

Examination Handbook for Designs

Revised in December 2023

Design Examination Standards Office,
Design Division, Patent and Design Examination Department
(Physics, Optics, Social Infrastructure and Design),
Japan Patent Office

Preface

The Examination Handbook for Designs is a compilation of procedural matters and points to note which are required for examiners in undertaking examination of applications for design registration. Since its full-fledged revision in January 2002, the Examination Handbook for Designs has been partially revised in line with the revision of laws and regulations, the revision of the Examination Guidelines for Design, etc.

In line with the enforcement of the revised Patent Act under the “Act for Partial Revision of the Unfair Competition Prevention Act, etc.” (Act No. 51 of June 14, 2023) on January 1, 2024, we reviewed the statement concerning the priority right under the Paris Convention of this Examination Handbook for Designs.

We will continue to revise it as needed in accordance with the revision of the design system, changes in the procedures for examination practices, etc.

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Explanatory Notes

1. Classification numbers

One-hundred two-digit numbers from 00 to 99 are defined as the basic classification numbers. Each of the basic classification numbers represents a group of information on the same subject.

Two-digit numbers following the basic classification numbers are the sub-classification numbers. If you read these sub-classification numbers in order, which are hierarchically developed under the basic numbers, you can smoothly understand the explanations. One classification number consists of a two-digit basic classification number, one dot (".") and a two-digit sub-classification number in sequence.

2. The note "(→Classification number XX)" in the text of this handbook refers you to other relevant sections. For example, if you find a note "(→Main classification number)..... e.g., (→Main 10.05)," this means that the section referred to by the number is the main section explaining the information concerned.

As well, if you find a note showing a two-digit basic classification number alone in parentheses as described above, this note refers you to the entire section indicated by the basic classification number.

Furthermore, if the Examination Guidelines for Design, the Formality Examination Manual or other documents are/is mentioned as a reference, the title is shown in the section concerned together with a classification number.

3. Abbreviations (Examples)

Design Act 1(1)(iii)	Article 1, paragraph (1), item (iii) of the Design Act
Design Enforcement Act 3	Article 3 of the Act for Enforcement of the Design Act
Design Enforcement Order	Order for Enforcement of the Design Act
Design Regulation 2	Article 2 of the Regulation for Enforcement of the Design Act
Design Registration	Design Registration Order
Design Registration Regulation	Regulation for Enforcement of the Design Registration Order
Patent Act 4	Article 4 of the Patent Act
Patent Enforcement Order	Order for Enforcement of the Patent Act
Patent Regulation 5	Article 5 of the Regulation for Enforcement of the Patent Act
Patent Registration	Patent Registration Order
Patent Registration Regulation	Regulation for Enforcement of the Patent Registration Order
Utility Act 6	Article 6 of the Utility Model Act
Paris Convention	Paris Convention for the Protection of Industrial Property
Establishment Act	Act for Establishment of the Ministry of Economy, Trade and Industry
Organization Order	Order for Organization of Ministry of Economy, Trade and Industry
Civil Code 7	Article 7 of the Civil Code
Civil Procedure 8	Article 8 of the Code of Civil Procedure
[m.m.]	Mutatis mutandis application

(Example)

Patent Act 37 [m.m.] Design Act 15(1):	Article 37 of the Patent Act as applied mutatis mutandis pursuant to Article 15, paragraph (1) of the Design Act
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