
816.543
611.9417

We have been advised by our trade-mark counsel that matters of this type are still under control of the Occupation Authorities. If this is so, we would like to communicate with the proper section or agency of Occupation Headquarters in Japan to find out what, if anything, can be done to stop the use by the Japanese concern of VOGUE as the title of a magazine.

It occurred to me that, in your present position, you might be able, without inconvenience, to tell me to whom we should write, either in Japan or through appropriate channels in Washington, military or diplomatic, as the case may be. With many thanks,

Sincerely,

[Handwritten signature]

CCN:jd

181212

FILED
JUL 22 1949

CS/CC

894.543/6-2449

894.543/6-2449

5503

JUL 6 1949

In reply refer to
NA

My dear Mr. Nast:

Your letter of June 24, 1949, to Mr. Saltzman with respect to alleged infringement in Japan of the trade-mark "Vogue" has been referred to me for reply.

The enforcement of the trade-mark laws in Japan rests with the appropriate agencies of the Japanese Government, subject to the supervision of the Supreme Commander for the Allied Powers. I would suggest that you write the full details of the alleged infringement both to Brig. Gen. W. F. Marquat, Chief, Economic and Scientific Section, General Headquarters, Supreme Commander for the Allied Powers, APO 500, Care of Postmaster, San Francisco, and to Col. R. W. Porter, Civil Affairs Division, Department of the Army, Room 2E552 Pentagon Building, Washington 25, D. C.

If there is anything further that you feel the Department of State can do for you in this matter, please be assured that we shall be glad to be of assistance.

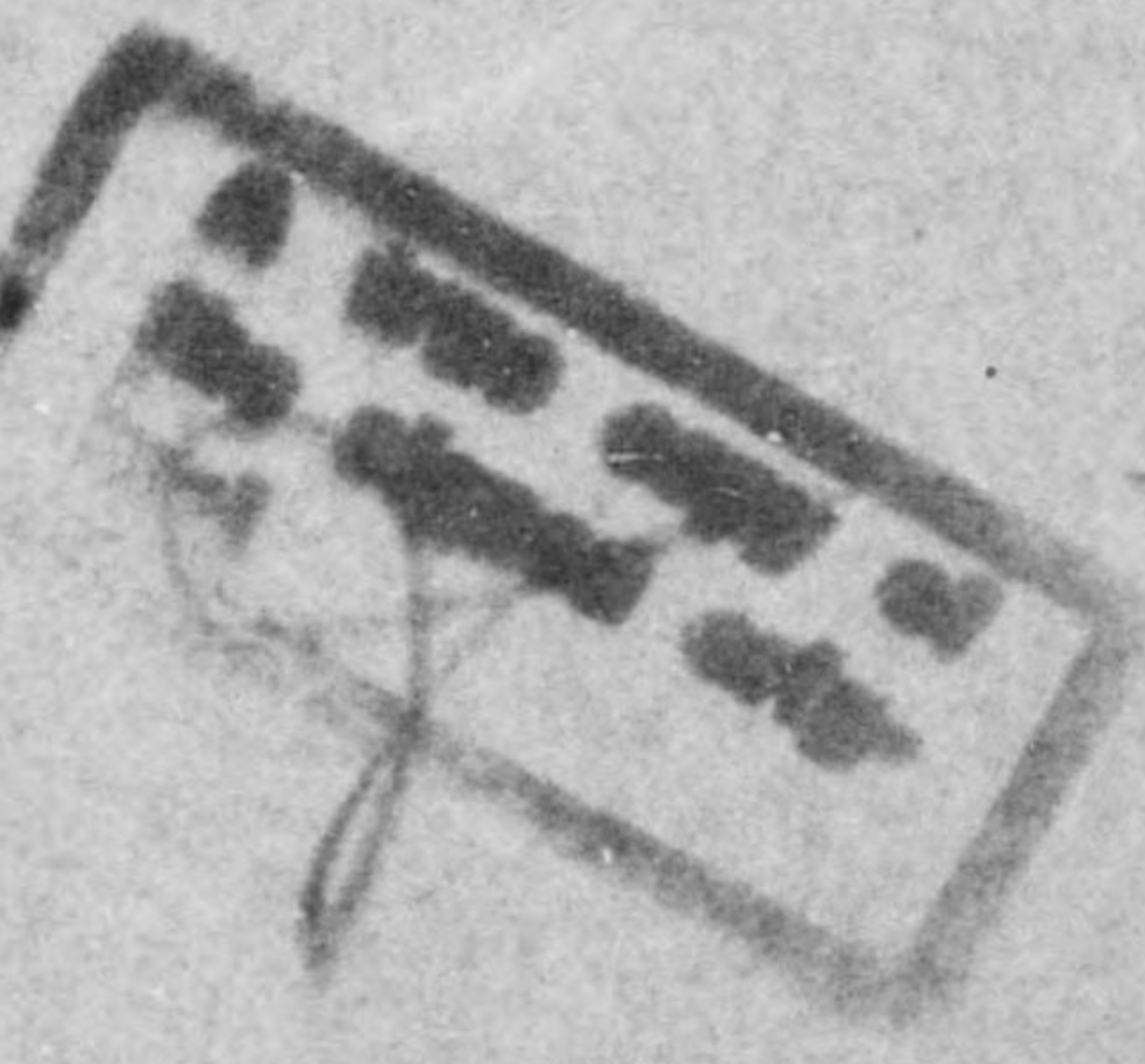
Sincerely yours,

[Handwritten signature]
Max W. Bishop
Chief
Division of Northeast Asian Affairs

212
CR
JUL 6 1949 P.M.

Mr. C. Coudert Nast,
DeWitt, Van Aken, Nast & Chapman,
420 Lexington Avenue,
New York 17, New York.

[Handwritten initials]
FE:NA:MWBishop/pm
NHemmendinger
7/6/49



894.543/6-2449

CS/CC

894.543/6-2449

dep file

DE WITT, VAN AKEN, NAST & CHAPMAN
COUNSELLORS AT LAW

MACDONALD DE WITT
HARRY H. VAN AKEN
C. COUDERT NAST
EDGAR H. A. CHAPMAN
WILLIAM R. LONERGAN
WILLIAM E. FLANNERY

GRAYBAR BUILDING
420 LEXINGTON AVENUE
NEW YORK 17, N.Y.

DEPARTMENT OF STATE
RECEIVED
JUL 14 1949
DIVISION OF
COMMUNICATIONS AND RECORDS

DIVISION OF
NORTHEAST ASIAN AFFAIRS

July 7, 1949

JUL 11 1949 *File*
MU 3/4
DEPARTMENT OF STATE

Mr. Max W. Bishop
Division of Northeast Asian Affairs
Department of State
Washington 25, D. C.

*Trade mark
VOGUE*

Dear Mr. Bishop:

894.543/6-2449

This will acknowledge with thanks receipt of your letter of July 6, 1949 in reply to my letter of June 24th to Mr. Saltzman. In accordance with your recommendations, I shall prepare a letter stating our case in full and will address the same to General Marquat at SCAP and to Colonel Porter in Washington.

We and our client greatly appreciate your suggestion that the Department of State will be glad to give us further assistance if necessary. At the moment, I think that we will be satisfied with making the references suggested in your letter.

Yours very sincerely,

C. Beaudouin

CCN:jd

186837

MAIL ROOM
Sent *OK*
OH
[Signature]
OK

894.543/7-749

JUL 14 1949

894.543/7-749
FILES/H



DEPARTMENT OF THE ARMY
SPECIAL STAFF, UNITED STATES ARMY
WASHINGTON 25, D. C.

DIVISION OF
NORTHEAST ASIAN AFFAIRS

JUL 18 1949

14 July 1949

DEPARTMENT OF STATE

INTERNATIONAL RESOURCES DIVISION

Reply by 7-22
1949 JML

DEPARTMENT OF STATE

To Adams, Corn Products

7-21-49

IR: JMW - pg file

Mr. Max W. Bishop, Chief
Division of Northeast Asian Affairs
Department of State

Dear Mr. Bishop:

With reference to your letter dated 2 June 1949 concern-
ing the complaint of the Corn Products Refining Company, I
am pleased to transmit the following additional information.

The Japanese Government reports that at the general meet-
ing of Nippon Kokusan Kako Kabushiki Kaisha on 23 May 1949
there were present 64 of the 100 shareholders whose holdings
represented 135,700 of the 200,000 shares. It was voted at
the meeting to change the name of the company to Nippon
Shokuhin Kako Kabushiki Kaisha.

Sincerely yours,

EDWARD W. HENDRICK
Lt. Colonel, GSC
Acting Chief, Far Eastern
Affairs Group

894.543/7-1449

188763

ITP
M
M

AUG 19 1949

FILED

OS/H

894 543/7-1449

JUL 29 1949

In reply refer to:
IR

See 894.543/5-1749

My dear Mr. Adams:

Reference is made to our previous correspondence regarding your complaint that a Japanese company was using a trade name similar to that of your Japanese subsidiary, Nippon Kokusan Kogyo Kabushiki Kaisha (Japan Corn Products Refining Co.)

We have now been advised that at the general meeting, on May 23, 1949, of Nippon Kokusan Kako Kabushiki Kaisha, the company against which the complaint was registered, there were present 64 of the 100 shareholders, whose holdings represented 135,700 of the 200,000 shares. At this meeting, it was voted to change the name of the company to Nippon Shokuhin Kako Kabushiki Kaisha (*Japan Food Manufacturing Company*).
Sincerely yours,

894.543/7-1449

CR
JUL 29 1949 P.M.

DK
Donald D. Kennedy
Chief
International Resources Division

(ITP)
Mr. Warren S. Adams,
Corn Products Refining Co.,
17 Battery Place,
New York, New York.

JK
JK
ML

Clearance:
FAONA (Bishop)

894.543/7-1449
CS/H

per
ITP:IR:JMLightman:pg
7-21-49

FAR EASTERN COMMISSION

2516 MASSACHUSETTS AVENUE NW.
WASHINGTON 8, D. C.

Letter to Mr. West
DIVISION OF
NORTHEAST ASIAN AFFAIRS
AUG 5 1949
DEPARTMENT OF STATE
DCK

28 July 1949

My dear Mr. Secretary:

The Terms of Reference of the Far Eastern Commission provide that one of the functions of the Commission should be to "formulate the policies, principles and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished".

It is further provided that when such decisions are made by the Far Eastern Commission, "The United States Government shall prepare directives in accordance with the policy decision of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency."

At the one hundred sixty-second meeting of the Far Eastern Commission held at 2516 Massachusetts Avenue, Northwest, Washington, D. C., on 28 July 1949, the enclosed policy decision entitled "Trade-Marks, Trade Names and Marking of Merchandise In Japan" was approved.

As Secretary General of the Far Eastern Commission, I have been instructed to forward this decision to you on behalf of the Commission in order that an appropriate directive may be prepared and transmitted to the Supreme Commander in accordance with the Terms of Reference.

I am also enclosing a table indicating examples of the application of the second sentence of Paragraph 1 which accompanied the policy decision when it was forwarded to the Commission for action.

The Commission agreed that the text of the enclosed policy should be released to the press after the appropriate directive has been received by the Supreme Commander. In order that we may make our arrangements for release as expeditiously as possible, it would be appreciated if you could notify me when the United States directive has reached Tokyo.

Sincerely yours,

Nelson T. Johnson

Nelson T. Johnson
Secretary General

190669

Enclosure:
Certified Copy of P. 61

The Honorable
Dean Acheson
Secretary of State
Washington, D. C.

894.543/7-2849

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894.543/7-2849

FILED

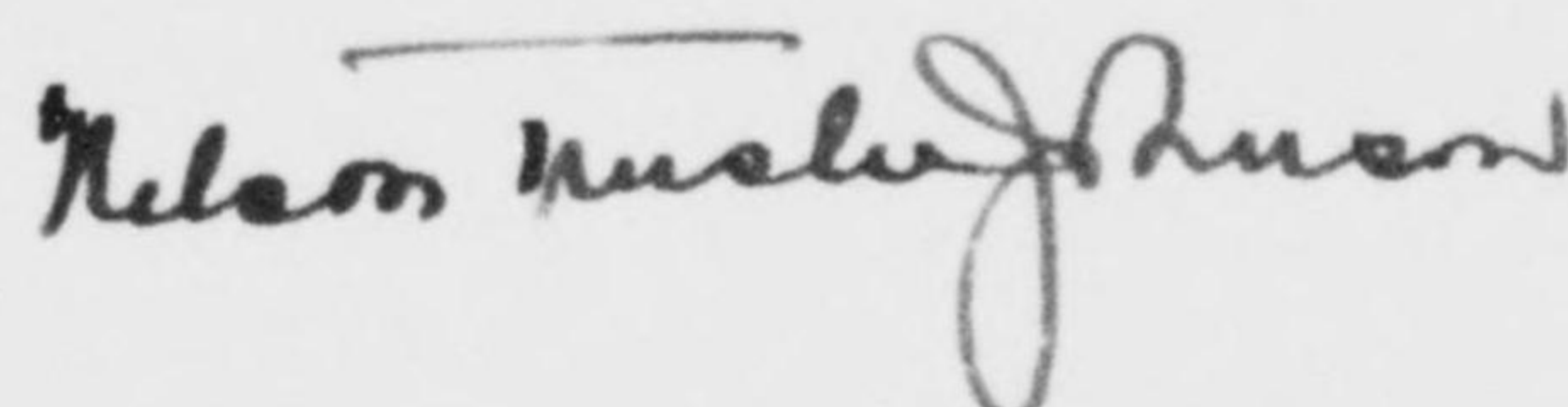
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FAR EASTERN COMMISSION

2516 MASSACHUSETTS AVENUE NW.

WASHINGTON 8, D. C.

The attached copy of a document adopted at the one hundred and sixty-second meeting of the Far Eastern Commission, held at 2516 Massachusetts Avenue, Northwest, Washington, D. C. on 28 July 1949, has been compared with the original text and is hereby certified to be correct.



Nelson T. Johnson
Secretary General

Washington, D. C.
28 July 1949

FW

FEC-RESTRICTEDTRADE-MARKS, TRADE NAMES AND MARKING OF MERCHANDISE IN JAPAN

The Far Eastern Commission decides as a matter of policy the following:

1. Trade-mark rights in Japan which, at the date of the outbreak of hostilities between Japan and the country of the national concerned, belonged to nationals of countries at war with Japan should be restored upon request made within such reasonable period and in such manner as may be provided by the Supreme Commander. Restoration should be made without payment of any fees and should give the owners protection from the date of restoration for a period equivalent to the period of protection to which they were still entitled at the date of the outbreak of hostilities. When, as a result of conditions growing out of World War II, trade-mark rights of the national of a country at war with Japan could not be exercised before the date of outbreak of hostilities between Japan and the country of the national concerned, such rights shall be restored in accordance with the principles of this paragraph for a period equivalent to the period of protection to which those nationals were still entitled at the date when their rights could not be exercised.

2. Applications for trade-marks which were filed in Japan by nationals of countries at war with Japan prior to the date of the outbreak of hostilities, but final action on which had not been completed at the time of the outbreak of hostilities, should, on request of such nationals, be reinstated as pending applications under the original filing date. No fees should be required for reinstatement.

3. A national of a country at war with Japan who had duly filed in any country the first application for a trade-mark not earlier than six months before the effective date of loss of the right to file trade-mark applications in Japan, or the effective date of loss of opportunity to exercise that right as the result of conditions growing out of World War II, should be entitled, within twelve

(months)

FW

months after the date as determined by the Supreme Commander, on which such nationals are again permitted to apply for trade-marks in Japan and to obtain legal services necessary for this purpose, to apply for corresponding rights in Japan with a right of priority based upon the previous first filing of the application.

4. The Japanese Government should adopt and enforce appropriate regulations to prevent registration in the future of marks which are confusingly similar to marks or names of foreign nationals which are used by such foreign nationals anywhere and are well-known in Japan.

5. Nationals of countries members of the United Nations should be permitted, within a reasonable period to be established by SCAP, to apply to the Japanese Bureau of Patents for the cancellation of the registration of any trade-mark registered in Japan which so resembles a trade-mark or trade name previously used by the applicant and which is well-known in Japan as to be likely to cause confusion or mistake or to deceive purchasers. The Japanese Bureau of Patents should deal expeditiously with these applications and, if the facts presented by the applicant are found to be correct, cancel registration of such trade-marks.

6. Steps should be taken to assure that merchandise manufactured in Japan should not be marked or advertised so as to suggest that it is made elsewhere than in Japan.

7. Steps should also be taken to assure that goods exported from Japan are not so marked or otherwise described as to convey a false impression or their quantity, quality or content.

8. Trade-mark rights in Japan which now exist, or which are restored, or which are newly acquired during the period of occupation should be protected, except where the continued protection of such rights is in conflict with policies established in accordance with the Terms of Reference of the Far Eastern Commission.

9. The foregoing provisions should apply, wherever applicable, to trade names and to commercial or corporate names or marks.

FEC-RESTRICTEDA P P E N D I XEXAMPLES OF APPLICATION OF SECOND SENTENCE PARAGRAPH 1

The following table contains examples of the way in which the second sentence of Paragraph 1 of the proposed policy would apply. All of the hypothetical trade-marks listed below are assumed to have been registered for a twenty year period. For the purpose of the table, 30 June 1949 is taken as the effective date of the policy, and 30 June 1950 as the expiration date for the "reasonable period" to be provided by the Supreme Commander for the acceptance of requests for restoration of trade-marks.

"Restoration should . . . give the owners protection from the date of restoration for a period equivalent to the period of protection to which they were still entitled at the date of the outbreak of hostilities."

<u>Date of Registration</u>	<u>Date of Outbreak of Hostilities Between Japan and Country of Owner</u>	<u>Unexpired Term of Trade-mark at Date of Outbreak of Hostilities</u>	<u>Date of Restoration</u>	<u>Expiration Date of Restored Trade-Mark</u>
7 Dec 1931	7 Dec 1941	10 yrs	15 July 1949	14 July 1959
7 June 1922	7 Dec 1941	6 mos.	1 Aug 1949	31 Jan 1950
8 Sept 1926	8 Dec 1941	4 yrs., 9 mos.	15 Oct 1949	14 July 1954
20 March 1933	8 Dec 1941	11 yrs., 3 mos., 14 days	5 Feb 1950	18 May 1961
26 Nov 1929	7 July 1937	12 yrs., 4 mos., 19 days	15 Mar 1950	2 Aug 1962
4 Oct 1940	7 Dec 1941	18 yrs., 9 mos., 28 days	10 Sept 1950	7 July 1969

AUG 8 1949

In reply refer to
NA

RESTRICTED

My dear Mr. West:

The Terms of Reference of the Far Eastern Commission provide that one of the functions of the Commission should be to "formulate the policies, principles, and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished." It is further provided that when such decisions are made by the Far Eastern Commission, "The United States Government shall prepare directives in accordance with policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency."

It will be recalled that in the past the Department of State has forwarded draft directives based on policy decisions approved by the Far Eastern Commission to the Joint Chiefs of Staff through the good offices of the State-Army-Navy-Air Force Coordinating Committee for transmission to General MacArthur. In view of the dissolution of the State-Army-Navy-Air Force Coordinating Committee, it is requested that the enclosed draft directive, prepared on the basis of a policy decision regarding Trade-Marks, Trade Names and Marking of Merchandise in Japan, approved at the one hundred sixty-second meeting of the Far Eastern Commission on July 28, 1949, be forwarded to the Joint Chiefs of Staff for transmission to General MacArthur for his guidance in accordance with the Terms of Reference of the Far Eastern Commission. It is assumed that if the Joint Chiefs of Staff have any question regarding the draft directive

they

Mr. Robert E. West,
Deputy to Assistant Secretary
of the Army,
Department of the Army.

Handwritten initials and signature

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894.543/7-2849

CS/A 894.543/7-2849

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- 2 -

they will refer the matter to the Department of State for clarification before transmitting a directive on the subject.

The Secretary General of the Far Eastern Commission has also requested that the attached appendix to the policy decision be transmitted to General MacArthur for his information.

The Secretary General of the Far Eastern Commission has informed the Secretary of State that the Commission agreed that the text of the policy decision regarding Trade-Marks, Trade Names and Marking of Merchandise in Japan should be released to the press. Therefore, in accordance with normal procedure, acknowledgement of the receipt of the directive by SCAP is requested.

Sincerely yours,

W.W.B.
W. Walton Butterworth
Director for Far Eastern Affairs

Enclosures:

- ✓1. Draft Directive
- ✓2. Appendix

AUG 8 1949

[Handwritten signatures]
FE:NA:ALDunning:aw:clh

8/5/49

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DRAFT DIRECTIVE REGARDING TRADE-MARKS, TRADE
NAMES AND MARKING OF MERCHANDISE IN JAPAN

The following directive prepared by the Department of State to implement the policy adopted by the Far Eastern Commission on July 28, 1949, under the provisions of Paragraph II, A, 1, of its Terms of Reference has been received from the Department of the Army for transmission to you for your guidance in accordance with Paragraph III, 1, of its Terms of Reference:

The Far Eastern Commission decides as a matter of policy the following:

1. Trade-mark rights in Japan which, at the date of the outbreak of hostilities between Japan and the country of the national concerned, belonged to nationals of countries at war with Japan should be restored upon request made within such reasonable period and in such manner as may be provided by the Supreme Commander. Restoration should be made without payment of any fees and should give the owners protection from the date of restoration for a period equivalent to the period of protection to which they were still entitled at the date of the outbreak of hostilities. When, as a result of conditions growing out of World War II, trade-mark rights of the national of a country at war with Japan could not be exercised before the date of outbreak of hostilities between Japan and the country of the national concerned, such rights shall be restored in accordance with the principles of this paragraph for a period equivalent to the period of protection to which those nationals were still entitled at the date when their rights could not be exercised.

2. Applications for trade-marks which were filed in Japan by nationals of countries at war with Japan prior to the date of the outbreak of hostilities, but final action on which had not been completed at the time of the outbreak of hostilities, should, on request of such nationals, be reinstated as pending applications under the original filing date. No fees should be required for reinstatement.

3. A national of a country at war with Japan who had duly filed in any country the first application for a trade-mark not earlier than six months

before

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- 2 -

before the effective date of loss of the right to file trade-mark applications in Japan, or the effective date of loss of opportunity to exercise that right as the result of conditions growing out of World War II, should be entitled, within twelve months after the date as determined by the Supreme Commander, on which such nationals are again permitted to apply for trade-marks in Japan and to obtain legal services necessary for this purpose, to apply for corresponding rights in Japan with a right of priority based upon the previous first filing of the application.

4. The Japanese Government should adopt and enforce appropriate regulations to prevent registration in the future of marks which are confusingly similar to marks or names of foreign nationals which are used by such foreign nationals anywhere and are well-known in Japan.

5. Nationals of countries members of the United Nations should be permitted, within a reasonable period to be established by SCAP, to apply to the Japanese Bureau of Patents for the cancellation of the registration of any trade-mark registered in Japan which so resembles a trade-mark or trade name previously used by the applicant and which is well-known in Japan as to be likely to cause confusion or mistake or to deceive purchasers. The Japanese Bureau of Patents should deal expeditiously with these applications and, if the facts presented by the applicant are found to be correct, cancel registration of such trade-marks.

6. Steps should be taken to assure that merchandise manufactured in Japan should not be marked or advertised so as to suggest that it is made elsewhere than in Japan.

7. Steps should also be taken to assure that goods exported from Japan are not so marked or otherwise described as to convey a false impression or their quantity, quality or content.

8. Trade-mark rights in Japan which now exist, or which are restored, or which are newly acquired during the period of occupation should be protected,

RESTRICTED

except

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- 3 -

except where the continued protection of such rights is in conflict with policies established in accordance with the Terms of Reference of the Far Eastern Commission.

9. The foregoing provisions should apply, wherever applicable, to trade names and to commercial or corporate names or marks.

RESTRICTED

APPENDIXEXAMPLES OF APPLICATION OF SECOND SENTENCE PARAGRAPH 1

The following table contains examples of the way in which the second sentence of Paragraph 1 of the proposed policy would apply. All of the hypothetical trade-marks listed below are assumed to have been registered for a twenty year period. For the purpose of the table, 30 June 1949 is taken as the effective date of the policy, and 30 June 1950 as the expiration date for the "reasonable period" to be provided by the Supreme Commander for the acceptance of requests for restoration of trade-marks.

"Restoration should . . . give the owners protection from the date of restoration for a period equivalent to the period of protection to which they were still entitled at the date of the outbreak of hostilities."

Date of Registration	Date of Outbreak of Hostilities Between Japan and Country of Owner	Unexpired Term of Trade-mark at Date of Outbreak of Hostilities	Date of Restoration	Expiration Date of Restored Trade-mark
7 Dec 1931	7 Dec 1941	10 yrs	15 July 1949	14 July 1959
7 June 1922	7 Dec 1941	6 mos.	1 Aug 1949	31 Jan 1950
8 Sept 1926	8 Dec 1941	4 yrs., 9 mos.	15 Oct 1949	14 July 1954
20 March 1933	8 Dec 1941	11 yrs., 3 mos., 14 days	5 Feb 1950	18 May 1961
26 Nov 1929	7 July 1937	12 yrs., 4 mos., 19 days	15 Mar 1950	2 Aug 1962
4 Oct 1940	7 Dec 1941	18 yrs., 9 mos., 28 days	10 Sept 1950	7 July 1969

DEPARTMENT OF THE ARMY
OFFICE, ASSISTANT SECRETARY
WASHINGTON, D. C.

DIVISION OF 17 August 1949
NORTHEAST ASIAN AFFAIRS
AUG 19 1949

Mr. W. Walton Butterworth
Director for Far Eastern Affairs
Department of State
Washington 25, D. C.

Handwritten notes:
memo to Sec Gen FE C
Apply to Mr. Voorhees
8/22/49
N.A. file for reference
1 copy
DCK

Dear Mr. Butterworth:

Reference is made to your letter of 8 August 1949 to Mr. West, which forwarded a proposed directive for transmission to the Supreme Commander for the Allied Powers concerning trademarks, trade names and marking of merchandise in Japan. The text of this directive has been furnished SCAP by the Joint Chiefs of Staff on 13 August in cable WAR 92834.

The Joint Chiefs of Staff have now made available to us mimeographed copies of the directive, four copies of which are enclosed herewith. Certified copy number 1 is forwarded for transmittal by the Department of State to the Far Eastern Commission. The remaining copies are for your files.

It is requested that this office be notified of the date on which copy number 1 is filed with the Secretary of the Far Eastern Commission.

Sincerely yours,

Signature of Tracy S. Voorhees
TRACY S. VOORHEES
Assistant Secretary of the Army

191895 Encls
Directive Serial No. 105,
cys 1 thru 4.

AUG 31 1949
FILED

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Dist. *ab*

894.543/8-1749

894.543/8-1749

17 August 1949

Mr. W. Walton Butterworth
Director for Far Eastern Affairs
Department of State
Washington 25, D. C.

Dear Mr. Butterworth:

Reference is made to your letter of 8 August 1949 to Mr. West, which forwarded a proposed directive for transmission to the Supreme Commander for the Allied Powers concerning trademarks, trade names and marking of merchandise in Japan. The text of this directive has been furnished SCAP by the Joint Chiefs of Staff on 13 August in cable WAR 92834.

The Joint Chiefs of Staff have now made available to us mimeographed copies of the directive, four copies of which are enclosed herewith. Certified copy number 1 is forwarded for transmittal by the Department of State to the Far Eastern Commission. The remaining copies are for your files.

It is requested that this office be notified of the date on which copy number 1 is filed with the Secretary of the Far Eastern Commission.

Sincerely yours,

TRACY S. VOORHEES
Assistant Secretary of the Army

Encls
Directive Serial No. 105,
cys 1 thru 4.

2

Serial No. 105

COPY NO. _____

13 August 1949

DIRECTIVE TO THE SUPREME COMMANDER FOR THE ALLIED POWERS

TRADEMARKS, TRADE NAMES AND MARKING OF
MERCHANDISE IN JAPAN

The following directive, Serial No. 105, regarding trade-
marks, trade names and marking of merchandise in Japan, pre-
pared by the Department of State to implement the policy adopted
by the Far Eastern Commission on 28 July 1949 under the pro-
visions of Paragraph II, A, 1, of its terms of reference has
been received from the Department of the Army for transmission
to you for your guidance in accordance with Paragraph III, 1,
of its terms of reference:

"The Far Eastern Commission decides as a matter of policy
the following:

"1. Trademark rights in Japan which, at the date of the
outbreak of hostilities between Japan and the country of
the national concerned, belonged to Nationals of countries
at war with Japan should be restored upon request made
within such reasonable period and in such manner as may be
provided by the Supreme Commander. Restoration should be
made without payment of any fees and should give the
owners protection from the date of restoration for a
period equivalent to the period of protection to which
they were still entitled at the date of the outbreak of
hostilities. When, as a result of conditions growing out
of World War II, trademark rights of the national of a

FW 894. 543/8-17-49

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Rev.	<i>06</i>
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country at war with Japan could not be exercised before the date of outbreak of hostilities between Japan and the country of the national concerned, such rights shall be restored in accordance with the principles of this paragraph for a period equivalent to the period of protection to which those nationals were still entitled at the date when their rights could not be exercised.

"2. Applications for trademarks which were filed in Japan by Nationals of countries at war with Japan prior to the date of the outbreak of hostilities, but final action on which had not been completed at the time of the outbreak of hostilities, should, on request of such nationals, be reinstated as pending applications under the original filing date. No fees should be required for reinstatement.

"3. A National of a country at war with Japan who had duly filed in any country the first application for a trademark not earlier than 6 months before the effective date of loss of the right to file trademark applications in Japan, or the effective date of loss of opportunity to exercise that right as the result of conditions growing out of World War II, should be entitled, within 12 months after the date as determined by the Supreme Commander, on which such nationals are again permitted to apply for trademarks in Japan and to obtain legal services necessary for this purpose, to apply for corresponding rights in Japan with a right of priority based upon the previous first filing of the application.

"4. The Japanese Government should adopt and enforce appropriate regulations to prevent registration in the future of marks which are confusingly similar to marks or names of foreign nationals which are used by such foreign nationals anywhere and are well-known in Japan.

"5. Nationals of countries members of the United Nations should be permitted, within a reasonable period to be established by SCAP, to apply to the Japanese Bureau of Patents for the cancellation of the registration of any trademark registered in Japan which so resembles a trademark or trade name previously used by the applicant and which is well-known in Japan as to be likely to cause confusion or mistake or to deceive purchasers. The Japanese Bureau of Patents should deal expeditiously with these applications and, if the facts presented by the applicant are found to be correct, cancel registration of such trademarks.

"6. Steps should be taken to assure that merchandise manufactured in Japan should not be marked or advertised so as to suggest that it is made elsewhere than in Japan.

"7. Steps should also be taken to assure that goods exported from Japan are not so marked or otherwise described as to convey a false impression of their quantity, quality or content.

"8. Trademark rights in Japan which now exist, or which are restored, or which are newly acquired during the period of occupation should be protected, except where the continued protection of such rights is in conflict with policies established in accordance with the terms of reference of the Far Eastern Commission.

"9. The foregoing provisions should apply, wherever applicable, to trade names and to commercial or corporate names or marks."

Serial No. 105

COPY NO. 3

13 August 1949

DIRECTIVE TO THE SUPREME COMMANDER FOR THE ALLIED POWERS

TRADEMARKS, TRADE NAMES AND MARKING OF
MERCHANDISE IN JAPAN

The following directive, Serial No. 105, regarding trademarks, trade names and marking of merchandise in Japan, prepared by the Department of State to implement the policy adopted by the Far Eastern Commission on 28 July 1949 under the provisions of Paragraph II, A, 1, of its terms of reference has been received from the Department of the Army for transmission to you for your guidance in accordance with Paragraph III, 1, of its terms of reference:

"The Far Eastern Commission decides as a matter of policy the following:

"1. Trademark rights in Japan which, at the date of the outbreak of hostilities between Japan and the country of the national concerned, belonged to Nationals of countries at war with Japan should be restored upon request made within such reasonable period and in such manner as may be provided by the Supreme Commander. Restoration should be made without payment of any fees and should give the owners protection from the date of restoration for a period equivalent to the period of protection to which they were still entitled at the date of the outbreak of hostilities. When, as a result of conditions growing out of World War II, trademark rights of the national of a

country at war with Japan could not be exercised before the date of outbreak of hostilities between Japan and the country of the national concerned, such rights shall be restored in accordance with the principles of this paragraph for a period equivalent to the period of protection to which those nationals were still entitled at the date when their rights could not be exercised.

"2. Applications for trademarks which were filed in Japan by Nationals of countries at war with Japan prior to the date of the outbreak of hostilities, but final action on which had not been completed at the time of the outbreak of hostilities, should, on request of such nationals, be reinstated as pending applications under the original filing date. No fees should be required for reinstatement.

"3. A National of a country at war with Japan who had duly filed in any country the first application for a trademark not earlier than 6 months before the effective date of loss of the right to file trademark applications in Japan, or the effective date of loss of opportunity to exercise that right as the result of conditions growing out of World War II, should be entitled, within 12 months after the date as determined by the Supreme Commander, on which such nationals are again permitted to apply for trademarks in Japan and to obtain legal services necessary for this purpose, to apply for corresponding rights in Japan with a right of priority based upon the previous first filing of the application.

"4. The Japanese Government should adopt and enforce appropriate regulations to prevent registration in the future of marks which are confusingly similar to marks or names of foreign nationals which are used by such foreign nationals anywhere and are well-known in Japan.

"5. Nationals of countries members of the United Nations should be permitted, within a reasonable period to be established by SCAP, to apply to the Japanese Bureau of Patents for the cancellation of the registration of any trademark registered in Japan which so resembles a trademark or trade name previously used by the applicant and which is well-known in Japan as to be likely to cause confusion or mistake or to deceive purchasers. The Japanese Bureau of Patents should deal expeditiously with these applications and, if the facts presented by the applicant are found to be correct, cancel registration of such trademarks.

"6. Steps should be taken to assure that merchandise manufactured in Japan should not be marked or advertised so as to suggest that it is made elsewhere than in Japan.

"7. Steps should also be taken to assure that goods exported from Japan are not so marked or otherwise described as to convey a false impression of their quantity, quality or content.

"8. Trademark rights in Japan which now exist, or which are restored, or which are newly acquired during the period of occupation should be protected, except where the continued protection of such rights is in conflict with policies established in accordance with the terms of reference of the Far Eastern Commission.

"9. The foregoing provisions should apply, wherever applicable, to trade names and to commercial or corporate names or marks."

Serial No. 1054
COPY NO. _____

13 August 1949

DIRECTIVE TO THE SUPREME COMMANDER FOR THE ALLIED POWERSTRADEMARKS, TRADE NAMES AND MARKING OF
MERCHANDISE IN JAPAN

The following directive, Serial No. 105, regarding trademarks, trade names and marking of merchandise in Japan, prepared by the Department of State to implement the policy adopted by the Far Eastern Commission on 28 July 1949 under the provisions of Paragraph II, A, 1, of its terms of reference has been received from the Department of the Army for transmission to you for your guidance in accordance with Paragraph III, 1, of its terms of reference:

"The Far Eastern Commission decides as a matter of policy the following:

"1. Trademark rights in Japan which, at the date of the outbreak of hostilities between Japan and the country of the national concerned, belonged to Nationals of countries at war with Japan should be restored upon request made within such reasonable period and in such manner as may be provided by the Supreme Commander. Restoration should be made without payment of any fees and should give the owners protection from the date of restoration for a period equivalent to the period of protection to which they were still entitled at the date of the outbreak of hostilities. When, as a result of conditions growing out of World War II, trademark rights of the national of a

country at war with Japan could not be exercised before the date of outbreak of hostilities between Japan and the country of the national concerned, such rights shall be restored in accordance with the principles of this paragraph for a period equivalent to the period of protection to which those nationals were still entitled at the date when their rights could not be exercised.

"2. Applications for trademarks which were filed in Japan by Nationals of countries at war with Japan prior to the date of the outbreak of hostilities, but final action on which had not been completed at the time of the outbreak of hostilities, should, on request of such nationals, be reinstated as pending applications under the original filing date. No fees should be required for reinstatement.

"3. A National of a country at war with Japan who had duly filed in any country the first application for a trademark not earlier than 6 months before the effective date of loss of the right to file trademark applications in Japan, or the effective date of loss of opportunity to exercise that right as the result of conditions growing out of World War II, should be entitled, within 12 months after the date as determined by the Supreme Commander, on which such nationals are again permitted to apply for trademarks in Japan and to obtain legal services necessary for this purpose, to apply for corresponding rights in Japan with a right of priority based upon the previous first filing of the application.

"4. The Japanese Government should adopt and enforce appropriate regulations to prevent registration in the future of marks which are confusingly similar to marks or names of foreign nationals which are used by such foreign nationals anywhere and are well-known in Japan.

"5. Nationals of countries members of the United Nations should be permitted, within a reasonable period to be established by SCAP, to apply to the Japanese Bureau of Patents for the cancellation of the registration of any trademark registered in Japan which so resembles a trademark or trade name previously used by the applicant and which is well-known in Japan as to be likely to cause confusion or mistake or to deceive purchasers. The Japanese Bureau of Patents should deal expeditiously with these applications and, if the facts presented by the applicant are found to be correct, cancel registration of such trademarks.

"6. Steps should be taken to assure that merchandise manufactured in Japan should not be marked or advertised so as to suggest that it is made elsewhere than in Japan.

"7. Steps should also be taken to assure that goods exported from Japan are not so marked or otherwise described as to convey a false impression of their quantity, quality or content.

"8. Trademark rights in Japan which now exist, or which are restored, or which are newly acquired during the period of occupation should be protected, except where the continued protection of such rights is in conflict with policies established in accordance with the terms of reference of the Far Eastern Commission.

"9. The foregoing provisions should apply, wherever applicable, to trade names and to commercial or corporate names or marks."

AUG 25 1949

In reply refer to
NA

Dear Mr. Voorhees:

The receipt is acknowledged of your letter of August 17, 1949, enclosing copies of a directive, Serial No. 105, Trademarks, Trade Names, and Marking of Merchandise in Japan, which has been sent to the Supreme Commander for the Allied Powers by the Joint Chiefs of Staff.

The certified copy No. 1 of the directive has been sent to the Secretary General of the Far Eastern Commission for the files of the Commission as of this date.

Sincerely yours,

[Signature]
John M. Allison
Deputy Director for
Far Eastern Affairs

894.543/8-1749

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TO	DR. [unclear]
FROM	
SUBJECT	
DATE	
CLASS.	
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[Handwritten initials: ap, at, nr]

AUG 24 1949 P.M.
AUG 25 1949

A true copy of
the signed original

The Honorable
Tracy S. Voorhees,
Under Secretary of the Army,
Department of the Army.

[Handwritten initials]
FE:NA:HMMoseley:db 8/22/49

894.543/8-1749
CS/H

AUG 25 1949

In reply refer to
NA

UNCLASSIFIED

MEMORANDUM FOR THE SECRETARY GENERAL,
FAR EASTERN COMMISSION

There is enclosed herewith a certified copy of
a directive, Serial No. 105, Trademarks, Trade Names,
and Marking of Merchandise in Japan, to be filed with
the Far Eastern Commission under the provisions of
paragraph III, 4, of its Terms of Reference.

894.543/8-1749

[Signature]
John M. Allison
Deputy Director for
Far Eastern Affairs

Enclosure:

Copy No. 1 (certified)
of Directive to SCAP,
Serial No. 105.

AUG 25 1949

A true copy of
the signed orig-
inal

CS/H

894.543/8-1749

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DCB - FE Unit

Ancl. *al*

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[Signature]

FE:NA:HWMoseley:db 8/22/49

A true copy of
the signed origi-
nal. S/S-CR:2K

LAWRENCE LANGNER
JOHN PARRY
HERBERT LANGNER
GEORGE VON GEHR
LEONARD J. ROBBINS
STEPHEN P. LADAS
S. DELVALLE GOLDSMITH
SIDNEY DESCHAMPS
VERNON A. PETERSON

TELEPHONE MURRAY HILL 9-6343

LANGNER, PARRY, CARD & LANGNER

INTERNATIONAL PATENT AND TRADE MARK
SOLICITORS AND AGENTS
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NEW YORK 17, N.Y.

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M. DESCHAMPS
R. E. BUCKNAM
E. G. SACHS
E. C. STREETER, JR.
J. L. HERNANDEZ
H. P. PECK
E. BOWDEN
L. C. BARRETT
R. W. DE MARINIS

JML

SEP 12 1949

*Do you have
info to answer the
questions?*

August 26, 1949

Roger C. Dixon, Esq.
Acting Assistant Chief
International Resources Division
Department of State
Washington, D. C.

INTERNATIONAL RESOURCES DIVISION

*Reply to 9-9 JML
AUG 29 1949*

DEPARTMENT OF STATE

Dear Mr. Dixon:

1. Thank you very much for your letter of August 18 enclosing press release relating to the Far Eastern Commission's policy on Trade-Marks, Trade Names and Marking of Merchandise, in Japan.
2. I assume that the Supreme Commander in his directive will set the time limits within which the provisions under 1, 2, 3 and 5 of the policy may be availed of. I shall appreciate it very much if you will advise us when this has been done.
3. I further assume that provision 1, although it does not explicitly so state, covers also the case of renewal of trade-mark registrations by American nationals which may have expired after December 7, 1941 and which could not have been renewed until this time. As you will appreciate, in such case there is no question of restoring for the unexpired period, but rather reinstating the registration as of the date of its expiration and renewing it now as of the date of the expiration.
4. Does this provision mean that if an American mark registered, for instance, in 1922 and which was due for renewal in 1942 and could not be renewed, will now be reinstated as of the date of its expiration (thus preserving the priority of 1922) and the renewal term of 20 years will be computed from the actual date renewal is applied for, for instance, November 15, 1949?
5. Thousands of American trade-marks are in that condition, and I assume that this will be explicitly taken care of by the directive of the Supreme Commander.

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Sincerely yours

LANGNER PARRY CARD & LANGNER

By *Th. U. Co.*

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E.O. 11652, Sec 3(E) and 5(D) or (E) NNDG# 760050

FORM LPCL 2

LANGNER, PARRY, CARD & LANGNER

International Patent and Trade Mark

Solicitors and Agents

120 EAST 41st STREET

NEW YORK 17, N. Y.



SEP 12 1949

My dear Mr. Ladas:

Reference is made to your letter of August 26, 1949 acknowledging receipt of my letter of August 18, 1949, enclosing a press release relating to the Far Eastern Commission's policy on trade-marks, trade names and marketing of merchandise in Japan.

We anticipate that the Supreme Commander will shortly issue a directive setting forth the time limit within which the rights established under this policy may be sought. When a copy of this directive is received, it will be published in the Official Gazette of the Patent Office.

According to the policy decision of the Far Eastern Commission, trade-mark rights in Japan which at the outbreak of hostilities belonged to nationals of countries at war with Japan should be restored upon request for a period equivalent to the period of protection to which they were still entitled at the date of the outbreak of hostilities. Thus, a trade-mark registered in 1924 which would have normally expired on December 7, 1944, will be restored on the date of application for restoration, for example, November 15, 1949, with a period of three years to run. At the end of this time, that is, November 15, 1952, the owner of the trade-mark registration must renew his registration in accordance with the Japanese trade-mark law, and the renewal period will start on November 16, 1949. In all cases except trade-marks which normally would have expired on December 7, 1941, there will be an additional

period

Mr. Stephen P. Ladas,
Langner, Parry, Card & Langner,
120 East 41st Street,
New York 17, New York.

DOB - ITP Unit

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- 2 -

period for the trade-mark registration to run after the date of restoration. It is assumed that SCAP will make the appropriate administrative regulations which will permit trade-mark owners whose trade-marks will expire within a short time after the restoration to apply for renewal at the same time as the application for restoration is submitted. However, it will be necessary to pay the renewal fee. With respect to the priority date of the trade-mark registration, it is expected that in all cases the first priority date will be preserved, since restoration as of the outbreak of hostilities means that there will be no break in the continuity of the trade-mark registration.

I hope that this will clear up the questions you have concerning the FEC policy, but if this explanation is not adequate, please do not hesitate to communicate with me further.

Sincerely yours,

Roger C. Dixon
Acting Assistant Chief
International Resources Division

ful
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9-9-49

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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

Action Assigned to RCB 185

Action Taken no

Date of Action 7/7

Action of the Symbol 12

Name of Officer JAG

United States DCR Political Adviser
for Japan

894.543/ 9-1749

INTERNATIONAL RESOURCES DIVISION

SEP 25 1949

DEPARTMENT OF STATE

Tokyo, September 17, 1949.

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ACTION No. 647
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Subject: Transmission of SCAP Memorandum for Japanese Government regarding Trade-Marks, Trade Names, and Marking of Merchandise in Japan.

1/ The Acting Political Adviser has the honor to enclose a copy of a memorandum dated September 9, 1949, sent by General Headquarters, Supreme Commander for the Allied Powers, to the Japanese Government on the subject of "Trade-Marks, Trade Names, and Marking of Merchandise in Japan."

This memorandum, designated as SCAPIN 2042, directs the Japanese Government to restore prewar trade-mark rights to nationals of countries at war with Japan and to take steps to ensure that trade-marks of United Nations nationals are adequately protected in the future. SCAPIN 2042 also requires that merchandise manufactured in and/or exported from Japan will not be marked with false or misleading marks of origin, quality, quantity or content.

2/ As of additional interest, there is enclosed a copy of a press release entitled "Trade-Marks to be Restored" and issued September 12, 1949, by the Public Information Office, General Headquarters, Far East Command, Tokyo.

The implications of SCAPIN 2042 are obvious to those familiar with prewar Japanese disregard for trade-mark rights owned by foreign nationals, and the all too common practice of wilfully marking merchandise in an effort to mislead the buyer as to the country of origin. The drastic changes in procedure and attitude required by this directive are urgently necessary in Japan's own interest, looking toward her accession to the General Agreement on Tariffs and Trade and membership in the International Trade Organization.

Translations of all Japanese laws, regulations, et cetera, promulgated to carry out the provisions of this SCAPIN, will be transmitted to the Department when available.

894.543/9-1749

FAP

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SEP 11 1949

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CAUTION COPY

RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

Tokyo's Despatch No. 647,
September 17, 1949.

- 2 -

Enclosures:

- 1/ Copy of SCAPIN 2042 dated September 9, 1949, on subject "Trade-Marks, Trade Names, and Marking of Merchandise in Japan;"
- 2/ Copy of press release entitled "Trade-Mark Rights to be Restored," issued September 12, 1949, by Public Information Office, General Headquarters, Far East Command, Tokyo.

Copies to: American Embassy, London
American Embassy, Manila
American Consulate General, Hong Kong
American Consulate General, Singapore

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CHBoehringer:pf

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Enclosure No. 1 to Despatch No. 647 dated September 17, 1949, from the United States Political Adviser for Japan, Tokyo, on the subject "Transmission of SCAP Memorandum for Japanese Government regarding Trade-Marks, Trade Names, and Marking of Merchandise in Japan".

(COPY)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 072 (9 Sep 49) CPC/FP
SCAPIN 2042

9 September 1949

MEMORANDUM FOR: THE JAPANESE GOVERNMENT

SUBJECT: Trade-Marks, Trade Names and Marking of Merchandise
in Japan

1. The Japanese Government is directed to provide and enforce the necessary procedures to implement the provisions of this memorandum relating to trade-marks, trade names, and marking of merchandise in Japan.

2. Trade-mark rights in Japan which, at the date of outbreak of hostilities between Japan and the country of the national concerned, belonged to nationals of countries at war with Japan and which have since been cancelled or invalidated or have lapsed by reason of expiration of term shall be revalidated and restored on request of the former owners or their successors, without payment of any fees, and shall remain in force from the date of such restoration for a period equivalent to the period of protection to which they were still entitled at the date of the outbreak of hostilities.

3. When, as a result of conditions growing out of World War II, trade-mark rights of the national of a country at war with Japan could not be exercised before the date of the outbreak of hostilities between Japan and the country of the national concerned, such rights shall be restored in accordance with the principles of paragraph 2 above for a period equivalent to the period of protection to which such national was still entitled at the date when his rights could not be exercised.

4. Any actions or procedures taken with respect to applications for registration of trade-marks in Japan by nationals of countries at war with Japan or with respect to demands for trial or appeals against rejection of claims for registrations of trade-marks in which such nationals comprised one or both of the parties, and on which final action had not been taken at the date of the outbreak of hostilities,

shall on

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Enclosure No. 1
to Tokyo's Despatch No. 647,
September 17, 1949.

- 2 -

shall on request of such nationals, be declared to be null and void and the status of such applications, demands for trials or appeals shall be considered to be the same as it was at the outbreak of hostilities. Similar provisions will be made in respect of applications, demands for trials or appeals made for and on behalf of such nationals after the outbreak of hostilities. No payment of any special fees shall be required for such reinstatement.

5. A national of a country at war with Japan who had duly filed in any country the first application for a trade-mark registration not earlier than six months before the outbreak of hostilities, or the date of loss of opportunity to file an application in Japan as the result of conditions growing out of World War II, shall be entitled, upon request, to apply for corresponding registration in Japan with a right of priority based upon the previous first filing of the application.

6. The Japanese Government shall adopt and strictly enforce appropriate regulations to prevent registration in Japan of marks or trade names which are confusingly similar to marks or names of foreign nationals which are used by such foreign nationals anywhere and are well-known in Japan.

7. Nationals of countries members of the United Nations shall be permitted to apply to the Japanese Patent Agency for the cancellations of the registrations of any trade-marks registered in Japan which so resemble marks or names previously used by the applicants and which are well-known in Japan, as to be likely to cause confusion or mistake or to deceive purchasers. The Japanese Patent Agency shall deal expeditiously with such applications and, if the facts presented by the applicants are found to be correct, shall cancel registrations of such trade-marks and allow registrations of the applicants' trade-marks if they so desire.

8. The Japanese Government is further directed to take positive steps to:

a. Assure that merchandise manufactured in and/or exported from Japan is not marked or advertised so as to suggest that it is made or processed elsewhere than in Japan.

b. Assure that goods made in or exported from Japan are not so marked or otherwise described as to convey a false impression of their quantity, quality or content.

9. Requests in accordance with paragraphs 2, 3, 4, 5, or 7 above may be made within one (1) year from the date of the legislation which will carry into effect the provisions of this memorandum. In addition, a reasonable time thereafter shall be permitted such owners to perform all legally required acts in connection with restoration, revalidation, use, and/or maintenance of their rights which may not have been performed since the loss of opportunity to exercise such rights.

10. The

UNCLASSIFIED

Enclosure No. 1
to Tokyo's Despatch No. 647,
September 17, 1949.

- 3 -

10. The foregoing provisions shall apply, whenever applicable, to trade names and to commercial or corporate names or marks.

11. The Japanese Government will submit to General Headquarters, Supreme Commander for the Allied Powers for approval, not later than thirty (30) days from the date hereof, proposed legislation, cabinet orders, and/or ministerial orders setting out the laws, procedures, and practices intended to carry out the provisions of this memorandum.

FOR THE SUPREME COMMANDER:

R. M. LEVY,
Colonel, AGD,
Adjutant General.

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Enclosure No. 2 to Despatch No. 647 dated September 17, 1949, from the United States Political Adviser for Japan, Tokyo, on the subject "Transmission of SCAP Memorandum for Japanese Government regarding Trade-Marks, Trade Names, and Marking of Merchandise in Japan".

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(Copy of press release issued September 12, 1949, by Public Information Office, General Headquarters, Far East Command, Tokyo)

TRADE-MARK RIGHTS TO BE RESTORED

The Japanese government has been directed to restore prewar trade-mark rights to nationals of countries at war with Japan and to take steps to ensure that trade-marks of United Nations nationals are adequately protected in the future.

The directive, issued today by GHQ, SCAP, also requires that merchandise will not be marked with false or misleading marks of origin, quality, quantity or content.

Another important provision of the directive will enable nationals of countries at war with Japan who registered new trade-marks in any country during the war, but who could not register them in Japan because of circumstances arising out of World War II, now to file corresponding applications in Japan with a right of priority based upon the date of the first foreign application. These applications will thus have priority of date over any intervening registration by a Japanese national.

For the guidance of nationals of countries at war with Japan and United Nations nationals having an interest in these matters it was stated that further information concerning restoration of prewar registrations may be obtained from the Civil Property Custodian, whereas officials of Economic and Scientific Section will advise on other aspects of the policy.

The directive specifically provides:

- 1) Trade-mark rights in Japan belonging to nationals of countries at war with Japan and which expired or were cancelled because of circumstances arising from World War II shall be restored on request.
- 2) Upon restoration these rights will remain in force for a period equivalent to the period of protection to which they were entitled at the date of outbreak of hostilities or, in some circumstances, at the date when the rights could not be exercised.
- 3) Upon request, prewar pending applications of such nationals shall be reinstated and processed in the usual manner.

4) A national

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OCT 1 1949

Enclosure No. 2
to Tokyo's Despatch No. 647,
September 17, 1949.

- 2 -

4) A national of a country at war with Japan who had filed the first application for a trade-mark in any country not earlier than six months before the date of loss of opportunity to file a corresponding application in Japan, shall be entitled to apply for registration in Japan with a right of priority based on the previous first filing in a foreign country.

5) The Japanese government shall adopt and enforce regulations to prevent future registrations of marks which are similar to marks or names of foreign nationals which are used by them anywhere and are well-known in Japan. United Nations nationals shall be permitted, within a reasonable time, to apply for cancellations of trade-marks registered in Japan which so resemble trade-marks or trade names previously used by the petitioners and well-known in Japan, as to be likely to cause confusion or mistake or to deceive purchasers.

6) Merchandise manufactured in Japan or exported from Japan shall not be marked so as to suggest it is made elsewhere than in Japan and shall not convey any false impression of their quantity, quality, or content.

7) The foregoing provisions shall apply, wherever applicable, to trade names and to commercial or corporate names or marks.

8) The various requests must be made by nationals of countries at war with Japan or other United Nations nationals within 12 months after the promulgation of legislation designed to carry the provisions of this directive into effect.

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TRADE ACTIVITIES, INC.
347 MADISON AVENUE
NEW YORK 17, N. Y.

October 19, 1949

OCT 25 1949

Hon. Roger C. Dixon, Acting Ass't Chief
International Resources Division
Department of State
Washington, D. C.

Re: JAPAN - Memorandum SCAPIN No. 2042
of September 9, 1949

Dear Mr. Dixon:

We would appreciate your sending us, if available, a copy of Memorandum SCAPIN No. 2042 of September 9, 1949, issued by General Headquarters, Supreme Commander of Allied Powers in Japan.

The above matter relates to trade-mark registrations and trade-marks owned by nationals of the Allied countries.

Thanking you for your attention to the above, we are

Yours very truly,
TRADE ACTIVITIES, INC.

Edmund Bell Koch
Bill Scott

EDS:ko

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Direction to DCIA *File*

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OCT 25 1949

In reply refer to
BP

My dear Mr. Scotti:

The receipt is acknowledged of your letter of October 19, 1949 requesting a copy of Memorandum SCAPIN No. 2042 of September 9, 1949.

The memorandum to which you refer is a directive from SCAP to the Japanese Government, the first paragraph of which reads as follows:

"The Japanese Government is directed to provide and enforce the necessary procedures to implement the provisions of this memorandum relating to trade-marks, trade names, and marking of merchandise in Japan."

The memorandum then sets forth the provisions of the Far Eastern Commission policy of August 16, 1949 concerning "Trade-marks, Trade Names and Marking of Merchandise in Japan", which I sent to you on August 22, 1949.

The final paragraph of SCAPIN 2042 states that:

"The Japanese Government will submit to General Headquarters, Supreme Commander for the Allied Powers for approval, not later than thirty (30) days from the date hereof, proposed legislation, cabinet orders, and/or ministerial

orders

Mr. Edward Dill Scotti,
Trade Activities, Inc.,
347 Madison Avenue,
New York 17, New York.

DOR - ITP Unit	
.....	<i>R.R.M.</i>
.....	<i>J.H.</i>
.....	

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CS/H

-2-

orders setting out the laws, procedures, and practices intended to carry out the provisions of this memorandum."

When these orders and regulations are issued by the Japanese Government and SCAP, we shall send you a copy.

Sincerely yours,

RD

Roger C. Dixon
Acting Chief, International
Business Practices Policy Staff

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OCT 25 1949 P.M.

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IN REPLY, PLEASE REFER TO FILE NUMBER

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OFFICE OF ALIEN PROPERTY
DEPARTMENT OF JUSTICE
WASHINGTON 25, D. C.

INTERNATIONAL RESOURCES DIVISION

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File No. F-39-1150

October 31, 1949

File

Office of the Undersecretary of Army
Washington 25, D. C.

Attention: Colonel Edward W. Hendrick
Chief, Far Eastern Affairs Group

Sir:

Reference is made to a letter dated February 28, 1949 from Colonel T. S. Riggs, then Deputy Chief, Civil Affairs Division of the Army, concerning the trademark "Aji-No-Moto". In this letter he stated, among other things:

"It is important, therefore, to the objectives of the occupation of Japan that distributors of Ajinomoto in Hawaii and the United States be permitted to use the name 'Aji-No-Moto' in the distribution of products purchased from Ajinomoto Company, Inc."

P

In reply, in a letter dated July 29, 1949 addressed to Colonel Riggs, we advised that we had issued a revocable, non-exclusive, royalty-free license to use the trademark "Aji-No-Moto" to Wilbur-Ellis Company, San Francisco, California, and that we are prepared to issue similar licenses to other importers of the goods who may obtain mono sodium glutamate from Ajinomoto Company, Inc., Tokyo. We thereafter issued a license to use the trademark "Aji-No-Moto" to T. Sumida, Ltd., of Honolulu, Hawaii, which company is approximately 90% owned by this Office, on the understanding that they would obtain the goods on which it was used from Ajinomoto Company, Inc.

In December of 1947 we issued a number of revocable, non-exclusive, royalty-free licenses to various firms to import food products marked with the "Geisha" brand trademark. Our decision to issue these licenses was influenced by a letter from Brigadier General W. M. Marquat, Chief of Economic and Scientific Section of the General Headquarters of SCAP, to Mr. George A. Jensen of Jensen McLean Company, Inc., one of the applicants for license. In his letter General Marquat said, "Present restrictions prohibit contracts between Japanese manufacturers and suppliers and any buyers outside Japan. Therefore, it is impossible at the present time for Nozaki Brothers legally to restore prewar arrangements for exclusive distribution of their product. Boeki-Cho is investigating Japanese anti-trust

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Att: Col. Edward W. Hendrick

- 2 -

October 31, 1949

legislation to determine the right of this government agency to become involved in international contracts of this nature."

There has been, as you no doubt know, discussion of a proposed agreement by the Far Eastern Commission which would require the replacement of old Japanese trademarks. At that time such information as we had left with us the impression that Japanese firms would not be permitted to enter into exclusive sales agency agreements with foreign firms.

Under date of September 16, 1949, Mr. Gross, Manager of the Office of Alien Property in Honolulu, reported that T. Sumida & Company, Ltd. had received information from its purchasing agent Sumida Bussan Kabushiki Kaisha of Tokyo, Japan, to the effect that Ajinomoto Company, Inc. has entered into an exclusive sales agreement with Wilbur-Ellis Company, and will not sell directly to T. Sumida & Company, on the ground that SCAP has adopted a policy removing its ban on exclusive sales agreements on and after August 15, 1949. Mr. Gross advised that the terms on which Wilbur-Ellis Company will sell the product to companies desiring to handle Ajinomoto in the United States and Hawaii are that they pay Wilbur-Ellis Company a price approximately 5% higher than the landed cost prevailing prior to the granting of the exclusive agency. In a letter dated September 23, 1949 Mr. Gross repeats this information and adds that sale of Ajinomoto by Wilbur-Ellis Company's representatives are conditional as to quantity and size of content allotted by the company to other distributors.

This Office is prepared to issue royalty-free, non-exclusive licenses to importers of Japanese goods who wish to sell the product of Ajinomoto Company, Inc., Tokyo, provided they can show that they purchased the goods from the original source, but it appears that non-exclusive licenses would be meaningless if the distributors cannot purchase the goods from the Japanese company because of its exclusive agency agreement with Wilbur-Ellis Company. This would result in establishment of an exclusive license to use the mark in Wilbur-Ellis Company, a situation in conflict with the present non-exclusive licensing policy of this Office.

In order that we may have all of the facts before us in determining what action we should take with respect to this trademark, we will appreciate having from you a statement as to whether in fact SCAP has permitted the resumption of an exclusive export arrangement by Ajinomoto Company, Inc., Japan, and what weight should be given any theory that this exclusive agency will further the objectives of the occupation forces or aid in restoration of Japanese industry.

We will appreciate an answer from you as promptly as possible, because there is some doubt that the activities of Wilbur-Ellis Company,

Att: Col. Edward W. Hendrick

- 3 -

October 31, 1949

particularly in Hawaii, will justify a continuation of our license to them. We have not, at the moment, reached a determination as to what action, if any, should be taken by this Office, and any information which you can give us as to the attitude of the Far Eastern Affairs Group and representatives of SCAP will be of assistance to us in formulating appropriate policy.

Very truly yours,

Harold I. Baynton
Deputy Director
Office of Alien Property

1/5/R

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The item identified below has been withdrawn from this file:

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 Date November 17, 1949
 From Tokyo
 To _____

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OF THE
UNITED STATES OF AMERICA

[Handwritten signature]

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United States Political Adviser
for Japan

[Handwritten initials: BP, RLS, etc.]

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No. 807

OFFICE OF
INTERNATIONAL TRADE POLICY
Tokyo, December 18, 1949.
DEC 28 1949
DEPARTMENT OF STATE
[Handwritten: file]

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Subject: Transmission of SCAP Memorandum for Japanese Govern-
ment Regarding Marking of Export Articles.

[Handwritten: sent to DCR, 1/12/50]

The Acting Political Adviser has the honor to refer to this Mission's despatch no. 647 of September 17, 1949, transmitting a copy of a memorandum from the Supreme Commander for the Allied Powers for the Japanese Government on the subject of trade marks, trade names and the marking of merchandise in Japan.

There is now enclosed a copy of a memorandum from the Supreme Commander, dated December 3, 1949, further clarifying for the Japanese Government the procedure to be followed in the marking of all articles prepared for export, as well as immediate containers and outside packages of export items. In implementation of the previous memorandum of September 9, 1949, transmitted under cover of this Mission's despatch referred to above, the Japanese Government is now directed to require that all export items be stamped, branded or labelled, as nearly indelibly as possible, with the words "Made in Occupied Japan", "Made in Japan" or "Japan".

An exception to this requirement is permitted under the terms of the enclosed memorandum only when a buyer specifically requests that markings showing Japan as the country of origin be omitted. The buyer must also certify in his contract with the Japanese supplier that such marks indicating the country of origin are not required under the laws of the country of destination.

The terms of the enclosed memorandum have received fairly extensive coverage in the Japanese press, particular emphasis being placed on the exception mentioned above rather than on the restrictive portions of the memorandum. There is also enclosed a copy of a SCAP press release dated December 6, 1949,

which

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[Stamp: FILED, JAN 11 1950]

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RETURN TO DC/R FILES WITHIN 14 DAYS, WITH A NOTATION OF ACTION TAKEN.

Tokyo's Despatch No. 867,
December 18, 1949.

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-2-

which points out that the exception embodied in the memorandum is the result of numerous requests received from foreign buyers who did not wish to handle merchandise marked "Made in Japan".

Enclosures: *2*

1. Copy of SCAPIN 2061 dated December 5, 1949, on subject: "Marking of Export Articles".
2. Copy of SCAF press release entitled "Modification is Made of Export Mark Rule", issued December 6, 1949, by Public Information Office, General Headquarters, Far East Command, Tokyo.

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Copies to:

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Enclosure No. 1 to Despatch No. 307 dated December 13, 1948 from the United States Political Adviser for Japan, Tokyo, on the subject "Transmission of SCAP Memorandum for Japanese Government Regarding Marking of Export Articles".

(COPY)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

AG 400.16 (14 Aug 49) ESS/FTC
SCAPIN 2061

5 December 1949

MEMORANDUM FOR: Japanese Government
SUBJECT: Marking of Export Articles

1. References are following Memoranda for Japanese Government from General Headquarters, Supreme Commander for the Allied Powers:

a. AG 400.16 (20 Feb 47) ESS/FT, SCAPIN 1535, 20 February 1947, subject: Marking of Export Articles;

b. AG 072 (9 Sep 49) CPC/FP, SCAPIN 2042, 9 September 1949, subject: Trade-Marks, Trade Names, and Marking of Merchandise in Japan.

2. Reference 1 a. is hereby rescinded.

3. Except as permitted in paragraph 4, all articles prepared for export, the immediate container thereof and the outside package will be marked, stamped, branded or labeled in legible English with the words "Made in Occupied Japan," "Made in Japan" or "Japan".

4. The above requirement need not be fulfilled in those cases where buyer requests omission thereof and certifies in the contract with the seller that such marking, stamping, branding or labeling is not required by country of destination.

5. All required marking, stamping, branding or labeling shall be made in a conspicuous place and shall be as nearly indelible and permanent as the nature of the article will permit.

6. The requirements listed in paragraphs 3 and 5 are in addition to those set forth in paragraph 8 of reference 1b., which provides that the Japanese Government take positive steps to:

a. Assure that merchandise manufactured in and/or exported from Japan is not marked or advertised so as to suggest that it is made or processed elsewhere than in Japan.

b. Assure

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Enclosure No. 1 to Tokyo's
Despatch No. 867,
December 13, 1949.

UNCLASSIFIED

-2-

b. Assure that goods made in or exported from Japan are not so marked or otherwise described as to convey a false impression of their quantity, quality or content.

FOR THE SUPREME COMMANDER:

K. B. BUSH,
Brigadier General, AGD,
Adjutant General.

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Enclosure No. 2 to Despatch No. 827 dated December 13, 1949 from the United States Political Adviser for Japan, Tokyo, on the subject "Transmission of SCAP Memorandum for Japanese Government Regarding Marking of Export Articles".

(COPY)

MODIFICATION IS MADE OF EXPORT MARK RULE

Tokyo, Dec. 6.-- SCAP approval of new regulations eliminating the requirement for mandatory marking of all articles for export was announced today by the Economic and Scientific Section.

Labelling of export items with the words "Made in Occupied Japan", "Made in Japan" or "Japan" now may be omitted if requested by the buyer. For such omission he will be required to certify in the contract with the seller that such markings are not required by the country of destination.

The Japanese Government will be responsible for taking action to assure that merchandise manufactured in Japan is not marked or advertised in a manner suggesting that it has been made elsewhere. Such goods must be labeled or described in a manner which will convey an accurate identification of their quantity, quality or content.

The change was made after numerous requests had been received to exempt goods from the marking provisions when destined for a country not requiring them.

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