

“The Industrial Property Rights System in Japan”

Chapter 4. The Design System in Japan

Special Design Registration

To meet social needs and help promote the reinforcement and good use of design protection rights in society, the Japan Patent Office provides various types of registration applications.

Partial design system

As these examples show, part of an article can be protected as a “partial design”. When a design refers to a particular part of an article which could not be properly assessed if the article were registered as a “whole design”, it’s more effective to file for protection as a “partial design”.

If part of the article can be physically separated and become an individual product in the market, it’s protected as a “part” or an “accessory”.

Recently, there have been many skillful imitations of only parts of articles rather than the articles in their entirety. The claim is made that they are not imitations since the whole shape of the articles are dissimilar. It’s possible to acquire a “partial design right” to counter this kind of infringement.

For example, Chorittai Mask, three-dimensional nonwoven fabric masks, shown here, are health-related products produced under thorough quality control. Efforts are being made to counter low-quality imitations that could cause health damage to consumers by registering the masks for design registration, including partial design rights.

Detailed parts of the masks, such as the sections over the nose and around the ears, are protected by partial design rights.

Other types of special design registration

Besides partial design registration, there are several types of special design registration.

Under the Design Law, for example, a graphic image on a screen that is provided for use in the operation of an article to enable it to perform its functions is subject to protection as “a constituent part of the design”.

When a design is created, more than one design with many variations may be produced from one

concept. The design rights for these similar designs can be granted as “related designs”, but only if the application is filed by the same person.

There are also cases of “secret designs” where the applicant may request that details of the design, such as drawings, be kept secret for a certain period if their corporate strategy so requires.