

27 AVR. 1984

April 26, 1984

225.61.sd2 - HA/gd

Mr. Kotaro Iwashita
Export Inspection and
Design Division
International Trade
Administration Bureau
Ministry of International
Trade and Industry
1-3, Kasumigaseki
Chiyoda-ku

T o k y o

Dear Sir,

Please allow me to refer to our meeting which took place at your office on March 3, 1984, and at which we discussed the problem of imitation of foreign designs and trademarks as well as the production, assembly or sales of counterfeited foreign goods in Japan. In the course of our discussion, you kindly encouraged the representatives of foreign Embassies in Japan to submit to you cases of violations in writing, in order to allow your Ministry to take appropriate action with the counterfeiters on a case by case basis. Accordingly, I would like to submit to your kind attention the following case:

The Swiss firm VICTORINOX from 6438 Ibach-Schwyz in Switzerland produces and markets genuine Swiss Army Pocket knives. Said knives have been the object of various counterfeits produced by Japanese makers, notably by makers located in Seki City, Gifu Prefecture.

Victorinox has tried since 1976, through direct contacts with the Japan Export Cutlery Industrial Association in Seki City, to invite the Japanese makers to stop producing said counterfeits and refrain from exporting them to various countries. The result of these efforts, however, has not been satisfactory.

In light of this situation, the Swiss Embassy has also intervened in 1982 and 1983 at the Japan Export Cutlery Industrial Association, requesting the Association to state its version of the facts concerning this matter and to cooperate towards a satisfactory settlement of same.

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In spite of its promise to the contrary, which the Japan Export Cutlery Industrial Association has made in writing to both the Swiss Embassy and Victorinox, the counterfeited pocket knives keep appearing on foreign markets. The enclosed pocket knife, for instance, is still being marketed in Sweden.

Moreover, this problem concerning the Swiss Army pocket knives is not limited to counterfeits alone. Sales material in the form of a brochure describing "A History of the Swiss Army Knife" is routinely handed out together with the counterfeit knives. This "History of the Swiss Army Knife" does not inform the potential customer that the story it tells is nothing else but the history of the Army knife designed and manufactured by Victorinox. Although the Japan Export Cutlery Industrial Association asserts that such printed material is printed by overseas buyers, one of the enclosed booklets suggests otherwise, since it bears the annotation "PRINTED IN JAPAN" on its back cover.

To conclude, I would like to point out that the problem of counterfeiting Swiss Army knives cannot be reduced to a mere question of whether Victorinox has registered its trademark in Japan or not, as it seems to be the contention of the Japan Export Cutlery Industrial Association, since the Swiss national emblem cannot possibly be registered as a trademark. The problem is clearly one of counterfeiting and of attempting to induce the potential customer in error through the use of deceptive sales material such as the "History of the Swiss Army Knife", practices which amount to unfair competition and run counter to the norms prescribed by Japan's Fair Trade Commission Notification No 34 of October 16, 1973, pertaining to Misleading Representation of the Country of Origin on Merchandise.

The Swiss Embassy would appreciate it very highly if your Ministry could give its attention to the case of counterfeiting and unfair competition detailed above, and take the action it shall deem necessary in order to settle this case to the satisfaction of all parties concerned.

Looking forward to hearing from you in not too distant a future and thanking you in advance for your kind assistance in this matter, I remain,

Sincerely yours,

For the Ambassador of Switzerland

(M. Hartenbach)

Encl.

Kopie an Victorinox, 6438 Ibach

- 3 -

List of supporting evidence herewith enclosed:

Enclosures

- A. Sample of a counterfeited Swiss Army knife, presently available on the Swedish market.
- B. Brochure: "A History of the Swiss Army Knife", depicting a counterfeited knife bearing the Swiss Coat of Arms.
- C. Brochure: "A History of the Swiss Army Knife" depicting a counterfeited knife bearing a star like emblem. In all other aspects, this brochure is similar to Enclosure B.
- ** Please note that on the back cover appear the words PRINTED IN JAPAN.
- D. Copy of a letter from the Japan Export Cutlery Industrial Association dated July 22, 1977, in which the Association:
- declares having a clear knowledge of the features of the "Swiss Emblem"
- ** Please note the similarity of the letter's drawing with the Swiss Coat of Arms appearing on Enclosure B!
- declares that the advertizing material is printed by the buyer's side
- ** Please note that this assertion is highly unlikely, since at least some of the brochures, which have appeared on various unrelated overseas markets, bear the words "Printed in Japan" (Enclosure C).
- E. Copy of a letter from the Japan Export Cutlery Industrial Association dated September 8, 1977, in which the Association
- declares that the Association is controlling all exports of cutlery from Japan.
 - declares that the mark in question (i.e. a cross in a circle) will be replaced by some other sign.

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- 4 -

- F. Copy of a letter from the Japan Export Cutlery Industrial Association dated July 11, 1978, in which the Association:
- declares having checked "the quantity of rest orders to be shipped which feature a similar logo to that used by Victorinox and provides said data to Victorinox.
 - trusts that thereafter the mark in question shall never again be used by the Association's members.
- G. Copy of a letter the Swiss Embassy has addressed to the Export Cutlery Association on November 19, 1981, and in which the Embassy:
- requests the Association to give information on whether counterfeited pocket knives bearing close resemblance to those made by Victorinox are indeed produced in Japan.
- H. Copy of the Association's answer, dated December 1, 1981, to the Embassy's letter mentioned under G, and in which the Association:
- asserts that the advertising material mentioned in the Embassy's letter was printed by overseas buyers and that the Association has no control over such material.
 - asserts that the mark resembling Victorinox's logo is no longer used by Japanese manufacturers.
- I. Copy of a letter the Swiss Embassy sent to the Export Cutlery Association on July 28, 1982, and in which the Embassy:
- requests the Association to provide information on the number of controversial pocket knives possibly remaining in the inventories of its members.
- J. Copy of the Association's answer, dated August 5, 1982, to the Embassy's letter mentioned under I, and in which the Association:
- asserts that no knives bearing marks consisting of a cross in a circle are being manufactured.
 - does not deem it necessary to answer to the Embassy's specific request concerning possible remaining inventories of said pocket knives.

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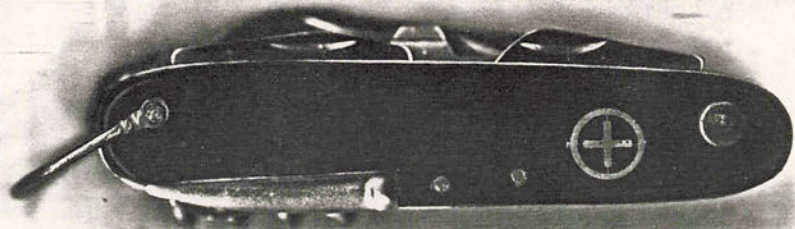
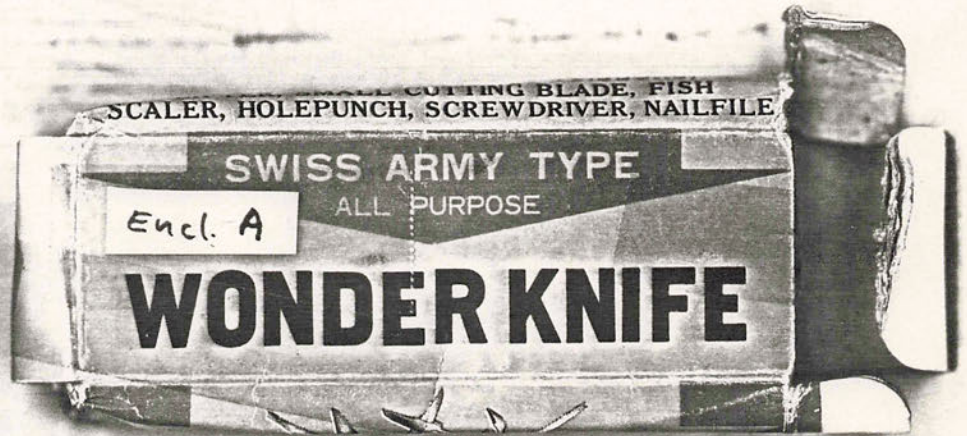
- 5 -

- K. Copy of a letter the Swiss Embassy sent to the Export Cutlery Association on August 11, 1982, and in which the Embassy:
- renews its request to the Association for information concerning possible remaining inventories of said pocket knives.
- L. Copy of the Association's answer, dated August 20, 1982, to the Embassy's letter mentioned under K, and in which the Association:
- asserts that no mark consisting of a cross in a circle is being used by its members.
 - asserts that the Association has no coercive power on its members and that it is not informed about the nature of the exports of its members.
- ** Please note that this statement does not seem consistent with the contents of the Association's letter to Victorinox dated September 8, 1977 (Enclosure E).
- asserts that it is in no position to provide the requested information concerning its members' inventories.
- ** Please note that this statement is contradicted by the fact that in its letter dated July 11, 1978, the Association was in a position to give Victorinox precise data pertaining to the inventories of its members (Enclosure F).



GRUNE KOPIE

(A)



B

(B)

Encl. B

A HISTORY OF THE SWISS ARMY KNIFE

dodis.ch/60144



Australien

(C)

Encl. C

A HISTORY OF THE SWISS ARMY KNIFE



PRINTED IN JAPAN

dodis.ch/60144

A HISTORY OF THE SWISS ARMY KNIFE

Encl. B



Illustration

A HISTORY OF THE SWISS ARMY KNIFE

Encl. C





JAPAN EXPORT CUTLERY INDUSTRIAL ASSOCIATION

SEKI CITY, Gifu, JAPAN

Victorinox Cutlery Company,
CH-6438 Ibach-Schwyz, Switzerland

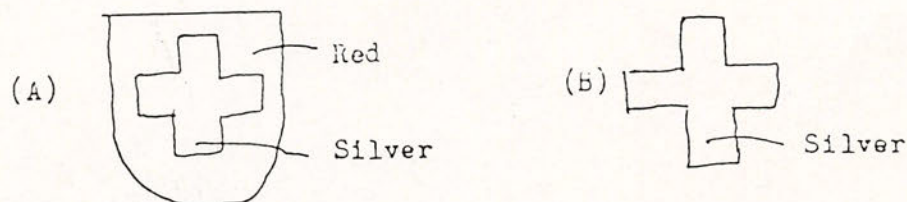
Seki: July 22nd 1977

Att: Mr. X. Ehrler

[Handwritten signature]

We have received your letter of 5th inst. with our careful attention.

- 1) We cannot understand why your assertion has been changed so simply from "RED CROSS" to "SWISS EMBLEM".
- 2) We have checked on "SWISS EMBLEM" at our Government and become clear the same are as follows;



The mark on the pocket knife is quite different from "SWISS EMBLEM". "Cross in Circle" or "Cross in Square" is very popular in Japan as a family crest. If you want to assert "SWISS EMBLEM", you should change your mark just as above A or B.

- 3) Frankly speaking, Japanese pocket knives have been being produced under the buyer's order and put the mark at the buyer's instruction. As to advertizing, we don't know at all about the contents because they are printed by buyer's side. We think there are no problem to sell the merchandise calling as "Japanese type", "German type" or "Swiss type".

Anyway, we regret very much that your letter is of blame and protest to our industry from beginning to end. You should ask us politely and peacefully if you wish to be not used the mark.

truly yours,

JAPAN EXPORT CUTLERY
INDUSTRIAL ASSOCIATION

[Handwritten signature]
A. Hasegawa DIRECTOR



JAPAN EXPORT CUTLERY INDUSTRIAL ASSOCIATION

SEKI CITY, Gifu, JAPAN

Messrs. Victorinox Cutlery Company
CH-6438 Ibach-Schwyz,
Switzerland

Sept. 8, 1977

Dear Mr. X. Ehrler

We have received your letter of 29th ult., the contents of which have had our careful attention.

We, of course, understand your situation from the first but your previous letters gave us very bad impression and also we could not recognize your mark as "Red Cross" or "Swiss Emblem".

We have the pleasure, now, to inform you that we will send our comments to all of our members in order to protect the mark on Red handled pocket knife .

Please rely on our Association as we are controlling all of export cutlery in Japan and replaced your mark by some others.

truly yours,

JAPAN EXPORT CUTLERY
INDUSTRIAL ASSOCIATION

Chaseyama
DIRECTOR

←
ff. 20.8.82



(F)
ref. 225.6/512
JAPAN EXPORT CUTLERY
INDUSTRIAL ASSOCIATION
SEKI CITY, Gifu, JAPAN

Messrs. Victorinox Cutlery Company
CH-6438 Ibach-Schwyz,
Switzerland

July. 11, 1978

Dear Mr. X. Ehrler

We have received your letter of 3rd inst., in which have had our careful attentions.

As informed you in our letter of Sept. 8, 1977, we sent our message to all of our members to protect your logo as business moral.

It was our best cooperation for you and after that our members are accepting new orders with other logo. However, we are not in a position to stop the production on orders already in their hand because we don't recognize your logo as "Red Cross" or "Swiss Emblem". (Please refer to our letter of July. 22, 1977.).

We have checked to day the quantity of rest of orders to be shipped herein after with same as your logo and it is about 500dozen yet. After the shipment of a.m. 500doz, we trust all of our members never use your logo on our Pocket Knives.

truly yours,

JAPAN EXPORT CUTLERY
INDUSTRIAL ASSOCIATION

[Handwritten Signature]
DIRECTOR

November 19, 1981

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225.64HA/lu

Japan Export Cutlery
Association
4-6 Heiwa-dori
Seki City
Gifu Pref. 501-32

Dear Sirs,

Please allow me the liberty to draw your kind attention on the following matter :

A Swiss producer of "Swiss Army Knives" of very long standing and high repute has recently informed me that his products, i.e. multibladed pocket knives featuring red handles with a distinctive mark in the shape of a Swiss cross on a red field, are being confronted on various foreign markets with similar products featuring a closely resembling distinctive mark likely to mislead prospective customers as to the true origin of the product involved.

The enclosed sales promotion material pertaining to the pocket knives (Swiss army style knives) of non-Swiss make give a good description of the product and the distinctive mark it features. It is also interesting to note that identical sales promotion material is being used in places as far apart as Sydney and Melbourne in Australia, and Philadelphia in the United States of America.

The aforementioned Swiss producer of "Swiss Army Knives" maintains that the "Swiss Army Style" knives advertised in the enclosed material are produced in Japan. A close examination of the engraving found on the main blade of the pocket knife as pictured on enclosure 4 ("A History of the Swiss Army Knife") seems to corroborate this statement.

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As I presume that your esteemed Association has a good insight into the export of cutlery produced in Japan, I would be very grateful if you would kindly inform me whether pocket knives as shown on the enclosed advertisements are indeed produced in Japan for foreign customers and, possibly, for domestic consumption as well.

I would also greatly appreciate it if you could please let me know whether the Japanese cutlery manufacturers do customarily fill in orders for items featuring distinctive marks which are identical to, or closely resembling the Swiss cross on red background as depicted on said advertisements.

Thanking you in advance for your kind cooperation in this matter and looking forward to your reply, I remain,

Yours Sincerely,

The Ambassador of Switzerland

F. R. Staehelin

Encl.:ment.



(H)

Translation kk/me ~~July 27,~~ 1982 (for HA)

Letter dated December 1st, 1981

To : Mr. F.R. Staehelin
Ambassador of Switzerland in Tokyo

From : Mr. Akira HASEGAWA
Managing Director
Japan Export Cutlery Industrial Association
4-6, Heiwa-dori, Seki City,
Gifu Pref.

Your Excellency,

We have received your letter dated November 19th, 1981 regarding Swiss Army Knives.

We have already heard about this matter before through letters from the Swiss maker VICTORINOX. We gave strong warnings to all member companies of our Association, and have been trying to make sure that no trouble should occur.

Immediately after receiving your letter, we made an investigation on the actual state of affairs. Following is the result of our investigation which may answer your inquiry :

1. Printed material

The enclosed material 1,2,3 and 4 that you sent us was actually printed and used by (overseas) buyers to which products were exported. Accordingly our Association has no control over such sales promotion materials.

2. Mark

We have been giving warnings as well as guidance to all member companies of our Association so that they will not use any mark similar to the mark used by VICTORINOX.

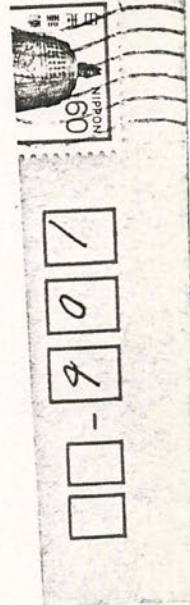
The mark appearing in your enclosures may have been used for a time, but it is not used now.

In this connection, we would like you to note that all Japanese exports of pocket knives are subject to export inspection, and that just the other day we requested once again the Japan Metal Table Ware Inspection Association (which conducts the export inspection) to notify us immediately when they find a mark which is likely to cause trouble.

Respectfully yours,

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à					(a/a)
date					28.7
visa					HA
8 DEC 1981					
réf.	225-6/512				



東京都

麻布私書函 38
スイス大使館
スターハイン大使閣下

56.12.1

岐阜県関市平和通り4丁目6番地

日本輸出組合
専務理事
印業出

冠者

11月19日付け貴信落掌致しました。

スイス アーミーナイフの件

本件に關しましては、以前よりスイスメーカー「ジイトリックス社」からの来信があり、当組合といたしまして問題が発生しないよう全組合員に対して徹底に警告を出し、徹底を図っております。

貴信を受取り、早速実情を調査いたしました。下記のとおり、下記の通りでありましたので、茲に御回答申し上げます。

1. 印刷物

貴信同封の 1. 2. 3. 4. に見る宣伝用印刷物は、輸出先のバイヤーが印刷し、使用されたものであります。従って、

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宣伝用印刷物に對しましては、当組合
としめても措置の方法がありません。

2. マーク

ゾクトリックス社の使用するマークと類似する
ものは一切使用しないよう組合員へ警告
指導をしております。貴信同封物に見ら
れるマークも一時使用したことがあるようで
ありますが、現在は使用されていません。

以上の通りであります。ポケットナイフの輸出
は全て輸出検査が必要であり、検査
機関(日本金属洋食器検査協会)に對しまして
更めて問題発生の恐れのあるマーク
があった時は、直ちに当組合へ通報
するよう申し入れを行ったところであります。

以上



28 JUL. 1982

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225.61HA/lu

Tokyo, July 28, 1982

Mr. Akira Hasegawa
Managing Director
Japan Export Cutlery
Industrial Association
4-6 Heiwa-dori
Seki City
Gifu Pref. 501-32

Dear Sir,

Thank you very much for your kind letter dated December 1st, 1981, in which you have informed me that your esteemed Association had enjoined its members to refrain from making use of any mark similar to the mark used by the Swiss firm VICTORINOX. I take it that this also includes the renunciation to use any sign or mark which would bear a close similarity to the Swiss cross on a red field.

I should like to state herewith that I thoroughly appreciate your kind cooperation in this matter.

I am however troubled by the fact that VICTORINOX seems not yet to be fully satisfied with the new state of affairs. Said company maintains that there have still been instances this year where Japanese manufactured pocket knives bearing a great similarity with its own products have been offered for sale, notably on the US market.

I would greatly appreciate it if you would kindly inform me of the quantity of such knives still remaining in the inventories of your members, and of the size of order backlogs and old commitments which remain to be fulfilled by the manufacturers.

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I would also be very grateful if you would please provide me, together with said statistics, with accurate description of the sorts of pocket knives and the marks they bear which you shall have included in your count.

Thanking you once again for your kind assistance in this matter and looking forward to your information, I remain,

Yours sincerely,

The Ambassador of Switzerland

F. R. Staehelin

225.613d2

Translation : kk/HA/lu

Letter dated August 5, 1982

To : Mr. F.R. Staehelin
Ambassador of Switzerland in Tokyo

From : Mr. Akira HASEGAWA
Managing Director
Japan Export Cutlery Industrial Association
4-6 Heiwa-dori, Seki City, Gifu Pref.

Sir,

We have received your letter dated July 28 concerning the mark used by Victorinox.

Partly because of requests from the Swiss firm, we have instructed every member company of our association to refrain from using the same mark as the "cross in circle". Consequently, no identical mark is used at present.

We have also warned member companies not to use any mark which seems to bear a similarity. Practically, however, it is impossible for us to bring clear judgment on whether a mark has a similarity or not.

At any rate, we think that this problem can all be solved if VICTORINOX gets its "cross in circle" registered as a trademark in Japan. Once a mark is registered and granted a trademark right, it will be legally protected against the use of a mark identical with or similar to it.

Mr. Sato of Sanpo Shoji K.K. in Tokyo once visited our association about this matter on the request of VICTORINOX, when we suggested to him that the mark used by the Swiss firm should be registered as a trademark. But Mr. Sato told us that it had already been registered. Then we requested him to let us have a copy of the official statement of registration in the Trademark Gazette. Since then, however, we have had no word from Mr. Sato, so it still remains unknown to us whether the mark is registered in Japan or not.

Therefore we would like to ask you to tell VICTORINOX to let us have a copy of the official statement of registration in the Trademark Gazette or let us know the registration number promptly, if the "cross in circle" is registered as a trademark in Japan.

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If the "cross in circle" is not registered in Japan, it means that Mr. Sato told us a falsehood. If so, it would really be a matter for regret, even taking into account Mr. Sato's stand as the proxy for VICTORINOX. We also think it improper that the Swiss company presses its own arguments on the basis of its one-side judgment on similarity.

Anyway, we earnestly hope that VICTORINOX will promptly take steps to get the mark registered as a trademark. Only after the mark is registered in Japan, it would be possible for our association to consult the Patent Office of Japan about the scope of similarity and give proper guidance to member companies of our association, thereby attending any further requests from VICTORINOX for our actions on supposedly similar marks. In such cases, too, the Swiss firm would not be allowed to persist in its own opinion on similarity against the use of a mark which may be legally considered outside the scope of similarity.

Respectfully yours,

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August 5K 1982

No. 225.61542

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東京都 麻布 私書函 38

57. 8. 5


スイス大使館

岐阜県関市平和通り4丁目6番地

スタ-ハリン大使館下

日本輸出刃物工業組合

専務理事

長谷川 章 

冠者

7月28日付貴信 落掌致しました。

VICTORINOX社 マークの件

首題に關しましては、VICTORINOX社からの要請もあり、「クロスインサークル」と同一マークを使用しないよう組合員へ周知徹底をいたしました結果、現在では同一マークは全く使用されていません。

類似マークについても、注意するよう指導を致したのでありますが、具体的にこれは類似するとか類似しないとかの明確な判断を打ち出すことは不可能であります。

何れにしても本件は、VICTORINOX社が「クロスインサークル」の自分のマークも日本で商標登録されることか全てを解決できるものと考えます。

商標登録されれば、商標権が生じ、同一マークは勿論、その類似範囲のものは、

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日本輸出刃物工業組合

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他人が侵害出来ないよう法的に保護されることになりす。

先に、^{カンボウ}三堂商事株式会社(東京)の佐藤氏がVICTORINOX社の依頼を受け、首題について集組されたことがあり、その節にも商標登録すべきことを申し上げたのでありますが、佐藤氏は既に商標登録済みであると言われ、組合から特許公報を提出されるよう依頼致しました。しかし、その後、何の音信もなく、果にVICTORINOX社のマークが日本で登録されているのかどうか全く不明のままです。

「クロスインサークル」が日本で商標登録されている場合は、至急、その特許公報コピーか、商標登録番号を当組合へ提供するようVICTORINOX社へお伝え下さい。

「クロスインサークル」が日本で登録されていないのであれば、佐藤氏は組合に対して不実を申されたことになり、VICTORINOX社の代理人とは言えず誠に遺憾であります。又、VICTORINOX社が自分だけの一方的な類似判断で我意を主張することは不当であると考えます。

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何れに致ししても VICTORINOX 社が早く
日本で商標登録されることを期待します。
その上で、更に VICTORINOX 社から、類似
マークに関する要請があれば、特許庁
から商標の類似範囲の法的解釈
を受け、組合員を正しく指導してゆくことも
可能です。この場合でも、VICTORINOX
社の自分だけの判断で類似と考えるものでも
法的に類似範囲外のものに対してまで
我意を主張することは許されません。

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225.61sd2-HA/lu

Mr. Akira Hasegawa
Managing Director
Japan Export Cutlery
Industrial Association
4-6 Heiwa-dori
Seki City, Gifu Pref. 501-32

Dear Sir,

This is to acknowledge good receipt of your letter dated August 5, 1982, and to inform you that the points you raised therein will be given our careful consideration.

From your lines, I gather that in the opinion of the Japan Export Cutlery Industrial Association, the problems existing between certain product lines of its members and the Swiss producer of pocket knives VICTORINOX is one involving the question of trade-mark registration or non-registration in Japan. The fact, however, that for instance the US Customs Service has ruled in 1981 that Swiss Army type knives bearing the Swiss Coat of Arms and made in countries other than Switzerland are prohibited entry into the United States pursuant to the relevant US Customs Regulations seems at least to suggest that questions other than the strict legitimacy of trade-marks might be involved as well, provided of course that some of the goods falling under said provision of the US Customs service originated in Japan.

In your letter you express the opinion that it would be improper for a Swiss company to press its own arguments in this case on the basis of its one-sided judgment on the similarity of products from different makers. It was precisely in order to get a balanced knowledge of this matter and the products involved that in my letter dated July 28, 1982, I kindly requested your assistance in providing me with objective information concerning the description and the number of the remaining pocket knives which had been produced by the Association's members and the production of which they were enjoined to discontinue by the Association.

I am convinced that you realize it would be difficult for me to understand if your esteemed Association should decide to withhold the requested information, since I trust that

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all parties involved are eagerly seeking a speedy settlement of this matter in the spirit of frank cooperation and in a manner satisfactory to all interests concerned.

Yours sincerely,

The Chargé d'affaires a.i. of Switzerland

Erwin Schurtenberger

VIA *h m u*

(L)

Seki, le 20 août 1982

de: HASEGAWA, Akira
 Directeur,
 Nippon Yushutsu Hamono Kogyo Kumiai
 (Société coopérative des exportateurs de
 couteaux)

à						a/a
date						↑
visa						↑
26 AOUT 1982						
réf. 225.1 sd 2						

à Son Excellence Monsieur STAEBELIN,
 Ambassadeur de Suisse

Monsieur l'Ambassadeur,

J'ai l'honneur d'accuser réception de votre lettre du 11 août 1982. Etant donné les vacances d'été, je viens de la recevoir et je m'excuse vivement d'être tard de vous répondre.

Re: Marque de la Société VICTORINOX

En ce qui concerne la marque précitée, je vous envoie sous ce pli, pour votre information, une copie de la lettre adressée aux membres de la Société coopérative des exportateurs de couteaux. Notre société attire toujours par écrit l'attention des membres afin qu'ils puissent éviter de difficultés. La marque de croix encadrée d'un rond de la Société VICTORINOX n'est actuellement pas utilisée.

La lettre de la Société coopérative a la capacité d'informer les membres mais pas de force coercitive. Quant à la marque similaire de VICTORINOX, il est très difficile de juger la similitude. Nous n'avons qu'à aviser aux membres de ne pas se mêler dans de pareils problèmes.

Comme je vous ai expliqué dans ma lettre précédente, la meilleure solution est en ce cas là que la Sté VICTORINOX dépose sa marque dans le Japon. Si elle déposait sa marque, le droit de sa marque sera règlementairement défendu et quant à l'analogie ou similitude, notre société pourra dire aux membres selon le conseil de l'Office national de la Propriété industrielle de ne pas contre-faire le droit de marque.

En ce qui concerne l'exportation, comme vous savez, c'est chacun de membres qui s'en occupe donc notre société n'en est pas au courant. Notre société est par conséquent incapable de répondre par votre lettre du 28 juillet, à votre demande/de contrôler le nombre de commandes en suspens et que nous ne sommes pas en situation de distinguer lesquelles des marques sont celles en question.

←
 aller du 8 sept 77

Il s'agit bien d'un produit de la société coopérative des exportateurs de couteaux.

Nous sommes bien au courant de ce qu'on fait à la douane américaine: l'opinion américaine et des mesures prises relatives aux affaires douanières. Quant à l'exportation aux Etats Unis, nos membres prennent contact avec la douane américaine par l'intermédiaire de leurs importateurs américains. Ils utilisent les marques qui ne causeront pas de problèmes.

Après avoir reçu la demande VICTORINOX, notre société coopérative a fait tous ce qu'elle pouvait et elle n'épargnera pas ses efforts pour résoudre la question pourtant il y a ce qu'elle peut faire et ce qu'elle ne peut pas faire.

Quant au problème de la Société VICTORINOX, je vous conseille que cette dernière dépose sa marque dans le Japon.



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57. 8. 20

東京都麻布 私書函 38
スイス大使館
スターハリン大使閣下

岐阜県関市平和通り4丁目6番地
日本輸出刃物工業組合
専務理事 長谷川 幹 

冠省

8月11日貴信、正に瑤掌致しました。
お盆の休みにて回答が遅れ、申し訳ありません。

VICTORINOX社マークの件

首題に關しましては、度々御手数を御掛け致し
おりますが、同封、組合員宛の組合文書コピー
御送り申し上げますので、ご参考までに御覧下さい。

当組合としましては、その都度 組合文書をもって
トラブルの発生しないよう 警告に 来ました結果、
マルに十の VICTORINOX 社の 同一マークは
現在 全く使用されていません。 而しながら
組合文書は 指導のものであり、強制力を
伴うものではありません。 VICTORINOX 社の
類似マーク ということになりますと、どこまでが
類似 であり、どうすれば 非類似 であるか
当組合でも 判断を 持つことの出来ない 問題
であり、組合員 に対しても トラブルを 発生しない
ようにと 警告する以外に 方法がありません。

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従って、本件については、前便でも申し上げた通り、VICTORINOX社が日本で自分のマークを商標登録されることが全てを解決する最善の方策と考へるのであります。商標登録されればVICTORINOX社のマークは法的に保護されるものとなり、その類似範囲に属する類似マークに対しても、特許庁の法的見解を得て、組合員が商標権を侵害しないよう組合の規制措置も可能となります。

御承知のことと思いますが、輸出取引は全て夫々の組合員ごとに行われ、組合はその取引内容まで掌握していません。従って、7月28日の貴信による類似マーク商品の受注残の明細数量は、これが問題となる類似マークかの判断も出来ず、これを調査する方法はありません。

米国における税関の見解と措置は既に情報として承知致してあります。本件に關する米国への輸出取引に対しては、先々米国輸入業者を通知し、米国税関の見解を得た上で、問題と見られないマークを使用しているところであります。

当組合は、VICTORINOX社から要請を受けた

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当初から全面的に協力し、今後とも協力を
 惜しむものはありませんが、廻合としても
 出来ることと出来ないことがあり、本件解決
 の最善の方策は、VICTOR/NOX社が日本で
 商標登録することと考へます。

以上

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