

Guidelines related to the inclusion of Marks in Japan Cable Laboratories Standards

1. Purpose

Intellectual Property Rights (IPR) include patents, copyrights, and trademarks. The intent of this document is to provide guidance to Cable Operators in Japan in their consideration of the use of trademarks, service marks and certification marks in Japan Cable Laboratories (hereinafter referred to as the “JLabs”) Standards.

2. General Approach to the Use of Marks in JLabs Standards

As a general rule, JLabs Standard should provide a description of features from which competing and interoperable implementations can be developed. The appearance that a Standard endorses any particular products, companies/organizations must be avoided. Any explicit, qualitative endorsement is not acceptable. Therefore, proper names, trademarks, certification marks of specific companies/organizations, products should not be included in the text of JLabs Standard or in an appendix (or the equivalent) if it appears that they might cause this effect on a reader of JLabs Standard.

3. Exceptions to the General Approach

3.1 Non-Endorsement Uses of Marks

There are situations when it may be permissible to include trademarks, certification marks in JLabs Standards in order to describe certain technologies or services pertaining to the relevant marks. Such descriptive use of a mark, if properly stated, would avoid infringement of rights relating to the mark. Typically these situations arise when the mark in question is an abbreviated reference to a standard or standardized technology, and its inclusion in the Standards would not create the appearance of endorsing a particular proprietary product or service. While it is not possible to delineate all such situations, the following are some examples when the inclusion of a mark may be appropriate:

- (1) The mark or proper name serves as a reference to a particular facility that is widely recognized as a sole authorized source.
- (2) The mark is contained in the designation of a referenced standard.
- (3) The mark is a well-known short-hand reference to a certain standardized approach.

3.2 Proper Use References to Marks Owned Outside the JLabs

If there are justifiable reasons for referencing one or more marks owned outside the JLabs in a JLabs Standard, Cable Operators are encouraged to do so in an acceptable manner. Generally it is permissible to make “proper use” references to marks as part of accurate, factual statements or to reference a mark as a means to identify (but not to endorse) a particular object (such as the designations of referenced standards in the text of a Standard). Usually this can be done without the express permission of the standards body or other mark’s owner, or explicit identification of any related marks.

When making proper use references to marks in the text of JLabs Standard, Cable Operators should consider the following:

- a. Marks are proper adjectives that indicate the source of goods, services or things. Accordingly, a mark should be used as a proper adjective followed by a generic name or noun. Do not use a mark as a verb or noun.
- b. Do not combine marks in a single reference. Rather, call them out separately.
- c. Do not shorten or abbreviate a mark.

ANNEX A

JLabs Protected Name and Logo

The JLabs name and logo is the trademark. It is protected through a specific intellectual property regime created by the Japan Patent Office. It is registered on the register of the Japan Patent Office (JPO) as registration Number, 5424128.

This protection includes a prohibition to contracting Companies to allow registration of the name, abbreviation, or emblem/logo of JLabs as industrial properties, especially trademarks, by third parties for their commercial use and does confer on the JLabs the right to protect its name, abbreviation, and emblem/logo.
