

Relevant Provisions

Design Act

Article 2 (1) The term "design" in this Act means the shape, patterns, or colors, or any combination of them (hereinafter referred to as the "shape or equivalent features"), of an article (including a part of an article; the same applies hereinafter); the shape or equivalent features of a building (including a part of a building; the same applies hereinafter); or a graphic image (limited to one used in the operation of a device or displayed as a result of the device performing its function, and including a part of a graphic image; hereinafter the same applies excluding paragraph (2) of the following Article, Article 37, paragraph (2), Article 38, items (vii) and (viii), Article 44-3, paragraph (2), item (vi) and Article 55, paragraph (2), item (vi)), which is aesthetically pleasing in its visual presentation.

(2) The term "working" as used in this Act with respect to a design means the following acts:

- (i) manufacturing, using, transferring, leasing, exporting, or importing (including an act of a person in a foreign country having another person bring an article embodying the design from the foreign country into Japan; the same applies hereinafter), or offering to transfer or lease (including displaying for the purpose of transferring or leasing; the same applies hereinafter) an article embodying the design;
- (ii) constructing, using, transferring, or leasing, or offering to transfer or lease a building embodying the design;
- (iii) acts falling under any of the following sub-items performed in connection with the graphic image embodying the design (including a computer program or anything equivalent (refers to a computer program or anything equivalent provided in Article 2, paragraph (4) of the Patent Act (Act No.121 of 1959); the same applies hereinafter) that has a function to display the graphic image; hereinafter the same applies in this item):
 - (a) creating or using the graphic image embodying the design, or providing or offering to provide it through a telecommunications line (this includes displaying it in order to provide it; the same applies hereinafter);
 - (b) transferring, leasing, exporting or importing, or offering to transfer or lease a recording medium on which the graphic image embodying the design has been recorded or a device that incorporates the graphic image embodying the design (hereinafter referred to as a "recording medium or device holding a graphic image").

(Paragraph (3) omitted)

Article 6 (1) A person seeking to have a design registration made must submit to the Commissioner of the Japan Patent Office an application stating the following matters accompanied by a drawing depicting the design for which the registration is sought:

- (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 embodying the design, or the usage of the building or graphic image embodying the design.

- (2) If so provided by Order of the Ministry of Economy, Trade and Industry, the applicant may submit photographs, models, or specimens representing the design for which the registration is sought, in lieu of the drawing referred to in the preceding paragraph. In this case, the applicant must indicate in the application whether they are photographs, models, or specimens that are being submitted.
- (3) If neither the statement concerning the article embodying the design or the usage of the building embodying the design that is referred to in paragraph (1), item (iii), nor the drawings, photographs, or models attached to the application would give a person ordinarily skilled in the art of the design a concept of the material or size of the article or building, and by this reason the person would not be able to discern the design, the material or size of the article or building embodying the design must be stated on the application.
- (4) If the shape, pattern, or color of an article embodying a design, the shape, pattern, or color of a building embodying a design, or a graphic image embodying a design changes due to the way the article, building, or graphic image functions, and the applicant seeks to have a design registration made for the shapes and equivalent features of the article, the shapes and equivalent features of the building, or the graphic image as it appears before, during, and after that change, the applicant must indicate this and give an explanation of that function of the article, building, or graphic image in the application.
- (5) If colors of the design are applied to the drawing, photograph, or model to be submitted pursuant to the provisions of paragraph (1) or (2), the applicant may omit applying either the color black or white.
- (6) When the applicant omits applying the color black or white pursuant to the provisions of the preceding paragraph, the applicant must indicate this in the application.
- (7) If the applicant submits a drawing depicting a design pursuant to paragraph (1) or a photograph or model representing a design pursuant to paragraph (2), and the whole or part of the article embodying the design, building embodying the design, or graphic image embodying the design is transparent, the applicant must state this fact in the application.

Article 8 A design for two or more articles, buildings or graphic images that are used together and that are specifically designated by Order of the Ministry of Economy, Trade and Industry (hereinafter referred to as a "set of articles") may be filed as one design and have a design registration made if the set of articles has a sense of unity as a whole.

Article 8-2 A design for articles, buildings, or graphic images that constitute equipment and decorations inside a store, office, and the other facilities (hereinafter referred to as "interior") may be filed as one design in an application, and have a design registration made if the interior creates a coordinated aesthetic impression as a whole.

Ordinance for Enforcement of the Design Act

Form No. 2 [Notes]

- (8) Where a design registration for a design for an article, building, or graphic image is requested, the following matters shall be stated in the column of "[Article to the Design]".

- (a) Where a design registration for an article design is requested (including cases where a graphic image is displayed on a part of an article), the article shall be stated.
- (b) Where a design registration for a building design is requested (including cases where a graphic image is displayed on a part of a building), the usage of the building shall be stated in the column of “[Article to the Design]”.
- (c) Where design registration for a graphic image design is requested, the usage of the graphic image shall be stated in the column of “[Article to the Design]”.
- (39) Where it is unclear that the purpose of use and the state of the article, building or graphic image, only from the description of the column of the “article to the design”, 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]”.
- (40) Where filing an application for design registration for a graphic image, if the usage of that graphic image is unclear from statements in the column of “[Article to the Design]” alone, an explanation indicating that the graphic image is categorized as either those provided for use in the operation of the device or those displayed as a result of the device performing its function shall be stated in the column of “[Description of Article to the Design]”.
- (41) Where filing an application for design registration for a design including a graphic image on a part of an article or building, which is provided for use in the operation of the article or building, the description of the functions and the operations of the said article or building to the graphic image shall be stated in the column of “[Description of Article to the Design]”.

Form No. 6 [Notes]

- (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 statement specifying the latter view which is identical to or is a mirror image of the former view in the column of “[Description of the Design]” of the application.
- (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.
- (11) A graphic image prescribed in Article 2, paragraph (1) of the Design Act is to be represented in the graphic image view (meaning the view representing the graphic image for which design registration is requested; the same applies hereinafter). In cases where the graphic image is three dimensional, ○○ graphic image views, such as front graphic image view and right-side graphic image view, are to be used.
- (12) If requesting a design registration for a part of an article, building, or graphic image, and the view prescribed in (8) through (11) includes both the part for which the design registration is requested and any other parts, the part for which the design registration is requested is to be specified, such as by drawing the part for which the design registration is requested with solid lines and any other parts with broken lines, etc. If the part for which the design registration is requested cannot be specified by statements in the drawings alone, the way of specifying that part is to be stated in the column of "[Description of the Design]" of the application. The same shall apply where the design registration is requested for a part of a design for a set of articles prescribed in Article 8 of the Design Act or an interior design prescribed in Article 8-2 of the Design Act.
- (15) 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.
- (24) Above each view, an indication such as "[Front View]," "[Rear View]," "[Left Side View]," "[Right Side View]," "[Top View]," "[Bottom View]," "[Surface View]," "[Back Side View]," "[Development View]," "[Sectional View of ○○]," "[End Elevational View of the Cut Part of ○○]," "[Enlarged View of ○○]," "[Perspective View]," "[View Showing the Front, Top and Right Side]," "[Graphic Image View]," and "[○○ Graphic Image View]" shall be made, corresponding to each kind of view. Where these views are reference views, a statement to that effect shall also be indicated. In these cases, indications for multiple views should not be the same.

Form No. 7 [Notes]

- (4) For other matters, the practice equivalent to the Notes (2), (3), (6), (8) through (13), (15) and (19) through (26) of the Form No. 6 shall apply.