

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

*See 2042/1*

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 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

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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.

~~not later than 31 Mar 1951~~ *not later than 31 Mar 1951 -* *per SCAPIN 1990/7 17 Jan 51.*  
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 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:

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