Chapter III Special Provisions on Conversion of Application Concerning International Applications under the Patent Cooperation Treaty

93 Relevant provisions

Design Act

Article 13-2 (1) An international application that has been deemed to be a patent application under Article 184-3(1) or 184-20(4) of the Patent Act may be converted to an application for design registration, only after the fees payable under Article 195(2) of said Act have been paid (or, in the case of an international application that is deemed to be a patent application under Article 184-20(4) of said Act, after the ruling as provided in 184-20(4) has been rendered), and, in the case of a Patent Application in Japanese Language under Article 184-6(2) of said Act, the procedures under Article 184-5(1) of said Act have been completed, or, in the case of a Patent Application in Foreign Language under Article 184-4(1) of said Act, the procedures under Articles 184-4(1) or (4) and 184-5(1) of said Act have been completed.

(2) An international application that has been deemed to be an application for utility model registration under Article 48-3(1) or 48-16(4) of the Utility Model Act (Act No. 123 of 1959) may be converted to an application for design registration, only after the fees payable under Article 54(2) of said Act have been paid (or, in the case of an international application that is deemed to be an application for utility model registration under Article 48-16(4) of said Act, after the ruling as provided in Article 48-16(4) has been rendered), and, in the case of a Utility Model Application in Japanese under Article 48-5(4) of said Act, the procedures under Article 48-5(1) of said Act have been completed, or, in the case of a Utility Model Application in Foreign Language under 48-4(1) of said Act, the procedures under Articles 48-4(1) or (4) and 48-5(1) of said Act have been completed.

93.1 Handling of special provisions on conversion of application concerning international applications under the Patent Cooperation Treaty

An international application for which the international filing date has been recognized under the provisions of the Patent Cooperation Treaty and which includes Japan in its designated States is deemed to be a patent application or an application for utility model registration filed on the international filing date.

Such application can only be converted into an application for design registration only after the applicant has submitted a document containing such information as the name and address of the applicant, the name and address of the inventor (creator) and the international filing date and has paid the prescribed fees where the original application is an international patent application (international application for utility model registration) filed in Japanese, and only after the
applicant has submitted the abovementioned document and the Japanese translations of the description and the scope of claims and has paid the prescribed fees where the original application is an international patent application in foreign language (international application for utility model registration).