

44.06

Application of the provisions of Article 9 and Article 10, paragraph (1) of the Design Act to two or more applications for design registration filed by the same applicant on different dates

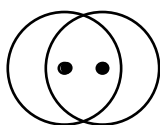
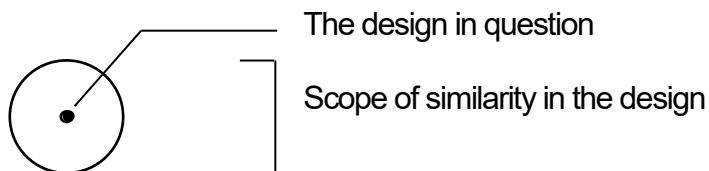
<Principles in handling>

- (1) If two or more applications for design registration for similar designs are filed by the same person on different dates, the design involving the application for design registration for which no reason for rejection is found and which has been filed on the earliest date should be registered.
- (2) Concerning the later application for design registration, if: the application is filed on the date before the lapse of 10 years from the filing date of the application for design registration for its fundamental design (as for the application for which the effect of priority claim is permitted, 10 years from its priority date); the application is filed as an application having a relationship between a principal design and its related design or a relationship between a fundamental design (Note 1) and its related designs associated with the fundamental design; and such relationship is established (Note 2), then the later application should not be subject to discussion, notwithstanding the provisions of Article 9, paragraph (2) of the Design Act.

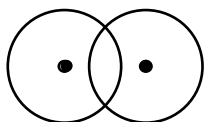
(Note 1) The “fundamental design” refers to a design which the applicant has first selected as a principal design. In other words, it is a “principal design” which is not a related design of any other design.

(Note 2) The “related design” must be a design similar to that selected as a principal design.

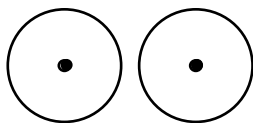
[Explanatory notes] In the following explanations, each drawing is used as that representing the meaning below respectively.



Relationship in which the designs are similar

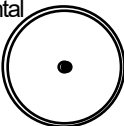


Relationship in which the designs are not similar (with some overlapping found in the scopes)

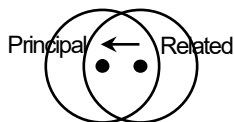


Relationship in which the designs are not similar (with no overlapping found in the scopes)

Fundamental

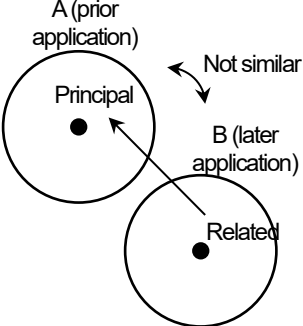
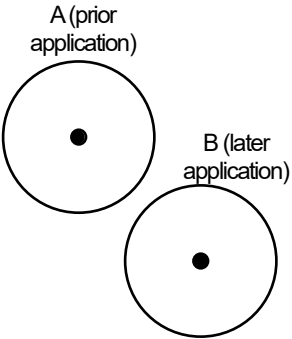


Fundamental design

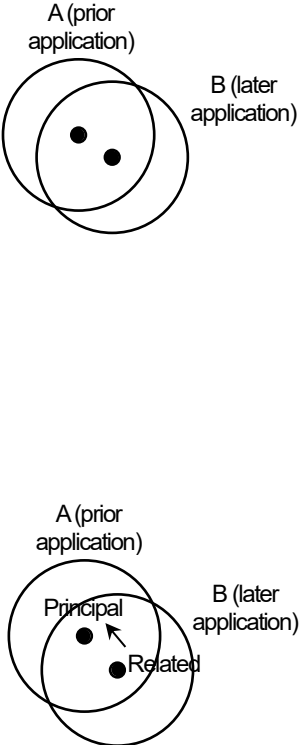


Relationship between the principal design and its related design

1. Two designs which are not similar and whose applications have been filed on different dates (with a principal design--related design relationship)

 <p>A (prior application)</p> <p>Principal</p> <p>Not similar</p> <p>B (later application)</p> <p>Related</p>  <p>A (prior application)</p> <p>B (later application)</p>	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application, Design A in the prior application should be registered. · If Design B in the later application as a related design is not similar to the principal design, a notice of reasons for rejection under the provisions of Article 10, paragraph (1) of the Design Act should be issued for Design B in the later application. <ul style="list-style-type: none"> · Concerning Design B in the later application, if an amendment is made to remove the column "Indication of Principal Design," Design B in the later application should be registered.
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2. Two designs which are similar and whose applications have been filed on different dates (with no principal design--related design relationship)

 <p>The diagram consists of two overlapping circles. The upper circle is labeled 'A (prior application)' and the lower circle is labeled 'B (later application)'. Within the overlapping region, there are two dots. The upper dot is labeled 'Principal' and the lower dot is labeled 'Related'.</p>	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application, Design A in the prior application should be registered. · If no establishment of a design right is registered for Design A in the prior application, a “wait notice” should be issued for Design B in the later application. · If the establishment of a design right is registered for Design A in the prior application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design B in the later application. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, if an amendment is made to this application for design registration to specify the design in Design Registration No. XXXXXXXX (Design A in the prior application) above as its principal design, the reasons for rejection will be overcome.”) · Concerning Design B in the later application, if an amendment is made to the application to correct it to an application for a related design in which Design A in the prior application is selected as a principal design, Design B in the later application should be registered.
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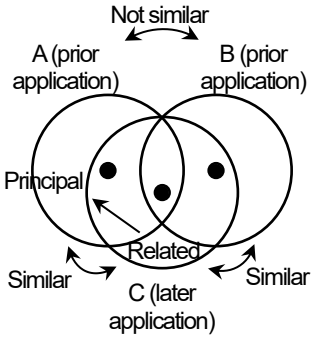
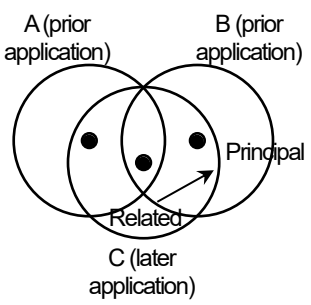
3. Three designs which are similar to each other and whose applications have been filed on different dates (with a principal design–related design relationship)

<p>The diagrams show three overlapping circles representing designs A, B, and C. In the top diagram, A and B are 'Similar' and 'Principal'/'Related' respectively, while C is 'Similar' to both. In the middle diagram, C is 'Related' to both A and B. In the bottom diagram, C is 'Principal' and A and B are 'Related' to C. All diagrams show three dots in the central intersection of the three circles.</p>	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application or Design B in the prior application, Designs A and B in the prior applications should be registered. · A “wait notice” should be issued for Design C in the later application. · If the establishment of a design right is registered for Design A in the prior application and for Design B in the prior application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design C in the later application based on the ground that both Designs A and B in the prior applications are found to be cited designs. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, if an amendment is made to this application for design registration to specify the design in Design Registration No. XXXXXXXX (Design A in the prior application) or the design in Design Registration No. YYYYYYYY (Design B in the prior application) above as its principal design, the reasons for rejection will be overcome.”) · Concerning Design C in the later application, if an amendment is made to the application to correct it to an application for a related design in which Design A in the prior application is selected as a principal design, Design C in the later application should be registered. · Concerning Design C in the later application, if an amendment is made to the application to correct it to an application for a related design in which Design B in the prior application is selected as a principal design, Design C in the later application should be registered. · In addition, if Design C in the later application as originally filed specifies Design A in the prior application or Design B in the prior application as a principal design as shown in the left column, Design C in the later application should be registered, without issuing a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act, which would be issued if the other design in the prior application is found to be a cited design.
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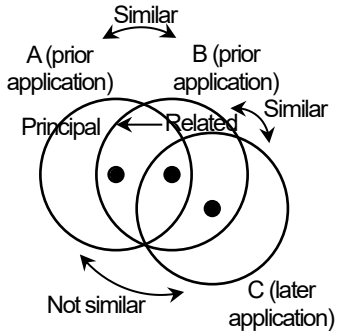
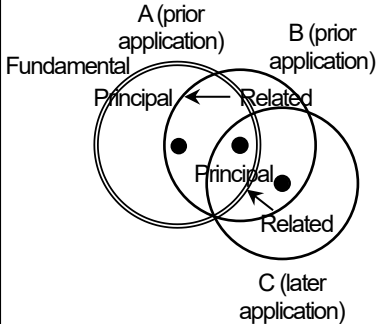
4-1. Three designs which are similar or not similar and whose applications have been filed on different dates (with no principal design–related design relationship (1))

	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application or Design B in the prior application, Designs A and B in the prior applications should be registered. · A “wait notice” should be issued for Design C in the later application. · If the establishment of a design right is registered for Design A in the prior application and for Design B in the prior application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design C in the later application based on the ground that both Designs A and B in the prior applications are found to be cited designs. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, even if an amendment is made to this application for design registration to correct it to an application for a related design in which any one of the registered designs above is selected as a principal design, the other registered design may not be subject to application of the provisions of Article 10, paragraph (1) of the Design Act. Accordingly, the application for design registration may not be registered.”) · If an amendment is made to Design C in the later application to correct it to an application for a related design in which either Design A in the prior application or Design B in the prior application is selected as a principal design, Design C in the later application should be rejected based on the ground that the other design in the prior application exists.
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4-2. Three designs which are similar or not similar and whose applications have been filed on different dates (with a principal design–related design relationship (1))

 	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application or Design B in the prior application, both Designs A and B in the prior applications should be registered. · A “wait notice” should be issued for Design C in the later application. · If the establishment of a design right is registered for Design A in the prior application and for Design B in the prior application, Design C in the later application may not be registered since it falls under the provisions of Article 9, paragraph (1) of the Design Act for its similarity to Design B in the prior application and thus it may not be registered. Accordingly, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design C in the later application based on the ground that Design B in the prior application is found to be a cited design. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, even if an amendment is made to this application for design registration to correct it to an application for a related design in which the design in Design Registration No. XXXXXXXX (Design B in the prior application) above is selected as a principal design, the design of this present application is also similar to the design in Design Registration No. YYYYYYYY (Design A in the prior application) and it is not allowable for Design A in the prior application and Design B in the prior application to be subject to application of the provisions of Article 10, paragraph (1) of the Design Act at the same time. Accordingly, the application for design registration may not be registered.”) · If an amendment is made to Design C in the later application to correct it to an application for a related design in which Design B in the prior application is selected as a principal design, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be newly issued based on that ground that Design A in the prior application is found to be a cited design.
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4-3. Three designs which are similar or not similar and whose applications have been filed on different dates (with a principal design–related design relationship (2))

 	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application or Design B in the prior application, both Designs A and B in the prior applications should be registered. · A “wait notice” should be issued for Design C in the later application. · If the establishment of a design right is registered for Design A in the prior application and for Design B in the prior application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design C in the later application based on the ground that both Designs A and B in the prior applications are found to be cited designs. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, if an amendment is made to this application for design registration to specify the design in Design Registration No. XXXXXXXX (Design B in the prior application) above as its principal design, the reasons for rejection will be overcome.”) · Concerning Design C in the later application, if an amendment is made to the application to correct it to an application for a related design in which Design B in the prior application is selected as a principal design, Design C in the later application should be registered.
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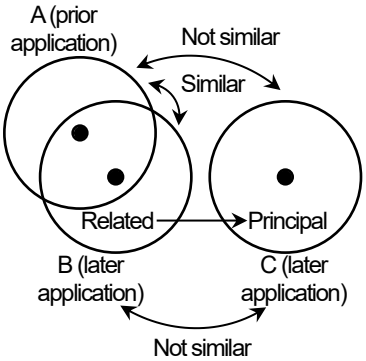
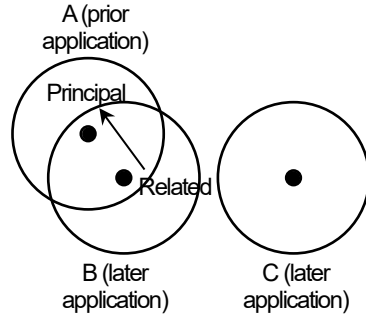
4-4. Three designs which are similar or not similar and whose applications have been filed on different dates (with a principal design–related design relationship (3))

<p>The top diagram shows three overlapping circles representing design applications. Circle A (prior application) is labeled 'Principal'. Circle B (prior application) is labeled 'Related'. Circle C (later application) is labeled 'Related'. Arrows indicate 'Similar' relationships between A and B, and between B and C. An arrow indicates a 'Not similar' relationship between A and C.</p> <p>The bottom diagram shows three overlapping circles. Circle A (prior application) is labeled 'Fundamental'. Circle B (prior application) is labeled 'Principal'. Circle C (later application) is labeled 'Related'. Arrows indicate 'Related' relationships between A and B, and between B and C. An arrow indicates a 'Not similar' relationship between A and C.</p>	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application or Design B in the prior application, both Designs A and B in the prior applications should be registered. · A “wait notice” should be issued for Design C in the later application. · If the establishment of a design right is registered for Design B in the prior application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design C in the later application based on the ground that Design B is found to be a cited design. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, the design of this application for design registration is found to be not similar to the design in Design Registration No. XXXXXXXX (Design A in the prior application) filed as its principal design. Moreover, if an amendment is made to this application for design registration to specify the design in Design Registration No. YYYYYYYY (Design B in the prior application) above as its principal design, the reasons for rejection will be overcome.”) · Concerning Design C in the later application, if an amendment is made to the application to correct it to an application for a related design in which Design B in the prior application is selected as a principal design, Design C in the later application should be registered.
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4-5. Three designs which are similar or not similar and whose applications have been filed on different dates (with a principal design–related design relationship (4))

	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior-prior application or Design B in the prior application, both Design A in the prior-prior application and Design B in the prior application should be registered. · A “wait notice” should be issued for Design C in the later application. · If the establishment of a design right is registered for Design A in the prior-prior application and for Design B in the prior application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design C in the later application based on the ground that Design B in the prior applications is found to be a cited design. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, if an amendment is made to this application for design registration to specify the design in Design Registration No. XXXXXXXX (Design B in the prior application) above as a principal design, the reasons for rejection will be overcome.”) · Concerning Design C in the later application, if an amendment is made to the application to correct it to an application for a related design in which Design B in the prior application is selected as a principal design, Design C in the later application should be registered.
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4-6. Three designs which are similar or not similar and whose applications have been filed on different dates (with a principal design–related design relationship (5))

 <p>A (prior application)</p> <p>Not similar</p> <p>Similar</p> <p>Related</p> <p>Principal</p> <p>B (later application)</p> <p>C (later application)</p> <p>Not similar</p>  <p>A (prior application)</p> <p>Principal</p> <p>Related</p> <p>B (later application)</p> <p>C (later application)</p>	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application or Design C in the later application, both Design A in the prior application and Design C in the later application should be registered. · A “wait notice” should be issued for Design B in the later application. · If the establishment of a design right is registered for Design A in the prior application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design B in the later application based on the ground that Design A in the prior application is found to be a cited design. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, the design of this application for design registration is found to be not similar to the design in Design Application No. XXXX-XXXXXX (Design B in the later application) filed as a principal design” and that “[I]f an amendment is made to this application for design registration to specify the design in Design Registration No. YYYYYYY (Design A in the prior application) above as a principal design, the reasons for rejection will be overcome.”) · Concerning Design B in the later application, if an amendment is made to the application to correct it to an application for a related design in which Design A in the prior application is selected as a principal design, Design B in the later application should be registered.
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4-7. Three designs which are similar or not similar and whose applications have been filed on different dates (with a principal design–related design relationship (6))

	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application, Design A in the prior application should be registered. · An order for discussion should be issued on the relationship between Design B in the later application and Design C in the later application. (In this order, concerning Design B in the later application, an “additional remark” should be described to the effect that “[I]n addition, the design of this application for design registration is found to be similar to the design in Design Application No. XXXX-XXXXXX (Design Registration No. XXXXXXXX) (Design A in the prior application) filed as a principal design. Accordingly, it should be noted that if an amendment is made to the present application for design registration (Design B in the later application) to correct it to an application for a related design in which the design in Design Application No. YYYY-YYYYYY (Design C in the later application) is selected as a principal design, this falls under a reason for rejection under the provisions of Article 9, paragraph (1) of the Design Act based on the ground that Design Application No. XXXX-XXXXXX (Design Registration No. XXXXXXXX) (Design A in the prior application) is found to be a cited design.”)
	<ul style="list-style-type: none"> · Concerning Design C in the later application, if an amendment is made to the application to correct it to an application for a related design in which Design B in the prior application is selected as a principal design, Design C in the later application should be registered.
	<ul style="list-style-type: none"> · If Design C in the later application is withdrawn, Design B should be registered.
	<ul style="list-style-type: none"> · If Design B in the later application is withdrawn, Design C should be registered.

4-8. Three designs which are similar or not similar and whose applications have been filed on different dates (with no principal design–related design relationship (2))

	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application, Design A in the prior application should be registered. · A “wait notice” should be issued for Design B in the later application and Design C in the later application. · If the establishment of a design right is registered for Design A in the prior application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design B in the later application based on the ground that Design A in the prior application exists. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, the design of this application for design registration is also found to be similar to the design in the applicant’s own application for design registration (i.e., that in Design Application No. XXXX-XXXXXX (Design C in the later application)) filed on the same date as the filing date of this application for design registration, and this falls under the provisions of Article 9, paragraph (2) of the Design Act as well.”) · A “wait notice” should be issued for Design C in the later application to the effect that Design C in the later application is similar only to Design B filed on the same date. · If Design C in the later application is withdrawn and an amendment is made to Design B in the later application to correct it to an application for a related design in which Design A is selected as a principal design, Design B in the later application should be registered. · If Design B in the later application is withdrawn, Design C in the later application should be registered. · Concerning Design B in the later application, if an amendment is made to the application to correct it to an application for a related design in which Design A is selected as a principal design, an order for discussion should be issued on the relationship between Design B in the later application and Design C in the later application. (In this order, concerning Design B in the later application, an “additional remark” should be described to the effect that “[I]n addition, the design of this application for design registration is found to be similar to the design in Design Application No. XXXX-XXXXXX (Design Registration No. XXXXXXXX) (Design A in the prior application) filed as a principal design.”) <p>(For the rest of the explanations, see Item 4-7.)</p>
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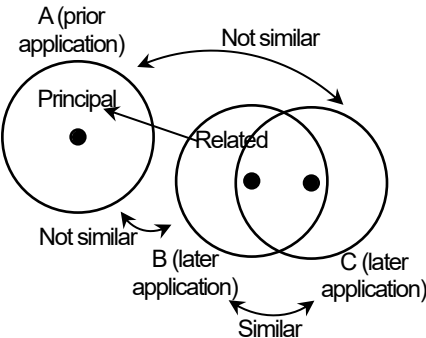
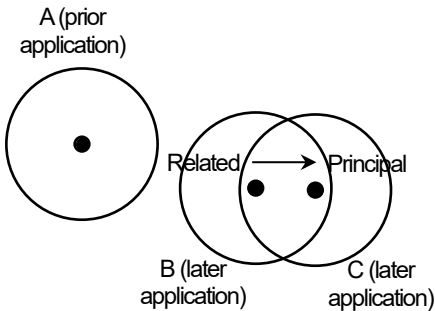
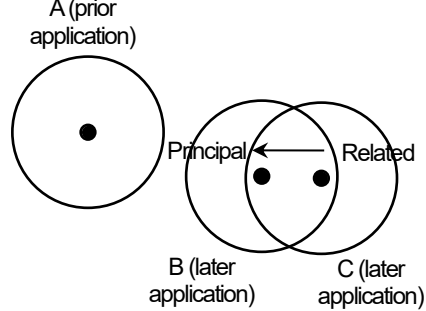
4-9. Three designs which are similar or not similar and whose applications have been filed on different dates (in a case where a reason for rejection is found for one of the designs (1))

<p>Diagram 1: A (prior application) overlaps B (later application) and C (later application). B and C overlap each other. A is labeled "Not similar" to B and C. B and C are labeled "Similar" to each other. A box labeled "Reason for rejection" points to the area of A.</p> <p>Diagram 2: A (prior application) overlaps B (later application). B overlaps C (later application). A is labeled "Principal" and B is labeled "Related".</p> <p>Diagram 3: A (prior application) overlaps B (later application). B overlaps C (later application). A is labeled "Principal" and B is labeled "Related".</p> <p>Diagram 4: A (prior application) overlaps B (later application). B overlaps C (later application). A is labeled "Principal" and B is labeled "Related".</p>	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application, Design A in the prior application should be registered. · A "wait notice" should be issued for Design B in the later application. · A notice of reasons for rejection should be issued for Design C in the later application. <p>· If the establishment of a design right is registered for Design A in the prior application and a decision of rejection becomes final and binding for Design C in the later application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design B in the later application based on the ground that Design A in the prior application exists.</p> <p>· Concerning Design B in the later application, if an amendment is made to the application to correct it to an application for a related design in which Design A in the prior application is selected as a principal design, Design B in the later application should be registered.</p> <p>· If the establishment of a design right is registered for Design A in the prior application and a reason for rejection for Design C in the later application is overcome, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design B in the later application based on the ground that Design A is found to be a cited design. (In this notice, concerning Design B in the later application, an "additional remark" should be described to the effect that "[T]he design in this application for design registration is found to be similar to the design in the applicant's own application for design registration (i.e., that in Design Application No. XXXX-XXXXXX (Design C in the later application)) filed on the same date as the filing date of this application for design registration, and this falls under the provisions of Article 9, paragraph (2) of the Design Act as well.")</p> <p>· A "wait notice" should be issued for Design C in the later application to the effect that Design C in the later application is similar to Design B in the later application filed on the same date.</p> <p>· If an amendment is made to Design B in the later application to correct it to an application for a related design in which Design A in the prior application is selected as a principal design, an order for discussion should be issued on the relationship between Design B in the later application and Design C in the later application.</p> <p>(For the rest of the explanations, see Item 4-7.)</p>
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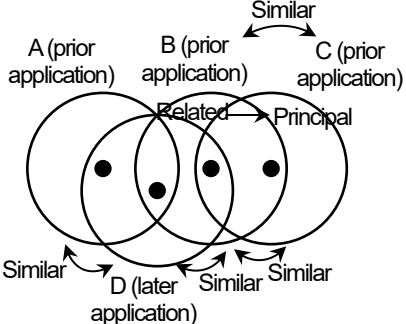
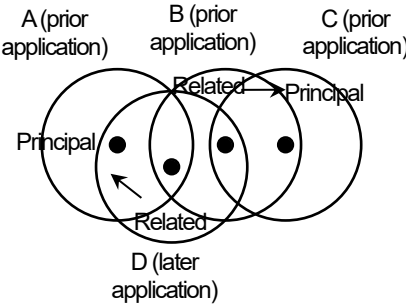
4-10. Three designs which are similar or not similar and whose applications have been filed on different dates (in a case where a reason for rejection is found for one of the designs (2))

	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application, Design A in the prior application should be registered. · A notice of reasons for rejection should be issued for Design B in the later application. · A “wait notice” should be issued for Design C in the later application. <ul style="list-style-type: none"> · If the establishment of a design right is registered for Design A in the prior application and a decision of rejection becomes final and binding for Design B in the later application, Design C in the later application should be registered. <ul style="list-style-type: none"> · If the establishment of a design right is registered for Design A in the prior application and a reason for rejection for Design B in the later application is overcome, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design B in the later application based on the ground that Design A in the prior application is found to be a cited design. (In this notice, concerning Design B in the later application, an “additional remark” should be described to the effect that “[T]he design in this application for design registration is found to be similar to the design in the applicant’s own application for design registration (i.e., that in Design Application No. XXXX-XXXXXX (Design C in the prior application)) filed on the same date as the filing date of this application for design registration, and this falls under the provisions of Article 9, paragraph (2) of the Design Act as well.”) · A “wait notice” should be issued for Design C in the later application to the effect that Design C in the later application is similar to Design B in the later application filed on the same date. <ul style="list-style-type: none"> · If an amendment is made to Design B in the later application to correct it to an application for a related design in which Design A in the prior application is selected as a principal design, an order for discussion should be issued on the relationship between Design B in the later application and Design C in the later application. <p>(For the rest of the explanations, see Item 4-7.)</p>
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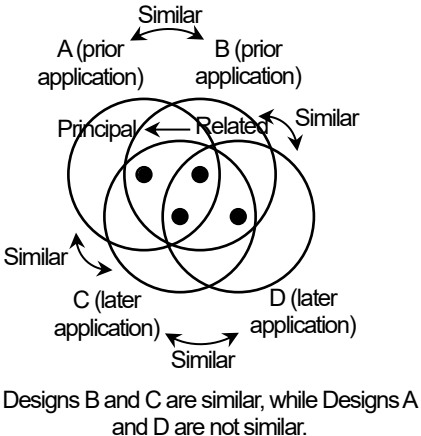
4-11. Three designs which are similar or not similar and whose applications have been filed on different dates (with a principal design–related design relationship (7))

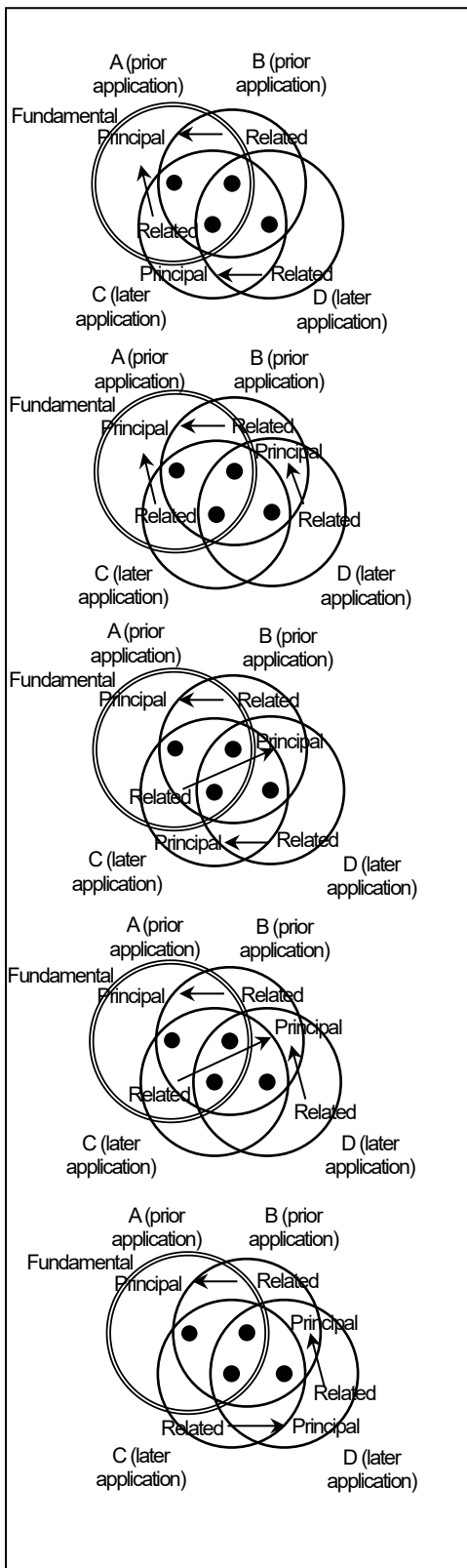
 <p>A (prior application)</p> <p>Principal</p> <p>Not similar</p> <p>Related</p> <p>Not similar</p> <p>B (later application)</p> <p>C (later application)</p> <p>Similar</p>  <p>A (prior application)</p> <p>Related</p> <p>Principal</p> <p>B (later application)</p> <p>C (later application)</p>  <p>A (prior application)</p> <p>Principal</p> <p>Related</p> <p>B (later application)</p> <p>C (later application)</p>	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application, Design A should be registered. · An order for discussion should be issued on the relationship between Design B in the later application and Design C in the later application. (In this order, concerning Design B in the later application, an “additional remark” should be described to the effect that “[I]n addition, the design of this application for design registration is found to be not similar to the design in Design Application No. XXXX-XXXXXX (Design Registration No. XXXXXXXX) (Design A in the prior application) filed as a principal design.”) · If an amendment is made to Design B in the later application to correct it to an application for a related design in which Design C is selected as a principal design or if an amendment is made to remove the column “Indication of Principal Design” of Design B in the later application and to correct Design C in the later application to an application for a related design in which Design B in the later application is selected as a principal design, then Design B in the later application and Design C in the later application should be registered.
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5-1. Four designs which are similar or not similar and whose applications have been filed on different dates (with a principal design–related design relationship (1))

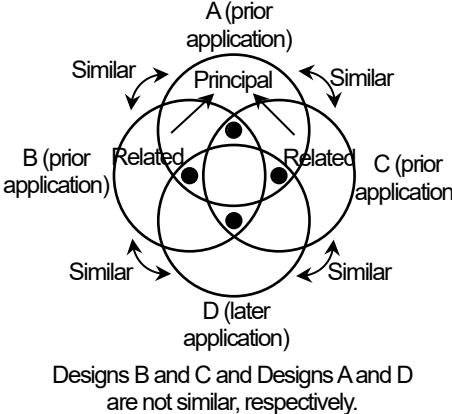
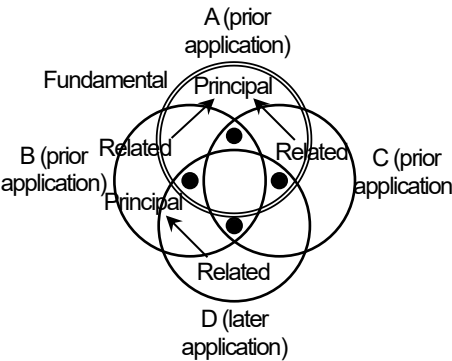
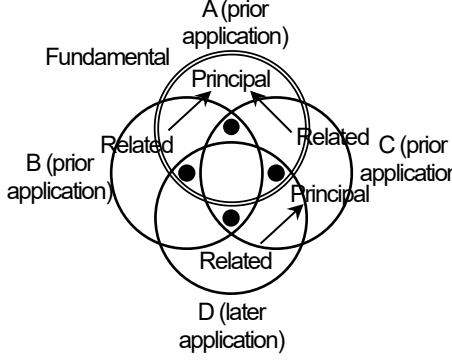
 <p>Designs A and B, Designs A and C and Designs D and C are not similar, respectively.</p>	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application, Design B in the prior application or Design C in the prior application, all these designs should be registered. · A “wait notice” should be issued for Design D in the later application. · If the establishment of a design right is registered for Design A in the prior application and for Design B in the prior application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design D in the later application based on the ground that both Designs A and B are found to be cited designs. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, even if an amendment is made to this application for design registration to correct it to an application for a related design in which the design in Design Registration No. XXXXXXXX (Design A in the prior application) above is selected as a principal design, the design of this present application is also similar to the design in Design Registration No. YYYYYYYY (Design B in the prior application) above and thus a reason for rejection under Article 9, paragraph 1 of the Design Act would not be overcome. Accordingly, this application for design registration may not be registered.”) · If an amendment is made to Design D in the later application to correct it to an application for a related design in which Design A in the prior application is selected as a principal design, Design D in the later application should be rejected for a reason for rejection under the provisions of Article 9, paragraph (1) of the Design Act based on the ground that Design B is found to be a cited design.
 <p>Designs A and B, Designs A and C and Designs D and C are not similar, respectively.</p>	

5-2. Four designs which are similar or not similar and whose applications have been filed on the different dates (with a principal–related design relationship (2))

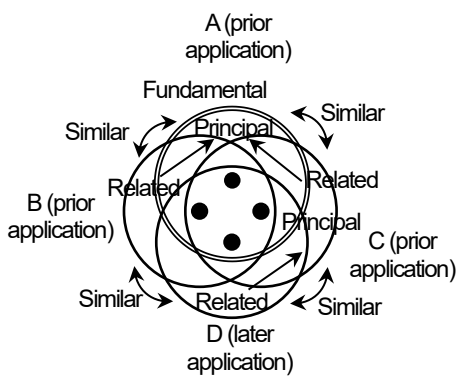
 <p>Designs B and C are similar, while Designs A and D are not similar.</p>	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application or Design B in the prior application, both Designs A and B in the prior applications should be registered. · A “wait notice” should be issued for Design C in the later application and for Design D in the later application. · If the establishment of a design right is registered for Design A in the prior application and for Design B in the prior application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design C in the later application based on the ground that Design A in the prior application and Design B in the prior application are found to be cited designs. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, if an amendment is made to this application for design registration to specify the design in Design Registration No. XXXXXXXX (Design A in the prior application) or the design in Design Registration No. YYYYYYYY (Design B in the prior application) above as a principal design, the reasons for rejection will be overcome.”) · For Design D in the prior application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued based on the ground that Design B is found to be a cited design. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, if an amendment is made to this application for design registration to specify the design in Design Registration No. XXXXXXXX (Design B in the prior application) above as a principal design, the reasons for rejection will be overcome.”)
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 <p>The five diagrams illustrate different scenarios for design registration:</p> <ul style="list-style-type: none"> Diagram 1: A (prior application) is Fundamental Principal; B (prior application) is Fundamental Principal; C (later application) is Fundamental Principal; D (later application) is Fundamental Principal. Diagram 2: A (prior application) is Fundamental Principal; B (prior application) is Fundamental Principal; C (later application) is Fundamental Principal; D (later application) is Fundamental Principal. Diagram 3: A (prior application) is Fundamental Principal; B (prior application) is Fundamental Principal; C (later application) is Fundamental Principal; D (later application) is Fundamental Principal. Diagram 4: A (prior application) is Fundamental Principal; B (prior application) is Fundamental Principal; C (later application) is Fundamental Principal; D (later application) is Fundamental Principal. Diagram 5: A (prior application) is Fundamental Principal; B (prior application) is Fundamental Principal; C (later application) is Fundamental Principal; D (later application) is Fundamental Principal. 	<p>Design C in the later application and Design D in the later application should be registered in each of the following five cases where:</p> <ul style="list-style-type: none"> ➤ An amendment is made to: correct Design C in the later application to an application for a related design in which Design A in the prior application is selected as a principal design; and correct Design D in the later application to an application for a related design in which Design C in the later application is selected as a principal design; ➤ An amendment is made to: correct Design C in the later application to an application for a related design in which Design A in the prior application is selected as a principal design; and correct Design D in the later application to an application for a related design in which Design B in the prior application is selected as a principal design; ➤ An amendment is made to: correct Design C in the later application to an application for a related design in which Design B in the prior application is selected as a principal design; and correct Design D in the later application to an application for a related design in which Design C in the later application is selected as a principal design; ➤ An amendment is made to: correct Design C in the later application to an application for a related design in which Design B in the prior application is selected as a principal design; and correct Design D in the later application to an application for a related design in which Design B in the prior application is selected as a principal design; ➤ An amendment is made to: correct Design C in the later application to an application for a related design in which Design D in the later application is selected as a principal design; and correct Design D in the later application to an application for a related design in which Design B in the prior application is selected as a principal design. <p>In addition, if Design C in the later application as originally filed and Design D in the later application as originally filed designate a principal design as shown in the left column, Design C in the later application and Design D in the later application should be registered without issuing a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act, for either Design C in the later application or Design D in the later application, which would be issued if a prior application is found to be a cited design, or without issuing an order for discussion on the relationship between Design C in the later application and Design D in the later application.</p>
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5-3. Four designs which are similar or not similar and whose applications have been filed on different dates (with a principal design–related design relationship (3))

 <p>Designs B and C and Designs A and D are not similar, respectively.</p>  	<ul style="list-style-type: none"> · If no reason for rejection is found for Design A in the prior application, Design B in the prior application or Design C in the prior application, all these designs should be registered. · A “wait notice” should be issued for Design D in the later application. · If the establishment of a design right is registered for Design B in the prior application and for Design C in the prior application, a notice of reasons for rejection under the provisions of Article 9, paragraph (1) of the Design Act should be issued for Design D in the later application based on the ground that Design B in the prior application and Design C in the prior application are found to be cited designs. (In this notice, an “additional remark” should be described to the effect that “[I]n addition, if an amendment is made to this application for design registration to specify the design in Design Registration No. XXXXXXXX (Design B in the prior application) or the design in Design Registration No. YYYYYYYY (Design C in the prior application) above as a principal design, the reasons for rejection will be overcome.”) · Not only if an amendment is made to correct Design D in the later application to an application for a related design in which Design B in the prior application is selected as a principal design, but also if an amendment is made to correct Design D in the later application to an application for a related design in which Design C in the prior application is selected as a principal design, Design D in the later application should be registered. <p>(Even in a case where the designs in the prior applications, which are found to be similar to the design in the present application, are not similar to each other, if these designs in the prior applications fall under a group of related designs associated with one single fundamental design, the design in the present application may be registered.)</p>
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6. Four designs which are similar and whose applications have been filed on different dates (with a principal design–related design relationship)

 <p>Designs A, B, C and D are similar to each other.</p>	<p>· Design A in the prior application, Design B in the prior application, Design C in the prior application and Design D in the later application should be registered.</p> <p>(Design D in the later application, i.e., an application for a related design in which Design C in the prior application is selected as a principal design, is similar not only to Design A in the prior application which is a fundamental design but also to Designs B and C in the prior applications which are other related designs.</p> <p>However, regardless of such cases, if Design D in the later application is similar to Design C in the prior application which is designated as a principal design, Design D in the later application should be registered as a related design in which Design C in the prior application is selected as a principal design, without making any determination on its similarity to Design A in the prior application or Design B in the prior application.)</p>
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<Reference> Two or more designs which are similar or not similar and whose applications have been filed on different dates (with the extinguishment of design rights)

