

## Chapter I International Application Which Is Deemed to Be an Application for Design Registration

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### 1. Outline

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Article 60-6, paragraph (1) of the Design Act provides that an international application under Article 1(vii) of the Geneva Act of the Hague Agreement concerning the International Registration of Industrial Designs (hereinafter referred to as the “Geneva Act”) (hereinafter referred to as an “international application”), designating Japan as a designated Contracting Party under Article 1(xix) of the Geneva Act (hereinafter referred to as “designated Contracting Party”), where publication (hereinafter referred to as “international publication”) has been made under Article 10(3)(a) of the Geneva Act, shall be deemed to be an application for design registration filed with Japan on an international registration date under Article 10(2) of the Geneva Act (hereinafter referred to as the “date of the international registration”). Paragraph (2) of this Article provides that an international application containing two or more designs based on the provision of Article 5(4) of the Geneva Act shall be deemed to be an application for design registration filed for each design that is the subject of an international registration under Article 1(vi) of the Geneva Act (hereinafter referred to as an “international registration”) (hereinafter, an international application deemed to be an application for design registration under these provisions shall be referred to as an “international application for design registration”).

As Article 14(1) of the Geneva Act provides that the international registration shall, from the date of the international registration, have at least the same effect as a regularly-filed application in each designated Contracting Party, paragraph (3) and paragraph (4) of this Article provide that as matters necessary for proceeding with the international application for design registration as the Japanese application for design registration, matters recorded on International Register as provided in Article 1(viii) of the Geneva Act (hereinafter referred to as the “International Register”) shall be deemed to be the matters stated in an application and the matters depicted in drawings as provided in Article 6, paragraph (1) of the Design Act.

(Note) Examination of the international application for design registration

The Geneva Act provides that the international registration under the same Act shall, from the date of the international registration, have at least the same effect in each designated Contracting Party as a regularly-filed application for the grant of protection of the industrial design under the law of that Contracting Party (Article 14(1) of the Geneva Act), while providing that the Office of any Contracting Party designated under the Geneva Act may, where the industrial designs that are the subject of an international registration do not meet the conditions for the grant of protection under the law of that designated Contracting Party (excluding requirements relating to the form of or matters stated in the application), refuse the effects of the international registration (Article 12(1) of the Geneva Act).

As the Japanese Design Act provides that applications for design registration shall be examined as a premise of the grant of protection by the design right (Article 16 of the Design Act), the international registration designating Japan under the Geneva Act shall be also examined by examiners based on the provision of the Design Act that is the Japanese law.

When examining an international application for design registration, the examiner shall basically conduct the examination in the common manner as a domestic application for design registration.

This Chapter focuses on specific matters when examining international application for design registration. For other matters not described in this Chapter, see other relevant parts of the examination guidelines.