

# 1. Basics of the Statement in the Application

## 1.1 The column of [Article to the Design]

### (1) “Classification of Articles”

When filing an application for design registration, applicants need to state what the article to the design is in the column of [Article to the Design]. (Design Act Article 6 (1)(iii), Form No. 2). In making a statement in the column of [Article to the Design], applicants need to find the term that suitably represent the article to be filed among the “Classification of Articles” as provided by the Ordinance of the Ministry of Economy, Trade and Industry (Design Act Article 7, Appended Table 1, Note (1)).

In addition, it is also stipulated in the Ordinance that if applicants cannot find the term that suitably represent the article to be filed, that is, if the article to be filed does not belong to any items of “Classification of Articles” listed in Appended Table 1, applicants need to state a “classification of the article” that suitably represent the article to be filed and is equivalent in level to the “Classification of Articles” listed in the right column of Appended Table 1, in the column of [Article to the Design] (Appended Table 1, Note 2). Not only that, applicants need to give an explanation that would help understand the article to the design, including the purpose of use of the article, or the state of use of the article according to the Ordinance (Form No. 2 Note (39)). There may be cases in which drawings including reference views showing the state of use are needed. However, even though a “classification of the article” is not listed in Appended Table 1, if 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.

Appended Table1 (Re: Article 7)

		Classification of Articles
1. Manufactured Foods and Nonessential Goods	Manufactured Foods	Sausage
		Ice cream
		Kamaboko *Kamaboko: steamed fish paste
		Kamaboko board

27. Musical Instruments	Keyboard Instruments	Piano
		Electric piano
		Electronic piano
		Piano music stand
		Piano pedal
		Piano cover
		Organ
		Electric organ
		Electronic organ
		Organ music stand
	Wind Instruments, etc.	Accordion
		Trumpet
		Clarinet
		Recorder
		Flute
		Harmonica
		Wind instrument with a keyboard

(Note) The “Ordinance for Enforcement of the Design Act” and the “Appended Table 1” can be accessed to the portal site run by the Ministry of Internal Affairs and Communications through the JPO's website.

Please see the entire list of Appended Table 1 in English at

[https://www.jpo.go.jp/tetuzuki\\_e/t\\_tokkyo\\_e/pdf/appended-table1\\_2/01.pdf](https://www.jpo.go.jp/tetuzuki_e/t_tokkyo_e/pdf/appended-table1_2/01.pdf)

## (2) Articles listed in the “Design Classifications”

In the bottom of Appended Table 1 are listed approximately 2,400 classifications of articles. As for the articles that do not belong to any items of such classifications, it is effective to refer to the “Japanese Classification for Industrial Designs” that contains approximately 7,000 articles in the column of “An article or articles covered in this classification.” This classification list contains not only items of the “Classification of Articles” listed in Appended Table 1, but also those that were stated as “classifications of articles” for designs registered in the past.

(Note) The “List of Design Classification/ D-Term” can be accessed through the following JPO website.

[https://www.jpo.go.jp/shiryou\\_e/s\\_sonota\\_e/pdf/j-classification\\_for\\_id/j-classification\\_for\\_id.pdf](https://www.jpo.go.jp/shiryou_e/s_sonota_e/pdf/j-classification_for_id/j-classification_for_id.pdf)

### Japanese Classification for Industrial Designs [Abridgement]

#### E4 Musical Instruments

Classification symbol	Classification title	An article or articles covered in this classification	Corresponding previous Japanese Classification for Industrial Designs
D Term Symbols D Term Title (Assigning Symbols)			
E4-00	<b>Various Musical Instruments</b> .....	Batons, Sheet Music Holders, Twirling Batons, Music Stands	E4-00
E4-01	<b>Rhythm Generator</b> .....	Rhythm Generator	E4-01
E4-02	<b>Music Boxes</b> .....	Music Boxes	E4-02
E4-10	<b>Practice Machine for Musical Instrument</b> .....	Keyboards for Practice, Pitch Indicators, Tunors, Tuning Flutes, Tuning Forks, Musical Standard	E4-10
E4-11	<b>Metronomes</b> .....	Tone Generator Metronomes	E4-11
E4-200	<b>Percussion</b> .....	Drums, Timpani, .....	Part of E4-20, E4-21
<hr/>			
E4-40	<b>Wind Instruments and Woodwinds or the like</b> .....	..... Guitar, Nail for Koto, Ornament Board of Guitior Hole, Reel of Guitior, Tail Piece of Guitior, Bridge of Guitior, Bridgesand Nuts for Guitior, Flet of Guitior, Plectrum of Samisen Trumpet, Cornet, Trombone, Horn, Flute, Clarinet, Oboe, Bassoon, Saxofone, Recorder, Vertical Bamboo Flute, “Hitiriki” (Fiageolet-Like Instruments), “Shou” (Fusa, Reed Mouth Organ)	E4-40

### **(3) Examples of the statement when an article does not fall under any items of the “Classification of Articles” listed in Appended Table1**

- (i) In cases of naming a classification of the article according to the “Classification of Articles” listed in Appended Table 1

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

Items of the “Classification of Articles” under “Wind Instruments, etc.” in Appended Table 1 only include Trumpet, Clarinet, Recorder, Vertical bamboo flute, Flute, Harmonica, Wind instrument with a keyboard (Please see the right column of Appended Table 1 on page 3).

Since various instruments are specifically identified under “Wind Instruments, etc.,” it is not appropriate to state just an “instrument” or a “wind instrument,” both of which are categorized as a general term with a broader definition.

In addition, seeing “Trumpet” or “Clarinet” as an example of the “Classification of Articles” listed in Appended Table 1, obviously it is not necessary to name a classification further limiting to a certain usage such as “Alto saxophone” or “Bass Saxophone.”

Considering all, the “classification of article” of this case should be “Saxophone.” In the column of [Description of Article to the Design], it is not necessary to state the purpose of use and so on since the term “Saxophone” has become generally recognized.

- (ii) In cases where the article is multi-functional

When filing a multi-functional article, in many cases, you may not be able to find a classification among the “Classification of Articles” listed in Appended Table 1, and also the items listed in the “Classification of Articles” are not of help in determining how to state the classification of article. Therefore, if there is an article in the “Japanese Classification for Industrial Designs,” which may suitably represent the article to be filed, please adopt it as the “classification of article.” If there is none even in the D-term list, it is necessary to create a new name of classification.

In doing so, you have to create the new name which indicates all the functions that the multi-functional article have (functions that can be contained in an individual article). For example, “xx with yy” would be appropriate. As for the order

of the words, the main shape or function must precede the other that is added by a “with” phrase, etc. In the case of an article that contains three or more functions as well, the main shape or function must precede the others, stating such as “xx with zz and yy.” However, such a name as “xx that also serves as zz and that also serves as yy” or “xx with zz and with yy” is 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 “classification of article.”

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.

(iii) Examples of inappropriate statement as a “classification of article”

Please be aware that inappropriate statement as a “classification of article” may serve as the reason for refusal.

<Examples of inappropriate statements as a “classification of article”>

- (i) Not based on the “Classification of Articles” listed in Appended Table 1 nor the “classification of article” equivalent in level to such Classifications.
    - (a) A statement with a proper name, such as a trademark name or “so-and-so type”
    - (b) A statement using a generic name
      - (e.g., stating “Building supplies” instead of “Window shutter”)
    - (c) A statement with an indication of the structure or the working effect
      - (e.g., “so-and-so device” or “so-and-so method”)
    - (d) An abbreviated classification of articles
      - (e.g., “8 mm”)
    - (e) A statement using foreign characters
    - (f) A statement using foreign language words that are not commonly used in Japanese
    - (g) A statement that does not clearly indicate the usage
      - (e.g., “Block”)
    - (h) A statement using such terms as “set” (excluding that under the Appended Table 2 of the Ordinance for Enforcement of the Design Act (hereinafter referred to as “Appended Table 2”)), “unit” (excluding a “Dental unit”), or “pair”
    - (i) A statement with a name relating to the shape, pattern or color
    - (j) A statement with the name of material (e.g., made of “so-and-so”)
- However, this excludes cases where the statement is used as a common name.

(Please see the Examination Guidelines for Design 51.1.2.1)

- (ii) Not regarded as an application for design registration filed for each design due to containing two or more designs

Where two or more classifications of articles are stated in parallel in the column of “Article to the Design”

(Please see the Examination Guidelines for Design 51.1.2.2)

(Note) The “Examination Guidelines for Design” can be accessed through the following JPO website: [https://www.jpo.go.jp/tetuzuki\\_e/t\\_tokkyo\\_e/design\\_es.htm](https://www.jpo.go.jp/tetuzuki_e/t_tokkyo_e/design_es.htm)

## **1.2 The column of [Description of Article to the Design]**

### **(1) In the case of articles that do not belong to any items of the “Classification of Articles” listed in Appended Table 1**

Applicants need to state an explanation that can help in understanding the article, such as the purpose of use or the state of use of the article, in the column of [Description of Article to the Design] (Form No. 2 Note (39)). Novel articles and multi-functional articles are regarded as being in this category.

In addition, in cases where an article contains a “graphic image on a screen” for the operation of the article as provided in Article 2 (2) of the Design Act, applicants need to state the functions of the article to the design, which contains such “graphic image on a screen,” and to explain how to operate such “graphic image on a screen” (Form No. 2 Note (40)).

Please note that even though applicants state a “classification of article” that is not listed in Appended Table 1, if 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 articles that belong to the “Classification of Articles” listed in Appended Table 1**

Even though an article to be filed for design registration is found to be in the “Classification of Articles” listed in Appended Table 1, if it is impossible to understand how to use the article and so on due to being the quite novel form or other reasons, applicants need to state an explanation of how to use the article, etc. in the column of [Description of the Article to the Design].

Please note that if there is no statement of explanation in such a case as this, the application will be refused on the ground that the article is not clearly stated.

In addition, as for the article that is not commonly known, such as a device specifically designed for a specialized purpose, please make sure to state the purpose of use, the state of use, etc. of the article.



### **(3) Points to be noted in making a statement**

(i) Simplicity

It is desirable to make a simple statement in the column of [Description of Article to the Design], explaining the purpose of use, the state of use, etc. in a brief and clear manner aiming to help understand the article, and avoiding a long-sentenced explanation as is often found in the detailed description of the invention in a patent description.

(ii) Not using trademark names

Considering the impact on trademarks, it is not allowed to use trademark names for the explanation of the article.

(iii) Not using views and tables

It is also not allowed to use drawings and tables. (Form No. 2 Note (43))

## 1.3 The column of [Description of Design]

### (1) Matters to be stated

- (i) In cases where it is necessary to understand the material or size of the article in recognizing the article, such information needs to be stated. (Design Act Article 6 (3), Form No. 2 Note (41))
  
- (ii) The following matters need to be stated to specify the form
  - a) In cases where the form of an article is changeable, and applicants intend to request a design registration of such form as it appears before, during and after the said change, it is necessary to make a statement to that effect and to give an explanation of the said function. (Design Act Article 6 (4), Form No. 2 Note (41))
  - b) In cases of omitting to apply either black or white in preparing drawings, it is necessary to make a statement to that effect. (Design Act Article 6 (6), Form No. 2 Note (42))
  - c) In cases where the whole or part of the form is transparent, it is necessary to make a statement to that effect. (Design Act Article 6 (7), Form No. 2 Note (41))
  - d) In cases of depicting lines, dots or any other marks (shades) in a figure for specifying the surface form of a three-dimensional object, applicants need to make a statement to that effect and a statement as to which mark specifies the shape. (Form No. 6 Note (7))
  - e) In cases of omitting some views in preparing drawings, applicants need to state which views are omitted and the reason why such views are omitted (e.g., "The rear view is omitted due to being identical with the front view"). (Form No. 6 Note (10))
  - f) Applicants need to 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) Applicants need to state how to specify the part for which the design registration is requested. (Form No. 6 Note (11))
  - h) In cases of a design in which a shape continues, if the drawings are prepared omitting the state in which the shape continues, it is necessary to make a statement to that effect. (Form No. 6 Note (12))

- i) In cases where some of the views are omitted, it is necessary to make a statement to that effect and state the size of the omitted part on the drawings.

(Form No. 6 Note (13))

## **(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 form.

- 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 (43))

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【物件名】	図面 1
【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につき、背面図を省略する。
【書類名】	図面

← [Description of Article to the Design]

← [Description of the Design]