Part II Requirements for Design Registration

In order for the subject matter of an application for design registration (Note) to be registered, it must comply with all of the following requirements.

(Note)

The subject matter of an application for design registration refers to the subject matter for which the examiner has yet to make the determination as to whether or not it is categorized as a design as defined in Article 2(1) of the Design Act.

(1) The subject matter is an industrially applicable design (→ Part II, Chapter I)
(2) The subject matter is novel (→ Part II, Chapter II)
(3) The subject matter involves creative difficulty (→ Part II, Chapter III)
(4) The subject matter is not a design in a later application that is identical or similar to part of a design in a prior application. (→ Part II, Chapter IV)

(Note)

Even if a design complies with the requirements above, it may not be registered if the application for design registration falls under any of the following.

(1) Where the design in the application for design registration is not registrable under any of the following provisions
   (i) Article 5 (Unregistrable designs) of the Design Act
   (ii) Article 8 (Design for a set of articles) of the Design Act
   (iii) Article 9(1) or (2) (Prior application) of the Design Act
   (iv) Article 10(1) to (3) (Related designs) of the Design Act
   (v) Article 38 (Joint applications) of the Patent Act as applied mutatis mutandis pursuant to Article 15(1) of the Design Act
   (vi) Article 25 (Enjoyment of rights by foreign nationals) of the Patent Act as applied mutatis mutandis pursuant to Article 68(3) of the Design Act

(2) Where the design in the application for design registration is not registrable under the provisions of any relevant treaty

(3) Where the application for design registration does not comply with the requirements under Article 7 of the Design Act

(4) Where the applicant for design registration is not the creator of the design, and has not succeeded to the right to obtain a design registration for the
Part II Requirements for Design Registration
Chapter I Industrially Applicable Design

design
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21 Relevant provisions

Design Act

Article 2 (1) “Design” in this Act shall mean the shape, patterns or colors, or any combination thereof, of an article (including a part of an article, the same shall apply hereinafter except in Article 8), which creates an aesthetic impression through the eye.

(2) The shape, patterns or colors, or any combination thereof, of a part of an article as used in the preceding paragraph shall include those in a graphic image on a screen that is provided for use in the operation of the article (limited to the operations carried out in order to enable the article to perform its functions) and is displayed on the article itself or another article that is used with the article in an integrated manner.

(Paragraphs (3) and (4) omitted)

Article 3 (1) A creator of a design that is industrially applicable may be entitled to obtain a design registration for the said design, except for the following:

(i) Designs that were publicly known in Japan or a foreign country, prior to the filing of the application for design registration;

(ii) Designs that were described in a distributed publication, or designs that were made publicly available through an electric telecommunication line in Japan or a foreign country, prior to the filing of the application for design registration; or

(iii) Designs similar to those prescribed in the preceding two items.

(Paragraph (2) omitted)

Ordinance for Enforcement of the Design Act

Form No. 6 [Notes]

(7) A figure (excluding a figure in the reference view) must not contain a centerline, baseline, horizontal line, fine line or shading to express shadows, indication line, code or character to explain the contents, nor any other line, code or character which does not constitute the design; provided, however, that it may contain a line, dot or any other mark for specifying the shape of the design for which the design registration is requested. In this case, a statement to that effect and a statement as to which mark specifies the shape shall be included in the column of “[Description of the Design]” of the application.

(8) Drawings showing a three-dimensional shape shall be indicated as a set, consisting of the front view, rear view, left side view, right side view, top view and bottom view prepared at the same scale by the orthographic projection method; provided, however, that in the cases set forth in the left-hand column of the
following table, the figures set forth respectively in the right-hand column may be omitted. In this case, a statement to that effect shall be included in the column of "[Description of the Design]" of the application.

| Where the front view and the rear view are identical or mirror images | Rear view |
| Where the left side view and the right side view are identical or mirror images | Either of the side views |
| Where the top view and the bottom view are identical or mirror images | Bottom view |

(9) Where indicating views prepared by the isometric projection method or views prepared by the oblique projection method (limited to cabinet drawings (at a width-height-depth ratio of 1:1:1/2) or cavalier drawings (at a width-height-depth ratio of 1:1:1)) which are set forth in the left-hand column of the following table, all or part of the views set forth in the right-hand column may be omitted. In this case, if the views are prepared by the oblique projection method, the distinction of cabinet drawings or cavalier drawings and the inclination angle shall be stated in the column of "Description of the Design" of the application for each view.

| Views showing the front, top and right side | Front view, top view or right side view |
| Views showing the rear, bottom and left side | Rear view, bottom view or left side view |
| Views showing the front, left side and top | Front view, left side view or top view |
| Views showing the rear, right side and bottom | Rear view, right side view or bottom view |
| Views showing the front, right side and bottom | Front view, right side view or bottom view |
| Views showing the rear, left side and top | Rear view, left side view or top view |
| Views showing the front, bottom and left side | Front view, bottom view or left side view |
| Views showing the rear, top and right side | Rear view, top view or right side view |

(10) Drawings representing a flat and thin article will be a set, consisting of the surface view and back side view prepared at the same scale, and a set of views will be indicated on a single sheet of paper, in principle; provided, however, that where the surface view and the back side view are identical or mirror images or without any patterns, the back side view may be omitted. In this case, a statement to that effect shall be included in the column of "[Description of the Design]" of the application.
(12) Drawings of a rod, a wire rod, a plate, a pipe or the like with a continuous shape or of a textile in which a pattern repeats continuously may be prepared only for the part that clearly shows the state of continuing or repeating continuously, and for a textile in which a pattern repeats continuously in a single direction, a statement to that effect shall be included in the column of “[Description of the Design]” of the application.

(13) As in the case of a middle part of a cord of a radio receiver, where the design is clearly shown even by omitting depiction of a part of the article, and it is unavoidable in constructing drawings, depiction of that part may be omitted. In this case, the omitted part will be indicated as if cut by two parallel dash-dotted lines, and a statement to that effect and a statement of the size of the omitted part on the drawing shall be included in the column of “[Description of the Design]” of the application.

(14) Where the drawings in (8) through (10) alone cannot sufficiently represent the design, a development view, sectional view, end elevational view of the cut part, enlarged view, perspective view, graphic image view, or any other necessary views will be added, and where it is necessary to help in understanding the design, a view showing the state of use or any other reference views will be added.

(15) In the cross section of a sectional view or an end elevational view of the cut part, oblique parallel lines will be drawn, and the cut part will be indicated by a chain line in another view. The chain line must not be drawn within a figure. At both ends of the chain line, codes will be attached and the direction of depicting the cross section will be indicated by arrows.

(16) Where drawing an enlarged view of a part, the enlarged part will be indicated by a chain line in the original view of said enlarged view of a part. The chain line must not be drawn within a figure. At both ends of the chain line, codes will be attached and the direction of depicting the enlarged view of a part will be indicated by arrows.

(18) When the article is separable, such as a cover and a main body or a plate and a bowl, and the state of these constituent parts combined cannot sufficiently represent the design, the drawings from (8) through (10) and the views in (14) for each constituent part of the article will be added, besides the views representing the state of the constituent parts combined.

(19) Where drawings of each constituent piece of the article cannot sufficiently represent the state of use, such as in the case of building blocks, a perspective view representing the state of use or being stored will be added, and where the article is to be assembled and disassembled, such as in the case of a wooden toy, and drawings of the assembled state cannot sufficiently represent the disassembled state, a perspective view of each constituent piece of the article.

(20) Where the article is transformable or openable, etc., and the drawings representing the state before and after the change of the design, such as the
transforming or opening, are required in order to sufficiently represent the design, drawings that show the state before and after the change of the design, such the transforming or opening, will be prepared.

(24) Drawings of a design for which the whole or part of the article is transparent will be prepared according to the following.
(a) Where the outside is colorless and without any patterns, the see-through part will be depicted as it is.
(b) Where any one of the outer surface, inner surface or thickness of the outside has a pattern or color, the pattern or color on the rear surface and the bottom surface will not be depicted, and only the pattern or color on the front surface or the top surface will be depicted.
(c) Where any two or more of the outer surface, inner surface or thickness of the outside or the inner part surrounded by the outside have a shape, pattern or color, the shape, pattern or color of each such part will be depicted.

21.1 Provision of the main paragraph of Article 3(1) of the Design Act

The main paragraph of Article 3(1) of the Design Act provides that the subject matter of an application for design registration may not be registered unless it is categorized as an industrially applicable design as provided in the main paragraph of Article 3(1) of the Design Act.

In order for the subject matter of an application for design registration to be categorized as an industrially applicable design as provided in the main paragraph of Article 3(1) of the Design Act, it must comply with all of the following requirements.

Therefore, subject matter that does not comply with any of the following requirements is not categorized as an industrially applicable design as provided in the main paragraph of Article 3(1) of the Design Act, and therefore may not be registered.

(1) The subject matter constitutes a design
(2) The subject matter is a specific design
(3) The subject matter is an industrially applicable design

21.1.1 The subject matter constitutes a design

The “design” as referred to in an “industrially applicable design as provided in the main paragraph of Article 3(1) of the Design Act” is a design as defined in Article 2(1) of the Design Act; that is, the form of an article, which creates an aesthetic impression through the eye.

Accordingly, in order for the subject matter of an application for design registration to constitute a design, it must comply with all of the following requirements.
21.1.1 The subject matter is found to be an article

In order for the subject matter of an application for design registration to constitute a design, it must be a creation of the form of an article, and because the article and the form are inseparably integrated, creation of the form alone detached from the article, such as creation of the pattern alone or the color alone, is not found to be a design.

(1) Article subject to the Design Act

Articles subject to the Design Act are tangible objects which are moveables distributed on markets.

(2) Examples of subject matter not found to be articles

(i) Subject matter that is not moveables, in principle

Land and any fixtures thereto, what is called real estate, is not found to be an article. However, subject matter that becomes real estate when used, but is industrially mass-produced and treated as moveables when sold, such as a gate or a prefabricated bungalow, is found to be an article.

(ii) Subject matter that is not solid

An intangible object, such as electricity, light or heat, is not found to be an article. Also, a tangible object that does not have a form of its own, such as gas or liquid, is not found to be an article.

(iii) Subject matter which is a collection of powder or granules

Powder and granules are not found to be articles, because although the individual constituent objects are solid and have a certain form, a collection of them does not have a specific form. However, where the individual constituent objects are powder or granules, but a collection of them has a solid form, such as in the case of a sugar cube, the subject matter is found to be an article.
(iv) Subject matter which is a part of an article

Subject matter which cannot be isolated without destroying the article, such as the “heel of a sock” which is a part of a “Sock,” is not found to be an article because it is not traded as an independent product by itself in a normal trading state. However, a component constituting a part of a finished product (a component product) is found to be an article if it is interchangeable and is traded as an independent product in a normal trading state.

[Case example]
“Heel of a sock”

“Sock”

21.1.1.2 The subject matter is the form of an article itself

Since a design is the form of an article, subject matter that is not found to be the form of an article itself is not found to be a design.

(1) Form of an article itself

The form of an article itself refers to the form that arises from the characteristics or the nature of the article itself.

(2) Example of subject matter that is not found to be the form of an article itself

(i) Subject matter for achieving an effect of sales display

For example, where the article is a handkerchief, the form of a flower made by tying knots in the handkerchief for achieving an effect of sales display is not found to be the form of the article, i.e. the handkerchief, itself. However, where a folded handkerchief is made into an ornament imitating the shape of another article, it is found to be the form of the article, i.e. the ornament, itself.
21.1.3 The subject matter appeals to the eye

Since Article 2 of the Design Act defines that a design creates an aesthetic impression through the eye, subject matter that does not appeal to the eye is not found to be a design.

(1) Subject matter that appeals to the eye

Subject matter that appeals to the eye refers to the subject matter of an application for design registration of which the entire form can be recognized by the naked eye.

(2) Example of subject matter that is not found to appeal to the eye

(i) One unit of powder or granules

Where the form of one unit of subject matter is too fine to recognize by the naked eye, the subject matter is not found to appeal to the eye.

21.1.4 The subject matter creates an aesthetic impression through the eye

Since Article 2 of the Design Act defines that a design creates an aesthetic impression through the eye, subject matter that does not create an aesthetic impression is not found to be a design.

While an aesthetic impression can also be created through the ear, such as in the case of music, it is limited to an aesthetic impression that is created through the eye in the case of a design.

(1) Aesthetic impression

An aesthetic impression as provided in Article 2(1) of the Design Act does not need to be refined beauty as in a work of art; it is sufficient for the subject matter to create some kind of aesthetic impression.

(2) Examples of subject matter that is not found to create an aesthetic impression through the eye

(i) Subject matter mainly for achieving a function or a working effect which hardly creates an aesthetic impression

(ii) Subject matter which is not coordinated as a design, and which only creates a complicated impression and hardly creates an aesthetic impression
21.1.2 The subject matter is a specific design

The design for which the design registration is requested, which is the object of a design right, must be one for which contents of a specific single design, that is, specific contents concerning (i) and (ii) below, can be directly derived from the statement in the application and drawings, etc. attached to the application as originally filed, predicated on the ordinary skill in the art of the design.

(i) The usage and function based on the purpose of use, state of use, etc. of the article to the design

(ii) The form of the article to the design

However, since subject matter that is protected as a design is an aesthetic creation concerning an article, which is intangible property, identified through the statement in the application and drawings, etc. attached to the application, it is sufficient to be able to derive a specific single design with regard to the contents of the design filed as an aesthetic creation from the statement in the application and drawings, etc. attached to the application; thus, the drawings, etc. attached to the application do not necessarily need to be indicated with equally high accuracy for the entire design, such as in the case of an engineering drawing for a product.

In other words, even where the application or drawings, etc. attached to the application contains any improper description, such as an erroneous or ambiguous statement, if the improper description falls under any of the following, the subject matter is found to be a specific design.

(i) Where it is reasonable to give a favorable construction upon making comprehensive determination(Note) predicated on the ordinary skill in the art of the design

(ii) Where it is an improper description of a part that is minor enough to not affect the finding of the gist of the design (Part VIII “Amendment of Statement in the Application/Drawings, etc.,” Chapter II “Dismissal of Amendments,” 82.1.1 “Gist of design and the finding of the gist of design”) even if the question as to which description is correct is left undecided

(Note)

“Comprehensive determination” includes the determination as to whether or not it is reasonable to give a favorable construction to an improper statement of an application or improper depiction of drawings, etc. attached to the application, where such improper statement and depiction exist; the same shall apply hereinafter.

Also, where it is simply described as “comprehensive determination” hereinafter, the determination is assumed to be made predicated on the
ordinary skill in the art of the design.

(1) Examples of cases where subject matter is not found to be a specific design

Where an application or drawings, etc. attached to the application contains any of the following improper descriptions, and where contents of a specific single design cannot be directly derived upon making comprehensive determination based on the statement in the application and drawings, etc. attached to the application, the subject matter is not found to be a specific design.

Meanwhile, in the following examples, if a written invitation to amend proceedings (formality) under the name of the Commissioner of the Patent Office is delivered and a response amendment to the written invitation is submitted, determination is first made as to whether the design for which the design registration is requested is found to be a specific design based on the statement in the application and drawings, etc. attached to the application containing the improper description as originally filed, and then determination is made based on said determination results as to whether the response amendment changes the gist of the statement in the application and drawings, etc. attached to the application as originally filed. (See Part VIII “Amendment of Statement in the Application/Drawings, etc.,” Chapter I “Amendment”)

(i) Where the purpose of use, the state of use, etc. of the article to the design is unclear
(ii) Where views are inconsistent
(iii) Where drawings or photographs, etc. are unclear
   i. Where drawings or photographs are too small or unclear so that the design cannot be identified accurately
   ii. Where drawings or photographs are clear, but due to the presence of unnecessary elements such as the background, highlights or shadows in the photographs, the design cannot be identified accurately

However, the following cases are excluded: a case where the background is painted with a single-color for the purpose of clearly defining an external shape in the drawings prepared by computer graphics, and the column of “[Description of the Design]” of the application contains such a description to the effect that the color is a background color; and a case where it is obvious that the color is a
background color even without such description.

On the other hand, the design is not recognized as being clearly specified in a case where it is unclear whether the whole drawing shows a form of an article to the design of the application or the drawing contains a background color.

An example requiring a description of the background color

![Surface View]

Article to the design “Decorative Sticker”
It is unclear, whether the “Decorative Sticker” is only the sunflower part or the whole drawing including pale blue part.

(iv) Where the design is explained in an abstract manner
Where the shape, pattern and color are explained in an abstract manner in the application or drawings by using characters or codes, etc.

(v) Where the material or size of the article needs to be explained, but there is no such statement
(Article 6(3) of the Design Act)

(vi) Where drawings showing the states of change in the form are needed, but there are no such drawings or explanation
Where the article to the design is transformable or openable, and the drawings representing the states of the change of the design, such as the transforming or opening, are required in order to sufficiently represent the design, but such drawings and explanation are not included in the column of “Description of the Design” of the application.
(Article 6(4) of the Design Act)
(Form No. 6 Note (20) of the Ordinance for Enforcement of the Design Act)

(vii) Where colored drawings have a part that is not colored
However, this excludes the case where an explanation to the effect that the uncolored part is black or white is stated in the column of “Description of the Design” of the application.
(Article 6(6) of the Design Act)

(viii) Where the whole or part of the article is found to be transparent based on the drawings, but there is no explanation to that effect in the column of “Description of the Design” of the application (Article 6(7) of the Design Act)

(Form No. 6 Note (24) of the Ordinance for Enforcement of the Design Act)

(ix) Where a figure contains a centerline, baseline, horizontal line, fine line or shading to express shadows, indication line, code or character to explain the contents, or any other line, code or character which does not constitute the design

i. However, except for the following cases:

(a) Where a line, dot or any other mark for specifying the shape of the design is indicated, and a statement to that effect and a statement as to which mark specifies the shape are included in the column of “[Description of the Design]” of the application (Form No. 6 Note (7) of the Ordinance for Enforcement of the Design Act); and a case where it is obvious that the line, dot, etc. are depicted for the purpose of specifying the shape even without such explanation, in the light of nature and use/function of each part of the article to the design.

Examples for which a description can be omitted

**Article to the design “Glasses”**

When considering the nature of the article “Glasses,” it is not general to place a line pattern, etc. on a center of a lens thereof.
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Article to the design “Passenger Vehicle”
When considering the nature of the article “Passenger Vehicle,” it is not general to place a line pattern, etc. on a body or windows thereof.

(b) Where a brightness change is represented as “shades” in drawings prepared by computer graphics, and the column of [Description of the Design]" of its application contains an explanation to the effect that the brightness change is shade; and a case where it is obvious that brightness change is “shade” even without such explanation.

On the other hand, the design is not recognized as being clearly specified in a case (such as a following case b.) where it is not obvious whether the colors represented in each views are “shades” or not.

a Examples where it is obvious that brightness change is “shades” even without a description of explanation

Article to the design “Medical Image Photographing Apparatus”  
Article to the design “Mouse for Electronic Computer”
b  An example where it is not obvious whether brightness is “shades” without a description of explanation

ii. Characters and signs indicated on an article will be treated as follows.
   (a) Characters and signs indicated on an article will be treated as elements constituting a design, except for those as shown in the below mentioned (b).
   (b) Characters and signs indicated on an article which are used only for conveying information are not found to be a pattern, and do not constitute a design. However, such characters and signs indicated on an article need not be deleted.

Examples are as follows.
   a  The text part of a newspaper or book
   b  Characters indicating ingredients or explaining the use, in a normal manner

(x) Where drawings showing a three-dimensional shape fall under any of the following
   i. Where drawings are not prepared by the orthographic projection method or the oblique projection method (limited to cabinet drawings (at a width-height-depth ratio of 1:1:1/2) or cavalier drawings (at a width-height-depth ratio of 1:1:1))

   However, this excludes the following.
   (a) Photographs prepared similar to a perspective view, in the case where it is difficult to prepare photographs similar to drawings prepared by the orthographic projection method, the isometric projection method or the oblique projection method, such as in the case of photographs of a large machine or the like
   (b) Drawings that use both development views of the patterned part and views indicating the shape of the article without the
pattern, in the case where it is possible to understand the design more accurately by indicating the pattern in the development views and the shape can be developed accurately, such as in the case of a cup indicating a pattern.

ii. Where each view is prepared at different scales

iii. Where any of the six views are missing (limited to views showing a three-dimensional shape)

However, this excludes the following cases.

(a) Where views are prepared by the orthographic projection method in the case set forth in the left-hand column of the following table, but the view set forth in the right-hand column is omitted and there is a statement to that effect included in the column of "Description of the Design" of the application (Form No. 6 Note (8) of the Ordinance for Enforcement of the Design Act)

<table>
<thead>
<tr>
<th>Where the front view and the rear view are identical or mirror images</th>
<th>Rear view</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where the left side view and the right side view are identical or mirror images</td>
<td>Either of the side views</td>
</tr>
<tr>
<td>Where the top view and the bottom view are identical or mirror images</td>
<td>Bottom view</td>
</tr>
<tr>
<td>Where the front view, rear view, left side view and right side view are identical</td>
<td>Rear view, Left side view, Right side view</td>
</tr>
</tbody>
</table>

(b) Where views prepared by the isometric projection method or by the oblique projection method include the views set forth in the left-hand column of the following table and all or part of the views set forth in the right-hand column are omitted (Form No. 6 Note (9) of the Ordinance for Enforcement of the Design Act)

<table>
<thead>
<tr>
<th>Views showing the front, top and right side</th>
<th>Front view, top view or right side view</th>
</tr>
</thead>
<tbody>
<tr>
<td>Views showing the rear, bottom and left side</td>
<td>Rear view, bottom view or left side view</td>
</tr>
<tr>
<td>Views showing the front, left side and top</td>
<td>Front view, left side view or top view</td>
</tr>
<tr>
<td>Views showing the rear, right side and bottom</td>
<td>Rear view, right side view or bottom view</td>
</tr>
</tbody>
</table>
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| Views showing the front, right side and bottom | Front view, right side view or bottom view |
| Views showing the rear surface, left side surface and top surface | Rear view, left side view or top view |
| Views showing the front, bottom and left side | Front view, bottom view or left side view |
| Views showing the rear, top and right side | Rear view, top view or right side view |

(c) Where, even if the bottom view is missing, the article is either of a. or b. below whose bottom is normally not seen and the contents of a specific design can be derived by making comprehensive determination based on the statement in an application and drawings without the bottom view

a. Subject matter that is used while being placed on the floor, on a table or the like in a horizontal position.
b. A heavy object such as a vehicle

(Note) Subject matter that is used while being placed on the floor, on a table or the like in a horizontal position means subject matter that is not lifted up upon use. This excludes subject matter that is used by lifting it up, such as a teapot. (Reference: 2000 (行ケ[Gyo Ke]) No. 58, the "teapot" case)

Examples of subject matter that is found to be a specific design even without the bottom view

[Perspective view]
[Top view]
[Left side view] [Front view] [Right side view] [Rear view]

Article to the design "Flower Vessel"

[Top view]
[Left side view] [Front view] [Right side view] [Front view]

Article to the design "Tape Cutter"

[Description of the Design] The rear view is omitted due to being mirror image to the front view.
Examples of subject matter that is not found to be a specific design without the bottom view

Article to the design "Bus"

[Description of the Design] The Left side view is omitted due to being mirror image to the Right side view.

Article to the design "Speaker"

[Description of the Design] The Left side view is omitted due to being mirror image to the Right side view.

* In this example, a specific design cannot be derived, because various form can be assumed as shown in the dot frame on the right.

(d) Where an application is filed for a partial design, requesting design registration only for a graphic image that is displayed on another article that is used with the article in an integrated manner as provided in Article 2(2) of the Design Act, and a set of views or a part of views indicating the article to the design, other than the graphic image view, are omitted, and a
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statement to that effect is included in the column of “Description of the Design” of the application

(e) Where design registration is requested for a part of an article and, among the views indicating only the part which is not the part for which the design registration is requested, the views that fall under any of a. through c. below are omitted, and a statement to that effect is included in the column of “Description of the Design” of the application

a. Either the front view or the rear view  
b. Either the left side view or the right side view  
c. Either the top view or the bottom view

iv. Where drawings are prepared by the oblique projection method, but the distinction of a cabinet drawing or a cavalier drawing and the inclination angle are not stated in the column of “Description of the Design” of the application  
(Form No. 6 Note (9) of the Ordinance for Enforcement of the Design Act)

(ix) Where the drawings representing a flat and thin article fall under any of the following

i. Where each view is prepared at different scales  
ii. Where either of the two views is missing (limited to a drawing showing a flat and thin article)

However, this excludes the case where the view in the right-hand column of the following table is omitted in the case set forth in the left-hand column of the table, and a statement to that effect is included in the column of “Description of the Design” of the application.  
(Form No. 6 Note (10) of the Ordinance for Enforcement of the Design Act)

| Where the surface view and the back side view are identical or mirror images | Back side view |
| When the back side view is without any patterns | Back side view |

(Note)

A flat and thin article refers to a thin article such as wrapping paper, a vinyl sheet or woven cloth fabric. However, an article that has an overlapping part and is three-dimensional when used, such as a packaging bag, or a thick article, such as a flocked vinyl sheet, is
treated as a three-dimensional article.

(xii) Where drawings of an article in which a shape continues or a pattern repeats continuously do not clearly show the continuous state (Form No. 6 Note (12) of the Ordinance for Enforcement of the Design Act)

(xiii) Where drawings in which the middle part of an article such as a code is omitted and which are prepared according to the Form No. 6 Note (13) of the Ordinance for Enforcement of the Design Act fall under the following
i. Drawings in which the omitted part is not cut by two parallel dash-dotted lines
ii. Where there is no explanation as to how many centimeters the omitted part on the drawings are

(xiv) Where six views or two views alone cannot sufficiently represent the design, and the following drawings are missing
i. A development view, sectional view, enlarged view, etc. as provided in the Form No. 6 Note (14) of the Ordinance for Enforcement of the Design Act
ii. In the case of a building block or a structuring block, a perspective view as provided in the Form No. 6 Note (19) of the Ordinance for Enforcement of the Design Act

(xv) Where indication of the cross section or the cut part, such as a sectional view, falls under the following
i. Where the oblique parallel lines at the cross section are incomplete or missing
ii. Where the cut part is not clearly shown by indications (a cutting-plane chain line, codes and arrows)

However, this excludes the case where the cut part is clearly indicated by stating that the view is the central longitudinal section of a certain view or the central traverse section of a certain view. (Form No. 6 Note (15) of the Ordinance for Enforcement of the Design Act)

(xvi) Where an enlarged view of a part does not have indications (a cutting-plane chain line, codes and arrows) of the enlarged part (Form No. 6 Note (16) of the Ordinance for Enforcement of the Design Act)

(xvii) Where a separable article falls under the following
Where the article is separable, such as a cover and a main body, and
the state of these constituent parts combined cannot sufficiently represent the design, but the views of combined constituent parts and drawings for each constituent part are not prepared in full (Form No. 6 Note (18) of the Ordinance for Enforcement of the Design Act)

(xviii) Where drawings of a transparent design are not prepared according to the provision of the Form No. 6 Note (24) of the Ordinance for Enforcement of the Design Act

(Note) Concerning the “outside” as provided in Note (24)

Example of a longitudinal sectional view of a cup

i. Where the see-through part needs to be depicted as it is in order to sufficiently represent the design, such as in the case of a light bulb, the article will be depicted according to Note (24) (a). However, the thickness will not be depicted.

ii. In any other cases, the article will be depicted like an opaque object, and where the shape or pattern overlaps, it will be depicted according to Note (24) (b) or (c).

The same also applies to the case where the rear part can be seen through and the shape or pattern overlaps, such as in the case of a bird cage. (Article 6(7) of the Design Act) (See (viii) above)

21.1.3 The subject matter is an industrially applicable design

Designs protected under the Design Act are limited to those that can be mass-produced by an industrial method, unlike industrially applicable inventions or devices under the Patent Act or the Utility Model Act. For example, farm tools are used for farming, but since farm tools themselves are mass-produced by an industrial method, their design is categorized as an industrially applicable design.

(1) Industrially applicable

Industrially applicable means that the same article can be produced in large volumes repeatedly by using industrial technology. The article does
not need to be industrially applied in reality, but having a potential for industrial applicability will be sufficient.

(2) Examples of subject matter that is not found to be industrially applicable

Subject matter that falls under the following is not found to be an industrially applicable design, and therefore may not be registered under the main paragraph of Article 3(1) of the Design Act.

(i) Subject matter that uses a natural object as the main element of the design, and cannot be mass-produced

Such subject matter is not categorized as an industrially applicable design, because, as in the case of an ornament that uses a natural stone as it is, it is subject matter that uses a natural object that is hardly processed in the shape as it is, or in other words, it is subject matter that uses formative art created by nature as the main element of the design and the same article cannot be produced in large volumes repeatedly by using industrial technology.

(ii) Real estate such as land and buildings

Such subject matter is not categorized as an industrially applicable design, because the same article cannot be produced in large volumes repeatedly by using industrial technology. (See 21.1.1.1(2) “Examples of subject matter not found to be articles” above)

(iii) Copyright works that belong to the field of fine art

Such copyright works are not categorized as industrially applicable designs, because they are not created for the purpose of producing the same article in large volumes repeatedly by using industrial technology.