

17.16

Handling of an application for design registration resulting from division in a case where an application for design registration filed for a single design as provided by Order of the Ministry of Economy, Trade and Industry is divided by each constituent of articles, buildings or graphic images of the design

If an application for design registration filed for a single design is divided by constituent of articles, buildings or graphic images of the design, the new application for design registration resulting from the division is treated as having been filed at the time of the division (→Main 14.03).

The same approach as the one above is adopted in a case where an application for design registration for a design for a set of articles, which satisfies the requirements provided for in Article 8 of the Design Act, is divided pursuant to the provisions of Article 10-2 of the Design Act or where an application for design registration for an interior design, which satisfies the requirements provided for in Article 8-2 of the Design Act, is divided pursuant to the provisions of Article 10-2 of the Design Act.

(Explanation)

An application for design registration should be filed for a single design as prescribed by Order of the Ministry of Economy, Trade and Industry in accordance with the provision of one application per design under Article 7 of the Design Act. However, even if an applicant has erroneously filed an application containing two or more designs, the applicant can enjoy a remedial opportunity in which the applicant is eligible to divide the application into one or more new applications for design registration and file the new application(s); that is, on the premise that such new application for design registration is compliant, the applicant is allowed to enjoy the effect that the new application for design registration is deemed to have been filed at the time of filing the original application for design registration, and this is the purpose of the provisions of Article 10-2 of the Design Act. Accordingly, the division of an application for design registration which satisfies the requirements provided for in Article 7 of the Design Act is not allowed in principle.