Part XIII Others

Chapter I Feature Statement

131 Relevant provisions

Ordinance for Enforcement of the Design Act

Article 6 (1) A person requesting a design registration or an applicant for design registration may submit a feature statement containing features of the design for which the design registration is requested or the design in the application for design registration when submitting the application or while the case is pending in examination, trial or retrial.

(2) Where submitting a feature statement, it shall be submitted according to the Form No. 9.

(3) Where specifying the scope of a registered design, the contents of a feature statement must not be taken into consideration.

131.1 Feature statement

The examiner must not use its contents as the direct basis for the finding of the design in an application for design registration (see Part I “Application/Drawings,” Chapter II “Finding of the Design in an Application for Design Registration”), determination of similarity, or a reason for refusal; however, access to such contents is expected to expedite examination, because, for example, it will serve as reference information for deciding an accurate scope for the search in examination.

Where a design is registered, publication of the contents of the feature of the design and the explanation view in the Design Bulletin makes it possible to let third parties know the subjective intention of the applicant with regard to creation of the registered design.

Since the contents are not used as the basis for specifying the scope of the registered design provided in Article 24 of the Design Act, they do not have any direct influence on the scope of the right.

131.1.1 Submission procedure

Submission of a feature statement is not an obligation, but it is a voluntary procedure whereby a person requesting a design registration or an applicant for design registration may choose to submit the statement.

The submission can only be made when submitting the application or while
the application is pending in examination, trial or retrial.

131.1.2 Publication in the Design Bulletin

The contents of the feature of the Design and the explanation view of a feature statement are published in the Design Bulletin exactly as they have been submitted by the applicant, in principle. If a new feature statement has been submitted, only the contents of the latest feature statement are published.

Meanwhile, such contents are not published in the Design Bulletin based on the provisions of Article 66(3) of the Design Act (Bulletin for giving public notice of an application for which refusal has become final and binding in the case where no agreement was reached by consultations or consultations were unable to be held where two or more application have been filed for identical or similar designs on the same date). Where a feature statement contains any expression, etc. that is improper to be published in the Design Bulletin, such part is not to be published in the Design Bulletin.