

## Chapter II Finding of the Design in an International Application for Design Registration

### 1. Relationship of the matters recorded on the International Register with the matters to be stated in an application or drawings of an application for design registration

With regard to the matters to be stated in an application of the application for design registration under Article 6, paragraph (1) of the Design Act, prescribed matters recorded in the International Register shall be treated as matters to be stated in an application of the application for design registration pursuant to Article 60-6, paragraph (3) of the Design Act (→ see [Table 1]).

With regard to the matters to be stated in an application other than those as provided in Article 6, paragraph (1) of the Design Act, as the international application for design registration shall be regarded as the domestic application for design registration, among the matters recorded in the International Register for the said international application for design registration, the matters whose specific relationship is not explicitly provided in the Design Act shall also be treated as equivalent to the matters that are to be stated in an application of the application for design registration (→ see [Table 2]).

A person requesting a design registration in Japan should attach “drawing depicting the design for which registration is requested” to an application under Article 6, paragraph (1) of the Design Act. Article 60-6, paragraph (4) of the Design Act provides that the “design recorded on the International Register” for the international application for design registration shall be regarded as the “design for which registration is requested” depicted in drawings submitted under Article 6, paragraph (1) of the Design Act, so in the case of the international application for design registration, the drawings depicting the design recorded in the International Register namely “a reproduction of the design recorded in the International Register” shall be treated as equivalent to “drawing depicting the design for which registration is requested” (→ see [Table 3]).

[Table 1] Relationship of matters provided in Article 6, paragraph (1) of the Design Act

Matters recorded on the International Register	Matters stated in an application of the application for design registration
one or more products that constitute a design that is the subject of an international registration, or one or more products that will use a design that is the subject of an international registration; (Article 5(1)(iv) of the Geneva Act)	[Article to the Design]

the name, and domicile of the registered holder of an international registration; (Article 5(1)(ii) of the Geneva Act, Rule 7(3)(i) and (ii) of the Common Regulations of the Hague Agreement)	the name, and domicile or residence of [Applicant for Design Registration]
the name and the domicile of a person who created a design that is the subject of an international registration; (Article 5(2)(b)(i) of the Geneva Act, Rule 7(5)(a) of the Common Regulations of the Hague Agreement)	the name, and domicile or residence of [Person Who Created the Design]

[Table 2] Relationship of matters other than those provided in Article 6, paragraph (1) of the Design Act

Matters recorded on the International Register	Matters stated in an application of the application for design registration
a concise description of the reproduction or of the characteristic features of the design that is the subject of that application; (Article 5(2)(b)(ii) of the Geneva Act, Rule 7(5)(a) of the Common Regulations of the Hague Agreement)	[Description of the Design] or [Description of Article to the Design]; * Both of them are stated without distinction in the column of [Description of the Design] in an international application for design registration.
the reference to the principal application or registration, or to the principal design; (Article 5(1)(vii) of the Geneva Act, Rule 7(5)(f) of the Common Regulations of the Hague Agreement, Section 407(a) of the Administrative Instructions of the Hague Agreement)	[Indication of Principal Design];
declaration concerning exception to lack of novelty; (Article 5(1)(vii) of the Geneva Act, Rule 7(5)(f) of the Common Regulations of the Hague Agreement, Section 408(c)(i) of the Administrative Instructions of the Hague Agreement)	the statement of “an application for design registration seeking the application of the provision of Article 4, paragraph (2) of the Design Act” in the column of [Special Matter];
a declaration claiming the priority of an earlier application;	[Priority Claim under the Paris Convention, etc.];

(Article 6(1)(a) of the Geneva Act, Rule 7(5)(c) of the Common Regulations of the Hague Agreement)	
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[Table 3] Relationship of reproductions of the design with drawings

any reproduction of the design recorded on the International Register; (Rule 15(2)(ii) of the Common Regulations of the Hague Agreement)	drawing depicting the design for which registration is requested;
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Hereinafter, in an international application for design registration, matters which are found to be stated in an application submitted under Article 6, paragraph (1) of the Design Act shall be referred to as a “statement in an application of an international application for design registration,” and matters which are found to be stated in drawings submitted under Article 6, paragraph (1) of the Design Act shall be referred to as a “statement in drawings of an international application for design registration.”

## 2. Handling of an international application for design registration requesting design registration for part of an article, etc.

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In an international application, indicating “the matter” which is shown in drawings but “for which protection is not sought” is allowed to be indicated in the description or by means of dotted or broken lines or coloring (Rule 9(2)(b) of the Common Regulations of the Hague Agreement, Section 403 of the Administrative Instructions of the Hague Agreement). This expression of “the matter for which protection is not sought” is not explicitly provided in the Japanese Design Act but on the premise of the purport of the international registration system based on the Geneva Act, among an international application for design registration which represents “the matter for which protection is not sought”, the said “matter for which protection is not sought” corresponds to “the parts other than the part for which the design registration is requested” of the article, etc. to the design, as a result of which the subject matter which can clearly identify “the part for which the design registration is requested,” namely shapes, patterns or colors, or any combination thereof of a part of an article, etc. which is reasonably found as an application seeking design registration shall be treated by the examiner as an application requesting design registration for part of an article, etc. in Japan.

## 3. Finding of the design in an international application for design registration

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The finding of the design in an international application for design registration shall be made taking into consideration the above-described handling of a statement in an

application and drawings of an international application for design registration and applying standards for finding of the design in a domestic application for design registration (see Part II, Chapter I “Finding of the Design in an Application for Design Registration”).

Additionally, a statement in an application of an international application for design registration shall be found based on a statement written in English.