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SONODA & KOBAYASHI
INTELLECTUAL PROPERTY LAW

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1. Sonoda & Kobayashi to Attend Two IP Events in September

Members of Sonoda & Kobayashi will be attending two IP events in both Japan and China in September: China Intellectual Property Conference (CIPAC) in Beijing, China and the Intellectual Property & Information Fair & Conference in Tokyo, Japan. CIPAC will take place on September 8-9, 2026, and members of both our Tokyo and Beijing office will be in attendance. The Intellectual Property & Information Fair & Conference will be held on September 16-18, 2026, at Tokyo Big Sight. Both events are premier conferences for intellectual property in Asia, with thousands of attendees from around the world participating. Please feel free to reach out to us if you plan on attending and would like to meet during either event. We look forward to meeting with those joining these events.

- JPO and CNIPA News -

1. JPO Launches Pilot Program Providing Flexible Prosecution of Patent Applications Relating to Standardization Activities

In June 2026, the JPO announced the launch of a pilot program for patent applications relating to technologies that are the subject of ongoing standardization activities.

Rather than entering the standard examination process, applicants may request that examination start at a time of their choosing, up to 24 months after filing a request for examination. The JPO introduced the program to better align patent prosecution with the timing of standard-development efforts and to promote the coordinated use of intellectual property and standardization strategies.

Participation in the program requires preliminary registration, including the submission of a list of patent applications to the JPO that may later be designated for the program during an annual application period held in July for the following one-year period beginning on October 1st. Once accepted, the applicant may request standardization-strategy examination for eligible applications by filing a request shortly after requesting examination.

The program materials contemplate an interview with the examiner prior to the commencement of substantive examination. During the interview, the applicant is given an opportunity to explain to the examiner the role of the invention within the relevant standardization effort, the relationship between the standard and the patent application, and the technical significance of the technology. This allows the examiner to understand the broader standardization context before commencing substantive examination. The

JPO believes that this flexibility will help companies synchronize their patent and standards strategies.

For companies involved in standards development (e.g., wireless communications, IoT, automotive, AI, and other standards-driven industries), the program may help avoid a situation where a patent issues too early, before the relevant standard has sufficiently matured. By allowing examination timing to better track the standard-setting process, applicants may be able to coordinate their prosecution strategy more effectively. The pilot program will be reviewed and adjusted based on user feedback and actual program usage.

Further information can be found here (English) and here (Japanese).

2. JPO Announces Update on "Multi-Multi" Claim Prohibition

In June 2026, the JPO provided an update on its prohibition on “multi-multi claims”, or a dependent claim that refers to more than one other claim in the alternative (a "multiple dependent claim") and which in turn depends on another multiple dependent claim. This restriction applies to patent and utility model applications filed on or after April 1, 2022, and was introduced to promote international harmonization and reduce examination and monitoring burdens. The JPO provides a free offline “Multi-Multi Claim Checker” tool to help applicants identify such claim structures before filing.

The announcement reports that before the rule took effect, approximately 65% of patent applications reportedly contained multi-multi claims; by 2025 that figure had fallen to about 2.6%. A similar trend was observed for utility model applications, where the percentage reportedly decreased from about 25% before the rule to approximately 1.5% in 2025. The JPO attributes this reduction to applicants adapting their claim-drafting practices and encourages continued use of the checker tool and pre-filing review procedures.

The JPO cautions applicants filing priority-based applications or national-phase PCT applications to review claim dependencies carefully, since foreign-origin applications often contain claim formats that are acceptable in other jurisdictions but prohibited in Japan. Applicants who discover a multi-multi claim after filing are encouraged to correct it before requesting examination to avoid receiving a notice of reasons for rejection and the amendment limitations that can follow.

Further information can be found here. (Japanese)

3. CNIPA: Newly Revised Trademark Law Adopted, Taking Effect on January 1, 2027

On June 26, 2026, the 23rd Session of the Standing Committee of the 14th National People’s Congress voted to adopt the newly revised Trademark Law of the People’s Republic of China. The revised law consists of 9 chapters and 87 articles and will take effect on January 1, 2027.

Key revisions include:

- **Shortened opposition period**: The period for filing oppositions against preliminarily approved trademarks is reduced from 3 months to 2 months from the publication date, aligning China’s practice with international norms.

- **Expanded cross-class protection for well-known trademarks**: Cross-class protection now extends to well-known trademarks even if not registered in China, provided they meet the criteria for well-known status. This removes the prior requirement that the trademark be "already registered in China."
- **Introduction of "motion marks"**: The law explicitly adds motion marks to the list of signs eligible for trademark registration, while excluding functional motion effects arising from the nature of goods or necessary to achieve a technical result.
- **Regulation of misleading trademark use**: Registrants who use their trademarks in a manner that misleads the public may face corrective orders, fines of up to five times the illegal turnover (or a fixed fine of up to RMB 250,000 if the illegal turnover is below RMB 50,000 or non-existent), and even cancellation of the trademark for failure to rectify.
- **Ex officio cancellation authority**: Under Article 57 of the law, the CNIPA is empowered to proactively cancel registered trademarks that have become generic names of the approved goods or have not been used for 3 consecutive years without proper reason, even in the absence of a third-party request. Nevertheless, this provision grants the CNIPA discretionary authority merely rather than imposing a mandatory obligation, and is not intended to suggest that the CNIPA will conduct large-scale ex officio cancellation campaigns.
- **Strengthened provisions against malicious applications**: The law replaces the term "bad faith" with a more objective standard: applications filed without intent to use and evidently exceeding the normal needs of production and business operation shall be rejected. Malicious applications causing adverse effects may incur fines of up to RMB 100,000.
- **Clarified non-use defense timing**: In infringement cases, the three-year non-use defense against damages will be assessed based on whether the trademark had been used during the 3 years preceding the alleged infringing act, rather than the filing of the lawsuit.

The amendments aim to curb trademark hoarding and speculative filings, encourage genuine use of trademarks, strengthen protection against bad-faith applications, and enhance the overall efficiency and fairness of the trademark system.

Further information can be found here. (Chinese)

- Latest IP News in Japan -

1. Towa Pharmaceutical Acquires Tanabe Pharma and Related IP Assets

Various, July 9, 2026

On 8 July, Towa Pharmaceutical held a press conference to provide further details about its recent decision to acquire Tanabe Pharma Factory Co., Ltd.

Indeed, on 3 July, Towa Pharmaceutical acquired 100% of the company's shares, making it a wholly owned subsidiary.

Through this deal, Towa Pharmaceutical gains not only two factories, in Yamaguchi and Fukuoka, but also the manufacturing and marketing approvals for 17 ingredients and 35 items.

The list includes several medicines that are widely used and well known in Japan, such as antipsychotics (Haloperidol, Contomin), anxiolytics (Depas), and liver medicines (Urso).

For Towa Pharmaceutical, this acquisition fits into its broader plan to ensure a stable domestic supply capacity for off-patent medicines, alongside its collaboration with other major pharmaceutical firms (Otsuka Pharmaceutical, Adragos Pharma Kawagoe, Sanwa Chemical).

Now with a total of five factories, Towa Pharmaceutical expects its production to grow from 18 billion tablets in 2026 to 24 billion in 2030 and 30 billion in 2036.

Such a strategic acquisition reveals the clear interest of some companies in what could be considered low-value assets, but which come with years of accumulated know-how.

The acquisition cost, however, remains confidential.

Further information can be found here (Japanese) and here (English).

2. 7-Eleven Sues Nike Over Allegedly Infringing Sneaker Design

Various, July 1, 2026

On July 1, convenience store chain 7-Eleven, a wholly owned subsidiary of Japanese retail company Seven & I Holdings, filed a lawsuit against American athletic apparel company Nike in the U.S. federal district court in Dallas, Texas. According to the complaint, 7-Eleven alleges that Nike's upcoming Air Max 95 sneaker imitates the orange, green, and red three-stripe design, infringing on the company's trademarked branding. 7-Eleven has asserted that the sneaker copies its three-color stripe design in a "confusingly similar" manner that consumers associate with the convenience store.

Compounding the similar three-stripe design, Nike had scheduled the release of the sneaker for July 11: "7/11" in U.S. calendars and the date of an annual "7-Eleven Day" promotion by the company. In the lawsuit, 7-Eleven states that it repeatedly attempted to resolve the dispute before filing, but Nike continued advertising the product and indicated it would proceed with the launch. The companies have collaborated in the past, such as on a 7-Eleven themed sneaker planned for the 2020 Olympics in Tokyo – although these shoes never saw an official release.

In the lawsuit, 7-Eleven seeks an order halting sales of the sneaker and a recall of the shoes already being distributed, in addition to monetary damages and any profits earned by Nike by selling the shoe. While Nike has yet to comment on the situation, the sneakers were removed from Nike's online platforms.

Further information can be found here (Japanese) and here (English).

- Latest IP News in China -

1. Suzhou Court Orders Molly Tea to Pay RMB 10.3 million to Louis Vuitton in Landmark Trademark Infringement Case

Suzhou Intermediate People's Court, June 29, 2026

On June 29, 2026, the Suzhou Intermediate People's Court issued a first-instance judgment in the trademark infringement case brought by Louis Vuitton Malletier ("LV") against Shenzhen Molly Tea Catering Management Co., Ltd. ("Molly Tea") and a franchise outlet. The court found that Molly Tea had infringed seven of LV's registered four-petal floral graphic trademarks. It ordered Molly Tea to cease all infringing activities, pay economic damages and reasonable enforcement costs totaling RMB 10.3 million (approx. USD 1.5 million) and publish public statements on its official platforms to eliminate the adverse effects. A franchise outlet was held jointly liable up to RMB 100,000.

The court determined that, while the four-leaf clover motif is widely used in traditional culture and modern design, LV's trademarks are not simple geometric patterns but distinctive designs that have acquired strong recognition through long-term commercial use. Despite the differences between LV's luxury goods and Molly Tea's beverage business, the court found that the accused logo and LV's marks were highly similar in design style, element layout, and contour. It also noted that cross-industry collaborations between premium brands and tea chains are common in the market, and consumers might mistakenly believe that Molly Tea had a licensing or affiliation relationship with LV. Notably, Molly Tea had previously applied to register similar floral graphic trademarks, but these applications were rejected by the CNIPA.

Molly Tea has announced it will appeal. Separately, LV has initiated an administrative action against the CNIPA before the Beijing Intellectual Property Court (Case No. (2026) Jing 73 Xing Chu 4727) concerning a trademark opposition or invalidation ruling. The case was heard on July 16, 2026. The ruling issued by Suzhou Court has sparked intense public debate. Many have questioned whether LV can assert exclusive rights over a floral motif resembling traditional Chinese decorative patterns such as the "baoxianghua" (treasure flower) found in Tang Dynasty artifacts and classical garden architecture.

Further information can be found here. (Chinese)

2. Chinese Supreme Court Clarifies Rules on Combining Partially Disclosed Design Features in Design Patent Invalidity Cases

Supreme People's Court Intellectual Property Court, July 3,2026

In a recent design patent invalidity dispute concerning a "road traffic signal light" (Patent application No. CN201630366880.4) (Case No. (2024) Zui Gao Fa Zhi Xing Zhong No. 518), the Supreme People's Court Intellectual Property Court issued a final judgment clarifying three key evidentiary standards for combining prior design features in invalidity proceedings.

The patentee, Sichuan Kewei Industrial Co., Ltd., held the patent in question. The petitioner, Sichuan Huakong Intelligent Transportation Technology Co., Ltd., sought invalidation based on a combination of two prior designs: one reference and a set of notarized WeChat Moments screenshots (Evidence 5). The CNIPA's invalidation decision maintained the patent's validity, found that the three screenshots could not be confirmed as depicting the same product and did not clearly and completely disclose the product's overall appearance, thus cannot serve as a basis for combination comparison.

The petitioner appealed to the Beijing Intellectual Property Court, which overturned the CNIPA's decision, holding that Evidence 5 could be used for combination comparison. The patentee then appealed to the Supreme People's Court. The Supreme Court upheld the first-instance judgment and established three important rules:

First, publicity of WeChat Moments for commercial purposes. For content published in access-restricted online spaces such as WeChat Moments, a comprehensive assessment should be made based on the platform's information publishing mechanisms, the publisher's specific circumstances, the content, and the primary purpose of the account. Where the petitioner proves the Moments are primarily used for commercial purposes, the content is presumptively available to the public, unless the patentee proves otherwise. In this case, the account in question repeatedly published promotional content about signal lights and the patentee's company, demonstrating an intent to make the content public for commercial publicity. The patentee failed to provide countervailing evidence.

Second, multiple images may be deemed the same product. Whether multiple images in a single prior design reference depict the same product should be determined based on all information in the evidence and the parties' evidentiary capabilities. Where the information corroborates each other and the party capable of providing counterevidence fails to do so, the court may deem the images as depicting the same product. Here, three screenshots from SolidWorks software shared identical file names and navigation window positions, confirming they relate to the same product.

Third, combination comparison does not require complete disclosure of the overall product design. Where a person skilled in the art can determine, based on the disclosed content, the specific design feature to be combined and its relative position in the overall product, that feature may be used for combination comparison. Although Evidence 5 did not fully disclose the signal light's overall appearance, the peripheral decorative trim relied upon for combination was clearly identifiable from the images as part of a traffic signal light.

This judgment provides clear guidance for design patent validity disputes involving online commercial images and lowers the threshold for combining partially disclosed design features, marking an important development in China's design patent practice.

Further information can be found here. (Chinese)

- IP Law Updates in Japan: Insights from Sonoda & Kobayashi -

1. Analyzing SoftBank's Patent Boom at the JPO

In recent years, one of the most notable increases in published cases at the JPO among major Japanese companies has come from SoftBank Group. According to our research, across applications filed by SoftBank, there were 252 published cases in 2023. By 2025, however, this figure had surged to 10,600 published cases. As of 2026, the number has already reached 18,315. Comparing 2023 and 2025, this represents an increase of more than 4,000% in published cases within just two years.

The scale of this filing activity becomes even more apparent when compared with Japan's traditionally largest patent filers. Based on JPO publication data, the largest applicants by published applications in 2024 were Toyota (5,825), Canon (5,456), Panasonic IP Management (2,571) and Mitsubishi Electric (1,388).[1] SoftBank Group's 10,600 published cases in 2025 significantly exceeded the publication totals recorded by these organizations in 2024.

This dramatic increase in publication activity may be linked to SoftBank Group's extensive investments in artificial intelligence and related technologies. Analysis of SoftBank Group's published applications from 2025 and 2026 (to date) shows that approximately 88% were classified under IPC subclass G06Q, "information and communication technology specially adapted for administrative, commercial, financial, managerial or supervisory purposes." In addition, a substantial portion (15%) of applications included subclass G06F, "electric digital data processing," one of the most relevant subclasses for machine learning and AI-related applications[2].

SoftBank's broader AI strategy is also reflected in initiatives such as its "Generative AI Idea Contest," held between August and October 2025. The company invited students to submit ideas using generative AI, including AI agents, for a 10 million JPY grand prize[3]. According to the contest terms, all new intellectual property rights of applications would be transferred to SoftBank Group, which may be used in the creation of patent applications[4]. With an additional surge in applications as a result of this contest, it could be expected that the number of published cases will increase in turn.

Despite stagnation in past years, the 2026 JPO Status Report[5] showed an increase in patent applications filed at the JPO since 2022, with the most significant increase of 16.8% coming between 2024 and 2025. Given this background, SoftBank Group's sharp increase in published patent applications may show a wider expansion and new strategies for AI-related fields. As artificial intelligence technology continues to mature and develop, patent filings in AI and related sectors are likely to remain an important area for significant growth.

References:

[1]: IP Force Patent Ranking 2024 (Japanese)

[2]: WIPO PATENTSCOPE Artificial Intelligence Index (English)

[3]: SoftBank Generative AI Idea Contest (English)

[4]: SoftBank Generative AI Idea Contest Application Rules (English)

[5]: JPO Status Report 2026 (English)

About

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