Examination Guidelines for Design

(Provisional translation)

Japan Patent Office
Examination Guidelines for Design

The Examination Guidelines for Design aims to ensure consistent interpretation and implementation of the Design Act in design examination. It already existed around 1930 as a document titled "Design Examination Arrangements." In June 1968, the "Examination Guidelines for Design" was published to respond to the Design Act as revised in 1959, and has been used for over 30 years while undergoing slight additions and modifications from time to time.

Subsequently, a drastic revision was made to the Design Act in 1998 and, further, some provisions were revised in 1999. With regard to interpretation and implementation of the revised provisions, efforts were made to ensure consistent implementation through publication of the "Implementation Standards for Design Examination under the Design Act as Revised in 1998" and the "Implementation Standards for Design Examination under the Design Act as Revised in 1999," but in examination practice, it was necessary to additionally read the existing "Examination Guidelines for Design."

In light of such circumstances, the Design Examination Standards Office re-edited the "Examination Guidelines for Design" into those for the respective provisions concerning design examination practice, based on the existing "Examination Guidelines for Design," "Implementation Standards for Design Examination under the Design Act as Revised in 1998" and the "Implementation Standards for Design Examination under the Design Act as Revised in 1999," and hereby publishes it.

January 2002
Design Examination Standards Office,
Design Division,
Trademark, Design and Administrative Affairs Department,
Japan Patent Office
Examination Guidelines for Design (for the Design Act as revised in 2006)

The “Act for Partial Revision of the Design Act, etc.” (Act No. 55 of 2006) was promulgated on June 7, 2006, and major provisions revising the Design Act were decided to come into effect on April 1, 2007. In line with this development, we revised the following parts of the Examination Guidelines for Design that had been published to date. We also amended the relevant provisions cited in each Chapter accordingly.

This Examination Guidelines for Design is applied to applications for design registration that are filed on or after April 1, 2007. (Meanwhile, Part III “Exception to Lack of Novelty” is applied to applications for design registration that are filed on or after September 1, 2006.)

○ Part II, Chapter II “Determination of Similarity between Designs”
○ Part II, Chapter IV “Exclusion from Protection of a Design in a Later Application That Is Identical or Similar to Part of a Design in a Prior Application”
○ Part III “Exception to Lack of Novelty”
○ Part VI “Prior Application”
○ Part VII, Chapter I “Partial Design”
○ Part VII, Chapter III “Related Design”
○ Part VII, Chapter IV “Design Including a Graphic Image on a Screen as Provided in Article 2(2) of the Design Act”

April 2007
Design Examination Standards Office,
Design Division,
Trademark, Design and Administrative Affairs Department,
Japan Patent Office
Partial Revision of the Examination Guidelines for Design

Of the existing "Examination Guidelines for Design," we revised Part VII, Chapter IV “Design Including a Graphic Image on a Screen as Provided in Article 2(2) of the Design Act” and Part X “Procedures for Priority Claim under the Paris Convention, etc." The revisions were deliberated at the first meeting of the Working Group on the Examination Guidelines for Design of the Design System Subcommittee under the Intellectual Property Policy Committee of the Industrial Structure Council (hereinafter referred to as the “Design System Subcommittee”) that was held in July 2008. Then, after hearing opinions in and outside the Japan Patent Office from September to October, 2008, and making necessary amendments based on those opinions, the revisions were approved at the second meeting of the Working Group on the Examination Guidelines for Design of the Design System Subcommittee that was held in October 2008.

Part VII, Chapter IV and Part X of these Examination Guidelines for Design apply to applications that are examined on or after October 31, 2008.

○ Part VII, Chapter IV “Design Including a Graphic Image on a Screen as Provided in Article 2(2) of the Design Act”
○ Part X “Procedures for Priority Claim under the Paris Convention, etc.”

October 2008
Design Examination Standards Office,
Design Division,
Trademark, Design and Administrative Affairs Department,
Japan Patent Office
Partial Revision of the Examination Guidelines for Design

In line with the revision of the Design Act by the “Act for Partial Revision of the Patent Act, etc.” (Act No. 16 of April 18, 2008), we amended “30 days” to “three months” in the following items of the Examination Guidelines for Design.

The revisions in “Part VIII, Chapter II Dismissal of Amendments” and “Part IX, Chapter IV New Application for Amended Design” are applied to applications for which a certified copy of a ruling dismissing an amendment is served on or after April 1, 2009. The revisions in “Part IX, Chapter II Conversion of Application” are applied to applications for which a certified copy of the examiner’s initial decision to the effect that the original patent application is to be refused is served on or after April 1, 2009.

- Part VIII, Chapter II “Dismissal of Amendments”
- Part IX, Chapter II “Conversion of Application”
- Part IX, Chapter IV “New Application for Amended Design”

July 2009
Design Examination Standards Office,
Design Division,
Trademark, Design and Administrative Affairs Department,
Japan Patent Office
Partial Revision of the Examination Guidelines for Design

We newly added Part XI “Procedure of Examination” to the Examination Guidelines for Design. The “Procedure of Examination” outlines how substantive examination of designs should be conducted, and its contents were deliberated at the third meeting (November 2009) and the fourth meeting (January 2010) of the Working Group on the Examination Guidelines for Design of the Design System Subcommittee under the Intellectual Property Policy Committee of the Industrial Structure Council (hereinafter referred to as the “Design System Subcommittee”) that were held during FY2009. Then, after hearing opinions in and outside the Japan Patent Office in February 2010 and making necessary amendments based on those opinions, the contents were approved by the Working Group on the Examination Guidelines for Design of the Design System Subcommittee.

In addition, as a result of adding “Procedure of Examination” as Part XI, we moved former Part XI “Others” down to Part XII “Others.”

This Examination Guidelines for Design is applied to applications for design registration that are examined on or after April 1, 2010.

- Part XI “Procedure of Examination”
- Part XII “Others”

April 2010
Design Examination Standards Office,
Design Division,
Trademark, Design and Administrative Affairs Department,
Japan Patent Office
Partial Revision of the Examination Guidelines for Design

Of the existing “Examination Guidelines for Design,” we revised Part II, Chapter I "Industrially Applicable Design," Part VII, Chapter I "Partial Design," and Part VII, Chapter IV “Design Including a Graphic Image on a Screen." The revisions were deliberated at the fifth meeting (March 2011) and the sixth meeting (May 2013) of the Working Group on the Examination Guidelines for Design of the Design System Subcommittee under the Intellectual Property Policy Committee of the Industrial Structure Council (hereinafter referred to as the “Design System Subcommittee”). Then, after hearing opinions in and outside the Japan Patent Office from May to June of 2011 and making necessary amendments based on those opinions, the revisions were approved by the Working Group on the Examination Guidelines for Design of the Design System Subcommittee.

Part II, Chapter I, Part VII, Chapter I, and Part VII, Chapter IV of this Examination Guidelines for Design apply to applications for design registration that are filed on or after August 1, 2011.

July 2011
Design Examination Standards Office,
Design Division,
Trademark, Design and Administrative Affairs Department,
Japan Patent Office
Partial Revision of the Examination Guidelines for Design


In addition, as a result of adding “International Application for Design Registration” as Part XI, we moved former Part XI “Procedure of Examination” and Part XII “Others” down to Part XII “Procedure of Examination” and Part XIII “Others,” respectively.

This Examination Guidelines for Design is applied to applications for design registration that are examined on or after May 13, 2015.

- Part II, Chapter IV “Exclusion from Protection of a Design in a Later Application That Is Identical or Similar to Part of a Design in a Prior Application”
- Part VI “Prior Application”
- Part VII Chapter III “Related Design”
- Part IX, Chapter I “Division of Applications for Design Registration”
- Part X “Procedure for Priority Claim under the Paris Convention, etc.”
- Part XI “International Application for Design Registration”
- Part XII “Procedure of Examination”
- Part XIII “Others”

April 2015

Design Examination Standards Office,
Design Division,
Patent and Design Examination Department
(Physics, Optics, Social Infrastructure and Design),
Japan Patent Office
Partial Revision of the Examination Guidelines for Design

We revised Part VII, Chapter IV “Design Including a Graphic Image on a Screen”. This revision was deliberated at the meeting of the Working Group on the Examination Guidelines for Design of the Design System Subcommittee (from March to November 2015) in response to the report of “Global business promotion support to Japanese companies by the protection of the rights of creative designs” submitted in January 2014 by the Design System Subcommittee of the Intellectual Property Committee of the Industrial Structure Council (hereinafter referred to as the “Design System Subcommittee”). Then, after the Design System Subcommittee’s confirmation followed by the opinion hearing procedure (from December 2015 to January 2016), the revision was approved.

Part VII, Chapter 4 of the Revised Examination Guidelines for Design will be applied, with regard to “74.4.3 Creative difficulty,” to applications for design registration to be examined on April 1, 2016 and after and, with regard to the parts other than “74.4.3 Creative difficulty,” to applications for design registration on April 1, 2016 and after.

○ Part VII Chapter IV “Design Including a Graphic Image on a Screen”

March 2016
Design Examination Standards Office,
Design Division,
Patent and Design Examination Department
(Physics, Optics, Social Infrastructure and Design),
Japan Patent Office
Partial Revision of the Examination Guidelines for Design

We revised Part I, Chapter II “Finding of the Design in an Application for Design Registration”, Part II, Chapter I “Industrially Applicable Design”, and Part III, “Exception to Lack of Novelty”. The revisions were deliberated at the Working Group on the Examination Guidelines for Design of the Design System Subcommittee under the Intellectual Property Policy Committee of the Industrial Structure Council (from December of 2016 to February of 2017). Then, after hearing opinions (from February to March of 2017), the revisions were amended based on those opinions.

The Revised Examination Guidelines for Design will be applied to applications for design registration to be examined on April 1, 2017 and after.

- Part I Chapter II “Finding of the Design in an Application for Design Registration”
- Part II Chapter I “Industrially Applicable Design”
- Part III “Exception to Lack of Novelty”

March 2017
Design Examination Standards Office,
Design Division,
Patent and Design Examination Department
(Physics, Optics, Social Infrastructure and Design),
Japan Patent Office
Partial Revision of the Examination Guidelines for Design

We revised “Part II, Chapter I, Industrially Applicable Design”, “Part VII, Chapter I Partial Design”, and “Part XI, Chapter VIII International Application for Design Registration for a Partial Design” of the Examination Guidelines for Design. The revisions were deliberated at the Working Group on the Examination Guidelines for Design of the Design System Subcommittee under the Intellectual Property Policy Committee of the Industrial Structure Council (February of 2018). Then, after hearing opinions (from March to April of 2017), the revisions were amended based on those opinions.

The Revised Examination Guidelines for Design will be applied to applications for design registration to be examined on May 1, 2018 and after.

- Part II Chapter I “Industrially Applicable Design”
- Part VII Chapter I “Partial Design”
- Part XI Chapter VIII “International Application for Design Registration for a Partial Design”

April 2018
Design Examination Standards Office,
Design Division,
Patent and Design Examination Department
(Physics, Optics, Social Infrastructure and Design),
Japan Patent Office
Partial Revision of the Examination Guidelines for Design

In line with the revision of the Design Act by the “Act of Partial Revision of the Unfair Competition Prevention Act, etc.” (Act No. 33 of May 23, 2018), we amended “six months” to “one year” in the Part III “Exception to Lack of Novelty” of the Examination Guidelines for Design.

The revised examination guidelines is applied to the designs being published on or after December 9, 2017 and filed on or after June 9, 2018.

Part III “Exception to Lack of Novelty”

June 2018
Design Examination Standards Office,
Design Division,
Patent and Design Examination Department
(Physics, Optics, Social Infrastructure and Design),
Japan Patent Office
Partial Revision of the Examination Guidelines for Design

We revised “Part V, One Application per Design”, “Part VII, Chapter II Design for a set of articles”, and “Part XIII, Appendix “Table of Constituent Articles of Sets of Articles” of the Examination Guidelines for Design. The revisions were deliberated at the Working Group on the Examination Guidelines for Design of the Design System Subcommittee under the Intellectual Property Policy Committee of the Industrial Structure Council (from September to October of 2018). Then, after hearing opinions (from November to December of 2018), the revisions were amended based on those opinions.

The Revised Examination Guidelines for Design will be applied to applications for design registration to be examined on January 10, 2019 and after.

- Part II  "One Application per Design"
- Part VII  Chapter I  "Partial Design"
- Part XIII  Appendix  "Examples of Constituent Articles of Sets of Articles"

January 2109
Design Examination Standards Office,
Design Division,
Patent and Design Examination Department
(Physics, Optics, Social Infrastructure and Design),
Japan Patent Office
Examination Guidelines for Design
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June 12, 1968
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Partial addition on March 23, 1989
Partial amendment on April 23, 1993
Partial amendment on November 8, 1993
Partial amendment on June 16, 1994
Partial addition on January 31, 2002
Partial amendment on January 31, 2002
Partial addition on April 1, 2007
Partial amendment on April 1, 2007
Partial amendment on October 31, 2008
Partial amendment on July 1, 2009
Partial addition on April 1, 2010
Partial amendment on August 1, 2011
Partial addition on April 10, 2015
Partial amendment on April 10, 2015
Partial amendment on March 11, 2016
Partial amendment on March 31, 2017
Partial amendment on April 27, 2018
Partial amendment on June 6, 2018
Partial amendment on January 9, 2019