

## Relevant Provisions

---

### Design Act

Article 6 (1) A person requesting a design registration shall submit to the Commissioner of the Patent Office an application stating the following matters and drawing depicting the design for which registration is requested:

- (i) the name, and domicile or residence of the applicant for the design registration;
  - (ii) the name and domicile or residence of the creator of the design; and
  - (iii) the article to the design, or the usage of the building or graphic image to the design.
- (2) Where so provided by an Ordinance of the Ministry of Economy, Trade and Industry, the applicant may submit photograph, model or specimen representing the design for which the registration is requested, in lieu of the drawing in the preceding paragraph. In such case, the applicant shall indicate in the application which among photograph, model and specimen is submitted.
- (3) When neither the statement of the article to the design or the usage of the building to the design required under item (iii) of paragraph (1), nor the drawing, photograph or model attached to the application would enable a person ordinarily skilled in the art to which the design pertains to understand the material or size of the article or building to the design, and by this reason such a person would not be able to recognize the design, the material or size of the article or building to the design shall be specified in the application.
- (4) Where the shape, patterns or colors of the article, the shape, patterns or colors of the building, or the graphic image to the design is changeable based on the function possessed by the article, building or graphic image if the applicant intends to request a design registration of the shapes, etc. of the article, the shapes, etc. of the building or the graphic image as it appears before, during and after the said change, he/she shall state such an intention and include an explanation of said function of the article, building or graphic image in the application.
- (5) Where colors of the design are applied to the drawing, photograph or model to be submitted under paragraph (1) or (2), the applicant may omit to apply either black or white to them.
- (6) When the applicant omits to apply black or white under the preceding paragraph, the applicant shall state thereof in the application.
- (7) Where the applicant submits the drawing depicting the design under paragraph (1) or the photograph or model representing the design under paragraph (2), if the whole or part of the article, building or graphic image to the design is transparent, the applicant shall state thereof in the application.

Article 7 An application for design registration shall be filed for each design as provided by an Ordinance of the Ministry of Economy, Trade and Industry.

Article 24 (1) The scope of a registered design shall be determined based upon the design stated in the application and depicted in the drawing or represented in the, photograph, model or specimen attached to the application.

(2) Whether a registered design is identical with or similar to another design shall be determined based upon the aesthetic impression that the designs would create through the eye of their consumers.

Ordinance for Enforcement of the Design Act

Article 4 (1) The case where an applicant may submit photographs in lieu of the drawings in Article 6(1) of the Design Act under paragraph (2) of said Article shall be the case where the design is clearly represented by photographs.

(2) Where submitting photographs, they shall be submitted according to the Form No. 7.

Article 5 (1) The case where an applicant may submit a model or specimen in lieu of the drawings in Article 6(1) of the Design Act under paragraph (2) of said Article shall be the case where the model or specimen falls under all of the following items:

- (i) difficult to break or does not easily change in shape or quality;
- (ii) not inconvenient for handling or preserving;
- (iii) where inserted into a bag under the following paragraph, its thickness is not more than 7 mm; and
- (iv) its size is not more than length 26 cm × width 19 cm; provided, however that this shall not preclude the size being not more than length 1 m × width 1 m when using a thin cloth or paper.

(2) Where submitting a model or specimen, it shall be inserted into a durable bag, and a written form prepared according to the Form No. 8 shall be affixed to the bag. In this case, where submitting a model or specimen under the proviso to item (iv) of the preceding paragraph, the cloth or paper shall be inserted into the bag by folding it to a thickness of not more than 7 mm.

Article 7 Where an application for design registration is filed under Article 7 of the Design Act, an applicant should indicate clearly for each design for which the design registration is requested: the article to the design, usage of the building to the design or the graphic image to the design, a set of articles, or interior.

Form No. 2 [Notes]

(39) Where the purpose of use and the state of the article, building or graphic image is unclear from the description of the column of the “article to the design” alone, an explanation which can help in understanding the article, building, or graphic image, such as the purpose of use or the state of use of the article, building, or graphic image, shall be stated in the column of “[Description of Article to the Design]”.