Part II Requirements for Design Registration

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In order for the subject matter of an application for design registration to be registered, it must comply with all of the following requirements.

(Note) The subject matter of an application for design registration refers to the subject matter for which the examiner has yet to make the determination as to whether or not it is categorized as a design as defined in Article 2(1) of the Design Act.

(1) The subject matter is an industrially applicable design (→ Part II, Chapter I)
(2) The subject matter is novel (→ Part II, Chapter II)
(3) The subject matter involves creative difficulty (→ Part II, Chapter III)
(4) The subject matter is not a design in a later application that is identical or similar to part of a design in a prior application. (→ Part II, Chapter IV)

(Note) Even if a design complies with the requirements above, it may not be registered if the application for design registration falls under any of the following.

(1) Where the design in the application for design registration is not registrable under any of the following provisions
   (i) Article 5 (Unregistrable designs) of the Design Act
   (ii) Article 8 (Design for a set of articles) of the Design Act
   (iii) Article 9(1) or (2) (Prior application) of the Design Act
   (iv) Article 10(1) to (3) (Related designs) of the Design Act
   (v) Article 38 (Joint applications) of the Patent Act as applied mutatis mutandis pursuant to Article 15(1) of the Design Act
   (vi) Article 25 (Enjoyment of rights by foreign nationals) of the Patent Act as applied mutatis mutandis pursuant to Article 68(3) of the Design Act

(2) Where the design in the application for design registration is not registrable under the provisions of any relevant treaty

(3) Where the application for design registration does not comply with the requirements under Article 7 of the Design Act

(4) Where the applicant for design registration is not the creator of the design, and has not succeeded to the right to obtain a design registration for the design
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21 Relevant provisions

Design Act

Article 2 (1) “Design” in this Act shall mean the shape, patterns or colors, or any combination thereof, of an article (including a part of an article, the same shall apply hereinafter except in Article 8), which creates an aesthetic impression through the eye.

(2) The shape, patterns or colors, or any combination thereof, of a part of an article as used in the preceding paragraph shall include those in a graphic image on a screen that is provided for use in the operation of the article (limited to the operations carried out in order to enable the article to perform its functions) and is displayed on the article itself or another article that is used with the article in an integrated manner.

(Article 3 (1) A creator of a design that is industrially applicable may be entitled to obtain a design registration for the said design, except for the following:

(i) Designs that were publicly known in Japan or a foreign country, prior to the filing of the application for design registration;

(ii) Designs that were described in a distributed publication, or designs that were made publicly available through an electric telecommunication line in Japan or a foreign country, prior to the filing of the application for design registration; or

(iii) Designs similar to those prescribed in the preceding two items.

(Paragraph (2) omitted)

Ordinance for Enforcement of the Design Act

Form No. 6 [Notes]

(7) A figure (excluding a figure in the reference view) must not contain a centerline, baseline, horizontal line, fine line or shading to express shadows, indication line, code or character to explain the contents, nor any other line, code or character which does not constitute the design; provided, however, that it may contain a line, dot or any other mark for specifying the shape of the design for which the design registration is requested. In this case, a statement to that effect and a statement as to which mark specifies the shape shall be included in the column of “[Description of the Design]” of the application.

(8) A drawing showing a three-dimensional shape is to be indicated by a sufficient number of views for clearly showing the design for which the design registration is requested. If a view is identical to or is a mirror image of another view contained in the drawing, the latter view may be indicated in lieu of the former view by including a
(9) Views prepared by the isometric projection method or views prepared by the oblique projection method (limited to cabinet drawings (at a width-height-depth ratio of 1:1:1/2) or cavalier drawings (at a width-height-depth ratio of 1:1:1)) which are set forth in the left-hand column of the following table may be indicated in lieu of all or part of the views set forth in the right-hand column. In this case, if the views are prepared by the oblique projection method, the distinction of cabinet drawings or cavalier drawings and the inclination angle are to be stated in the column of “Description of the Design” of the application for each view.

| Views showing the front, top and right side | Front view, top view or right side view |
| Views showing the rear, bottom and left side | Rear view, bottom view or left side view |
| Views showing the front, left side and top | Front view, left side view or top view |
| Views showing the rear, right side and bottom | Rear view, right side view or bottom view |
| Views showing the front, right side and bottom | Front view, right side view or bottom view |
| Views showing the rear, left side and top | Rear view, left side view or top view |
| Views showing the front, bottom and left side | Front view, bottom view or left side view |
| Views showing the rear, top and right side | Rear view, top view or right side view |

(10) A drawing representing a flat and thin article is to be indicated by a sufficient number of views for clearly showing the design for which the design registration is requested from among the surface view and the back side view prepared at the same scale; provided, however, that if the surface view and the back side view are identical or mirror images or if the back side is without any pattern, the surface view may be indicated in lieu of the back side view by including a statement to that effect in the column of “[Description of the Design]” of the application.

(12) Drawings of a rod, a wire rod, a plate, a pipe or the like with a continuous shape or of a textile in which a pattern repeats continuously may be prepared only for the part that clearly shows the state of continuing or repeating continuously, and for a textile in which a pattern repeats continuously in a single direction, a statement to that effect shall be included in the column of “[Description of the Design]” of the application.

(13) As in the case of a middle part of a cord of a radio receiver, if the design can be
clearly shown even by omitting depiction of a part of the article, and it is unavoidable in constructing drawings, depiction of that part may be omitted. In this case, the omitted part will be clarified by, for example, indicating that part as if cut by two parallel dash-dotted lines, and if the design cannot be clearly shown merely by indicating the drawing, a statement to the effect that depiction of a part of the article has been omitted or a statement of the size of the omitted part in the drawing is to be included in the column of "[Description of the Design]" of the application.

(14) Where the drawings in (8) through (10) alone cannot sufficiently represent the design, a development view, sectional view, end elevational view of the cut part, enlarged view, perspective view, graphic image view, or any other necessary views will be added, and where it is necessary to help in understanding the design, a view showing the state of use or any other reference views will be added.

(15) In the cross section of a sectional view or an end elevational view of the cut part, oblique parallel lines will be drawn, and the cut part will be indicated by a chain line in another view. The chain line must not be drawn within a figure. At both ends of the chain line, codes will be attached and the direction of depicting the cross section will be indicated by arrows.

(16) Where drawing an enlarged view of a part, the enlarged part will be indicated by a chain line in the original view of said enlarged view of a part. The chain line must not be drawn within a figure. At both ends of the chain line, codes will be attached and the direction of depicting the enlarged view of a part will be indicated by arrows.

(18) When the article is separable, such as a cover and a main body or a plate and a bowl, and the state of these constituent parts combined cannot sufficiently represent the design, the drawings from (8) through (10) and the views in (14) for each constituent part of the article will be added, besides the views representing the state of the constituent parts combined.

(19) Where drawings of each constituent piece of the article cannot sufficiently represent the state of use, such as in the case of building blocks, a perspective view representing the state of use or being stored will be added, and where the article is to be assembled and disassembled, such as in the case of a wooden toy, and drawings of the assembled state cannot sufficiently represent the disassembled state, a perspective view of each constituent piece of the article.

(20) Where the article is transformable or openable, etc., and the drawings representing the state before and after the change of the design, such as the transforming or opening, are required in order to sufficiently represent the design, drawings that show the state before and after the change of the design, such the transforming or opening, will be prepared.

(21) If a design relates to clothes or personal ornaments, etc. and the design must be depicted in the state where it is put on an subject matter other than the design for which the design registration is requested in order to sufficiently represent the design,
and if the design for which the design registration is requested can be specified by at least either of the following methods, the subject matter other than the design for which the design registration is requested may be depicted.

(a) Stating the way of specifying the design for which the design registration is requested in the column of "[Description of the Design]" of the application.

(b) Drawing the design for which the design registration is requested with solid lines and any other parts with broken lines, etc. in the drawing attached to the application.

(25) Drawings of a design for which the whole or part of the article is transparent will be prepared according to the following.

(a) Where the outside is colorless and without any patterns, the see-through part will be depicted as it is.

(b) Where any one of the outer surface, inner surface or thickness of the outside has a pattern or color, the pattern or color on the rear surface and the bottom surface will not be depicted, and only the pattern or color on the front surface or the top surface will be depicted.

(c) Where any two or more of the outer surface, inner surface or thickness of the outside or the inner part surrounded by the outside have a shape, pattern or color, the shape, pattern or color of each such part will be depicted.

21.1 Provision of the main paragraph of Article 3(1) of the Design Act

The main paragraph of Article 3(1) of the Design Act provides that the subject matter of an application for design registration may not be registered unless it is categorized as an industrially applicable design as provided in the main paragraph of Article 3(1) of the Design Act.

In order for the subject matter of an application for design registration to be categorized as an industrially applicable design as provided in the main paragraph of Article 3(1) of the Design Act, it must comply with all of the following requirements. Any subject matter that does not comply with any of the following requirements is not categorized as an industrially applicable design as provided in the main paragraph of Article 3(1) of the Design Act, and therefore may not be registered.

(1) The subject matter constitutes a design

(2) The subject matter is a specific design

(3) The subject matter is an industrially applicable design

21.1.1 The subject matter constitutes a design

The Design Act is a law to protect creation of designs, and "design" shall mean the form of an article which creates an aesthetic impression through the eye.

Accordingly, in order for the subject matter of an application for design registration to constitute a design, it must comply with all of the following
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requirements.

(1) The subject matter is found to be an article
(2) The subject matter is the form of an article itself
(3) The subject matter appeals to the eye
(4) The subject matter creates an aesthetic impression through the eye

21.1.1.1 The subject matter is found to be an article

In order for the subject matter of an application for design registration to constitute a design, it must be a creation of the form of an article, and because the article and the form are inseparably integrated, creation of the form alone detached from the article, such as creation of the pattern alone or the color alone, is not found to be a design.

(1) Article subject to the Design Act

Articles subject to the Design Act are tangible objects which are movables distributed on markets.

(2) Examples of subject matter not found to be articles

(i) Subject matter that is not movables, in principle

Land and any fixtures thereto, what is called real estate, is not found to be an article. However, subject matter that becomes real estate when used, but is industrially mass-produced and treated as movables when sold, such as a gate or a prefabricated bungalow, is found to be an article.

(ii) Subject matter that is not solid

An intangible object, such as electricity, light or heat, is not found to be an article. Also, a tangible object that does not have a form of its own, such as gas or liquid, is not found to be an article.

When an article has a lighting part(Note), and a pattern or color appears on the article itself with the turning on of the lighting part of said article, such pattern and color shall also be treated as elements constituting the form of the design in the application.

(Note) For example, articles to illuminate the surroundings, such as indoor or outdoor lighting fixtures and vehicular lamps, etc., and articles that have a lamp section for warning displays or power indicators as part of the article.
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[iii] Subject matter which is a collection of powder or granules

Powder and granules are not found to be articles, because although the individual constituent objects are solid and have a certain form, a collection of them does not have a specific form. However, where the individual constituent objects are powder or granules, but a collection of them has a solid form, such as in the case of a sugar cube, the subject matter is found to be an article.

(iv) Subject matter which is a part of an article

Subject matter which cannot be isolated without destroying the article, such as the “heel of a sock” which is a part of a “Sock,” is not found to be an article because it is not traded as an independent product by itself in a normal trading state. However, a component constituting a part of a finished product (a component product) is found to be an article if it is interchangeable and is traded as an independent product in a normal trading state.
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21.1.1.2 The subject matter is the form of an article itself
Since a design is the form of an article, subject matter that is not found to be the form of an article itself is not found to be a design.

(1) Form of an article itself
The form of an article itself refers to the form that arises from the characteristics or the nature of the article itself.

(2) Example of subject matter that is not found to be the form of an article itself
(i) Subject matter for achieving an effect of sales display
For example, where the article is a handkerchief, the form of a flower made by tying knots in the handkerchief for achieving an effect of sales display is not found to be the form of the article, i.e. the handkerchief, itself. However, where a folded handkerchief is made into an ornament imitating the shape of another article, it is found to be the form of the article, i.e. the ornament, itself.

21.1.1.3 The subject matter appeals to the eye
Since Article 2 of the Design Act defines that a design creates an aesthetic impression through the eye, subject matter that does not appeal to the eye is not found to be a design.

(1) Subject matter that appeals to the eye
Subject matter that appeals to the eye refers to the subject matter of an application for design registration of which the entire form can be recognized by the naked eye.
(2) Example of subject matter that is not found to appeal to the eye

(i) One unit of powder or granules

Where the form of one unit of subject matter is too fine to recognize by the naked eye, the subject matter is not found to appeal to the eye.

21.1.4 The subject matter creates an aesthetic impression through the eye

Since Article 2 of the Design Act defines that a design creates an aesthetic impression through the eye, subject matter that does not create an aesthetic impression is not found to be a design.

While an aesthetic impression can also be created through the ear, such as in the case of music, it is limited to an aesthetic impression that is created through the eye in the case of a design.

(1) Aesthetic impression

An aesthetic impression as provided in Article 2(1) of the Design Act does not need to be refined beauty as in a work of art; it is sufficient for the subject matter to create some kind of aesthetic impression.

(2) Examples of subject matter that is not found to create an aesthetic impression through the eye

(i) Subject matter mainly for achieving a function or a working effect which hardly creates an aesthetic impression

(ii) Subject matter which is not coordinated as a design, and which only creates a complicated impression and hardly creates an aesthetic impression

21.2 The subject matter is a specific design

The design for which the design registration is requested, which is the object of a design right, must be one for which contents of a specific single design, that is, specific contents concerning (i) and (ii) below, can be directly derived from the statement in the application and drawings, etc. attached to the application as originally filed, predicated on the ordinary skill in the art of the design.

(i) The usage and function based on the purpose of use, state of use, etc. of the article to the design

(ii) The form of the design
Since the subject matter that is protected as a design is an aesthetic creation concerning an article, which is an intangible property that can be identified through the statement in the application and drawings, etc. attached to the application, it is sufficient to be able to derive a specific single design with regard to it is sufficient as long as the contents of the design filed as an aesthetic creation can be specifically derived from the statement in the application and drawings, etc. attached to the application; thus, the drawings, etc. attached to the application only need to contain elements that are required to identify the contents of the creation of the design, and do not necessarily need to be indicated with equally high accuracy for the entire design, such as in the case of an engineering drawing for a product.

Where the form of the entire article to the design is not illustrated in the drawings, the form of the area that is not disclosed in the drawings (excluding cases where the drawings regarding such area are omitted in accordance with the Ordinance) shall not be treated as a part for which the design registration is requested, and the part that is illustrated in the drawings shall be treated as a partial design (with regard to specific treatments, see Part VII, Chapter I). Also, even where the application or drawings, etc. attached to the application contains any improper description, such as an erroneous or ambiguous statement, if the improper description falls under any of the following, the subject matter is found to be a specific design.

(i) Where it is reasonable to give a favorable construction upon making comprehensive determination(Note) predicated on the ordinary skill in the art of the design

(ii) Where it is an improper description of a part that is minor enough to not affect the finding of the gist of the design (Part VIII “Amendment of Statement in the Application/Drawings, etc.,” Chapter II “Dismissal of Amendments,” 82.1.1 “Gist of design and the finding of the gist of design”) even if the question as to which description is correct is left undecided

(Note)

“Comprehensive determination” includes the determination as to whether or not it is reasonable to give a favorable construction to an improper statement of an application or improper depiction of drawings, etc. attached to the application, where such improper statement and depiction exist; the same shall apply hereinafter.

Also, where it is simply described as “comprehensive determination” hereinafter, the determination is assumed to be made predicated on the ordinary skill in the art of the design.
(1) Examples of cases where subject matter is not found to be a specific design

Where contents of a specific single design cannot be directly derived upon making comprehensive determination based on the statement in the application and drawings, etc. attached to the application such as in the following examples, the subject matter is not found to be a specific design.

(i) Where the purpose of use, the state of use, etc. of the article to the design is unclear

(ii) Where views are inconsistent and the contents of the design cannot be identified

(iii) Where drawings or photographs, etc. are unclear
   i. Where drawings or photographs are unclear, etc. so that the contents of the design cannot be identified accurately
   ii. Where it is not possible to determine whether the background, highlights or shadows are shown, and the contents of the design cannot be identified accurately

For example, the design is not recognized as being clearly specified in a case where it is unclear whether the whole drawing shows a form of an article to the design in the application or the drawing contains a background color.

An example requiring a description of the background color

Article to the design “Decorative Sticker”

[Surface view]

It is unclear, whether the “Decorative Sticker” is only the sunflower part or the whole drawing including pale blue part.

* For the sake of convenience, other drawings were omitted.

iii. Where the design has a lighting part, and drawings represent the lit state such that the form of the design becomes unclear.

However, the subject matter is found to be a specific design if the form of the design can be identified even when the drawings show only the lit state, or where a drawing showing the unlit state or a sectional view,
etc. has been provided and the form of the design can be identified.

An example representing only the lit state such that the form cannot be identified

Article to the design “A lighting fixture directly attached to a ceiling”

(iv) Where the design is explained in an abstract manner
    Where the shape, pattern and color are explained in an abstract manner in the application or drawings by using characters or codes, etc.

(v) Where the material or size of the article needs to be explained, but there is no such statement
    (Article 6(3) of the Design Act)

(vi) Where drawings showing the states of change in the form are needed, but there are no such drawings or explanation
    Where the article to the design is transformable or openable, and the drawings representing the states of the change of the design, such as the transforming or opening, are required in order to sufficiently represent the design, but such drawings and explanation are not included in the column of “Description of the Design” of the application. (Article 6(4) of the Design Act)

(Form No. 6 Note (20) of the Ordinance for Enforcement of the Design Act)

(vii) Where colored drawings have a part that is not colored
    However, this excludes the case where an explanation to the effect that the uncolored part is black or white is stated in the column of “Description of the Design” of the application. (Article 6(6) of the Design Act)

(viii) Where the whole or part of the article is found to be transparent based on the drawings, but there is no explanation to that effect in the column
of “Description of the Design” of the application
(Article 6(7) of the Design Act)
(Form No. 6 Note (25) of the Ordinance for Enforcement of the Design Act)

(ix) Where elements such as a centerline, baseline, horizontal line, fine line
or shading to express shadows, indication line, code or character to
explain the contents, or any other line, code or character which does
not constitute the design are included in such a way that the design
cannot be identified.

An example where the design cannot be identified
Article to the design “Eraser”

* Without an explanation, it is unclear whether the creation has different colors for each view, or whether it is a single-color creation and the different colors show the tone of the shaded areas depending on the way the light falls onto the article.

However, cases where a line, dot or any other mark for specifying the shape of the design is indicated, and a statement to that effect and a statement as to which mark specifies the shape are included in the column of “[Description of the Design]” of the application (Form No. 6 Note (7) of the Ordinance for Enforcement of the Design Act), and cases where it is obvious that the line, dot, etc. are depicted for the purpose of specifying the shape even without such explanation, in the light of nature and use/function of each part of the article to the design shall be excluded.

Examples where it is obvious that the line, dot, etc. are for specifying the shape of the design even without an explanation
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Article to the design “Glasses”
When considering the nature of the article “Glasses,” it is not general to place a line pattern, etc. on a center of a lens thereof.

Article to the design “Passenger Vehicle”
When considering the nature of the article “Passenger Vehicle,” it is not general to place a line pattern, etc. on a body or windows thereof.

Examples where it is obvious that brightness change is “shades” even without a description of explanation

Article to the design “Medical Image Photographing Apparatus”

Article to the design “Mouse for Electronic Computer”
Characters and signs indicated on an article will be treated as elements constituting a design, except for those used only for conveying information.

Examples of characters, etc. used only for conveying information

a The text part of a newspaper or book
b Characters indicating ingredients or explaining the use, in a normal manner

(x) Where drawings showing a three-dimensional shape fall under any of the following

i. Where drawings are not clearly prepared by methods such as the orthographic projection method, the oblique projection method (limited to cabinet drawings (at a width-height-depth ratio of 1:1:2) or cavalier drawings (at a width-height-depth ratio of 1:1:1)), and the contents of the design for which the design registration is requested cannot be identified even when comprehensive determination is made based on the statement in the application and drawings, etc. attached to the application.

* Where the form of the entire article to the design is not represented in the drawings, etc. attached to the application, nor is there a statement on omission of views, such design shall be treated as a partial design. (The requirement concerning a partial design that “The subject matter is a specific design” shall be determined in accordance with 71.4.1.2.)

Where a view is identical to or a mirror image of another view, such view can be omitted by stating which view is identical or a mirror image in the column of “Description of the Design” of the application. Also, where views are prepared by the isometric projection method or prepared by the oblique projection method (limited to cabinet drawings (at a width-height-depth ratio of 1:1:2) or cavalier drawings (at a width-height-depth ratio of 1:1:1)), the views set forth in the left-hand column of the following table may be replaced by the views set forth in the right-hand column.

In this case, if the views are prepared by the oblique projection method, the distinction of cabinet drawings or cavalier drawings and the inclination angle shall be stated in the column of “Description of the Design” of the application for each view.
ii. Where each view is prepared at different scales and a single design cannot be identified

This excludes cases where a specific single design can be derived even though each view is prepared at different scale.
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iii. Where drawings are prepared by the oblique projection method, but a specific single design cannot be identified because the distinction of a cabinet drawing or a cavalier drawing and the inclination angle are not stated in the column of “Description of the Design” of the application (Form No. 6 Note (9) of the Ordinance for Enforcement of the Design Act)

(xi) Where the drawings representing a flat and thin article fall under any of the following
i. Where drawings are not prepared clearly using a surface view and a back side view, and a single design cannot be identified even when comprehensive determination is made based on the statement in the application and drawings, etc. attached to the application.
* Where the form of the entire article to the design is not represented in the drawings, etc. attached to the application, nor is there a statement on omission of views, such design shall be treated as a partial design (and the requirement concerning a partial design that “The subject matter is a specific design” shall be determined in accordance with 71.4.1.2).
Where the surface view and the back side view are identical or mirror images or the back side has no pattern, the back side view may be omitted. In this case, a statement to that effect shall be included in the column of “[Description of the Design]” of the application.

ii. Where each view is prepared at different scales and a single design cannot be identified. However, this excludes cases where each view is prepared at different scales, but a specific single design can be derived.

(Note)
A flat and thin article refers to a thin article such as wrapping paper, a vinyl sheet or woven cloth fabric. However, an article that has an overlapping part and is three-dimensional when used, such as a packaging bag, or a thick article, such as a flocked vinyl sheet, is treated as a three-dimensional article.

(xii) Where drawings of an article in which a shape or a pattern continues or repeats continuously do not clearly show the continuous state (Form No. 6 Note (12) of the Ordinance for Enforcement of the Design Act)
The following examples shall be deemed that the continuous state is obvious.

Example of a case where the continuous state is obvious (1)

Article to the design: “Wire”
Description of Article to the Design: n/a
Description of the Design: The rear view, right side view and bottom view are omitted as they are identical with the front view, left side view and top view, respectively. This design is continuous only to the left and right in the front view.
Example of a case where the continuous state is obvious (2)

[Perspective view]

When considering the illustration of the drawings and the nature of the article “Window frame material,” the continuous state is obvious even without a statement in the column of Description of the Design.

Where the statement in the column of Description of Article to the Design is described as “XX material,” and the drawings are represented in a way that the same shape or pattern appears to continue or repeat continuously in one direction only (hereinafter referred to as a “long shaped object”), and no particular statement on the length is found in the column of Description of Design, it shall be found as a long shaped object.
Example of a case where the continuous state is obvious (3)

![Front view]

Article to the design: “Exhaust duct material”
Description of Article to the Design: n/a
Description of the Design: The left side view is omitted as it is identical with the right side view; the rear view, top view and bottom view are omitted as they are identical with the front view.

When considering the illustration of the drawings and the nature of the article “Exhaust duct material,” the continuous state is obvious even without a statement in the column of Description of the Design. Where the statement in the column of Description of Article to the Design is described as “XX material,” and the drawings are represented as a long shaped object, and no particular statement on the length is found in the column of Description of Design, it shall be found as a long shaped object.

(xiii) Where drawings in which the middle part of an article such as a cord is omitted and which are prepared according to the Form No. 6 Note (13) of the Ordinance for Enforcement of the Design Act fall under the following
i. Where it is unclear as to which part is omitted
ii. Where the component ratio of the entire design for which the design registration is requested cannot be identified and the position, size and scope cannot be identified because the omitted part is inappropriate or there is no explanation as to how many centimeters the omitted part on the drawings are, etc.
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An example of a case where the component ratio of the entire design cannot be identified and the position, size and scope are unclear

![Image of Revetment block]

Article to the design: “Revetment block”
Description of Article to the Design: n/a
Description of the Design: n/a
* For the sake of convenience, other drawings were omitted.

However, even if there is no explanation of the omitted part, in the case where the length of the omitted part can be identified from the nature of the article, or in the case where the omitted part, such as the middle section of a power supply cord, varies in length and such length does not constitute a design characteristic, the contents of the design of the disclosed part shall be determined to be identifiable even without such explanation of the omitted part.

An example of a case where the contents of the design can be identified without an explanation of the omitted part

![Image of Warm air heater]

Article to the design: “Warm air heater”
Description of Article to the Design: n/a
Description of the Design: n/a
* For the sake of convenience, other drawings were omitted.

(xiv) Where six views or two views alone cannot sufficiently represent the design, and the following drawings are missing
i. A development view, sectional view, enlarged view, etc. as provided in the Form No. 6 Note (14) of the Ordinance for Enforcement of the Design Act
ii. In the case of a building block or a structuring block, a perspective view as provided in the Form No. 6 Note (19) of the Ordinance for Enforcement of the Design Act
(xv) Where indication of the cross section or the cut part, such as a sectional view, falls under the following
i. Where the oblique parallel lines at the cross section are incomplete or
ii. Where the cut part is not clearly shown by indications (a cutting-plane chain line, codes and arrows)

However, this excludes the case where the cut part is clearly indicated by stating that the view is the central longitudinal section of a certain view or the central traverse section of a certain view.
(Form No. 6 Note (15) of the Ordinance for Enforcement of the Design Act)

(xvi) Where an enlarged view of a part does not have indications (a cutting-plane chain line, codes and arrows) of the enlarged part
(Form No. 6 Note (16) of the Ordinance for Enforcement of the Design Act)

(xvii) Where a separable article falls under the following

Where the article is separable, such as a cover and a main body, and the state of these constituent parts combined cannot sufficiently represent the design, but the views of combined constituent parts and drawings for each constituent part are not prepared in full
(Form No. 6 Note (18) of the Ordinance for Enforcement of the Design Act)

(xviii) Where drawings of a transparent design are not prepared according to the provision of the Form No. 6 Note (25) of the Ordinance for Enforcement of the Design Act

(Note) Concerning the “outside” as provided in Note (25)
Example of a longitudinal sectional view of a cup

i. Where the see-through part needs to be depicted as it is in order to sufficiently represent the design, such as in the case of a light bulb, the article will be depicted according to Note (25) (a). However, the thickness will not be depicted.

ii. In any other cases, the article will be depicted like an opaque object, and where the shape or pattern overlaps, it will be depicted according to Note (25) (b) or (c).

The same also applies to the case where the rear part can be
seen through and the shape or pattern overlaps, such as in the case of a bird cage. (Article 6(7) of the Design Act) (See (viii) above)

(xix) Where articles other than the design for which the design registration is requested are represented in the drawings (excluding reference views)

The drawings (excluding reference views) should contain only the representation of the design for which the design registration is requested. However, this excludes the case where an explanation on such articles other than the design for which the design registration is requested is included in the Description of the Design, or where the design for which the design registration is requested and the subject matter other than the design are described in a distinguished manner in the drawings, etc. and can be clearly recognized.

An example where the design for which the design registration is requested and the subject matter other than the design can be clearly identified.

[Case example] “Necklace”

[Description of the Design]
The torso represented in white is an article other than the design for which the design registration is requested.

* For the sake of convenience, other drawings were omitted.
An example where the design for which the design registration is requested and the subject matter other than the design can be identified, but the form of the design for which the design registration is requested is unclear, and the subject matter is not a specific design.

[Case example] “Scarf”

[Description of the Design]
In the photograph, the display tool formed by black wire and the tablecloth are articles other than the design for which the design registration is requested.

* For the sake of convenience, other drawings were omitted.

(xx) Where the article to the design in the application for design registration is unclear

[Case example] “Part of steam iron”

[Description of the Design]
n/a

* For the sake of convenience, other drawings were omitted.

Where the statement in the column of Article to the Design is inappropriate and there is no statement in the column of Description of the Design, and it is unclear from the drawings whether the article to the design includes both the main body of the steam iron and the charging base, and design registration is requested for the main body of the steam iron as a partial design, or whether the article to the design is only the main body part of the steam iron which does not include the charging base, and the charging base is represented only for the purpose of
showing that it is an article to be used together with the steam iron main body part. The subject matter is not found to be a specific design.

21.1.3 The subject matter is an industrially applicable design

Designs protected under the Design Act are limited to those that can be mass-produced by an industrial method, unlike industrially applicable inventions or devices under the Patent Act or the Utility Model Act. For example, farm tools are used for farming, but since farm tools themselves are mass-produced by an industrial method, their design is categorized as an industrially applicable design.

(1) Industrially applicable
Industrially applicable means that the same article can be produced in large volumes repeatedly by using industrial technology. The article does not need to be industrially applied in reality, but having a potential for industrial applicability will be sufficient.

(2) Examples of subject matter that is not found to be industrially applicable
Subject matter that falls under the following is not found to be an industrially applicable design, and therefore may not be registered under the main paragraph of Article 3(1) of the Design Act.

(i) Subject matter that uses a natural object as the main element of the design, and cannot be mass-produced
Such subject matter is not categorized as an industrially applicable design, because, as in the case of an ornament that uses a natural stone as it is, it is subject matter that uses a natural object that is hardly processed in the shape as it is, or in other words, it is subject matter that uses formative art created by nature as the main element of the design and the same article cannot be produced in large volumes repeatedly by using industrial technology.

(ii) Real estate such as land and buildings
Such subject matter is not categorized as an industrially applicable design, because the same article cannot be produced in large volumes repeatedly by using industrial technology. (See 21.1.1.1(2) “Examples of subject matter not found to be articles” above)

(iii) Copyright works that belong to the field of fine art
Such copyright works are not categorized as industrially applicable designs, because they are not created for the purpose of producing the same article in large volumes repeatedly by using industrial technology.