

## 4. Articles having transparent or translucent part

### 4.1 Difference between “being transparent” and “having translucency”

- (i) “Being transparent,” in general, refers to the characteristics of the state in which things can be seen through the substance that is extremely high in the transmissivity of light. Therefore, a feature of “being transparent” can be classified as “material” in the constitution of an article.

Although “being transparent” is material, not the shape, pattern, nor color, the Design Act has acknowledged “being transparent” as a constituent element since its establishment, and stipulates that “if the whole or part of the article to the design is transparent,” applicants need to make a statement to that effect in the column of [Description of the Design] of the application. (Design Act Article 6(7))

- (ii) In design applications, “having translucency” refers to having a feature of transmitting light as in the case with “being transparent.” However, “having translucency” refers to the state in which things are hard to be recognized or cannot be recognized at all through the material, unlike “being transparent,” since the transmitted light diffuses or the material is low in the transmissivity of light. Material such as ground glass or milky plastic falls under such category.

In cases where the article cannot be understood without an explanation of the material, such as the case where a lighting equipment cannot be understood as it is without an explanation that the part thereof transmits the light inside, it is necessary to make a statement to the effect that the material “has translucency” in the column of [Description of the Design] of the application.

## **4.2 Points to be noted when making a statement in the column of [Description of the Design] of the application**

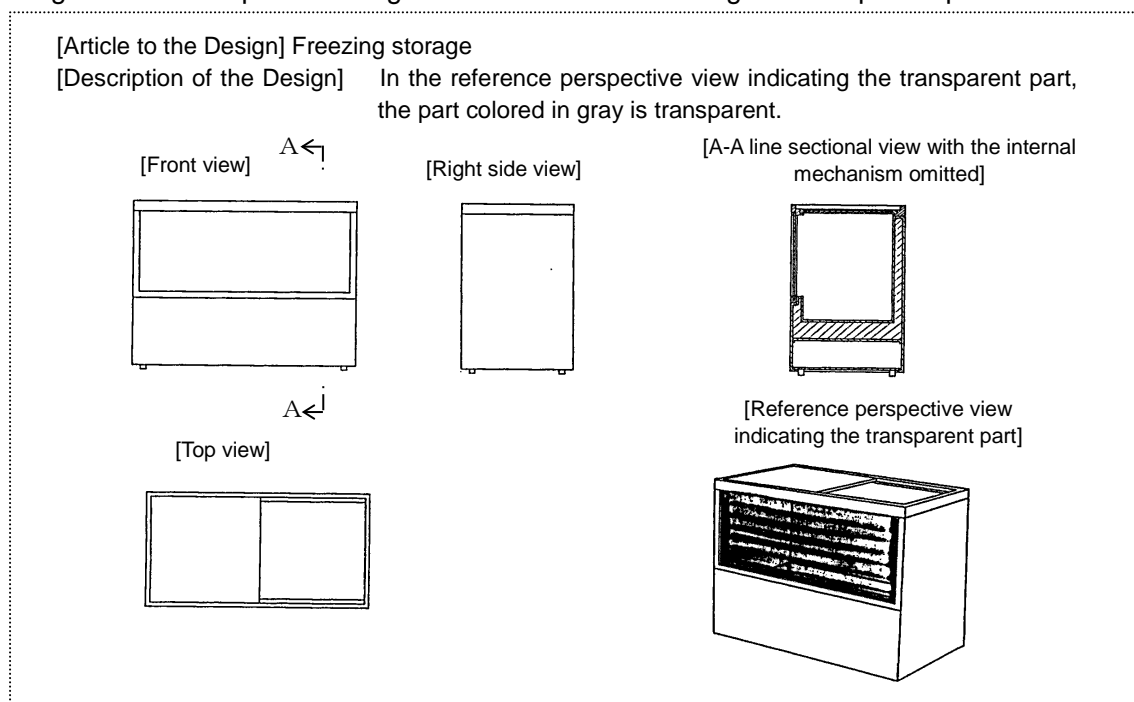
- (i) In the case of “being transparent,” it is, in principle, necessary to make a statement to that effect in the column of [Description of the Design], and in the case of “having translucency,” it needs to be stated in the column of [Description of the Design], where necessary.
- (ii) Since the materials of “being transparent” and “having translucency” are visually different as mentioned above, it is necessary to clearly state which category the article falls under. Even if the material is very high in the transmissivity of light, if the shape that is seen through the material is not clear, such case falls under the category of “having translucency.” In the case of “having translucency,” if you want to make it clear specifically how much things can be seen through the material, it is necessary to represent the state through photograph(s).

It should be noted that “transparent object” and “transparent material” are the same in meaning as “being transparent,” and that “translucent material” and “having translucency” can be used interchangeably.
- (iii) The terms such as “colored transparency” or “being transparent in color” must not be used since it is understood that the unspecified color is part of constituent elements of the design, which will result in failing to specify the design in the application. “Being transparent” indicates only the material that transmits light, and color is a different element from it. In cases of including specific colors as part of constituent elements, applicants need to represent them in the drawing, not making a statement in [Description of the Design].
- (iv) There are some cases where applicants can omit the statement of “being transparent” in [Description of the Design].
  - a) Where photographs substituted for drawings can show clearly that it is transparent.
  - b) Where it can be obviously recognized as being transparent due to the nature of the article (e.g. the cover part made of glass to protect the display part of meters, the lens part of spectacles), and the form is represented as it is seen in the drawing.

## 4.3 How to specify the transparent part using reference views

It is sufficient to give an explanation in the application that the article is transparent. However, in cases where part of the article is transparent, and giving an explanation is not sufficient to specify where the transparent part is positioned, it is necessary to make it clear by both stating in the column of [Description of the Design] and depicting a reference view indicating the transparent part. The view indicating the transparent part needs to be distinguished from the other part by being painted over in gray. However, since such view includes an element that does not constitute the design, “a set of six views” cannot be used for that purpose. Therefore, it is necessary to use reference views.

<Fig. 3.4-1> Example of adding a reference view indicating the transparent part

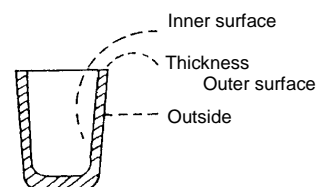


## 4.4 How to prepare drawings of the transparent design

The transparent part, through which things behind it can be seen, may need special technique to be represented, such as how to illustrate what can be seen through. So, please follow the rules below.

- (i) The transparent design, in principle, needs to be represented as it is seen, including the things that can be seen through.
- (ii) According to Form 6 Note (24), the guidelines for preparing the drawing when the whole or part of the article is transparent are shown as follows. If the article falls under any of such modes, applicants need to follow the points below.

- (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.



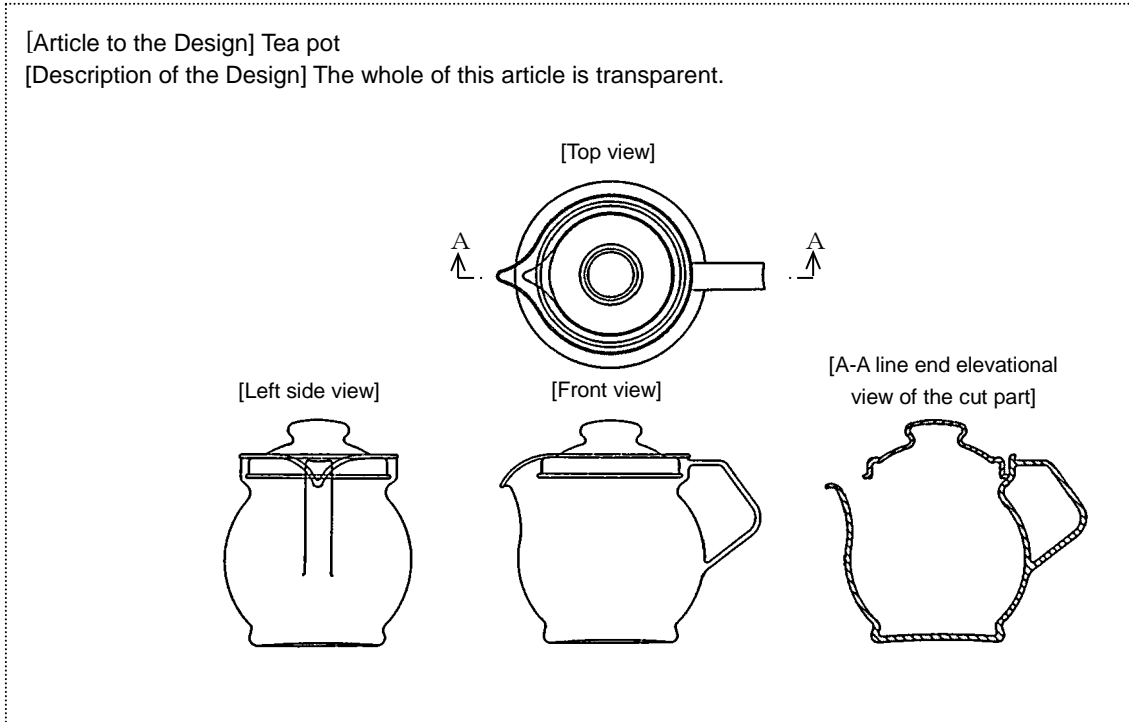
According to the points, for example, electric lamps falls under the category (a), and therefore, the see-through part needs to be depicted as it is. Please note that the thickness must be represented not through “a set of six views” but “a sectional view.”

- (iii) Following the above-mentioned guidelines, in cases where if depicting the object as it is seen will make it, in turn, difficult to clearly represent the design due to, for example, the lines of shapes are overlapped, applicants may adopt the method by which the design can be easily understood, along with making a statement in the

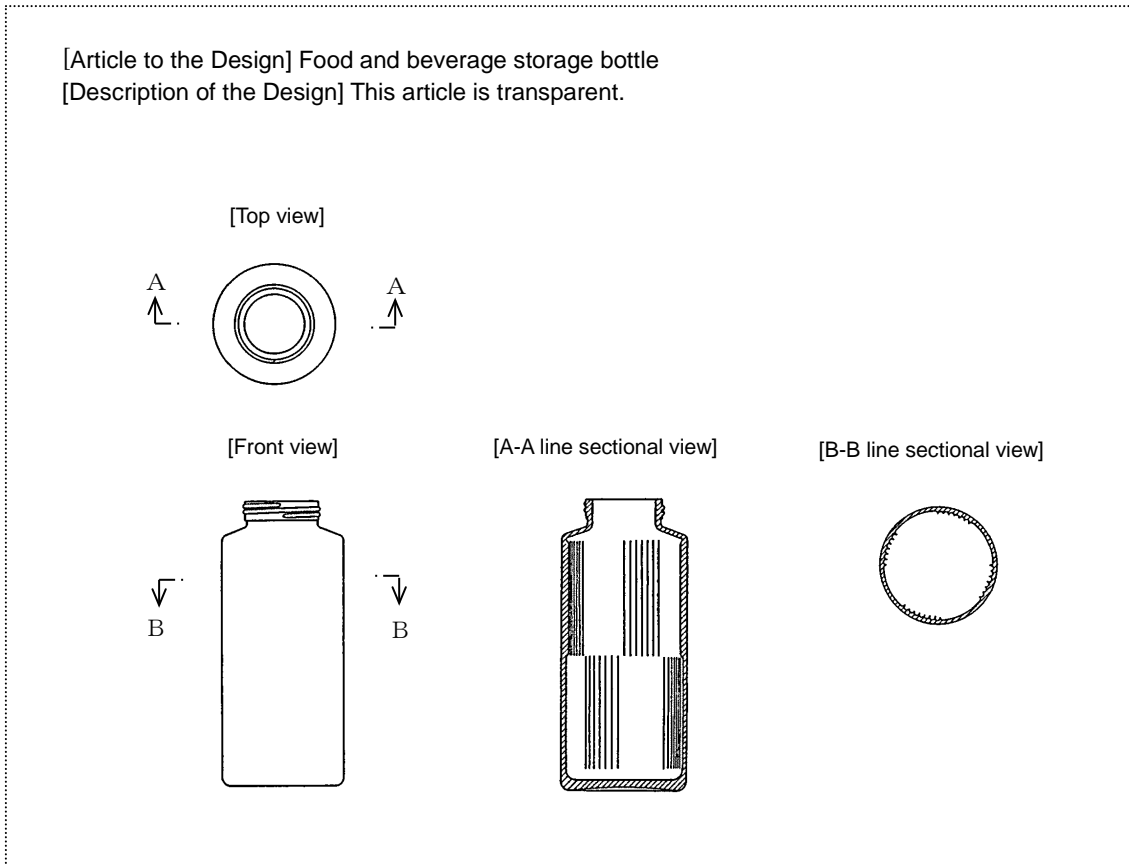
column of [Description of the Design]. For example, in cases where the whole of an article is transparent, applicants can represent the article as an opaque object and state in the column of [Description of the Design] that “The whole of this article is transparent.” Please note, however, that when applicants adopt the method by which the design can be easily understood, if the form that ought to be seen through is not represented in sectional views, etc. in an understandable manner, the form shall be regarded as unclear.

- (iv) When you try to depict the transparent part as it is, the form behind the article actually may be seen as twisted due to optical refraction. However, in preparing the drawing, applicants need to depict the object assuming that there is no light refraction, except for the case where the article has a lens-shaped transparent part due to which it is intended to represent that the object behind the article is seen as twisted (It should be noted that when submitting photographs, applicants need to file an application with unprocessed photographs).

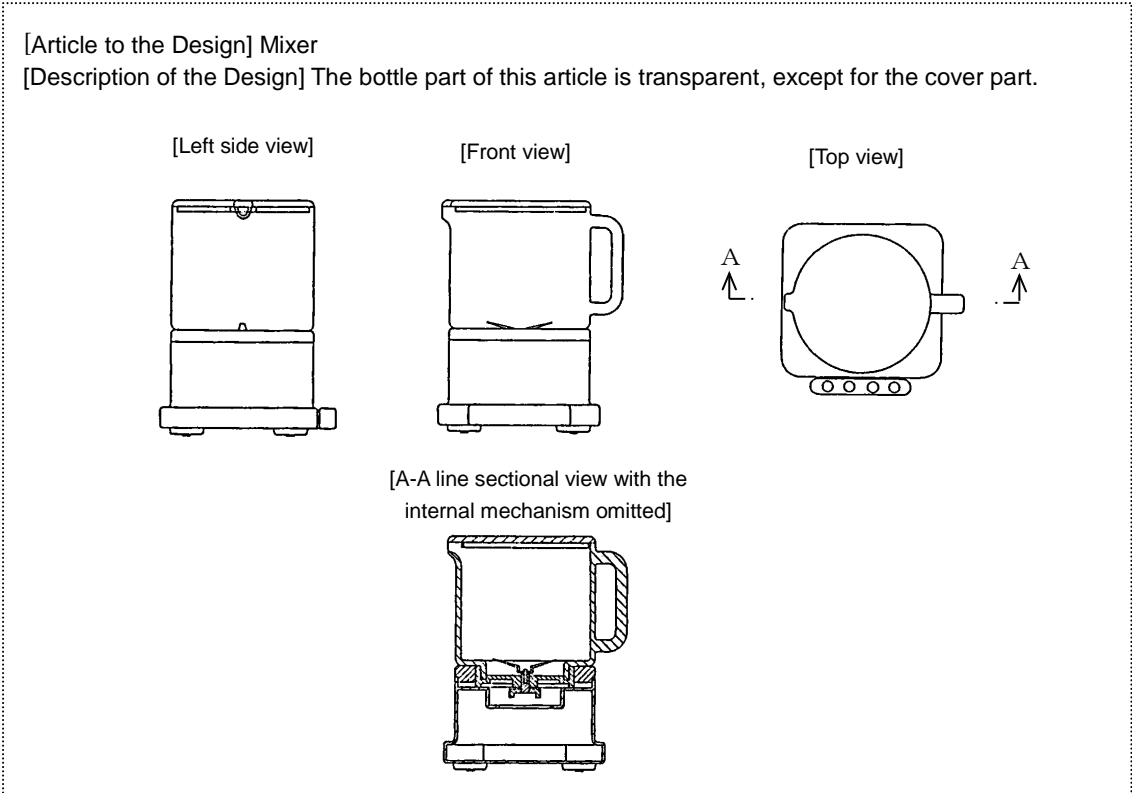
<Fig.3.4-2> Example of depicting a transparent article as a transparent object



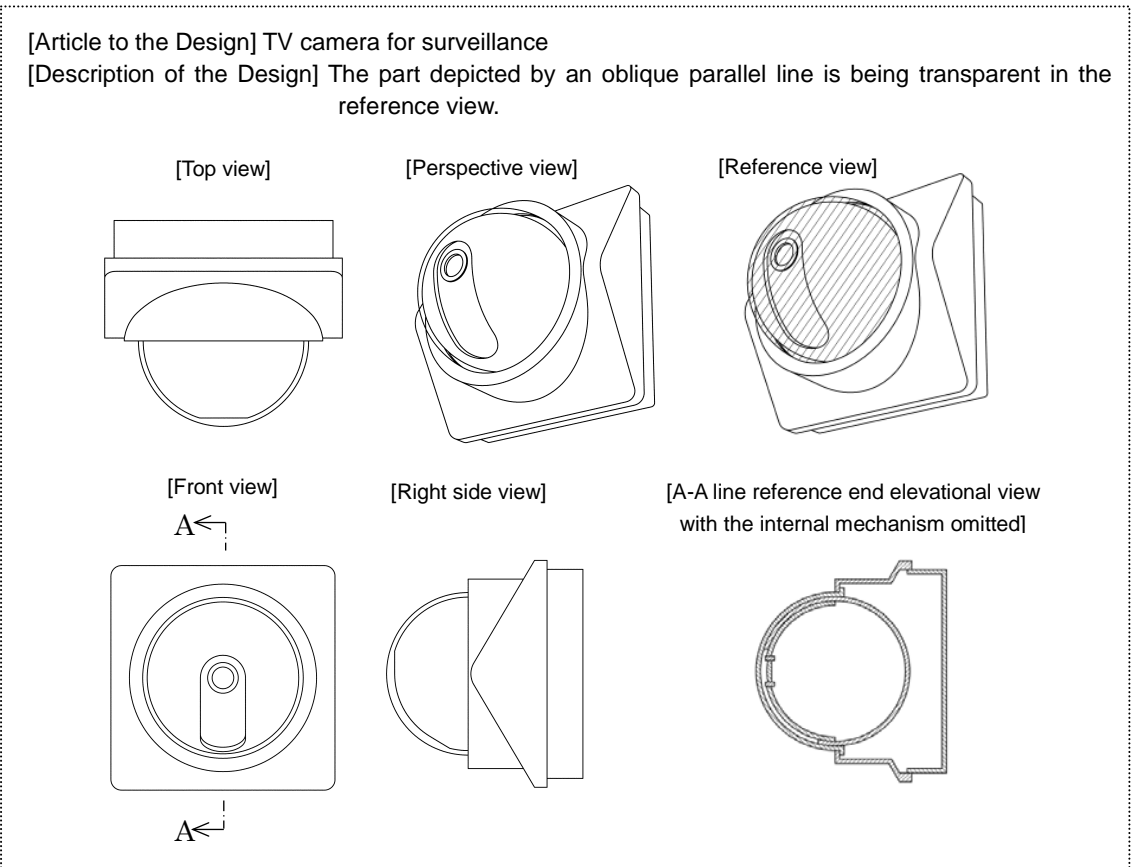
<Fig. 3.4-3> Example of depicting a transparent article as an opaque object



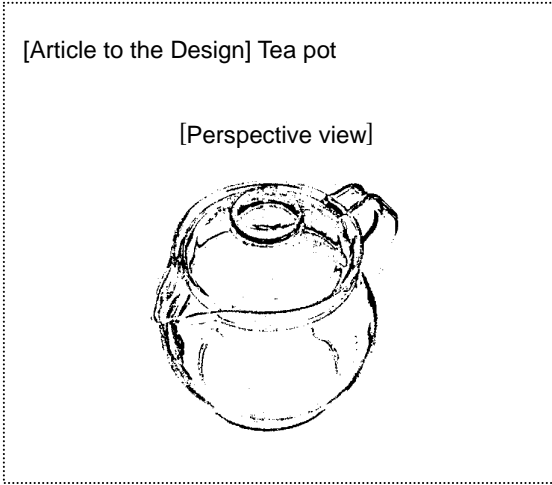
<Fig. 3.4-4> Example of specifying the transparent part in [Description of the Design]



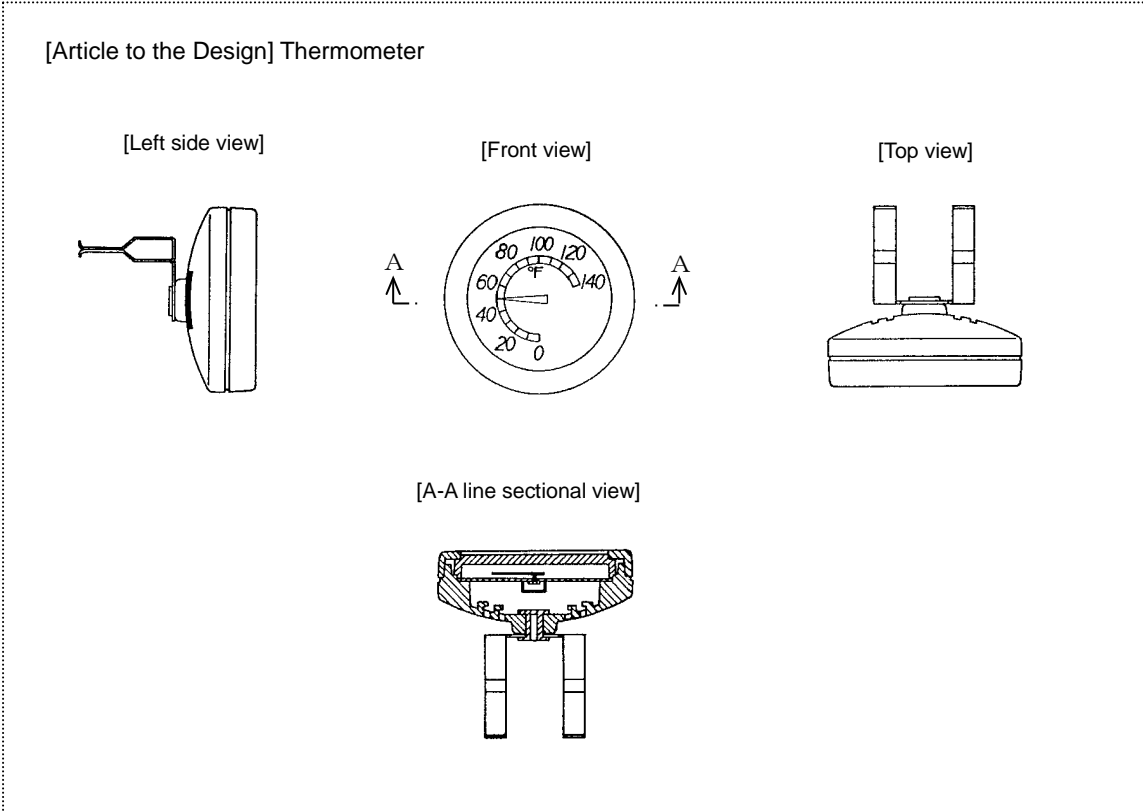
<Fig. 3.4-5> Example of the drawing depicting the inner shape through the transparent part



<Fig. 3.4-6> Example of a photograph substituted for a drawing



<Fig. 3.4-7> Example of the drawing depicting the article for which an explanation of the transparent part, etc. can be omitted





## 4.5 How to prepare drawings of articles having translucency

- (i) Since the part “having translucency” is not transparent, applicants need to draw the object as being opaque.
- (ii) In cases where the statement of “having translucency” is needed in the column of [Description of the Design] in order to make the article understood, applicants need to give an explanation which part of the article “has translucency” and so on.
- (iii) In cases where it is necessary to depict the part “having translucency,” the drawing needs to be depicted as is done in the case of “transparency.”
- (iv) In cases where the mode that has very high transparency and through which the form behind the article can be seen to some degree intends to be made a constituent element of the design, applicants need to represent it through photographs or CGs substituted for drawings since it is impossible to represent it specifically through drawings.

<Fig. 3.4-8> Example of the drawing depicting an article having translucent part

