

Chapter III Filing an Application for Each Design in an International Application for Design Registration

1. Provisions of Article 60-6, paragraph (2) of the Design Act

Article 60-6, paragraph (2) of the Design Act provides that an international application containing two or more designs shall be regarded as an application for design registration filed for each design which is the subject of an international registration in Japan. “A design which is the subject of an international registration” shall, however, mean a unit of designs in the international registration based on determination by the International Bureau and does not directly mean a unit of designs based on Article 7 of the Japanese Design Act.

Accordingly, an international application for design registration which does not comply with the requirements as provided in Article 7 of the Design Act shall be treated as falling under reasons for refusal under Article 7 of the Design Act.

2. Determination as to whether applications have been filed for each design

If the international application for design registration falls under either of the following, for example, the examiner should determine that the application contains two or more designs and does not fall under an application for design registration filed for each design:

(1) Where two or more articles, etc. are stated together in the column of “Article to the Design” in the application

However, this excludes the notation of the entire types in a plurality form (for example, “Desks”) or an international application for design registration which can be found to be filed for a design for a set of articles.

(2) Where two or more articles, etc. are represented in the statements in drawings of an international application for design registration (including cases where multiple articles are arranged in the drawings.)

However, this excludes cases where an international application for design registration can be found to be filed for a design for a set of articles or for an interior design.

With regard to any other determination standards concerning the filing of applications for each design, see Part II, Chapter II “Filing an Application for Each Design.”