

1. Basics of the Statement in the Application

1.1 The column of “Article to the Design”

(1) The article to the design, the usage of the building or graphic image to the design

When filing an application for design registration, the usage of the article to the design or the building or graphic image to the design needs to be stated in the column of “Article to the Design” in the application (Article 6, paragraph (1), item (3) of the Design Act, Form No. 2 of the Ordinance for Enforcement of the Design Act).

In addition, the usage of the article to the design or the building or graphic image to the design is to be stated clearly in the column of “Article to the Design” as provided by an Ordinance of the Ministry of Economy, Trade and Industry (see Article 7 of the Design Act, Article 7 of the Ordinance for Enforcement of the Design Act, Part II chapter 2 3. “Determination of clarity of the usage and function of an article, etc. to the design” of the Examination Guidelines for Design). Please see (2) if a design registration for a design for a set of articles is requested, or (3) if a design registration for an interior design is requested.

If the purpose of use or state of use, etc. of the article, building or graphic image for which design registration is requested is unclear from statements in the column of “Article to the Design” alone, applicants state an explanation that can help in understanding the article, building or graphic image, such as the purpose of use or state of use, etc. of the article, building or graphic image, in the column of “Description of Article to the Design” (Form No. 2 Note (39) of the Ordinance for Enforcement of the Design Act). Furthermore, such statement is not necessary if the article, etc. to the design is already in common use as a general term at the time of filing, and the purpose of use and the state of use, etc. are clear. Please see (4) for further details.

(Note) The “Ordinance for Enforcement of the Design Act” can be accessed to the portal site run by the Ministry of Internal Affairs and Communications through the JPO's website. Home → Systems/Procedures → Laws and Guidelines → Jurisdictional Laws and Regulations (Japanese only) → Laws and Regulations [link to external site: e-Gov search of laws and regulations, Administrative Management Bureau, Ministry of Internal Affairs and Communications]

Examination Guidelines for Design can be accessed on the JPO website. Home → Systems/Procedures → Laws and Policies → Laws and Guidelines → Guidelines → Designs → Examination Guidelines for Design

<reference> Examples of the Article etc. to the Design (Excerpt)

(omitted)

17 MUSICAL INSTRUMENTS		Related Japanese Classification for Industrial Design
	(Articles, etc. to the design)	
Keyboard Instruments	Piano	E4-5
	Electric piano	
	Electronic piano	
	Piano music stand	
	Piano pedal	
	Piano cover	
	Organ	
	Electric organ	
	Electronic organ	
	Organ music stand	
	Accordion	
	Wind Instruments, etc.	
Clarinet		
Recorder		
Flute		
Harmonica		
Wind instrument with a keyboard		

(omitted)

(2) Examples of statements where a design registration for a design for a set of articles is requested

If a design registration is requested for a design for a set of articles, applicants select the set of articles listed in the Appended Table of the Ordinance for Enforcement of the Design Act which corresponds to the design for a set of articles for which design registration is requested, and state this in the column of “Article to the Design.”

In the case of a building that is a combination of multiple buildings, or in the case of a design for a set of articles that is a combination of a building and an article and/or a graphic image, applicants state “a set of buildings” in the column of “Article to the Design.” In the case of a design for a set of articles that is a combination of an article and a graphic image, applicants state in the column of “Article to the Design,” the set of articles in the Appended Table which corresponds to the article. In the case of a design for a set of articles that is a combination of multiple graphic images, applicants state “a set of graphic images” in the column of “Article to the Design.”

Method for selecting the design for a set of articles to include in the column of “Article to the Design”

	Article	Building	Graphic image
Article	A set of ○○ (select from Appended Table 2, prioritizing the main article)		
Building	A set of buildings (prioritize the building)	A set of buildings	
Graphic image	A set of ○○ (select from Appended Table 2, prioritizing the article)	A set of buildings (prioritize the building)	A set of graphic images

* In the case of a design for a set of articles that is a combination of articles, buildings and graphic images, select “a set of buildings.”

(3) Examples of statements where a design registration for an interior design is requested

If a design registration is requested for an interior design, to clarify the usage of the actual interior space represented in the drawings attached to the application, applicants state “interior of ○○” or “interior for ○○” in the column of “Article to the Design.”

Please note that if the facility includes spaces for a variety of different usages, merely indicating the name of the facility may not be enough to clarify the usage of the interior space represented in the drawings attached to the application. For example, since hotels are generally comprised of various spaces, the statement “interior of a hotel” alone would not identify specifically whether it is the interior of the hotel lobby, the interior of a guest room or the interior of a restaurant. Therefore, in such cases, applicants include a clear statement of the specific usage of the interior, such as “interior of a hotel ○○.”

In addition, if a design registration is requested for an interior with multiple usages, applicants state the primary usage of the interior (or the overall usage of the interior if there is no primary-secondary relationship among usages) in the column of “Article to the Design,” and include an explanation of each specific usage in the column of “Description of Article to the Design.”

For example: “Article to the Design” Interior of a training room at a fitness center
“Description of Article to the Design” The design for which design registration is requested is the interior of a training room in a fitness center with an attached cafe and laundromat.

Furthermore, if there is no primary-secondary relationship between each usage, applicants state the usage of the facility itself in the column of “Article to the Design,” and explain each specific usage of the interior in the column of “Description of Article to the Design.”

(4) Examples of statements in the column of “Article to the Design”

(i) When referring to “Examples of the Article, etc. to the Design”

In the “Examples of the Article, etc. to the Design,” which were published as an appendix to this Guide, under “Articles, etc. to the Design,” approximately 2,400 examples are listed for the article to the design or the usage of the building or graphic image to the design. They can be used as a guideline when considering including statements in the column of “Article to the Design” (see Appendix: Examples of the Article, etc. to the Design).

(ii) When referring to “an article or articles covered in this classification” in the Japanese Design Classification

In the Japanese Design Classification, under “an article or articles covered in this classification,” approximately 7,000 articles, etc. are listed, including those that were used as statements in the column of “Article to the Design” for design registrations from the past. They can be used as a reference when considering including statements in the column of “Article to the Design.”

(iii) When the general term of an article, etc. is stated in the column of “Article to the Design”

For example, in an application for design registration concerning a string instrument called “alto saxophone,” the statement in the column of “Article to the Design” and “Description of Article to the Design” shall be as follows.

In the “Examples of the Article, etc. to the Design,” under “Articles, etc. to the Design,” only trumpet, clarinet, recorder, flute, harmonica and wind instrument with a keyboard are listed as examples of wind instruments, etc. (see Appendix: Examples of the Article, etc. to the Design).

From these examples of the article, etc. to the design, it is clear that “musical instruments” and “wind instruments, etc.” are not appropriate because they are generic terms.

In addition, from the examples of statements under “Articles, etc. to the Design,” such as trumpet and clarinet, it is clear that there is no need to further

limit usage in statements in the column of “Article to the Design” such as to “alto saxophone” or “bass saxophone.”

Given the above, it is sufficient to state “saxophone” in the column of “Article to the Design.” As for “Description of Article to the Design,” since the term “saxophone” is already generally recognized, there is no need to state the purpose of use, etc.

(iv) In the case of a multi-functional article

If the article is a multi-functional article, in many cases, it is not listed in “Examples of the Article, etc. to the Design” under “Article, etc. to the Design.” If the term is not generally recognized and there is no applicable article in the Japanese Design Classification under “an article or articles covered in this classification,” a new statement will need to be considered.

In doing so, it is appropriate to use an expression that indicates all the functions of the multi-functional article (functions that can be contained in an individual article), such as “xx with yy.” As for the order of the words, the primary shape or function must precede the other. Likewise in the case of an article that contains three or more functions, the most primary shape or function must precede the others, such as “xx with zz and yy.” However, such expressions as “xx and zz and yy” and “xx with zz with yy” are not appropriate.

<Appropriate examples>

A tape recorder with a radio receiver

A television receiver with a radio receiver and a tape recorder

A ball point pen with a sharp pencil and a marking pen

<Inappropriate examples>

A radio receiver and a tape recorder

A radio receiver that also serves as a radio receiver and that also serves as a television receiver

However, in cases where all or part of the multiple functions are novel and so forth, it may be sometimes more appropriate to use a new name that simply indicates a combination of multiple functions, not “xx with yy,” as a “Article to the Design”

Please note that in the case of multi-functional articles as well, applicants need to give an explanation about, for example, how to use the article in the column of “Description of Article to the Design” of an application, and depict, for example, a view showing the state of use, or a reference view showing the state of use in the drawings. Especially, in cases where all or part of the multiple functions are novel, such statements and depiction of views are needed.

(v) In the case of a complex building

In many cases, large-scale buildings are used for various purposes, for example, commercial facilities on the lower floors and offices, apartments or a hotel on the upper floors of the same building. In such cases, applicants state “complex building” in the column of “Article to the Design” in the application, and

describe specific usages in the column of "Description of Article to the Design" in the application.

For example: "Article to the Design" Complex building

"Description of Article to the Design" The lower floors of this building will be used for shops and the upper floors will be used for accommodation.

(vi) Examples of inappropriate expressions as statements in the column of "Article to the Design"

Please note that inappropriate expressions as statements in the column of "Article to the Design" can be a reason for refusal.

<Examples of inappropriate expressions as statements in the column of the “Article to the Design”>

- (i) Expressions in the filed design where the usage and function of the article, etc. to the design are unclear
 - (a) An expression that is not used as a general term in Japanese (or in English in the case of an international application for design registration) in the art of the design
(Examples: An expression in a language other than Japanese (or English in the case of an international application for design registration), an abbreviated name that is not yet recognized widely as a general term, an expression with a proper noun, such as a trademark or product name, etc.
However, in the case of an expression in Japanese, even if it includes an alphabetic abbreviation (e.g. “LED,” “DVD,” etc.), as long as it is used as a general term, such expressions are treated as reasonable.)
 - (b) An expression in which the usage and function can in no way be identified
(Examples: “Article,” “thing”)
(See Part II, Chapter 2 “Filing an Application for Each Design,” 3.2 “Examples where the usage and function of the article, etc. to the design are unclear” in the Examination Guidelines for Design)
- (ii) Not regarded as an application for design registration filed for each design due to containing two or more designs
Where two or more articles etc. are stated in parallel in the column of “Article to the Design”

(Example: Cases where “trumpet, clarinet, recorder” are stated side by side)
(See Part II chapter 2 “Filing an Application for Each Design,” 2. “Determination on whether or not the application for design registration has been filed for each design” of the Examination Guidelines for Design)

(Note) The “Examination Guidelines for Design” can be accessed on the JPO website: https://www.jpo.go.jp/e/system/laws/rule/guideline/design/shinsa_kijun/index.html

1.2 The column of “Description of Article to the Design”

(1) Where the purpose of use or state of use, etc. of the article, building or graphic image is unclear from statements in the column of “Article to the Design” alone

If the purpose of use or state of use, etc. of the article, building or graphic image is unclear from statements in the column of “Article to the Design” alone, applicants state an explanation which can help in understanding the article, building or graphic image, such as the purpose of use or state of use, etc. of the article, building or graphic image, in the column of “Description of Article to the Design” (Form No. 2 Note (39)). Novel articles, etc. and multi-functional articles fall under this category.

Where filing an application for design registration for a graphic image, if the usage of that graphic image is unclear from statements in the column of “Article to the Design” alone, applicants state an explanation indicating that the graphic image is categorized as either those provided for use in the operation of the device or those displayed as a result of the device performing its function in the column of “Description of Article to the Design” (Form No. 2 Note (40)).

Where filing an application for design registration for a design including a graphic image on a part of an article or building, which is provided for use in the operation of the article or building, applicants state the description of the functions and the operations of the said article or building to the graphic image in the column of “Description of Article to the Design” (Form No. 2 Note (41)).

Note that where it has been already used as a general term at the time of filing, and the purpose of use and the state of use have been clearly recognized, such statement is not necessary.

(2) In the case of an article, etc. exemplified under “Articles, etc. to the Design” in “Examples of the Article, etc. to the Design”

Even if an article, building or graphic image is listed under “Articles, etc. to the Design” in “Examples of the Article, etc. to the Design,” if it is impossible to understand how to use the article, etc. for its extremely novel shape, etc. or other reasons, applicants include an explanation of how to use the article, building or graphic image in the column of “Description of Article to the Design.” Please note that, even in such cases, not including an explanation can be a reason for refusal as the article, building or graphic image is unclear.

In addition, for an article, building or graphic image that is not commonly known, such as specialized equipment, applicants state its purpose of use and state of use, etc.

(3) Points to be noted in making a statement

(i) Simplicity

It is preferred that the statement in the column of “Description of Article to the Design” explains the purpose of use and state of use, etc. in a brief and clear manner to help in understanding the article, building or graphic image. Applicants should avoid long sentences like those under “Detailed Explanation of the Invention” in a patent description.

(ii) It is not preferred to use trademark names for the explanation of the article.

(iii) It is not allowed to use drawings and tables. (Form No. 2 Note (45))

1.3 The column of “Description of Design”

(1) Matters to be stated

(i) If understanding the material or size of an article is necessary for recognizing the design, applicants state the material or size of the article. (Article 6, paragraph (3) of the Design Act, Form No. 2 Note (42))

(ii) Applicants state the following matters related to specification of the shape, etc.

a) If the shape, etc. is changeable, and if design registration is requested for the shape, etc. as it appears before, during and after the said change, applicants include a statement to that effect and an explanation of the said function. (Article 6, paragraph (4) of the Design Act, Form No. 2 Note (42))

b) If views are included in which either black or white has been omitted, applicants include a statement to that effect. (Article 6, paragraph (5), (6) of the Design Act, Form No. 2 Note (43))

c) If all or part of the shape, etc. is transparent, applicants include a statement to that effect. (Article 6, paragraph (7) of the Design Act, Form No. 2 Note (42))

d) If a line, dot or any other mark (shade) for specifying the shape, etc. of a three-dimensional surface is indicated in a figure, applicants include a statement to that effect and state which mark specifies the shape, etc. (Form No. 6 Note (7))

e) If a view contained in the drawings is replaced with another view which is identical to or a mirror image of it, applicants include a statement to that effect (e.g. “The rear view is identical to the front view”). (Form No. 6 Note (8), (10))

If only “mirror image” is stated, it will be determined that there is either horizontal or vertical line symmetry. Therefore, if the shape has symmetry other than line symmetry, applicants state specifically what kind of symmetrical shape it is.

f) Applicants state whether views are prepared by the isometric projection method or the oblique projection method. If the views are prepared by the oblique projection method, they need to state the distinction of cabinet drawings or cavalier drawings, and the inclination angle. (Form No. 6 Note (9))

g) If design registration is requested for part of an article, etc., and if the part for which the design registration is requested cannot be specified from the

drawings alone, applicants state the method on how to specify that part. (Form No. 6 Note (12))

h) If views omit the continuous state of a design with a continuous shape, etc., applicants include a statement to that effect. (Form No. 6 Note (13))

i) If some views have been omitted, and if the design cannot be clearly shown by the drawings alone, applicants include a statement to the effect that depiction of a part of the article, etc. has been omitted, or state the dimensions of the omitted part on the drawings. (Form No. 6 Note (14))

(2) Points to be noted in making a statement

(i) Such a statement that does not specify the design as shown in the following examples will be the reason for refusal.

a) Examples in which drawings and explanations are not consistent

- While there is no color painted in the drawing, there is a statement such as “the design in the application is in the color of yellow green.”
- While there is no pattern represented in the drawing, there is a statement such as “the surface of the design in the application is a grain pattern.”

b) Examples in which a design is not specified as one shape, etc.

- While the drawing represents the spherical shape, there is a statement such as “the design in the application may be egg-shaped or spindle-shaped.”
- While the drawing contains the color of red, there is a statement such as “the design in the application may be colored orange instead of red.
- In the case of the design for “handbag,” there is a statement of listing multiple materials such as “the material is soft vinyl or stainless steel,” which may cause to recall multiple different designs from a common viewpoint in the art of the design, as a result of which, the application is regarded as being filed for multiple designs.
- The statement that may cause to recall multiple designs which are remarkably different from each other because the size shows a wider ranging values that are beyond the scope of common sense in the art of the design, such as “The height ranges from 10 cm to 1 m,” as a result of which application is regarded as being filed for multiple designs.

(ii) It is not allowed to use drawings and tables. (Form No. 2 Note (45))

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【意匠の創作をした者】	
【住所又は居所】	東京都千代田区霞が関3-3-2
【氏名】	意匠 一郎
【意匠登録出願人】	
【識別番号】	000000003
【住所又は居所】	東京都千代田区霞が関3-3-3
【氏名又は名称】	意匠株式会社
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【意匠に係る物品の説明】	この物品は、ハイビジョン放送を受信可能なチューナーを有し、受信したテレビ番組の録画、再生を行うための磁気ディスクレコーダーである。
【意匠の説明】	背面図は正面図と同一である。
【書類名】	図面

← “Description of Article to the Design”

← “Description of the Design”

1.4 The column of the “Design Number”

As for the procedure for filing multiple designs in a single application, if two or more but not more than 100 of applicant’s own applications for design registration are submitted together in a single application, applicants provide a column for design numbers and list the designs included in the multiple-design single-application procedure, sequentially numbering them in the order in which they are listed, such as “Design 1” and “Design 2.”

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【あて先】 特許庁長官 殿
【意匠登録出願人】
【識別番号】 000000003
【住所又は居所】 東京都千代田区霞が関3-3-3
【氏名又は名称】 意匠株式会社
【代理人】
【識別番号】 100000023
【住所又は居所】 東京都千代田区霞が関3-3-4
【弁理士】
【氏名又は名称】 代理一郎
【電話番号】 03-3123-4567
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【住所又は居所】 東京都千代田区霞が関3-3-2
【氏名】 意匠一郎
【提出物件の目録】
【物件名】 図面 1
【意匠に係る物品の説明】この物品は…
【意匠の説明】背面図は…
【書類名】 図面
【正面図】
イメージ
【背面図】
イメージ
【意匠2】
【整理番号】 630-A-3-A2
【意匠に係る物品】 おもちゃ
【意匠の創作をした者】
【住所又は居所】 東京都千代田区霞が関3-3-2
【氏名】 意匠一郎
【提出物件の目録】
【物件名】 図面 1
【意匠に係る物品の説明】この物品は…
【意匠の説明】正面図は…
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イメージ

← Statement of Design Number “Design 1”

← Statement of Design Number “Design 2”