

15. Building Designs

By the 2019 revision of the Design Act, buildings were added to the definition of design (Article 2, paragraph (1) of the Design Act).

For subject matter for an application for design registration to constitute a “building” under the Design Act, it must comply with both requirements (i) and (ii) below.

- (i) The subject matter is a fixture of land
- (ii) The subject matter is an artificial structure (including a civil engineering structure)

The term “structure” in (ii) above is broader in meaning than the term defined in the Building Standards Act. It means objects that is constructed and includes civil engineering structures (Note) (for details, please see Part IV, Chapter 2 “Building Design,” 6.1.1.1 “Subject matter constitutes a building design under the Design Act” in the Examination Guidelines for Design).

Note: These definitions are based on the legal purpose of the Design Act, that is, objects of the creation of design should be broadly protected by the Design Act.

15.1 Filing an application for each design (one application per design)

An application for design registration must be filed for each design (one application per design), and in principle, only one article, etc. may be included in each application.

If the subject matter of an application for building design falls under either of the following, it will be determined that it includes two or more designs and does not fall under an application for design registration filed for each design.

- (i) If two or more usages of the building, usages of the graphic image, or articles are stated together in the column of “Article to the Design” in the application

However, if the building has multiple usages, and if “complex building,” for example, is stated in the column of “Article to the Design” and multiple specific usages are stated in the column of “Description of Article to the Design,” it will be determined to constitute an application for design registration filed for each design.

- (ii) If two or more constituent objects are represented in the drawings, etc.

However, in any of the following cases, the applications for design registration will be determined to constitute applications filed for each design: where two or more constituent objects (buildings) are represented in the drawings, etc. and from a common sense perspective, all such constituent objects are essential for performing a specific single usage and function (for example: a movable bridge that separates at the center); where all of the constituent objects, have been created in an integrated manner, although their connection may not be strong, for example, all of them are given relevance in form with a consideration that they will be constructed in close proximity; and where, from a common sense perspective, all of the constituent objects could be used in an integrated manner (for example: school buildings and gymnasium).

On the other hand, if no connection for performing a specific single usage and function can be found, for example, a house and a radio tower, it will be determined that the filed design is for two or more buildings.

Furthermore, articles within the scope of appurtenances to the building, which, from a common sense perspective, are perpetually fixed to the building or land and which cannot be arbitrarily moved (wooden decks, gateposts, etc.), are treated as constituting a part of the building. In addition, natural objects within the scope of appurtenances to the building, such as plants and rocks, whose position cannot be changed due to being perpetually fixed to the building or land, for example, will also be determined to constitute a part of the building.

15.2 Points to be noted in making statements in the application

- (1) Statements in the column of “Article to the Design”

Applicants state the specific usage of the building in the column of “Article to the Design” in the application.

Even when filing an application for design registration for a building design, when making statements in the application, applicants use the column of “Article to the Design.”

- (i) When filing an application for a building comprised of a single building (or a constituent object)
House, school building, gymnasium, office building, hotel, department store, hospital, museum, bridge, gas tank, etc.
 - (ii) When filing an application for a building comprised of multiple buildings (or constituent objects)
School, commercial buildings, etc.
 - (iii) When filing an application for a building with multiple usages
For buildings with multiple usages, such as a large-scale facility with tenants from various industries, as in the example below, applicants state “complex building” in the column of “Article to the Design” and describe the specific usages in the column of “Description of Article to the Design.”
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.
 - (iv) When requesting design registration for part of a building
Applicants state the usage of the building itself, not the usage of the part for which the design registration is requested.
For example, if requesting design registration for the bathroom of a house, applicants state “house,” not “bathroom.”
- (2) Statements in the column of “Description of Article to the Design”
If usage of the building cannot be clarified by statements in the column of “Article to the Design” alone, applicants state the specific usage in the column of “Description of Article to the Design.”
- (3) Statements in the column of “Description of the Design”
Points to be noted in making statements in the column of “Description of the Design” are as described in Part I, 1.3 “The column of “Description of Design”.”
For example, regarding building design with changing shape, pattern or colors, if the changing order or the changing mode is unclear from the drawings, etc. alone, applicants include an explanation of these in the column of “Description of the Design.”

15.3 Points to be noted in making statements in drawings, etc.

The basic method for depicting drawings is as described in Part I, 2. “Basics of the Depiction in Drawings.”

Following are points to be noted in making statements in drawings and examples of how to depict drawings, which are specific to building designs.

(1) Where a design registration for inside of a building is requested

If requesting design registration for part of the “inside” of a building, like a room, etc., the exterior of the building does not need to be disclosed, provided that there is no impediment to making a finding on the usage, function, and shape, etc. of the part for which the design registration is requested, and that the applicant considers that the position, size, and scope of the part are ordinary in the shape, etc. of the entire building.

If necessary, for example, if the applicant considers there is something unique about the position, size, and scope of the part for which the design registration is requested in relation to the entire building, the entire building may also be disclosed.

(2) Buildings comprised of multiple constituent objects

If design registration is being requested for a building comprised of multiple constituent objects as a single design, applicants disclose at least one drawing which clarifies their positional relationship.

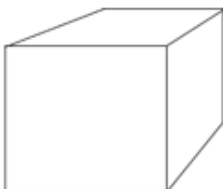
(3) Indication of view

As with an application for design registration for an article design, applicants state indications of view using “front view,” “rear view,” “left side view,” “right side view,” “top view,” “bottom view,” “sectional view of ○○,” “end elevational view of the ○○ cut part,” “enlarged view of ○○,” “perspective view,” etc. Indications of view used in architectural drawings may also be used, namely, “eastern elevation view,” “western elevation view,” “southern elevation view,” “northern elevation view,” “roof view,” “cross sectional view of ○○,” “longitudinal sectional view of ○○,” etc.

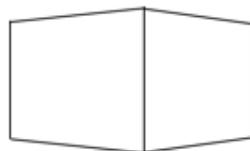
(4) Perspective drawing method

In addition to orthographic projection method, isometric drawing method (isometric projection method), axonometric drawing method, cabinet drawing method and cavalier drawing method, perspective drawing method may also be used.

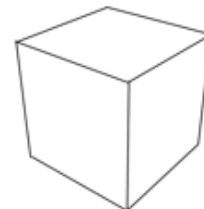
One-point perspective



Two-point perspective



Three-point perspective

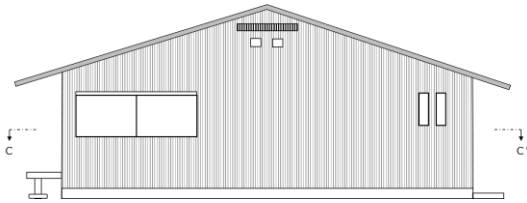


<Fig. 3.15-1> Example of statements and drawings using orthographic projection method

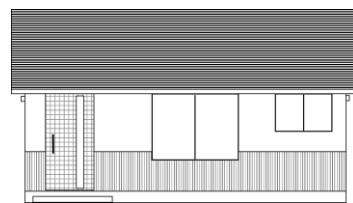
[Article to the Design] House

[Description of the Design] The windows represented in the front view, rear view, left side view and right side view are all transparent. The vertically oriented rectangular part of the entrance door represented in the right side view is translucent.

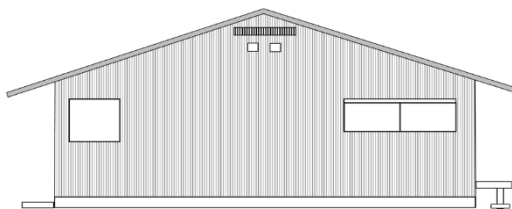
[Front view]



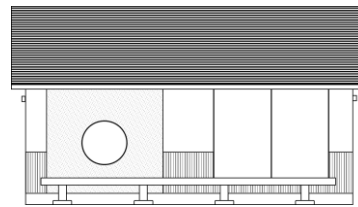
[Right side view]



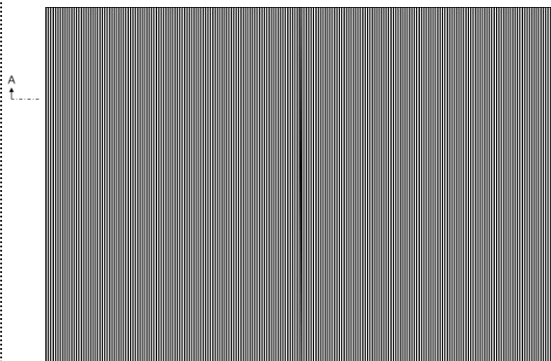
[Rear view]



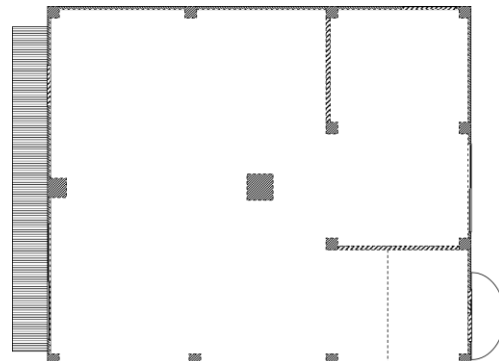
[Left side view]



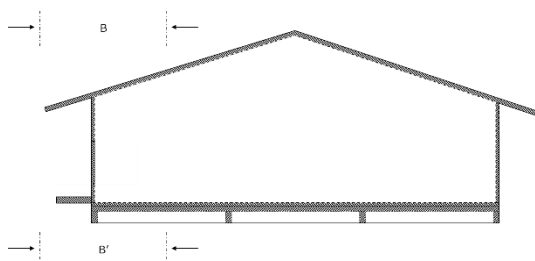
[Top view]



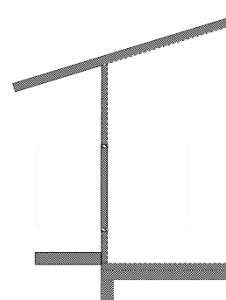
[C-C' sectional view with the internal structure omitted]



[A-A' sectional view with the internal structure omitted]



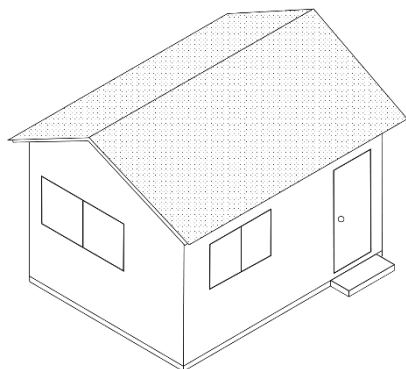
[B-B' partial enlarged view]



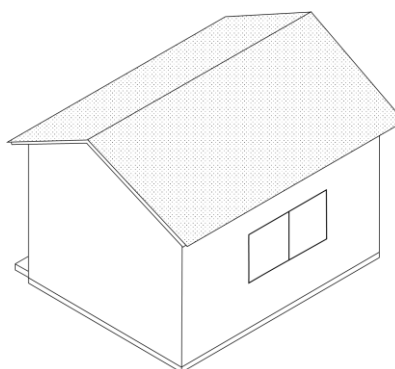
<Fig. 3.15-2> Example of statements and drawings using isometric drawing method (isometric projection method)

[Article to the Design] House

[View showing the front, top and left side]



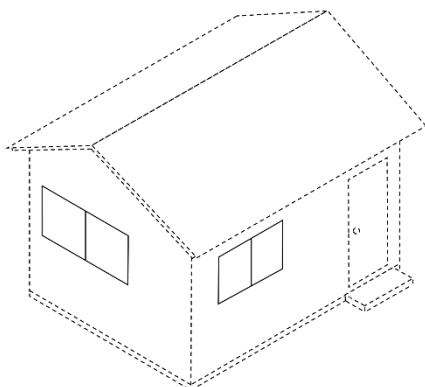
[View showing the rear, top and right side]



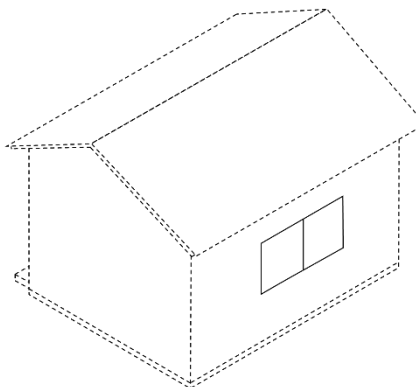
[Article to the Design] House

[Description of the Design] The part other than the part depicted by solid lines is the part for which the design registration is requested.
The windows are transparent.

[View showing the front, top and left side]



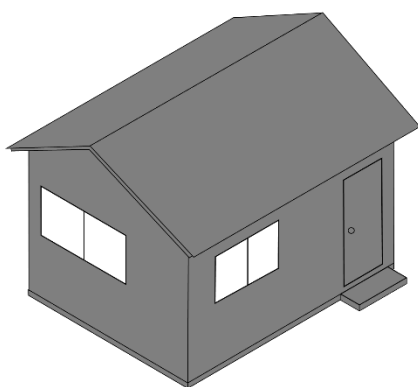
[View showing the rear, top and right side]



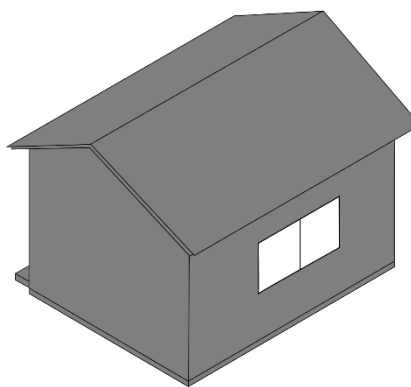
[Article to the Design] House

[Description of the Design] The part other than the part colored in gray is the part for which the design registration is requested.
The windows are translucent.

[View showing the front, top and left side]



[View showing the rear, top and right side]

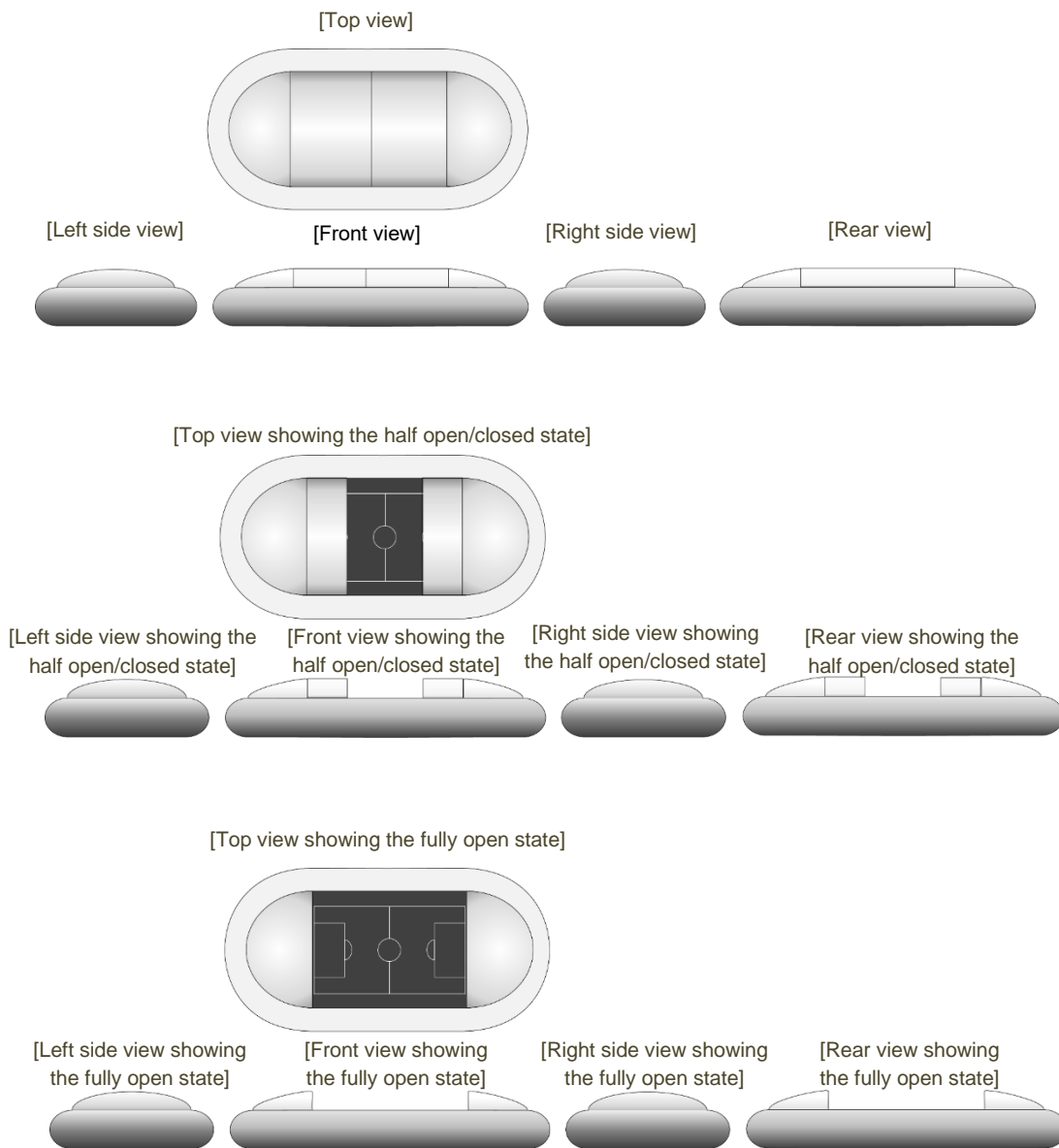


<Fig. 3.15-3> Example of statements and drawings in cases where shape changes

[Article to the Design] Sports stadium

[Description of Article to the Design] This building is a sports stadium used for sporting events, such as soccer, and music events, such as concerts. The roof on the sports stadium opens and closes according to weather conditions, etc.

[Description of the Design] The roof on the sports stadium is retractable. The five basic views show the roof in a closed state, the five half open/closed views show the roof in an opening or closing state, and the five fully open views show the roof in a completely open state. The sports stadium is approximately 60 meters in height, approximately 350 meters in length, and approximately 180 meters in width.



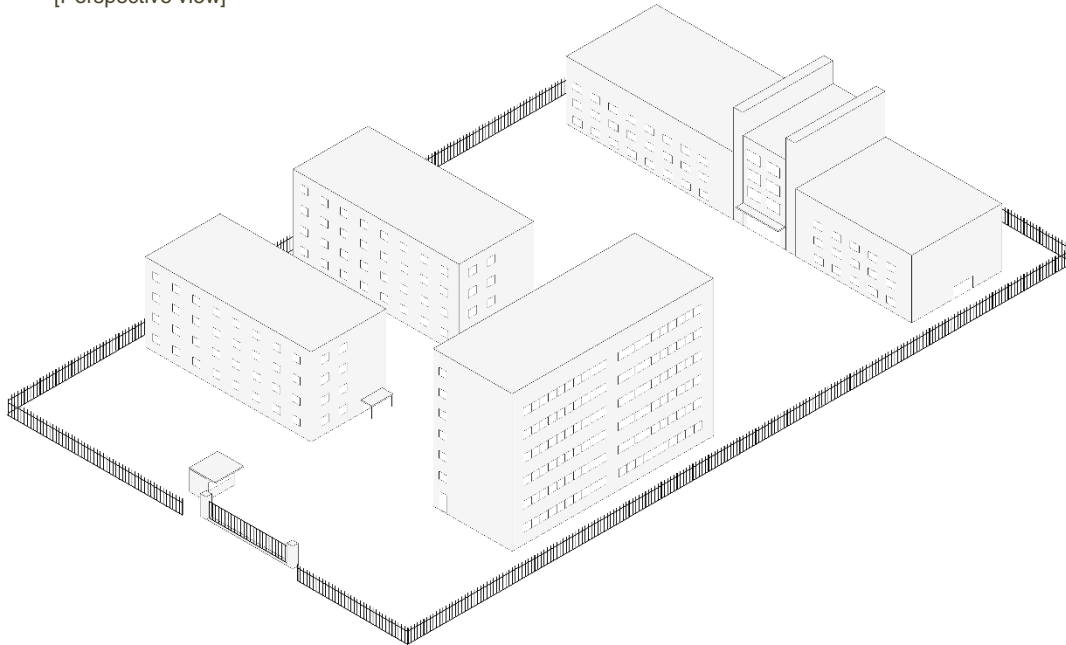
<Fig. 3.15-4> Example of statements and drawings representing multiple buildings

[Article to the Design] School

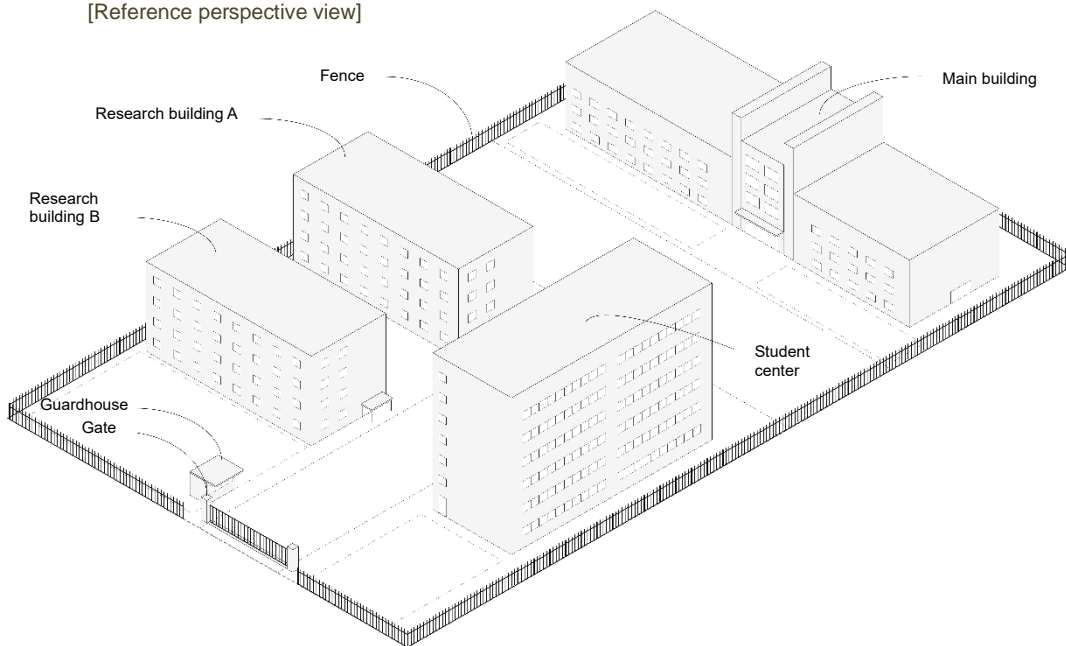
[Description of Article to the Design] The building is a school consisting of the main building, student center, research building A, research building B, guardhouse and other buildings, as shown in the reference perspective view.

[Description of the Design] The rectangular windows represented in each building are all transparent.

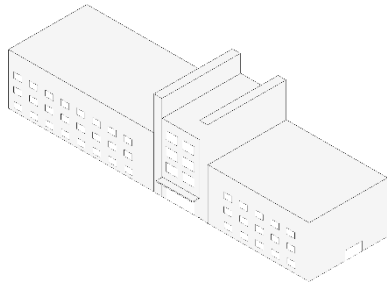
[Perspective view]



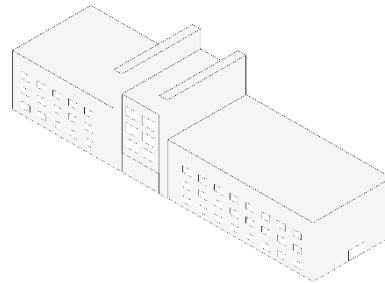
[Reference perspective view]



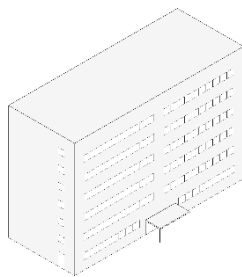
[Front perspective view of the main building]



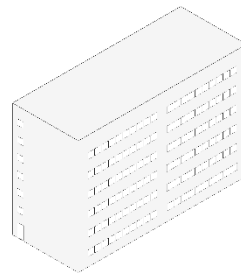
[Rear perspective view of the main building]



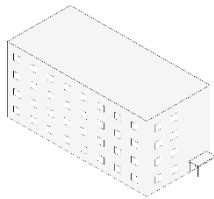
[Front perspective view of the student center]



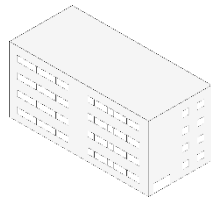
[Rear perspective view of the student center]



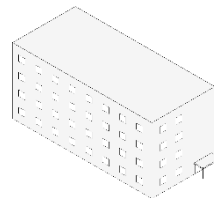
[Front perspective view of research building A]



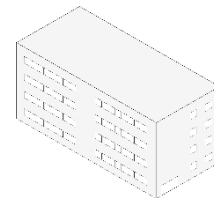
[Rear perspective view of research building A]



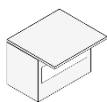
[Front perspective view of research building B]



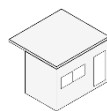
[Rear perspective view of research building B]



[Front perspective view of the guardhouse]



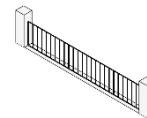
[Rear perspective view of the guardhouse]



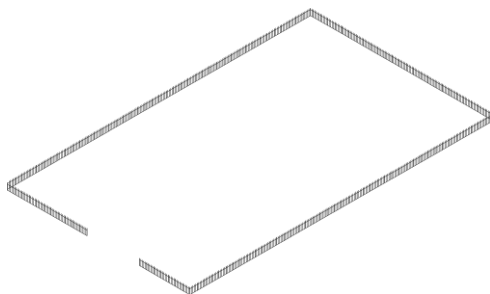
[Front perspective view of the gate]



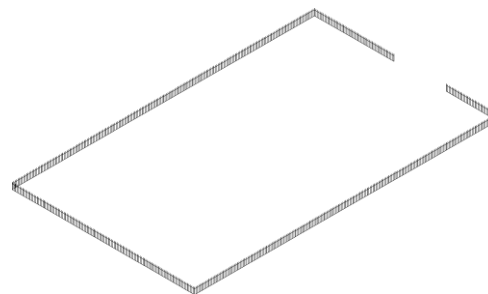
[Rear perspective view of the gate]



[Front perspective view of the fence]



[Rear perspective view of the fence]

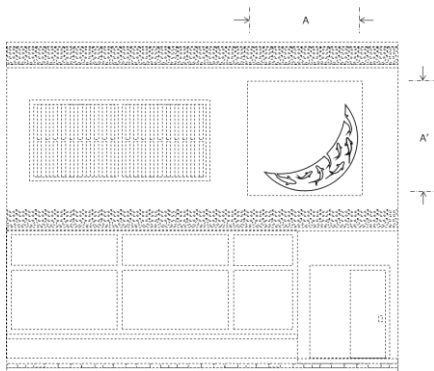


<Fig. 3.15-5> Example of statements and drawings in a case where the pattern changes due to lighting

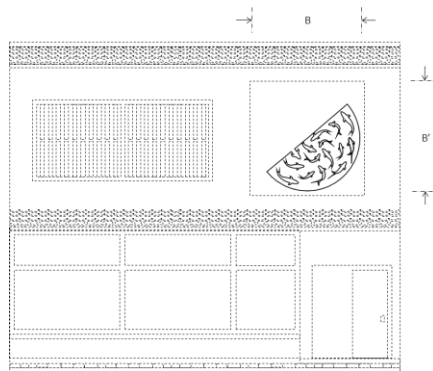
[Article to the Design] Restaurant

[Description of the Design] The part depicted by solid lines is the part for which the design registration is requested. The part for which the design registration is requested is the pattern that appears on an exterior wall caused by light irradiated from inside the restaurant. According to the number of tables occupied, the pattern changes from the front view to the front view showing the state after the change 1, to the front view showing the state after the change 2, and to the front view showing the state after the change 3. The front view showing the state after the change 3 illustrates the state when the restaurant is filled to capacity. The part for which the design registration is requested is flat, and as shown in the reference views representing the illuminated state, the fish-shaped parts remain shadows while the area around them is illuminated.

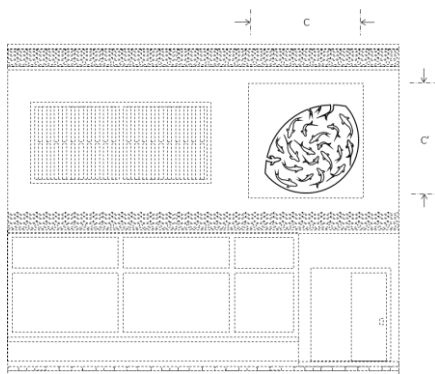
[Front view]



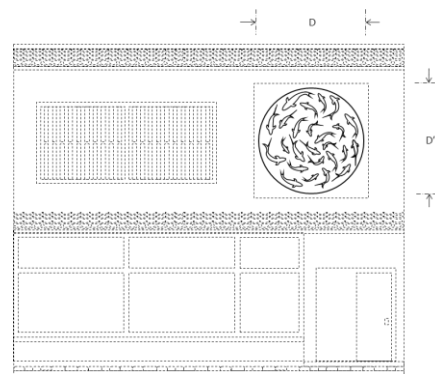
[Front view showing the state after the change 1]



[Front view showing the state after the change 2]



[Front view showing the state after the change 3]



[A-A' enlarged view of a part]



[B-B' enlarged view of a part]



[C-C' enlarged view of a part]



[D-D' enlarged view of a part]



[A-A' enlarged reference view of a part showing the illuminated state]



[B-B' enlarged reference view of a part showing the illuminated state]



[C-C' enlarged reference view of a part showing the illuminated state]



[D-D' enlarged reference view of a part showing the illuminated state]



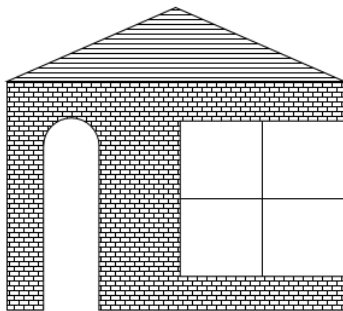
<Fig. 3.15-6> Example of statements and drawings for a set of buildings

[Article to the Design] A set of buildings

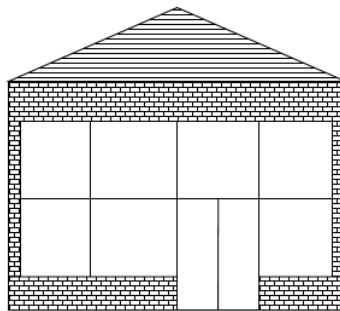
[Description of Article to the Design] These buildings are stores that could be used in an outlet mall, etc.

[Description of the Design] The windows of each store—store 1, store 2 and store 3—are all transparent.

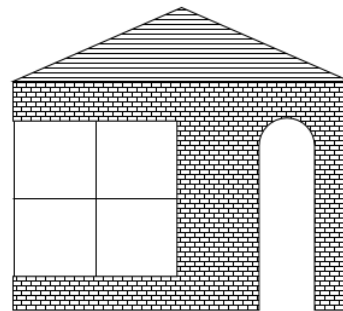
[Left side view of store 1]



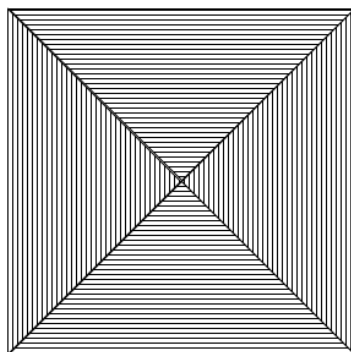
[Front view of store 1]



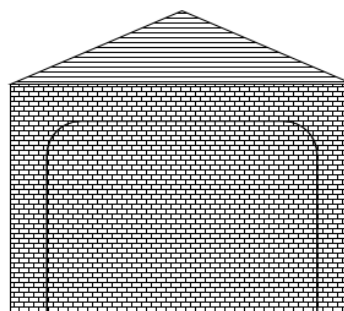
[Right side view of store 1]



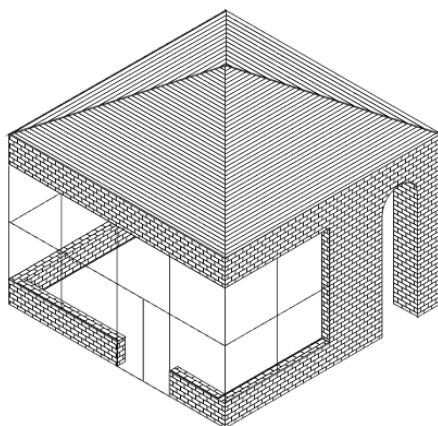
[Top view of store 1]



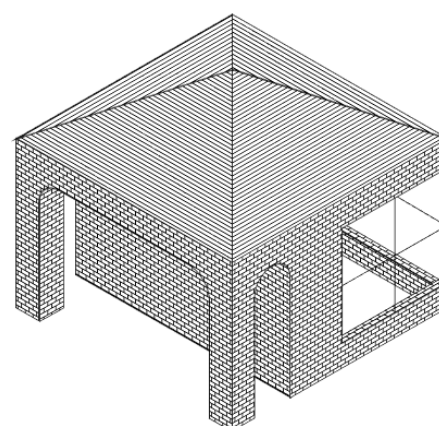
[Rear view of store 1]



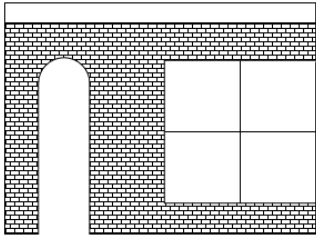
[Front perspective view of store 1]



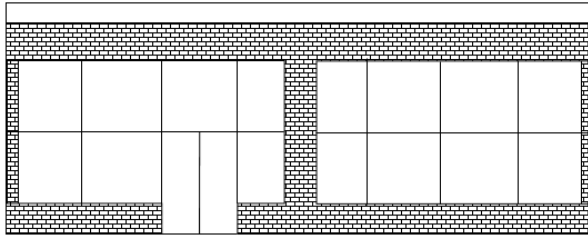
[Rear perspective view of store 1]



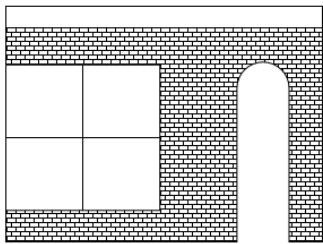
[Left side view of store 2]



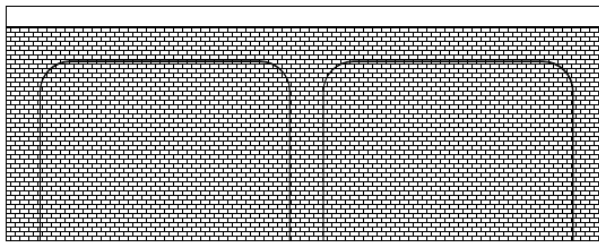
[Front view of store 2]



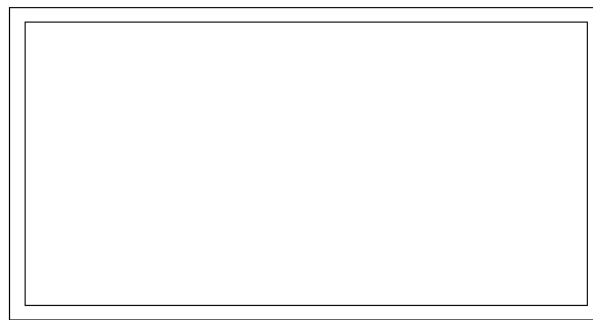
[Right side view of store 2]



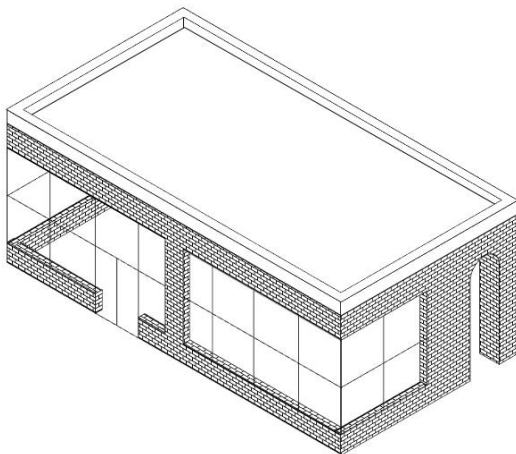
[Rear view of store 2]



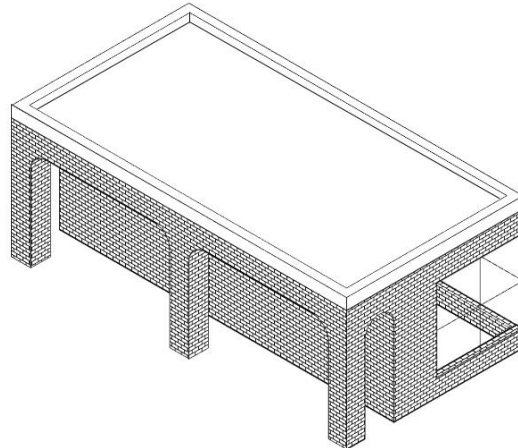
[Top view of store 2]



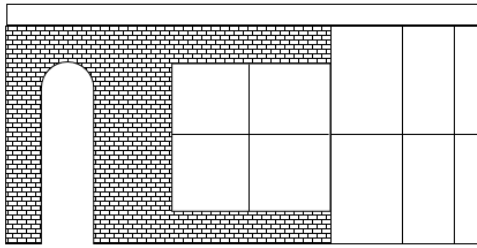
[Front perspective view of store 2]



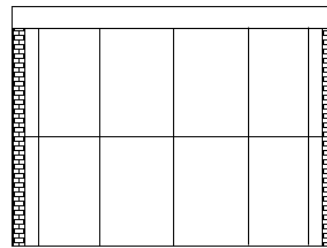
[Rear perspective view of store 2]



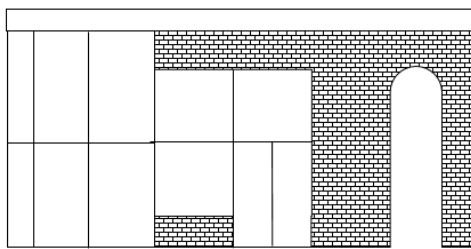
[Left side view of store 3]



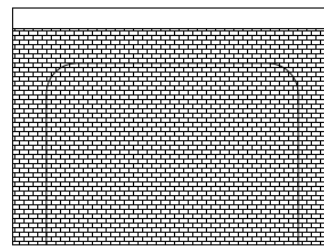
[Front view of store 3]



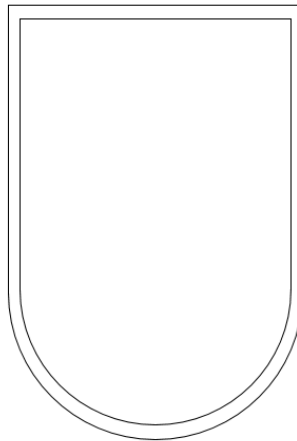
[Right side view of store 3]



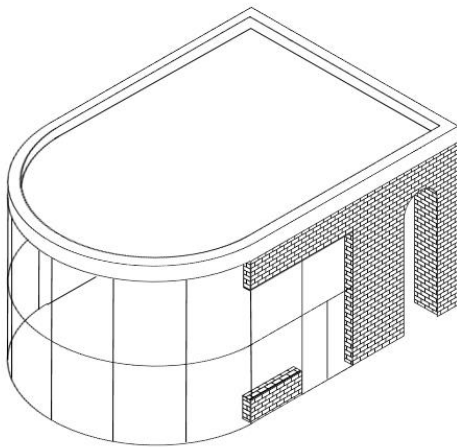
[Rear view of store 3]



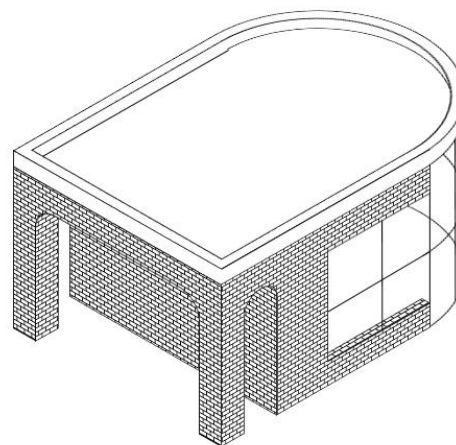
[Top view of store 3]



[Front perspective view of store 3]



[Rear perspective view of store 3]

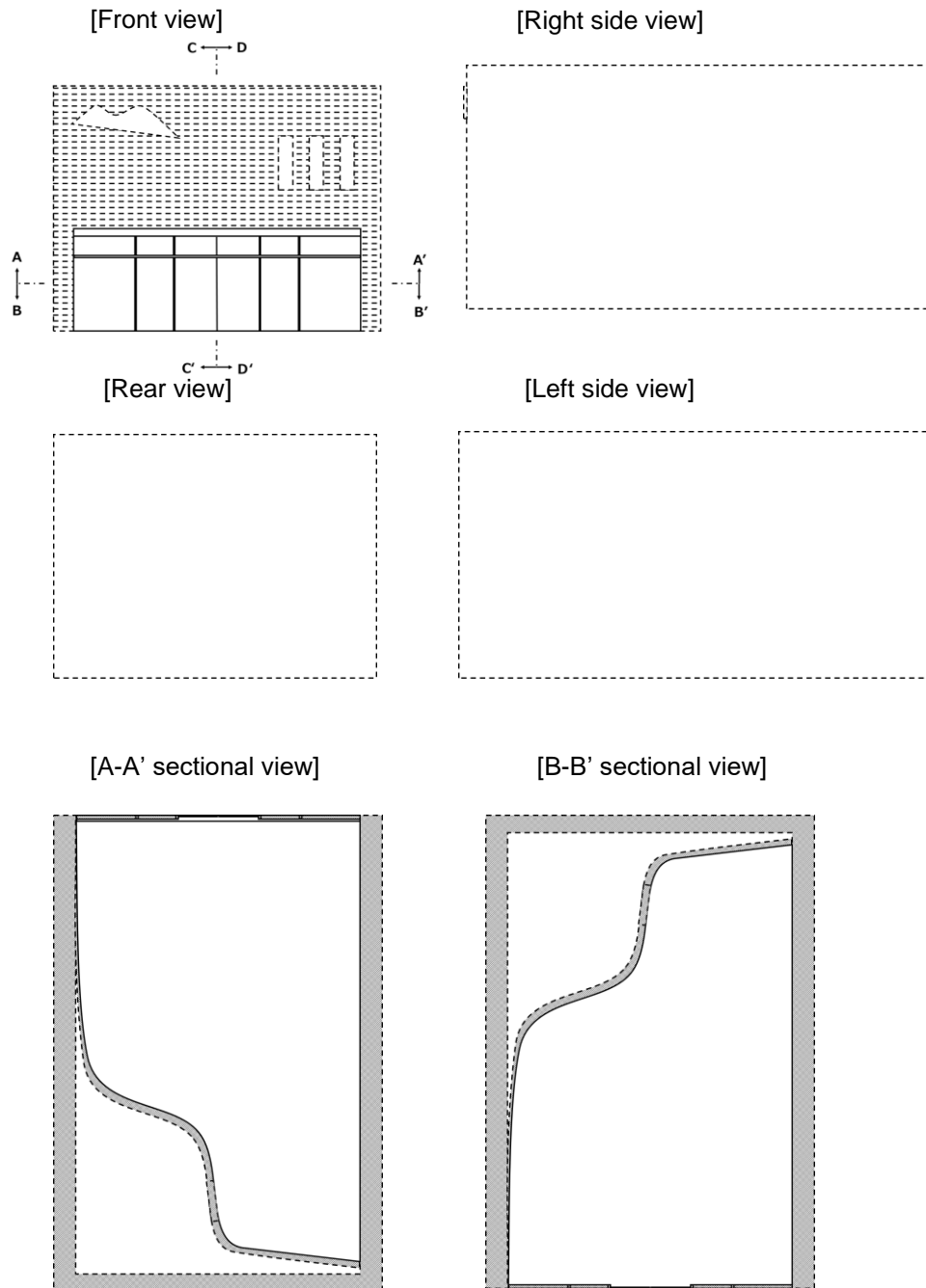


<Fig. 3.15-7> Example of statements and drawings where a design registration is requested for inside of a building

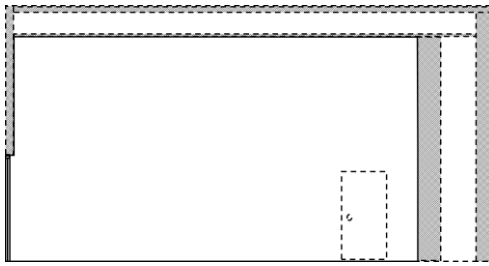
[Article to the Design] Store

[Description of Article to the Design] This store is a street-level store that sells accessories and miscellaneous goods.

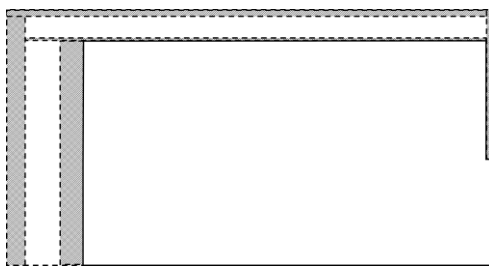
[Description of the Design] The part depicted by solid lines is the part for which the design registration is requested. In the reference front view indicating the transparent part, the part colored in gray is transparent.



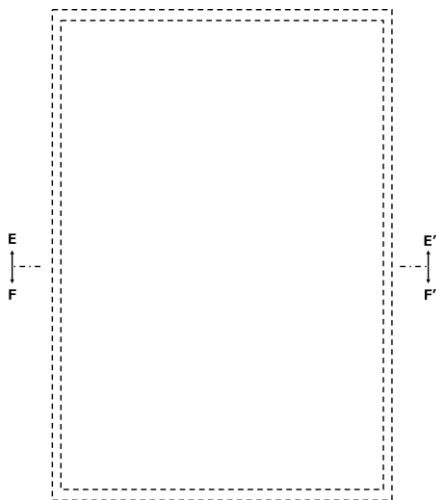
[C-C' sectional view]



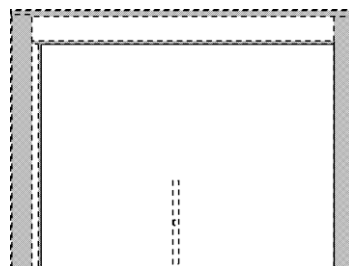
[D-D' sectional view]



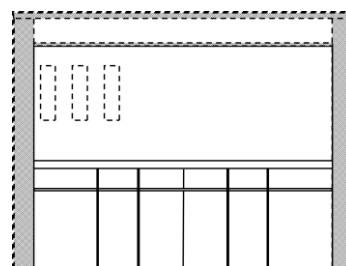
[Top view]



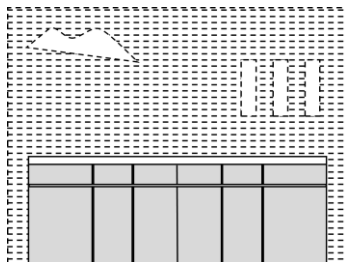
[E-E' sectional view]



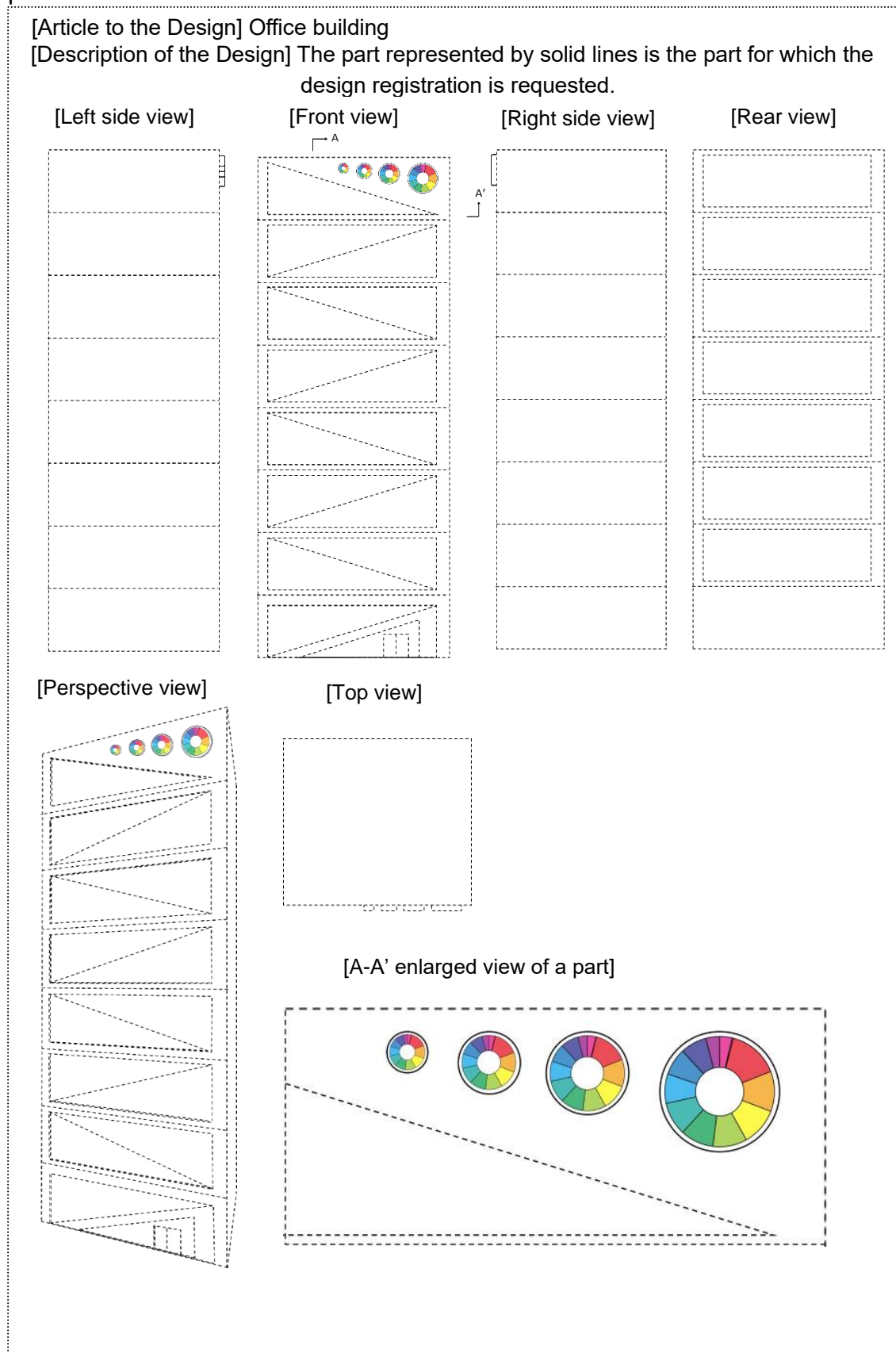
[F-F' sectional view]



[Reference front view indicating the transparent part]



<Fig. 3.15-8> Example of statements and drawings using an enlarged view of the part



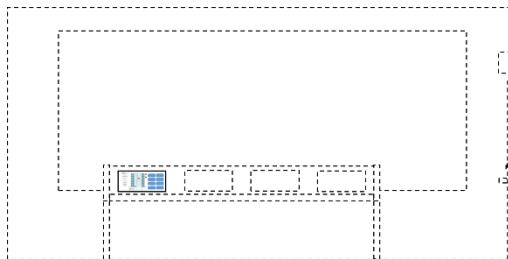
<Fig. 3.15-9> Example of statements and drawings where the exterior of the building is not disclosed

[Article to the Design] Office building

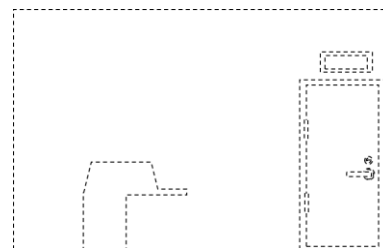
[Description of Article to the Design] The design represented in the drawings is for a control room in an office building, and is used for controlling security, air conditioning, lighting, etc. inside the building. The graphic image shown on the part for which the design registration is requested is a graphic image for controlling the operation status of the elevator. It can be used for confirming the operation status of the elevator and for setting which floors the elevator stops on. The operation status of the parking area and video feeds from security cameras at key locations are also shown in the graphic image.

[Description of the Design] The part depicted by solid lines is the part for which the design registration is requested. The enlarged view of the graphic image part shows an enlargement of the graphic image displayed on the part for which the design registration is requested. The design in this application for design registration is for the interior of a room, the location of which within the building is not specified. In the front view, right side view, left side view and rear view, the interior of the room is shown without the wall on the opposite side in order to show the internal shape, etc. In addition, in the top view, the interior of the room is shown without the ceiling in order to show the internal shape, etc.

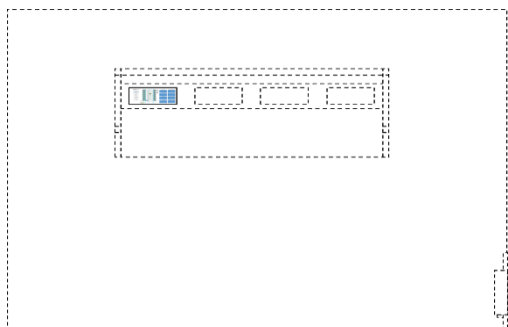
[Front view]



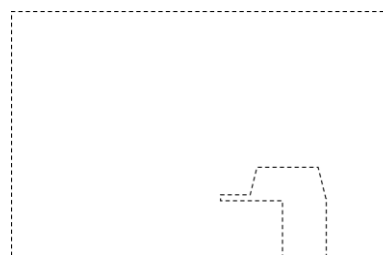
[Left side view]



[Top view]



[Right side view]



[Rear view]



[Graphic image enlarged view of a part]

