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Regionally Based Collective Trademark System in Japan: Geographical Indicators by a Different Name or a Political Misdirection?

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REGIONALLY BASED COLLECTIVE TRADEMARK SYSTEM IN JAPAN: GEOGRAPHICAL INDICATORS BY A DIFFERENT NAME OR A POLITICAL MISDIRECTION?

KENNETH L. PORT†

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I. INTRODUCTION

On April 1, 2006, Japan adopted a new hybrid system to protect regional collective marks.\(^1\) In some ways, these marks are similar to collective marks in the United States, and in some other ways, these marks act like geographic indications that the European Union favors.\(^2\) Although the Japan Patent Office (JPO) promises great economic gains by any association that takes advantage of these marks\(^3\), it is not clear how or why that would happen. Rather, it appears that the Japanese central government is using the regional collective trademark system to gain political favor from an influential lobby: those that favor a decentralized political system focused on regionalism within Japan.\(^4\)

This new type of trademark is referred to as the “regionally based collective trademark system” (ちき地域団体商標制度, chiki dantai shōhyō seido). In Japanese, chiki means “region.” The name was abbreviated and thus, the chiiki brand system was born.

On April 18, 2013, the five hundredth such mark was issued to SENDAI ICHIGO (Sendai Strawberries 仙台いちご):\(^5\)

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\(^3\) See Regional Collective Trademark System, supra note 1.

\(^4\) See Pradyumna Prasad Karan, Japan in the 21st Century: Environment, Economy, and Society 318-19 (2005) (discussing Japan’s recent efforts to create more localized regional governmental projects instead of the previously used larger public work projects).

This chiiki brand mark includes descriptive text that is disclaimed and not part of the mark that reads, “ahead, one step at a time” (ippoippo, mae e 一步一歩、前へ). The city of Sendai was eighty miles from the epicenter of the 9.0 magnitude earthquake that started the tsunami that led to the nuclear disaster at Fukushima Daiichi. It is the largest city in the entire tsunami and earthquake zone. The Miyagi Prefecture Strawberry Growers Association seems to be contributing to Japan’s attempts to overcome the disaster, encourage economic development, and raise awareness all with one chiiki brand mark.

To mark the occasion of the five hundredth registration, JPO held a special ceremony and awarded a special plaque to the rights-holder. It included this gratuitous explanation of the mark:

The trademark “Sendai Ichigo” is a brand for promoting the sale of strawberries from Miyagi Prefecture. As strawberries from Miyagi, “Sendai Ichigo” strawberries are mainly produced in Watari County located in the southern part of Miyagi, which is famous as being the home of the best

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6 Id.
strawberries in the Tohoku area, taking advantage of the warm climate.9

This new system has received significant fanfare in Japan with nearly 1,000 applications and, now, over five hundred registrations.10 The system has been largely ignored by non-Japanese companies with only three registrations as if the date of this article.11 As the Japanese search for the magic bullet to jumpstart their lagging economy, which has been burdened with deflation for more than 15 years, the JPO expects the chiiki brand system to encourage significant economic redevelopment.12 This article tests whether that is likely.

In the end, this article demonstrates that the chiiki brand system is unlikely to produce the positive economic results that the JPO claims it will. Rather, the value of the chiiki brand system will mollify the political movement towards Japanese decentralization and internal regionalism.13 By creating the chiiki brand system, the Japanese central government appears to be responding to movements that encourage the diffusion of government services (and the related industries that tend to follow) away from Tokyo to other parts of Japan.14 This is politically an astute direction. The chiiki brand system can play into the decentralization movement

9 Id.
12 Of course, now with “Abenomics” in full force, it will be difficult to isolate economic activity on chiiki brands. Abenomics, named after the current Prime Minister of Japan, Shinzo Abe, consists of “a massive fiscal stimulus, more aggressive monetary easing from the Bank of Japan, and structural reforms to boost Japan’s competitiveness.” Definition of Abenomics, FIN. TIMES, http://lexicon.ft.com/Term?term=abenomics (last visited Mar. 16, 2015).
13 See infra Part V.
14 See infra Part V.
that pushes some politicians. However, upon closer analysis, it is apparent that the chiiki brand system will fail to encourage economic development and it is, in application, ultimately not a regional system of trademark generation, protection, and enforcement.15

This article will show that what appears to be a simple statute to codify the protection of regional collective marks in a hybrid fashion akin to both collective marks from the United States and geographic indications from Europe is actually an attempt to respond to political movements focused on decentralization. As the promised economic benefits have not been recognized by any of the ten most likely associations, and the “regional” part of the chiiki brand system is actually “national” and therefore not responsive to the political voices urging decentralization in the form of regionalism, the chiiki brand system may be a very expensive failure.

II. REGIONALLY BASED COLLECTIVE TRADEMARKS: THE CHIKI BRAND SYSTEM

The JPO grandly and proudly states that the purpose of the chiiki brand system is to maintain the good faith and credit of businesses to support the revitalization of local economies and strengthen industrial competitiveness.16 Furthermore, “[i]t is intended to lead to sustained activation of the local economies.”17 This is a vague mantra that is repeated throughout the JPO’s publications on the intended consequences of the chiiki brand system. The JPO clearly believes that the chiiki brand system can and will have a positive economic impact on Japan. The objective is not intended to save consumers from confusion, and it is not

15 See infra Part V.
16 Announcing Registration of the 500th Regionally Based Collective Trademark, supra note 8.
about encouraging third parties to compete, two parallel objectives to trademark protection in the United States. It is focused on manufacturers and holders of trademark rights, and the JPO believes that the way to a stronger economy is through broadened protection of trademarks.

This goal may, in fact, be possible. The theory the JPO is pursuing is that the chiiki brand system promotes collective action. It encourages entities to cooperate and to raise skill levels of traditional industries. These traditional industries are being lost or forgotten over time. Therefore, the chiiki brand system could play the role of invigorating interest and concern for traditional industries while increasing the skill level of practitioners of these traditional industries. As this type of collective action is inconsistent with Japanese notions of competition and business strategy, it will be interesting to see which side prevails.

One result could be counterproductive. With increased interest in traditional industries and increased focus and sale of goods from traditional Japanese industries, it could simply enhance the market for knockoff traditional industry goods. As we will see, there are no meaningful enforcement mechanisms in the chiiki brand system. Those that do exist are not utilized; therefore, it is unreasonable to expect the mere existence of a registration system to deter infringing conduct. In fact, it may encourage it.

At first, it appeared that the chiiki brand system would be quite popular as nearly 700 associations applied to register their marks in the first year. However, by 2010, that number had dropped to just thirty-seven applicants in eleven months between January and November.19

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19 Tetsuya Imamura, Chiikishudanshyoideidotou seidosentakunoo igito sonomonndai [The Significance and Problems with the Chiiki Brand System], 34 NIHON KOGYO SHOYUKENHO GAKKAI NENPO 29, 31 (2010) (Japan).
A. Collective Trademarks Generally

In the United States, a collective mark is “a trademark or service mark used by the members of a cooperative, an association, or other collective group or organization . . . .” The collective mark has a very limited purpose in the United States and in all nations that recognize such marks. The purpose is to identify membership in some collective or organization. The World Intellectual Property Organization (WIPO) claims that collective marks may serve a positive role in helping small to medium sized entities overcome the challenges brought on by the small size of their operations or isolation in the marketplace. However, even WIPO is devoid of any technical report or study that shows precise economic gain by registering a collective mark. On simple numbers, we do know that there are 3,134 subsisting registrations for collective marks in the U.S. Patent and Trademark Office. Some of these collective marks are quite old, and some are rather new.

In the United States, collective marks are owned by an organization and can be used by members of that organization to show, in addition to some geographic affiliation, that the user complies with certain standards of quality or accuracy or any other criteria set by the organization. The most common example includes the CPA mark to identify membership in the association for Certified Public Accountants. This is very popular in the European Union. For example, the Consorzio del Prosciutto di Parma sued for passing off even their unregistered collective

22 Id.
A regulation establishes protection for the Italian ham Prosciutto di Parma, requiring the product to be packaged in the region of production. Asda supermarkets were purchasing ham through the Consorzio del Prosciutto di Parma association, slicing it themselves, and labeling it as “Parma ham.” The association brought an action against Asda on the grounds that slicing the ham themselves was contrary to the rules applicable to Parma ham. The court held that the slicing and packaging of ham constituted important operations that can damage the product and the PDO’s (protected designation of origin) reputation.

In both the United States and the European Union, collective mark recognition seems to provide real and substantive protection for associations in their attempts to enforce marks and therefore attract membership in the association. There is no data by which one could conclude that the collective trademark systems have any economic impact whatsoever on the United States or the European Union. In fact, to make such an assertion belies the purpose of trademark protection itself in the United States. Although positive economic advantages do inure to the trademark user, that is not why we protect trademarks in the United States. Rather, we protect trademarks in the United States to ensure fair competition. We believe that fair competition leads to furthering the goals of capitalism. We believe that the more players there are in any market, the more competition there will be, and this will translate into lower prices consumers pay for goods and services. This basic

25 Id.
26 Id.
27 Id.
rationale has been in place for a very long time.29 That is, the objective in the United States is fair competition to promote economic development.30 The goal in Japan is to “contribute to the development of the industry and to protect the interests of consumers,”31 and the Japanese believe that that mere investment leads to economic development.32

There is some research that indicates that for a newly developing country, having an advanced collective mark system may stimulate growth and investment in such things as tourism, as it may act to internalize values and skills needed to make these industries successful.33 However, this research applies primarily to post-conflict zones or war zones.34 Although Japan has been without military conflict for more than sixty years, this might apply to chiiki brands. The economic analysis below pursues the idea of using collective marks to internalize values and skills and the resulting public relations when this is done.

32 KOICHI HAMADA ET AL., MIRACULOUS GROWTH AND STAGNATION IN POST-WAR JAPAN 6 (2011) (“Since the quality of human capital is the key to sustainable development, such inadequate investment in human capital leads to slow economic development.”).
34 Id.
B. Japan’s Experience with Chiiki Brands

1. Nature and Scope of Protection—Statutory Scheme

Article 7-2 of the Japanese Trademark Act governs the registration of chiiki brands. In essence, this statutory scheme reads much like the concept of collective marks in the United States. A chiiki brand will be granted to a regional “association” as long as the association allows members to use the mark to indicate membership in the association but does not itself use the mark on or in connection with the sale of any good or service. The chiiki brand contains a place name plus a generic word for a good or service. Furthermore, the chiiki brand will only be worthy of registration if the mark has become “well-known among consumers.”

More specifically, the statute provides that a chiiki brand mark should be issued to the applicant provided that the trademark is used by its members and, as a result of the use of the said trademark, the said trademark is well known among consumers as indicating the goods or services pertaining to the business of the applicant or its members, notwithstanding the provision of Article 3.

The statutory construction of the chiiki brand system has three basic elements. First, the chiiki brand must be widely recognized among consumers. Second, this recognition must be created by use of the mark in commerce. The third element of the statutory construction of the chiiki brand system is that it is

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35 See 17 U.S.C. § 201(c); Trademark Act, art. 7-2 (Japan).
36 Trademark Act, art. 7-2 (Japan).
37 Id. at art. 7-2(1).
38 Id.
39 Id.
40 Id. at art. 3.
41 Id.
“notwithstanding” Article 3 of the Trademark Act.\footnote{Id.} Article 3 of the Japanese Trademark Act prevents marks from being registered that are only of geographic significance.\footnote{Id.} In the language of the statute, a mark that “consists solely of . . . the place of origin in a common manner” shall be denied registration.\footnote{Id. at art. 3(1)(3).}

However, this lack of trademark significance for geographically significant marks can be overcome with the Japanese equivalent of secondary meaning.\footnote{Id. at art. 3(2).} A mark that is initially denied registration for being a geographic place name “may be registered if, as a result of the use of the trademark, consumers are able to recognize the goods or services as those pertaining to a business of a particular person.”\footnote{Id.}

In the United States, 17 U.S.C. § 1052(e)(2) denies marks of merely geographic significance from being registered unless the mark has acquired secondary meaning.\footnote{17 U.S.C. § 1052(e)(2) (2012).} By statute, the Japanese trademark law addresses marks of geographic significance in the same manner as in the United States.\footnote{Compare Trademark Act, art. 3 (Japan), with 17 U.S.C. § 1052(e)(2).} Although the American version is a little tighter in statutory language, the Japanese and the American statutes get to the same point: one may not register a mark of mere geographic significance unless it has secondary meaning.\footnote{Compare 17 U.S.C. § 1052(e)(2) (stating that trademark cannot be registered if the mark is “geographically deceptively misdescriptive”) with Trademark Act, art. 3 (Japan) (stating that a trademark will be registered unless it “consists solely of a mark indicating . . . place of origin”).}

Therefore, the two most important elements of the Japanese chiiki brand scheme are that there must be an “association” that uses an appellation of source that becomes “well-recognized

\footnotesize{\bibliography{references}}
among consumers.” Both are pursued below. In addition, a chiiki brand must consist of a regional name followed by the name of some good or service—as in Tokyo Ramen. Only when these elements are established does a registerable chiiki brand come into existence.

To date, the chiiki brand system has been effective in widely granting registrations across all of Japan. The JPO has already granted chiiki brand registrations in many product categories, including fruits and vegetables, meat and seafood, textiles and crafts, as well as services and onsen (hot springs).

Chiiki brand registrations represent all forty-seven prefectures in Japan with the majority coming from Hokkaido Prefecture (24) or Hyogo Prefecture (32), which is centered on the city of Kobe.

2. “Association”

An “association” for purposes of the Trademark Act is any business cooperative. Eligible associations may not exclude membership if the applicant entity meets the association’s definition of membership. The association must be a registered corporation under Japanese law. And, importantly, these rules apply equally to foreign entities.

50 See Trademark Act, art. 7-2(1) (Japan).
51 Overview of an Act to Amend Part of the Trademark Law, supra note 17.
52 Regional Collective Trademark Case Studies for 2015, supra note 11. A partial list is included in the Appendix. See infra Appendix A.
53 Trademark Act, art. 7-2 (Japan). For purposes of article 7-2, an association is defined as “[a]ny association established by a special Act, including a business cooperative (those which do not have juridical personality are excluded, and limited to those which are established by a special Act providing, without a just cause, that the association shall not refuse the enrollment of any person who is eligible to become a member or that the association shall not impose on any of its prospective members any condition that is heavier than those imposed on its existing members) . . . or a foreign juridical person equivalent thereto.” Id.
54 Id.
55 Id.
56 Id.
The form of incorporation of the association is not relevant. The association simply needs to be a juridical person.\textsuperscript{57} Incorporating may provide some obstacles to entry for Japanese entities. Compared to the United States, it is difficult and expensive to incorporate in Japan.\textsuperscript{58} In order to respond to fast-growing and fast-paced industries like information technology, in 2006, the Japanese corporate law was amended and consolidated from the Commercial Code to the Company Law.\textsuperscript{59} Although the paid-in capital requirement was abolished in 2006,\textsuperscript{60} there are still only two forms of incorporation that an association would likely choose. One is a stock company, usually chosen by large companies.\textsuperscript{61} The other is the limited liability company or a J-LLC (gōdōkaisha 合同会社)—a close variant to the American LLC, it is not considered a pass-through entity but a taxable entity by Japanese tax authorities.\textsuperscript{62}

As of this writing, there are no reported court cases in Japan that address the association requirement of the chiiki brand system.

3. “Well-known among consumers”

Although the statute does not explicitly require nationwide recognition, it seems on interpretation to mean nationwide or nearly nationwide recognition. The Japanese statute does not say but implies “all” consumers.\textsuperscript{63} It literally says “the consumers.”\textsuperscript{64} However, the implication is that this is a large group of people

\textsuperscript{57} Id.
\textsuperscript{59} Keiko Hashimoto, Katsuya Natori & John C. Roebuck, Corporations, in JAPANESE BUSINESS LAW (Gerald P. McAlinn, ed. 2007).
\textsuperscript{60} Id. at 96.
\textsuperscript{61} How To Incorporate A Company In Japan, supra note 58.
\textsuperscript{62} Id.
\textsuperscript{63} Shōhyō-hō [Trademark Act], Act No. 27 of April 13, 1959 (as amended up to the revisions of Act No. 63 of 2011), art. 7-2 (Japan).
\textsuperscript{64} Id.
because the statute says “widely recognized” (*hiroku ninshiki sa reta* 広く認識された). Whether this means a nationwide audience or some subset thereof, the clear implication is that this is meant to be a large group of people.

The term “widely recognized” is used in multiple places in the Japanese trademark statute. Unfortunately, the meaning is not consistent. The only thing that is consistent in every other instance is that “widely recognized” means of “national reputation.” Therefore, although the term “widely recognized” appears in many places in the Trademark Act with disparate meanings, it is relatively clear that a mark that is widely recognized is one with a national reputation.

Interestingly, the JPO claimed in 2006 that national recognition is not necessary for chiiki brands to be registered, only broad recognition in surrounding prefectures. This is a rather odd standard. Japan is a very small country. Geographically, it would fit into the state of California with some room to spare. Additionally, Japan is a highly technical, modern society with Internet and phone capabilities that eclipse the United States. With the Shinkansen bullet train, travel through and around Japan is fast, reliable, and very common. Mobility in Japan is not an

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65 *Id.*
66 See *SHOEN ONO, SHOHYOHO (TRADEMARK LAW) 87* (1994) (Japan); *KENNETH L. PORT, TRADEMARK AND UNFAIR COMPETITION LAW IN JAPAN 136* (2007).
67 *JAPAN PATENT OFFICE, HEISEI 17 NENDO SHOUHYOU HOU NO ICHIBU KAISEI [INTERPRETATION OF 2005 AMENDMENT OF JAPANESE TRADEMARK ACT]* 16 (2005).
69 *Id.*
71 All seats on the inaugural run of the Shinkansen in Hokuriku from Tokyo to Toyama sold out in twenty-five seconds on the morning they went on sale on February 14, 2015. *Seats on March 14 Hokuriku Shinkansen Sell Out in 25 Seconds*, *JAPAN TODAY* (Feb. 14, 2015),
issue. As such, it is hard to imagine a regional collective mark that would be well recognized in the Japanese equivalent of Sacramento, but not known in Los Angeles. This may be a distinction without a difference. For all intents and purposes, a widely recognized mark means one with a national reputation, even though the statute does not expressly state it as such; the JPO seems to allow for something short of national recognition before a chiiki brand is subject to registration; and even though commentators seem to agree that something short of national recognition is sufficient.72

The JPO recognized that the mark with the most recognition is one that is nationally known. It makes a clear distinction between nationally known marks and not nationally known marks.73 However, as stated above, this seems like a distinction without a difference when applied to Japan. Regionalism has been on the rise in Japan recently. It has become important to some that outsiders do not see Japan as a homogeneous society. Importantly, the Japanese central government has been under pressure to recognize and pay homage to the notion of regionalism. It appears that this concept has bled into the Trademark Act with the chiiki brand system. It would be very unpopular for the Japanese government to require that every chiiki brand be statutorily well-recognized on a national level before registration would be possible. This would reject the now popular notion of Japanese regionalism, of which the chiiki brand system is emblematic. To have a locally based

http://www.newsonjapan.com/html/newsdesk/article/111387.php. The initial run for the train was at 6:00 AM on March 14, 2015. Id. Toyama is a city on the Japan Sea (west) side of Japan and has a population of just over 400,000. Welcome to Toyama, TOYAMA PREFECTURE, http://www.pref.toyama.jp/english/ (last visited Mar. 6, 2015). To date, most Shinkansen links have been created to connect much more populous areas or to provide express service to, for example, the Nagano Olympics. See INFORMATION SHINKANSEN, http://www.shinkansen.co.jp/jikoku_hyo/en/ (last visited Mar. 6, 2015).


73 Overview of an Act to Amend Part of the Trademark Law, supra note 17, at 9.
collective mark system to promote regional growth and then require that all marks thereunder have national recognition would surely be inconsistent with the demands that regionalism be recognized and fostered in Japan. In reality, because the best chiiki brand is one that has national recognition, the JPO is making national recognition the goal of all chiiki brands. That is, this goal implicitly rejects regionalism. While the chiiki brand system is based on marks that derive from regional use on traditional arts, crafts, foodstuffs and services, the best chiiki brand is one with national repute. As such, it appears that the JPO is not serious about supporting Japanese regionalism. As a practical matter, virtually all chiiki brands will have a national reputation; the fact that national fame is not technically required for registration is not a meaningful distinction.

Furthermore, this wide recognition has to be attained through use of the mark in commerce, “as a result of the use of the mark” (sono shōhyō ga shiyō o sa reta kekka その商標が使用をされた結果). As a civil law trademark system, there are very few trademark rights that are gained from use in Japan. Virtually all trademark rights are acquired from registration, not from use. The chiiki brand turns out to be one of the meaningful exceptions to this rule.

In other places in the statute, the Japanese Trademark Act does use the term “fame” (chomei 著名). Through normal statutory construction rules, as a specific word is used we should understand that a distinct concept was intended. That is, a widely recognized mark is not a famous mark. Therefore, in determining if a mark is widely recognized, courts look to the nature of actual use of the mark; the duration of use; the geographic scope of use; the volume of sales; and the methodologies and content of advertising.

74 Id. at 23.
75 PORT, supra note 66.
76 ONO, supra note 66, at 87.
4. Kitakata Ramen

Figure 2: Kitakata Ramen

Perhaps the best example of the application of this standard as it applies to chiiki brands is a Japanese case where the JPO refused registration of “Kitakata Ramen” (喜多方ラーメン) to the Kitakata Ramen Association for use related to a particular type of ramen noodles that come from the city of Kitakata in Fukushima Prefecture. Ramen is a type of wheat noodle, commonly served in a broth. The ramen pictured above is served with slices of pork, scallions, and kamaboko (surimi), a white fish cake with a pink swirl.

The JPO refused registration of the mark because it was not “well recognized among consumers” and the Intellectual Property High Court sustained that refusal. The High Court provided a very thorough explication of the chiiki brand system. The court concluded that it was there to invigorate local economies for regional goods and services. The court claimed that the chiiki

78 Id.
The brand system was created to build brand recognition and identity and thereby stimulate economic growth. The court cites no data or studies to support the notion that the chiiki brand system could contribute to economic growth.

For its part, the Kitakata Ramen Association failed to show that the mark “Kitakata Ramen” was well-recognized by consumers. To register the mark, the court held, would “relax the requirement of showing there is a connection between the goods and services with the association members to an inappropriate level.” That is, consumers think of the large city by the name of Kitakata and not of any particular ramen producer association when they are confronted with this mark.

In the end, the court’s analysis is challenging to follow and it makes one wonder whether any chiiki brand would actually satisfy the IP High Court. The court, however, does state that only 50% of the stores in the city of Kitakata that sell Kitakata Ramen are actually members of the Kitakata Ramen Association. In the stores that are not a member of the Association, the words Kitakata Ramen appear in the menus and on advertising for these stores as well as in newspapers and magazines. Therefore, when consumers see the mark Kitakata Ramen, there is no way to tell whether the seller or purveyor is part of the Association or not. As such, the mark failed in the test of being widely recognized by consumers.

In fact, the mark Kitakata Ramen fails to act as a mark indicating the Association as related to the mark. When only 50% of stores that bear the mark are part of the Kitakata Ramen Association, it is difficult to see how, through use (as required by the statute), the mark has come to represent the association.

In terms of the statute, Kitakata Ramen consists “solely of characters indicating, in a common manner, the name of the region and the common name of the goods or services pertaining to the

79 Id. at 118.
80 Id. at 119.
business of the applicant or its members.” ⁸¹ That is, the mark Kitakata Ramen indicates a commonly recognized place name in a common manner and also refers to a common food from that location and others. As such, it failed to meet the standard of a chiiki brand.

5. Hakata Ori

![Hakata Ori](image)

**Figure 3: Hakata Ori**

In the only other substantive chiiki brand case reported in Japan to date, the Fukuoka District Court addressed the enforcement of chiiki brands in a trademark infringement setting. It explained the parameters of a chiiki brand mark in rather clear terms. ⁸² The Plaintiff was an association of companies that

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⁸¹ Shōhyō-hō [Trademark Act], Act No. 27 of April 13, 1959 (as amended up to the revisions of Act No. 63 of 2011), art. 7-2(1)(i) (Japan).

manufactured and sold *Hakata Ori*, textiles from Hakata. These textiles are specially woven and dyed fabrics that are used to make men’s neckties, women’s purses and kimonos and fabric wrapped around a kimono worn in traditional Japanese style. Figure 3 shows a woman wearing a kimono made from Hakata Ori.

The Hakata Ori has a very long history. The textile manufacturing style was brought from China in the 13th Century. There are very few artisans left in Japan that are able to manufacture the silk and create the clothing in the correct Hakata Ori style. There are currently only 46 members to the Hakata Ori Textile Industrial Association. In the 46 stores, some 450 people are employed as artisans and workers. The stores all exist in and around the city of Fukuoka in Kyushu, Japan.

The defendant manufactured and sold goods bearing the mark HAKATA OBI (博多帯). An *obi* is the silk sash tied around the waist of a female kimono wearer. The plaintiff claimed that *Hakata Obi* infringed the chiiki brand HAKATA ORI (博多織). The court found no infringement and dismissed the case. There could be no infringement, the court held, because the chiiki brand included the name of a generic item: textiles. The court relied on Section 7-2 of the Japanese Trademark Act for this proposition. As such, the defendant had the right to use the mark as it wished.
6. Conclusion on Statutory Scheme

The entire chiiki brand system operates as a simple exception to a long held belief in international trademark jurisprudence that restricts trademarks from issuing on purely geographic names. Naturally, the policy in all systems around the world is that people should not be prevented from using geographic terms to describe a product simply because someone else claims it as their trademark. All entities have an equal right to use a place name to denote where the entity is located, to imply that its goods or services are related to that place name, and to share in the goodwill of that place name. Even the European Union, which has broad recognition of geographic indicators, does not grant geographic indicator status arbitrarily to any random claim to a place name. Only when it comes to indicate the location as a unique source of some good or service is it elevated to a geographic indicator.

Japan is no different. Article 3-1 of the Japanese Trademark Act prohibits merely geographically significant trademarks from being registered. As in most systems, this prohibition can be overcome with secondary meaning. Nevertheless, it would act as a bar from allowing any chiiki brands from being registered. Japanese courts have well-recognized this fact.

To overcome this problem, a statutory exception was devised to allow for chiiki brands to be registered and, thereby, placate the political movement pushing for more decentralization and more regionalism. Indeed, as we have just seen, the judicial

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90 See 1 Anna Gilson Lalonde, Gilson on Trademarks § 3.04 (2014).
92 See id. at 764–65.
93 Shōhyō-hō [Trademark Act], Act No. 27 of April 13, 1959 (as amended up to the revisions of Act No. 63 of 2011), art. 7-3(1) (Japan) (stating that a mark that “consists solely of a mark indicating, in a common manner, in the case of goods, the place of origin” may not be registered).
94 See id. at art. 3(2).
interpretations of the chiiki brand system have led to a national collective marks system, not a regional one.

C. Case Studies

As the chiiki brand system has matured, we might look to specific companies to understand how they fared. In 2007, the popular law magazine, *The Invention* (*Hatsumei 発明*) ran a detailed story about three of the first chiiki brand registrants.\(^{96}\) This article is presented as a “hot news” type of bulletin and claims that chiiki brands will have a positive effect on the Japanese economy. Most of the source for this article seems to be the Japan Patent Office.

The three Associations featured in the 2007 *Invention* article will be described in some detail. Their financial situations before and after registration will be examined, and a determination will be made as to whether or not the chiiki brand registration had JPO’s predicted impact on the Associations’ economies.

1. *Ogoto Onsen*

Located on the shores of Lake Biwa and close to Kyoto, the Ogoto Hot Springs and Ryokan Cooperative/Ogoto Hot Springs Tourist Association (“Ogoto Association”) has ten *ryokan* (Japanese inn) or hotel complexes. The water that percolates up naturally from the ground is at a constant 36 degrees centigrade or 96.8 degrees Fahrenheit year round, the optimal temperature for hot springs. The actual hot springs are owned and operated by Ostusuki City.\(^{97}\) The Ogoto Association claims that as a hot springs with alkali dissolved in the water as it comes out of the earth, “Ogoto hot spring water is said to help relieve neuralgia, muscular

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pain, joint pain, stiff shoulders, paralysis, bruises, chronic gastritis, poor circulation, fatigue, and skin problems.\textsuperscript{98}

It can safely be said that the Japanese take their hot springs resorts very seriously.

Ogoto Onsen’s history is said to date back more than 1,200 years. It took its name from a combination of a Heian Era (794 to 1195 CE) governor and a classic Japanese harp.\textsuperscript{99} It connotes very old, traditional, historic values and sensibilities in the Japanese mindset.

In the 1970s, Ogoto Onsen lost its image as a historical destination. At that time, it gained a national reputation as being a village of Turkish baths—“Soapland” (sōpurando ソープランド).\textsuperscript{100} That is, it became known for its red-light district and its brothels. In the 1970s, no one would say that they were making Ogoto Onsen a vacation destination. Rather, “Ogoto” became synonymous with “red-light district.”

From the mid-1970s through today, ryokans and hotels, under the slogan “Ogoto Onsen is an Onsen,” have worked to change their image. By 2006, the Ogoto Onsen area attracted 443,359 overnight visitors plus 101,571 one-day visits. By 2008, the name of the area’s train station was changed from Ogoto Station (Ogoto-Eki 雄琴駅), which connoted the red-light district in difficult Chinese characters, to Ogoto Onsen Station (Ogoto Onsen-Eki おごと温泉駅), using the simplified Hiragana for the city name—thereby adding to the area’s accessibility and attempting to shed the image that Ogoto Onsen was a red-light district.\textsuperscript{101}

\textsuperscript{98} Id.
\textsuperscript{99} Id.
In 2006, the area went through another image change in an attempt to make it more desirable as a place to live and work. The area is now trying to reproduce the old village from 1200 years ago and live in peace and harmony with the past. In order to realize this, the OGOTO ONSEN (雄琴温泉) chiiki brand was registered. The Association also adopted a new mascot to represent the traditional history melded with current realities.

Figure 4: Ogoton, the Ogoto Onsen Mascot

It took Ogoto Onsen years to shed itself of the red-light-district image. Centered on the chiiki brand OGOTO ONSEN and the accompanying stylized mascot shown in Figure 4, the then-Chairman Harigane of the Association said in 2007, “We worked too hard to have to repeat ourselves.” The Ogoto Association has no intention of letting the image slip back into being known as a place where brothels proliferate.

For Ogoto Onsen, there is nothing more important than their brand identity. The OGOTO ONSEN chiiki brand is a weapon to battle the forces that would change Ogoto Onsen back to a red-light district. However, to conclude that the chiiki brand system was or is contributing to the economic development of the area is spurious. It was the Onsen owners’ collective desire to shed the red-light-district image as much as the chiiki brand system that brought them economic success. To be sure, tourists and regular vacationers are on the increase. To be sure, the Ogoto Association

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102 OGOTO ONSEN (雄琴温泉) [Ogoto Hot Springs], Registration No. 5034857 (Japan).
104 Osawa, supra note 91.
105 Id.
registered its chiiki brand. However, many factors contributed to the economic success of the area. There are so many factors involved that it is impossible to quantify the role of the chiiki brand system.

2. Kyo Ningyo

![Figure 5: Kyo Ningyo Dolls](image)

Kyo Ningyo dolls are a ubiquitous symbol of Japan. Famous in every Japanese household, the dolls have a very distinguished career. The dolls are, more specifically, a symbol of the Kyoto area of Japan. Artisans make the dolls piece by piece on high quality lathes. The dolls are given facial features and hair and are robed using a process that dates back to the Heian Period of Japan (794 CE–1185 CE),\(^{106}\) although the current form of the doll dates to the Edo Period (1600–1868).\(^{107}\) Each doll is said to manifest the maker-craftsman’s spirit and skill. Each doll demonstrates a stern, sophisticated charm.\(^{108}\)

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\(^{108}\) Id. at 8.
Although there are five poses or shapes of the dolls, the *Hina Ningyo*, pictured in Figure 5, is the most popular. Each Kyo Ningyo doll is manufactured by hand by individual craftsmen or very small enterprises.\(^{109}\) As such, each doll is said to be brought to life by a single person. The stratified structure of the business model based on the craftsman’s skill is an important characteristic of Kyo Ningyo. To be a true Kyo Ningyo craftsman takes years of training and cannot be accomplished by just anyone.

To promote the manufacture and sale of Kyo Ningyo, the Kyo Ningyo Commerce and Industry Cooperative (Kyo Ningyo Association) was created.\(^{110}\) The chairman of the Kyo Ningyo Association, Bunzo Moriguchi, is “proud of the burden of carrying traditional industry and culture from Kyoto.”\(^{111}\)

The Kyo Ningyo Association applied to register the certification mark *KYO NINGYO* (京人形)\(^{112}\) to reaffirm the brand identity.\(^{113}\) The Kyo Ningyo Association felt that, if it could attain the support of a public agency like the JPO, it would be well on its way to revitalizing and reaffirming the brand on a national scale.

Before it was able to apply for a chiiki brand, its mark, *KYO NINGYO*, received a designation as a “Traditional Craft” (*den-san shitei* 伝産指定) under the Law on the Promotion of Traditional Craft production.\(^{114}\) The Director of the Kyo Ningyo Association, Tsuneo Bando, claimed that the designation would give them many more contacts with the Kyoto City and Prefectural governments.

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\(^{111}\) *Id.*

\(^{112}\) KYO NINGYO (京人形) [Kyoto Doll], Registration No. 5003858 (Japan).

\(^{113}\) Osawa, *supra note 91*, at 8.

\(^{114}\) Den tōteikōgeihin-san no shinkō ni kansuru hō [Law on the Promotion of Traditional Craft Production], Law No. 57 of May 25, 1974 (Japan).
He was told by the government that the designation would mean “a real profit” for his association.\footnote{Osawa, supra note 91, at 9.}

As there are many such designations in and around the Kyoto area, there is keen interest to support such associations. One such group is the Kyoto Brand Trademark Promotion Council. This council supported the Kyo-Ningo Association in their drive to obtain a chiiki brand. Although there was a conflict with another who was using a similar trademark on or in connection with similar goods, with the help of the Council, the KYO NINGYO chiiki brand was finally registered—at least in part because the Kyo Ningyo Association received the designation as a “Traditional Craft” from the Government.\footnote{See generally Traditional Crafts of Japan, MINISTRY OF ECON., TRADE & INDUSTRY (Dec. 26, 2013), http://www.meti.go.jp/english/policy/mono_info_service/creative_industries/pdf/Traditional_Crafts_of_Japan.pdf (mapping the Traditional Crafts of Japan).}

As the Kyo Ningyo Association won the right to register the chiiki brand by that name, many opportunities to partner with the city of Kyoto and the surrounding cities have made the brand well-recognized. As such, the Kyo Ningyo have been used in several temple events and have given the dolls a very positive appeal to Japanese people. In short, the chiiki brand has contributed to this appeal, and this is said to contribute to the profitability of the Kyo Ningyo dolls.\footnote{Osawa, supra note 91, at 9.}

Once again, however, there are too many variables to claim that the chiiki brand system was the catalyst to its economic development. The development may have come with the mere designation as a Traditional Craft. It may have come with simple advertising. It is impossible to quantify and claim that one of the many variables was the only cause for the economic success of the Kyo Ningyo Association.
3. Odawara Kamaboko

Figure 6: Kamaboko

*Kamaboko* is a fish paste made into various forms that hold their shape. It is also known as “fish cake.” Surimi or fish cake is manufactured by combining several types of white fish. 118 This paste is steamed, formed into blocks, and then served chilled or in soups. Figure 6 shows one common form. In the West, the best-known type of kamaboko is *kanikama*, short for *kanikamaboko*. This is the artificial crabmeat sticks sold in many grocery stores. 119

Kamaboko is a staple of the Japanese diet and is found in various forms in Japanese dishes. Perhaps the most ubiquitous use is the half-moon shape of pressed white fish with a pink border found in many ramen dishes.

Odawara Kamaboko is distinctive because it is made out of Pacific Croaker rather than Alaskan Pollack. 120 Croaker is considered a higher quality white fish than Pollack, and this gives

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Odawara Kamaboko an advantage over its considerable competition.\textsuperscript{121} Having originated in the 1780s during the Edo Period (1603 to 1868) or possibly in the much earlier Muromachi Period (1337 to 1573),\textsuperscript{122} Odawara Kamaboko has now become a favorite New Years’ celebratory dish and a significant part of the famous Osechi Ryori served during New Year’s meals.\textsuperscript{123} In 2007, the Odawara Kamaboko Fish Processors Co-Operative Association (Odawara Association) collectively produced over 83 million pounds of kamaboko.\textsuperscript{124}

\textsuperscript{121} Id. at 457 (discussing how the superior quality of the Odawara Kamaboko may be due to the water’s high calcium content).

\textsuperscript{122} Osawa, supra note 91, at 12; see also History of Kamaboko, ODAWARA KAMABOKO FISH PROCESSORS CO-OPERATIVE ASS’N, http://en.odawarajibasan.jp/kamaboko/history-kamaboko/ (last visited Mar. 12, 2015).


\textsuperscript{124} The ten conditions for a product to be certified as Odawara Kamaboko: “1. The producer must strive to preserve the fine quality of Odawara kamaboko, and the quality should be of the level which is also approved by other producers. 2. The producer must carefully select all ingredients so as not to tarnish the credibility of Odawara kamaboko. 3. The producer should be producing high-protein products by making the most of the fish’s natural taste. 4. It must be plankned and steamed. (Not including molded kamaboko.) 5. The producer must rigidly uphold the original method, technique and skills involved in producing Odawara kamaboko as well as to continue doing so in the future. 6. The producer’s headquarters must be registered in Odawara City and its business bases must also be located in the city. 7. In principle, the producer must have its own factory in Odawara City. If it is the case that the factory is not located in the city, it can be approved only if the factory is owned by the producer. 8. The producer must have been in business for more than fifty years as a kamaboko producer in Odawara, and must be widely recognised by the public and fellow companies. 9. The management of the producing company must cherish the concepts and traditions of Odawara kamaboko. 10. The producer must be a member of the Odawara Kamaboko Fish Processors Co-Operative Association.” The Ten Conditions – To Be Certified as Odawara Kamaboko, ODAWARA KAMABOKO FISH PROCESSORS CO-OPERATIVE ASS’N, http://en.odawarajibasan.jp/kamaboko/ten-conditions/ (last visited Mar. 12, 2015).
In order to maintain quality, the Odawara Association convenes a special meeting where each producer has to present its kamaboko and the flavor is tested. The registration of the chiiki brand ODAWARA KAMABOKO (小田原蒲鉾)\textsuperscript{125} by the Odawara Association has allowed it to identify counterfeit kamaboko and take appropriate measures when disclosed.\textsuperscript{126} The chiiki brand system has not been responsible for the already well-established market presence of the Association. Once again, there are too many variables at stake to identify any one as a contributing factor to the already rather developed economic presence of the Association.

D. Conclusions from Case Studies

Several conclusions can be drawn from the three case studies that were held out by the JPO as the poster children of the chiiki brand system when it was first promoted in 2006. Although all three were well-known appellations of source in their own right before chiiki brand registration, each association believes that registration gives it an advantage over the competition. Each association believes that the chiiki brand registration enhances its market power and makes it easier for it to distinguish its members from non-member producers of nearly the same product. For example, there are over 900 manufacturers of kamaboko in Japan and only 13 members of the Odawara Association.\textsuperscript{127} The chiiki brand allows the members of the Odawara Association to take advantage of historical myths and facts that distinguish their products.

\textsuperscript{125} ODAWARA KAMABOKO (小田原蒲鉾) [Odawara Fish Cake], Registration No. 5437574 (Japan).
\textsuperscript{126} Osawa, supra note 91, at 13.
\textsuperscript{127} Compare PARK ET AL., supra note 115, at 8 (stating that there were 946 Japanese kamaboko makers in 2011) with The Ten Conditions – To Be Certified as Odawara Kamaboko, supra note 119.
That is, at least in 2006 and 2007 when the concept of chiiki brands was new, the members of the case study Associations believed that membership would add to their bottom lines.

Each member seems to understand brand identity. The Ogoto Onsen Association is especially struggling to keep the area from slipping back into its past reputation as an area for brothels. Each association believes that membership in the chiiki brand system will allow it to have more control over its destiny as the associations actively manage the identity behind the chiiki brand.

As a civil law system, Japanese trademark rights commence with registration, not with use as in the United States. Therefore, registration of the chiiki brand is the beginning of a process. The process includes management of the brand and assurance of quality of the products. This process is made possible by the chiiki brands as associations band together and distinguish themselves. The associations studied here believe that investment in the chiiki brand translates into higher skill and quality, which translates into better sales. This is a common understanding by each of the case study associations.

However, there are simply too many variables involved in each industry to accurately claim that it was the chiiki brand system that was responsible for positive economic indicators. It could simply be more attention to the brand in general that contributes to the growth. The growth might be the result of a multitude of other factors as well. It is nice to see such faith placed in a portion of the Japanese trademark system, but whether this faith is misplaced or not is impossible to tell. The present indicators imply that many

128 Shōhyō-hō [Trademark Act], Act No. 27 of April 13, 1959 (as amended up to the revisions of Act No. 63 of 2011), art. 18 (Japan).
130 Osawa, supra note 91, at 14 (quoting the chairman of the Odawara Association as this idea applies to Odawara Kamaboko).
factors contributed to the growth of the particular economy and that the chiiki brand system alone could not have been responsible.

E. Registration and Enforcement Data

As of March 6, 2015, there were 574 registered chiiki brands. Each one is like the case studies previously discussed, in that an association owns the certification mark and numerous manufacturer association members make goods or services in a certain way that earns each member the right to use the chiiki brand on, or in connection with, the goods or services.

There are a total of eight reported cases that mention chiiki brands since 2006. Only two of these cases, analyzed above, deal with substantive issues in the chiiki brand system. Both chiiki brands failed to be recognized by the court.

Of the other six cases that mention the chiiki brand system, no plaintiff prevailed in asserting its rights. Although these cases mention chiiki brands in dicta, it seems to be telling that the Japanese courts may be hostile to the notion of the chiiki brand system. Although clearly too early to tell definitively, this is a fact that needs to be closely watched.

III. GEOGRAPHIC INDICATIONS

A. Geographic Indications Generally

Geographic indications, as defined by the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement), identify goods as originating in the territory of a member where a given quality, reputation, or other characteristic of the goods is essentially attributable to its geographical origin. Geographic indications impart important information about where

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the products were made, the quality of the products—which is related to the reputation of the geographic region—and the name of the products.\textsuperscript{133} The European Union is heavily invested in geographic indicators and insists that other countries respect them;\textsuperscript{134} however, the United States has been very hesitant to recognize geographic indicators, as it is inconsistent with U.S. trademark law and policy.\textsuperscript{135}

Geographic indications are quite controversial in the United States. United States trademark doctrine and policy have long prohibited geographic indicators from being registered. At least since 1947, registration of trademarks that are primarily geographic in nature has been prohibited.\textsuperscript{136} In 1996, trademark law was amended to allow for geographic marks identifying the source of wines and spirits to be registered. However, the 1996 law only applied to new marks—only those applied for on or after one year after passage of the amendment or January 1, 1996.\textsuperscript{137}

The United States has been on a crash course over geographic indicators for a long time.\textsuperscript{138} Although the Lanham Act was

\textsuperscript{133} Id. at art. 22.
\textsuperscript{134} Harry N. Niska, Note, The European Union TRIPs Over the U.S. Constitution: Can the First Amendment Save the Bologna That Has A First Name? 13 MINN. J. GLOBAL TRADE 413 (2004).
\textsuperscript{135} J. THOMAS MCCARTHY, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 14:21 (4th ed. 2015).
amended to allow new marks of a geographic nature for wines and spirits to be registered, so long as they truly name the place of origin, it did nothing for old geographic indicators such as merlot or champagne. In Europe, these are valuable geographic indicators. For example, only wine from Chianti, Italy may call itself “chianti.”

The closest the United States gets to protecting anything like a chiiki brand or a geographical indication is the federal regulation of American Viticultural Areas (AVAs). These regulations allow


Deborah J. Kemp & Lynn M. Forsythe, Trademarks and Geographical Indications: A Case of California Champagne, 10 CHAP. L. REV. 257 (2006); see Peter Brody, Protection of Geographical Indications in the Wake of TRIPs: Existing United States Law and the Administration's Proposed Legislation, 84 TRADEMARK REP. 520 (1994); see also 26 U.S.C. § 5388(c)(2)(B) (2012) (providing a list of geographic indications from Europe that will be considered “semi-generic” for uses by the Alcohol Tobacco and Firearms Department (Angelica, Burgundy, Claret, Chablis, Champagne, Chianti, Malaga, Marsala, Madeira, Moselle, Port, Rhine Wine (syn. Hock), Sauterne, Haut Sauterne, Sherry, and Tokay)). Congress explicitly allowed for the inaccurate uses of these appellations provided that their actual source is clearly labeled on the bottle. Id.


27 C.F.R. § 4.25(e) (2012). This regulation provides for five elements that must be established before an AVA is named. The petitioner must show the following: 1) evidence that the name of the viticultural area is locally and/or nationally known as referring to the area specified in the application; 2) historical or current evidence that the boundaries of the viticultural area are as specified in the application; 3) evidence relating to the geographical features (climate, soil, elevation, physical features, and geology) which distinguish the viticultural features of the proposed area from surrounding areas; 4) the specific boundaries of the viticultural area based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale;
wine and spirits producers to name a specific geographic area as the source of wine.\textsuperscript{143} However, unlike a chiiki brand, these regulations say nothing regarding the exclusive use of the AVA by one specific entity.\textsuperscript{144}

The European Union continues to be more and more insistent that the United States change course.\textsuperscript{145} Recently, Italian cheesemakers insisted that American companies stop using the geographic indicator \textit{Parmesan}, as the cheese they produced was not from Parma, Italy.\textsuperscript{146} They insisted that Americans change the name to “hard cheese.”\textsuperscript{147} Needless to say, makers of Parmesan cheese in Wisconsin were not cooperative.\textsuperscript{148}

This is the same political environment in which the Japanese find themselves. The chiiki brands system is the way the Japanese are approaching the geographic indicator issue.\textsuperscript{149} However, although the system is open to foreigners, virtually no non-

\begin{itemize}
\item and 5) a copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked. 27 C.F.R. § 9.12 (2011).
\item \textsuperscript{143} 27 C.F.R. § 4.25.
\item \textsuperscript{144} See id.
\item \textsuperscript{145} See Mary Clark Jalonick, \textit{Europe Wants Its Parmesan Back, Seeks Name Change}, ASSOCIATED PRESS (Mar. 11, 2014), http://bigstory.ap.org/article/europe-wants-its-parmesan-back-seeks-name-change (“The trade negotiations are important for the EU as Europe has tried to protect share of agricultural exports and pull itself out of a recession. The ability to exclusively sell some of the continent’s most famous and traditional products would prevent others from cutting into those markets.”).
\item \textsuperscript{146} Id.
\item \textsuperscript{147} Id.
\item \textsuperscript{148} Id.
\item \textsuperscript{149} Tetsuya Imamura, \textit{Chiikishudanshyohyoseidotoiusdosentakunotonomondai [The Significance and Problems with the Institutional Choice Called the Chiiki Brand System]}, 34 NIHON KOGYO SHOYUKENHO GAKKAI NENPO 29, 34 (2010) (Japan); see also Anthony Rausch, \textit{Capitalizing on Creativity in Rural Areas}, 4 J. RURAL & COMMUNITY DEV. 65, 68 (2009) (“The Japanese national government has recently emphasized the potential of branding as a means of broadening the image of Japan as a producer of highly specialized and high-quality goods on the global market as well as a means of revitalizing local economics.”)
\end{itemize}
Japanese companies have applied for a chiiki brand mark.\textsuperscript{150} It will be very interesting to see if chiiki brands are used to protect things like Merlot wine or Rockford cheese in Japan. To date, no such application has been sought.\textsuperscript{151}

\textbf{B. Chiiki Brands as a Form of Geographic Indicators}

Chiiki brands operate very similarly to geographic indicators recognized in most European countries and the European Union. The most obvious distinction is that the use of a chiiki brand inures to the benefit of a specific association affiliated with the brand, while the use of geographic indicators inures to the benefit of any entity that exists in the geographic region.\textsuperscript{152}

Chiiki brands have the same association between goods and the region where they are made that is required of geographic indicators in other jurisdictions. The geographic significance of this association might be developed over time in Japan, whereas Europeans believe it is innate to the location. Odawara Kamaboko

\textsuperscript{150} The few exceptions are the registration of chiiki brands to PROSCIUTTO DI PARMA, Registration No. 5073378 (Japan); CANADA PORK (カナダポーク), Registration No. 5129558 (Japan); and ZHENJIANG VINEGAR (鎮江香醋), Registration No. 965547 (Japan). Kaigai (海外), [Overseas], JAPAN PAT. OFF. (Mar. 6, 2015), http://www.jpo.go.jp/torikumi/t_torikumi/pdf/tiikibrand/kaigai.pdf (Japan). The marks DARJEELING TEA, applied for by the India Tea Board, and CEYLON TEA, applied for by the Sri Lanka Tea Board, are currently pending. See \textit{Todōfuken betsu chiiki dantai shōhyō shutsugan-chō anken} (都道府県別地域団体商標出願中案件) [Regional Collective Trademark Pending Case List], JAPAN PAT. OFF. (Jan. 31, 2015), http://www.jpo.go.jp/torikumi/t_torikumi/pdf/t_dantai_syouhyou/todofuken_list.pdf (Japan).


is a chiiki brand, but it is only by historical accident that Odawara became a place for fish processing that produced kamaboko. There is nothing in the soil or the sea that exclusively indicates that kamaboko from Odawara tastes unique because of its geographic origin.

This is contrast with geographic indicators in the European Union. In France, for example, the belief is that only a grape grown in the Bordeaux region, raised on the right level of rainwater and in soil unique to the Bordeaux region, can produce Bordeaux wine.\textsuperscript{153} Any wine from that region of France would, theoretically, taste different from “Bordeaux” wines not made in the region. If ODAWARA KAMABOKO were a geographic indication, there would have to be some quality, reputation, or other characteristic essentially attributable to that geographical origin. But Odawara Kamaboko would taste the same if it emanated from Fukuoka instead of Odawara as long as the ingredients and processes used to manufacture the kamaboko were the same. This would not be possible with geographic indication from the European Union.

Japan’s attempt to protect marks that look like geographic indicators may, in fact, make the world of trademark harmonization much more difficult. As systems around the world attempt to align their trademark systems to reduce transaction costs and thereby make their goods or services more competitive in world markets,\textsuperscript{154} Japan has decided to go it alone. Although it is theoretically possible for a non-Japanese company to take

\begin{footnotes}
\textsuperscript{154} \textit{See e.g., Eugenia Baroncelli, et al., Trademark Protection or Protectionism?}, 3, n.3 (2004) (“The Madrid Protocol of 1989 substantially reduce[s] the transaction costs involved in registering trademarks by allowing firms that reside in member states to file a single international application for registration in multiple countries.”).
\end{footnotes}
advantage of the chiiki brand system, almost none have so far.155 This may indicate a lack of knowledge or a lack of interest on the part of all the owners of geographic indicators worldwide, but the fact remains that in the first years of existence, geographic indicator owners have not rushed to Japan to register their marks as chiiki brands.

As such, it does not seem that it would be wise to consider the chiiki brand system to be an adequate replacement or substitute for geographic indicators. This seems to be the message owners of geographic indicators are telling us. After all, Japan is the third largest economy in the world.156 European goods are very popular in all of Japan. As the owners of geographic indicators are an important lobby before the European Union and are constantly calling on the United States to recognize their marks, one would expect that they are paying closer attention to the Japanese market as well. Therefore, it seems the owners of geographic indicators are voting with their feet when it comes to the chiiki brand system. They simply have not gotten involved.

IV. ECONOMIC DEVELOPMENT

A. Connection to Economic Development Generally

It is axiomatic that trademark protection leads to economic development.157 Without a trademark system, there is no investment in goodwill.158 With no investment in goodwill, an

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155 See supra text accompanying note 150.
158 Goodwill is the idea that consumers will become loyal to a particular source; therefore, a trademark makes it easier for the consumer to identify that source amongst other similar products. See Park ’N Fly, Inc. v. Dollar Park and Fly, Inc., 469 U.S. 189, 198 (1985) (explaining that the goal of the Lanham Act is to "provid[e] national protection of trademarks in order to secure to the mark’s
economy flounders.\textsuperscript{159} We can look to the economy of Russia for proof of this fact, where in 1993, the government passed advertising restrictions that decreased the effectiveness of trademarks in advertising.\textsuperscript{160} Because of this, “Russian entrepreneurs may be less likely to invest in developing their own goodwill and trademark capital, fearing adverse legal and institutional change.”\textsuperscript{161} Investment in brands begets investment in product lines, competition, and higher quality goods for less money.\textsuperscript{162} This is the simple capitalistic calculus that drives our trademark system.

\section*{B. Will Chiiki Brands Have a Positive Economic Impact?}

The question is whether the protection of chiiki brands can have the same formative impact on an economy that the creation of a trademark system may have. This is simply too difficult to tell. There are too many variables at issue to isolate one chiiki brand and claim that it is responsible for economic development. The JPO and others claim that it will spur economic redevelopment, but they have no data to support this claim.\textsuperscript{163} In the cases studied above, there were multiple factors that led to an improved economic outlook.\textsuperscript{164}

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{159} See William O. Hennessey, \textit{The Role of Trademarks in Economic Development and Competitiveness}, IPMALL, http://ipmall.info/hosted_resources/Hennessey_Content/RoleofTrademarksinEconomicDevelopmentandCompetitiveness.pdf (last visited Mar. 15, 2015) (“The goodwill of the seller is the bedrock of the traditional consumer economy, where market information was unpredictable and the shopper came to rely upon the good name (or ‘goodwill’) of the retailer for reliable market information.”).
\item \textsuperscript{161} Cynthia Vuille Stewart, \textit{Trademarks in Russia: Making and Protecting Your Mark}, 5 TEX. INTELL. PROP. L.J. 1, 16 n.126 (1996) (citing Rubin, supra note 160, at 37).
\item \textsuperscript{162} See Hennessey, supra note 159.
\item \textsuperscript{163} Id.
\item \textsuperscript{164} Id.
\end{enumerate}
\end{footnotesize}
To test this hypothesis, the JPO commissioned a survey in 2012 of chiiki brand associations. This survey is not scientific in the least, has no foundation, and amounts to nothing more than an opinion poll. However, it is telling that the JPO asked what effects were recognized in registering the association’s mark as a chiiki brand. Although 48.3% of respondents did say that the registration made it possible to advertise their goods and services and 38.5% responded that it improved the overall image of their chiiki brand—two vital components to any trademark system—only 2.8% said that it increased their sales.

Additionally, the survey failed to ask for data to support the notion of increased sales. Therefore, there is no data being collected to establish the JPO’s primary goal of the chiiki brand system—to improve the economic circumstances for regional companies.

C. Anti-Counterfeit Measure

The chiiki brand system is also propounded by the JPO and others as an effective way to combat counterfeit goods. Of

166 Id.
167 Id. In the survey, the questions were predetermined and the respondents were asked to check off those items that applied. That is, all respondents had the express opportunity to say that as a result of the chiiki brand system, their sales increased; however, only 4.2% did so.
168 Id.
169 See Regional Brands in Japan, supra note 146.
170 See id. (“Thanks to the regional collective trademark system, local business cooperatives, agricultural cooperatives, and other collective groups and organizations are now able themselves to protect, and further develop, their regional brands. The JPO believes that this is a very useful system to revitalize local industries and promote the betterment and economic development of local communities.”).
course, there is also no reliable data regarding how, precisely, this
would affect traffic in counterfeit goods. One can theorize that
perhaps the ability to label a product as originating from one
specific association may play some role in purchasers’ decision to
buy the product. This might be the most reasonable explanation
possible given that no specifics and no data are provided by the
JPO. However, this assumes too much.

It assumes that purchasers care where the goods come from. To
be sure, Japanese are brand-conscious consumers. However, in
tough economic times, they are also price-conscious consumers.
It is difficult to say; there is no data to support the notion that
Japanese (or other purchasers) would choose brand over price.
Some brand-conscious purchasers may make the choice to buy the
appropriately branded product; however, some purchasers just
want the product and do not care from where it emanates because
they cannot afford it. One must have a very refined pallet for
Japanese food to be able, for example, to taste the difference
between kamaboko from Odawara compared to kamaboko from

171 Japanese Market, VENTURE JAPAN, http://www.venturejapan.com/japanese-
market.htm (last visited Mar. 15, 2015) (“[T]he Japanese market is a first-
mover’s market and the Japanese market is a quality conscious, service
conscious and brand conscious market.”); Debbie Howard, et al., Japan’s
Changing Consumer: Drivers of Change for Luxury Brands, JRMN INSIGHTS
BRIEFING (2007).
172 See Eric Pfanner & Megumi Fujikawa, Japanese Consumers Keep Spending
After Sales-Tax Increase, WALL ST. J. (May 1, 2014, 12:21 PM),
http://online.wsj.com/news/articles/SB100014240527023036784045795354126
66350056 (“Though Japanese consumers have been stubbornly price conscious
since the bubble economy burst more than two decades ago, a recent tightening
in certain parts of the job market and the first widespread wage increases since
2008 have lifted spirits some.”).
173 For an analysis of the kamaboko industry in general and its overall increase
in production and value, not just Odawara Kamaboko, see Myles Raizin &
Lloyd Regier, Economic Aspects of the Japanese Kamaboko Industry, 48
MARINE FISHERIES REV. 60 (1986), available at
anywhere else in Japan. It could be that people just want kamaboko; they do not care where it comes from.\footnote{Although Japan was the leading country in the failed international treaty known as the Anti-Counterfeiting Trade Agreement (ACTA), the case for ACTA is grossly overstated by its proponents. See Kenneth L. Port, \textit{A Case Against the ACTA}, 33 \textit{Cardozo L. Rev.} 1131 (2012). As with all alleged counterfeit luxury goods, it is important to have real and reliable data upon which conclusions are based.}

For the system to prevent counterfeiting, it assumes that purchasers know something about the chiiki brand system. Given that applications for chiiki brands have dropped precipitously,\footnote{Cf. \textit{Regional Collective Trademark Case Studies for 2015}, supra note 11.} it is unrealistic to expect the Japanese public and purchasers in general to know and care about the chiiki brand system. Foreign applicants are not using the system. Japanese association interest in the system has plummeted. To expect purchasers to know the system, look for it on a label, and choose not to buy a product if they do not see a chiiki brand mark on the label is grossly overestimating the sophistication of the average consumer.

Between 2006 and late 2013, there were 1,044 total applications for registration as chiiki brands.\footnote{Regional Brands in Japan, \textit{Japan Pat. Off.} (Aug. 2014), http://www.jpo.go.jp/torikumi/t_torikumi/pdf/regional_brands/chiiki2014.pdf (there were 1,044 applications to register regional brands by Sept. 2013).} Of those, nine have come from countries other than Japan including Jamaica, Canada, Italy, India, China, South Korea, and Sri Lanka.\footnote{Shō gaikoku no chiri-teki hyōgi hogo seido oyobi dō hogo o meguru kokusai-teki dōkō ni kansuru chōsa kenkyū (諸外国の地理的表示保護制度及び同保護を巡る国際的動向に関する調査研究) [\textit{Geographical Indications Protections Systems and the Protections of Foreign Countries: Research on International Trends}], \textit{Japan Int’l Ass’n for the Protection of Intell. Prop.} (Mar. 2012), http://www.jpo.go.jp/shiryou/toushin/chousa/pdf/zaisanken_kouhyou/h23_repor_t_01.pdf (Japan).} In other words, nine associations from seven different countries have applied to register their purported chiiki brands in Japan. Only one association from a European Union country, where geographic
indicators are the strongest, has applied for registration.\footnote{Id. (Only an association from Italy has applied to register for Japanese chiiki brand protection).} After nearly ten years, it is safe to say that the non-Japanese users of geographic indicators are not utilizing the chiiki brand system.

The entities in the world that one would expect to have the most to gain by the chiiki brand system are not utilizing it—either because they are ignorant of it or because they find it somehow insufficient. If that is the case, it does not seem realistic to impute knowledge of the system onto average consumers in Japan to know that a product that lacks a chiiki brand label may be a counterfeit good.

\section*{V. CHIIKI BRANDS AS AN EXAMPLE OF GIVING IN TO POLITICAL PRESSURE TOWARD REGIONALIZATION AND DECENTRALIZATION}

Regionalization or decentralization has been an important movement in Japan for some time.\footnote{Gilbert Rozman, \textit{Backdoor Japan: The Search for a Way out via Regionalism and Decentralization}, 25 J. JAPANESE STUD. 1 (1999); Hiroshi Ikawa, \textit{15 Years of Decentralization Reform in Japan}, NAT’L GRADUATE INST. FOR POL’Y STUD., Mar. 2008, at 1, available at http://www.clair.or.jp/j/forum/honyaku/hikaku/pdf/up-to-date_en4.pdf (“Decentralization has been positively promoted in Japan since the early part of the 1990s.”).} As stated above, this is odd given the relative size of Japan. Japan is a small, mountainous country. All of Japan would fit into the state of California. Only about a third of Japan is not mountainous, not covered with trees, and otherwise arable. In addition to being small, the population density is quite high.\footnote{At 836 people per square mile, Japan is about the thirty-fourth most densely populated country in the world. \textit{Population Density Per Square Mile of Countries}, INFOPLEASE, http://www.infoplease.com/ipa/A0934666.html (last visited Mar. 4, 2015).} Japan has approximately 125 million people. Considering that only a third of the land is arable, Japan is one of the most densely populated countries in the world.
Yet Japanese people recognize clear regional distinctions. From culture to the taste of food, Japanese people claim great differences between even Tokyo and Osaka, \(^{181}\) the two most populous cities and the most urbanized. \(^{182}\) Hokkaido in the north and Okinawa in the south are even more remote. \(^{183}\)

In addition, all national governmental agencies and services have been in Tokyo for a very long time. \(^{184}\) Tokyo represents Japan the same way Washington D.C. represents the United States. However, Japan is not a federal state like the United States. Although it has prefectures, the prefectural governments do not have the same authority over their jurisdictions as state governments have authority over their states as in the United States. Japan acts in most things with one, centralized voice, not fifty-one competing voices as in the United States (the fifty U.S. states plus the U.S. federal government).

These regional differences have led to resentment of the Japanese central government. For example, Tokyo requires Okinawa to use 40% of the arable land in Okinawa for U.S. military bases. \(^{185}\) There are many other examples less extreme than


\(^{182}\) The population of Tokyo itself is only about nine million people, but the greater metropolitan area is estimated at thirty-five million people. *Tokyo Population 2014*, WORLD POPULATION REV. (Oct. 19, 2014), http://worldpopulationreview.com/world-cities/tokyo-population/. The population of Osaka is approximately three million people. The two cities are separated by a mere 250 miles or roughly the distance between New York City and Rochester, NY.

\(^{183}\) The distance between Sapporo, Hokkaido and Naha, Okinawa is nearly 1500 miles.

\(^{184}\) In 1600, the Tokugawa government moved the capitol from Kyoto to Tokyo. At that time, the government imposed a harsh feudal system to control all of Japan from the seat of government in Tokyo. It was very effective. This feudal system lasted until 1868.

the contentious situation in Okinawa. Many mayors and prefectures are becoming more and more powerful and independent, not through legislation but through their own initiative.

In 2012, the Governor of Tokyo, Shintaro Ishihara, started an international diplomatic dispute over the Senkaku Islands that gained much attention in the press. Ishihara started to raise money to purchase the Senkaku Islands and make them part of Tokyo. The Senkaku Islands are over 1,000 miles from Tokyo. At least in the popular press, no government official complained that Ishihara did not have the authority to do this. Rather, the Japanese central government quickly preempted Ishihara’s plan and bought the islands from the Japanese citizen that owned them before Ishihara could effectuate the plan. This started a diplomatic row with China. Thus the Governor of the Prefecture of Tokyo singlehandedly started one of the most volatile diplomatic stalemates between China and Japan since the end of World War II.

Tokyo has long paid lip service to the voices calling for decentralization and regionalism. There have been many plans

Etsuko/4167 (demonstrating the depth to which Okinawans resent America’s bases and blames Tokyo for their existence).

186 Because the city of Tokyo is its own prefecture, the head of the city is designated the Governor.


189 See Ikawa, supra note 174, at 12 (“Decentralization is also indispensable to correct the excessive concentration on Tokyo . . . .”).
to move specific government functions outside of Tokyo. These plans are specific and well stated but, as of yet, unrealized.

Various smaller steps responsive to the move for regionalism have been realized. The chiiki brand system is one of those steps. By promoting the chiiki brand system as forcefully as it has, the Japanese central government appears to actually be in support of the move for regionalism and decentralization. The promises the central government has made about the chiiki brand system’s role in reinvigorating a stagnant Japanese economy are remarkable. The government seems to be quite invested in the chiiki brand system.

But it is quite doubtful that on its own the chiiki brand system could or would produce the economic advantages promised by the Japanese central government. If the economic advantages are not clearly realized and it will not have the promised effect in fighting counterfeit goods, what is the point of the system? If the promised effects cannot and will not be realized, unstated political objectives may actually support the system. This apparent commitment by the Japanese central government to a regional system (that defies harmonization and international cooperation) has placated the social movement calling for more decentralization from Tokyo.

The chiiki brand system is working as an elaborate scheme by which the regionalization movement is actually disempowered. The Japanese central government appears to have given the movement much by allowing associations to register and enforce their regional marks. However, given that, almost a decade in, no association has been successful in enforcing their mark, it is appropriate to question what, exactly, the Japanese central government has conceded, if anything?

No law is devoid of politics. The Japanese chiiki brand system makes this abundantly clear. First, the chiiki brand system is an effort to pacify a direct threat to the central government in Tokyo from those who call for stronger and more meaningful regional

190 Id. at 1.
rights. Second, it is an attempt to marry Japan’s ancient traditions to modern European trends. Third, it is a demonstration of Japan’s intent to be less dependent upon America and “go it alone” whenever and wherever it can. To be sure, the result of the chiiki brand system, demonstratively, is that Japan has elected to go it alone.

VI. CONCLUSION

The chiiki brand system is an entirely new way of protecting marks that have primarily geographic significance. This system allows associations to register their interests as collectives in a mark with geographic significance. This new system is something similar to a cross between the EU’s geographic indications and the United States’ system of collective marks. It makes trademark harmonization of the international community on this point impossible as it is a hybrid system.

Although popular with associations and the JPO, it is difficult to discern what economic effect this new system will have. The JPO claims that the system will be the catalyst by which the stagnant Japanese economy will be saved.191 This has encouraged over 500 associations all across Japan to register their geographic marks.192

The JPO is also expecting non-Japanese owners of significant geographic indicators to take advantage of the chiiki brand system; however, to date, almost none have. Of the over 1,000 applications the JPO has received to register a chiiki brand, only nine of the applications have come from non-Japanese associations and only one has come from a European Union country. This may be all the proof that is necessary to show that Japan’s attempts to go it alone with its new hybrid system are doomed to failure.

191 Hennessey, supra note 154.
There are simply too many variables to determine what one economic factor contributed, or not, to the economic growth of an entity or association. The JPO offers no data to support its claim that the chiiki brand system would have a positive effect on the economic condition of its participants. Any positive stories that do exist are anecdotal at best. If the stated goals are unattainable, one must consider unstated goals.

One unstated goal has to do with a contentious political movement in Japan calling for regionalization and decentralization from Tokyo. The chiiki brand system plays well into the narrative of support for such voices. In supporting the chiiki brand system, the Japanese central government appears to be supporting regionalization and thereby conceding to this political movement; however, as the chiiki brand system will not have the claimed economic effects, it is difficult to tell what was conceded, if anything.

A possible explanation for the chiiki brand system is that it is a response by the Japanese central government to lax intellectual property practices of surrounding East Asian countries and the impact it has had on Japanese consumerism. The JPO indicated in a survey report on “losses caused by counterfeiting” that the average loss a Japanese company due to counterfeiting totaled 100.1 billion Yen. From September 1st through the 5th, the fifth round of negotiations on a free-trade agreement among Japan, China and the Republic of Korea took place in Beijing. Intellectual property was discussed among various topics at this negotiation.

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Japan is in the process of establishing free-trade agreements between various East Asian countries in order to improve international business activity.\textsuperscript{195} In preparation for this change to the international trade market, the Japanese central government is attempting to improve its control over sales functions, including the marketability of its products. One of the primary concerns Japan has in doing business with China is protecting intellectual property rights.\textsuperscript{196} In anticipation of these business risks, the Japanese central government is implementing internal infrastructure that attempts to mitigate foreseeable risks and improve international business activity.\textsuperscript{197} The chiiki brand system could be a means for the Japanese central government to strengthen the regulation of its own products in order to combat problems associated with counterfeit goods such as loss of markets, loss of potential profits, and a declining brand image.\textsuperscript{198}

The chiiki brand system harmonizes business practices among the different regions of Japan, which the Japanese central government hopes will lead to a more efficient business model, and provide the Japanese central government with a means of protecting staple products from loss due to counterfeiting. Whether it will or not seems uncertain. The various regional governments of Japan act as subsidiaries to the Japanese central government in

\begin{flushright}
\textsuperscript{195} See Chris Buckley, \textit{East Asian Powers Set to Push Trade Pact Talks}, \textit{Reuters} (May 12, 2012, 10:43 PM), http://www.reuters.com/article/2012/05/13/us-china-summit-idUSBRE84C00V20120513 (noting that the Japanese Prime Minister has stated that Japan is pursuing cooperation as an economic strategy).


\textsuperscript{197} See id. at 252 (explaining how Japanese companies are deepening their ties to business networks within Japan to increase the growth of regional economies.).

\textsuperscript{198} See id. at 248 (describing how Japan is taking steps to improve the financial environment in East Asia by stabilizing financial exchange markets.).
\end{flushright}
implementing these public expenditures. This structure promotes a top down model of government, effectively relegating regional governments to the role of administrative limbs for the Japanese central government. Although the regional governments do have some discretion in how these funds are distributed, the requirement for a brand to be well recognized gives the Japanese central government the power to determine which products qualify for the chiiki brand trademark.

The chiiki brand system is an interesting way to encourage cooperation among regional producers; however, its uniqueness is its undoing. No country can or would harmonize to this standard and there are virtually no non-Japanese entities that have applied for registration. As such, this may prove to be another failed attempt by Japan of going it alone.
APPENDIX A

The following is a listing of categories in which chiiki brands have been registered:199

- Vegetables ............................................................................... 49
- Rice ........................................................................................ 7
- Fruit ......................................................................................... 38
- Meat ........................................................................................ 55
- Seafood ................................................................................... 38
- Processed food ....................................................................... 50
- Milk and dairy ....................................................................... 5
- Spices ...................................................................................... 15
- Confectionary ......................................................................... 11
- Noodles, grain ........................................................................ 11
- Tea ........................................................................................... 15
- Liquor ....................................................................................... 13
- Soft Drinks .............................................................................. 1
- Plants ........................................................................................ 3
- Textiles .................................................................................... 52
- Bags, crafts .............................................................................. 78
- Pottery ...................................................................................... 28
- Toys, dolls ............................................................................... 15
- Buddhist alters and furniture .................................................. 36

199 Regional Collective Trademark Case Studies for 2015, supra note 11.
<table>
<thead>
<tr>
<th>Category</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precious metal products, cutlery and tools</td>
<td>9</td>
</tr>
<tr>
<td>Wood, coal, charcoal</td>
<td>14</td>
</tr>
<tr>
<td>Onsen (hot springs)</td>
<td>41</td>
</tr>
<tr>
<td>Services (other than Onsen)</td>
<td>14</td>
</tr>
</tbody>
</table>
APPENDIX B

In the run up to implementation of the chiiki brand system, the JPO used the following companies as poster children for the effort.\textsuperscript{200} It will be interesting to watch whether these companies experience the economic benefit the JPO has claimed they will.

1. \textbf{Long potatoes (TOCHACHIKA NISHINAGAIMO 十勝川西長いも).}

   \textbf{Owner:} 帯広市川西農業協同組合 (Obihiro Kawanishi agricultural cooperative)

   \textbf{Address:} 〒089-1182北海道帯広市川西町西2線61番地の1 (2-61-1 West Kawanishi, Obihiro, Hokaido 089-1182)

   \textbf{Website:} http://www.jaobihirokawanisi.jp

2. \textbf{Green tea (SHIZUOKA CHA 静岡茶).}

   \textbf{Owner:} 1静岡県経済農業協同組合連合会 (Shizuoka Economic Federation of Agricultural Cooperatives) and 2静岡県茶商工業協同組合 (Shizuoka tea commerce and industry cooperative)

   \textbf{Address:} 〒422-8006静岡県静岡市駿河区曲金3丁目8番1号 (3-8-1 Magarikane, Suruga-ku, Shizuoka-shi, Shizuoka Prefecture 422-8006)

\textsuperscript{200} Katsuyō jirei no go shōkai (活用事例のご紹介) [Case Studies], JAPAN PAT. OFF. (2008), http://www.jpo.go.jp/torikumi/t_torikumi/pdf/tiikibrand/2008katuyoujirei.pdf (Japan).
3. Transam Wood Art (OSAKA RANMA 大阪欄間).
   **Owner:** 大阪欄間工芸協同組合 Osaka transom crafts cooperative
   **Address:** 〒564-0001 大阪府吹田市岸部北5丁目30-1 (5-30-1 Kishibekita, Suita-shi, Osaka 564-0001)
   **Website:** http://www.kougei.or.jp/ranma/

4. Sponge cake (NAGASAKI KASUTERA 長崎カステラ).
   **Owner:** 長崎県菓子工業組合 (Nagasaki confectionary industry union)
   **Address:** 〒850-0801 長崎県長崎市八幡町4番26号 (4-26 Nagasaki-shi Nagasaki 850-0801)
   **Website:** http://www1.cncm.ne.jp/~nagakasi

5. Hot springs (KUROKAWA ONSEN 黒川温泉).
   **Owner:** 黒川温泉観光旅館協同組合 (Kurokawa Onsen Ryokan tourism cooperative)
   **Address:** 〒869-2402 熊本県阿蘇郡南小国町大字満願寺6594番地の3 (6594-3 Ozamanganji, Minami Oguni-cho, Aso-gun, Kumamoto Prefecture 869-2402)
   **Website:** http://www.kurokawaonsen.or.jp

Owner: 沖縄生麺協同組合 (Okinawa raw noodles cooperative)

Address: 〒901-0152 沖縄県那覇市小禄1831番地1
(1831-1 Koroku, Naha-shi, Okinawa) 沖縄産業支援センター203-3号室

Website: http://www.oki-soba.jp