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IMPROVING LEGAL FRAMEWORK FOR PROTECTION OF WELL-KNOWN TRADEMARKS IN UZBEKISTAN WITH COMPARISON OF FOREIGN PRACTICE

Annotatsiya. Ushbu maqolada hammaga ma’lum tovar belgisining huquqiy jihatdan tartibga solishni rivojlantirish masalalari tahlil qilingan. Hammaga ma’lum Tovar belgisining ahamiyati uni tovar belgisi egalariga olib keladigan qiymati bilan o‘lchanadi. Keying yillarda kompaniyalar o‘z mahsulotlari yoki xizmatlarini kengroq ko‘lamda himoya qilish maqsadida o‘z mahsulot yoki ximatlarini ommaviy ravishda hammaga ma’lum tovar belgisi deya e’tirof etishga urinishmoqda.Ammo ushbu o‘zgarish O‘zbekiston qonunchiligiga binoan mamlakatimizda sodir bo‘lmayapti. Ushbu ilmiy maqola O‘zbekiston milliy qonunchiligiga ko‘ra tovar belgisini hammaga ma’lum deb topish masalasini Vietnam va Yaponiya milliy qonunchiligiga solishtirgan holda huquqiy masalalarni o‘rganadi. Shuningdek, tadqiqot natijasi o‘laroq, xulosa sifatida ayrim takliflarni keltirib o‘tadi.

Kalit so‘zlar: Hammaga ma’lum tovar belgisi, intellektual mulk, Parij konvensiyasi, xizmat belgisi, milliq qonunchilik, xalqaro huquq, dalillar, appelatsiya komissiyasi.

Abstract. This article analyzes the issues of developing legal regulation of well-known trademarks. The importance of a well-known trademark lies in the fact that they bring huge commercial value for the trademark owners. In recent years, the companies are trying to declare their product as well-known to the public, so that they can protect their trade and service marks on wider scale. However, this trend is not developed under the legislation of Uzbekistan. This article discusses the core issues of legislation of Uzbekistan on determination of well-known trademarks in comparison with other problematic points in domestic laws of Vietnam and Japan. It also suggests some approaches to deal with these problems as a concluding remark of a research.

Keywords: Well-known trademark, intellectual property, Paris convention, service marks, domestic legislation, international law, evidences, Board of appeal

Аннотация. В статье анализируются вопросы развития правового регулирования общеизвестных товарных знаков. Важность общеизвестного товарного знака заключается в том, что он приносит владельцам товарных знаков огромную коммерческую выгоду. В последние годы компании стремятся объявить свой товар общеизвестным, чтобы иметь возможность защищать свои товарные знаки и знаки обслуживания в более широком масштабе. Однако в законодательстве Узбекистана эта тенденция не получила развития. В данной статье рассматриваются основные вопросы законодательства Узбекистана по определению общеизвестных товарных знаков в сравнении с другими проблемными моментами во внутреннем законодательстве Вьетнама и Японии. В качестве заключительной части исследования предлагаются некоторые подходы к решению этих проблем

Ключевые слова: общеизвестный товарный знак, интеллектуальная собственность, Парижская конвенция, знаки обслуживания, международное право, доказательства, апелляционный совет

Introduction

The legal term of "well-known trademark" first appeared in the 1883 Paris Convention for the Protection of Industrial Property ("Paris Convention"), which sets forth the principles for granting special protection to well-known trademarks. The Convention does not prescribe means for protecting well-known trademarks or processes for recognizing them, leaving it up to each signatory country to decide how to handle these issues and many states do not process applications for well-known trademark recognition unless the owners of such trademarks establish a need for such recognition, and most countries do not have a distinct or independent application procedure for well-known trademark recognition.

It is often believed that the application of laws related to trademarks are restricted by the doctrine of “territoriality”. A trademark is deemed to have an autonomous life in each nation where it is recognized and protected, according to territoriality rules. As a result of its registration under the applicable legislation of that state, a trademark will be protected separately in that state. The ownership of a trademark registered in one state does not imply ownership or rights to such trademark in another.

International regulation. Defining well-known marks has been difficult since the Paris Convention's inception. Although the Paris Convention has played an important role in recognizing the importance of well-known trademark protection, it has failed to provide any direction on how to exactly establish what constitutes a "well-known" trademark. Article 16(2) of the TRIPS Agreement provides some basic guidance: in determining whether a trademark is well-known, Members shall take into account knowledge of the trademark in the relevant sector of the public, including knowledge obtained by the Member concerned as a result of trademark promotion.

At the conclusion of the Uruguay Round in 1994, the TRIPS Agreement was negotiated and adopted under the framework of the General Agreement on Tariffs and Trade. TRIPS is managed by the World Trade Organization ("WTO") and establishes basic rules for several types of intellectual property. TRIPS was established in response to a growing awareness of various serious issues involving trade and commerce, such as counterfeit goods and a lack of harmony between the egal systems of advanced and developing countries, as well as deficiencies in intellectual property rights protection and implementation systems . TRIPS Article 16 (2) and (3) contain rules on well-known marks that enhance and expand the scope of protection required by Article 6bis of the Paris Convention, which is incorporated by reference into the TRIPS Agreement. TRIPS, in particular, requires

that the rules of that Article be applied to service marks as well. Furthermore, TRIPS requires knowledge to be developed in the relevant public sector (users and dealers) for the purposes of defining well-known marks.

The growing worldwide awareness of global companies has increased the need for famous mark protection for trademarks, service marks, and domain names. The TRIPs Agreement requires all WTO nations to enforce famous mark protection, hence it is reasonable to predict that famous mark protection will be increased. The discussion over whether separate registers of famous marks are desirable will continue, and each nation will build its own case law, interpreting local legislation and ensuring conformity with the Paris Convention and the TRIPs Agreement criteria.

Regulation of well-known trademarks under the Uzbek legislation. According to the Law of the Republic of Uzbekistan "On Trademarks, Service Marks and Names of the Place of Origin of Goods", a trademark and a service mark shall designate the goods and services of legal and physical persons as well as other legal and physical are registered signs that serve to distinguish individuals from goods of this type, registered in the prescribed manner. The difference between an ordinary trademark and a well-known trademark, its definition is given in Article 321, according to which a trademark protected on the basis of registration in the territory of the Republic of Uzbekistan, as well as international in accordance with the contract, it is considered as a protected trademark even without registration in the territory of Uzbekistan. Also, used as a trademark, but according to the application of a legal or natural person whose mark does not have legal protection in the territory of the Republic of Uzbekistan, if as a result of the continuous use of such trademarks or signs, they have a corresponding demand in the Republic of Uzbekistan for the goods of this person as of the date specified in the application even if it is widely known among consumers, it can be recognized as a well-known trademark in the Republic of Uzbekistan. However, in order to recognize a trademark as well-known, the trademark owner's application and accompanying documents are important. Presidential Decree No. PQ-4380 lists the factors to be taken into account when declaring a trademark to be well known. According to paragraph “b” of part 9 of this decision:

•the type of goods and (or) services for which the trademark is used by the actual and (or) potential consumers of the Republic of Uzbekistan, or the type of goods and (or) services for which the trademark is used, by persons participating in ensuring its distribution, or the goods recognition by the circle of businessmen related to the type of goods and (or) services for which the mark is used, in which the perception of the quality level of the goods should be related to the trademark in the country;

•a highly distinctive feature inherent in the past or arising as a result of active use;

•Wide use of the trademark and its advertising in the territory of the Republic of Uzbekistan, including the national segment of the Internet network domain name system;

•the commercial value that has arisen in the republic for a long time and as a result of active use;

Also, according to paragraph "v" of this decision, it is determined to take into account other international standards and additional criteria listed in the documents of the World Intellectual Property Organization.

It is well known that in the protection of the trademark, the rules guaranteed by international law and defined in the treaties of which Uzbekistan is a member apply in specific circumstances. In the national legislation, the scope of protection is given in Article 322. According to this article, it is stated that the protection of a well-known trademark is indefinite. In this case, the issue of the type of legal protection granted by this article to a well-known trademark, its effects on other ordinary trademarks, remains open and is limited to the determination of procedural rules.

According to the norms of international law and the rules of the convention, the question of the conditions necessary for the recognition of a trademark as a well-known trademark is left under question. The main reason for this is the sovereignty of states and the right to determine their own internal rules, as well as the freedom to determine their own specific rules, taking into account factors such as existing conditions and values. However, these provisions in most national legislations are limited to simply enacting the general provisions of the Paris Convention or other international treaties. In particular, in the legislation of Uzbekistan, the rules of international documents, of which it is a member, are defined in the national legislation. The question of the requirements for evidence necessary to recognize a trademark as "well-known" is left open. Although PQ-4380 sets out what aspects the Board of Appeals of the Department of Intellectual Property can consider when analysis of a public trademark application, the evidentiary requirements, how many people's opinions are public opinion to be recognized as such, what should be the scope of the market for the goods or services associated with the well-known trademark, and the minimum requirements related thereto are not mentioned.

In addition, although it is stipulated in the law that the necessary application and evidence must be submitted to the appeals commission when determining the rules of the procedural procedure, when determining the information that must be shown in the evidence, learning the opinion of the public, as well as evaluating the truthfulness of the evidence and in other cases, the powers and duties of the appeal commission are not specified.

Additionally, the fact that most applicants and trademark owners are not aware of the benefits granted to a well-known trademark is another reason “not being common” of this trademark. That is, applications for recognition of the trademark as well-known have not been received, and the only "well-known" trademark is "Astra" tobacco product. In practice, it is almost rare for the appeal commission to receive applications on this issue. The main reason for this is the lack of sufficient information, that is, the issue of quantitative indicators, which should be shown in the evidence as mentioned above, has not been disclosed. Secondly, that the privilege granted by law to a well-known trademark and

the relaxation of its protection are unattractive. According to the Law "On Trademarks, Service Marks, and Names of Place of Origin of Goods", it is mentioned that as a privilege given to a well-known trademark, it is not necessary to register it. This means that it is not necessary to pay fees under the legislative documents. However, in order to find the trademark well-known, the appropriate application and evidence must be submitted to the appeals board.

Therefore, to identify the level of protection of well-known trademarks in Uzbekistan learning more about the practices of other states is essential. Experience of Vietnam and Japan in regulation of these relations will be presented below.

Experience of Vietnam. In Vietnam legal framework for determination and qualification of well-known trademarks established after the Article 6bis of the Paris Convention. In domestic legislation article 4.20 of the law on Intellectual Property indicates the status of these trademarks by defining “widely known by consumers throughout the territory of Vietnam.”. Furthermore, article 75 of this law include, inter alia, the level of awareness of the mark among the public, the promotion of the mark in Vietnam, the duration and geographical extent of the use of the mark, and the number of countries granting protection to the mark. It is worth noting that Article 4.20 has a higher standard of being “well known” than Article 75.

Basing on the Vietnamese Law, evidencing documents which are submitted by competent authorities are used in the proceedings of recognition of well-known trademarks. Vietnamese law on Intellectual Property test some requirements and these trademarks should meet the certain requirements, including number of the consumers who are aware of the trademark, the product circulating territory, duration of usage of trademark, reputation, number of states protecting the mark and recognizing it as well-known, turnover of the sales of goods, quantity of goods sold or services provided, assignment, licensing price or investment capital contribution of the trademark and other factors.

Although many international companies have applied to qualify its product as “well-known” the protection of these trademarks to be seen as ineffective due to some issues arising out of disputes. According to Kung-Chung Liu, the main obstacle in this process is “lack of comprehensive legal system with explicit regulations and strong enough to guarantee industrial property rights enforcement”. Some issues relating to lack of governmental concern, lack of detailed provisions for determination of well-known trademarks, weakness of enforcement system are considered to be the main causes for low-level or ineffective protection of these trademarks in Vietnam. These issues should be addressed by competent authorizes, especially the government and legislative bodies of Vietnam. Starting from definition of these trademarks, the legislative organs should consider more detailed and specific definition of well-known trademarks, since the available definition sets general provisions only. Additionally, the law should set out clear privileges including how these well-known trademarks can be protected widely and the law on intellectual property should also indicate the what numbers (number of consumers, products sold, services provided and etc.) are required in determination of trademarks as well known. Furthermore, the governmental authorities focus on implementation of the protection of those trademarks.

Experience of Japan. In Japan the well-known trademark-related relations are regulated by the international Conventions and Trademark Law, which is considered to be completely compatible with TRIPS Agreement and Unfair Competition Prevention law 9 as revised in 1994. Under the Article 4 (1) (x) section 4 of the Japanese Trademark law establishes rules for regulation of unregistrable trademarks and it refers to the rule that “well-known trademark is protected from others party’s registration even though the trademark rights for it have not been established”. When a mark is determined to be similar to another person’s registered well known trademark and is used for products or services identical with or similar to the specified goods or designated services of that registered well-known brand, the provision of Article 4(1) applies (xi). When using this article, the question of what “well known among customers”; means may arise. In section 3(8) of the Trademark Examination Standards, which became effective in April 2007, the following regulations apply to this question: Trademarks well-known among consumers, as defined in item (x), paragraph (1), Article 4 of the JTL, include not only a trademark widely recognized among end consumers, but also a trademark widely recognized among traders in the industry, and it also includes not only a trademark known throughout the country, but also a trademark widely recognized in a specific area.

In the process of determination, Examination Guidelines include, but are not limited to, the following categories of evidence as references:

(i)Printed matter (newspaper clippings, magazines, catalogues, leaflets...) carrying advertisements, public notices… ;

(ii)Invoices, delivery slips, order slips, bills, receipts, account books, pamphlets, etc;

(iii)Photographs... showing the use of a trademark ;

(iv) A certificate by an advertisement agency, broadcasting agency, publisher or printer;

(v) A certificate by a trade association, fellow traders or consumers;

(vi)A certificate by a public organization, etc. (the state, a local public entity, a foreign embassy in Japan, a Chamber of Commerce and Industry, etc.);

(vii)Articles in general newspapers, trade journals, magazines and the Internet;

(viii)Outcome reports of the questionnaire intended for consumers regarding awareness of the trademark.

However, in practice the Japanese Courts reviewed many cases and often referred to “being widely recognized” and also “being registered” of the trademarks. For example, in the case of McDonald's Co. (Japan), Ltd. v. Mac Sangyo K.K., 35 MINSHU 1169 (Tokyo Dist. Ct., July 21, 1975) this can be noticed vividly.

K. K. Marushin Foods first acquired the mark BAAGAA (a transliteration of the Japanese word for "burger") in July

1969, as the name McDonald's became widely recognized in Japan, and then filed trademark registrations for a variety of marks that were identical to or closely similar to the marks used by McDonald's. McDonald's announced its plan to create restaurants in Japan in January 1971, and its first outlet opened on July 20, 1971, in the Mitsukoshi department store in Ginza, Tokyo. K. K. Marushin Foods began selling hamburgers from vending machines in May 1972, after acquiring additional trademark registrations such as MAKKU BAAGAA and MAKKU. McDonald's sought an injunction prohibiting the defendants from using any of the Appellee's trademarks, as well as damages in the sum of 30,000,000 yen (about $300,000), or 5% of sales from February 23, 1974. Firstly, District Court dismissed the claim explaining only those trademarks which are well-known in Japan, not other part of the world is considered to be well-known. After this decision Tokyo high Court also reversed and analyzed as follows:

[… However, although a trademark owner does have the right to exclude the use of another's mark that is within the scope of similarity of the registered mark, that trademark owner has no absolute right to use that registered mark. Using a [registered] mark [in light of a similar, well-known mark] is not an exercise of the trademark right as provided in Article 6 of the Unfair Competition Prevention Act. Therefore, Appellees' claim that its use of Appellees' Marks (2) and (3) because it had previously registered Appellees' Registered Marks (4) and (5)· is unsustainable.]

In Japan well-known or renowned trademarks are now sufficiently protected by trademark law, unfair competition law, and/or anti-dilution legislation in a significant number of countries, although it appears that challenges in obtaining adequate protection exist in situations involving non-competing goods or services.

Conclusion. For the protection of well-known trademarks, it is required to assimilate the legislative accomplishments and practical experience of other legal systems into the Uzbekistan legal system. Such internalization, however, must be done with caution. It is critical that lessons learned from other legal systems be applied to the unique circumstances of Uzbekistan. Solutions should be tailored to the demands of a changing Uzbekistan economy; secondly, any changes should be based on Uzbekistan socioeconomic realities, with an emphasis on practical solutions; and thirdly, any improvements to the legal system should not contradict general Uzbekistan policy.

Based on the points made above, it would be appropriate to make changes in legislation and practice to regulate relations with trademarks and to make them known to everyone. First of all, it is important to further strengthen the scope of protection of well-known trademarks, to systematically protect these trademarks and to establish norms that increase the privileges granted to them under the law. That is, these privileges provide for clear provisions such as protecting a well-known trademark in the event of infringement even without an application or complaint from the owner of this trademark, as well as waiving the requirement of excessive documents in the determination of infringement, especially during the examination process. it is appropriate to define the holding norms. Secondly, it is appropriate to impose the obligation to collect, collect and otherwise assist the competent authority on intellectual property with the documents submitted by the applicant. Also, along with the publication of information related to well-known trademarks by the relevant competent authority on the official website, the formation of an official list of documents necessary for the recognition of the goods as well-known. It is of great importance that the relevant documents of recognized trademarks are kept in the databases of the official website. Uzbekistan has recognized the critical relevance of intellectual property rights protection for patents, industrial designs, copyrights, and trademarks. The government has made a number of initiatives in recent years to establish legislative protection of such rights. In Uzbekistan, intellectual property in general, and trademarks in particular, have already played an important role in the country's economic growth, particularly in its attempts toward harmonization and globalization.

References:

1.Intepat. What is well-known trademark? - 17.08.2016, Available at: https://www.intepat.com/blog/trademark/well-known-trademarks/;

2.Find Law, Recognition of well-known trademarks. 09.06.2017 Available at: https://corporate.findlaw.com/intellectual-property/recognition-of-well-known-trademarks.html#:~:text=Recognition%20Rule%20defines%20a%20%22well,of%20the%20goods%20or%20services;

3.Newmark, Herbert F., “The Territoriality of Trademarks,” SSRN Working Paper No. 2271392 (2014), Available at: https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID2271392_code1674181.pdf?abstractid=896620&mirid=1

4.Dinwoodie, G. B. (2017). Territorial Overlaps in Trademark Law: The Evolving European Model. Social Science Research Network. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=293175

5.Craze, D. (2000). Protection of Well-Known Marks. Available at: http://nopr.niscair.res.in/bitstream/123456789/19496/1/JIPR%205%283%29%20137-151.pdf

6.Stylianos Malliaris, Protecting Famous Trademarks: Comparative Analysis of US and EU Diverging Approaches - Chi. -Kent J. Intell. Prop. 45 (2010). Available at: https://scholarship.kentlaw.iit.edu/ckjip/vol9/iss1/2;

7.TRIPS: Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299, 33 I.L.M. 1197 (1994);

8.Kuijer, M., Kuijer, M., & Werner, W. (2017). The Paradoxical Place of Territory in International Law (pp. 3–17). T.M.C. Asser Press, The Hague. https://doi.org/10.1007/978-94-6265-207-1_1

9.Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (as amended on November 12, 2007);

10.Pujiyono, P., Waluyo, B., & Manthovani, R. (2021). Legal threats against the existence of famous brands a study on the dispute of the brand Pierre Cardin in Indonesia. International Journal of Law and Management, 63(4), 387–395. https://doi.org/10.1108/IJLMA-01-2018-0006

11.Dinwoodie, Graeme B., Trademarks and Territory: Detaching Trademark Law from the Nation-State. Houston Law Review, Vol. 41, No. 3, p. 886, 2004, Available at SSRN: https://ssrn.com/abstract=616661

12.Abbott, Frederick M., The WTO TRIPS Agreement and Global Economic Development (1997). PUBLIC POLICY AND GLOBAL TECHNOLOGICAL INTEGRATION, pp. 39-65, F. M. Abbott & D. Gerber, eds., Kluwer Law International, 1997, Chicago-Kent Law Review, Vol. 72, p. 385, 1996-1997, FSU College of Law, Public Law Research Paper, FSU College of Law, Law, Business & Economics Paper, Available at SSRN: https://ssrn.com/abstract=1989044

13.Jacqueline D. Lipton, Beyond Cybersquatting: Taking Domain Name Disputes Past Trademark Policy, 40 Wake Forest Law Review 1361 (2005).
Available at: https://scholarship.law.pitt.edu/fac_articles/182

14.Irene Calboli & Edward Lee, Trademark Protection and Territoriality Challenges in a Global Economy (2014). Available at: https://scholarship.law.tamu.edu/facscholar/1352

15.Lucas S. Michels, The Madrid System and Well-Known Marks: Bridging the Gap Between Global Branding and Territorial Trademark Law, 27 Fordham Intell. Prop. Media & Ent. L.J. 621, 630–36 (2017). Available at: https://pdfs.semanticscholar.org/3d17/a8f81344ad1b1d6fd8f832f5b6b946b73b06.pdf

16.Graeme B. Dinwoodie, The International Intellectual Property Law System: New Actors, New Institutions, New Sources, 10 Marq. Intellectual Property L. Rev. 205 (2006).
Available at: https://scholarship.law.marquette.edu/iplr/vol10/iss2/3

17.Daniel Gervais, The TRIPS Agreement: Drafting History and Analysis 379–82 (5th ed. 2021)

18.Vietnam Intellectual Property Law – No. 50/2005/QH11; Available at: https://vietanlaw.com/vietnam-intellectual-property-no-50-2005-qh11/

19.Well-Known Trademarks in Vietnam: Theory and Practice, Available at: https://www.tilleke.com/insights/well-known-trademarks-vietnam-theory-and-practice/

20.Christopher Heath, Kung-Chung Liu, The protection of well-known marks in Asia, Max Planck Series on Asian Intellectual property law, 2000, pages 146, 147.

21.Phan Ngoc Tam, Well-known trademark protection in Vietnam – 2016 WIPO-WTO colloquium papers, Available at: https://www.wto.org/english/tratop_e/trips_e/colloquium_papers_e/2016/chapter_11_2016_e.pdf

22.Well-Known Trademark Protection Reference to the Japanese experience Final Report In Fulfillment of the Long Term Fellowship - September 30, 2010 - Hà Th Nguyt, Thu National Office of Intellectual Property of Vietnam (NOIP) 384-386, Available at: https://www.wipo.int/export/sites/www/aboutwipo/en/offices/japan/research/pdf/vietnam_2010.pdf

23.Protection of Well-Known and Famous Trademarks, Japan Patent Office Asia-Pacific Industrial Property Center, JIII, 2004, Nobuyuki Matsubara, Available at: https://www.jpo.go.jp/e/news/kokusai/developing/training/textbook/document/index/protection_of_well-known_and_famous_trademarks_2004.pdf