

## 15. 07

### **Determination on identicalness of designs in approval or disapproval of the effect of priority claim under the Paris Convention, etc.**

If an application for design registration is filed in Japan within the period of priority based on an application filed in the first country, the priority claim is an advantage which the applicant may enjoy with respect to the application. In order for it to be found that such priority claim is effective, the design in the application for design registration filed in Japan must be identical to the design in the corresponding earliest application filed in the first country on which the application in Japan is based (Paris Convention 4(A)(1), 4(B)). However, since the forms of applications, drawings, etc. are diverse due to the differences in the laws and regulations among countries, it is sufficient for the design in the application filed in the first country and the design in the application for design registration filed in Japan to “priority certificate, etc.” be stated as identical designs in the “priority certificate, etc.” (Patent Act 43(2) [m.m.] Design Act 15(1)), regardless of the style of representation of the designs.