

Relevant Provisions

Design Act

Article 2 (1) “Design” in this Act shall mean the shape, patterns or colors, or any combination thereof (hereinafter referred to as the “shape, etc.”), of an article (including a part of an article, the same shall apply hereinafter), the shape, etc. of a building (including a part of a building, the same shall apply hereinafter), or a graphic image (limited to those provided for use in the operation of the device or those displayed as a result of the device performing its function, and including a part of a graphic image, the same shall apply hereinafter excluding Article 3(2), Article 37(2), Article 38(vii) and (viii), Article 44-3(2)(vi) and Article 55(2)(vi)), which creates an aesthetic impression through the eye.

(2) “Working” of a design in this Act shall mean the following acts:

- (i) Manufacturing, using, assigning, leasing, exporting or importing, or offering for assignment or lease (including displaying for the purpose of assignment or lease, the same shall apply hereinafter) of the article to the design;
- (ii) Building, using, assigning or leasing, or offering for assignment or lease of the building to the design;
- (iii) Acts falling under any of the following performed for the graphic image to the design (including a computer program, etc. (refers to a computer program, etc. provided in Article 2(4) of the Patent Act (Act No.121 of 1959); the same shall apply hereinafter) that has a function to display the graphic image and the same shall apply in the following items):
 - (a) Creating, using, or providing through an electric telecommunication line or offering for the provision (including displaying for the purpose of provision, the same shall apply hereinafter) of the graphic image to the design;
 - (b) Assigning, leasing, exporting or importing, or offering for assignment or lease of a recording medium that has recorded the graphic image to the design or a device incorporating the graphic image to the design (hereinafter referred to as a “graphic image recording medium, etc.”).

(Paragraph (3) omitted)

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 application 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, 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. 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 8 Where two or more articles, buildings or graphic images are used together and are specifically designated by Ordinance of the Ministry of Economy, Trade and Industry (hereinafter referred to as a "Set of Articles"), if the Set of Articles is coordinated as a whole, an application for design registration may be filed as one design, and the applicant may obtain a design registration, for designs for the articles, buildings or graphic images that constitute the Set of Articles.

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

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.