

18. 11**Handling of a case where a patent application or an application for utility model registration is converted into two or more applications for design registration**

A patent application or an application for utility model registration which contains two or more designs may be converted into two or more applications for design registration. In this case, a decision should be made on whether or not the retroactive effect for the filing date is approved for each of these applications for design registration.

(Explanation)

In converting an application, the original application and the new application should be identical in terms of contents. However, due to the difference in the subject matter of protection, a patent application or an application for utility model registration may contain two or more subject matters of design protection in relation to one invention or one device.

Concerning such conversion of an original application which contains two or more designs, all subject matters of protection under the Design Act should be protected. Therefore, if the application contains two or more designs which are subject matters—even if a difference lies in interpretation of the conversion: some may consider that the conversion is possible without having to undergo the procedure for division, while others may recognize that such division is conducted at the same time when conversion is conducted (i.e., the procedure for division is omitted)—; the application may be converted into two or more applications for design registration as a result.