

Trademark Right	Date	February 25, 2021	Court	Intellectual Property High Court, Second Division
	Case number	2020 (Gyo-Ke) 10084		
<p>- A case in which the court determined that the trademark consisting of standard characters, "空調服," in connection with the designated goods in Class 25, "working clothing, shirts and jackets with the ventilation function," can be regarded as a mark indicating the quality of goods and therefore it falls under Article 3, paragraph (1), item (iii) of the Trademark Act; however, the court also determined that, as a result of use of the trademark, consumers were able to recognize the goods carrying the trademark as those pertaining to the business of the Plaintiffs, and hence the trademark falls under Article 3, paragraph (2) of the Trademark Act.</p>				

Case type: Rescission of Appeal Decision of Refusal

Result: Granted

References: Article 3, paragraph (1), item (iii) and paragraph (2) of the Trademark Act

Related rights, etc.: Trademark Application No. 2016-030424

Decision of JPO: Appeal against Examiner's Decision of Refusal No. 2017-14295

### Summary of the Judgment

1. The Plaintiffs (Plaintiffs X1 and X2) are joint applicants for registration of the trademark consisting of the standard characters, "空調服," in connection with the designated goods in Class 25, "working clothing, shirts and jackets with the ventilation function" (hereinafter these goods are referred to as the "Designated Goods" and this trademark is referred to as the "Trademark"). Having received an examiner's decision to refuse this application, they filed an appeal against the examiner's decision, but the JPO made a decision to maintain the examiner's decision (hereinafter the "JPO Decision"). This is a lawsuit filed by the Plaintiffs to seek rescission of the JPO Decision.

2. In this judgment, the court rescinded the JPO Decision, holding that the Trademark falls under Article 3, paragraph (1), item (iii) of the Trademark Act but it also falls under paragraph (2) of that Article, as explained below.

(1) Regarding whether the Trademark falls under Article 3, paragraph (1), item (iii) of the Trademark Act

The Trademark, "空調服," is a combination of the term "空調," which means "controlling the temperature, humidity, cleanness, etc. of the air in a room," and the

term "服," which means "something one wears on one's body" or the like, and it is somewhat difficult to immediately understand the meaning of "空調服" from the literal meanings of the characters which it is composed of. However, it may be possible to some extent to regard "inside a piece of clothes" as being the same as "in a room" and understand that "空調服" means clothes related to the control of the temperature, humidity, cleanness, etc. of the air in the "space inside clothes."

It is publicly known that the term "エア・コンディショニング" (air conditioning), which is a synonym for the term "空調," and its abbreviation, "エアコン," are usually used to mean "cooling and heating equipment" or electric "cooling and heating device" and that in the case of a noun in the Japanese language that ends with the term "服" (clothes), the terms that precede the term "服" generally represent matters such as the purpose of the clothes, the environment where people wear the clothes, or the features of the clothes. Given these points, it can be said that the term "空調服" would make people easily recognize that it means "clothes that have a purpose or feature relevant to cooling and heating."

In that case, as of April 30, 2020, when the JPO Decision was made, the Trademark would have been recognized as meaning "clothes with the function to control the temperature, etc. of the air by means of its ventilation function" if used for the Designated Goods, and thus, the Trademark can be regarded as a mark indicating the quality of goods. Since the Trademark consists only of the characters, "空調服," which are indicated in a common manner, that is: written with standard characters, it falls under Article 3, paragraph (1), item (iii) of the Trademark Act.

(2) Regarding whether the Trademark falls under Article 3, paragraph (2) of the Trademark Act

A. "空調服," which is an item of clothes with fans manufactured and sold by the Plaintiff Company (meaning both or each of the Plaintiffs; the same applies hereinafter; the clothes concerned are referred to as the "Plaintiff's Goods"), was developed by Plaintiff X1 based on the ideas of the representatives of the Plaintiffs. In 2005, when Plaintiff X2 started to sell "空調服" on a full scale, there were no such clothes with fans (clothing with electric fans) other than the Plaintiff's Goods, and hence, the Plaintiff's Goods had a high level of uniqueness. As it had an unexampled form, it could have given a strong impression to people who saw it. Furthermore, given that it is somewhat difficult, as mentioned in (1) above, to immediately understand the meaning of the Trademark, "空調服," from the literal meanings of the characters which it is composed of, the composition of the term "空調服" can be deemed to have been very unique at the time when there was no product category of clothing with electric fans.

Assuming so, it can be said that the goods, "空調服," and their name, "空調服," had a strong power of attraction.

B. In addition to the circumstances mentioned in A. above, in view of the fact that in the product category of clothing with electric fans, the market had been dominated by the Plaintiff Company and the companies using the Trademark under the licenses granted by the Plaintiff Company (hereinafter collectively referred to as the "Plaintiff Company and the licensees") for about ten years until about 2015, as well as the circumstances relevant to the status of the development and sale, etc. of the Plaintiff's Goods between around 2004 and around 2015, and, in particular, the circumstances such as that "空調服" was featured as the Plaintiffs' goods many times in newspapers including those circulated nationwide, magazines, and TV programs including those aired nationwide, and that "空調服" was introduced by construction companies, etc., it is appropriate to find that by around 2015, "空調服" had become widely known nationwide among consumers and traders as the Plaintiffs' goods in the product category of "working clothing, shirts and jackets with the ventilation function."

C. After that, since around 2015, other companies started to enter the market for clothing with electric fans, and the term "空調服" was sometimes used as a term signifying clothing with fans in media such as newspapers and online shopping sites. It is found that since the Plaintiff's Goods named "空調服" were widely known as mentioned above, the same types of goods were called "空調服" in some cases. In addition, there are the following factors to be taken into consideration: [i] the circumstances relevant to the expansion of the market for clothing with electric fans and the status of the sale, etc. of the Plaintiff's Goods around 2016 and thereafter, and, in particular, circumstances such as that, after 2016, newspapers including those circulated nationwide, magazines, and TV programs including those aired nationwide, often featured "空調服" as a term indicating the Plaintiff's Goods or featured Plaintiff X2's "空調服" as the originator of clothing with electric fans, Plaintiff X2 ran various types of advertisement, and more companies started to introduce "空調服"; [ii] the fact that other than the term "空調服," there are general terms used to refer to clothing with electric fans, such as "ファン付き作業服" (working clothing with fans); [iii] other manufacturers of clothing with electric fans use product names and brand names that are different from "空調服" in their sales activities; and [iv] despite the entry of many competitors, the product named "空調服" sold by the Plaintiff Company and the licensees accounted for about one-third of the market share for clothing with electric fans in 2018 and 2019. In view of these factors, it can be found that the term "空調服" has gained increasing publicity, without losing its function to indicate the source of the

goods of the Plaintiffs.

D. Consequently, as of April 30, 2020, when the JPO Decision was made, the Trademark satisfied the condition that: as a result of the use of the Trademark, consumers and traders of the designated goods of the Trademark were able to recognize the goods carrying the Trademark as those pertaining to the business of the Plaintiff Company, and hence it falls under Article 3, paragraph (2) of the Trademark Act.

Judgment rendered on February 25, 2021

2020 (Gyo-Ke) 10084, Case of seeking rescission of the JPO decision

Date of conclusion of oral argument: December 16, 2020

### Judgment

Plaintiff: SFT Laboratory Co., Ltd.

Plaintiff: Kabushiki Kaisha Kuchofuku

Defendant: Commissioner of the Japan Patent Office

### Main text

1. The decision made by the Japan Patent Office (JPO) on April 30, 2020, concerning the case of Appeal against Examiner's Decision of Refusal No. 2017-14295 shall be rescinded.
2. The Defendant shall bear the court costs.

### Facts and reasons

No. 1 Claim

Same as the main text.

No. 2 Outline of the case

This case is a lawsuit seeking rescission of a trial decision made by the JPO where the JPO maintained the examiner's decision to refuse an application for trademark registration. The issues are whether the Trademark falls under Article 3, paragraph (1), item (iii) and paragraph (2) of the Trademark Act.

1. Application for trademark registration and outline of procedures at the JPO

(1) One of the plaintiffs, SFT Laboratory Co., Ltd. (hereinafter referred to as "Plaintiff SFT Laboratory") filed an application for trademark registration (Trademark Application No. 2016-030424; hereinafter referred to as the "Application") for a trademark consisting of standard characters "空調服" (hereinafter referred to as the "Trademark") in connection with the designated goods in Class 25, "clothing, garters, sock suspenders, suspenders, waistbands, belts, shoes, costumes, sports clothes, and sports shoes" on March 18, 2016 (Exhibit Ko 78 and Exhibit Otsu 1), and another plaintiff, Kabushiki Kaisha Kuchofuku (hereinafter referred to as "Plaintiff Kuchofuku") became a joint applicant of the Application on November 7, 2016.

(2) Plaintiff SFT Laboratory and Plaintiff Kuchofuku (hereinafter collectively referred to as the "Plaintiffs" and the term "Plaintiff Company" is used to indicate both of the Plaintiffs collectively or one of them selectively) received the examiner's decision to refuse the application (Exhibit Ko 83; hereinafter referred to as "Examiner's Decision of Refusal") dated June 22, 2017, and therefore they filed an appeal against this decision (Appeal against Examiner's Decision of Refusal No. 2017-14295; hereinafter referred to as the "Appeal") on September 27, 2017. In addition, the Plaintiffs made an amendment to the designated goods of the Trademark to Class 25 "working clothing, shirts, and jackets with the ventilation function" (hereinafter referred to as "Designated Goods" in some cases) by September 27, 2017 (Exhibit Ko 79-1, Exhibit Ko 80, and Exhibit Otsu 2).

(3) The JPO made the decision to maintain the examiner's decision (hereinafter referred to as the "JPO Decision") on April 30, 2020 and delivered a certified copy thereof to the Plaintiffs on May 29, 2020.

## 2. Summary of the grounds for the JPO Decision

(1) Whether the Trademark falls under Article 3, paragraph (1), item (iii) of the Trademark Act

### A. Purpose of Article 3, paragraph (1), item (iii) of the Trademark Act

It is construed that a trademark listed in Article 3, paragraph (1), item (iii) of the Trademark Act lacks the requirements for trademark registration, because anyone wants to use such trademark as a necessary and appropriate indication for a transaction and it is therefore not appropriate for the public interest to approve exclusive use thereof by a particular person, and such trademark is a mark used generally, lacks source-identifying capacity in many cases, and cannot achieve its function as a trademark. In light of this purpose, it is reasonable to construe that the trademark falls under the said item when the trademark is widely recognized by consumers and traders as one indicating the quality of designated goods at the time of JPO decision and also when there is a possibility that the trademark will be recognized as one indicating the quality, etc. of the goods by consumers and traders, including in the future, and it is judged to be inappropriate to allow a particular person to use it exclusively from the perspective of the public interest.

B. Whether the Trademark falls under Article 3, paragraph (1), item (iii) of the Trademark Act

In the structure of the Trademark, both the term "空調" referring to an "abbreviation of air conditioning" and "服" referring to "something one wears on one's body" are simple terms and therefore the overall constituent characters of "空調服" are easily recognized as meaning "clothing that controls air" (clothing equipped with an air conditioning

function).

And as seen in information from the internet and newspaper articles, etc., the characters "空調服" are used to mean "goods where a jacket is equipped with a fan to take air into the clothes and cool down body heat (work clothes equipped with a fan)" in the field of the designated goods of the Trademark and in the field of providing convenience to customers in the course of retail and wholesale business that handles the designated goods (hereinafter referred to as "retail and other services").

In addition, even if the use status of the characters "空調服" includes uses related to those by the Plaintiff Company and vendors that use the characters based on the license granted by the Plaintiff Company (hereinafter, these vendors are referred to as "licensees," and together with the Plaintiff Company, collectively referred to as the "Plaintiff Company, etc."), there are many cases where they are used as a type of work clothes or by other persons.

According to these circumstances, when using the Trademark for "working clothing, shirts and jackets with the ventilation function," it is reasonable to consider that the Trademark is recognized as "clothing that controls air (clothing equipped with an air conditioning function)," in other words, indicating the quality of the goods and therefore, it should be said that the Trademark does not have a source-identifying function. Therefore, the Trademark falls under Article 3, paragraph (1), item (iii) of the Trademark Act.

(2) Whether the Trademark falls under Article 3, paragraph (2) of the Trademark Act

A. Use status of the Trademark

The Plaintiff Company alleges that they have been using the Trademark continuously since 2004 until today for clothing equipped with a fan that is manufactured and sold by the Plaintiff Company (hereinafter referred to as the "Plaintiffs' Goods"); however, this fact cannot be confirmed objectively. In addition, under the current conditions, the characters "空調服," which are the Trademark, are used with the meaning of "goods where a jacket is equipped with a fan to take in air into the clothes and to cool down body heat (work clothes equipped with a fan)" in the field of the designated goods of the Trademark and the field of retail and other services handling the designated goods.

In addition, evidence that proves the sales quantity and sales amount of the Plaintiffs' Goods alleged by the Plaintiff Company is not submitted and it cannot be considered that the actual sales amount is objectively proved.

Furthermore, concerning the market share alleged by the Plaintiff Company, figures indicated in evidence (Exhibit Ko 50-4 and Exhibit Ko 72) are tallied based on the voluntary notification of manufacturers. Their tallying method, etc. is not clarified and it

must say that the figures remain in the scope of estimation.

Although there are the facts that the Plaintiff Company delivers goods to companies in multiple prefectures (Exhibit Ko 77) and sells goods directly to major construction companies and other user companies (Exhibits Ko 55 and 56), specific sales quantity and sales amount are not proved.

#### B. Consumers' recognition of the Trademark

Evidence that objectively indicates the advertising frequency and size on the Plaintiff Company's websites and internet shopping sites, the fact of creation and distribution of catalogs for goods, ad-papers, and direct mails, the time, quantity, and destination of their distribution cannot be found.

Concerning an advertisement that the Plaintiff Company displayed on large monitors installed in major JR station yards for the period from July 15 to July 21, 2019 (Exhibits Ko 70-26 through -28), it was a short period of 7 days and no statement related to the Plaintiff Company was found on the advertisement. It is difficult for persons who come across the advertisement to recognize that the goods with an indication "空調服" are dealt in by the Plaintiff Company. Therefore, it cannot be said that "空調服" was known as a trademark related to the Plaintiffs' Goods.

In addition, concerning participation in the exhibitions alleged by the Plaintiff Company, according to evidence (Exhibits Ko 70-4, -8, and -11, Exhibits Ko 71-10, -22, -43, -47, -57, -118, and -120, Exhibit Ko 73-27, and Exhibit Ko 74-141), the fact that they participated in the exhibitions can be found; however, many of the specific details of the exhibitions are unclear, and such matters as how the Trademark was used, how the Trademark was seen by visitors in the exhibitions, etc., and the sizes of the exhibitions and the number of visitors to the booths of the Plaintiff Company are not made clear. Therefore, it is impossible to estimate the degree of recognition of the Trademark of consumers and traders based on the Plaintiff Company's participation in the exhibitions.

Furthermore, it is found that the Plaintiff Company released a web commercial message using a popular entertainer in August 2016 and broadcast the commercial message as a 15-second screen advertisement at UNITED CINEMAS and 30 CINEPLEX theaters nationwide (excluding 5 theaters in Minamifuruya, Kamisato, Hisayama, Ashikaga, and Kumamoto) for the period from August 11 through August 26, 2017 (Exhibit Ko 32 and Exhibit Ko 76-8). However, the 15-second commercial message video was edited for broadcasting in movie theaters and the whole picture of the commercial message that was actually broadcast at movie theaters is not clear. In addition, how often and for how many movie viewers the commercial message was broadcast at those 30 theaters are not clear. Therefore, whether consumers and traders recognize the Trademark



as one indicating the Plaintiffs' Goods cannot be judged.

Concerning the introduction of the Plaintiffs' Goods in TV programs that is alleged by the Plaintiff Company, the number of viewers of the TV programs where the Plaintiffs' Goods were introduced cannot be confirmed according to the evidence (Exhibits Ko 39-1 and -2, Exhibit Ko 40, Exhibits Ko 71-11, -12, -42, and -141, and Exhibit Ko 75).

Plaintiffs' Goods were posted 148 times in total in various magazines and newspapers as of April 1, 2017 (Exhibits Ko 41, 42, 100 through 104, 108, 121, and 128 through 133 [including sub-numbers]) and thereafter until today, the Trademark was posted approximately 154 times as a trademark that indicates the Plaintiffs' Goods or company name in magazines, newspapers, and internet media (Exhibits Ko 71-1 through -10, -13 through -41, -43 through -140, and -142 through -161); however, it cannot be said that the frequency was high in consideration of the period of 15 years since 2004 until today.

On the other hand, as mentioned above, in information from the internet and newspaper articles, etc., the characters "空調服" are often used by persons other than the Plaintiff Company in the meaning of "goods where a jacket is equipped with a fan to take in air into the clothes and to cool down body heat (work clothes equipped with a fan)" in the field of designated goods of the Trademark and in the field of retail and other services handling the designated goods.

#### C. Commendation and recognition by public institutions

Concerning winning the Minister of the Environment's Commendation for Global Warming Prevention Activity in the Technological Development and Commercialization Category on the grounds of "development, commercialization, and dissemination of '空調服'" (Exhibits Ko 43 and 44) in December 2017, and certification as recommended goods by ZenKanto Denki Koji Kyokai (All Kanto Area Electrical Engineering Contractors Association) (Exhibit Ko 58), the standards for commendation, criteria for selecting companies for certification, and the relationship between this commendation and certification and public recognition of the Trademark are not clarified.

#### D. Summary

According to A. through C. above, it can be said that the Plaintiff Company has been using the Trademark with the designated goods since 2004; however, based on the following facts, it cannot be said that, as a result of the use of the Trademark by the Plaintiff Company, consumers and traders came to recognize the goods carrying the Trademark as goods pertaining to the business of the Plaintiff Company: specific result and period of use, sales amount, market share, and scale of use are not objectively proved; concerning advertisement, frequency and scale of advertisement, the fact of creation and distribution of catalogs of goods, ad-papers, and direct mails, the time, quantity, and

destination of distribution cannot be confirmed; concerning advertisement in major JR station yards, the indication of the relationship between the Trademark and the Plaintiff Company cannot be confirmed; concerning participation in exhibitions, broadcasting of commercial messages at movie theaters, and introduction in TV programs, etc., figures to objectively estimate their impacts are not indicated; and the relationship between commendation and certification by public institutions and the public recognition of the Trademark is not clear.

Therefore, the Trademark does not fulfill the requirements set forth in Article 3, paragraph (2) of the Trademark Act.

(omitted)

### No. 3 Judgment of this Court

#### 1. Facts found in this case

##### (1) Definition of terms of "空調," etc.

A. According to the "Kojien (Kojien Dictionary), 6th edition," Iwanami Shoten Publishers (issued on January 11, 2008), the term "空調" refers to "abbreviation of 空気調節 (air conditioning)" and the term "空気調節" refers to "a translation of air conditioning, 空調" (Exhibit Ko 190). Therefore, "空調" is a synonym of "air conditioning." According to the "Kojien, 6th edition" above, the term "air conditioning" refers to "adjustment of temperature, humidity, and cleanliness of room air; air conditioning; air adjustment; 空調; air conditioners" (Exhibit Ko 191).

B. According to the "Kojien, 6th edition," the term "服 (clothing)" refers to "[i] something one wears on one's body; kimono," "[ii] abbreviation of western clothing (while Japanese clothing is called "kimono")" (Exhibit Otsu 4).

(2) Status of development and sale, etc. of "空調服," which are the Plaintiffs' Goods, from around 2004 through 2015

##### A. The Plaintiff Company

Plaintiff Kuchofuku is a subsidiary of Plaintiff SFT Laboratory and it was established with the trade name Kabushiki Kaisha PC2B on February 2, 2004, and it changed its trade name to the current one on January 7, 2005. Plaintiff SFT Laboratory mainly plans and develops the Plaintiffs' Goods, "空調服," and Plaintiff Kuchofuku sells the Plaintiffs' Goods (Exhibits Ko 3, 32, and 189).

B. Development and sale of the Plaintiffs' Goods and articles of newspapers and magazines, etc.

(A) The representative of the Plaintiffs started to examine a system for cooling down

under power-saving conditions due to concerns, etc. of increasing electricity consumption by the use of air conditioners; came to conceive of the idea not to cool down the space as a whole, but only to cool down the people in it; and came to conceive of the idea to cool down people's bodies by evaporating sweat that is generated physiologically using wind and by removing the heat of evaporation (the representative of the Plaintiffs calls the idea "physiological air-conditioner theory"). Plaintiff SFT Laboratory, which was established by the representative of the Plaintiffs and had been engaging in the manufacturing and sale, etc. of display-related devices, started development to commercialize the idea in around 1999. They named a jacket equipped with a fan to generate an appropriate air flow in clothing "空調服" and started selling "空調服" as work clothes (shirt-type, jacket-type, helmet-mode clothing [equipped with a hood], etc.; every piece cost 9,900 yen including tax) in cooperation with a uniform manufacturer, SUN-S Co., Ltd. (herein after referred to as "SUN-S") in 2004. At the time when Plaintiff Kuchofuku started selling the Plaintiffs' Goods, "空調服," clothing equipped with a fan (clothing equipped with an electric fan (EF); hereinafter referred to as "EF Clothes") was very unique. The aforementioned "空調服" was often covered, including before the start of sales, in newspapers, etc. (FujiSankei Business i., Chugoku Shimbun, Kensetsutsushin Shimbun, Yukan Fuji, Denki Shimbun, Japan Agricultural News, IT media news, Asahi Shimbun, etc.) and magazines (AERA, Nikkei ecology, etc.), for example, with the title of "空調服, clothing requiring no air conditioners" (Exhibit Ko 100), "冷房服, self-cooling clothes that use sweat" (Exhibit Ko 102) and others, along with the name of the Plaintiff Company, the name and outline of "空調服" and the basic principles, as well as photographs of "空調服" in some cases (Exhibit Ko 42-1, Exhibits Ko 101 through 103, Exhibit Ko 128-1, Exhibits Ko 129-1 and -2, Exhibit Ko 130-1, and Exhibits Ko 133-1 and -2), and also with the introduction of the representative of the Plaintiffs (Exhibits Ko 3, 16, 20, 25, 27, 29, and 32, Exhibit Ko 33-1, Exhibits Ko 42-1, -2, and -5, Exhibit Ko 49-33, Exhibits Ko 65 and 66, Exhibits Ko 71-34, -44, -59, -75, -121, -143, and -146, Exhibit Ko 73-28, Exhibits Ko 98 and 100 through 104, Exhibits Ko 128-1 through -3, Exhibits Ko 129-1 and -2, Exhibit Ko 130-1, Exhibits Ko 131-2, -4, -6, -9, and -12, Exhibits Ko 133-1, -2, and -7, Exhibit Ko 189, Exhibit Ko 193-5, Exhibit Ko 207, Exhibit Ko 210-9, and Exhibit Ko 282).

(B) Plaintiff Kuchofuku sold at least 6,500 pieces of "空調服" as indicated in (A) above in 2004, including internet sales through Rakuten-Ichiba. Based on the sales of "空調服," Plaintiff Kuchofuku changed its trade name to the current trade name on January 7, 2005, as indicated in A. above and then, started full-scale sale of the Plaintiffs' Goods, "空調服," including sale on its website, in spring in the same year and after (Exhibit Ko 32,

Exhibit Ko 33-1, Exhibit Ko 34-1, Exhibits Ko 42-7 and -9, Exhibit Ko 126, Exhibit Ko 127-1, Exhibit Ko 131-3, Exhibits Ko 132-3 and -8, Exhibit Ko 133-3, Exhibits Ko 167 and 189, and Exhibit Ko 193-5).

Later, the Plaintiff Company continued to improve the Plaintiffs' Goods in consideration of feedback based on the use at actual worksites and developed and sold new "空調服" models that responded to requests, etc. from worksites where they were actually used. By 2007, in addition to working clothing type, jacket type, and shirt type, "空調服" for food factories (Exhibit Ko 129-5), "空調服" equipped with a USB port for power feeding (Exhibit Ko 133-4), "防蜂用空調服 (bee-proof type)" (Exhibits Ko 42-15, -17, -22, -23, and -25, Exhibit Ko 129-9, and Exhibit Ko 131-8), "農作業用空調服 (for farmers)" (Exhibits Ko 129-6 and -11), and other various types of "空調服" were launched. These various types of "空調服" were often covered in newspapers, etc. (IT media news, Nikkan Kogyo Shimbun, Nihon Sekizai Kougyo Shinbun, Nikkan Gendai, The Japan Food Journal, Zenkoku-Nougyou-Shinbun, Agricultural Machinery News, Asahi Shimbun, Kagoshima Kensetsu Shinbun, Nihon Keizai Shimbun, Oita Godo Shimbun, Kucho-Times (Air Conditioning Times), Yomiuri Shimbun, Sankei Shimbun, Nouson News (Farm Village News), Kensetsutsushin Shimbun, Japan Agricultural News, Gifu Shimbun, Saitama Shimbun, and Sen-I-News) and magazines (R25, Earth Guardian, The Business Support, Truck Navigation, Digimono Station, Mullion Life, Car Goods Magazine, THE 21, Butsuji, Environmental Business, Sabra, Success V Shot, Teikoku News Saitama Prefecture Version, Venture Link, TPM Eiji (TPM Age), Shopper, Hatsumei Life (Invention Life), Nikkei Construction, Care Vision, Ringyo Shin Chishiki (New Knowledge about Forestry), Nikkei Marketing Journal, Farmer's Business, Biznesu Chansu (Business Chance), Tencommi, Genkina Kigyo Guide (Strong Companies Guide), etc.), for example, with the title of "Integration of work clothes and 'air conditioner'" (Exhibit Ko 128-5), "What do you care about, being cool or the public eye?" (Exhibit Ko 128-8), etc., along with the name of the Plaintiff Company, the name and outline of "空調服," the basic principles, and product line-up, such as working clothing type, jacket type, shirt type, etc., as well as photographs of "空調服" (Exhibits Ko 42-7, -10, -11, -13, -14, -19, and -24, Exhibits Ko 120 and 121, Exhibits Ko 128-4, -6, -7, and -10, Exhibits Ko 129-3 through -8, and -12, Exhibits Ko 130-2 through -5, Exhibits Ko 131-2, and -3 through -9, Exhibits Ko 132-1 through -3, and -5, Exhibits Ko 133-3 and -4, and Exhibit Ko 167), and also with the introduction of the representative of the Plaintiffs. Since the government measure "Cool Biz" was started in 2005, the Plaintiffs' Goods were introduced as innovative goods related to countermeasures against heat (Exhibits Ko 34-1 and -2, Exhibits Ko 42-5, -7 through -11, -13 through -15, -17

through -20, -22 through -26, and -29, Exhibit Ko 105 [Sheet 1 through sheet 6], Exhibits Ko 120 and 121, Exhibits Ko 128-4 through -10, Exhibits Ko 129-3 through -9, -11, and -12, Exhibits Ko 130-2 through -5, Exhibits Ko 131-1 through -9, Exhibits Ko 132-1 through -3, -5, and -6, Exhibits Ko 133-3 and -4, Exhibit Ko 167, and Exhibit Ko 193-5).

In an industry magazine related to air conditioning, "Kucho-Times," "空調服" was introduced in an article titled "2006 Special Feature: Energy Solution & Thermal Storage Fair hosted by Tokyo Electric Power Company" on July 26, 2006, as follows: "An innovative product that performs air conditioning in clothes," "Its idea is different from air conditioners, etc. that condition a room environment and attracts a lot of attention from various quarters. Sales amounts are increasing rapidly, and sales of 25,000 pieces are forecast in this fiscal year." (Exhibit Ko 129-12).

In addition, the Plaintiff Company developed and started selling "空調ズボン (pants equipped with an air conditioner)," "空調ベッド (bed equipped with an air conditioner)," and "空調ざぶとん (floor cushion equipped with an air conditioner)" that have a cooling function using air flow in the same way as "空調服" and these products were also covered in newspapers, magazines, etc. (Exhibit Ko 17, Exhibits Ko 42-13, -18, -20, and -24, Exhibit Ko 132-6, and Exhibit Ko 193-5).

(C) After 2018 as well, the Plaintiff Company continued activities for the improvement and sales expansion of the Plaintiffs' Goods, including the development of new products, such as "屋外作業用空調服 (clothing for outdoor work equipped with an air conditioner)" (Exhibits Ko 129-14 through -19), and expanded the sale of the Plaintiffs' Goods as a result of increasing convenience by extending fan operation times through battery improvement, and backed by heat waves, dissemination of Cool Biz, increased interest in issues related to global warming and interest in power-saving measures after the Great East Japan Earthquake in 2011, etc. Until 2015, with the following explanations as [i] "Gained high acclaim from Toyota Motor, Denso, and other major companies. Use of '空調服' has advanced at factories and construction sites, etc." ("Butsuryu Weekly (Logistics Weekly)," a newspaper dated June 2, 2008; Exhibit Ko 129-13); [ii] "The effects were introduced in TV programs, etc., and '空調服' attracted attention from various quarters. In particular, it gained high acclaim from major automobile manufacturers and automobile components manufacturers and its use has advanced at factories and construction sites, etc." ("New Truck," a magazine dated June 25, 2008; Exhibit Ko 131-12); [iii] "The number of fans of "空調服" is increasing, saying 'It is so cool and I could never give it away once I put it on'" ("Uniform Plus" November 2008 issue; Exhibit Ko 131-10); [iv] "Became familiar as a basic item for mid-summer since having been reported on TV news shows in association with the advent of heat waves

every year." ("Agricultural Machinery News" dated July 13, 2010; Exhibit Ko 42-40); [v] "'空調服' has become so popular as often being sold out." (Website of Netolabo on July 8, 2011; Exhibit Ko 133-9); [vi] "The number of companies that introduced 空調服 for workers, including major automobile companies, steel companies, food companies, constructions companies, etc., is approximately 1,000. And recently, orders have been made by office workers, housewives, etc." (Website of "AFPBB News" on July 20, 2011; Exhibit Ko 133-10); [vii] "Its good reputation for utility and convenience also spread by word of mouth and orders have been stable since around 2008. Following the hot summer last year, the major products are also almost sold out this year." ("Tool Engineer," a magazine issued in September 2011; Exhibit Ko 131-13); [viii] "Do you know the company, '空調服'? Unique work clothes developed by the company became a big hit today." (Website of "President Online" on July 8, 2014; Exhibit Ko 71-33), etc., "空調服" manufactured and sold by the Plaintiff Company was covered along with the name of the Plaintiff Company, the name and outline of "空調服," basic principles, and photographs of "空調服" (Exhibits Ko 42-27, -28, -31, -32, -35 through -37, -40, -42 through -46, -48 through -51, -54, -55, -58, and -65, Exhibits Ko 46-2 and -9, Exhibit Ko 71-33, Exhibits Ko 109, 111, and 119, Exhibits Ko 128-11 and -12, Exhibits Ko 129-13 through -19, and -21, Exhibits Ko 130-6 through -8, Exhibits Ko 131-10 through -13, Exhibits Ko 132-7 through -10, and Exhibits Ko 133-6, -7, and -9 through -13) or with the introduction, etc. of the representative of the Plaintiffs in some cases, in newspapers, etc. (Butsuryu Weekly, Agricultural Machinery News, Tsurigukai (Fishing Gear Industry), Daily Engineering & Construction News, Nogyo Kyosai Shimbun (Agricultural Mutual Relief Newspaper), Japan Agricultural News, Saitama Shimbun, Kaki-Engei Shinbun (Flower Industry and Gardening Newspaper), Houhan News, FujiSankei Business i, Asahi Shimbun, Hokkoku Shimbun, Mainichi Shimbun, Yomiuri KoDoMo Shimbun, AFPBB News, Nihon Keizai Shimbun, Denki Shimbun, Nikkan Gendai, and Chemical Daily) or magazines, etc. (Kokozo Journal (Steel Structure Journal), Big Life, New Truck, Anshin Life (Secured Life), Nogyo To Engei (Agriculture and Gardening), Farmer's Business, Sentaku no Kagaku (Laundry Science), Uniform Plus, Access Saitama, harmonate, Nagasaki no Kaju (Fruit-Trees in Nagasaki), The Strategy Manager, Dime, Mono Magazine, Ascii, Nikkei TRENDYnet, Keiri Women (Accounting Women), Chijo (On the Ground), Ishigaki (Stonewalling), Tool Engineering, Gosmania, GetNavi, Birukeiei (Management of Buildings), Sanpo no Tatsujin (Expert Walkers), Mechatronics Design News, Jidosha Recycle (Automobile Recycling), NTT Facilities Journal, Shinrin Kumiai (Forest Association), Kenplattsu (Kenplatz), President Online, and SankeiBiz). (Exhibit Ko 30, Exhibits Ko 42-27 through -37, -39 through -46, -48 through -51, -53

through -55, -58, and -65, Exhibits Ko 46-2, and -7 through -9, Exhibit Ko 71-33, Exhibits Ko 109, 111, and 119, Exhibits Ko 128-11 through -13, Exhibits Ko 129-13 through -22, Exhibits 130-6 through -8, Exhibits Ko 131-10 through -13, Exhibits Ko 132-7 through -10, Exhibits Ko 133-5 through -13, Exhibit Ko 189, and Exhibit Ko 192-17)

#### C. Catalog

(A) Plaintiff Kuchofuku created and distributed a catalog with photographs of the Plaintiffs' Goods and the name "空調服," etc. every year from 2005 through 2015 (Exhibit Ko 105 [sheet 1 through sheet 6, and sheet 13 through sheet 32] and Exhibit Ko 194).

(B) The number of catalogs created was 2,000 for fiscal year 2005 (Exhibit Ko 330-1), 4,300 for fiscal year 2006 (Exhibits Ko 331-1 through -3), 8,000 for fiscal year 2007 (Exhibits Ko 330-2 and -3), 9,000 each for fiscal years 2008 through 2011 (Exhibit Ko 330-4 and Exhibits Ko 331-4 through -6), 10,000 for fiscal year 2012 (Exhibit Ko 331-7), 12,000 each for fiscal year 2013 and fiscal year 2014 (Exhibits Ko 331-8 and -9), and 35,000 for fiscal year 2015 (Exhibits Ko 331-10 and -11) (Exhibit Ko 194).

(C) Plaintiff Kuchofuku distributed these catalogs throughout Japan from 2005 until 2015 (Exhibit Ko 194 and Exhibits Ko 332-1 through -7).

#### D. Participation in exhibitions

(A) Plaintiff Kuchofuku participated in the "Agribusiness Creation Fair" that was held at the Tokyo International Forum in around October 2006 and displayed "防蜂用空調服 (bee-proof type)" (Exhibit Ko 42-15).

(B) Plaintiff Kuchofuku participated in the Kokusai Fukushi Kenko Sangyoten (International Welfare and Health Industry Fair) "Welfare 2007" that was held at the Portmesse Nagoya (Nagoya International Exhibition Hall) from May 18 until May 20, 2007, and displayed "空調服," "空調ベッド (bed equipped with an air conditioner)," etc. (Exhibit Ko 32, Exhibit Ko 42-20, and Exhibit Ko 120). The number of visitors to the exhibition was approximately 80,000 persons (Exhibit Ko 354-2).

(C) Plaintiff Kuchofuku participated in "Syo Ene & Recycle Fair 2007 (Energy Saving & Recycle Fair 2007)" that was held at Tokyo Big Sight from July 11 until July 13, 2007 (Exhibit Ko 120).

(D) Plaintiff Kuchofuku participated in "Hokuriku Gijutsu Koryu Techno Fair 2007 (Hokuriku Technology Exchange Technology Fair 2007)" that was held at Fukuiken Sangyokaikan (Fukui Industrial Hall) on October 18 and 19, 2007 (Exhibits Ko 32 and 120). The number of visitors to the exhibition was approximately 20,000 persons (Exhibit Ko 354-3).

(E) Plaintiff Kuchofuku participated in "Chusho Kigyo Sogoten 2007 (Small & Medium

Enterprise Fair 2007)" (approximately 500 companies participated from all over Japan) that was held at Tokyo Big Sight from October 31 through November 2, 2007, and exhibited "空調服" (Exhibits Ko 32 and 121). The number of visitors to the exhibition was approximately 36,000 persons (Exhibit Ko 354-4).

(F) Plaintiff Kuchofuku participated in "Agribusiness Creation Fair" that was held at the Tokyo International Forum on November 27 and 28, 2007 (Exhibit Ko 120).

(G) Plaintiff Kuchofuku participated in "Patent Solution Fair" that was held at Tokyo Big Sight from November 28 through 30, 2007 (Exhibits Ko 32 and 120).

(H) Plaintiff Kuchofuku participated in the aforementioned types of exhibitions every year until 2016 (Exhibits Ko 32 and 116, and the entire import of oral arguments).

#### E. Introduction of the Plaintiffs' Goods in TV programs

(A) "空調服" started to be covered in TV news shows and TBS's TV program, "Sunday Japon," since around 2002 before its launch (Exhibit Ko 40-13 and Exhibit Ko 99) and was introduced by the end of 2004 also in local news shows and TV Asahi's program, "Super J Channel," Nippon TV's program, "Okuman no Kokoro" (100 millions' heart), etc. while indicating the company name of the Plaintiff Company and the name of the goods, "空調服" (Exhibits Ko 40-5, -33, -37, -38, and -41 through -46, and Exhibits Ko 134-1 through -4).

(B) In 2005 and after, "空調服" has been introduced on nationwide networks, including TBS TV's "Asa Zuba (a morning show)," etc., as well as local news shows and information programs, mainly in the spring and summer by indicating the company name of the Plaintiff Company and the product name, "空調服." The representative of the Plaintiffs appeared on Fuji TV's "Waratte Iitomo! (a daytime show)" and introduced "空調服" by indicating the name of Plaintiff Kuchofuku. In addition, in 2014, "空調服" was featured in TV Tokyo's program, "Nikkei Special Gaia no Yoake (Nikkei Special Dawning of Gaia)," and "空調服" was explained in detail, in addition to the company name of Plaintiff Kuchofuku, such as that "空調服" was adopted by a company, Yamato Trackwork System, in Himeji, Hyogo, 3 years ago; and that "空調服" had become a major hit product since the battery was changed to a lithium battery 4 years ago and 250,000 pieces were sold this year and "空調服" went out of stock (Exhibits Ko 40-3, -4, -9, -10, -12, -14, -17, -18, -21, -22, -26 through -30, -32, -35, -47 through -50, -54, and -57 and Exhibits Ko 134-5 through -10 and -12).

(C) The aforementioned introduction by TV programs had been conducted many times from around 2002 through 2015. Some programs introduced shirts and jackets in addition to work clothes (evidence indicated in parentheses in (A) and (B) above).

#### F. Example of adoption of the Plaintiffs' Goods at companies



(A) Kandenko Co., Ltd. (hereinafter referred to as "Kandenko"), which engages in electrical equipment work, introduced "空調服" in 2011 to the Power Distribution Department (Exhibit Ko 50-5 and Exhibit Ko 111).

(B) Toenec Corporation (hereinafter referred to as "Toenec"), which engages in electrical equipment work, adopted "空調服" in 2015 as an environment improvement measure during a heat wave (Exhibits Ko 48-33 through -35).

(C) "空調服" started to be broadly used in the construction industry and Obayashi Corporation adopted "空調服" as work clothes for worksite operations in July 2015. Obayashi Corporation received demands for over 400 pieces from subcontractors as of July 15, 2015, and placed orders for 1,810 pieces for Obayashi Corporation itself, and introduced 6,000 pieces of "空調服" over the following 3 years (Exhibits Ko 42-61 through -63; Exhibits Ko 46-5, -7, and -9, Exhibit Ko 50-5, Exhibits Ko 71-127, -128, and -133, Exhibits Ko 86 and 110, and Exhibit Ko 131-15).

(D) Toda Corporation started to provide a subsidy system related to purchasing of "空調服" for subcontractors' workers in fiscal year 2015 and provided "空調服" to approximately 3,600 workers (Exhibit Ko 8).

(E) The adoption of "空調服" by Obayashi Corporation was reported by "Nihon Keizai Shimbun" dated July 28, 2015, and other media (FujiSankei Business, SankeiBiz, etc.) and the aforementioned facts in (A) through (D) were spread by posting, etc. in industry magazines, etc. (evidence indicated in parentheses (A) through (D) above).

(3) Expansion of the market for EF Clothes since around 2016 and sales status of the Plaintiffs' Goods

#### A. Entry of other companies

As mentioned in (2) B. above, the field of EF Clothes has developed and expanded with the sale of the Plaintiffs' Goods, "空調服." Until around 2015, the market for EF Clothes was dominated by Plaintiff Kuchofuku and SUN-S, which obtained a license to manufacture and sell "空調服" from Plaintiff SFT Laboratory. Since demand increased rapidly, other companies entered in the EF Clothes market in around 2015. In 2016, when the Plaintiff Company dissolved the partnership with SUN-S, SUN-S started to sell "空調風神服" and other clothing companies started to sell EF Clothes. In 2017 and after, the market expanded further and various manufacturers began developing and selling EF Clothes and various forms of EF Clothes were sold one after the other. Under these circumstances, the Plaintiff Company also developed and sold a vest-type "空調服" and "制電空調服" (a type of "空調服" that is suitable for environments that avoid static electricity), golf-wear "空調服," etc., as well as goods related to the "空調" series, such as "空調リュック (a backpack equipped with an air conditioner)," etc., in addition to

EF Clothes (Exhibit Ko 32, Exhibit Ko 42-71, Exhibits Ko 47-1 and -7, Exhibits Ko 48-9, -10, -20, -30, -36, -37, and -39, Exhibits Ko 49-2 and -4, Exhibits Ko 50-1 through -4, Exhibit Ko 51-1, Exhibit Ko 53, Exhibits Ko 71-30, -116, -124, -132, -133, -138, -145, -157, -158, and -161, Exhibit Ko 72-3, Exhibits Ko 73-26 and -27, Exhibits Ko 74-3, -4, -12, -18, -22, -27, -53, -59, -74, -85, -93 through -99, -108, -109, -111 through -114, -120, -121, -131 through -133, -139, -140, -143, -153, -156, -160, -164, -168, -175 through -177, -180, -183, and -187, Exhibit Ko 189, Exhibits Ko 192-2, -14, -17, -83, and -102, and Exhibit Ko 281).

B. Articles, etc. in newspapers, magazines, etc. on the Plaintiffs' Goods

(A) "空調服" manufactured and sold by the Plaintiff Company was covered also in 2016 and after with the following explanations as: [i] "'空調服' has become a familiar product in agricultural machinery exhibitions throughout Japan," "With the advent of heat waves every year, '空調服' is covered in TV news shows and has become a regular item for mid-summer." ("Agricultural Machinery News" dated January 1, 2018; Exhibit Ko 43); [ii] "'空調服' of Kuchofuku (Itabashi-ku, Tokyo) is found all over in construction sites throughout Japan," "It has increased its positive reputation as 'a product that is too cool to give away'." (website of "Kensetsutsushin Shimbun" on August 20, 2018; Exhibits Ko 71-31 and -60); [iii] "Clothes equipped with a fan have become essential for worksites in the summer, with the words, 'whether 空調服 is provided or not determines reactions to recruitment advertising' (a retailer of work clothes)," "the founder of '空調服' is 'Kabushiki Kaisha Kuchofuku' (Itabashi-ku, Tokyo)." ("Yomiuri Shimbun" dated August 21, 2019; Exhibit Ko 71-145 and Exhibit Ko 192-17); [iv] "Sale of work clothes equipped with a small fan at the lower back that was developed by 'Kuchofuku' (Tokyo) increased by more than 150% year-to-year." ("Mainichi Shimbun" dated August 22, 2018 and many local newspapers, etc. dated on August 23, 2018; Exhibits Ko 71-63, and -85 through -107); [v] "Clothes equipped with a fan are attracting not only its major market, the construction industry, but also general markets. Sports goods manufacturers and many other companies started to develop clothes equipped with a fan. The leading product is '空調服(TM)'," "Currently, top five general constructors and other general constructors, electrical equipment construction companies, elevator manufacturers, etc., and many other companies use '空調服' as work clothes," "The goal of '空調服(TM),' which has established the permanent place in the field of work clothes, is the cultivation of a new market." (Website of "WWD Japan" on June 21, 2019; Exhibit Ko 71-125 and Exhibit Ko 210-9); and [vi] "It is working clothing equipped with a fan that has become a must-have item at construction sites and factories where measures against heatstroke have to be taken. Sales of the pioneer '空調服' are estimated to be 1.3 billion pieces this year. The

inventor is the Chairperson of a company named "Kuchofuku" in Itabashi-ku, Tokyo." ("Nihon Keizai Shimbun" dated August 18, 2019; Exhibit Ko 71-144), etc., along with the name of the Plaintiff Company, the name and outline of "空調服," basic principles, and photographs of "空調服" (Exhibit Ko 42-66, Exhibit Ko 48-39, Exhibits Ko 49-3, -16, -25, -30, -33, -48, and -57, Exhibits Ko 71-113, -118 through -120, -123, -146, -149, -157, and -159 through -161, Exhibit Ko 108, Exhibit Ko 129-24, Exhibit Ko 130-9, and Exhibits Ko 131-14 and -15), as well as the introduction of the representative of the Plaintiffs in some cases, in newspapers, etc. (Nihon Keizai Shimbun, Denki Shimbun, Sen-I-News, Agricultural Machinery News, Agri Journal, Nihon Yane Keizai Shimbun (Japan Roof Business Newspaper), Nihon Butsuryu Shinbun, Kensetsutsushin Shimbun, Mainichi Shimbun, Logistics Nippon News, TDB Teikoku news daily, Nikkan Gendai, Sanspo, Yomiuri Shimbun, FujiSankei Business i, and many other local newspapers) and magazines, etc. (Uniform Plus, Rinen to Keiei (Concept and Business Management), Birukeiei, Birumen (Building and Maintenance), Work wear MONO Special, The Strategy Manager, Denki to Koji (Electrical Construction Engineering), Denki Genba (Electrical Construction Worksite), Denki Kanri Gijutsu (Electricity Management Engineering), Chikyuondanka (Global Warming), Ootobai (Automobiles), WWD Japan, and Under 400) (Exhibit Ko 42-66, Exhibit Ko 43, Exhibit Ko 47-1, Exhibits Ko 48-39, Exhibits Ko 49-3, -6, -16, -20, -25, -30, -33, -48, -52, and -57, Exhibits Ko 71-31, -60, -63, -72 through -80, -83, -85 through -107, -112, -113, -117 through -121, -123, -125, -142, -144 through -146, -149, -157, and -159 through -161, Exhibit Ko 108, Exhibits Ko 129-23 and -24, Exhibit Ko 130-9, Exhibits Ko 131-14 and -15, and Exhibit Ko 210-9).

(B) In "Wedge" dated August 20, 2018 (Exhibit Ko 65 and Exhibit Ko 71-62) and "Nikkei Business" dated August 27, 2018 (Exhibit Ko 71-65), photographs of the representative of the Plaintiffs who was wearing "空調服" were posted and articles explaining "空調服" were posted.

In addition, "Gendai Business" dated August 17, 2019, states as follows in its article titled "Once you put it on, you won't take it off! Background of a hit-selling product '空調服,' a messianic product in a heat wave": "In the heat wave season, '空調服' is covered by many media as usual also in this year. Recently, it has been called 'clothes equipped with a fan' in some cases, just as portable audio players have been known as 'Walkman' all over the world, it seems that clothes equipped with a fan are called '空調服' more often." and the article explains that "空調服" is a hit-selling product (Exhibit Ko 192-102).

(C) Concerning the relationship between EF Clothes and "空調服" or Plaintiff Kuchofuku, there are the following articles in addition to [iii], [iv], and [vi] of (A) above.

a. An article posted in "Senken Shimbun" dated June 4, 2019 (after amendment on June 24, 2019) that "It is said that Plaintiff Kuchofuku first sold EF Clothes in 2004" (Exhibits Ko 74-98 and -142)

b. Articles posted concerning clothes equipped with a fan in "Yomiuri Shimbun" dated July 17, 2019, and "Yomiuri Shimbun Online" dated July 28, 2019, that "Kuchofuku, a work clothes manufacturer, launched these clothes in 2004 and they have been used mainly as measures against heatstroke for workers working outside, for example on construction sites." (Exhibits Ko 74-153 and -164, and Exhibits Ko 192-100 and -101).

c. Articles posted in "Sankei West" dated July 22, 2019, "Sankei Shimbun" dated July 23, 2019, "SankeiBiz" dated July 24, 2019, and "Sankei Shimbun" dated August 8, 2019, that "Work clothes equipped with a fan were first sold by Plaintiff Kuchofuku, which is the same name as its product, with the trademark of '空調服.'" (Exhibits Ko 71-133 and -143, and Exhibits Ko 285 and 287).

d. An article posted in "electronic version of Nikkei Shimbun" on August 17, 2019, that "The inventor of '空調服,' which is the pioneer of work clothes equipped with a fan, is the representative of the Plaintiffs, the Chairperson of Plaintiff Kuchofuku" (Exhibit Ko 289).

e. Articles posted in "au Web Portal Keizai/IT News (au Web Portal Economy/IT News)" on August 23, 2019, that "It is the representative of the Plaintiffs who developed the product, '空調服.'" (Exhibit Ko 290) and in "Yahoo News" on the same day that "The representative of the Plaintiffs is the originator of '空調服'" (Exhibit Ko 282).

f. An article posted in "Nikkan Gendai Digital" on August 29, 2019, that "'空調服' is a patented product of Plaintiff Kuchofuku" (Exhibit Ko 291).

g. An article posted in "LIMO" on August 30, 2019, that "The originator of '空調服' is the representative of the Plaintiffs" (Exhibits Ko 283 and 292).

h. An article posted in "Yomiuri Shimbun" dated September 8, 2019, that "It is said that the originator of EF Clothes is Plaintiff Kuchofuku" (Exhibit Ko 74-187 and Exhibit Ko 192-19).

i. Articles posted in "Nikkei XTECH" dated September 30, 2019, and "Nikkei Computer" dated October 3, 2019, that "Work clothes equipped with a fan, '空調服,' was developed by a venture company, Kuchofuku, approximately 15 years ago" (Exhibits Ko 264 and 294).

### C. Catalog

(A) Plaintiff Kuchofuku created and distributed catalogs where photographs of the Plaintiffs' Goods and the name, etc. of "空調服" were posted every year from 2016 through 2020 (Exhibits Ko 10, 13, and 68, Exhibit Ko 105 [sheet 33 through sheet 35],

and Exhibits Ko 193-2 and -3).

(B) The number of catalogs created was 45,000 in 2016 (Exhibits Ko 115 and 320, and Exhibits Ko 331-12 and -13), 47,000 in 2017 (Exhibits Ko 331-14 and -15), 75,000 in 2018 (Exhibits Ko 331-16 and -17), and ●●● in 2019 and 2020 (Exhibits Ko 331-18 through -20), respectively (Exhibit Ko 194).

(C) Plaintiff Kuchofuku distributed these catalogs throughout Japan from 2016 until April 2020 (Exhibit Ko 194 and Exhibit Ko 332-7).

#### D. Advertisements, etc. of the Plaintiffs' Goods

(A) Advertising costs of Plaintiff Kuchofuku increased drastically from 2017 through 2019 and advertising costs in 2018 and 2019 doubled from the previous year, respectively (Exhibits Ko 247-1 through -3). In addition, during these periods, advertising costs of Plaintiff SFT Laboratory also increased drastically (Exhibits Ko 247-4 through -6).

#### (B) 2016

a. Concerning an article related to a project to give a jacket-type "空調服" to readers, photographs of "空調服" manufactured by the Plaintiffs were posted in "Yomiuri Shimbun" dated July 21, 2016 (Exhibit Ko 42-67).

b. Plaintiff Kuchofuku created a 2-minute web-movie using an entertainer B and released it on YouTube from August 1 through October 31, 2016. This release was introduced by the October 2016 issue of the magazine, "Brain," and the November-December 2016 issue of the magazine, "CM NOW" (Exhibits Ko 42-68 and -69, and Exhibit Ko 122). As of September 5, 2016, the web-movie was viewed over 500,000 times (Exhibit Ko 38).

The web-movie was re-edited into a 15-second movie and broadcast as a screen advertisement at UNITED CINEMAS and 30 CINEPLEX theaters nationwide (excluding 5 theaters in Minamifuruya, Kamisato, Hisayama, Ashikaga, and Kumamoto) for the period from August 11 through August 26, 2017 (Exhibit Ko 32, Exhibit Ko 76-8, and Exhibit Ko 122).

c. Plaintiff Kuchofuku posted in "Sen-I-News" dated November 29, 2016, an advertisement containing the statement "14 years since the invention of 空調服," photographs of "空調服," and the indication of the name, etc. of Plaintiff Kuchofuku (Exhibit Ko 42-70).

#### (C) 2017 and 2018

In 2017 and 2018, Plaintiff Kuchofuku posted an advertisement with the statement "15 years since the invention of 空調服," etc. (the number of years differs by time), photographs of "空調服," and the name, etc. of Plaintiff Kuchofuku (Exhibit Ko 6, Exhibit Ko 42-71, Exhibits Ko 48-1, -5 through -8, -11, -14 through -16, -18, -19, and -24 through -28, and Exhibit Ko 49-2) and an advertisement with the statement "If you

choose a measure against heatstroke, choose 空調服," photographs of "空調服," and the name, etc. of Plaintiff Kuchofuku (Exhibits Ko 49-7 through -9, -12, -13, -15, -20, -26 through -29, -31, -32, -34, -36, -37 -41, -46, -47, -49, -51, -55, and -56, Exhibits Ko 70-15, -17, and -18, and Exhibit Ko 71-72) in industry papers, etc. (Denki Shimbun, Sen-I-News, Nikkan Kensetsu Sangyo Shimbun (Daily Construction Industry News), Nihon Butsuryu News, Nikkan Kogyo Shimbun, Japan Metal Daily, Kikai Shimbun (Machinery News), Agricultural Machinery News, Construction Safety and Health, Industrial Safety and Health, and Sekisan Shiryo Kohyo Kakakuban (Published Price of Estimation Materials)).

In addition, Plaintiff Kuchofuku posted an advertisement with photographs and the name of "空調服," the company name of Plaintiff Kuchofuku (including indications of "空調服" only) (Exhibit Ko 48-10, Exhibit Ko 49-38, and Exhibit Ko 70-16) and an advertisement indicating photographs and the name, etc. of "空調服" (Exhibits Ko 49-10, -23, -35, -40, and -45) in similar industry papers, etc. (Sen-I-News, Agricultural Machinery News, and Asagumo).

(D) 2019

a. Plaintiff Kuchofuku used C, who is a former member of the national team for soccer (hereinafter referred to as "C"), as an advertising character of "空調服" for fiscal year 2019 and determined to use an image where C is standing in a blue 空調服 against blue sky (hereinafter referred to as the "Image") as an advertisement and that fact was posted by July 4, 2019, in "Yomiuri Shimbun Online," "Nikkan Sports News," "Agricultural Machinery News," "Kensetsutsushin Shimbun," and "Senken Shimbun" along with the Image (Exhibit Ko 70-31, Exhibits Ko 71-9, -14, -45, and -46, Exhibits Ko 74-122 through -124, Exhibit Ko 210-3, and Exhibit Ko 321-1).

Plaintiff Kuchofuku posted an advertisement using the Image with a statement of "This sky and 空調服," etc. along with an indication of the term "空調服" to the right of the DC mark (hereinafter the indication is referred to as "Indication of DC 空調服") in a full-page on the back cover of "MONO Magazine" dated May 2, 2019 (Exhibit Ko 71-44), a full-page advertisement in the magazine dated July 2, 2019 (Exhibit Ko 70-2), and a double-page spread advertisement in the magazine dated September 2, 2019 (Exhibit Ko 70-36). In addition, Plaintiff Kuchofuku posted a similar advertisement in "Yomiuri Shimbun" dated July 27, July 28, and July 31, 2019 (Exhibits Ko 70-30, -32, and -33). Furthermore, Plaintiff Kuchofuku posted a similar advertisement in the same year in industry papers, etc. (Sen-I-News, Senken Shimbun, Uniform Plus, and Koho Truck (PR Magazine Truck)) (Exhibits Ko 70-5, -12, -24, and -34, Exhibit Ko 72-1, and Exhibits Ko 195 and 196).

On the other hand, Plaintiff Kuchofuku broadcast an advertisement where "Wear the wind. 空調服™" and other indications and the DC mark were added to the Image, for 7 days from July 15 through 21, 2019, on monitors installed on pillars, etc. on the station yards used by many people, including 20 major terminal stations in the capital area (Ikebukuro Station, Shinjuku Station, Shibuya Station, Tokyo Station, Akihabara Station, Shinagawa Station, Ebisu Station, Ueno Station, Akabane Station, Sugamo Station, Kichijoji Station, Hachioji Station, Mitaka Station, Kokubunji Station, Yokohama Station, Sakuragicho Station, Urawa Station, Omiya Station, Funabashi Station, and Takadanobaba Station), 5 major terminal stations in the Kansai Area (Osaka Station, Kyoto Station, Sannomiya Station, Tennouji Station, and Shin-Osaka Station), and Nagoya Station (232 monitors in total in the capital area, 204 monitors in total in the Kansai area, and 50 monitors in Nagoya Station), as a 15-second advertisement every 6 minutes from 5:00 am until midnight in the capital area, every 6 minutes from 6:00 am until midnight in the Kansai area, and 2,720 times or more in total in Nagoya Station. Plaintiff Kuchofuku distributed a press release on July 16, 2019, concerning the advertisement (Exhibits Ko 70-26 through -28, and -31; Exhibits Ko 199-1 and -2, Exhibits Ko 210-6 through -8, and Exhibit Ko 321-1).

b. Plaintiff Kuchofuku created a 2 min. 13 sec. web video titled "This Sky and 空調服" and released it on June 6, 2019, and relevant videos were uploaded by multiple video creators (Exhibits Ko 70-1 and -37, and Exhibits Ko 71-4 through -6, -8, -10, and -54).

c. Plaintiff Kuchofuku posted the fact in "Nihon Keizai Shimbun" dated July 11, 2019, that Toshiba Elevator and Building Systems Corporation (hereinafter referred to as "Toshiba Elevator") introduced "空調服" and also posted a full-page advertisement, with photographs and indicating the principles of "空調服," the name of Plaintiff Kuchofuku, etc. (Exhibit Ko 71-131 and Exhibit Ko 198), and also posted an advertisement of "FAN FIT" series of "空調服" in "Yomiuri Shimbun" dated August 28, 2019 (with photographs and indications of the product name and the company name of "空調服") (Exhibit Ko 197).

In addition, Plaintiff Kuchofuku posted an advertisement with the statement "As a company that invented 空調服™," photographs of "空調服," indication of DC 空調服 and the name of Plaintiff Kuchofuku (Exhibits Ko 70-3, -7, -9, -10, -13, -19, -20 through -23, -29, and -35, Exhibit Ko 71-13) in industry papers, etc. (Senken Shimbun, Denki Shimbun, Construction Safety and Health, Industrial Safety and Health, Agricultural Machinery News, and "Tosho/Yohin Catalog 2019 (Books and Articles Catalog 2019)" of Japan Industrial Safety & Health Association).

E. Participation, etc. in exhibitions

(A) 2017 and 2018

- a. Plaintiff Kuchofuku participated in "Dai 3 kai Mosho Taisaku Ten (The 3rd Heat Wave Measures Exhibition)," which was held at Tokyo Big Sight from July 19 through 21, 2017, and provided "空調服" for try-on (Exhibits Ko 48-12 and -29).
- b. Plaintiff Kuchofuku participated in "Dai 8 Kai Shouene/Setsuden EXPO (The 8th Energy-Saving and Power Saving EXPO" under "Somu, Jinji, and Keiri World 2017 (Administration, Personnel, and Accounting World 2017)," which was held at Tokyo Big Sight from July 26 through 28, 2017, and exhibited "空調服" (Exhibits Ko 48-13 and -17).
- c. Plaintiff Kuchofuku participated in "Midori Jujiten 2017 (Green Cross Exhibition 2017)," which was held at Kobe International Exhibition Hall from November 8 through 10, 2017, jointly with its distribution agent, NSP, and exhibited "空調服" (Exhibits Ko 48-42 and -45, Exhibit Ko 50-2, and Exhibit Ko 71-57).
- d. Plaintiff Kuchofuku participated in the "Global Warming Prevention Exhibition," which was held at Tokyo Big Sight from May 22 through 25, 2018, and exhibited "空調服" (Exhibit Ko 49-14). The number of visitors to the exhibition was approximately 158,000 persons (Exhibit Ko 354-14).
- e. Plaintiff Kuchofuku provided "空調服" for observers for an event for the "Heatstroke Zero" project, which was held on June 13, 2018 (Exhibit Ko 49-22).
- f. Plaintiff Kuchofuku opened a pop-up shop with cover goods of Plaintiff Kuchofuku, including "空調服," at the Masaka Stage of Shibuya Loft from June 19 through 27, 2018, provided "空調服" for try-on, sold them, etc., and approximately 900 persons visited the shop (Exhibits Ko 49-21, -23, and -39, Exhibits Ko 71-22, -55, and -69, Exhibit Ko 74-83, and Exhibit Ko 210-1).
- g. The Plaintiff Company participated in "Mosho Taisaku Ten," which was held at Tokyo Big Sight from July 18 through 20, 2018, and exhibited "空調服" (Exhibits Ko 49-43 and -56). This was reported in "Sen-I-News" (Exhibit Ko 71-47) and in TBS TV's program, "Saturday Plus," which was broadcast on July 21, 2018, in which the name and images of "空調服" and the company name of Plaintiff Kuchofuku were shown (Exhibit Ko 69), as well as in an article related to heatstroke in the magazine, "Shukan Shincho," dated August 2, 2018, in which the fact that the sale began in 2004 and other matters were introduced along with the name of "空調服" and the name of Plaintiff Kuchofuku (Exhibit Ko 49-54).
- h. The representative of the Plaintiffs published a book related to the invention of "空調服" titled "Shakai wo Kaeru Aidea no Mitsukekata (How to Find an Idea to Change Society)" in around September 2018 (Exhibit Ko 52). The explanation and book review,



etc. that the book is written by the inventor of "空調服" were posted in "Sen-I-News" (Exhibit Ko 71-66), "Book Watch" (Exhibit Ko 71-81), "livedoor NEWS" (Exhibit Ko 71-82), and a magazine, "Senden Kaigi" (Exhibit Ko 71-110), respectively.

i. Plaintiff Kuchofuku participated in "Midori Jujiten 2018 (Green Cross Exhibition 2018)," which was held in Yokohama in the middle of October 2018, and exhibited "空調服" (Exhibit Ko 73-27 and Exhibit Ko 74-24).

(B) 2019

a. Plaintiff Kuchofuku participated in "The 28th New Environmental Exposition 2019," which was held at Tokyo Big Sight from March 12 through 15, 2019, and exhibited "空調服" (Exhibit Ko 71-118).

b. Plaintiff Kuchofuku participated in "Outdoor Day Japan 2019," which was held in the Event Hiroba (Event Square) of Yoyogi Koen (Yoyogi Park) on April 6 and 7, 2019 (Exhibit Ko 70-4 and Exhibit Ko 71-120).

c. Plaintiff Kuchofuku participated in "Transportation System Expo 2019," which was held at Tokyo Big Sight from May 29 through 31, 2019, and at Intex Osaka on June 6 and 7, 2019, and exhibited "空調服" (Exhibits Ko 70-8 and -11, Exhibits Ko 71-43 and -130, and Exhibit Ko 74-101).

d. Plaintiff Kuchofuku participated in "Dai 5 kai Mosho Taisaku Ten," which was held at Tokyo Big Sight from July 24 through 26, 2019 (Exhibits Ko 71-10, -136, -146, and -148, Exhibit Ko 74-162, Exhibit Ko 192-7, Exhibits Ko 207, 208, and 259, Exhibit Ko 262-1, and Exhibit Ko 284).

e. Plaintiff Kuchofuku participated in "Midori Jujiten 2019," which was held at Kyoto Pulse Plaza from October 25 through 28, 2019 (Exhibit Ko 192-35, Exhibits Ko 256-2 and -3, Exhibit Ko 257-2, and Exhibits Ko 258-2 and -4).

f. Plaintiff Kuchofuku participated in "Mass-Trans Innovation Japan 2019," which was held at Makuhari Messe in Chiba from November 27 through 29, 2019 (Exhibit Ko 192-50 and Exhibit Ko 262-2).

F. Introduction of the Plaintiffs' Goods in TV programs, etc.

(A) In 2016, in TV Asahi's program, "Matsuko & Ariyoshi no Ikari Shinto," NHK TV program, "Shibu 5 ji," TBS TV's program, "Asa-chan," Nippon Television's program, "Hirunandesu," TV Tokyo's program, "World Business Satellite," etc., "空調服" or the product name including "空調服" were introduced along with the company name of Plaintiff Kuchofuku or its licensees, Yotsugi Co., Ltd. or NSP (Exhibit Ko 4, Exhibit Ko 40-58, and Exhibit Ko 87).

(B) On May 20, 2017, TV Asahi's program, "Super J Channel" introduced "空調リュック" with a statement of "The '空調服' evolved dramatically: 'Coolness' with commuting

with a backpack," etc., by indicating the company name of Plaintiff Kuchofuku (Exhibit Ko 71-11).

(C) On June 22, 2019, the representative of the Plaintiffs appeared on TBS Radio's program, "Kume Hiroshi Rajio Nandesukedo," brought "空調服" and explained it, which was also introduced on the website of TBS Radio (Exhibit Ko 70-4 and Exhibit Ko 71-34).

(D) On June 23, 2019, a program of Asahi Satellite Broadcasting, "Teiban Times," covered Plaintiff Kuchofuku and the representative of the Plaintiffs gave an explanation of "空調服." It was introduced on the website of Asahi Satellite Broadcasting by indicating that Plaintiff Kuchofuku is a manufacturer of "空調服" (Exhibits Ko 71-12 and -42).

(E) On July 22, 2019, in a TV program of TV Tokyo, "AI DOL PROJECT," the representative of the Plaintiffs introduced "空調服" (Exhibit Ko 71-141 and Exhibit Ko 75-3).

G. Example of adoption of the Plaintiffs' Goods at companies and customers, etc.

(A) Shimizu Corporation (hereinafter "Shimizu") started to use "空調服" in 2016 (Exhibit Ko 71-133, Exhibit Ko 74-176, and Exhibits Otsu 12, 14, and 17). The 空調服 that are sold by Plaintiff Kuchofuku to Shimizu have a tag indicating "空調服" (Exhibit Ko 56).

(B) Toshiba Elevator started to use "空調服" for its approximately 3,000 employees in the summer of 2016 and determined to lend "空調服" to approximately 1,000 employees of subcontractors and eventually introduced 8,000 pieces of "空調服" in total (Exhibit Ko 245).

(C) Kandenko introduced "空調服" as a measure against heatstroke at all departments in fiscal year 2016. As of around May 2017, more than 3,000 pieces of "空調服" were used at worksites, including subsidiary companies and subcontractors (Exhibit Ko 50-5).

(D) Toenec developed working clothing, which is EF Clothes, jointly with Plaintiff Kuchofuku and provided them sequentially to workers at worksites from June 9, 2017 (Exhibits Ko 48-34 and -35).

(E) In August 2017, Dai-Dan (Dai-Dan Co. Ltd.) recommended the purchase of 1,500 pieces of "空調服" to 110 subcontractors for measures against heatstroke and improvement of the worksite environment at construction worksites (Exhibit Ko 54, and Exhibit Ko 73-20, and Exhibit Otsu 8).

(F) Daiwa Lease Co., Ltd., a group company of Daiwa House Industry Co., Ltd., started to support the introduction of "空調服" for workers of subcontractors in 2016 on a trial basis, then introduced "空調服" to control the onset of heatstroke at construction worksites in 2018, provided 374 pieces of "空調服" for regular employees, and supported

the provision of 500 pieces of "空調服" to workers of subcontractors (Exhibits Ko 49-11, -17, and -19, Exhibit Ko 50-5, Exhibit Ko 64, Exhibit Ko 71-126, Exhibit Ko 73-22, and Exhibit Ko 74-90).

(G) Mitsubishi Electric Building Techno Service, which engages in the maintenance and inspection of elevators, started to use "空調服" on a trial basis at some of its branches in fiscal year 2017 and introduced approximately 11,000 pieces of "空調服" in the entire company in June 2018 (Exhibits Ko 60 and 61, Exhibit Ko 73-15, and Exhibit Ko 74-85).

(H) Kikukawa Kogyo Co., Ltd., which engages in metal interior construction of buildings, determined to provide "空調服" to subcontracting workers for free and held a presentation ceremony on July 18, 2019 (Exhibits Ko 71-135 and -137).

(I) The facts stated in (A) through (H) above were widely spread by being posted in industry magazines (evidence indicated in parentheses of (A) through (H) above).

(J) By 2016, major customers of Plaintiff Kuchofuku included many companies from a wide range, including companies related to automobiles, railways, machinery, metal, construction, electricity, logistics, food, etc., (Exhibit Ko 87) and the Plaintiffs are continuing transactions with a wide range of companies thereafter (Exhibits Ko 243-1-1, 243-2-1, and 243-3-1, and Exhibits Ko 343-1 through -82).

(K) The "空調服" that Plaintiff Kuchofuku supplies to Kyudenko Corporation has a tag indicating "空調服" (Exhibit Ko 55).

#### H. Awards, etc.

(A) In September 2016, "空調服" was certified as a recommended item of a public interest incorporated association ZenKanto Denki Koji Kyokai (Kanto Area Electric Construction Association) (Exhibit Ko 48-33 and Exhibit Ko 58).

"Nihon Keizai Shimbun" reported as follows in 2017 along with the aforementioned certification: "The number of companies in the power industry using '空調服' is increasing," "The number of introductions of '空調服' is growing rapidly in recent years," "In the electric construction industry, many companies have introduced '空調服,' such as Kandenko that implemented joint research, Toenec, Kinden, Kyudenko that introduced new '空調服' with original specification this year, and many other companies, including Yurtec Corporation, Hokuriku Electrical Construction Co., Ltd., Yondenko Corporation, etc.," "It seems '空調服' has become a standard measure against heatstroke in the power industry." (Exhibit Ko 48-33)

(B) Plaintiff Kuchofuku has been an official partner of "Heatstroke Zero," which is promoted by the Japan Weather Association, since around 2017 (Exhibit Ko 48-51 and Exhibit Ko 71-35).

(C) On December 4, 2017, Plaintiff SFT Laboratory won the Minister of the

Environment's Commendation for Global Warming Prevention Activity in the Technological Development and Commercialization Category on the grounds of "development, commercialization, and dissemination of 空調服" and it was reported in industry papers (Sen-I-News and Agricultural Machinery News) (Exhibits Ko 43 and 44, Exhibits Ko 48-43, -46, and -48, and Exhibit Ko 70-6).

(D) "空調服 elefan" that was developed jointly by Plaintiff SFT Laboratory and EIKO Machine Center Co., Ltd., won a good design award in 2019 and it was reported in "Sen-I-News" dated November 13, 2019, and the December 2019 issue of the magazine, "Uniform Plus," by indicating that Plaintiff SFT Laboratory was the inventor of "空調服" (Exhibit Ko 256-1, Exhibit Ko 258-3, and Exhibits Ko 297, 311, and 312).

(4) Sales and market share of "空調服" of the Plaintiffs

A. As mentioned in (3) A. above, until around 2015, the EF Clothes market was dominated by the Plaintiffs and SUN-S and their market share was almost 100%.

B. According to estimates based on interviews and questionnaires in "Sen-I-News," the market size of EF Clothes and market share of "空調服" of the Plaintiff Company, etc. in 2018 and 2019 are as stated below.

(A) The market size in 2018 was 8 billion yen on the shipping base (including clothes, devices, and all other relevant items) and 1.5 to 1.6 million in terms of the number of marketed items. The market share of "空調服" by the Plaintiff Company, etc. is approximately one third of the market size.

(B) The market size in 2019 was approximately 10 billion yen on the shipping base (including clothes, devices, and all other relevant items) and 3.4 to 3.5 million in terms of the number of marketed items. The market share of "空調服" by the Plaintiff Company, etc. is approximately one third of the market size, which is the top in the industry (concerning (A) and (B) above, Exhibit Ko 71-124, Exhibit Ko 72-1, Exhibits Ko 74-24, -27, -93, and -109, and Exhibit Ko 192-46).

C. Licensees are required to indicate that "空調服" is the trademark of the Plaintiff Company in product tags and catalogs for "空調服" that they manufacture and sell based on the license, in accordance with agreements with the Plaintiff Company (Exhibits Ko 342-1, and -7 through -21).

D. Total of sales of the Plaintiff Company was approximately ●●●● in 2017, approximately ●●●● in 2018, and approximately ●●●● in 2019 (Exhibits Ko 247-1 through -6 and the entire import of oral arguments). And sales of ●●●● from among them were those of "空調服" (including devices) (Exhibits Ko 333-5 through -7 and Exhibit Ko 351).

(5) Use of the term "空調服," etc. by persons other than the Plaintiffs

A. Newspapers, magazines, online shopping sites, etc.

(A) By the time of 2018 at the latest and after, in newspapers and magazines (Sen-I-News, Senken Shimbun, Kensetsutsushin Shimbun, Denki Shimbun, Japan Agricultural News, Nihon Butsuryu Shinbun, Sanyo Shimbun, Mainichi Shimbun, Chubu Keizai Shimbun (Chubu Economic News), Yomiuri Shimbun, Uniform Plus, etc.), online shopping sites, articles related to EF Clothes, etc., "work clothes equipped with a fan," "work clothes equipped with an electric fan," "clothes equipped with an electric fan (EF)," "EF clothes," "Fan Clothes," "clothes equipped with EF," "Fan Vest," "vest equipped with EF," "vest equipped with a fan," and many other names were used as a term indicating EF Clothes (Exhibit Ko 72-27, Exhibits Ko 74-1 through -63, -67, -79, -81, -86, -87, -91 through -102, -104 through -114, -117, -119, -127 through -133, -135 through -140, -143 through -153, -155 through -194, -196, and -199, Exhibits Ko 192-1 through -103, and -110 through -114).

(B) On the other hand, there are at least the following examples indicated by the Defendant where the term "空調服" is used as a term indicating general EF Clothes.

a. Newspaper articles

(a) Articles of Nihon Keizai Shimbun (Exhibit Otsu 5 [April 12, 2018], Exhibit Otsu 11 [April 11, 2017], Exhibit Otsu 13 [July 30, 2016], Exhibit Otsu 18 [May 19, 2016], and an article of Nihon Keizai Shimbun (electronic version) (Exhibit Otsu 38 [August 26, 2015])

(b) Article of Hokkaido Shimbun (Exhibit Otsu 7 [August 22, 2017])

(c) Article of Daily Engineering & Construction News (Exhibit Otsu 15 [July 25, 2016])

(d) Article of Ryukyu Shimpo (Exhibit Otsu 9 [July 16, 2017])

(e) Article of Denki Shimbun (Exhibit Otsu 10 [July 6, 2017])

(f) Article of Yomiuri Shimbun (Osaka version) (Exhibit Otsu 19 [August 10, 2006])

[i] An article of Kumamotonichinichi Shimbun (Exhibit Otsu 12 [October 3, 2016]), an article of Chemical Daily (Exhibit Otsu 14 [July 7, 2016]), and an article of Kensetsutsushin Shimbun (Exhibit Otsu 17 [July 7, 2016]) are articles related to Shimizu. As mentioned above in (3) G. (A), Shimizu uses the Plaintiffs' Goods. The article of Daily Engineering & Construction News (Exhibit Otsu 8 [August 8, 2017]) is an article related to Dai-Dan. As mentioned above in (3) G. (E), Dai-Dan uses the Plaintiffs' Goods and it is recognized that these articles used "空調服" as a term indicating the Plaintiffs' Goods. As mentioned in 3. (1) later, in around 2015, "空調服" was widely known by consumers and traders as referring to the Plaintiffs' Goods. Therefore, it should be said that consumers and traders recognize these articles to be related to the Plaintiffs' Goods. [ii] The article of Denki Shimbun (Exhibit Otsu 16 [July 13, 2016]) is an article related to

Yondenko Corporation, and Yondenko Corporation is a customer of Plaintiff Kuchofuku (Exhibit Ko 244). The article of Kahoku Shimpo (Exhibit Otsu 6 [August 25, 2017]) is an article related to the Miyagi Prefectural Agriculture and Horticulture Research Center and the Research Center is a customer of Plaintiff Kuchofuku (Exhibit Ko 355). Therefore, it is recognized that these articles used "空調服" as a term indicating the Plaintiffs' Goods. In the same way as [i] above, it should be said that consumers and traders recognize these articles as those related to the Plaintiffs' Goods. [iii] There may be even more cases similar to the above newspaper articles, although they are not necessarily clear in terms of evidence.

b. Websites, etc.

(a) The following online shopping sites: "Work- Uniform" (Exhibits Otsu 20 through 22; however, in Exhibits Otsu 21 and 22, "空調服" and "Work clothes equipped with a fan" are indicated together), "Work Street" (Exhibits Otsu 25 and 26), "Michio Shop Yahoo! Shopping Store" (Exhibits Otsu 27 and 28), "Sagyofuku Depo" (Exhibits Ko 141-1 and -2), "Kurashiki Tsusho" (Exhibit Ko 142-2 and Exhibit Otsu 29), "Kuchofuku Senmonten TK Net Shop" (Exhibits Otsu 32 and 33), "Maruju Fukuso Kabushiki Kaisha" (Exhibits Otsu 34 and 35), "Ueda Ironware" (Exhibit Otsu 39), "Workshop Tamai" (Exhibit Otsu 41), "Wowma!" (Exhibits Ko 144-1 and -2) and other websites.

(b) Search results of "空調服" in Yahoo! Japan Shopping (Exhibit Otsu 30)

(c) "Kuchofuku Senmon Site (Kuchofuku website)" (Exhibit Ko 145-2 and Exhibit Otsu 31)

(d) Website of Mitsufuji Corporation (Exhibit Otsu 36 [November 16, 2017])

(e) Public article blog of Kensetsutsushin Shimbun (Exhibit Otsu 37 [August 5, 2015])

It is recognized that "Jichodo," "XEBEC," "Z-Dragon," and "Yamadatatsu," which are handled by "Safety Uni" (Exhibits Otsu 23 and 24) and "Work Shop Oota" (Exhibit Otsu 40), are the goods of licensees of Plaintiff Kuchofuku (Exhibit Ko 71-7 and Exhibit Ko 72-1). Therefore, it is impossible to say that these websites use "空調服" as a term indicating general EF Clothes. As mentioned in 3. (1) later, in around 2015, "空調服" was widely known by consumers and traders as a term indicating the Plaintiffs' Goods. Consequently, it is not recognized that consumers and traders also recognize that the term "空調服" is used as a term indicating general EF Clothes on these websites.

c. Unexamined patent application publication and publication of unexamined utility model application or registered utility model

(a) Unexamined Patent Application Publication No. 2017-101354 (Exhibit Otsu 42 [filed on December 2, 2015]) and Unexamined Patent Application Publication No. 2016-56467 (Exhibit Otsu 43 [filed on September 8, 2014])

(b) Utility model registration No. 3206518 (Exhibit Otsu 44 [filed on June 28, 2016]), utility model registration No. 3197081 (Exhibit Otsu 45 [filed on February 6, 2015]), utility model registration No. 3195731 (Exhibit Otsu 46 [filed on November 18, 2014]), utility model registration No. 3187092 (Exhibit Otsu 47 [filed on August 30, 2013]), and utility model registration No. 3186431 (Exhibit Otsu 48 [filed on July 25, 2013])

#### B. Use of terms by EF Clothes manufacturers

Major EF Clothes manufacturers other than the Plaintiffs (SUN-S, Murakami Hifuku Kabushiki Kaisha, Chugokusangyo Co., Ltd., Kabushiki Kaisha Brein, Burtle Co., Ltd., Shinmen Kabushiki Kaisha, Kurodaruma Kabushiki Kaisha, Makita Corporation, Tajima [TJM Design Corporation], Sowa Co., Ltd., etc.) use names for EF Clothes other than "空調服" and do not use the term "空調服" in catalogs, etc. in 2018 and after. In this regard, each manufacturer uses its original brand name and product name, such as SUN-S uses "空調風神服," Murakami Hifuku Kabushiki Kaisha uses "HOOH (鳳凰)," Chugokusangyo Co., Ltd. uses "WIND ZONE," Kabushiki Kaisha Brein uses "空調エアコン服," Burtle Co., Ltd. uses "エアークラフト (AIR CRAFT)," Shinmen Kabushiki Kaisha uses "S-AIR," Kurodaruma Kabushiki Kaisha uses "AIR SENSOR-1," Makita Corporation uses "充電式ファンジャケット," Tajima uses "清涼ファン風雅," and Sowa Co., Ltd. uses "G. GROUND" and "サイクロンエアー," etc. On the other hand, the term "空調服" is used as the name of EF Clothes handled by Plaintiff Kuchofuku in parallel with those names of EF Clothes of the aforementioned manufacturers (Exhibits Ko 50-1 and -3, Exhibit Ko 59, Exhibits Ko 72-1 and -2, Exhibits 74-2, -3, -10, -24, -37 through -39, -41, -46, -62, -67, -70 through -72, -80, -82, -92, -109, -134, -156, -157, -197, and -198, Exhibits Ko 172 through 188, and 267, and the entire import of oral arguments).

#### (6) Other circumstances

A. Concerning the sales amount in the market of work clothes for the period from 2013 through 2017, sales mainly to major companies and government agencies accounted for approximately 70% and sales mainly to self-employed persons and general public accounted for approximately 30% (Exhibit Ko 168).

Sales of Plaintiff SFT Laboratory in 2018 were all made with corporations (Exhibits Ko 243-1-1 and 243-1-2, and Exhibits Ko 243-3-1 and 243-3-2). Out of the sales amount of Plaintiff Kuchofuku in 2018, ●●●● was made with corporations (Exhibits Ko 243-2-1 and 243-2-2).

B. In 2018, e-commerce (EC) rates in the product sales field of clothing and apparel sundries, etc. were approximately 13% (Exhibit Ko 169). In this regard, the rate of EC transactions in the field of work clothes and uniforms was still low and was much lower

than the EC rate in the overall wholesale industry (Exhibits Ko 170 and 171).

2. Whether the Trademark falls under Article 3, paragraph (1), item (iii) of the Trademark Act

(1) Examination of the Trademark

According to 1. (1) above, the Trademark "空調服" is a combination of the term "空調," which means "controlling the temperature, humidity, cleanness, etc. of the air in a room," and the term "服," which means "something one wears on one's body" or the like. As the term "空調" is used for "the air in a room," it is somewhat difficult to immediately understand the meaning of "空調服," a combination with the term "服," from the literal meanings of the characters.

However, it may be possible to some extent to regard "inside a piece of clothes" as being the same as "in a room" since inside and outside is segmented by "clothes," and to understand that "空調服" means clothes related to the control of the temperature, humidity, cleanness, etc. of the air in the "space inside clothes."

It is publicly known that the term "エア・コンディショニング" (air conditioning), which is a synonym for the term "空調," and its abbreviation, "エアコン," are usually used to mean "cooling and heating equipment" or electric "cooling and heating device," apart from the original meaning of "空調." And in the case of a noun in the Japanese language that ends with the term "服" (clothes), it is publicly known that the terms that precede the term "服" generally represent matters such as the purpose of the clothes (work clothes, diving suits, ceremonial clothes, mourning clothes, etc.), the environment where people wear the clothes (summer clothes, winter clothes, space outfits, etc.), the characteristics of persons who wear the clothes (student uniforms, etc.), or the features of the clothes (airtight suits, etc.). In consideration of these points, it is possible to say that the term "空調服" easily allows people to recognize the meaning of "clothes with purpose and features related to air conditioning."

Consequently, as of April 30, 2020, when the JPO Decision was made, the Trademark was recognized as meaning "clothes with the function to control the temperature, etc. of the air by means of its ventilation function" if used for the Designated Goods, i.e., "working clothing, shirts, and jackets with the ventilation function," and thus, the Trademark can be regarded as a mark indicating the quality of goods.

Since the Trademark consists only of the standard characters, "空調服," which are indicated in a common manner, it should be said that the Trademark falls under Article 3, paragraph (1), item (iii) of the Trademark Act.

(2) Allegation of the Plaintiffs

A. The Plaintiffs alleged that "空調" and "服" cannot be examined separately based on



the following reasons: the composition of the characters "空調服" that was created by the Plaintiff Company has strong originality; it is difficult to give meaning by combining the terms "空調" and "服" that have poor affinity; and "空調服" is a short term consisting of three kanji characters, is pronounced as a unified word, and is recognized by consumers and traders as an integrated, coined word.

However, even considering the fact that it is difficult to say that the degree of affinity between the terms "空調" and "服" is originally high, it can be understood that "空調服" has a special meaning, as mentioned in (1) above. In addition, in light of examples of general nouns in the Japanese language that end with the term "服" (clothes), it is impossible to say that the terms "空調" and "服" cannot be separated only because it is a short word consisting of three kanji characters, etc. In addition, the circumstances that the Plaintiff Company created the composition of characters "空調服" do not affect the decision as to whether the term "空調服" can be separated for interpretation.

B. The Plaintiffs alleged that, even if "空調服" is interpreted by separating it into "空調" and "服," according to the meaning of "空調," it is impossible to say that "空調服" indicates the quality of work clothes equipped with a ventilation function. However, in consideration of meaning of the term "空調," it is construed that it is recognized by people as "clothes with the function to control the temperature, etc. of the air by means of its ventilation function," as mentioned in (1) above. Provisions of the Electrical Appliances and Apparatus Quality Labeling Regulation do not affect the aforementioned recognition.

C. The Plaintiffs alleged the following, concerning examples of general use of the term "空調服": [i] the term "空調服" is not used by any EF Clothes manufacturers other than the Plaintiff Company, etc. and the terms such as "EF Clothes" have been broadly used instead; [ii] concerning examples of the use of "空調服" in online shopping sites, the indications of "空調服" are used only due to high recognition of the Plaintiffs' Goods among EF Clothes and they are not used as source-identifiers of goods other than the Plaintiffs' Goods; [iii] recognition of consumers and traders cannot be judged by those indications (examples of wrong use) in online shopping sites, which are related to a very limited part of EF Clothes transactions; [iv] the indications of "空調服" used in online shopping sites include those indicating the Plaintiffs' Goods; [v] "Nihon Keizai Shimbun" and other media have made corrections sequentially to clarify that "空調服" is a trademark of the Plaintiff Company; and [vi] concerning descriptions for patent application or for application of utility model registration, an applicant is not limited to consumers and traders of work clothes equipped with a fan and it cannot be said that those descriptions show the recognition of consumers and traders.

However, it is impossible to say that the term "空調服" has different meaning than

the term "EF Clothes," etc. immediately based on the fact that there are other terms, such as "EF Clothes," etc. It is also impossible to say that the method of using terms by work clothes manufacturers immediately shows the recognition of consumers of the Designated Goods. In addition, other circumstances alleged by the Plaintiffs can be taken into account when considering whether the Trademark falls under Article 3, paragraph (2) of the Trademark Act; however, it is impossible to say that they affect the determination in (1) above.

3. Whether the Trademark falls under Article 3, paragraph (2) of the Trademark Act

(1) Special distinctiveness

A. The Plaintiffs' Goods, "空調服," were developed by Plaintiff SFT Laboratory based on the ideas of the representative of the Plaintiffs. In 2005, when Plaintiff Kuchofuku started to sell "空調服" full scale, there were no EF Clothes other than "空調服," and hence, the Plaintiffs' Goods had a high level of uniqueness (1. (2) B. above). And it is construed that "空調服," where a fan is installed on clothes, was in a form that had never been seen in 2005 and it had a strong impact on persons who saw it.

Furthermore, given that it is somewhat difficult, as mentioned in 2. (1) above, to immediately understand the meaning of the Trademark "空調服" from the literal meanings of the characters which it is composed of, the composition of the term "空調服" can be deemed to have been very unique at the time when there was no product category of EF Clothes.

Assuming so, it can be said that the goods "空調服" and their name "空調服" had a strong power of attraction.

B. In addition to the circumstances mentioned in A. above, in view of the fact that in the product category of EF Clothes, the market had been dominated by the Plaintiff Company, etc. for about ten years until around 2015 (1. (3) A. above), as well as the circumstances that were recognized in 1 (2) B. through F. above, and, in particular, the circumstances such as that "空調服" was featured as the Plaintiffs' Goods many times in newspapers including those circulated nationwide, magazines, and TV programs including those aired nationwide, and that "空調服" was adopted by construction companies, etc., it is appropriate to find that by around 2015, "空調服" had become widely known nationwide among consumers and traders as the Plaintiffs' Goods in the product category of "working clothing, shirts and jackets with the ventilation function."

C. After that, since 2015, other companies started to enter the market of EF Clothes (1. (3) A. above), and the term "空調服" was sometimes used as a term signifying EF Clothes in newspapers and online shopping sites, etc. (1. (5) A. (B) above). However, since the Plaintiffs' Goods, "空調服," were widely known as mentioned above, it is found that there

were cases where the same kind of goods were called "空調服." In addition, there are the following factors to be taken into consideration: [i] the circumstances that were recognized in 1. (3) A. through H. above, and, in particular, circumstances such as that, even after 2016, newspapers including those circulated nationwide, magazines, and TV programs including those aired nationwide, often featured "空調服" as a term indicating the Plaintiffs' Goods or featured "空調服" of Plaintiff Kuchofuku as the pioneer of EF Clothes, that Plaintiff Kuchofuku ran various types of advertisement, and that more companies started to adopt "空調服"; [ii] the fact that other than the term "空調服," there are general terms used to refer to EF Clothes (1 (5) A. (A) above); [iii] the fact that other manufacturers of EF Clothes use product names and brand names that are different from "空調服" in their sales activities (1 (5) B. above); and [iv] the fact that despite the entry of many competitors, the product named "空調服" sold by the Plaintiff Company, etc. accounted for about one-third of the market share for EF Clothes in 2018 and 2019 (1. (4) B. above). In view of these factors, it can be found that the term "空調服" has gained increasing publicity, without losing its function to indicate the source of the goods of the Plaintiffs.

D. Consequently, as of April 30, 2020, when the JPO Decision was made, as a result of the use of the Trademark, consumers and traders of the Designated Goods were able to recognize the goods carrying the Trademark "空調服" as those pertaining to the business of the Plaintiff Company, and hence it should be said that the Trademark falls under Article 3, paragraph (2) of the Trademark Act.

#### (2) Allegation of the Defendant

A. The Defendant alleged, concerning the use of the Trademark as alleged by the Plaintiffs, that it was difficult for consumers to recognize that the characters "空調服" as a source-identifier of the Plaintiffs and that the effect of well-knownness should be found to be limited and, for example, alleged as follows: [i] in catalogs submitted by the Plaintiffs, the characters "空調服" are often used descriptively and therefore it is difficult to consider that consumers look at the characters "空調服" as a source-identifier; [ii] concerning goods shipped by a licensee, it is not clear whether the Trademark was used in a form where it would be recognized as indicating the source of the Plaintiffs and in this regard, it cannot be said that consumers recognize the characters "空調服" as a source-identifier of the Plaintiffs based on articles on the sale of goods (Exhibit Ko 71-7) and what are alleged as catalogs (Exhibit Ko 73-10) of licensees, Jichodo or NSP; [iii] concerning articles and advertisements in newspapers, magazines, etc., there are some for which it is difficult to say that the characters "空調服" are used in a form recognizable by and impressive to consumers and traders as a source-identifier of the Plaintiffs

immediately, and the number of postings, 148 times during the period from 2004 until April 1, 2017, is not very many and that postings in national newspapers are few and most of the postings were in specialist journals, local newspapers, etc. having fewer numbers of issues, etc.; [iv] concerning advertisements on large monitors that were installed in major JR station yards, the advertisement was conducted for a short period of 7 days, and there was no indication of the names of the Plaintiffs, and therefore it is difficult to say that persons who came across the advertisements recognized that the Plaintiffs were dealing in the goods named "空調服"; [v] it must be said that how the Trademark was used and how it was seen by visitors at exhibitions, and other specific exhibition statuses are not clear; [vi] concerning introduction in TV broadcasting, etc., some were broadcast in the early morning, the Plaintiffs Goods were not introduced as a main product in some programs, and the broadcast period was short, and that viewer ratings are not clear; and [vii] it is difficult to consider that the Trademark made a strong impression on consumers and traders of the Designated Goods as a source-identifier of the Plaintiffs' Goods by awards, certifications, etc. by public institutions.

However, concerning [i] above, even if there are examples that the characters "空調服" are used descriptively in catalogs, according to the circumstances held in (1) above, in particular, the fact that the Plaintiff Company, etc. dominated the market of EF Clothes until around 2015, these descriptive expressions do not indicate type of goods of EF Clothes but it should be said that the expressions have enough of a source-identifying function to indicate the Plaintiffs' Goods. In addition, concerning [ii] above, in the same way, even if they are goods shipped by licensees, it should be said that consumers and traders recognize them as the Plaintiffs' Goods.

Concerning [iii] and [iv] above, they are as indicated in 1. (2) B. and (3) B. and D. above, and it can be said that articles and advertisements in these newspapers, magazines, etc. are important circumstances to recognize the special distinctiveness of "空調服" and this fact is not affected by whether advertisements of the Plaintiffs' Goods using the characters "空調服" are rather small in light of the total size of the newspapers and magazines or whether there are no indications of the names of the Plaintiffs or the indications are small even if the characters "空調服" are used. In addition, based on circumstances related to the sales destinations of "空調服" as indicated in 1. (6) above, it is possible to say that posting many advertisements in specialist magazines is a circumstance supporting the special distinctiveness of "空調服" proactively.

Concerning [v] above, it is difficult to consider that the Plaintiff Company does not indicate "空調服" in exhibitions where companies present their goods to visitors, as a rule of thumb.

Concerning [vi] above, circumstances alleged by the Defendant do not hinder the use of the introduction of "空調服" in TV programs, etc. as a basis for recognizing the special distinctiveness of "空調服." It is publicly known that the TV programs, etc. indicated in 1. (2) E. and (3) F. above include famous programs that were widely known and it cannot be said that even viewer ratings also need to be proved.

Concerning [vii] above, awards, certifications, etc. by public institutions demonstrate that the Plaintiffs' Goods, "空調服," are recognized to be socially useful and it is obvious that they are the basis for recognizing the special distinctiveness of "空調服."

B. The Defendant alleged as follows: no evidence that objectively defines the sales and advertising and promotion costs of the Plaintiffs' Goods was submitted; the market share posted in "Sen-I News" is just an estimation and it cannot identify the correct market share of the Plaintiffs' Goods; and concerning the fact of specific transactions with user companies, since documents, etc. indicating that the Plaintiffs and purchasers of the Plaintiffs' Goods actually had transactions are not submitted, the fact of transactions based on delivery date, delivery quantity, etc. cannot be confirmed.

However, as indicated in 1. (3) D. (A) and (4) D. above, the Plaintiffs proved the amount of sales and advertising and promotion costs for 2017 through 2019 based on reliable evidence. Concerning "Sen-I News," it is found that the details have enough reliability to be used by subscribers in the industry as a reference and therefore the market share of the Plaintiffs' Goods can be recognized based on the article. In addition, it is impossible to say that the documents, etc. pointed to by the Defendant are indispensable for finding the special distinctiveness. In this case, denying special distinctiveness on the grounds that said documents, etc. have not been submitted is a determination that is not based on an actual status and therefore it is not unjustifiable.

C. It is also obvious that other various matters alleged by the Defendant do not affect the determination indicated in (1) above.

It is obvious that the Plaintiffs are able to submit evidence that had not been submitted in the procedures of the Application to prove that there are grounds to rescind the JPO Decision concerning Article 3, paragraph (1), item (iii) and paragraph (2) of the Trademark Act and there are no grounds to hinder the submission.

#### 4. Summary

Based on the above, there were errors in the JPO Decision that denied that the Trademark falls under Article 3, paragraph (2) of the Trademark Act and the Grounds for Rescission 2 that were alleged by the Plaintiffs are well-founded. Therefore, the JPO Decision shall be rescinded without the need to make determinations on the remaining points.

No. 4 Conclusion

Consequently, the claim of the Plaintiff has grounds and therefore it is upheld, and the judgment is rendered as indicated in the main text.

Intellectual Property High Court, Second Division

Presiding judge: MORI Yoshiyuki

Judge: SANO Shin

Judge: NAKAJIMA Tomohiro

## (Attachment 1)

Registration No.	Trademark	Class	Date of application	Date of registration
4697002	空調 (Standard characters)	25	Oct. 24, 2002	Aug. 1, 2003
4755308		12,20,24,25	Nov. 28, 2002	Mar. 12, 2004
4871177	 空調服	25	Feb. 12, 2004	Jun. 10, 2005
4992236	 空調ベッド	20,24	Mar. 30, 2006	Sep. 29, 2006
5702232	空調ヘルメット (Standard characters)	11	Dec. 6, 2013	Sep. 12, 2014
5715570	 空調服	9,11	Oct. 25, 2013	Nov. 7, 2014
5774691		25	Jan. 28, 2015	Jun. 26, 2015
5794161		09,11,20,24,25	Apr. 24, 2015	Sep. 18, 2015
5965315	空調リュック (Standard characters)	11,18	Oct. 17, 2016	Jul. 21, 2017
5999161	 空調服	09,11,17,25	Jul. 26, 2017	Nov. 24, 2017
6072017	空調服 (Standard characters)	09,10,11,12,17,20,24	Sep. 20, 2016	Aug. 17, 2018
6077558	空調ズボン (Standard characters)	25	Mar. 27, 2018	Sep. 7, 2018

## (Attachment 2) 1

Year	Date of exhibition	Name of exhibition	Venue	No. of visitors
2006	Dec. 14-16, 2006	Eco-Products 2006	Tokyo Big Sight	152,966
2007	May 18-20, 2007	Kokusai Fukushi Kenko Sangyoten (International Welfare and Health Industry Fair) "Welfare 2007"	Portmesse Nagoya	80,681
	Aug. 18-19, 2007	Toda home festival	Boat Race Toda, Saitama	Approx. 90,000
	Oct. 18-19, 2007	Techno Fair 2007	Fukuiken Sangyo Kaikan	19,856
	Oct. 31- Nov. 2, 2007	Chusho Kigyo Sogoten 2007 (Small & Medium Enterprise Fair 2007 in Tokyo)	Tokyo Big Sight	36,000
	Nov. 28-30, 2007	Patent Solution Fair 2007	Tokyo Big Sight	Unknown
	Nov. 27-28, 2007	Agribusiness Creation Fair 2007	Tokyo International Forum	9,409
	Dec. 13-15, 2007	Eco-Products 2007	Tokyo Big Sight	164,903
2008	Feb. 14-15, 2008	Sainokuni Business Arena	Saitama Super Arena	12,050
	Oct. 1-3, 2008	Patent Solution Fair 2008	Tokyo Big Sight	Unknown
	Oct. 29-30, 2008	Agribusiness Creation Fair 2008	Tokyo International Forum	11,031
	Nov. 26-28, 2008	Chusho Kigyo Sogoten 2008 (Small & Medium Enterprise Fair 2008)	Tokyo Big Sight	35,000
	Dec. 11-13, 2008	Eco-Products 2008	Tokyo Big Sight	173,917
2009	Jan. 27-28, 2009	Sainokuni Business Arena	Saitama Super Arena	12,700
	May 27-29, 2009	JECA FAIR 2009	Tokyo Big Sight	88,532
	Jun. 16-18, 2009	Safety & Health 2009	PACIFICO Yokohama	Unknown
	Oct. 22-23, 2009	Complaint Expo	Fukuiken Sangyo Kaikan	Unknown
	Nov. 4-6, 2009	Chusho Kigyo Sogoten 2009 (Small & Medium Enterprise Fair 2009)	Tokyo Big Sight	Unknown
	Nov. 25-27, 2009	Patent Solution Fair 2009	Tokyo Big Sight	Unknown
	Dec. 10-12, 2009	Eco-Products 2009	Tokyo Big Sight	182,510
2010	Jan. 27-28, 2010	Sainokuni Business Arena 2010	Saitama Super Arena	14,807
	May 25-28, 2010	N-Expo 2010	Tokyo Big Sight	172,515
	Sep. 14-17, 2010	LOGIS-TECH TOKYO 2010	Tokyo Big Sight	Unknown
	Oct. 13-15, 2010	Patent Solution Fair 2010	Tokyo Big Sight	Unknown
	Nov. 10-12, 2010	Chusho Kigyo Sogoten 2010 (Small & Medium Enterprise Fair 2010)	Tokyo Big Sight	47,004
2011	Jan. 26-27, 2011	Sainokuni Business Arena 2011	Saitama Super Arena	14,898
	May 24-27, 2011	N-Expo 2011	Tokyo Big Sight	157,905
	Sep. 7-9, 2011	N-EXPO KANSAI 2011	Intex Osaka	15,328
	Nov. 9-11, 2011	Chusho Kigyo Sogoten 2011 (Small & Medium Enterprise Fair 2011)	Tokyo Big Sight	Unknown
2012	Jan. 25-26, 2012	Sainokuni Business Arena 2012	Saitama Super Arena	15,491
	May 22-25, 2012	N-Expo 2012	Tokyo Big Sight	162,586
	May 30-Jun. 1, 2012	JECA FAIR 2012	Intex Osaka	93,744
	Oct. 10-12, 2012	Chusho Kigyo Sogoten 2012 (Small & Medium Enterprise Fair 2012) JISMEE	Tokyo Big Sight	Unknown
2013	Jan. 30-31, 2013	Sainokuni Business Arena 2013	Saitama Super Arena	16,487
	May 21-23, 2013	N-Expo 2013	Tokyo Big Sight	165,810
	Oct. 30- Nov. 1, 2013	Midori Jujiten 2013 (Green Cross Exhibition 2013)	Intex Osaka	18,949
	Oct. 30- Nov. 1, 2013	Chusho Kigyo Sogoten 2013 (Small & Medium Enterprise Fair 2013)3	Tokyo Big Sight	Unknown
2014	May 27-30, 2014	N-Expo 2014	Tokyo Big Sight	167,210
	Oct. 22-24, 2014	Midori Jujiten 2014 (Green Cross Exhibition 2014)	Tokyo Big Sight	10,832
	Nov. 12-14, 2014	Home & Build Show HEAD Best Selection	Tokyo Big Sight	13,927
	Nov. 19-21, 2014	New Value Creation Exhibition 2014	Tokyo Big Sight	48,550
2015	Feb. 6, 2015	Agriculture and Gender Equality Forum	Musashino Swing Hall	Approx. 150
	May 26-29, 2015	N-Expo 2015	Tokyo Big Sight	167,540
	May 26-29, 2015	Heat Wave Measures Exhibition 2015	Tokyo Big Sight	2,635
	Oct. 28-30, 2015	Midori Jujiten 2015 (Green Cross Exhibition 2015)	Nagoya Trade & Industry Center	20,552
	Nov. 18-20, 2015	New Value Creation Exhibition 2015	Tokyo Big Sight	49,551
2016	May 24-27, 2016	N-Expo 2016	Tokyo Big Sight	167,540
	Jul. 13-15, 2016	Energy/Power Saving Expo	Tokyo Big Sight	35,017
	Jul. 20-22, 2016	Heat Wave Measures Exhibition 2016	Tokyo Big Sight	30,679
	Oct. 19-21, 2016	Midori Jujiten 2016 (Green Cross Exhibition 2016)	Kobe	20,552
	Nov. 15-17, 2016	New Value Creation Exhibition 2016	Tokyo Big Sight	49,551
	Jun. 19, 2016	Heatstroke Zero (co -sponsoring with the Japan Meteorological Agency)	Sunshine 60	5,000
2017	Apr. 8-9, 2017	OUTDOORDAY JAPAN	Yoyogi Park Events Square	102,640
	May 23-26, 2017	N-Expo 2017	Tokyo Big Sight	158,197
	Jul. 26-28, 2017	Energy/Power Saving Expo	Tokyo Big Sight	45,384
	Jul. 19-21, 2017	Heat Wave Measures Exhibition 2017	Tokyo Big Sight	38,463
	Nov. 8-10, 2017	Midori Jujiten 2017 (Green Cross Exhibition 2017)	Kobe	
	Nov. 15-17, 2017	New Value Creation Exhibition 2017	Tokyo Big Sight	
	Jun. 25, 2017	Heatstroke Zero (co -sponsoring with the Japan Meteorological Agency)	Sunshine 60	6,000



Dates	Name of event/exhibition	Venue	Targets	Organizer	No. of visitors
Feb. 6-8, 2019	Factory Facilities & Equipment Expo, Manufacturing World	Tokyo Big Sight	Manufacturing industry, etc.	Reed	88,554
Mar. 15, 2019	N-EXPO 2019/ Global Warming Prevention Exhibition	Tokyo Big Sight	Recycling and waste industry, etc.	Nippo	158,222
Apr. 6-7, 2019	OUTDOOR DAY JAPAN 2019	Yoyogi Park	Outdoor gear industry, general consumers	Outdoor Day Japan	132,423
Apr. 17-19, 2019	[Nagoya] Manufacturing World Factory Facilities & Equipment Expo	Portmesse Nagoya	Manufacturing industry, etc.	Reed	34,573
May 29-31, 2019	Transportation System Expo	Tokyo Big Sight	Logistics, warehousing industry, etc.	EJK	54,423
Jun. 6-7, 2019	[Osaka] Transportation System Expo	Intex Osaka	Logistics, warehousing industry, etc.	EJK	10,765
Jul. 24-26, 2019	SUMMER TREND TOKYO2019 Heat Wave Measures Exhibition	Tokyo Big Sight	All industries	JMA	39,371
Sep. 26-27, 2019	[Fukuoka] National Construction Safety and Health Convention	Fukuoka International Congress Center	Building, construction industry, etc.	Japan Construction Occupational Safety and Health Association	6,100
Oct. 2-4, 2019	[Osaka] Manufacturing World Factory Facilities & Equipment Expo	Intex Osaka	Manufacturing industry, etc.	Reed	36,936
Oct. 23-25, 2019	[Kyoto] Midori Jujiten (Green Cross Exhibition)	Kyoto Pulse Plaza	All industries	Japan Industrial Safety and Health Association	22,535
Nov. 27-29, 2019	Mass-Trans Innovation Japan	Makuhari Messe	Railroad	Fujisankei	32,283