

“The Industrial Property Rights System in Japan”

Chapter 4. The Design System in Japan

Design System

In this chapter we'll introduce the Japanese Design System.

The purpose of the Design Law is stipulated in Article 1: “Through promoting the protection and the utilization of designs, to encourage creation of designs, and thereby to contribute to the development of industry”.

The Design Law protects those design aspects of an article, including the shapes, patterns or colors, that create an aesthetic impression via the sense of sight, so certain elements must be satisfied.

Regarded as “an article”

The subject matter of protection of the Design Right under the Design Law are “articles”, which are defined as “corporeal things and movable properties”.

Consisting solely of a shape that is inseparable from the article

Creates a visually aesthetic impression

The article must be visually recognizable. The term “aesthetic impression” means that it does not require a high level of aesthetic appeal, such as that found in a work of art.

However, not all applications submitted to the Patent Office are necessarily registered as a design right, even if they are suitable subject matters of protection under the Design Law.