

## Part IV

### Individual Applications for Design Registration

Part IV .....	1
Chapter I Design Including a Graphic Image .....	1
1. Outline .....	1
2. Basic concept in examining a design including a graphic image .....	1
3. Graphic images subject to protection under the Design Act .....	2
3.1 <b>Graphic image designs</b> .....	2
3.2 Designs including a graphic image on a part of an article etc. ....	3
3.2.1 Designs including a graphic image as a part of an article .....	3
3.2.2 Designs including a graphic image as a part of a building .....	4
4. Matters to be stated in the application and drawings, etc. of an application for design registration for a design including a graphic image .....	5
4.1 Application and drawings, etc. for a <b>graphic image design</b> .....	5
4.1.1 Statements in the column of "Article to the Design" .....	5
4.1.2 Statements in the column of "Description of Article to the Design" .....	6
4.1.3 Statements in the column of "Description of the Design" .....	6
4.1.4 Statements in the drawings, etc. ....	6
4.2 Application and drawings, etc. for a design including a graphic image on a part of an article etc. ....	8
4.2.1 Statements in the column of "Article to the Design" .....	8
4.2.2 Statements in the column of "Description of Article to the Design" .....	9
4.2.3 Statements in the column of "Description of the Design" .....	9
4.2.4 Statements in the drawings, etc. ....	9
5. Concept of the "one application per design" requirement .....	10
5.1 Concept of one design in statements in the column of "Article to the Design" .....	10
5.1.1 <b>Graphic image designs</b> .....	10
5.1.2 Designs including a graphic image on a part of an article etc. ....	10
5.2 Concept of one design in contents of drawings, etc. ....	11
5.2.1 Examples of applications that are not filed for each design .....	11
5.2.2 Concept in determining one design in cases where a design including two or more different graphic images is represented in drawings, etc. ..	11
5.2.3 Two or more separate "parts for which the design registration is requested" which are treated as one design .....	12
5.2.4 Graphic images that change .....	12
5.2.4.1 Graphic images are for the same function .....	13
5.2.4.2 Graphic images have relevance in shape, etc. ....	14
5.2.4.3 Examples of subject matter not treated as one design .....	18
5.3 Exceptions to the "one application per design" in designs including a graphic image .....	21
6. Registration requirements for a design including a graphic image .....	21
6.1 The subject matter is an industrially applicable design .....	21
6.1.1 The subject matter is an industrially applicable <b>graphic image design</b> .....	21
6.1.1.1 The subject matter is found to be a <b>graphic image design</b> under the Design Act .....	21
6.1.1.2 The subject matter is a specific design .....	22

6.1.1.3 The subject matter is industrially applicable.....	23
6.1.2 The subject matter is an industrially applicable <u>design including a graphic image on a part of an article etc.</u> .....	24
6.1.2.1 The subject matter constitutes a design.....	24
6.1.2.2 The subject matter is a specific design .....	26
6.1.2.3 The subject matter is industrially applicable.....	26
6.1.3 Graphic images not found to be a “graphic image” constituting a design .....	26
6.1.4 Treatment of graphic images that contain a content display part .....	27
6.2 The subject matter is novel.....	28
6.2.1 Treatment of cases where a graphic image is displayed on the display part, etc. of an article or building that is published in a publicly known source .....	28
6.2.2 Method of determining similarity between designs including a graphic image .....	29
6.2.2.1 The overall usage and functions of the two designs are identical or similar.....	29
6.2.2.2 The usage and functions of the parts for which design registration is requested in two designs are identical or similar.....	36
6.2.2.3 The shapes, etc. of a graphic image and a part of an article, etc. for which design registration is requested in two designs are identical or similar .....	36
6.3 The subject matter involves creative difficulty (the subject matter is not something that could have been easily created) .....	36
6.3.1 Determining entity for creative difficulty in designs including a graphic image .....	36
6.3.2 Basic concept in determining the creative difficulty of designs including a graphic image.....	37
6.3.2.1 Examples of ordinary techniques in the art of designs including a graphic image .....	37
6.3.2.2 Examples of minor modification in the art of designs including a graphic image .....	37
6.3.2.3 Novelty and originality of design ideas from the viewpoint of a person skilled in the art .....	38
6.3.2.4 Examples of easily created designs .....	38
6.3.3 Determining creative difficulty in graphic images that change .....	47
6.4 The subject matter is not a design that is identical or similar to part of a design in a prior application .....	48
7. The subject matter is not similar to the design in a prior application .....	49
<b>Chapter II Building Design .....</b>	<b>1</b>
1. Outline .....	1
2. Basic concept in examining building design .....	1
3. Buildings under the Design Act.....	1
3.1 Requirements for categorization as a building under the Design Act .....	1
4. Concept of the “one application per design” requirement.....	2
4.1 Concept of one design in statements in the column of “Article to the Design” .....	2
4.2 Concept of one design in statements in the drawings, etc. ....	2

4.3 Concept of one design in cases where something fixed to a building or land is represented .....	3
4.4 Concept of one design in cases where something temporarily placed in a building, which is arbitrarily movable, is represented .....	4
4.5 Concept of one design in cases where subject matter not categorized as a design under the Design Act is represented.....	4
4.6 Concept of one design in cases where a graphic image is displayed on a building.....	4
4.7 Concept of one design in cases where a pattern or color is depicted on a building by switching on lighting apparatus .....	5
4.8 Concept of one design for buildings with changing shape, patterns, or colors .....	5
4.9 Exceptions to the one application per design in building design.....	6
5. Matters to be stated in the application and drawings, etc. of an application for design registration for a building design.....	6
5.1 Statements in the column of “Article to the Design” .....	6
5.2 Statements in the column of “Description of Article to the Design” .....	7
5.3 Statements in the column of “Description of the Design” .....	7
5.4 Statements in the drawings, etc. ....	7
5.4.1 Necessary drawings .....	7
5.4.2 Indication of view.....	8
5.4.3 Cases where articles extraneous to the design for which the design registration is requested are represented in drawings.....	8
6. Registration requirements for a building design .....	8
6.1 The subject matter is an industrially applicable design.....	9
6.1.1 The subject matter constitutes a design .....	9
6.1.1.1 Subject matter constitutes a building design under the Design Act.	9
6.1.1.2 Subject matter not categorized as a building under the Design Act	9
6.1.2 The subject matter is a specific design.....	11
6.1.3 The subject matter is industrially applicable .....	12
6.2 The subject matter is novel.....	12
6.2.1 Determining entity in the determination of similarity between building designs.....	13
6.2.2 Observation method in determining similarity between building designs .....	13
6.2.3 Determining similarity of usage and function .....	13
6.2.4 Evaluation of shape, etc. in cases where natural objects, etc. that constitute the design are included in part of a building.....	14
6.2.5 Case examples of determining similarity between building designs ....	15
6.3 The subject matter involves creative difficulty (the subject matter is not something that could have been easily created) .....	18
6.3.1 Determining entity for creative difficulty in building design .....	18
6.3.2 Basic concept in determining the creative difficulty of building design	18
6.3.3 Ordinary techniques and minor modifications .....	18
6.3.3.1 Examples of ordinary techniques .....	18
6.3.3.2 Examples of minor modification .....	18
6.3.4 Novelty and originality of design ideas from the viewpoint of a person skilled in the art .....	19

6.3.5 Concept in cases where natural objects, etc. that constitute the design are included in part of a building .....	19
6.3.6 Examples of easily created designs .....	19
6.4 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 .....	25
7. The subject matter is not similar to the design in a prior application .....	25
8. Amendment and division of building design .....	26
8.1 Amendment of building design .....	26
8.1.1 Categories of amendments that change the gist .....	26
8.1.2 Amendment to interior design.....	26
8.1.3 Amendment to a design for a set of articles .....	27
8.2 Division of a building design .....	27
Chapter III Design for a Set of Articles .....	1
1. Outline .....	1
2. Basic concept in examining a design for a set of articles .....	1
3. Specific determinations in examining a design for a set of articles.....	2
3.1 The design falls under one for a set of articles as provided by Ordinance of the Ministry of Economy, Trade and Industry .....	2
3.2 Two or more articles, etc. are used together .....	2
3.3 The set of articles is coordinated as a whole .....	3
3.3.1 Examples of cases where the shape, patterns, or colors, or any combination thereof of each constituent article, etc. is represented through equivalent formative processing.....	4
3.3.2 Examples of cases where each constituent article, etc. of a set of articles represents one cohesive shape or pattern as a whole.....	7
3.3.3 Examples of cases where the shape, patterns, or colors, or any combination thereof of each constituent article, etc. gives a conceptually related impression as a whole set of articles, such as narrativity.....	9
4. Determination on the requirements for design registration, etc. concerning a design for a set of articles .....	9
5. Exception to lack of novelty concerning an application for design registration for a design for a set of articles .....	9
6. Amendment of a design for a set of articles.....	9
6.1 Categories of amendments that change the gist .....	10
6.2 Specific handling of an amendment made to the statement in an application .....	10
6.3 Specific handling of an amendment made to the drawings, etc. attached to an application .....	11
6.4 Amendment to building design .....	11
6.5 Amendment to interior design.....	12
7. Division concerning an application for design registration for a design for a set of articles .....	12
7.1 Division of an application for design registration where the design of which is found to be a design for a set of articles.....	12
7.2 Division of an application for design registration where the design of which is not found to be a design for a set of articles.....	12

8. Application for design registration for a design for a set of articles containing a priority claim under the Paris Convention, etc.....	13
<b>Chapter IV Interior Design .....</b>	<b>1</b>
1. Outline .....	1
2. Basic concept in examining an interior design.....	1
3. Requirements for categorization as an interior design .....	1
4. Filing an application for each design .....	2
4.1 Concept of one design in statements in the column of “Article to the Design” .....	2
4.2 Concept of one design in statements in drawings, etc. ....	2
4.3 Concept of one design for interior designs with changing shape, patterns, or colors .....	3
5. Matters to be stated in the application and drawings, etc. of an application for design registration for an interior design .....	4
5.1 Statements in the column of “Article to the Design” .....	5
5.2 Statements in the column of “Description of Article to the Design” .....	6
5.3 Statements in the column of “Description of the Design” .....	6
5.4 Statements in the drawings, etc. ....	7
5.4.1 Necessary drawings .....	7
5.4.2 Cases where subject matters other than the design for which the design registration is requested are represented in drawings.....	7
5.5 Feature statement .....	7
6. Registration requirements for an interior design.....	8
6.1 The subject matter is an industrially applicable design.....	8
6.1.1 The subject matter constitutes a design .....	8
6.1.1.1 The subject matter is inside a store, office, or other facility .....	9
6.1.1.2 The subject matter consists of multiple articles, buildings, or graphic images under the Design Act .....	10
6.1.1.3 The subject matter creates a coordinated aesthetic impression as a whole interior.....	13
6.1.2 The subject matter is a specific design.....	19
6.2 The subject matter is novel.....	20
6.2.1 Determining entity in the determination of similarity between interior designs.....	20
6.2.2 Observation method in determining similarity between interior designs .....	20
6.2.3 Determining similarity of the usage and function.....	20
6.2.4 Evaluating the layout and number of constituent objects in an interior design .....	21
6.2.5 Evaluation of shape, etc. in cases where natural objects, etc. that constitute the design are included in part of an interior design .....	22
6.2.6 Case examples of determining similarity between interior designs .....	22
6.3 The subject matter involves creative difficulty (is not something that could have been easily created).....	27
6.3.1 Determining entity for creative difficulty in interior designs.....	27
6.3.2 Basic concept in determining the creative difficulty of interior designs .....	27
6.3.3 Ordinary techniques and minor modifications .....	27
6.3.3.1 Examples of ordinary techniques .....	27

6.3.3.2 Examples of minor modification .....	27
6.3.4 Novelty and originality of design ideas from the viewpoint of a person skilled in the art .....	28
6.3.5 Concept in cases where natural objects, etc. that constitute the design are included in part of an interior design .....	28
6.3.6 Examples of easily created designs .....	28
6.3.6.1 Design through replacement .....	29
6.3.6.2 Design through aggregation .....	30
6.3.6.3 Design through mere deletion of a constituent part.....	31
6.3.6.4 Design through change of layout .....	32
6.3.6.5 Design through change of component ratio .....	33
6.3.6.6 Design through change in number of units of a continuous constituent element.....	34
6.3.6.7 Design through use or diversion of a constituent element beyond the framework of the article, etc. ....	35
6.4 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 .....	35
7. The subject matter is not similar to the design in a prior application .....	35
8. Amendment and division of interior design .....	35
8.1 Amendment of interior design.....	35
8.1.1 Categories of amendments that change the gist .....	36
8.1.2 Amendment to building design .....	36
8.1.3 Amendment to a design for a set of articles .....	36
8.1.4 Amendment to delete inappropriate constituent objects of an interior design .....	37
8.1.5 Amendment to add or delete appropriate constituent objects of an interior design.....	37
8.1.6 Amendment to change the layout of appropriate constituent objects of an interior design.....	37
8.2 Division of an interior design .....	37
Relevant Provisions.....	1