

Chapter V Exception to Lack of Novelty concerning International Application for Design Registration

1. Provisions of Article 60-7 of the Design Act

In order that an international application for design registration may also receive application of the provisions of Article 4, paragraph (2) of the Design Act, procedures that can be employed in case of an international application for design registration are provided.

2. Specific procedures for receiving application of the provisions of Article 4, paragraph (2) of the Design Act in case of an international application for design registration

- (1) Submit a document stating a request for the application of the provisions of Article 4, paragraph (2) of the Design Act to the Commissioner of the Patent Office within 30 days as provided in Article 1-2 of the Ordinance for Enforcement of the Design Act after the date of an international publication (Article 4, paragraph (3) of the Design Act, Article 60-7, paragraph (1) of the Design Act), or a declaration to that effect in an international application (Section 408(c) of the Administrative Instructions of the Hague Agreement, Article 27-4 of the Ordinance for Enforcement of the Patent Act as applied mutatis mutandis pursuant to Article 19, paragraph (3) of the Ordinance for Enforcement of the Design Act)
- (2) Submit a document proving that the design which has fallen under the category of a publicly known design is a design that is subject to application of the provisions of Article 4, paragraph (2) of the Design Act (hereinafter referred to as the "Proving document") within 30 days as provided in Article 1-2 of the Ordinance for Enforcement of the Design Act after the date of an international publication (Article 4, paragraph (3) of the Design Act, Article 60-7, paragraph (1) of the Design Act)
- (3) Applicants need to submit "Proving document" with a document of submission of a certificate for requesting the exception to lack of novelty prepared according to the Form No. 1 as provided in Article 1 of the Ordinance for Enforcement of the Design Act
- (4) Where applicants submit "Proving document" along with an international application to the International Bureau, the application is deemed to have been submitted the "Proving document" on the date of international publication to the Commissioner of the Japan Patent Office (Article 60-7, paragraph (2) of the Design Act)

With regard to any other determination standards for application of the exception to lack of novelty, see Part III, Chapter III "Exception to Lack of Novelty."