

中国アンケート回答

【1, 制度】意匠に関する、貴国の産業財産権の制度について、以下の設問にお答え願います。

Q1-1 貴国には、①意匠の法律（法的拘束力のあるもの）、②方式審査基準（法的拘束力のあるもの）や③意匠審査基準（法的拘束力のないもの）がありますか。

意匠の法律	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない	方式審査基準	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない	意匠審査基準	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない
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※②は施行規則等の法律の執行に必要な細則やその委任に基づく規定を意味し、③は審査上の運用を意味します。

Q1-2 貴国には、意匠出願の図面の記載要件の確認、公序良俗の審査を行う専門部署および分類付与・確認を行う専門部署がありますか。専門部署がある場合には、その専門部署の担当者数を記入願います。

意匠出願の図面の記載要件の確認、公序良俗の審査を行う専門部署	<input checked="" type="checkbox"/> ある（担当者数 人）	<input type="checkbox"/> ない
分類付与・確認を行う専門部署	<input checked="" type="checkbox"/> ある（担当者数 人）	<input type="checkbox"/> ない

**\*\*中国特許庁では、意匠審査部を設けているが、上記のような部署分けはない。意匠審査部には約 200 人の担当者がいる。**

意匠出願の新規性や創作性の有無について先行意匠調査を行って判断することを、「実体審査を行う」と呼ぶこととします。

Q1-3 貴国では、意匠出願の実体審査を行っていますか。

<input type="checkbox"/> すべての出願について行っている	<input type="checkbox"/> 一部の意匠出願について行っている	<input checked="" type="checkbox"/> 行っていない
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Q1-4 実体審査を行う専門部署がありますか。専門部署がある場合には、その専門部署の担当者数を記入願います。

<input type="checkbox"/> 専門部署がある（担当者数 人）	<input checked="" type="checkbox"/> 専門部署はない
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Q1-5 実体審査を行っている国に質問します。新規性の判断について、行っている先行調査に当てはまるものすべてにチェックして下さい。

<input type="checkbox"/> 自国の意匠公報	<input type="checkbox"/> 他国の意匠公報（→どの国・地域ですか？ _____）
<input type="checkbox"/> 特許公報等	<input type="checkbox"/> 公知資料（ <input type="checkbox"/> 雑誌・カタログ <input type="checkbox"/> インターネット <input type="checkbox"/> その他（ _____ ））

Q1-6 以下の事項について貴国の状況を教えて下さい。

部分意匠制度	<input type="checkbox"/> ある	<input checked="" type="checkbox"/> ない	早期審査制度	<input type="checkbox"/> ある	<input checked="" type="checkbox"/> ない
関連意匠制度	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない	新規性喪失の例外	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない
多意匠一出願制度	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない	各種料金減免制度	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない
特許、意匠の間での出願変更制度	<input type="checkbox"/> ある	<input checked="" type="checkbox"/> ない			

【2, 意匠の保護客体】貴国で保護される意匠について、以下の設問にお答え願います。

Q2-1 貴国において、意匠の法律によって保護される意匠の定義について、記載して下さい。

例) 日本では「意匠とは、物品（物品の部分を含む）の形状、模様若しくは色彩又はこれらの結合であって、視覚を通じて美感を起こさせるもの」

中国では、「意匠とは、製品の形状、模様又はそれらの組合せ、及び色彩と形状、模様の組合せについて出された、美感に富み、工業的応用に適した新しいデザインをいう。」

Q2-2 貴国の意匠の法律によって保護される意匠の保護対象について、当てはまるものすべてにチェックして下さい。選択肢以外に保護対象がある場合は、「その他」欄に記載して下さい。

<input checked="" type="checkbox"/> 有体物(不動産を含む)	<input type="checkbox"/> 有体物(不動産を含まない)	<input type="checkbox"/> 3次元(3D)画像
<input type="checkbox"/> 極小意匠(肉眼で視認できないもの)	<input checked="" type="checkbox"/> 建築物	<input type="checkbox"/> ホログラム
<input type="checkbox"/> 動的意匠	<input type="checkbox"/> 光(花火、イルミネーション等)	<input type="checkbox"/> グラフィックシンボル
<input type="checkbox"/> 店舗等の室内ディスプレイやレイアウト	<input checked="" type="checkbox"/> 包装ラッピング	<input type="checkbox"/> アイコン
<input type="checkbox"/> 画像(表示される物品を特定して)	<input type="checkbox"/> 画像のみ(表示される物品を特定しない)	<input type="checkbox"/> 設計図
<input checked="" type="checkbox"/> テキスタイル(布として)	<input type="checkbox"/> テキスタイルのみ(物品を特定しない)	<input type="checkbox"/> その他( )

【3, 意匠の開示方法】貴国の意匠出願に関する、意匠の開示方法について、以下の設問にお答え願います。

Q3-1 貴国へ意匠出願する場合に認められる意匠の出願形式について、当てはまるものすべてにチェックして下さい。選択肢以外に許容し得るものがある場合は、「その他」欄に記載して下さい。

<input checked="" type="checkbox"/> 書面	<input type="checkbox"/> 電子的な記録媒体	<input type="checkbox"/> 電子メール	<input type="checkbox"/> インターネット	<input checked="" type="checkbox"/> その他(電子システム)
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Q3-2 貴国へ意匠出願する場合に認められる意匠の表現形式について、当てはまるものすべてにチェックして下さい。選択肢以外のものは、「その他」欄に記載して下さい。

<input checked="" type="checkbox"/> 図面	<input checked="" type="checkbox"/> 写真	<input type="checkbox"/> 見本	<input type="checkbox"/> その他( )
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Q3-3 意匠出願の表現形式に関連して特別な料金制度がある場合、それはどのような制度ですか。当てはまるものすべてにチェックして下さい。選択肢以外のものは、「その他」欄に記載して下さい。

課金制度	どのような場合に	料金内容
<input type="checkbox"/> 電子化手数料		
<input type="checkbox"/> 保管手数料		
<input type="checkbox"/> その他		
減免制度	どのような場合に	料金内容
<input type="checkbox"/> 出願数又は意匠数に関連して		
<input checked="" type="checkbox"/> その他	費用納付に困難がある場合、特許庁に費用の軽減を請求することができる。この制度は中国国内の出願人のみが対象になる。	軽減可能な費用は以下のとおりである。 出願料、不服審判請求料、年金

Q3-4 貴国へ意匠出願する場合に認められる意匠の表現手法について、何らかの規定はありますか。また、それはどのようなものですか。以下の選択肢に当てはまる場合はチェックし、選択肢以外のものは、自由記載欄をご利用下さい。

図面による表現の場合		
規定	どのような規定ですか	
図の数	<input type="checkbox"/> 一意匠あたり____図まで	<input checked="" type="checkbox"/> 規定はない
図の大きさ(1図の大きさ)	<input checked="" type="checkbox"/> 3cm × 8cm~15cm × 22cmという範囲内	<input type="checkbox"/> 規定はない
図法	例)正投影図法。斜方向のものに限り、等角投影図法、斜投影図法(キャ	<input type="checkbox"/> 規定はない

	<p>ビネット図又はカバリエ図)を認める。</p> <p><input checked="" type="checkbox"/> (自由記載)</p> <p>(正投影図法)</p>	
図の表記	<p><input checked="" type="checkbox"/> 向きや内容を示す (例)「正面図」、「使用状態参考図」等)</p> <p><input type="checkbox"/> 番号の付記(例「fig.1」、「1.1」、「1-2」等)</p> <p><input type="checkbox"/> その他( )</p>	<input type="checkbox"/> 規定はない
図の省略	<p><input checked="" type="checkbox"/> 二次元であって裏面が無模様のもは裏面の省略可能</p> <p><input checked="" type="checkbox"/> 立体物で図が同一又は対称の場合はどちらか一方を省略可能</p> <p><input type="checkbox"/> その他(自由記載)</p> <p>( )</p>	<input type="checkbox"/> 規定はない
必要図以外の図の追加	<p><input type="checkbox"/> 認めていない</p> <p><input checked="" type="checkbox"/> 展開図、断面図、拡大図、斜視図、画像図等</p> <p><input type="checkbox"/> その他(自由記載)</p> <p>( )</p>	<input type="checkbox"/> 規定はない
参考図	<p><input type="checkbox"/> 認めていない</p> <p><input checked="" type="checkbox"/> 意匠の理解を助ける必要がある場合に認める</p> <p><input checked="" type="checkbox"/> 使用状態を示した図であれば認める</p> <p><input type="checkbox"/> 引き込み線や説明が記載された図を認める</p> <p><input type="checkbox"/> その他(自由記載)</p> <p>( )</p>	<input type="checkbox"/> 規定はない
線の種類	<p><input checked="" type="checkbox"/> 透明部の表現でその他の線と使い分ける</p> <p><input type="checkbox"/> 材質の表現でその他の線と使い分ける</p> <p>具体的に→(自由記載 )</p> <p>【部分意匠制度のある国の方はお答え下さい】</p> <p><input type="checkbox"/> 意匠登録を受けようとする部分とその他の部分で使い分ける</p> <p><input type="checkbox"/> その他(自由記載)</p> <p>( )</p>	<input type="checkbox"/> 規定はない
色彩の有無及び表現	<p><input type="checkbox"/> 線だけの図を認める / <input type="checkbox"/> 線だけの図を認めない</p> <p><input checked="" type="checkbox"/> 色彩を含む図を認める / <input type="checkbox"/> 色彩を含む図を認めない</p> <p><input type="checkbox"/> 図面以外(願書の記載等)の記載による色彩の特定を認める</p> <p>【部分意匠制度のある国の方はお答え下さい】</p> <p><input type="checkbox"/> 色彩の塗り分けによって、意匠登録を受けようとする部分の特定を認める</p>	<input type="checkbox"/> 規定はない
陰影等の表現	<p><input checked="" type="checkbox"/> 認めていない</p> <p><input type="checkbox"/> 認めているが一定の制約がある</p> <p>(どのような制約ですか?</p> <p>→ )</p>	<input type="checkbox"/> 規定はない
対象となる意匠以外の記載	<input type="checkbox"/> 背景の映り込みを認める	<input type="checkbox"/> 規定はない
	<input type="checkbox"/> マネキン、モデル(人物)等の映り込みを認める	<input type="checkbox"/> 規定はない

<input type="checkbox"/> 引き込み線や図の中に記載された説明を認める	<input type="checkbox"/> 規定はない
<input checked="" type="checkbox"/> その他、認められるもの(マネキンがないと、意匠をうまく表現できない場合のみ、マネキンを認める)	

写真による表現の場合		
<input type="checkbox"/> 写真による表現を認めていない	その理由( )	
規定	どのような規定ですか	
写真の数	<input type="checkbox"/> 一意匠あたり_____図まで	<input checked="" type="checkbox"/> 規定はない
写真の大きさ(1枚の大きさ)	<input checked="" type="checkbox"/> (通常 A4 紙以下)	<input type="checkbox"/> 規定はない
鮮明度	<input checked="" type="checkbox"/> (①写真は、合焦などによる不明瞭なところがないように物品の意匠をはっきり示さなければならない。 ②写真の背景を単一の色にし、当該意匠に係る物品以外の物が現れないようにすべきである。物品の意匠をはっきり示すために、物品と背景との間に適切なコントラストがあるようにする必要がある。 ③通常、透視歪によって物品の意匠が正しく表現されないことを防ぐために、写真の撮影は正投影図法で行わなければならない。 ④強光、反射光、陰影、投影、などによる意匠の表現への影響を避けなければならない。)	<input type="checkbox"/> 規定はない
色彩の有無及び表現	<input checked="" type="checkbox"/> モノクロ写真を認める / <input type="checkbox"/> モノクロ写真を認めない <input checked="" type="checkbox"/> カラー写真を認める / <input type="checkbox"/> カラー写真を認めない 【部分意匠制度のある国の方はお答え下さい】 <input type="checkbox"/> 写真の上から別の色彩で塗りつぶすことを認める	<input type="checkbox"/> 規定はない
対象となる意匠以外の記載	<input checked="" type="checkbox"/> 背景の映り込みを認める	<input type="checkbox"/> 規定はない
	<input checked="" type="checkbox"/> マネキン、モデル(人物)等の映り込みを認める (マネキンがないと、意匠をうまく表現できない場合のみ、マネキンを認める)	<input type="checkbox"/> 規定はない
	<input type="checkbox"/> 引き込み線や図の中に記載された説明を認める	<input type="checkbox"/> 規定はない

見本による表現の場合		
<input checked="" type="checkbox"/> 見本による表現を認めていない	その理由(中国特許法第 59 条第 2 項によれば、意匠の権利範囲は図面または写真に示された物品の意匠を基準とする。)	
規定	どのような規定ですか	
マネキン等の付属品	<input type="checkbox"/> 認めていない <input type="checkbox"/> 認めているが一定の制約がある (どのような制約ですか?→ )	<input type="checkbox"/> 規定はない

CG(コンピュータ・グラフィックス)等電子的な画像による表現の場合		
<input type="checkbox"/> CG(コンピュータ・グラフィックス)等電子的な画像による表現を認めていない その理由( )		
規定	どのような規定ですか	
画像の種類(制止画/動画)	<input type="checkbox"/> 静止画のみ認める	<input type="checkbox"/> 動画も認める
画像の数	<input type="checkbox"/> 一意匠あたり_____図まで	<input type="checkbox"/> 規定はない
認められているデータフォーマット	<input checked="" type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF <input type="checkbox"/> その他( TIF )	<input type="checkbox"/> 規定はない
画像データの量(重さ)	<input checked="" type="checkbox"/> 画素 72~300、サイズ≤150mm×220mm	<input type="checkbox"/> 規定はない
色彩の有無及び表現	<input checked="" type="checkbox"/> モノクロ画像を認める / <input type="checkbox"/> モノクロ画像を認めない <input checked="" type="checkbox"/> カラー画像を認める / <input type="checkbox"/> カラー画像を認めない <input type="checkbox"/> 画像以外(願書の記載等)の記載による色彩の特定を認める <b>【部分意匠制度のある国の方はお答え下さい】</b> <input type="checkbox"/> 色彩の塗り分けによって、意匠登録を受けようとする部分の特定を認める	<input type="checkbox"/> 規定はない

【4、意匠の表現に関する願書記載事項】貴国の意匠出願に関する、意匠の表現に関する願書記載事項について、以下の設問にお答え願います。

Q4-1 貴国へ意匠出願する場合の提出書面の内容(記載項目)について、当てはまるものすべてにチェックして下さい。

意匠に係る物品	<input checked="" type="checkbox"/> 必須	<input type="checkbox"/> 任意	<input type="checkbox"/> 項目なし
物品の説明	<input type="checkbox"/> 必須	<input type="checkbox"/> 任意	<input checked="" type="checkbox"/> 項目なし
意匠の説明	<input checked="" type="checkbox"/> 必須	<input type="checkbox"/> 任意	<input type="checkbox"/> 項目なし
部分意匠制度のある国の場合、部分意匠の表示	<input type="checkbox"/> 必須	<input type="checkbox"/> 任意	<input type="checkbox"/> 項目なし

Q4-1-1 意匠に係る物品の欄の記載には、どのような規定がありますか。下欄に記載して下さい。

例1) 日本の場合、経済産業省令で定める物品の区分(別表第1の下欄)によらなければならない。当該区分のいずれにも属さない物品については、物品の説明の欄に使用の目的、使用の状態等物品の理解を助けることができるような説明を記載する。

例2) ロカルノ分類に含まれる物品であれば認める。

ロカルノ分類に含まれる物品であれば認める。
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Q4-1-2 願書の①「物品の説明」及び②「意匠の説明」の欄について、認められるものにはYを、認められないものにはNを、下欄の( )に記載して下さい

使用目的: ①( ) / ②(Y)	操作方法: ①( ) / ②(N)	材質: ①( ) / ②(N)	大きさ: ①( ) / ②(N)
色彩・透明部: ①( ) / ②(Y)	模様の連続性: ①( ) / ②(Y)	デザインの特徴: ①( ) / ②(Y)	
その他、特に認められる記載(自由記載) ① / ②		その他、特に認められない記載(自由記載) ① / ②物品の性能や内部構造、宣伝用語	



		行う。)	
	意匠が 明確か	例) 実体審査官が意匠法等に基づいて行う※ 自由記載(方式審査官が審査基準に基づいて 行う。)	例) 拒絶理由通知書の送付 自由記載(補正通知書の送付)

※日本の場合、実体的事項はその意匠の属する分野における通常の知識に基づいて、①意匠に係る物品、②意匠に係る物品の形態に関して、願書の記載及び添付図面等により総合的に判断する。

Q5-6 実体審査における意匠の表現の規定について、記載不備があった場合の対応にはどのようなものがありますか。

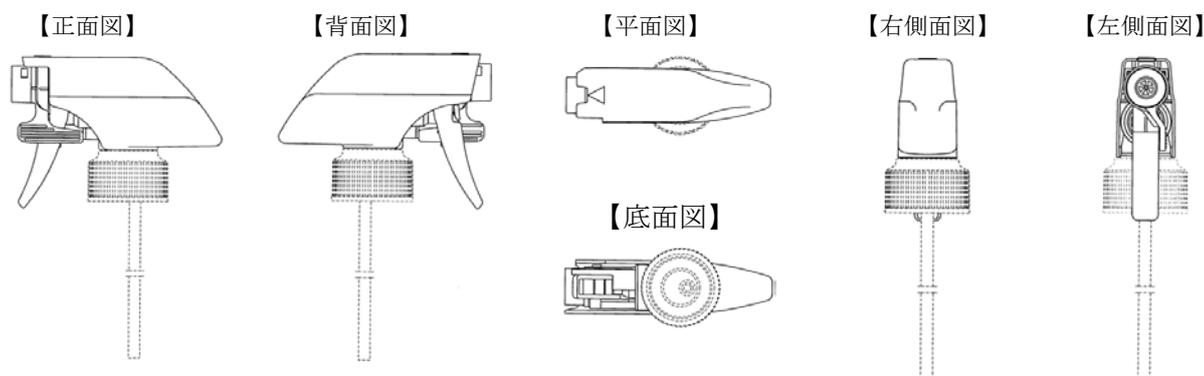
アクション	具体的な対応	出願日の繰り下げ	
例)意匠が特定できない旨の拒絶理由通知書の送付	例)補正が認められない場合は補正却下	なし	
自由記載(中国では、方式審査官は図面の不一致などの記載不備があるかを審査し、ある場合には補正通知書を発行して補正を命じる。)	自由記載(補正が認められない場合は補正却下)	<input type="checkbox"/> あり	<input checked="" type="checkbox"/> なし
自由記載( )	自由記載( )	<input type="checkbox"/> あり	<input type="checkbox"/> なし

Q5-7 願書の記載について、貴国で必須となる記述総てにチェックして下さい。また、出願時において必須であるか、登録時において必須(補正を認める)かもチェックして下さい。

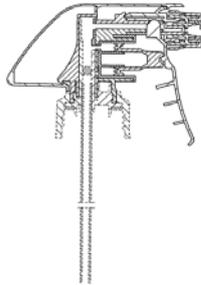
<input type="checkbox"/> 部分意匠制度のある国の場合、「部分意匠」の記載	<input type="checkbox"/> 出願時に必須	<input type="checkbox"/> 登録時に必須
<input checked="" type="checkbox"/> 機能・操作についての説明	<input type="checkbox"/> 出願時に必須	<input checked="" type="checkbox"/> 登録時に必須
<input checked="" type="checkbox"/> 大きさ、色彩	<input type="checkbox"/> 出願時に必須	<input checked="" type="checkbox"/> 登録時に必須
<input checked="" type="checkbox"/> 図の省略方法	<input type="checkbox"/> 出願時に必須	<input checked="" type="checkbox"/> 登録時に必須

Q5-8 以下に示す事例は、日本で意匠の認定が可能とされる事例ですが、貴国において以下の事例は認定可能ですか。認定できない場合は、その理由を記載して下さい。

<p>【意匠に係る物品】 包装用噴霧器のノズル</p> <p>【部分意匠】</p> <p>【物品の説明】 本物品は、ノズルレバーを固定又は解放するつまみ部を有する包装用噴霧器のノズルである。</p> <p>【意匠の説明】 実線で表した部分が、部分意匠として意匠登録を受けようとする部分である。図面中、管の省略部分は願書添付図面上5cmである。</p>
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【内部機構を省略した  
左側面図中央縦端面図】



【つまみ部を下ろし  
た状態の参考斜視図】



【つまみ部を上げた状  
態の参考斜視図】



認められない場合、その理由を記載して下さい

認められる。

Q5-9 補正・分割・出願変更が認められる場合、意匠の認定の後、許容し得る補正・分割・変更の範囲について、教えて下さい。当てはまる項目があればすべてにチェックし、特記事項があれば自由記載欄に記載して下さい。

許容し得る補正	
<p>① 意匠の種類を超えた補正</p> <p><input type="checkbox"/>全体意匠 ⇔ 部分意匠の補正 / <input type="checkbox"/>部分意匠 ⇔ 部分意匠の補正</p> <p>② 図面の種類を超えた補正</p> <p><input checked="" type="checkbox"/>図面 ⇔ 写真の補正 / <input type="checkbox"/>図面 ⇔ 見本・ひな形の補正</p> <p><input type="checkbox"/>写真 ⇔ 見本・ひな形の補正</p> <p><input checked="" type="checkbox"/>色彩あり ⇔ 色彩無しの補正</p>	<p>③ 図の種類を超えた補正</p> <p><input checked="" type="checkbox"/>斜視図の追加 / <input type="checkbox"/>斜視図 ⇔ 6面図</p> <p>④ 意匠の内容の補正</p> <p><input type="checkbox"/>新規事項の追加(要旨変更)</p> <p><input checked="" type="checkbox"/>要旨の認定に影響のないレベルの補正</p> <p><input type="checkbox"/>類否判断に影響のないレベルの補正</p> <p><input type="checkbox"/>意匠登録を受けようとする範囲の補正</p>
<p>自由記載欄</p> <p>補正の要件について、中国特許法第33条の「意匠の特許出願書類の補正は、当初の図面又は写真に示された事項の範囲を超えてはならない」と規定されている。この要件を満たす補正であれば、通常認められる。</p>	

Q5-10 願書の記載について、補正可能な項目と補正が可能な時期について、記載して下さい。

	補正の可否 (自由記載)	補正可能な時期 (自由記載)
意匠に係る物品	補正可能	自発補正の場合は出願日から2ヶ月以内、審査官に補正を命じられた場合は補正通知書の受領日から2ヶ月以内である。
意匠に係る物品の説明		
意匠の説明	補正可能	自発補正の場合は出願日から2ヶ月以内、審査官に補正を命じられた場合は補正通

知書の受領日から2ヶ月以内である。

許容し得る分割(自由記載欄) : 組物意匠又は類似意匠、つまり多意匠一出願の場合は、分割出願が可能である。

許容し得る出願変更

意匠出願 ⇔ 特許/実用新案出願

意匠出願 ⇔ 商標出願

【6, 意匠の単一性のとらえ方】複数意匠一括出願制度を採用している国に質問します。

意匠の単一性について、どのようにお考えですか。以下の設問にお答え願います。

Q6-1 貴国で「一意匠」と認められるための要件はどのようなものですか

「一意匠」の要件(自由記載)	根拠となる法、規則、運用ありますか(自由記載)
例) 一の物品の区分に相当する一つの物品に係る意匠	例) 意匠法第7条、経済産業省令別表第1
同一の製品に関する2つ以上の類似意匠、又は同一の分類に属しかつ一組として販売又は使用される製品に用いられる2つ以上の意匠は、一件の出願とすることができる。	中国特許法第31条第2項

Q6-2 一つの出願に含むことができる意匠の範囲はどのようなものですか。以下の事例について、認められるか否かを選択して下さい。

部品と完成品(例: 自転車のサドルと自転車)	<input type="checkbox"/> 認められる	<input checked="" type="checkbox"/> 認められない
同一分類内の複数物品(例: イスとテーブルが同一分類内にある場合、イスとテーブル)	<input checked="" type="checkbox"/> 認められる (組物意匠であれば、認められる)	<input type="checkbox"/> 認められない
同一物品の類似しない複数意匠(例: イスのみの複数意匠)	<input type="checkbox"/> 認められる	<input checked="" type="checkbox"/> 認められない
同一物品の類似する複数意匠(例: イスのみの複数意匠)	<input checked="" type="checkbox"/> 認められる	<input type="checkbox"/> 認められない
複数物品を指定する一意匠	<input type="checkbox"/> 認められる	<input checked="" type="checkbox"/> 認められない
相互に類似しない複数意匠(物品の類否を考慮しない)	<input type="checkbox"/> 認められる	<input checked="" type="checkbox"/> 認められない
相互に類似する複数意匠(物品の類否を考慮しない)	<input type="checkbox"/> 認められる	<input checked="" type="checkbox"/> 認められない

Q6-3 一意匠と認められる範囲はどのようなものですか。以下の事例について、認められるか否かを選択して下さい。

一の意匠を基にした複数の実施態様(例: 非包装物と包装された状態の複数の実施例)	<input type="checkbox"/> 認められる	<input checked="" type="checkbox"/> 認められない
ナイフ、フォーク及びスプーンなどのセットもの	<input checked="" type="checkbox"/> 認められる	<input type="checkbox"/> 認められない
セットものについて、出願人が自由に組み合わせて一の意匠として出願することを認めているか	<input checked="" type="checkbox"/> 認めている	<input type="checkbox"/> 認めていない
物品の一部又は全体が動くあるいは変化するもの(例: 組立てるとロボットになる自動車おもちゃ)	<input checked="" type="checkbox"/> 認められる	<input type="checkbox"/> 認められない
遷移する画像(例: 操作により展開する音楽再生装置の画像)	<input type="checkbox"/> 認められる	<input checked="" type="checkbox"/> 認められない

Q6-4 一意匠とは認められないケースについて、どのようなものか具体的に教えて下さい。

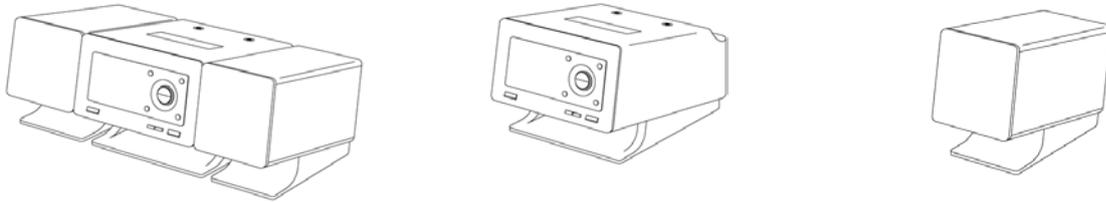
例えば、下記2件の意匠は一意匠とは認められない。



Q6-5 以下に示す事例では、貴国において一意匠と認められますか。また、認められない場合、その理由を記載して下さい。

【意匠に係る物品】 一組のオーディオ機器セット

【意匠に係る物品の説明】 本物品は、複数のオーディオ機能機器を内蔵した筐体である本体部と、本体部より出力された音声信号を入力して音声として放音する左側及び右側の二個のスピーカーボックスにより構成されておりそれらは分離可能である。



<input checked="" type="checkbox"/> 一意匠と認められる	<input type="checkbox"/> 一意匠と認められない その理由( )
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【7, 意匠権】 意匠権の効力について、どのようにお考えですか。以下の設問にお答え願います。

Q7-1 意匠の開示内容と意匠権の効力の範囲について、どのようにお考えですか。当てはまるもの総てにチェックし、該当しない場合は自由記載欄をご利用下さい。

物品名が含む類似範囲	<input type="checkbox"/> 願書に記載の物品と同一の範囲	<input checked="" type="checkbox"/> 願書に記載の物品の類似物品の範囲
	<input type="checkbox"/> 物品名は例示に過ぎず、形態が同一であれば他の物品にも権利は及ぶ	<input type="checkbox"/> (自由記載)
図面等で開示されていない箇所について	この箇所が意匠の全体の視覚的効果に与える影響を考察する。特に影響がない場合は、意匠権の効力が及ぶ。大きな影響がある場合は、意匠権の効力が及ばない。	
色彩の有無	色彩を保護する意匠の場合は、色彩の有無が意匠権の効力に影響を及ぼす。色彩を保護しない意匠の場合は、色彩の有無を考慮しない。	
実施態様だけに類似する侵害品	登録意匠に類似しなければ、意匠権の効力が及ばない。	
図等に表された意匠の範囲	<input type="checkbox"/> 図等と同一の範囲	<input checked="" type="checkbox"/> 図等の類似の範囲まで及ぶ

Q7-2 意匠の開示内容について、権利行使における制限事項はありますか。

物品の一部又は全体が動くあるいは変化するものに関する意匠が変化状態図なしで登録になった場合、将来その変化状態のみを模倣するものは、侵害とならない可能性がある。

Q7-3 意匠の開示内容に関わる無効事由にはどのようなものがありますか。

中国特許法第 27 条第 2 項（出願人が提出した関係図面又は写真は、特許の保護を求める製品の意匠を明瞭に示さなければならない）に違反することは、無効理由になる。

【8, その他】

Q8-1 ヘーグ協定ジュネーブアクトでは提出可能な図面を 6 図以内としているが、貴国では意匠の開示として十分と考えますか。

十分である 不足している

Q8-2 貴国の裁判例で、6 図では意匠の開示上不十分とされた例はありますか。

そのような裁判例はない 裁判例がある（具体的に )

Q8-3 貴国では、パリ条約による優先権の証明書の提出が必要ですか。

不要 必要 どのようなときに→(出願時に提出できない場合は、出願日から 3 ヶ月以内に提出しなければならない)

Q8-4 貴国では、パリ条約による優先権等の主張を伴う出願に際し、貴国への出願図面等と優先権の証明書類の図面等に差異がある場合、どのような対応をしますか。

認める 認めない その他（実体審査制度がないため、審査官によって、認める場合と認めない場合との両方がある。）

[情報収集依頼]

9-1 貴国における、意匠の表現を争点とした審決あるいは判決がありましたらお教えてください。多数ある場合は著名な判決等 3 件程度お教えてください。

回答：中国特許法は 2009 年に第 3 次改正が行われました（中国では意匠法はありません）。意匠に関する改正も多かったですが、改正事項に係る判例はまだありません。一方、意匠の明瞭性要件については改正されていないので、これを争点とした著名な判決を 1 件添付いたします。

9-2 貴国における法令、規則、基準、ガイドラインおよび、貴国の意匠制度における意匠の表現に関して特に参考となる Web 情報の URL、文献名及びそれらの該当箇所の要約、著作者名をお教えてください。著作権が関わる場合は別途ご相談をさせていただきます。

回答：中国特許法、実施細則、審査基準の和訳を添付いたします（審査基準の和訳は貴国のジェトロが作成したものです）。また、弊所が作成した「中国意匠出願ガイドライン」もご参考までに添付いたします。



米国アンケート回答

[1. System] Please answer the following questions with regard to design-related industrial property right systems in your country.

Q1-1 Does your country have (1) a design law (legally binding), (2) formality examination regulations (legally binding), and (3) design examination guidelines (not legally binding)?

Design law <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Formality examination regulations <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Design examination guidelines <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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(2) refers to detailed rules, such as implementation regulations needed for the law or detailed provisions based on the law, and (3) refers to examination practices.

Q1-2 In your country, is there a special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality? Is there also a special department that assigns and confirms classifications in your country? If so, please enter the number of persons in charge in such special departments.

Special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality	<input checked="" type="checkbox"/> Yes (no. of persons in charge: approx. 120 ) Technology Center 2900 in the USPTO examines design patent applications	<input type="checkbox"/> No
Special department that assigns and confirms classifications	<input checked="" type="checkbox"/> Yes (no. of persons in charge: ?? )	<input type="checkbox"/> No

Determining whether a design application is novel/creative through prior design search is to be called "conducting substantive examination."

Q1-3 Is substantive examination conducted for design applications in your country?

<input checked="" type="checkbox"/> Yes (for all applications)	<input type="checkbox"/> Yes (for some design applications)	<input type="checkbox"/> No
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Q1-4 Is there a special department that conducts substantive examinations? If so, please enter the number of persons in charge in the special department.

<input checked="" type="checkbox"/> Yes (no. of persons in charge: approx. 120 )	<input type="checkbox"/> No
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Q1-5 This question applies to countries in which substantive examinations are conducted. Please check the applicable boxes below in relation to the scope of prior design searches conducted to determine novelty.

<input checked="" type="checkbox"/> Design gazette of your country	<input checked="" type="checkbox"/> Design gazette of other countries (→ Which countries/regions? Not limited _____)
<input checked="" type="checkbox"/> Patent gazette, etc.	<input checked="" type="checkbox"/> Publicly known materials ( <input type="checkbox"/> magazines/catalogs <input type="checkbox"/> internet <input type="checkbox"/> other (            ))

Q1-6 Please let us know the situation in your country with regard to the following.

Partial design system <input checked="" type="checkbox"/> Available <input type="checkbox"/> Not available	Accelerated examination system <input checked="" type="checkbox"/> Available <input type="checkbox"/> Not available
Related design system <input checked="" type="checkbox"/> Available <input type="checkbox"/> Not available	Exception to lack of novelty <input checked="" type="checkbox"/> Available <input type="checkbox"/> Not available



Fee system	In what cases	Details of the fees
<input type="checkbox"/> Computerization fees		
<input type="checkbox"/> Storage fees		
<input checked="" type="checkbox"/> Other	Design Application Size Fee - for each additional 50 sheets that exceeds 100 sheets	\$310
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs		
<input type="checkbox"/> Other		

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input checked="" type="checkbox"/> Up to <u>100 sheets</u> drawings per design	<input type="checkbox"/> No provisions
Size of drawings (size of each drawing)	<input checked="" type="checkbox"/> A specific size of paper and margins are required. See 37 CFR 1.84.	<input type="checkbox"/> No provisions
Drawing methods	e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are permitted only for oblique-perspective drawings).  <input type="checkbox"/> (Free description) (Plan, elevation, section, perspective, and exploded views are allowed. See 37 CFR 1.84. )	<input type="checkbox"/> No provisions
Notation in drawings	<input checked="" type="checkbox"/> Indication of direction and content (e.g. "front view" and "reference drawing showing the conditions of use") <input checked="" type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2") <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Omission of drawings	<input checked="" type="checkbox"/> For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted <input checked="" type="checkbox"/> For a three-dimensional subject, if two drawings are identical or symmetrical, either may be omitted <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Addition of drawings other than necessary drawings	<input type="checkbox"/> Not permitted <input checked="" type="checkbox"/> Development view, cross-section view, magnified view, perspective view, image view, etc. <input type="checkbox"/> Other (free description)	<input type="checkbox"/> No provisions

	( )	
Reference drawings	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted where necessary to help the examiner understand the design <input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use <input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations <input type="checkbox"/> Other (free description) ( )	X No provisions
Styles of lines	x Different lines are used to express transparent parts <input type="checkbox"/> Different lines are used to express materials Specifically → (Free description: ) [Please answer the following if your country has a partial design system] x Different lines are used to distinguish a part for which an applicant requests design registration from other parts <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Existence and expression of color	x Drawings consisting solely of lines are permitted / <input type="checkbox"/> Drawings consisting solely of lines are not permitted x Under a certain circumstance, Drawings which include color are permitted / <input type="checkbox"/> Drawings which include color are not permitted <input type="checkbox"/> Color may be specified in a way other than by drawing (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> The part for which the applicant requests design registration may be specified using different colors	<input type="checkbox"/> No provisions
Expression of shading, etc.	<input type="checkbox"/> Not permitted x Permitted with certain restrictions (What are the restrictions? → does not reduce legibility )	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Other material that may be included (free description)	

In the case of expression by photographs		
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Number. of photographs	<input type="checkbox"/> Up to ____ photographs per design	x No provisions

Size of photographs (size of each photograph)	<input type="checkbox"/> (Free description)	x No provisions
Sharpness	<input type="checkbox"/> (Free description)	x No provisions
Existence and expression of color	<input checked="" type="checkbox"/> Black-and-white photographs are permitted / <input type="checkbox"/> Black-and-white photographs are not permitted <input checked="" type="checkbox"/> Color photographs are permitted / <input type="checkbox"/> Color photographs are not permitted [Please answer the following if your country has a partial design system] <input type="checkbox"/> Different colors may be applied to photographs	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input type="checkbox"/> No provisions

In the case of expression by specimens		
x Expression by specimens is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Mannequins and other accessories	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input type="checkbox"/> No provisions

In the case of expression by electronic images, such as CG (computer graphics)		
x Expression by electronic images, such as CG (computer graphics), is not permitted		
Reasons ( )		
Provisions	Details of the provisions	
Types of images (still/moving images)	<input type="checkbox"/> Only still images are permitted	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to _____ images per design	<input type="checkbox"/> No provisions
Permitted image formats	<input type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Image data amount (size)	<input type="checkbox"/> Up to _____	<input type="checkbox"/> No provisions
Existence and expression of color	<input type="checkbox"/> Black-and-white images are permitted / <input type="checkbox"/> Black-and-white images are not permitted <input type="checkbox"/> Color images are permitted / <input type="checkbox"/> Color images are not permitted <input type="checkbox"/> Color may be specified in a way other than through the use of images (via a written statement in an application, etc.) [Please answer the following if your country has a partial design	<input type="checkbox"/> No provisions

system]  
 A part for which an applicant requests design registration may be specified by using different colors

[4. Description in an application in relation to the expression of a design] With regard to the description in an application in relation to the expression of a design, please answer the following questions.

Q4-1 Please check the applicable boxes below to indicate the contents (items described) of documents submitted in filing a design application in your country.

Article to the design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the article	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the design	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input checked="" type="checkbox"/> No such item.
If your country has a partial design system, indication of partial design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

Q4-1-1 What provisions exist concerning statements in the "Article to the design" section? Please describe them below.

Example 1: In Japan, statements must follow the classification of articles specified in the Ordinance of the Ministry of Economy, Trade and Industry (bottom column of Appended Table 1). If an article does not belong to any classification, the applicant provides explanations to help the examiner understand the article in the "Explanation of the article" section, such as its purpose and the conditions of its use.

Example 2: Articles included in the International Classification for Industrial Designs are permitted.

Needs to include a brief description of the nature and intended use of the article in which the design is embodied.

Q4-1-2 With regard to the (1) "Explanation of the article" and (2) "Explanation of the design" sections in an application, please write Y or N in the parentheses below to indicate whether or not the relevant matter can be stated in the respective section.

Purpose of use: (1) ( Y )/(2) ( )	Method of operation: (1) ( )/(2) ( )	Material: (1) ( )/(2) ( )	Size: (1) ( )/(2) ( )
Colored/transparent parts: (1) ( )/(2) ( )	Continuity of a pattern: (1) ( )/(2) ( )	Features of the design: (1) ( )/(2) ( )	
Other statements permitted (free description) (1) / (2)		Other statements not permitted (free description) (1) / (2)	

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design.

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the method by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

A broken line disclosure is understood to be for illustrative purposes only and forms no part of the claimed design.

[5. Understanding of specification/finding/amendment of a design] What is your understanding with regard to the

specification/finding/amendment of a design?

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the requirements for disclosure of a design considered sufficient to secure the filing date?

Design patents in the U.S. needs to comply at least with 35 U.S.C. 102, 103, 112, 132, 171, 173.

Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input checked="" type="checkbox"/> Country's own design classification	<input type="checkbox"/> International Classification for Industrial Designs	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Government office	<input type="checkbox"/> Other ( )
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Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input type="checkbox"/> All articles with the same classification are similar	<input type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input type="checkbox"/> Other (free description) Classification of design patents is based on the concept of function or intended use of the industrial design disclosed and claimed in the Design patent.
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Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations).

	Who is empowered to find a design, and based on what standards?	Handing of cases in which a design cannot be found
Specifying the scope of similarity of articles	Example: An examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings, etc. attached to it.* Free description ( The examination by an examiner entails checking for compliance with formalities, ensuring completeness of the drawing disclosure and a comparison of the claimed subject matter with the prior art. )	Example: Sending a notice of reasons for refusal Free description ( The application is rejected. )
Specifying the form	Regarding drawing methods Example: An examiner in charge of formality examination makes a determination based on implementation regulations Free description ( See above. )	Example: Dismissal for failure to comply with formalities and dismissal of the application Free description ( )
	Clarity of	Example: An examiner in charge of substantive
		Example: Sending a notice of reasons for refusal

	the design	examination makes a determination based on design law, etc.* Free description ( )	Free description ( )
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\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled?

Action	Specific handling	Postponement of the filing date	
Example: Sending a notice of reasons for refusal to the effect that the design cannot be specified	Example: Dismissing an amendment if the amendment is not permitted	Not postponed	
Free description ( Office action is issued. )	Free description ( Amended if such an amendment is accepted. )	<input type="checkbox"/> Postponed	<input checked="" type="checkbox"/> Not postponed
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed

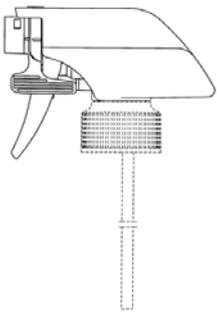
Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input checked="" type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design"	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input checked="" type="checkbox"/> Explanation of function/operation	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Size and color	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Method of omitting drawings	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration

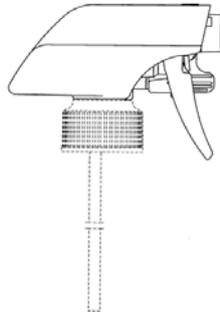
Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? If not, please describe why.

<p>[Article to the design] Nozzle of a nebulizer for packaging</p> <p>[Partial design]</p> <p>[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever.</p> <p>[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design is requested. In the design attached to the application, the length of the nozzle lever is 7</p>
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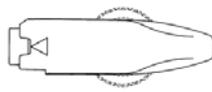
[Front view]



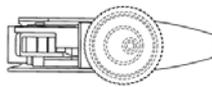
[Back view]



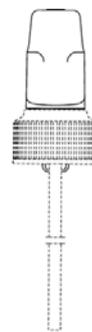
[Plane view]



[Bottom view]



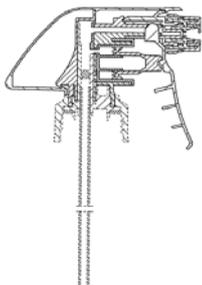
[Right-side view]



[Left-side view]



[Left side central longitudinal end view; internal mechanism is omitted]



[Reference perspective view with the grip part in the down position]



[Reference perspective view with the grip part in the up position]



Description of the reasons why a design would not be found in your country, if applicable.

Q5-9 If amendment/division/conversion of an application is permitted, please describe the scope of amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments

<p>(1) Amendment beyond the type of design</p> <p><input checked="" type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / <input type="checkbox"/> Amendment from a partial design to another partial design</p> <p>(2) Amendment beyond the type of drawing</p> <p><input type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input type="checkbox"/> Amendment from a drawing to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a photograph to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a color image to a monochrome image and vice versa</p>	<p>(3) Amendment beyond the type of view</p> <p><input checked="" type="checkbox"/> Addition of a perspective view / <input checked="" type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa</p> <p>(4) Amendment of the content of a design</p> <p><input type="checkbox"/> Addition of a new matter (change of the gist of the design)</p> <p><input checked="" type="checkbox"/> Amendment that does not affect the finding of the gist of the design</p> <p><input type="checkbox"/> Amendment that does not affect the determination of similarity</p> <p><input type="checkbox"/> Amendment to the scope of the design for which design registration is requested</p>
Free description:	

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments can be made.

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design	Permitted	same as utility patent
Explanation of the article to the design	Permitted	same as utility patent
Explanation of the design		

Permissible division (free description): same as utility patent

Permissible conversion of an application	<input type="checkbox"/> From a design application to a patent/utility model application and vice versa	<input type="checkbox"/> From a design application to a trademark application and vice versa
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[6. Understanding of the unity of design] The following questions are to countries that adopt a one application for multiple designs system. What is your understanding of the unity of design? Please answer the following questions.

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry
It is permissible to illustrate more than one embodiment of a design invention in a single application. However, such embodiments may be presented only if they involve a single inventive concept .	35 U.S.C. 121

Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple similar designs for the same article (e.g. multiple chair designs)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
A single design designating multiple articles	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple similar designs (the designs may be used for the same or different articles)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included

Q6-3 What is the scope of a single design? Please choose whether the following are recognized to be single designs.

Multiple embodiments based on one design (e.g. an unpackaged article and multiple packaged working examples)	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Sets, such as a set of knives, forks and spoons	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
For such sets, are applicants permitted to freely combine articles and file an application for the combination as single design?	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Articles which move or change entirely or in part (e.g. a toy car that changes into a robot through assembly)	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Transitional images (e.g. an image that is developed through the operation of a music playing device)	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized

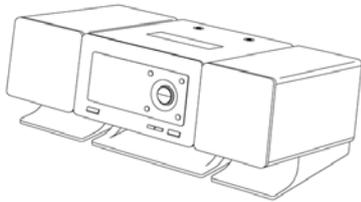
Q6-4 Please inform us of specific cases of not being recognized to be a single design.

A design application which contains more than one patentably distinct design will be subject to a restriction requirement.

Q6-5 In the example case shown below, would the set be recognized to be a single design in your country? If not, please provide the reasons.

[Article to the design] A set of audio equipment  
 [Explanation of the article to the design] This article consists of the body part which is a chassis that houses multiple types of audio equipment and two speaker boxes on its left and right sides which receive audio signal output from the body part and release it as sound. The body part and the two speaker boxes are separable.

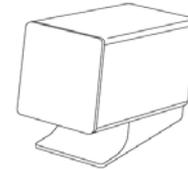
[Perspective view]



[Perspective view of the body part]



[Perspective view of the speaker part]



<input type="checkbox"/> Recognized to be a single design	<input checked="" type="checkbox"/> Not recognized to be a single design Reasons ( They may be patentably district. )
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[7. Design right] What is your understanding of the effect of a design right? Please answer the following questions.

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right? Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity included in the name of an article	<input type="checkbox"/> The scope is limited to that of the article stated in the application	<input checked="" type="checkbox"/> The scope extends to articles similar to the article stated in the application
	<input type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form	<input type="checkbox"/> (Free description) It will encompass a design that is substantially the same to the eye of an ordinary observer.
Parts that are not disclosed in drawings, etc.	(Free description)	
Color or monochrome	(Free description)	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	(Free description)	
Scope of a design depicted in views, etc.	<input type="checkbox"/> The scope is the same as that of the views, etc.	<input type="checkbox"/> The scope extends to similar views, etc.

Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

Design patents are claimed as shown in drawings, and claims construction is adapted to a pictorial setting.

Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

Design patents may be invalidated for lack novelty and obviousness. Also, the double patenting doctrine is applicable as well.

[8. Other]

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?

<input checked="" type="checkbox"/> Sufficient	<input type="checkbox"/> Insufficient
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Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient disclosure of a design?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (Please specifically describe: _____ )
--	--

Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes In what situation? → (Free description: When an application claims the benefit or priority from an application that was filed in a foreign country within 6 month from the date of the application. _____ )
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Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

<input type="checkbox"/> Accepted	<input type="checkbox"/> Not accepted	<input checked="" type="checkbox"/> Other (Depend on if the difference is considered to be a new matter. _____ )
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[Request for information gathering]

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc.

Egyptian Goddess, Inc. v. Swisa Inc., 543 F.3d 665 (Fed. Cir. 2008).

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites and names of documents which are especially informative with regard to expression of a design under your country's design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved.

Relevant Rules: 37 CFR 1.84, 1.151-1.155.

USPTO site <http://www.uspto.gov/patents/resources/types/designapp.jsp#def>



OHIM アンケート回答

[1. System] Please answer the following questions with regard to design-related industrial property right systems in your country (EU, OHIM).

Q1-1 Does your country (Community) have (1) a design law (legally binding), (2) formality examination regulations (legally binding), and (3) design examination guidelines (not legally binding)?

Design law <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Formality examination regulations <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Design examination guidelines <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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(2) refers to detailed rules, such as implementation regulations needed for the law or detailed provisions based on the law, and (3) refers to examination practices.

Q1-2 In your country, is there a special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality? Is there also a special department that assigns and confirms classifications in your country? If so, please enter the number of persons in charge in such special departments.

Special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality	<input checked="" type="checkbox"/> Yes (no. of persons in charge: ) Design Service: 16 examiners	<input type="checkbox"/> No
Special department that assigns and confirms classifications	<input checked="" type="checkbox"/> Yes (no. of persons in charge: ) Design Service	<input type="checkbox"/> No

Determining whether a design application is novel/creative through prior design search is to be called "conducting substantive examination."

Q1-3 Is substantive examination conducted for design applications in your country?

<input type="checkbox"/> Yes (for all applications)	<input type="checkbox"/> Yes (for some design applications)	<input checked="" type="checkbox"/> No
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Q1-4 Is there a special department that conducts substantive examinations? If so, please enter the number of persons in charge in the special department.

<input type="checkbox"/> Yes (no. of persons in charge: )	<input checked="" type="checkbox"/> No
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Q1-5 This question applies to countries in which substantive examinations are conducted. Please check the applicable boxes below in relation to the scope of prior design searches conducted to determine novelty.

<input type="checkbox"/> Design gazette of your country	<input type="checkbox"/> Design gazette of other countries (→ Which countries/regions? _____)
<input type="checkbox"/> Patent gazette, etc.	<input type="checkbox"/> Publicly known materials ( <input type="checkbox"/> magazines/catalogs <input type="checkbox"/> internet <input type="checkbox"/> other (     ))

Q1-6 Please let us know the situation in your country with regard to the following.

Partial design system <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available	Accelerated examination system <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available
Related design system <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available	Exception to lack of novelty <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available

One application for multiple designs system <input type="checkbox"/> Available <input type="checkbox"/> Not available	Reduction and exemption system for various fees <input type="checkbox"/> Available <input type="checkbox"/> Not available
System for converting a patent application to a design application and vice versa <input type="checkbox"/> Available <input type="checkbox"/> Not available	

[2. Designs subject to protection] With regard to designs protected in your country, please answer the following questions.

Q2-1 Please provide the definition of a design protected by design law in your country.

e.g. In Japan, a design is defined as follows: "Design' ... shall mean the shape, patterns or colors, or any combination thereof, of an article (including a part of an article ...), which creates an aesthetic impression through the eye."

**Art 3(a)CDR: Design means the appearance of the whole or part of a product resulting from its features of, in particular, the lines, contours, colours, shape, texture and/or materials of the product itself and/or its ornamentation.**

Q2-2 Please check the applicable boxes below to indicate the subjects of design law protection in your country. If there are any subjects of protection other than those listed below, please describe them in the "Other" box.

<input type="checkbox"/> Tangible objects (including real property)	<input type="checkbox"/> Tangible objects (not including real property)	<input type="checkbox"/> Three-dimensional (3D) images
<input type="checkbox"/> Microscopic designs (those not visible to the naked eye)	<input type="checkbox"/> Buildings	<input type="checkbox"/> Holograms
<input type="checkbox"/> Motion designs	<input type="checkbox"/> Lighting (fireworks, illuminations, etc.)	<input type="checkbox"/> Graphic symbols
<input type="checkbox"/> Indoor displays and layouts of stores, etc.	<input type="checkbox"/> Packaging	<input type="checkbox"/> Icons
<input type="checkbox"/> Images (with specification of the articles on which the images are displayed)	<input type="checkbox"/> Images alone (without specification of the articles on which the images are displayed)	<input type="checkbox"/> Design drawings
<input type="checkbox"/> Textile designs (with specification of the articles as textiles)	<input type="checkbox"/> Textile designs alone (without specification of the articles in which the design is used)	<input type="checkbox"/> Other Animated icons, Graphical user interfaces

[3. Measures of design disclosure] Please answer the following questions with regard to the measures of disclosing a design in a design application in your country.

Q3-1 Please check the applicable boxes below to indicate the permitted design application filing formats in your country. If there are any permissible formats other than those listed below, please describe them in the "Other" box.

<input type="checkbox"/> Paper document	<input type="checkbox"/> Electronic recording media	<input type="checkbox"/> E-mail	<input type="checkbox"/> Internet	<input type="checkbox"/> Other    Fax
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Q3-2 Please check the applicable boxes below to indicate the permitted forms of expressing designs in design applications in your country. Please describe forms other than those listed below in the "Other" box.

<input type="checkbox"/> Drawings	<input type="checkbox"/> Photographs	<input type="checkbox"/> Specimens	<input type="checkbox"/> Other Computer generated drawings
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Q3-3 If there are any special fee systems in relation to the format of a design application, please check the applicable boxes below to indicate their features. Please describe systems other than those listed below in the "Other" box.

Fee system	In what cases	Details of the fees
<input type="checkbox"/> Computerization fees		
<input type="checkbox"/> Storage fees		
<input type="checkbox"/> Other		
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs	Multiple applications	1 <sup>st</sup> design of a multiple application= registration 230€+ publication 120€+ deferment 40€  2 <sup>nd</sup> up to 10 <sup>th</sup> design= 115€+ 60€+20€  >11 <sup>th</sup> design = 50€+ 30€+ 10€
<input type="checkbox"/> Other		

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input type="checkbox"/> Up to <u>seven</u> 7 drawings per design	<input type="checkbox"/> No provisions
Size of drawings (size of each drawing)	<input type="checkbox"/> (Free description) paper: max 26.2 x 17cm , e-filing: 5Mb/view, 17cm x 24 cm, 2008 x 2835 pixels	<input type="checkbox"/> No provisions
Drawing methods	e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are permitted only for oblique-perspective drawings).  <input type="checkbox"/> (Free description) ( )	<input type="checkbox"/> No provisions
Notation in drawings	<input type="checkbox"/> Indication of direction and content (e.g. "front view" and "reference drawing showing the conditions of use") <input type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2") <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions

Omission of drawings	<input type="checkbox"/> For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted <input type="checkbox"/> For a three-dimensional subject, if two drawings are identical or symmetrical, either may be omitted <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Addition of drawings other than necessary drawings	<input type="checkbox"/> Not permitted <input type="checkbox"/> Development view, cross-section view, magnified view, perspective view, image view, etc. <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Reference drawings	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted where necessary to help the examiner understand the design <input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use <input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Styles of lines	<input type="checkbox"/> Different lines are used to express transparent parts <input type="checkbox"/> Different lines are used to express materials Specifically → (Free description: ) [Please answer the following if your country has a partial design system] <input type="checkbox"/> Different lines are used to distinguish a part for which an applicant requests design registration from other parts (indicators of disclaimers) <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Existence and expression of color	<input type="checkbox"/> Drawings consisting solely of lines are permitted / <input type="checkbox"/> Drawings consisting solely of lines are not permitted <input type="checkbox"/> Drawings which include color are permitted / <input type="checkbox"/> Drawings which include color are not permitted <input type="checkbox"/> Color may be specified in a way other than by drawing (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> The part for which the applicant requests design registration may be specified using different colors	<input type="checkbox"/> No provisions
Expression of shading, etc.	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → used as indicators of disclaimer )	<input type="checkbox"/> No provisions
Description of materials other than	<input type="checkbox"/> The background may be included NO	<input type="checkbox"/> No provisions

the subject design	<input type="checkbox"/> Mannequins and models (persons), etc. may be included <b>NO</b>	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted <b>NO</b>	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Other material that may be included (free description) <b>NO</b>	

In the case of expression by photographs		
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Number. of photographs	<input type="checkbox"/> Up to <u>7</u> photographs per design	<input type="checkbox"/> No provisions
Size of photographs (size of each photograph)	<input type="checkbox"/> (Free description) <b>paper: max 26.2x17cm , e-filing: 5Mb/view, 17cm x 24 cm, 2008 x 2835 pixels</b>	<input type="checkbox"/> No provisions
Sharpness	<input type="checkbox"/> (Free description) <b>Printing resolution: Min 300 DPI</b>	<input type="checkbox"/> No provisions
Existence and expression of color	<input type="checkbox"/> <b>Black-and-white photographs are permitted</b> / <input type="checkbox"/> Black-and-white photographs are not permitted <input type="checkbox"/> <b>Color photographs are permitted</b> / <input type="checkbox"/> Color photographs are not permitted [Please answer the following if your country has a partial design system] <input type="checkbox"/> Different colors may be applied to photographs <b>NO</b>	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included <b>NO</b>	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included <b>NO</b>	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted <b>NO</b>	<input type="checkbox"/> No provisions

In the case of expression by specimens <b>Specimens are permitted</b>		
<input type="checkbox"/> Expression by specimens is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Mannequins and other accessories	<input type="checkbox"/> <b>Not permitted</b>	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	

In the case of expression by electronic images, such as CG (computer graphics)		
<input type="checkbox"/> Expression by electronic images, such as CG (computer graphics), is not permitted		
Reasons ( )		
Provisions	Details of the provisions	
Types of images (still/moving images)	<input type="checkbox"/> <b>Only still images are permitted</b>	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to <u>7</u> images per design	<input type="checkbox"/> No provisions



( )/(2) ( Y )	( )/(2) ( Y )	
Other statements permitted (free description) (1) / (2)		Other statements not permitted (free description) <b>The explanation (description) is not published in the bulletin</b>

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design.

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the method by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

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[5. Understanding of specification/finding/amendment of a design] What is your understanding with regard to the specification/finding/amendment of a design?

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the requirements for disclosure of a design considered sufficient to secure the filing date?

<b>CDR, CDIR, Examination Manual</b>
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Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input type="checkbox"/> Country's own design classification	<input type="checkbox"/> <b>International Classification for Industrial Designs</b>	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input type="checkbox"/> Applicant	<input type="checkbox"/> <b>EU office (OHIM)</b>	<input type="checkbox"/> Other ( )
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Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input type="checkbox"/> All articles with the same classification are similar	<input type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input type="checkbox"/> Other (free description)
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Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations).

	Who is empowered to find a design, and based on what standards?	Handing of cases in which a design cannot be found
	Example: An examiner in charge of substantive examination	Example: Sending a notice of reasons for

Specifying the scope of similarity of articles	makes a comprehensive determination based on statements in an application and drawings, etc. attached to it.* Free description ( )		refusal Free description ( )
Specifying the form	Regarding drawing methods	Example: An examiner in charge of formality examination makes a determination based on implementation regulations Free description ( )	Example: Dismissal for failure to comply with formalities and dismissal of the application Free description ( )
	Clarity of the design	Example: An examiner in charge of substantive examination makes a determination based on design law, etc.* Free description ( )	Example: Sending a notice of reasons for refusal Free description ( )

\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled?

Action	Specific handling	Postponement of the filing date	
Example: Sending a notice of reasons for refusal to the effect that the design cannot be specified	Example: Dismissing an amendment if the amendment is not permitted	Not postponed	
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed

Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design"	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Explanation of function/operation	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Size and color	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Method of omitting drawings	<input type="checkbox"/> Necessary at the time of	<input type="checkbox"/> Necessary at the time of

Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? If not, please describe why.

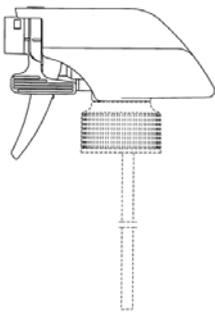
[Article to the design] Nozzle of a nebulizer for packaging

[Partial design]

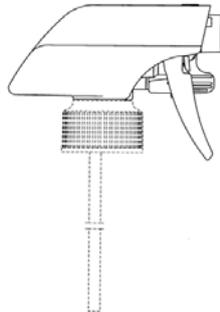
[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever.

[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design is requested. In the drawings attached to the application, the length of the omitted tube is 5 cm.

[Front view]



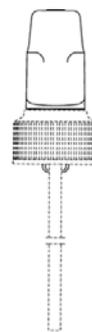
[Back view]



[Plane view]



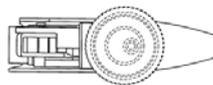
[Right-side view]



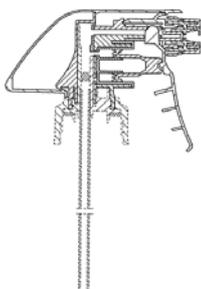
[Left-side view]



[Bottom view]



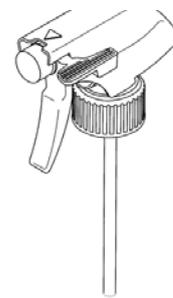
[Left side central longitudinal end view; internal mechanism is omitted]



[Reference perspective view with the grip part in the down position]



[Reference perspective view with the grip part in the up position]



Description of the reasons why a design would not be found in your country, if applicable.

No more than 7 views/ No explanatory notes on the views

Q5-9 If amendment/division/conversion of an application is permitted, please describe the scope of

amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments	
<p>(1) Amendment beyond the type of design</p> <p><input type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / <input type="checkbox"/> Amendment from a partial design to another partial design</p> <p>(2) Amendment beyond the type of drawing</p> <p><input type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input type="checkbox"/> Amendment from a drawing to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a photograph to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a color image to a monochrome image and vice versa</p>	<p>(3) Amendment beyond the type of view</p> <p><input type="checkbox"/> Addition of a perspective view / <input type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa</p> <p>(4) Amendment of the content of a design</p> <p><input type="checkbox"/> Addition of a new matter (change of the gist of the design)</p> <p><input type="checkbox"/> Amendment that does not affect the finding of the gist of the design</p> <p><input type="checkbox"/> Amendment that does not affect the determination of similarity</p> <p><input type="checkbox"/> Amendment to the scope of the design for which design registration is requested</p>
<p>Free description:</p> <p><b>Art 12.2 CDIR: only name and address of the applicant, errors of wording or of copying, or obvious mistakes may be corrected at the request of the applicant and provided that such correction does not change the representation of the design.</b></p>	

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments can be made.

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design	Indication of product can be changed to a more specific one	Before registration
Explanation of the article to the design		
Explanation of the design	Description can be submitted only together with the application	Only at filing

<p>Permissible division (free description):</p> <p><b>only in case of a multiple application where there is not unity of class among the designs</b></p>
--

Permissible conversion of an application	<input type="checkbox"/> From a design application to a patent/utility model application and vice versa <b>NO</b>	<input type="checkbox"/> From a design application to a trademark application and vice versa <b>NO</b>
--	---	--

[6. Understanding of the unity of design] The following questions are to countries that adopt a one application for multiple designs system. What is your understanding of the unity of design? Please answer the following questions.

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry
Design of one product or part of it, set of articles, complex products and components of complex products	

Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple similar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
A single design designating multiple articles	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple similar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included

Q6-3 What is the scope of a single design? Please choose whether the following are recognized to be single designs.

Multiple embodiments based on one design (e.g. an unpackaged article and multiple packaged working examples)	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Sets, such as a set of knives, forks and spoons	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
For such sets, are applicants permitted to freely combine articles and file an application for the combination as single design?	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Articles which move or change entirely or in part (e.g. a toy car that changes into a robot through assembly)	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Transitional images (e.g. an image that is developed through the operation of a music playing device)	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized

Q6-4 Please inform us of specific cases of not being recognized to be a single design.

Set of articles without features in common nor aesthetic or functional complementarity, variations of a product, identical products in different colours

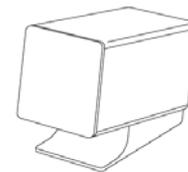
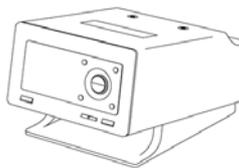
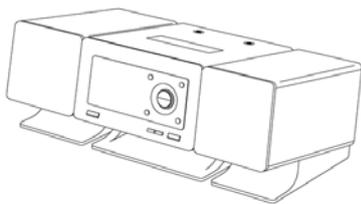
Q6-5 In the example case shown below, would the set be recognized to be a single design in your country? If not, please provide the reasons.

[Article to the design] A set of audio equipment  
 [Explanation of the article to the design] This article consists of the body part which is a chassis that houses multiple types of audio equipment and two speaker boxes on its left and right sides which receive audio signal output from the body part and release it as sound. The body part and the two speaker boxes are separable.

[Perspective view]

[Perspective view of the body part]

[Perspective view of the speaker part]



<input type="checkbox"/> Recognized to be a single design	<input type="checkbox"/> Not recognized to be a single design Reasons ( _____ )
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[7. Design right] What is your understanding of the effect of a design right? Please answer the following questions.

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right? Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity included in the name of an article	<input type="checkbox"/> The scope is limited to that of the article stated in the application	<input type="checkbox"/> The scope extends to articles similar to the article stated in the application
	<input type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form	<input type="checkbox"/> (Free description) the design right extends to all designs that produce the same overall impression to an informed user
Parts that are not disclosed in drawings, etc.	(Free description) not protected	
Color or monochrome	(Free description) whatever is shown in the representation	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	(Free description) it depends on the overall impression, taking into account differences that are not considered immaterial	

Scope of a design depicted in views, etc.	<input type="checkbox"/> The scope is the same as that of the views, etc.	<input type="checkbox"/> The scope extends to similar views, etc. <b>as far as they produce the same overall impression to an informed user</b>
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Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

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Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

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[8. Other]

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?

<input checked="" type="checkbox"/> Sufficient	<input type="checkbox"/> Insufficient
--	---------------------------------------

Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient disclosure of a design?

<input type="checkbox"/> No	<input type="checkbox"/> Yes (Please specifically describe: _____ )
-----------------------------	--

Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes In what situation? → (Free description: <b>when the prior right is not a Registered Community design</b> )
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Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

<input checked="" type="checkbox"/> Accepted	<input type="checkbox"/> Not accepted	<input type="checkbox"/> Other ( _____ )
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[Request for information gathering]

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc.

**BoA decisions**

[http://oami.europa.eu/search/legaldocs/1a/EN\\_boa\\_index.cfm](http://oami.europa.eu/search/legaldocs/1a/EN_boa_index.cfm)

## General Court decisions

<http://oami.europa.eu/ows/rw/pages/RCD/caseLaw/appealsOffice.en.do>

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites and names of documents which are especially informative with regard to expression of a design under your country's design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved.

CDR/ CDIR/ CDFR

Examination Manual

RCD Guidelines (OHIM website)

韓国アンケート回答

【1, 制度】意匠に関する、貴国の産業財産権の制度について、以下の設問にお答え願います。

Q1-1 貴国には、①意匠の法律（法的拘束力のあるもの）、②方式審査基準（法的拘束力のあるもの）や③意匠審査基準（法的拘束力のないもの）がありますか。

意匠の法律	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない	方式審査基準	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない	意匠審査基準	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない
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※②は施行規則等の法律の執行に必要な細則やその委任に基づく規定を意味し、③は審査上の運用を意味します。

Q1-2 貴国には、意匠出願の図面の記載要件の確認、公序良俗の審査を行う専門部署および分類付与・確認を行う専門部署がありますか。専門部署がある場合には、その専門部署の担当者数を記入願います。

意匠出願の図面の記載要件の確認、公序良俗の審査を行う専門部署	<input type="checkbox"/> ある（担当者数 人）	<input checked="" type="checkbox"/> ない ※
分類付与・確認を行う専門部署	<input checked="" type="checkbox"/> ある（担当者数 約 3 人）	<input type="checkbox"/> ない

※公序良俗等の審査を行う専門部署はないものの、実体審査を行う専門部署（下記の Q1-4 に記載）で公序良俗等の審査を行う

意匠出願の新規性や創作性の有無について先行意匠調査を行って判断することを、「実体審査を行う」と呼ぶこととします。

Q1-3 貴国では、意匠出願の実体審査を行っていますか。

<input type="checkbox"/> すべての出願について行っている	<input checked="" type="checkbox"/> 一部の意匠出願について行っている	<input type="checkbox"/> 行っていない
--	--	---------------------------------

Q1-4 実体審査を行う専門部署がありますか。専門部署がある場合には、その専門部署の担当者数を記入願います。

<input checked="" type="checkbox"/> 専門部署がある（担当者数 約 40 人）	<input type="checkbox"/> 専門部署はない
--	----------------------------------

Q1-5 実体審査を行っている国に質問します。新規性の判断について、行っている先行調査に当てはまるものすべてにチェックして下さい。

<input checked="" type="checkbox"/> 自国の意匠公報	<input checked="" type="checkbox"/> 他国の意匠公報（→どの国・地域ですか？ 日本、アメリカ、ヨーロッパ）
<input checked="" type="checkbox"/> 特許公報等	<input checked="" type="checkbox"/> 公知資料（ <input checked="" type="checkbox"/> 雑誌・カタログ <input checked="" type="checkbox"/> インターネット <input type="checkbox"/> その他（ ））

Q1-6 以下の事項について貴国の状況を教えてください。

部分意匠制度	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない	早期審査制度	<input type="checkbox"/> ある	<input type="checkbox"/> ない
関連意匠制度	<input type="checkbox"/> ある	<input checked="" type="checkbox"/> ない※	新規性喪失の例外	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない
多意匠一出願制度	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない	各種料金減免制度	<input checked="" type="checkbox"/> ある	<input type="checkbox"/> ない
特許、意匠の間での出願変更制度	<input type="checkbox"/> ある	<input checked="" type="checkbox"/> ない			

※関連意匠制度はないものの、関連意匠制度と類似する類似デザイン制度を採用している

【2, 意匠の保護客体】貴国で保護される意匠について、以下の設問にお答え願います。

Q2-1 貴国において、意匠の法律によって保護される意匠の定義について、記載して下さい。

例) 日本では「意匠とは、物品（物品の部分を含む）の形状、模様若しくは色彩又はこれらの結合であって、視覚を通じて美感を起こさせるもの」

「デザイン」とは、物品(物品の部分(第 12 条を除く)及び書体を含む、以下同じ)の形状・模様・色彩又はこれらを結合したものであって、視覚を通して美観を起こさせるものをいう。(デザイン保護法第 2 条第 1 号)

Q2-2 貴国の意匠の法律によって保護される意匠の保護対象について、当てはまるものすべてにチェックして下さい。選択肢以外に保護対象がある場合は、「その他」欄に記載して下さい。

<input type="checkbox"/> 有体物(不動産を含む)	<input checked="" type="checkbox"/> 有体物(不動産を含まない)	<input checked="" type="checkbox"/> 3次元(3D)画像
<input type="checkbox"/> 極小意匠(肉眼で視認できないもの)	<input type="checkbox"/> 建築物	<input type="checkbox"/> ホログラム
<input checked="" type="checkbox"/> 動的意匠	<input type="checkbox"/> 光(花火、イルミネーション等)	<input type="checkbox"/> グラフィックシンボル
<input type="checkbox"/> 店舗等の室内ディスプレイやレイアウト	<input type="checkbox"/> 包装ラッピング	<input checked="" type="checkbox"/> アイコン
<input checked="" type="checkbox"/> 画像(表示される物品を特定して)	<input type="checkbox"/> 画像のみ(表示される物品を特定しない)	<input type="checkbox"/> 設計図
<input checked="" type="checkbox"/> テキスタイル(布として)	<input type="checkbox"/> テキスタイルのみ(物品を特定しない)	<input checked="" type="checkbox"/> その他 (①不動産でも多量生産および運搬が可能なものは例外としてデザインの保護対象になる。例;バンガロー、公衆電話ボックス、移動販売台、詰め所、乗車台、移動トイレ、組立家屋など ②デザインに関する物品の取引においてルーペなどにより物品の形状を拡大して観察することが一般的である場合は、デザインの保護対象になる。例;発光ダイオード)

【3, 意匠の開示方法】 貴国の意匠出願に関する、意匠の開示方法について、以下の設問にお答え願います。

Q3-1 貴国へ意匠出願する場合に認められる意匠の出願形式について、当てはまるものすべてにチェックして下さい。選択肢以外に許容し得るものがある場合は、「その他」欄に記載して下さい。

<input checked="" type="checkbox"/> 書面	<input checked="" type="checkbox"/> 電子的な記録媒体	<input type="checkbox"/> 電子メール	<input checked="" type="checkbox"/> インターネット	<input type="checkbox"/> その他 ( )
--	--	--------------------------------	---	----------------------------------

Q3-2 貴国へ意匠出願する場合に認められる意匠の表現形式について、当てはまるものすべてにチェックして下さい。選択肢以外のものは、「その他」欄に記載して下さい。

<input checked="" type="checkbox"/> 図面	<input checked="" type="checkbox"/> 写真	<input checked="" type="checkbox"/> 見本	<input checked="" type="checkbox"/> その他 ( 3D Modeling ファイル )
--	--	--	--

Q3-3 意匠出願の表現形式に関連して特別な料金制度がある場合、それはどのような制度ですか。当てはまるものすべてにチェックして下さい。選択肢以外のものは、「その他」欄に記載して下さい。

課金制度	どのような場合に	料金内容
<input checked="" type="checkbox"/> 電子化手数料	電子文書で提出可能な書類を書面で提出する大部分の場合(例; 審査登録出願書)	審査登録出願書; 6万ウォン→7万ウォン
<input type="checkbox"/> 保管手数料		
<input type="checkbox"/> その他		
減免制度	どのような場合に	料金内容
<input type="checkbox"/> 出願数又は意匠数に関連して		
<input type="checkbox"/> その他		

Q3-4 貴国へ意匠出願する場合に認められる意匠の表現手法について、何らかの規定はありますか。また、それはどのようなものですか。以下の選択肢に当てはまる場合はチェックし、選択肢以外のものは、自由記載欄をご利用下さい。

図面による表現の場合		
規定	どのような規定ですか	
図の数	<input type="checkbox"/> 一意匠あたり _____ 図まで	<input checked="" type="checkbox"/> 規定はない
図の大きさ(1 図の大きさ)	<input type="checkbox"/> (自由記載)	<input checked="" type="checkbox"/> 規定はない
図法	<p>例) 正投影図法。斜方向のものに限り、等角投影図法、斜投影図法(キャビネット図又はカバリエ図)を認める。</p> <input checked="" type="checkbox"/> (自由記載) (向きや内容を示す図面で提出する場合は正投象図法を用いなければならない)	<input type="checkbox"/> 規定はない
図の表記	<input checked="" type="checkbox"/> 向きや内容を示す 例)「正面図」、「使用状態参考図」等 <input checked="" type="checkbox"/> 番号の付記(例「fig.1」、「1.1」、「1-2」等) <input type="checkbox"/> その他( )	<input type="checkbox"/> 規定はない
図の省略	<input checked="" type="checkbox"/> 二次元であって裏面が無模様のもは裏面の省略可能 <input checked="" type="checkbox"/> 立体物で図が同一又は対称の場合はどちらか一方を省略可能 <input checked="" type="checkbox"/> その他(自由記載) (常に設置または固定されているため底面を見ることができない場合、および画像デザインの場合) ※上記の内容は向きや内容を示す図面で提出する場合に該当	<input type="checkbox"/> 規定はない
必要図以外の図の追加	<input type="checkbox"/> 認めていない <input checked="" type="checkbox"/> 展開図、断面図、拡大図、斜視図、画像図等 <input type="checkbox"/> その他(自由記載) ( )	<input type="checkbox"/> 規定はない
参考図	<input type="checkbox"/> 認めていない <input type="checkbox"/> 意匠の理解を助ける必要がある場合に認める <input type="checkbox"/> 使用状態を示した図であれば認める <input type="checkbox"/> 引き込み線や説明が記載された図を認める <input checked="" type="checkbox"/> その他(自由記載) (必要図のみでそのデザインを十分に表現することができない場合は、必要な図面を参考図として追加可能)	<input type="checkbox"/> 規定はない
線の種類	<input type="checkbox"/> 透明部の表現でその他の線と使い分ける <input type="checkbox"/> 材質の表現でその他の線と使い分ける <input type="checkbox"/> 具体的に(自由記載 ) 【部分意匠制度のある国の方はお答え下さい】 <input checked="" type="checkbox"/> 意匠登録を受けようとする部分とその他の部分で使い分ける	<input checked="" type="checkbox"/> 規定はない

	<input type="checkbox"/> その他(自由記載) ( )	
色彩の有無及び表現	<input checked="" type="checkbox"/> 線のみを図を認める / <input type="checkbox"/> 線のみを図を認めない <input checked="" type="checkbox"/> 色彩を含む図を認める / <input type="checkbox"/> 色彩を含む図を認めない <input checked="" type="checkbox"/> 図面以外(願書の記載等)の記載による色彩の特定を認める 【部分意匠制度のある国の方はお答え下さい】 <input checked="" type="checkbox"/> 色彩の塗り分けによって、意匠登録を受けようとする部分の特定を認める	<input type="checkbox"/> 規定はない
陰影等の表現	<input type="checkbox"/> 認めていない <input checked="" type="checkbox"/> 認めているが一定の制約がある (どのような制約ですか？ →模様と混同されない範囲内で細線、点または濃淡等を制限的に使用可能)	<input type="checkbox"/> 規定はない
対象となる意匠以外の記載	<input type="checkbox"/> 背景の映り込みを認める	<input checked="" type="checkbox"/> 規定はない
	<input type="checkbox"/> マネキン、モデル(人物)等の映り込みを認める	<input checked="" type="checkbox"/> 規定はない
	<input type="checkbox"/> 引き込み線や図の中に記載された説明を認める(※原則的に認めないが、そのデザインの要旨把握が可能な範囲内で可能)	<input type="checkbox"/> 規定はない
	<input type="checkbox"/> その他、認められるもの(自由記載)	

写真による表現の場合		
<input type="checkbox"/> 写真による表現を認めていない その理由( )		
規定	どのような規定ですか	
写真の数	<input type="checkbox"/> 一意匠あたり _____ 図まで	<input checked="" type="checkbox"/> 規定はない
写真の大きさ(1枚の大きさ)	<input checked="" type="checkbox"/> (自由記載) 最大横 10cm×縦 15cm 以下、最小縦 7cm×横 10cm 以上	<input type="checkbox"/> 規定はない
鮮明度	<input type="checkbox"/> (自由記載)	<input checked="" type="checkbox"/> 規定はない
色彩の有無及び表現	<input checked="" type="checkbox"/> モノクロ写真を認める / <input type="checkbox"/> モノクロ写真を認めない <input checked="" type="checkbox"/> カラー写真を認める / <input type="checkbox"/> カラー写真を認めない 【部分意匠制度のある国の方はお答え下さい】 <input checked="" type="checkbox"/> 写真の上から別の色彩で塗りつぶすことを認める	<input type="checkbox"/> 規定はない
対象となる意匠以外の記載	<input checked="" type="checkbox"/> 背景の映り込みを認める(ただし、デザインの対象と混同を生じさせない範囲で可能)	<input type="checkbox"/> 規定はない
	<input type="checkbox"/> マネキン、モデル(人物)等の映り込みを認める	<input checked="" type="checkbox"/> 規定はない
	<input type="checkbox"/> 引き込み線や図の中に記載された説明を認める	<input checked="" type="checkbox"/> 規定はない

見本による表現の場合		
<input type="checkbox"/> 見本による表現を認めていない その理由( )		
規定	どのような規定ですか	

マネキン等の付属品	<input type="checkbox"/> 認めていない <input type="checkbox"/> 認めているが一定の制約がある (どのような制約ですか?→ )	<input checked="" type="checkbox"/> 規定はない
※ 見本の大きさ	<input type="checkbox"/> (自由記載) 厚さ 1cm、横 15cm、縦 22cm 以内。ただし、薄い布または紙等を使用する場合、横と縦の合計が 200cm 以下なら可能。	<input type="checkbox"/> 規定はない

CG(コンピュータ・グラフィックス)等電子的な画像による表現の場合		
<input type="checkbox"/> CG(コンピュータ・グラフィックス)等電子的な画像による表現を認めていない その理由( )		
規定	どのような規定ですか	
画像の種類(制止画/動画)	<input type="checkbox"/> 静止画のみ認める	<input checked="" type="checkbox"/> 動画も認める
画像の数	<input type="checkbox"/> 一意匠あたり _____ 図まで	<input checked="" type="checkbox"/> 規定はない
認められているデータフォーマット	<input checked="" type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF <input checked="" type="checkbox"/> その他(TIFF, 3DS, DWG, DWF, IGES, SWF, MPEG, WMV, Animated GIF)	<input type="checkbox"/> 規定はない
画像データの量(重さ)	<input checked="" type="checkbox"/> 1 出願 200MB _____ まで	<input type="checkbox"/> 規定はない
色彩の有無及び表現	<input checked="" type="checkbox"/> モノクロ画像を認める / <input type="checkbox"/> モノクロ画像を認めない <input checked="" type="checkbox"/> カラー画像を認める / <input type="checkbox"/> カラー画像を認めない <input checked="" type="checkbox"/> 画像以外(願書の記載等)の記載による色彩の特定を認める 【部分意匠制度のある国の方はお答え下さい】 <input checked="" type="checkbox"/> 色彩の塗り分けによって、意匠登録を受けようとする部分の特定を認める	<input type="checkbox"/> 規定はない

【4、意匠の表現に関する願書記載事項】貴国の意匠出願に関する、意匠の表現に関する願書記載事項について、以下の設問にお答え願います。

Q4-1 貴国へ意匠出願する場合の提出書面の内容(記載項目)について、当てはまるものすべてにチェックして下さい。

意匠に係る物品	<input checked="" type="checkbox"/> 必須	<input type="checkbox"/> 任意	<input type="checkbox"/> 項目なし
物品の説明	<input type="checkbox"/> 必須	<input type="checkbox"/> 任意	<input checked="" type="checkbox"/> 項目なし
意匠の説明	<input checked="" type="checkbox"/> 必須	<input type="checkbox"/> 任意	<input type="checkbox"/> 項目なし
部分意匠制度のある国の場合、部分意匠の表示	<input checked="" type="checkbox"/> 必須	<input type="checkbox"/> 任意	<input type="checkbox"/> 項目なし

Q4-1-1 意匠に係る物品の欄の記載には、どのような規定がありますか。下欄に記載して下さい。

例1) 日本の場合、経済産業省令で定める物品の区分(別表第1の下欄)によらなければならない。当該区分のいずれにも属さない物品については、物品の説明の欄に使用の目的、使用の状態等物品の理解を助けることができるような説明を記載する。

例2) ロカルノ分類に含まれる物品であれば認める。

韓国の場合、知識経済部令で定める物品の区分(デザイン保護法施行規則別表4 物品の範囲)に従わなければならない。物品の区分のうち A1 ないし M3 および N1 の区分のいずれにも属さない物品については、N0 に分類する。

Q4-1-2 願書の①「物品の説明」及び②「意匠の説明」の欄について、認められるものには Y を、認められないものには N を、下欄の ( ) に記載して下さい

使用目的:①( )/②(Y)	操作方法:①( )/②(Y)	材質:①( )/②(Y)	大きさ:①( )/②(Y)
色彩・透明部:①( )/②(Y)	模様連続性:①( )/②(Y)	デザインの特徴:①( )/②(Y)	
その他、特に認められる記載(自由記載) ① / ② i) (部分デザインに関する説明)デザイン登録を受けようとする部分を図面等で特定している方法に関する説明が必要と認められる場合に、それに関する説明 ii) (書体デザインに関する説明)出願する当該書体デザインの種類および使用目的などに関する説明 iii) (動的デザインに関する説明)物品がもつ機能によって変化するデザインであって、その変化前後の状態に関する説明が必要と認められる場合には、それに関する説明		その他、特に認められない記載(自由記載) ① /②	

Q4-1-3 部分意匠制度のある国に質問します。願書に部分意匠である旨を記載する場合の規定について、記載して下さい。

例) 日本の場合、願書に【部分意匠】の欄を設け、「意匠に係る物品」の欄に権利の客体となる物品の名称(カメラのグリップ部の部分意匠である場合は、「カメラ」)を記載し、「意匠の説明」の欄に、図面等において意匠登録を受けようとする部分をどのようにして特定したか、その方法を記載しなければならない。

韓国の場合、出願書の【デザインの対象となる物品】欄に権利の客体となる物品の名称(ヤカンの取っ手の部分デザインである場合は、「ヤカン」)を記載し、【部分デザインの如何】欄に「部分デザイン」と記載する。「デザインの説明」欄に物品の部分を図面、写真または見本で特定している方法に関する説明が必要と認められる場合には、それに関する説明を記載する(「実線で表示された部分がヤカンの取っ手を示す部分デザインとして登録を受けようとする部分である」)。

【5, 意匠の特定・認定・補正の考え方】意匠の特定・認定・補正について、どのようにお考えですか。

Q5-1 出願日確保のために十分とされる意匠の開示要件について、どのような規定(法、施行規則、細則、運用、その他)がありますか。

出願日確保のためには出願デザインの表現が具体的でなくデザインが特定されない場合であるとしても、デザインを特定するための補正をしたとき、最初に出願されたデザインと補正されたデザインとの間に同一性が維持される程度には最初の出願デザインが具体的に表現されていなければならない(デザイン保護法第 18 条第 1 項)。即ち、出願デザインの表現が具体的でなく補正する場合、出願書に記載されたデザインの対象となる物品、図面(3D モデリング図面および見本を含む)および図面の記載事項などを総合的に判断して最初に出願されたデザインと補正されたデザインとの間に同一性が維持されている場合には、補正を認めて出願日に遡及して出願日が確保されるが、補正により同一性が維持されない場合(要旨変更)には補正却下決定しなければならない(デザイン保護法第 18 条の 2 第 1 項)、拒絶理由が解消されず拒絶決定しなければならないので、出願日が確保されない。

また、補正が要旨変更該当して補正を却下すべきであったにもかかわらず、これを看過してデザイン権の設定登録があった後に補正が要旨変更であると認められたときは、出願日はその補正書を提出した時とみなす(デザイン保護法第 18 条第 6 項)。

Q5-2 貴国で採用している分類はどのようなものですか。当てはまるもの総てにチェックして下さい。

<input checked="" type="checkbox"/> 自国の意匠分類	<input type="checkbox"/> ロカルノ分類	<input type="checkbox"/> 他国の分類（国名： ）	<input type="checkbox"/> その他（ ）
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Q5-3 分類は誰が付与していますか

<input type="checkbox"/> 出願人	<input checked="" type="checkbox"/> 官庁	<input type="checkbox"/> その他（ ）
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Q5-4 付与した分類と物品類否との間に何らかの関係がありますか。当てはまるものにチェックして下さい。

<input type="checkbox"/> 同一となる分類内の物品はすべて類似物品	<input type="checkbox"/> 分類ごとに物品の類似範囲が決定している	<input checked="" type="checkbox"/> その他（自由記載） 施行規則によると、物品の区分はデザイン登録出願書作成の一貫性維持と統一された名称を使用するためのもので、デザイン物品相互間の類似範囲を定めるものではないとのこと
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Q5-5 意匠の認定に至るまでの審査プロセス（方式審査・実体審査の両方を含む）について、教えて下さい。

	誰が何に基づいて行っていますか	認定できないときの扱い
物品の類似の範囲の特定	例) 実体審査官が、願書の記載及び添付図面等により総合的に判断する※ 自由記載（実体審査官が、願書の記載及び添付図面等により総合的に判断する）	例) 拒絶理由通知書の送付 自由記載 （拒絶理由通知書の送付）
形態の特定	図法について 例) 方式審査官が施行規則に基づいて行う。 自由記載（実体審査官が施行規則等に基づいて行う）	例) 方式却下、出願却下 自由記載（拒絶理由通知書の送付）
	意匠が明確か 例) 実体審査官が意匠法等に基づいて行う※ 自由記載（実体審査官が意匠法等に基づいて行う）	例) 拒絶理由通知書の送付 自由記載（拒絶理由通知書の送付）

※日本の場合、実体的事項はその意匠の属する分野における通常の知識に基づいて、①意匠に係る物品、②意匠に係る物品の形態に関して、願書の記載及び添付図面等により総合的に判断する。

Q5-6 実体審査における意匠の表現の規定について、記載不備があった場合の対応にはどのようなものがありますか。

アクション	具体的な対応	出願日の繰り下げ	
例) 意匠が特定できない旨の拒絶理由通知書の送付	例) 補正が認められない場合は補正却下	なし	
自由記載（意匠が特定できない旨の拒絶理由通知書の送付、拒絶理由：デザイン保護法第5条第1項本文）	自由記載（補正が認められない場合は補正却下） ※デザイン権の設定登録があった後で補正が要旨変更であることが認められたときは、その出願は補正書を提出した時に出願したものとみなす（デザイン保護法第18条第6項）。	<input type="checkbox"/> あり	<input checked="" type="checkbox"/> なし

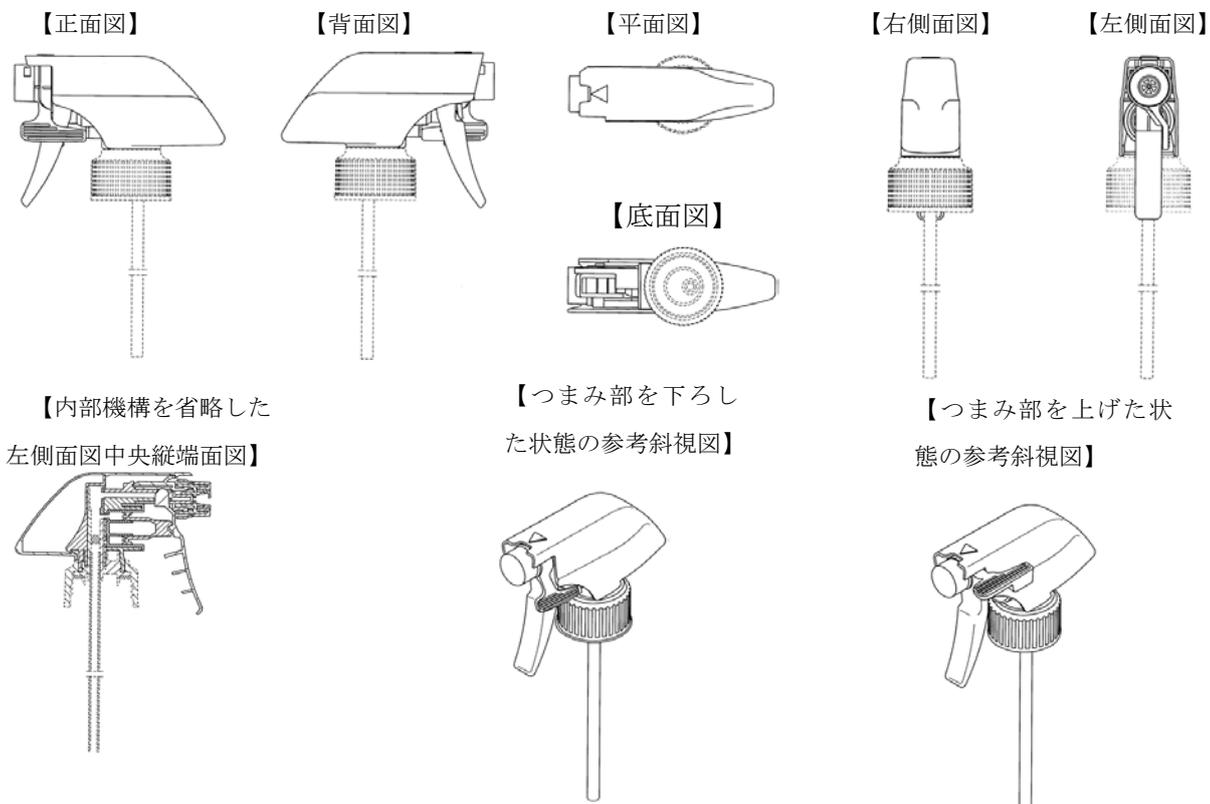
自由記載( )	自由記載( )	<input type="checkbox"/> あり	<input type="checkbox"/> なし
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Q5-7 願書の記載について、貴国で必須となる記述総てにチェックして下さい。また、出願時において必須であるか、登録時において必須（補正を認める）かもチェックして下さい。

<input type="checkbox"/> 部分意匠制度のある国の場合、「部分意匠」の記載	<input checked="" type="checkbox"/> 出願時に必須 ※(補正を認める)	<input type="checkbox"/> 登録時に必須
<input type="checkbox"/> 機能・操作についての説明	<input type="checkbox"/> 出願時に必須	<input type="checkbox"/> 登録時に必須
<input type="checkbox"/> 大きさ、色彩	<input type="checkbox"/> 出願時に必須	<input type="checkbox"/> 登録時に必須
<input type="checkbox"/> 図の省略方法	<input checked="" type="checkbox"/> 出願時に必須	<input type="checkbox"/> 登録時に必須

Q5-8 以下に示す事例は、日本で意匠の認定が可能とされる事例ですが、貴国において以下の事例は認定可能ですか。認定できない場合は、その理由を記載して下さい。 **認定可能です。**

【意匠に係る物品】 包装用噴霧器のノズル  
【部分意匠】  
【物品の説明】 本物品は、ノズルレバーを固定又は解放するつまみ部を有する包装用噴霧器のノズルである。  
【意匠の説明】 実線で表した部分が、部分意匠として意匠登録を受けようとする部分である。図面中、管の省略部分は願書添付図面上5cmである。



認められない場合、その理由を記載して下さい

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Q5-9 補正・分割・出願変更が認められる場合、意匠の認定の後、許容し得る補正・分割・変更の範囲について、教えてください。当てはまる項目があればすべてにチェックし、特記事項があれば自由記載欄に記載して下さい。

許容し得る補正	
<p>① 意匠の種類を超えた補正  <input type="checkbox"/>全体意匠 ⇔ 部分意匠の補正 / <input type="checkbox"/>部分意匠 ⇔ 部分意匠の補正</p> <p>② 図面の種類を超えた補正  <input checked="" type="checkbox"/>図面 ⇔ 写真の補正 / <input checked="" type="checkbox"/>図面 ⇔ 見本・ひな形の補正  <input checked="" type="checkbox"/>写真 ⇔ 見本・ひな形の補正  <input type="checkbox"/>色彩あり ⇔ 色彩無しの補正</p>	<p>③ 図の種類を超えた補正  <input checked="" type="checkbox"/>斜視図の追加 / <input checked="" type="checkbox"/>斜視図 ⇔ 6面図</p> <p>④ 意匠の内容の補正  <input type="checkbox"/>新規事項の追加(要旨変更)  <input checked="" type="checkbox"/>要旨の認定に影響のないレベルの補正  <input type="checkbox"/>類否判断に影響のないレベルの補正  <input type="checkbox"/>意匠登録を受けようとする範囲の補正</p>
<p>自由記載欄 ただし、図面を写真または見本に補正したり、その反対の場合は、いずれも図面または写真などのいずれかひとつに統一して補正しなければならない</p>	

Q5-10 願書の記載について、補正可能な項目と補正が可能な時期について、記載して下さい。

	補正の可否(自由記載)	補正可能な時期(自由記載)
意匠に係る物品	誤記の訂正もしくは不明確な部分を明確にする場合にのみ許容	デザイン登録可否決定の通知書が送達される前まで+再審査請求時には拒絶決定騰本の送達を受けた日から30日以内
意匠に係る物品の説明	同上	同上
意匠の説明	同上	同上

許容し得る分割(自由記載欄) : 原出願が2以上のデザインを含んでいなければならない、1デザイン1出願主義に違反したり複数デザイン登録出願した場合にのみその出願の一部を分割して出願することができる

許容し得る出願変更	<input type="checkbox"/> 意匠出願 ⇔ 特許/実用新案出願	<input type="checkbox"/> 意匠出願 ⇔ 商標出願
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【6, 意匠の単一性のとらえ方】複数意匠一括出願制度を採用している国に質問します。意匠の単一性について、どのようにお考えですか。以下の設問にお答え願います。

Q6-1 貴国で「一意匠」と認められるための要件はどのようなものですか

「一意匠」の要件(自由記載)	根拠となる法、規則、運用ありますか(自由記載)
例) 一の物品の区分に相当する一つの物品に係る意匠	例) 意匠法第7条、経済産業省令別表第1
-無審査登録の対象になる物品に関するデザインのみ複数デザイン登録出願が可能 -物品の区分上分類が同一の物品とする -2以上の物品が組物として同時に使われる場合、当該組物の	-デザイン保護法第11条の2第2項、デザイン保護法施行規則(知識経済部令)第9条第4項および別表4 -デザイン保護法第12条

デザインが組物全体として統一性がある場合には、1 デザインとしてデザイン登録を受けることができる

Q6-2 一つの出願に含むことができる意匠の範囲はどのようなものですか。以下の事例について、認められるか否かを選択して下さい。

部品と完成品(例:自転車のサドルと自転車)	<input checked="" type="checkbox"/> 認められる	<input type="checkbox"/> 認められない
同一分類内の複数物品(例:イスとテーブルが同一分類内にある場合、イスとテーブル)	<input checked="" type="checkbox"/> 認められる	<input type="checkbox"/> 認められない
同一物品の類似しない複数意匠(例:イスのみの複数意匠)	<input checked="" type="checkbox"/> 認められる	<input type="checkbox"/> 認められない
同一物品の類似する複数意匠(例:イスのみの複数意匠)	<input checked="" type="checkbox"/> 認められる	<input type="checkbox"/> 認められない
複数物品を指定する一意匠	<input type="checkbox"/> 認められる	<input checked="" type="checkbox"/> 認められない
同一出願人による類似しない複数意匠	<input checked="" type="checkbox"/> 認められる	<input type="checkbox"/> 認められない
同一出願人による類似する複数意匠	<input checked="" type="checkbox"/> 認められる	<input type="checkbox"/> 認められない

Q6-3 一意匠と認められる範囲はどのようなものですか。以下の事例について、認められるか否かを選択して下さい。

一の意匠を基にした複数の実施態様(例:非包装物と包装された状態の複数の実施例)	<input type="checkbox"/> 認められる	<input checked="" type="checkbox"/> 認められない
ナイフ、フォーク及びスプーンなどのセットもの	<input checked="" type="checkbox"/> 認められる	<input type="checkbox"/> 認められない
セットものについて、出願人が自由に組み合わせて一の意匠として出願することを認めているか	<input type="checkbox"/> 認めている	<input checked="" type="checkbox"/> 認めていない
物品の一部又は全体が動くあるいは変化するもの(例:組立てるとロボットになる自動車おもちゃ)	<input checked="" type="checkbox"/> 認められる	<input type="checkbox"/> 認められない
遷移する画像(例:操作により展開する音楽再生装置の画像)	<input checked="" type="checkbox"/> 認められる	<input type="checkbox"/> 認められない

Q6-4 一意匠とは認められないケースについて、どのようなものか具体的に教えて下さい。

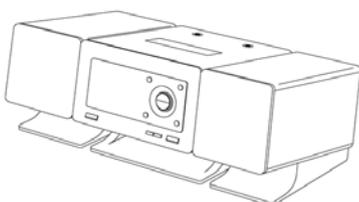
1. 2以上の物品名を「デザインの対象となる物品」欄に併記した場合
2. 2以上の物品を一つのデザインの図面に表示した場合
3. 部分デザイン登録出願で一つの物品の中に物理的に分離された2以上の部分デザインが表現された場合

Q6-5 以下に示す事例では、貴国において一意匠と認められますか。また、認められない場合、その理由を記載して下さい。

【意匠に係る物品】 一組のオーディオ機器セット

【意匠に係る物品の説明】本物品は、複数のオーディオ機能機器を内蔵した筐体である本体部と、本体部より出力された音声信号を入力して音声として放音する左側及び右側の二個のスピーカーボックスにより構成されておりそれらは分離可能である。

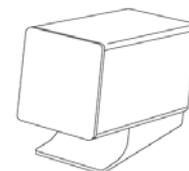
【斜視図】



【本体部の斜視図】



【スピーカー部の斜視図】



<input checked="" type="checkbox"/> 一意匠と認められる	<input type="checkbox"/> 一意匠と認められない その理由 ( )
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【7, 意匠権】意匠権の効力について、どのようにお考えですか。以下の設問にお答え願います。

Q7-1 意匠の開示内容と意匠権の効力の範囲について、どのようにお考えですか。当てはまるもの総てにチェックし、該当しない場合は自由記載欄をご利用下さい。

物品名が含む類似範囲	<input checked="" type="checkbox"/> 願書に記載の物品と同一の範囲	<input type="checkbox"/> 願書に記載の物品の類似物品の範囲
	<input type="checkbox"/> 物品名は例示に過ぎず、形態が同一であれば他の物品にも権利は及ぶ	<input type="checkbox"/> (自由記載) 用途と機能が同一であれば同一物品、用途が同一で機能が相違すれば類似物品、用途が相違すれば非類似物品とみなす。 例外的に、非類似物品である場合にも、用途上で混用され得るものは類似物品とみることもできる(例; 箸入れと鉛筆入れ)。
図面等で開示されていない箇所について	(自由記載)	
色彩の有無	(自由記載) 色彩は模様を構成しない限り、類否判断の要素として考慮しない	
実施態様のみ類似する侵害品	(自由記載)	
図等に表された意匠の範囲	<input type="checkbox"/> 図等と同一の範囲	<input checked="" type="checkbox"/> 図等の類似の範囲まで及ぶ

Q7-2 意匠の開示内容について、権利行使における制限事項はありますか。

<p>-登録デザインの保護範囲は、デザイン登録出願書の記載事項およびその出願書に添付した図面・写真または見本並びに図面に記載されたデザインの説明に表現されたデザインにより定められる(デザイン保護法第43条)。</p> <p>-最近、特許法院は、参考図に示されたデザインの形態も出願対象デザインの形態であると明示されている等の特別な事情がない限り、参考図に示された図面は原則的に基本図面などに示されたデザインの形態を補充するものとみるべきで、新たな出願対象デザインの形態を示したものとみるべきではないと判示し、参考図に示されたデザインの形態の権利行使を制限する趣旨の判決をしたところがある(特許法院 2009年6月5日付言渡し 2009ホ1736判決)。</p>
--

Q7-3 意匠の開示内容に関わる無効事由にはどのようなものがありますか。

デザインの表現が具体的でないデザインは、工業上利用することができないデザインとして扱われ、デザイン保護法第5条第1項本文の無効事由に該当する。
---

【8, その他】

Q8-1 ヘーグ協定ジュネーブアクトでは提出可能な図面を6図以内としているが、貴国では意匠の開示として十分と考えますか。

<input checked="" type="checkbox"/> 十分である	<input type="checkbox"/> 不足している
---	---------------------------------

Q8-2 貴国の裁判例で、6図では意匠の開示上不十分とされた例はありますか。

<input checked="" type="checkbox"/> そのような裁判例はない	<input type="checkbox"/> 裁判例がある (具体的に )
---	---

Q8-3 貴国では、パリ条約による優先権の証明書の提出が必要ですか。

<input type="checkbox"/> 不要	<input checked="" type="checkbox"/> 必要 どのようなときに→ (自由記載 : 出願日から3ヶ月以内 )
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Q8-4 貴国では、パリ条約による優先権等の主張を伴う出願に際し、貴国への出願図面等と優先権の証明書類の図面等に差異がある場合、どのような対応をしますか。

<input type="checkbox"/> 認める	<input checked="" type="checkbox"/> 認めない	<input type="checkbox"/> その他（ ）
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[情報収集依頼]

9-1 貴国における、意匠の表現を争点とした審決あるいは判決がありましたらお教えてください。多数ある場合は著名な判決等3件程度お教えてください。

デザインの表現が具体的でないデザインは図面やデザインの説明などの補正によってその拒絶理由を解消したり、または補正が認められず拒絶決定されることで大部分審査段階で登録の可否が決定されることが多いため、デザインの表現を争点とする審決例や判例は多くありませんが、ご参考までに以下の審決例をご紹介します。

意匠登録無効審判において、特許審判院は「本件意匠はその正面図と背面図のバーコード表示状態からみて側面図はその表示がなく図面が互いに一致しないものであるためその意匠が具体的ではないと認められ、意匠法第5条第1項本文規定の工業上利用可能性がない意匠に該当してその登録が無効にならなければならない」と判断したところがあります(特許審判院 1998年10月30日付 1997当1104審決)。

9-2 貴国における法令、規則、基準、ガイドラインおよび、貴国の意匠制度における意匠の表現に関して特に参考となるWeb情報のURL、文献名及びそれらの該当箇所の要約、著作者名をお教えてください。著作権が関わる場合は別途ご相談をさせていただきます。

参考

(1) デザイン保護法 [施行 2012.3.15] [法律第 11111 号、2011.12.2、一部改正]

<http://www.law.go.kr/LSW/lsSc.do?mouseY=0&menuId=0&p1=&subMenu=1&searchChk=2&lawSearchName=LicLs%2C0&query=%EB%94%94%EC%9E%90%EC%9D%B8%EB%B3%B4%ED%98%B8%EB%B2%95#iBgcolor0>

(2) デザイン保護法施行令 [施行 2012.1.17] [大統領令第 23519 号、2012.1.17、一部改正]

<http://www.law.go.kr/LSW/lsSc.do?mouseY=0&menuId=0&p1=&subMenu=1&searchChk=2&lawSearchName=LicLs%2C0&query=%EB%94%94%EC%9E%90%EC%9D%B8%EB%B3%B4%ED%98%B8%EB%B2%95#iBgcolor1>

(3) デザイン保護法施行規則 [施行 2012.1.1] [知識経済部令第 228 号、2011.12.23、一部改正]

<http://www.law.go.kr/LSW/lsSc.do?mouseY=0&menuId=0&p1=&subMenu=1&searchChk=2&lawSearchName=LicLs%2C0&query=%EB%94%94%EC%9E%90%EC%9D%B8%EB%B3%B4%ED%98%B8%EB%B2%95#iBgcolor2>

(4) デザイン審査基準 [改正 2011.12.30、特許庁例規第 64 号]

<http://www.law.go.kr/admRulLsInfoP.do?admRulSeq=2000000017989>

**(5) 出願方式審査指針書** [2011.12 発行、発行元(著作者): 大韓民国特許庁]

([http://www.kipo.go.kr/kpo/user.tdf?a=user.ip\\_info.others.BoardApp&board\\_id=others&cp=1&pg=1&npp=10&catmenu=m02\\_03\\_07&sdate=&edate=&searchKey=1&searchVal=방식심사&bunryu=&st=&c=1003&seq=11166&gubun=](http://www.kipo.go.kr/kpo/user.tdf?a=user.ip_info.others.BoardApp&board_id=others&cp=1&pg=1&npp=10&catmenu=m02_03_07&sdate=&edate=&searchKey=1&searchVal=방식심사&bunryu=&st=&c=1003&seq=11166&gubun=))

**Q2-2 デザイン審査基準 関連条項**

デザイン審査基準第2条第2項

1. デザインの物品性: デザイン保護法上、「物品」とは独立性のある具体的な物品であって有体動産を原則とする。従って、次に該当するものはデザイン登録の対象とならないが、「ニ」目及び「ホ」目の場合には部分デザインとして出願しデザイン登録を受けることができる

イ. 不動産。ただし、不動産でも多量生産されることができ運搬が可能な場合には例外とする

・物品性が認められない場合

(例)現場施工を通して建築される不動産(大法院 2007 フ 4311)

(汗蒸幕)

・物品性が認められる場合

(例)バンガロー、公衆電話ボックス、移動販売台、詰め所、乗車台、移動トイレ、組立家屋等

ロ. 一定の形体がないもの

(例)気体、液体、電気、光、熱及び音響等

ハ. 粉状物又は粉状物の集合からなるもの

(例)セメント、砂糖等

ニ. 合成物の構成各片。ただし、組立玩具の構成各片のように独立取引の対象となっているものはデザイン登録の対象となる

ホ. 独立して取引対象となり得ない物品の部分

(例)靴下のかかとの模様、瓶の口等

ヘ. 物品自体の形態ではないもの

(例)ハンカチ又はタオルを折ってなる花の形のように商業的過程で作られるデザインであって、その物品自体の形態とみなすことができないもの

(中略)

3. デザインの視覚性: 「視覚を通して」とは、肉眼で識別できることをいう。従って、次に該当するものはデザイン登録の対象とならない

イ. 視覚以外の感覚を主として把握されるもの

ロ. 粉状物又は粉状物の1単位

ハ. 外部から見るできないところ。即ち、分解したり破壊しなければ見るできないところ。ただし、蓋を開けるような構造からなるものはその内部もデザインの対象となる

ニ. ルーペなどにより拡大しなければ物品の形状などが把握されないもの。ただし、デザインに関する物品の取引でルーペなどにより物品の形状などを拡大して観察することが一般的である場合には、視覚性があるとみなす。

(例)視覚性があるとみなす場合

(デザインの説明)

1. 材質は金属材および合成樹脂である

2. 平面図において一辺の長さは0.4mmである

(発光ダイオード)

### Q3-4 デザイン保護法施行規則関連事項

[別紙第 4 号書式] 立体デザイン図面

[別紙第 5 号書式] 平面デザイン図面

### Q3-4 デザイン審査基準 関連条項

デザイン審査基準第 3 条第 3 号(デザインの表現が具体的でなく工業上利用できないデザイン)

ト. 図形のうち不必要な記載事項(デザインを構成しない線・符号又は文字等)を表示したもの。ただし、合理的に解釈した結果そのデザインの要旨把握が可能な場合、および図面(3D モデリング図面を含む)に陰影を表現するために模様と混同されない範囲で細線、点または濃淡を制限的に用いる場合には、この限りでない。

チ. 立体的な物品を表現する図面が次に該当する場合。ただし、(4)～(7)の規定は図面を斜視図と正投影図法による六面図で提出した場合に適用する。

(7)六面図のうち一部がない場合。次の場合には、一部図面を省略することができる。この場合には、図面の名称の下段に省略理由を記載しなければならない。

(イ)正面図及び背面図が同一又は対称である場合にはその背面図

(ロ)左側面図及び右側面図が同一又は対称である場合には一方の側面図

(ハ)平面図及び底面図が同一又は対称である場合にはその底面図

(ニ)上の(イ)、(ロ)、(ハ)以外に六面図のなかに同じ図面が複数ある場合には、同じ図面のうちひとつを除いた残りの図面

(ホ)大型の機械(自動車、船舶等を含む)等で、設置又は定置されており常時底面を見ることができない場合にはその底面図

(ヘ)画像デザインを出願する場合には、正面図を除いた背面図、左側面図、右側面図、平面図、底面図

リ. 平面的な物品を表現する図面が次に該当する場合(次の規定は図面を表面図と裏面図で提出した場合に適用する)

(2)二面図(表面図及び裏面図)のうち一部がない場合。ただし、表面図及び裏面図が同一又は対称(垂直線を軸に対称の場合に限る)であるか、又は裏面図が無模様の場合には裏面図を省略することができ、省略する図面の名称の下段に省略理由を記載しなければならない。

### Q5-9, 5-10 デザイン保護法関連条項

デザイン保護法第 18 条

①デザイン登録出願人は、最初のデザイン登録出願の要旨を変更しない範囲内において、デザイン登録出願書の記載事項、デザイン登録出願書に添付した図面及び図面の記載事項並びに写真又は見本を補正することができる。

②デザイン登録出願人は、類似デザイン登録出願を単独のデザイン登録出願に、単独のデザイン登録出願を類似デザイン登録出願に変更する補正をすることができる。

④デザイン登録出願人は、デザイン無審査登録出願をデザイン審査登録出願に、デザイン審査登録出願をデザイン無審査登録出願に変更する補正をすることができる。

⑤デザイン登録出願人は、第 1 項乃至第 4 項の規定による補正を第 28 条によるデザイン登録決定又は第 26 条によるデザイン登録の拒絶決定に該当する決定(以下「デザイン登録可否決定」という)の通知書が送達されるまですることができる。ただし、第 27 条の 2 に基づく再審査を請求する場合には、再審査を請求するときに補正することができる。

台湾アンケート回答

[1. System] Please answer the following questions with regard to design-related industrial property right systems in your country.

Q1-1 Does your country have (1) a design law (legally binding), (2) formality examination regulations (legally binding), and (3) design examination guidelines (not legally binding)?

Design law ▪ Yes    □ No	Formality examination regulations ▪ Yes    □ No	Design examination guidelines ▪ Yes    □ No
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(2) refers to detailed rules, such as implementation regulations needed for the law or detailed provisions based on the law, and (3) refers to examination practices.

Q1-2 In your country, is there a special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality? Is there also a special department that assigns and confirms classifications in your country? If so, please enter the number of persons in charge in such special departments.

Special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality	□ Yes (no. of persons in charge: )	▪ No
Special department that assigns and confirms classifications	□ Yes (no. of persons in charge: )	▪ No

Determining whether a design application is novel/creative through prior design search is to be called "conducting substantive examination."

Q1-3 Is substantive examination conducted for design applications in your country?

▪ Yes (for all applications)	□ Yes (for some design applications)	□ No
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Q1-4 Is there a special department that conducts substantive examinations? If so, please enter the number of persons in charge in the special department.

▪ Yes (no. of persons in charge: about 14 persons)	□ No
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Q1-5 This question applies to countries in which substantive examinations are conducted. Please check the applicable boxes below in relation to the scope of prior design searches conducted to determine novelty.

▪ Design gazette of your country	▪ Design gazette of other countries (→ Which countries/regions? <u>Japan, U.S.A., China, Korea, Europe</u> )
□ Patent gazette, etc.	▪ Publicly known materials (▪ magazines/catalogs ▪ internet □ other (            ))

Q1-6 Please let us know the situation in your country with regard to the following.

Partial design system □ Available ▪ Not available (available starting from January 1, 2013, the date when the new Patent Act becomes effective)	Accelerated examination system □ Available    ▪ Not available
Related design system ▪ Available    □ Not available	Exception to lack of novelty ▪ Available    □ Not available



Q3-2 Please check the applicable boxes below to indicate the permitted forms of expressing designs in design applications in your country. Please describe forms other than those listed below in the "Other" box.

<input checked="" type="checkbox"/> Drawings	<input checked="" type="checkbox"/> Photographs	<input type="checkbox"/> Specimens	<input type="checkbox"/> Other ( )
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Q3-3 If there are any special fee systems in relation to the format of a design application, please check the applicable boxes below to indicate their features. Please describe systems other than those listed below in the "Other" box.

Fee system	In what cases	Details of the fees
<input type="checkbox"/> Computerization fees		
<input type="checkbox"/> Storage fees		
<input type="checkbox"/> Other		
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs		
<input type="checkbox"/> Other		

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input checked="" type="checkbox"/> Up to <u>7</u> drawings per design	<input type="checkbox"/> No provisions
Size of drawings (size of each drawing)	<input type="checkbox"/> (Free description)	<input checked="" type="checkbox"/> No provisions
Drawing methods	<p>e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are permitted only for oblique-perspective drawings).</p> <p><input checked="" type="checkbox"/> (Free description)</p> <p>Drawings shall be made in engineering drawing method and shall be clearly illustrated by ink drawings, photographs or computer printouts ..., (Article 33, Paragraph 3 of prevailing Enforcement Rule of the Patent Act).</p> <p>Axonometric drawing, oblique projection, perspective projection, orthographic drawing, etc. are also acceptable, (pages 17-22 of "Manuel for preparing the description and drawings of design patent specification").</p>	<input type="checkbox"/> No provisions
Notation in drawings	<p><input checked="" type="checkbox"/> Indication of direction and content (e.g. "front view" and "reference drawing showing the conditions of use")</p> <p><input type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2")</p> <p><input type="checkbox"/> Other ( )</p>	<input type="checkbox"/> No provisions

Omission of drawings	<ul style="list-style-type: none"> <li>▪ For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted</li> <li>▪ For a three-dimensional subject, if two drawings are identical or symmetrical, either may be omitted</li> <li><input type="checkbox"/> Other (free description) ( )</li> </ul>	<input type="checkbox"/> No provisions
Addition of drawings other than necessary drawings	<ul style="list-style-type: none"> <li><input type="checkbox"/> Not permitted</li> <li>▪ Development view, cross-section view, magnified view, perspective view, image view, etc.</li> <li><input type="checkbox"/> Other (free description) ( )</li> </ul>	<input type="checkbox"/> No provisions
Reference drawings	<ul style="list-style-type: none"> <li><input type="checkbox"/> Not permitted</li> <li>▪ Permitted where necessary to help the examiner understand the design</li> <li><input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use</li> <li><input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations</li> <li><input type="checkbox"/> Other (free description) ( )</li> </ul>	<input type="checkbox"/> No provisions
Styles of lines	<ul style="list-style-type: none"> <li><input type="checkbox"/> Different lines are used to express transparent parts</li> <li><input type="checkbox"/> Different lines are used to express materials Specifically → (Free description: )</li> <li>[Please answer the following if your country has a partial design system]</li> <li><input type="checkbox"/> Different lines are used to distinguish a part for which an applicant requests design registration from other parts</li> <li><input type="checkbox"/> Other (free description) ( )</li> </ul>	▪ No provisions
Existence and expression of color	<ul style="list-style-type: none"> <li>▪ Drawings consisting solely of lines are permitted / <input type="checkbox"/> Drawings consisting solely of lines are not permitted</li> <li>▪ Drawings which include color are permitted / <input type="checkbox"/> Drawings which include color are not permitted</li> <li>▪ Color may be specified in a way other than by drawing (via a written statement in an application, etc.)</li> <li>[Please answer the following if your country has a partial design system]</li> <li><input type="checkbox"/> The part for which the applicant requests design registration may be specified using different colors</li> </ul>	<input type="checkbox"/> No provisions
Expression of shading, etc.	<ul style="list-style-type: none"> <li><input type="checkbox"/> Not permitted</li> <li><input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )</li> </ul>	▪ No provisions
Description of materials other than	<ul style="list-style-type: none"> <li>▪ The background may be included – in the reference drawings</li> </ul>	<input type="checkbox"/> No provisions

the subject design	<ul style="list-style-type: none"> <li>▪ Mannequins and models (persons), etc. may be included – in the reference drawings</li> </ul>	<input type="checkbox"/> No provisions
	<ul style="list-style-type: none"> <li>▪ Incoming lines and explanations described in drawings are permitted – in the reference drawings</li> </ul>	<input type="checkbox"/> No provisions
	<ul style="list-style-type: none"> <li>▪ Other material that may be included (free description) – in the reference drawings</li> </ul>	

In the case of expression by photographs		
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Number. of photographs	<ul style="list-style-type: none"> <li>▪ Up to <u>  7  </u> photographs per design</li> </ul>	<input type="checkbox"/> No provisions
Size of photographs (size of each photograph)	<input type="checkbox"/> (Free description)	<ul style="list-style-type: none"> <li>▪ No provisions</li> </ul>
Sharpness	<ul style="list-style-type: none"> <li>▪ (Free description)</li> </ul> <p>Drawings shall be made in engineering drawing method and shall be clearly illustrated by ink drawings, photographs or computer printouts ..., (Article 33, Paragraph 3 of prevailing Enforcement Rule of the Patent Act).</p>	<input type="checkbox"/> No provisions
Existence and expression of color	<ul style="list-style-type: none"> <li>▪ Black-and-white photographs are permitted / <input type="checkbox"/> Black-and-white photographs are not permitted</li> <li>▪ Color photographs are permitted / <input type="checkbox"/> Color photographs are not permitted</li> </ul> <p>[Please answer the following if your country has a partial design system]</p> <input type="checkbox"/> Different colors may be applied to photographs	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<ul style="list-style-type: none"> <li>▪ The background may be included – in the reference drawings</li> </ul>	<input type="checkbox"/> No provisions
	<ul style="list-style-type: none"> <li>▪ Mannequins and models (persons), etc. may be included – in the reference drawings</li> </ul>	<input type="checkbox"/> No provisions
	<ul style="list-style-type: none"> <li>▪ Incoming lines and explanations described in drawings are permitted – in the reference drawings</li> </ul>	<input type="checkbox"/> No provisions

In the case of expression by specimens		
<input type="checkbox"/> Expression by specimens is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Mannequins and other accessories	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input type="checkbox"/> No provisions

In the case of expression by electronic images, such as CG (computer graphics)		
<input type="checkbox"/> Expression by electronic images, such as CG (computer graphics), is not permitted		
Reasons ( _____ )		
Provisions	Details of the provisions	
Types of images (still/moving images)	<input type="checkbox"/> Only still images are permitted	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to _____ images per design	<input type="checkbox"/> No provisions
Permitted image formats	<input type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF <input type="checkbox"/> Other ( _____ )	<input type="checkbox"/> No provisions
Image data amount (size)	<input type="checkbox"/> Up to _____	<input type="checkbox"/> No provisions
Existence and expression of color	<input type="checkbox"/> Black-and-white images are permitted / <input type="checkbox"/> Black-and-white images are not permitted <input type="checkbox"/> Color images are permitted / <input type="checkbox"/> Color images are not permitted <input type="checkbox"/> Color may be specified in a way other than through the use of images (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> A part for which an applicant requests design registration may be specified by using different colors	<input type="checkbox"/> No provisions

[4. Description in an application in relation to the expression of a design] With regard to the description in an application in relation to the expression of a design, please answer the following questions.

Q4-1 Please check the applicable boxes below to indicate the contents (items described) of documents submitted in filing a design application in your country.

Article to the design	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the article	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the design	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
If your country has a partial design system, indication of partial design *	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

\* The partial design system will be available starting from January 1, 2013, the date when the new Patent Act becomes effective, yet details of practice is still unknown.

Q4-1-1 What provisions exist concerning statements in the "Article to the design" section? Please describe them below.

Example 1: In Japan, statements must follow the classification of articles specified in the Ordinance of the Ministry of Economy, Trade and Industry (bottom column of Appended Table 1). If an article does not belong to any classification, the applicant provides explanations to help the examiner understand the article in the "Explanation of the article" section, such as its purpose and the conditions of its use.

Example 2: Articles included in the International Classification for Industrial Designs are permitted.

There is no express stipulation how the article to the design should be indicated. The classification (Taiwan adopts the International Classification for Industrial Designs) of the design is made by the examiners. Article 32, prevailing Enforcement Rules of Taiwan Patent Act, provided that:

“The title of the article for the design shall clearly designate the article to which the design applied, no irrelevant words shall be appended; if the subject matter is a component, a statement of the article in which assembly incorporated shall be included.

The description shall indicate the designed use of the article and the characteristics of the design. In case the appearance of the article shown in the drawings will change based on different materials used, the adjustment of function, or change of state of use, a concise description shall be provided.

Drawings disclosed in a design shall be annotated with titles for each figure. If there is any omission due to the identity or symmetry of figures or any other causes, it shall be clearly annotated in the description of figures in drawings.”

Q4-1-2 With regard to the (1) "Explanation of the article" and (2) "Explanation of the design" sections in an application, please write Y or N in the parentheses below to indicate whether or not the relevant matter can be stated in the respective section.

Purpose of use: (1) ( Y )/(2) ( Y )	Method of operation: (1) ( Y )/(2) ( Y )	Material: (1) ( Y )/(2) ( Y )	Size: (1) ( Y )/(2) ( Y )
Colored/transparent parts: (1) ( Y )/(2) ( Y )	Continuity of a pattern: (1) ( Y )/(2) ( Y )	Features of the design: (1) ( Y )/(2) ( Y )	
Other statements permitted (free description) (1) / (2)		Other statements not permitted (free description) (1) / (2)	

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design.

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the method by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

The partial design system will be available starting from January 1, 2013, the date when the new Patent Act becomes effective, yet details of practice is still unknown.

[5. Understanding of specification/finding/amendment of a design] What is your understanding with regard to the

specification/finding/amendment of a design?

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the requirements for disclosure of a design considered sufficient to secure the filing date?

The documents required to be filed with Taiwan Intellectual Property Office (TIPO, the Patent Office) to obtain the filing date is stipulated under Article 116, Paragraph 3, prevailing Taiwan Patent Act that:

“For an application for a design patent, the date on which the written application and the accompanied specification and drawings are submitted shall be the filing date of the patent application.”

The required contents of the specification and drawings are stipulated under Article 117, prevailing Taiwan Patent Act that:

“The specification and drawings as required in the preceding Paragraph shall contain the title of the article embodying the design, the description of the creation, the drawings or figures and the description thereof.

The descriptions and drawings shall provide sufficiently clear and complete disclosure so as to enable the ordinarily skilled persons in the relevant art to understand the contents of, and to practice said design.

The manner to disclose the specification and drawings of a design shall be prescribed in the Enforcement Rules of the Patent Act.”

The details of the disclosure of specification and drawings are provided under Articles 30-33, prevailing Enforcement Rules of Taiwan Patent Act, and the “Manuel for preparing the description and drawings of the design patent specification.”

Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input type="checkbox"/> Country's own design classification	<input checked="" type="checkbox"/> International Classification for Industrial Designs	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Government office	<input type="checkbox"/> Other ( )
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Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input type="checkbox"/> All articles with the same classification are similar	<input type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input checked="" type="checkbox"/> Other (free description) The same articles refer to articles having same usage and same function. The similar articles refer to articles having same usage with different function, or having similar usage.  The sameness or similarity of articles, particularly articles having similar usage, should be decided by referring to marketing/sale of the merchandise or the actual uses, and may refer to the “International
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		Classification for Industrial Designs.” (page 3-3-6, Patent Examination Guidelines, Published 2005)
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Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations).

	Who is empowered to find a design, and based on what standards?	Handing of cases in which a design cannot be found
Specifying the scope of similarity of articles	Example: An examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings, etc. attached to it.*  Free description (The examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings.)	Example: Sending a notice of reasons for refusal  Free description (Sending an office action to request the applicant to make a response or supplement.)
Specifying the form	Regarding drawing methods  Example: An examiner in charge of formality examination makes a determination based on implementation regulations  Free description (The examiner in charge of substantive examination makes a determination based on implementation regulations and examination guidelines.)	Example: Dismissal for failure to comply with formalities and dismissal of the application  Free description (Sending an office action to request the applicant to make a response or supplement.)
	Clarity of the design  Example: An examiner in charge of substantive examination makes a determination based on design law, etc.*  Free description (The examiner in charge of substantive examination makes a determination based on patent law, implementation regulations and examination guidelines.)	Example: Sending a notice of reasons for refusal  Free description (Sending an office action to request the applicant to make a response or supplement.)

\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled?

Action	Specific handling	Postponement of the filing date
Example: Sending a notice of reasons for refusal to the	Example: Dismissing an amendment if the	Not postponed

effect that the design cannot be specified	amendment is not permitted		
Free description (Sending an office action to request the applicant to make a response or supplement.)	Free description (Sending another office action, or a formal decision rejecting the application.)	<input type="checkbox"/> Postponed	<input checked="" type="checkbox"/> Not postponed
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed

Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design"	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input checked="" type="checkbox"/> Explanation of function/operation	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input checked="" type="checkbox"/> Size and color	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input checked="" type="checkbox"/> Method of omitting drawings	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration

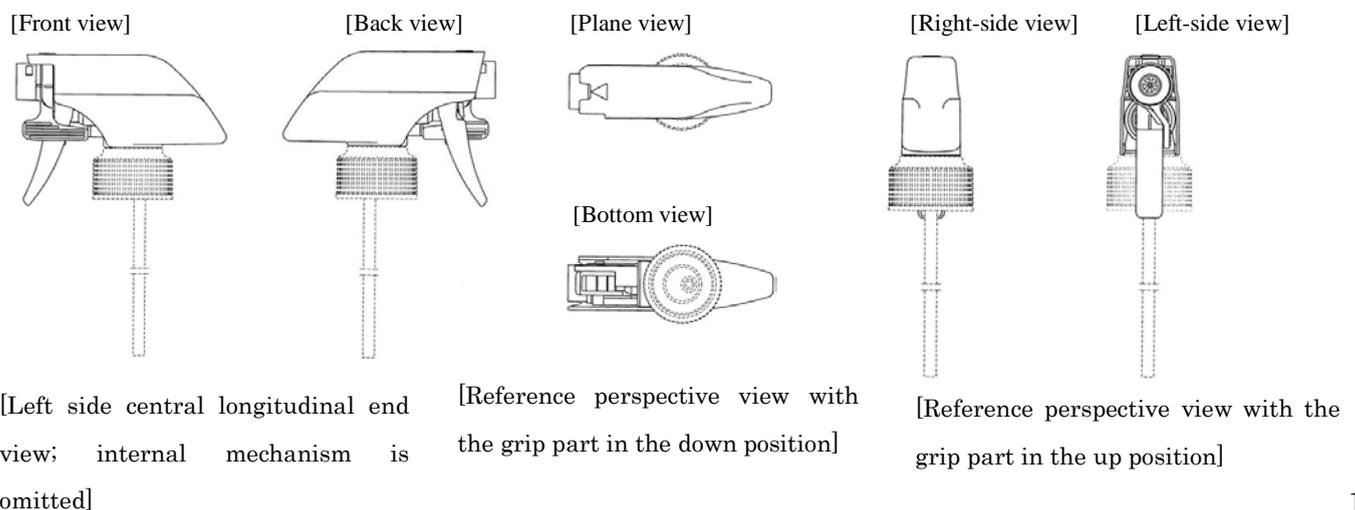
Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? If not, please describe why.

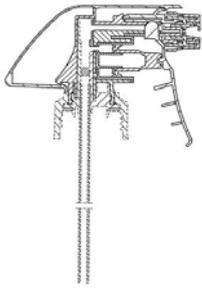
[Article to the design] Nozzle of a nebulizer for packaging

[Partial design]

[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever.

[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design is requested. In the drawings attached to the application, the length of the omitted tube is 5 cm.





Description of the reasons why a design would not be found in your country, if applicable.

The partial design system will be available starting from January 1, 2013, the date when the new Patent Act becomes effective; currently only solid lines can be used in the drawing, but not dotted lines.

Q5-9 If amendment/division/conversion of an application is permitted, please describe the scope of amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments	
<p>(1) Amendment beyond the type of design</p> <p><input type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / <input type="checkbox"/> Amendment from a partial design to another partial design</p> <p>(2) Amendment beyond the type of drawing</p> <p><input type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input type="checkbox"/> Amendment from a drawing to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a photograph to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a color image to a monochrome image and vice versa</p>	<p>(3) Amendment beyond the type of view</p> <p><input type="checkbox"/> Addition of a perspective view / <input type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa</p> <p>(4) Amendment of the content of a design</p> <p><input type="checkbox"/> Addition of a new matter (change of the gist of the design)</p> <p><input type="checkbox"/> Amendment that does not affect the finding of the gist of the design</p> <p><input type="checkbox"/> Amendment that does not affect the determination of similarity</p> <p><input type="checkbox"/> Amendment to the scope of the design for which design registration is requested</p>
Free description:	

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments can be made.

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design	No	-
Explanation of the article to the design	Yes	During examination stage
Explanation of the design	Yes	During examination stage

Permissible division (free description): Yes, divisional application could be filed during examination stage if one design (parent) application contains two or more embodiments.

Permissible conversion of an application	<input type="checkbox"/> From a design application to a patent/utility model application and vice versa *	<input type="checkbox"/> From a design application to a trademark application and vice versa
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\* An invention and utility model application maybe converted to a design application, a design application maybe converted to a utility model application and a utility model application maybe converted to an invention application. However, a design application may not be directly converted to an invention application.

\* [6. Understanding of the unity of design] The following questions are to countries that adopt a one application for multiple designs system. What is your understanding of the unity of design? Please answer the following questions.

\* Taiwan does not allow one application for multiple designs system.

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry

Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple similar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
A single design designating multiple articles	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple similar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included

Q6-3 What is the scope of a single design? Please choose whether the following are recognized to be single designs.

Multiple embodiments based on one design (e.g. an unpackaged article and multiple packaged	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
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working examples)		
Sets, such as a set of knives, forks and spoons	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
For such sets, are applicants permitted to freely combine articles and file an application for the combination as single design?	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Articles which move or change entirely or in part (e.g. a toy car that changes into a robot through assembly)	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Transitional images (e.g. an image that is developed through the operation of a music playing device)	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized

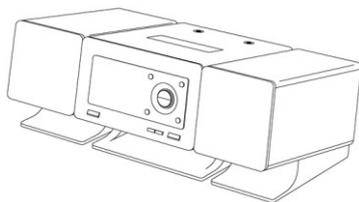
Q6-4 Please inform us of specific cases of not being recognized to be a single design.

Q6-5 In the example case shown below, would the set be recognized to be a single design in your country? If not, please provide the reasons.

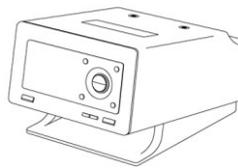
[Article to the design] A set of audio equipment

[Explanation of the article to the design] This article consists of the body part which is a chassis that houses multiple types of audio equipment and two speaker boxes on its left and right sides which receive audio signal output from the body part and release it as sound. The body part and the two speaker boxes are separable.

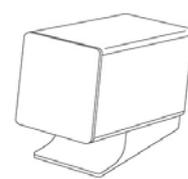
[Perspective view]



[Perspective view of the body part]



[Perspective view of the speaker part]



<input type="checkbox"/> Recognized to be a single design	<input type="checkbox"/> Not recognized to be a single design	Reasons ( )
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[7. Design right] What is your understanding of the effect of a design right? Please answer the following questions.

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right? Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity	<input type="checkbox"/> The scope is limited to that of the article stated in the application	<input type="checkbox"/> The scope extends to articles similar to the article stated in the application
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included in the name of an article	<input type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form	<input type="checkbox"/> (Free description)
Parts that are not disclosed in drawings, etc.	(Free description) The scope of the design patent right shall be determined based on the drawings of the patented design. When interpreting the scope of claim, the descriptions of the design patent made in the specification of the creation may be used as reference. (Article 123, Paragraph 2, prevailing Taiwan Patent Act)	
Color or monochrome	(Free description) Although color may be claimed in design patent applications, yet most of the applicants prefer not to claim color. Also, to the extent that the color claimed in a design could be found in a design infringement, it is not clearly explained in the Main Points on Patent Infringement Verification.	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	(Free description) Not only identical, but also similar products may be judged as infringing a design patent; details are stipulated in pages 47-63 of the Patent Infringement Verification Guidelines.	
Scope of a design depicted in views, etc.	<input type="checkbox"/> The scope is the same as that of the views, etc.	<input checked="" type="checkbox"/> The scope extends to similar views, etc.

Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

The content of disclosure of a design may be restrictions in terms of the enforcement of right, as clearly stipulated under Article 123, Paragraph 2, prevailing Taiwan Patent Act that: “The scope of the design patent right shall be determined based on the drawings of the patented design. When interpreting the scope of claim, the descriptions of the design patent made in the specification of the creation may be used as reference.”

Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

The grounds for invalidation in relation to the content of a disclosure of a design is “The descriptions and drawings shall provide sufficiently clear and complete disclosure so as to enable the ordinarily skilled persons in the relevant art to understand the contents of, and to practice said design,” as stipulated under Article 117, Paragraph 2, prevailing Taiwan Patent Act.

Also, per Article 128, prevailing Taiwan Patent Act, it is provided:  
 “Under any of the following circumstances, a design patent right shall be revoked and the patent certificate shall be recalled within a given time limit by the Patent Authority, upon the institution of an invalidation action or ex officio and if a recall fails, a public notice for revocation of the patent certificate at issue shall be published:

1. If the design is in violation of the provisions of ... Article 117 ... of this Act; ....”

[8. Other]

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?

<input checked="" type="checkbox"/> Sufficient	<input type="checkbox"/> Insufficient
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Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient disclosure of a design?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (Please specifically describe: _____ )
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Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes In what situation? → (Free description: The applicant shall, within four (4) months from the filing date, submit the documents issued by the government of the foreign country or member region of the WTO declared in the preceding Paragraph evidencing the acceptance of said foreign application. (Paragraph 2, Article 28, prevailing Taiwan Patent Act) )
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Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

<input type="checkbox"/> Accepted	<input type="checkbox"/> Not accepted	<input checked="" type="checkbox"/> Other If the drawings attached to the Taiwan design application, when compared with the drawings in the priority certificate, produces no different visual effects, and can be directly obtained from the persons having ordinary skill in the art based on the drawings and its description in the priority certificate, it is considered that the designs are “identical design” and the priority claims may be accepted. (page 3-3-6, Patent Examination Guidelines, Published 2005)
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[Request for information gathering]

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc.

There are many trial decisions and judgments regarding design patent infringements and invalidation trials on design patent; however, no trial decisions or judgments with regard to the expression of a design were found.

Attached is a Japanese translation of a recent IP Court judgment on design infringement.

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites

and names of documents which are especially informative with regard to expression of a design under your country's design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved.

Patent Act (Chinese) amended and promulgated on August 25, 2010 (prevailing Patent Act) (現行專利法 · 中國語)

[http://www.tipo.gov.tw/ch/Download\\_DownloadPage.aspx?path=1616&Language=1&UID=13&ClsID=14&ClsTwoID=15&ClsThreeID=28](http://www.tipo.gov.tw/ch/Download_DownloadPage.aspx?path=1616&Language=1&UID=13&ClsID=14&ClsTwoID=15&ClsThreeID=28)

Enforcement Rules of Patent Act (Chinese) amended and announced on November 16, 2010 (prevailing Enforcement Rules) (現行專利法施行細則 · 中國語)

[http://www.tipo.gov.tw/ch/Download\\_DownloadPage.aspx?path=1616&Language=1&UID=13&ClsID=14&ClsTwoID=15&ClsThreeID=28](http://www.tipo.gov.tw/ch/Download_DownloadPage.aspx?path=1616&Language=1&UID=13&ClsID=14&ClsTwoID=15&ClsThreeID=28)

Enforcement Rules of Patent Act (English translation) amended and announced on November 16, 2010 (prevailing Enforcement Rules) (現行專利法施行細則 · 英語)

[http://www.tipo.gov.tw/en/AllInOne\\_Show.aspx?path=2531&guid=98c50f60-3afd-46ec-9a13-14289d2ba135&lang=en-us](http://www.tipo.gov.tw/en/AllInOne_Show.aspx?path=2531&guid=98c50f60-3afd-46ec-9a13-14289d2ba135&lang=en-us)

Patent Act (Chinese) amended and promulgated on December 21, 2011, which will take effect on January 1, 2013 (new Patent Act 2011) (2013/01/01 施行預定專利法 · 中國語)

[http://www.tipo.gov.tw/en/AllInOne\\_Show.aspx?path=2531&guid=98c50f60-3afd-46ec-9a13-14289d2ba135&lang=en-us](http://www.tipo.gov.tw/en/AllInOne_Show.aspx?path=2531&guid=98c50f60-3afd-46ec-9a13-14289d2ba135&lang=en-us)

Patent Act (English translation, Patent Act 2011) (2013/01/01 施行預定專利法 · 英語)

[http://www.tipo.gov.tw/en/AllInOne\\_Show.aspx?path=2531&guid=98c50f60-3afd-46ec-9a13-14289d2ba135&lang=en-us](http://www.tipo.gov.tw/en/AllInOne_Show.aspx?path=2531&guid=98c50f60-3afd-46ec-9a13-14289d2ba135&lang=en-us)

Enforcement Rules of Patent Act (Chinese, Patent Act 2011) (2013/01/01 施行預定專利法施行細則 · 中國語)

[http://www.tipo.gov.tw/ch/AllInOne\\_Show.aspx?path=4304&guid=f102eb34-f966-41f5-ae7d-7d159e6683de&lang=zh-tw](http://www.tipo.gov.tw/ch/AllInOne_Show.aspx?path=4304&guid=f102eb34-f966-41f5-ae7d-7d159e6683de&lang=zh-tw)

Patent Examination Guidelines (Chinese) (專利審查基準 · 中國語)

[http://www.tipo.gov.tw/ch/Download\\_DownloadPage.aspx?path=1627&Language=1&UID=21&ClsID=42&ClsTwoID=91&ClsThreeID=0](http://www.tipo.gov.tw/ch/Download_DownloadPage.aspx?path=1627&Language=1&UID=21&ClsID=42&ClsTwoID=91&ClsThreeID=0)

Manuel for preparing the description and drawings of the design patent specification (新式樣專利圖說圖面說明及圖面製作須知 · 中國語)

[http://www.tipo.gov.tw/ch/AllInOne\\_Show.aspx?path=3817&guid=86c583f3-e876-4b84-ad13-e3c66a8e504c&lang=zh-tw](http://www.tipo.gov.tw/ch/AllInOne_Show.aspx?path=3817&guid=86c583f3-e876-4b84-ad13-e3c66a8e504c&lang=zh-tw)

Main Points on Patent Infringement Verification (Chinese) (專利侵害鑑定要點 · 中國語)

[http://www.tipo.gov.tw/ch/AllInOne\\_Show.aspx?path=819&guid=af253442-f923-4ee3-9606-a2f8e691806d&lang=zh-tw](http://www.tipo.gov.tw/ch/AllInOne_Show.aspx?path=819&guid=af253442-f923-4ee3-9606-a2f8e691806d&lang=zh-tw)







Q3-3 If there are any special fee systems in relation to the format of a design application, please check the applicable boxes below to indicate their features. Please describe systems other than those listed below in the "Other" box.

Fee system	In what cases	Details of the fees
<input type="checkbox"/> Computerization fees		
<input type="checkbox"/> Storage fees		
<input type="checkbox"/> Other		
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs		
<input type="checkbox"/> Other		

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input type="checkbox"/> Up to _____ drawings per design	<input type="checkbox"/> No provisions
Size of drawings (size of each drawing)	<input checked="" type="checkbox"/> (Free description) <b>See Note 1 below</b>	<input type="checkbox"/> No provisions
Drawing methods	e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are permitted only for oblique-perspective drawings).  <input checked="" type="checkbox"/> (Free description) <b>(See Note 1 below)</b>	<input type="checkbox"/> No provisions
Notation in drawings	<input checked="" type="checkbox"/> Indication of direction and content (e.g. "front view" and "reference drawing showing the conditions of use") <b>See Note 1 below</b> <input type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2") <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Omission of drawings	<input type="checkbox"/> For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted <input type="checkbox"/> For a three-dimensional subject, if two drawings are identical or symmetrical, either may be omitted <input checked="" type="checkbox"/> Other (free description) <b>(See Note 1 below)</b>	<input type="checkbox"/> No provisions
Addition of drawings other than necessary drawings	<input type="checkbox"/> Not permitted <input type="checkbox"/> Development view, cross-section view, magnified view, perspective view, image view, etc.	<input type="checkbox"/> No provisions

	<input checked="" type="checkbox"/> Other (free description) <b>(See Note 1 below)</b>	
Reference drawings	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted where necessary to help the examiner understand the design <input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use <input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations <input checked="" type="checkbox"/> Other (free description) <b>(See Note 1 below)</b>	<input type="checkbox"/> No provisions
Styles of lines	<input type="checkbox"/> Different lines are used to express transparent parts <input type="checkbox"/> Different lines are used to express materials Specifically → (Free description: _____ ) [Please answer the following if your country has a partial design system] <input type="checkbox"/> Different lines are used to distinguish a part for which an applicant requests design registration from other parts <input checked="" type="checkbox"/> Other (free description) <b>(See Note 1 below)</b>	<input type="checkbox"/> No provisions
Existence and expression of color	<input type="checkbox"/> Drawings consisting solely of lines are permitted / <input type="checkbox"/> Drawings consisting solely of lines are not permitted <input checked="" type="checkbox"/> Drawings which include color are permitted / <input type="checkbox"/> Drawings which include color are not permitted <b>See Note 1 below</b> <input checked="" type="checkbox"/> Color may be specified in a way other than by drawing (via a written statement in an application, etc.) <b>See Note 1 below</b> [Please answer the following if your country has a partial design system] <input checked="" type="checkbox"/> The part for which the applicant requests design registration may be specified using different colors <b>See Note 1 below</b>	<input type="checkbox"/> No provisions
Expression of shading, etc.	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions <b>See Note 1 below</b> (What are the restrictions? → _____ )	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input checked="" type="checkbox"/> No provisions
	<input checked="" type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Other material that may be included (free description)	

**Note 1: IPD Guidelines exist**

In the case of expression by photographs		<b>See Note 2 below</b>
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( _____ )		
Provisions	Details of the provisions	

Number. of photographs	√ Up to ____ photographs per design	<b>See Note 2 below</b>	<input type="checkbox"/> No provisions
Size of photographs (size of each photograph)	√ (Free description)	<b>See Note 2 below</b>	<input type="checkbox"/> No provisions
Sharpness	√ (Free description)	<b>See Note 2 below</b>	<input type="checkbox"/> No provisions
Existence and expression of color	√ Black-and-white photographs are permitted / <input type="checkbox"/> Black-and-white photographs are not permitted √ Color photographs are permitted / <input type="checkbox"/> Color photographs are not permitted [Please answer the following if your country has a partial design system] √ Different colors may be applied to photographs <b>See Note 2 below</b>		<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<b>See Note 2 below</b>	√ No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<b>See Note 2 below</b>	√ No provisions
	√ Incoming lines and explanations described in drawings are permitted	<b>See Note 2 below</b>	<input type="checkbox"/> No provisions

**Note 2: IPD Guidelines exist**

In the case of expression by specimens	<b>N/A</b>	
<input type="checkbox"/> Expression by specimens is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Mannequins and other accessories	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input type="checkbox"/> No provisions

In the case of expression by electronic images, such as CG (computer graphics)	<b>See Note 3 below</b>	
<input type="checkbox"/> Expression by electronic images, such as CG (computer graphics), is not permitted <b>See Note 3 below</b>		
Reasons ( )		
Provisions	Details of the provisions	
Types of images (still/moving images)	<input type="checkbox"/> Only still images are permitted <b>See Note 3 below</b>	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to _____ images per design <b>See Note 3 below</b>	<input type="checkbox"/> No provisions
Permitted image formats	<input type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF <b>See Note 3 below</b> <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Image data amount (size)	<input type="checkbox"/> Up to _____ <b>See Note 3 below</b>	<input type="checkbox"/> No provisions
Existence and expression of color	<input type="checkbox"/> Black-and-white images are permitted / <input type="checkbox"/> Black-and-white images are not permitted <b>See Note 3 below</b>	<input type="checkbox"/> No provisions

	<input type="checkbox"/> Color images are permitted / <input type="checkbox"/> Color images are not permitted <input type="checkbox"/> Color may be specified in a way other than through the use of images (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> A part for which an applicant requests design registration may be specified by using different colors <b>See Note 3 below</b>
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**Note 3: No relevant local case law exists**

[4. Description in an application in relation to the expression of a design] With regard to the description in an application in relation to the expression of a design, please answer the following questions.

Q4-1 Please check the applicable boxes below to indicate the contents (items described) of documents submitted in filing a design application in your country.

Article to the design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the article	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input checked="" type="checkbox"/> No such item.
Explanation of the design	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input checked="" type="checkbox"/> No such item.
If your country has a partial design system, indication of partial design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

Q4-1-1 What provisions exist concerning statements in the "Article to the design" section? Please describe them below.

Example 1: In Japan, statements must follow the classification of articles specified in the Ordinance of the Ministry of Economy, Trade and Industry (bottom column of Appended Table 1). If an article does not belong to any classification, the applicant provides explanations to help the examiner understand the article in the "Explanation of the article" section, such as its purpose and the conditions of its use.

Example 2: Articles included in the International Classification for Industrial Designs are permitted.

Article means any article of manufacture and includes any part of an article if that part is made and sold.
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Q4-1-2 With regard to the (1) "Explanation of the article" and (2) "Explanation of the design" sections in an application, please write Y or N in the parentheses below to indicate whether or not the relevant matter can be stated in the respective section.

Purpose of use: (1) ( N )/(2) ( N )	Method of operation: (1) ( N )/(2) ( N )	Material: (1) ( N )/(2) ( N )	Size: (1) ( N )/(2) ( N )
Colored/transparent parts: (1) ( N )/(2) ( B )	Continuity of a pattern: (1) ( N )/(2) ( N )	Features of the design: (1) ( N )/(2) ( N )	
Other statements permitted (free description) (1) / (2)		Other statements not permitted (free description) (1) / (2)	

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design.

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the

method by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

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[5. Understanding of specification/finding/amendment of a design] What is your understanding with regard to the specification/finding/amendment of a design?

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the requirements for disclosure of a design considered sufficient to secure the filing date?

Law & Regulation
------------------

Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input type="checkbox"/> Country's own design classification	<input checked="" type="checkbox"/> International Classification for Industrial Designs	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input checked="" type="checkbox"/> Applicant	<input type="checkbox"/> Government office	<input type="checkbox"/> Other ( )
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Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input type="checkbox"/> All articles with the same classification are similar	<input type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input type="checkbox"/> Other (free description) <b>Similarity is case law</b>
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Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations).

	Who is empowered to find a design, and based on what standards?	Handing of cases in which a design cannot be found
Specifying the scope of similarity of articles	Example: An examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings, etc. attached to it.*  Free description ( <b>N/A</b> )	Example: Sending a notice of reasons for refusal  Free description  <b>(Sending a notice of reasons for refusal)</b>
Specifying the form	Regarding drawing methods  Example: An examiner in charge of formality examination makes a determination based on implementation regulations  Free description  <b>(Formality for drawing compliance Locarno classification, formality documents by Examiner)</b>	Example: Dismissal for failure to comply with formalities and dismissal of the application  Free description  <b>(Dismissal for failure to comply with formalities and dismissal of the application)</b>
Clarity of	Example: An examiner in charge of substantive	Example: Sending a notice of reasons for

	the design	examination makes a determination based on design law, etc.* Free description <b>(Formality for drawing compliance Locarno classification, formality documents by Examiner)</b>	refusal Free description <b>(Sending a notice of reasons for refusal)</b>
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\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled?

Action	Specific handling	Postponement of the filing date	
Example: Sending a notice of reasons for refusal to the effect that the design cannot be specified	Example: Dismissing an amendment if the amendment is not permitted	Not postponed	
Free description ( <b>N/A no substantive examination</b> )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed

Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design" <b>N/A</b>	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Explanation of function/operation <b>N/A</b>	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Size and color <b>N/A</b>	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Method of omitting drawings <b>N/A</b>	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration

Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? If not, please describe why. **YES**

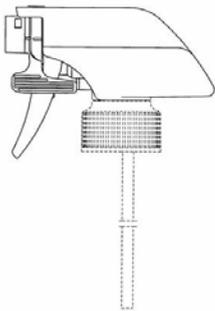
[Article to the design] Nozzle of a nebulizer for packaging

[Partial design]

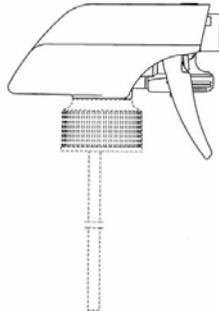
[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever.

[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design is requested. In the drawings attached to the application, the length of the omitted tube is 5 cm.

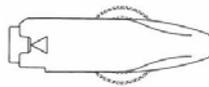
[Front view]



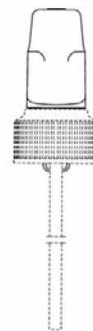
[Back view]



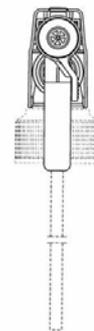
[Plane view]



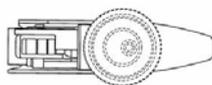
[Right-side view]



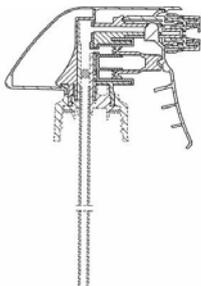
[Left-side view]



[Bottom view]



[Left side central longitudinal end view; internal mechanism is omitted]



[Reference perspective view with the grip part in the down position]



[Reference perspective view with the grip part in the up position]



Description of the reasons why a design would not be found in your country, if applicable.

Q5-9 If amendment/division/conversion of an application is permitted, please describe the scope of amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments	
(1) Amendment beyond the type of design <input type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / <input type="checkbox"/> Amendment from a partial design to another partial design (2) Amendment beyond the type of drawing	(3) Amendment beyond the type of view <input checked="" type="checkbox"/> Addition of a perspective view / <input checked="" type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa (4) Amendment of the content of a design

<input checked="" type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input type="checkbox"/> Amendment from a drawing to a specimen/model and vice versa <input type="checkbox"/> Amendment from a photograph to a specimen/model and vice versa <input type="checkbox"/> Amendment from a color image to a monochrome image and vice versa	<input type="checkbox"/> Addition of a new matter (change of the gist of the design) <input type="checkbox"/> Amendment that does not affect the finding of the gist of the design <input type="checkbox"/> Amendment that does not affect the determination of similarity <input type="checkbox"/> Amendment to the scope of the design for which design registration is requested <b>if broadening, then no.</b>
Free description: <b>N/A</b>	

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments can be made.

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design	<b>YES</b>	<b>Prior to registration</b>
Explanation of the article to the design	<b>N/A</b>	<b>N/A</b>
Explanation of the design	<b>N/A</b>	<b>N/A</b>

Permissible division (free description): **N/A**

Permissible conversion of an application	<input type="checkbox"/> From a design application to a patent/utility model application and vice versa <b>N/A</b>	<input type="checkbox"/> From a design application to a trademark application and vice versa <b>N/A</b>
--	--	---

[6. Understanding of the unity of design] The following questions are to countries that adopt a one application for multiple designs system. What is your understanding of the unity of design? Please answer the following questions.

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry
<b>One design for one article</b>	

Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table) <b>Multiple or separate Designs</b>	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included

Multiple dissimilar designs for the same article (e.g. multiple chair designs) <b>Multiple or separate Designs</b>	<input type="checkbox"/> Can be included	√ Cannot be included
Multiple similar designs for the same article (e.g. multiple chair designs) <b>Multiple or separate Designs</b>	<input type="checkbox"/> Can be included	√ Cannot be included
A single design designating multiple articles <b>Multiple or separate Designs</b>	<input type="checkbox"/> Can be included	√ Cannot be included
Multiple dissimilar designs (the designs may be used for the same or different articles) <b>Multiple or separate Designs</b>	<input type="checkbox"/> Can be included	√ Cannot be included
Multiple similar designs (the designs may be used for the same or different articles) <b>Multiple or separate Designs</b>	<input type="checkbox"/> Can be included	√ Cannot be included

Q6-3 What is the scope of a single design? Please choose whether the following are recognized to be single designs.

Multiple embodiments based on one design (e.g. an unpackaged article and multiple packaged working examples) <b>Multiple or separate Designs</b>	<input type="checkbox"/> Recognized	√ Not recognized
Sets, such as a set of knives, forks and spoons <b>see * below</b>	√ Recognized	<input type="checkbox"/> Not recognized
For such sets, are applicants permitted to freely combine articles and file an application for the combination as single design? <b>No, see * below</b>	<input type="checkbox"/> Recognized	√ Not recognized
Articles which move or change entirely or in part (e.g. a toy car that changes into a robot through assembly)	√ Recognized	<input type="checkbox"/> Not recognized
Transitional images (e.g. an image that is developed through the operation of a music playing device) <b>If on visual display, possible.</b>	√ Recognized	<input type="checkbox"/> Not recognized

\* **Set of articles means 2 or more articles of the same general character that are ordinarily on sale together or intended to be used together, to each of which the same design, or the same design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof.**

Q6-4 Please inform us of specific cases of not being recognized to be a single design.

**If not customarily sold together, can't be "set of articles" thereafter separate or multiple Design application.**

Q6-5 In the example case shown below, would the set be recognized to be a single design in your country? If not, please provide the reasons.

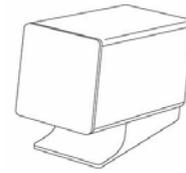
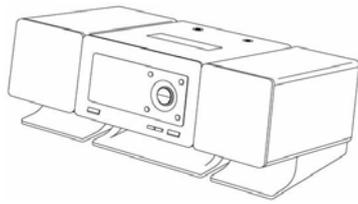
[Article to the design] A set of audio equipment

[Explanation of the article to the design] This article consists of the body part which is a chassis that houses multiple types of audio equipment and two speaker boxes on its left and right sides which receive audio signal output from the body part and release it as sound. The body part and the two speaker boxes are separable.

[Perspective view]

[Perspective view of the body part]

[Perspective view of the speaker part]



<input checked="" type="checkbox"/> Recognized to be a single design <b>Single Design if attached together, or “set of articles” as a single design.</b>	<input type="checkbox"/> Not recognized to be a single design Reasons ( )
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[7. Design right] What is your understanding of the effect of a design right? Please answer the following questions.

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right? Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity included in the name of an article	<input checked="" type="checkbox"/> The scope is limited to that of the article stated in the application	<input type="checkbox"/> The scope extends to articles similar to the article stated in the application
	<input type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form	<input checked="" type="checkbox"/> (Free description) <b>Generally a relatively narrow scope.</b>
Parts that are not disclosed in drawings, etc.	(Free description) <b>Not covered</b>	
Color or monochrome	(Free description) <b>Depends on “Statement of Novelty”</b>	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	(Free description) <b>Depends how similar</b>	
Scope of a design depicted in views, etc.	<input checked="" type="checkbox"/> The scope is the same as that of the views, etc.	<input type="checkbox"/> The scope extends to similar views, etc. <b>Depends on scope</b>

Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

<b>No</b>
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Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

<b>Prior disclosure, anticipation.</b>
--

[8. Other]

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?

<input checked="" type="checkbox"/> Sufficient	<input type="checkbox"/> Insufficient
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Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient disclosure of a design?

<input checked="" type="checkbox"/> No <b>Not to our knowledge</b>	<input type="checkbox"/> Yes (Please specifically describe: _____ )
---	--

Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes In what situation? → (Free description: <b>A photocopy of the priority application</b> )
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Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

<input checked="" type="checkbox"/> Accepted	<input type="checkbox"/> Not accepted	<input type="checkbox"/> Other ( _____ )
--	---------------------------------------	--

[Request for information gathering]

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc. (**see below**)

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites and names of documents which are especially informative with regard to expression of a design under your country's design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved. (**see below**)

**Hong Kong is a common law jurisdiction and as such, case law is relied upon for judicial precedent in respect of legal principles and interpretation.**

**Hong Kong is a relatively small jurisdiction and there do not exist expert Intellectual Property Judges in specific Intellectual Property. Accordingly, there does not exist a very large body of local generated case law in respect of Design law.**

**Note, Hong Kong was a Commonwealth common law jurisdiction, and much of the legislation, in particular the IP law including the Designs Ordinance, are based upon UK legislation. Furthermore, the legal principles of interpretation and applicable judicial guidance (although not legally binding) is that of UK case law.**

**As such, the principles and case law precedent of traditional UK Design law are generally directly applicable to the Design law of Hong Kong.**

**Also note, in the absence of local judicial guidance, it is likely that Hong Kong courts will look for relevant legal precedent and guidance from countries having applicable law to that of Hong Kong, those generally being Commonwealth common law jurisdictions such as the UK, Australia, Canada, New Zealand and the like.**



インドアンケート回答

[1. System] Please answer the following questions with regard to design-related industrial property right systems in your country.

Q1-1 Does your country have (1) a design law (legally binding), (2) formality examination regulations (legally binding), and (3) design examination guidelines (not legally binding)?

Design law* <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Formality examination regulations * * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Design examination guidelines * * * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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(2) refers to detailed rules, such as implementation regulations needed for the law or detailed provisions based on the law, and (3) refers to examination practices.

- \* India has The Design Act, 2000 with Designs Rules, 2001 which constitute design law in India.
- \* \* Proviso to Section 5 of the Design Act, 2001 and Rule 18 of the Designs Rule, 2001 provides for examination regulation.
- \* \* \*Manual of Design Practice and Procedure published by the Office of the Controller General of Patents, Designs & Trademarks contained in chapter IV design examination guidelines. Although these guidelines do not have any statutory force, they are adhered to by the Applicants and officers in the Design Office.

Q1-2 In your country, is there a special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality? Is there also a special department that assigns and confirms classifications in your country? If so, please enter the number of persons in charge in such special departments.

Special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality	<input type="checkbox"/> Yes (no. of persons in charge: )	<input checked="" type="checkbox"/> No*
Special department that assigns and confirms classifications	<input type="checkbox"/> Yes (no. of persons in charge: )	<input checked="" type="checkbox"/> No**

- \* No special department as such. However, an Examiner may be appointed look into the matter.
- \*\* No special department as such. However, an Examiner may be appointed look into the matter.

Determining whether a design application is novel/creative through prior design search is to be called "conducting substantive examination."

Q1-3 Is substantive examination conducted for design applications in your country?

<input checked="" type="checkbox"/> Yes (for all applications)	<input type="checkbox"/> Yes (for some design applications)	<input type="checkbox"/> No
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Q1-4 Is there a special department that conducts substantive examinations? If so, please enter the number of persons in charge in the special department.

<input type="checkbox"/> Yes (no. of persons in charge: )	<input checked="" type="checkbox"/> No*
---	---

- \* No special department as such. A number of Examiners/ Assistant Controllers are entrusted to carry out substantive Examination.

Q1-5 This question applies to countries in which substantive examinations are conducted. Please check the applicable boxes below in relation to the scope of prior design searches conducted to determine novelty.

<input type="checkbox"/> Design gazette of your country	<input type="checkbox"/> Design gazette of other countries (→ Which countries/regions? _____)
<input checked="" type="checkbox"/> Patent gazette, etc.*	<input type="checkbox"/> Publicly known materials ( <input type="checkbox"/> magazines/catalogs <input type="checkbox"/> internet <input type="checkbox"/> other ( _____ ))

\* In India, scope of prior design search is conducted in the Official Journal of the Patent Office in which designs registered in India are published on the weekly basis. Although the Designs Act, 2000 provides for novelty to be judged on the basis of publication in India and anywhere else in the world, but in India substantive Examination is done on the basis of Indian database only and not on the basis of worldwide publications because of resource constraint. This may give rise to a ground for the cancellation of the design under the Section 19 of the Act as law provides that the novelty is to be judged in reference to worldwide publication. The limited substantive examination may not be able to cite all the relevant prior arts.

Q1-6 Please let us know the situation in your country with regard to the following.

Partial design system* <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available	Accelerated examination system <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available
Related design system <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available	Exception to lack of novelty** <input checked="" type="checkbox"/> Available <input type="checkbox"/> Not available
One application for multiple designs system <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available	Reduction and exemption system for various fees <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available
System for converting a patent application to a design application and vice versa <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available	

\* As such there is no partial design system in India. There is no statutory provision in the Design Act, 2000 or case law which recognize partial design system in India. However, if the design is applied to a part of an article, design registration can be obtained for the entire article with the part to which the design is applied. Further, if novelty of the design lies in a part of the design, a statement of novelty is inserted highlighting novelty of the design in that part. In such cases where novelty lies in a part of the design and not in the whole article to which the design is applied, the inclusion of statement of novelty in the Application is desirable in the interest of the registered proprietor of the design, for his statement of the features constituting the novelty of his design will protect him against the contention that difference in shape or configuration in features not so specified constitute a substantial change from his design. Thus, in such cases statement of novelty serves the goal of some protection of the partial design system in India.

\*\* The Designs Act, 2000 provides for certain situation wherein publication or use of the design does not result in novelty being destroyed. These are following:

1. Section 6(3) of the Act which provides for situation where the same design is sought to be registered in respect of articles different from the articles in the same class in respect of which it has already been registered by the same proprietor. In such situation, later application is only pre-dated without novelty being destroyed.
2. Section 16 of the Act which provides that publication or use of design by someone in breach of good faith does not result in novelty being destroyed.
3. Section 21 of the Act provides for display of the design or any article to which the design is applied in any industrial exhibition with the prior notice of such exhibition to the Examiner does not result in novelty being destroyed .

4. Section 44 provides that in case of convention application publication or use during the 6 months grace period from the priority date does not result in novelty being destroyed.

[2. Designs subject to protection] With regard to designs protected in your country, please answer the following questions.

Q2-1 Please provide the definition of a design protected by design law in your country.

e.g. In Japan, a design is defined as follows: "Design' ... shall mean the shape, patterns or colors, or any combination thereof, of an article (including a part of an article ...), which creates an aesthetic impression through the eye."

Section 2(d) "design" means only the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device, and does not include any trade mark as defined in clause (v) of sub-section (1) of section 2 of the Trade and Merchandise Marks Act, 1958 or property mark as defined in section 479 of the Indian Penal Code or any artistic work as defined in clause (c) of section 2 of the Copyright Act, 1957.

Q2-2 Please check the applicable boxes below to indicate the subjects of design law protection in your country. If there are any subjects of protection other than those listed below, please describe them in the "Other" box.

<input checked="" type="checkbox"/> Tangible objects (including real property) Design Law Protection Available	<input checked="" type="checkbox"/> Tangible objects (not including real property) Design Law Protection Available	<input checked="" type="checkbox"/> Three-dimensional (3D) images Design Law Protection Available
<input type="checkbox"/> Microscopic designs (those not visible to the naked eye) Design Law Protection Not Available	<input checked="" type="checkbox"/> Buildings* Design Law Protection Available	<input type="checkbox"/> Holograms Design Law Protection Not Available
<input type="checkbox"/> Motion designs Design Law Protection Not Available	<input type="checkbox"/> Lighting (fireworks, illuminations, etc.) Design Law Protection Not Available	<input type="checkbox"/> Graphic symbols Design Law Protection Not Available
<input type="checkbox"/> Indoor displays and layouts of stores, etc. **	<input checked="" type="checkbox"/> Packaging Design Law Protection Available	<input type="checkbox"/> Icons Design Law Protection Not Available
<input type="checkbox"/> Images (with specification of the articles on which the images are displayed) ***	<input type="checkbox"/> Images alone (without specification of the articles on which the images are displayed)***	<input type="checkbox"/> Design drawings Design Law Protection Not Available
<input checked="" type="checkbox"/> Textile designs (with specification of the articles as textiles) Design Law Protection Available	<input type="checkbox"/> Textile designs alone (without specification of the articles in which the design is used) Design Law Protection Not Available	<input type="checkbox"/> Other ( )

\* In this connection, there is difference in what the Designs Act, 2000 says and what the Manual of Design Practice and Procedure states. In the Act, in class 25 of III<sup>rd</sup> schedule of the Act, it Building is specifically mentioned as one of the article to which design can applied.

However, Manual of Design Practice and Procedure excludes Buildings from the purview of the registrability. As per our understanding, Building design are registrable as it satisfies all the requirement of the definition of the design under Section 2(d) of the Act.

\*\* Indoor displays and layouts of stores design are registrable if it satisfies all the requirement of the definition of the design under Section 2(d) of the Act. Clear answer is possible only when a particular indoor display or layout of store is in front of us

\*\*\* This is a grey area. Images without specification of article are not allowed as no view of the article is possible which is a requirement of the Indian Designs Act. Further, in Images with the specification of article, there is 50% chance of success in getting registration. More specific answer can be given if you provide us particular image for which design registration is required.

[3. Measures of design disclosure] Please answer the following questions with regard to the measures of disclosing a design in a design application in your country.

Q3-1 Please check the applicable boxes below to indicate the permitted design application filing formats in your country.

If there are any permissible formats other than those listed below, please describe them in the "Other" box.

<input checked="" type="checkbox"/> Paper document	<input type="checkbox"/> Electronic recording media	<input type="checkbox"/> E-mail	<input type="checkbox"/> Internet	<input type="checkbox"/> Other ( )
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Q3-2 Please check the applicable boxes below to indicate the permitted forms of expressing designs in design applications in your country. Please describe forms other than those listed below in the "Other" box.

<input checked="" type="checkbox"/> Drawings	<input checked="" type="checkbox"/> Photographs	<input checked="" type="checkbox"/> Specimens	<input checked="" type="checkbox"/> Other (Tracing)
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Q3-3 If there are any special fee systems in relation to the format of a design application, please check the applicable boxes below to indicate their features. Please describe systems other than those listed below in the "Other" box.

Fee system	In what cases	Details of the fees
<input type="checkbox"/> Computerization fees		
<input type="checkbox"/> Storage fees		
Fee is paid either in cash or by cheque	In all cases	The First Schedule of The Design Act, 2000 provides for fees for different proceedings under the Act.
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs (Not Applicable)	Not Applicable	Not Applicable
<input type="checkbox"/> Other		

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input checked="" type="checkbox"/> Up to <u>8</u> drawings per design.	<input type="checkbox"/> No provisions

Size of drawings (size of each drawing)	There is no provision for the size of the drawings. However, the drawings should be such that details are clearly visible.	<input checked="" type="checkbox"/> No provisions
Drawing methods	e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are permitted only for oblique-perspective drawings).  <input checked="" type="checkbox"/> (Free description) (Perspective view, front view, and side view etc. are listed in Rule 14(3) of the Design Rules, 2003)	<input type="checkbox"/> No provisions
Notation in drawings	<input type="checkbox"/> Indication of direction and content (e.g. "front view" and "reference drawing showing the conditions of use") <input type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2") <input checked="" type="checkbox"/> Other (Only indication of the direction e.g. "perspective view, front view etc." are allowed. But where words, letters or numerals are not of the essence of the design they shall be removed from the representations or specimens; where they are of the essence of the design, the Examiner may require the insertion of a disclaimer of any right to exclusive use Rule 14(6) of the Design Rules, 2001)	<input type="checkbox"/> No provisions
Omission of drawings	<input checked="" type="checkbox"/> For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted <input checked="" type="checkbox"/> For a three-dimensional subject, if two drawings are identical or symmetrical, either may be omitted <input type="checkbox"/> Other (free description) ( )	<input checked="" type="checkbox"/> No provisions
Addition of drawings other than necessary drawings	<input checked="" type="checkbox"/> Not permitted <input type="checkbox"/> Development view, cross-section view, magnified view, perspective view, image view, etc. <input checked="" type="checkbox"/> Other (free description) (Magnified view may be required to be submitted. But perspective view is essential Rule 14(3) of the Design Rules, 2001)	<input type="checkbox"/> No provisions
Reference drawings	<input checked="" type="checkbox"/> Not permitted <input type="checkbox"/> Permitted where necessary to help the Examiner understand the design <input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use <input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Styles of lines	<input type="checkbox"/> Different lines are used to express transparent parts <input type="checkbox"/> Different lines are used to express materials	<input type="checkbox"/> No provisions

	<p>Specifically → (Free description: Dotted lines may be used in representation to indicate those elements of the article for which no protection is sought. Dotted lines identify elements which are not part of the claimed design. However, the Examiner generally objects to dotted lines at the time of the issuance of the Examination Report and ask for removal of the dotted lines from the drawings. Therefore, there exist an ambiguity, but as a matter of practice dotted lines are not allowed. Features of the design for which protection is sought must be shown in solid lines in the drawings)</p> <p>[Please answer the following if your country has a partial design system]**</p> <p><input type="checkbox"/> Different lines are used to distinguish a part for which an applicant requests design registration from other parts</p> <p><input type="checkbox"/> Other (free description)</p> <p>( )</p>	
Existence and expression of color	<p><input checked="" type="checkbox"/> Drawings consisting solely of lines are permitted / <input type="checkbox"/> Drawings consisting solely of lines are not permitted</p> <p><input checked="" type="checkbox"/> Drawings which include color are permitted / <input type="checkbox"/> Drawings which include color are not permitted</p> <p><input type="checkbox"/> Color may be specified in a way other than by drawing (via a written statement in an application, etc.)</p> <p>[Please answer the following if your country has a partial design system]**</p> <p><input type="checkbox"/> The part for which the applicant requests design registration may be specified using different colors</p>	<input checked="" type="checkbox"/> No provisions
Expression of shading, etc.	<p><input checked="" type="checkbox"/> Not permitted</p> <p><input type="checkbox"/> Permitted with certain restrictions</p> <p>(What are the restrictions? → )</p>	<input type="checkbox"/> No provisions
Description of materials other than the subject design***	<input type="checkbox"/> The background may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Other material that may be included (free description)	

\* However, the Examiners are satisfied with sufficient number of drawings even if they are not 8 in numbers.

\*\* As such there is no partial design system in India. There is no statutory provision in the Design Act, 2000 or case law which recognize partial design system in India. However, if the design is applied to a part of an article, design registration can be obtained for the entire article with the part to which the design is applied. Further, if novelty of the design lies in a part of the design, a statement of novelty is inserted highlighting novelty of the design in that part. In such cases where novelty lies in a part of the design and not in the whole article to which the design is applied, the inclusion of statement of novelty in the Application is desirable in the interest of the registered proprietor of the design, for his statement of the features constituting the novelty of his design will protect

him against the contention that difference in shape or configuration in features not so specified constitute a substantial change from his design. Thus, in such cases statement of novelty serves the goal of some protection of the partial design system in India.

\*\*\*NOT ALLOWED

In the case of expression by photographs		
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Number. of photographs	<input type="checkbox"/> Up to <b>8</b> photographs per design. *	<input checked="" type="checkbox"/> No provisions
Size of photographs (size of each photograph)	(There is no provision for the size of the drawings. However, the photographs should be such that details are clearly visible.)	<input checked="" type="checkbox"/> No provisions
Sharpness	<input type="checkbox"/> (Details should be clearly visible )	<input type="checkbox"/> No provisions
Existence and expression of color	<input checked="" type="checkbox"/> Black-and-white photographs are permitted / <input type="checkbox"/> Black-and-white photographs are not permitted <input checked="" type="checkbox"/> Color photographs are permitted / <input type="checkbox"/> Color photographs are not permitted [Please answer the following if your country has a partial design system]** <input type="checkbox"/> Different colors may be applied to photographs	<input type="checkbox"/> No provisions
Description of materials other than the subject design***	<input type="checkbox"/> The background may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input type="checkbox"/> No provisions

\* However, the Examiners are satisfied with sufficient number of photographs even if they are not 8 in number.

\*\* As such there is no partial design system in India. There is no statutory provision in the Design Act, 2000 or case law which recognize partial design system in India. However, if the design is applied to a part of an article, design registration can be obtained for the entire article with the part to which the design is applied. Further, if novelty of the design lies in a part of the design, a statement of novelty is inserted highlighting novelty of the design in that part. In such cases where novelty lies in a part of the design and not in the whole article to which the design is applied, the inclusion of statement of novelty in the Application is desirable in the interest of the registered proprietor of the design, for his statement of the features constituting the novelty of his design will protect him against the contention that difference in shape or configuration in features not so specified constitute a substantial change from his design. Thus, in such cases statement of novelty serves the goal of some protection of the partial design system in India.

\*\*\*NOT ALLOWED

In the case of expression by specimens: Specimen is submitted either on its own or on the requisition by the Examiner and such requisition is rare.		
<input type="checkbox"/> Expression by specimens is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Mannequins and other accessories	<input checked="" type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input checked="" type="checkbox"/> No provisions

In the case of expression by electronic images, such as CG (computer graphics) *		
<input type="checkbox"/> Expression by electronic images, such as CG (computer graphics), is not permitted		
Reasons ( )		
Provisions	Details of the provisions	
Types of images (still/moving images)	<input type="checkbox"/> Only still images are permitted	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to _____ images per design	<input type="checkbox"/> No provisions
Permitted image formats	<input type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Image data amount (size)	<input type="checkbox"/> Up to _____	<input type="checkbox"/> No provisions
Existence and expression of color	<input type="checkbox"/> Black-and-white images are permitted / <input type="checkbox"/> Black-and-white images are not permitted <input type="checkbox"/> Color images are permitted / <input type="checkbox"/> Color images are not permitted <input type="checkbox"/> Color may be specified in a way other than through the use of images (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> A part for which an applicant requests design registration may be specified by using different colors	<input type="checkbox"/> No provisions

\* Although the The Designs Act, 2000 permits expression in the form of computer graphics, but there are no guidelines on such use. (Rule 14(1) of the Design Rules, 2001). Therefore, we are unable to answer any further question in this connection.

[4. Description in an application in relation to the expression of a design] With regard to the description in an application in relation to the expression of a design, please answer the following questions.

Q4-1 Please check the applicable boxes below to indicate the contents (items described) of documents submitted in filing a design application in your country.

Article to the design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the article	<input checked="" type="checkbox"/> Necessary If Controls desires explanation of the article	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the design	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input checked="" type="checkbox"/> No such item.
If your country has a partial design system, indication of partial design	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

Q4-1-1 What provisions exist concerning statements in the "Article to the design" section? Please describe them below.

Example 1: In Japan, statements must follow the classification of articles specified in the Ordinance of the Ministry of Economy, Trade and Industry (bottom column of Appended Table 1). If an article does not belong to any classification, the applicant provides explanations to help

the Examiner understand the article in the "Explanation of the article" section, such as its purpose and the conditions of its use.

Example 2: Articles included in the International Classification for Industrial Designs are permitted.

In India in III<sup>rd</sup> schedule of the Designs Act, 2000 provides for the classification of the article which is based on the Locarno system of International Classification for Industrial Designs. In case of any doubt as to class in which design ought to be registered, the Examiner in consultation with the Applicant may decide the question. Section 5(3) of the Act and Rule 10(2) of the Design Rules, 2001. In this connection, the Examiner may require the Applicant to state the purpose for which the article (to which design is applied) is used, Rule 11(4) of the Design Rules, 2001.

Q4-1-2 With regard to the (1) "Explanation of the article" and (2) "Explanation of the design" sections in an application, please write Y or N in the parentheses below to indicate whether or not the relevant matter can be stated in the respective section.

Purpose of use: (1) (Y)/(2) ( N )*	Method of operation: (1) (N)/(2) ( N )	Material: (1) ( N )/(2) ( N )	Size: (1) ( N )/(2) ( N )
Colored/transparent parts: (1) ( N )/(2) ( N )	Continuity of a pattern: (1) ( N )/(2) ( N )	Features of the design*: (1) ( N )/(2) ( Y )	
Other statements permitted (free description) (1) Statement of Novelty/ (2) Statement of Disclaimer		Other statements not permitted (free description) (1) / (2)	

\* The abovementioned relevant matters are required to be stated only when required by the Examiner.

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design.

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the method by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

As such there is no partial design system in India. There is no statutory provision in the Design Act, 2000 or case law which recognize partial design system in India. However, if the design is applied to a part of an article, design registration can be obtained for the entire article with the part to which the design is applied. Further, if novelty of the design lies in a part of the design, a statement of novelty is inserted highlighting novelty of the design in that part. In such cases where novelty lies in a part of the design and not in the whole article to which the design is applied, the inclusion of statement of novelty in the Application is desirable in the interest of the registered proprietor of the design, for his statement of the features constituting the novelty of his design will protect him against the contention that difference in shape or configuration in features not so specified constitute a substantial change from his design. Thus, in such cases statement of novelty serves the goal of some protection of the partial design system in India.

specification/finding/amendment of a design?

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the

requirements for disclosure of a design considered sufficient to secure the filing date?

Section 5 of the Act provides that an application for registration of design may be registered if the Application relates to new or original design not previously published in any country. Further as explained in Q1-6, in certain situations disclosure of design shall not be deemed to publication of design. These are provided in the Section 6(3), Section 16, Section 21 and Section 44 of Act.

Rule 14 of the Designs Rules, 2001 and Manual of Design Practice and Procedure provides for the mode and manner of submission of representations of design in the Design Office.

Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input type="checkbox"/> Country's own design classification	<input checked="" type="checkbox"/> International Classification for Industrial Designs	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input type="checkbox"/> Applicant	<input type="checkbox"/> Government office	<input checked="" type="checkbox"/> Other (Initially at the time of filing the Application, the Applicant put classification. However, Examiner in consultation with the Applicant assigns classification in case of any doubt. Otherwise Applicant specifies the class in the Application)
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Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input type="checkbox"/> All articles with the same classification are similar	<input type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input checked="" type="checkbox"/> Other (All articles in same classification have similar purpose and use)
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Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations).

	Who is empowered to find a design, and based on what standards?	Handing of cases in which a design cannot be found
Specifying the scope of similarity of articles	Example: An examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings, etc. attached to it.*  Free description (A single Examiner makes substantive as well formality Examination. Although the Designs Act, 2000 provides for substantive Examination i.e. novelty search on	Example: Sending a notice of reasons for refusal  Free description  (A single examination report is sent listing the objections whether formal or substantive. After the Applicant files

		the basis of publication in India and anywhere else in the world, but in India substantive Examination is done on the basis of Indian database only and not on the basis of worldwide publications because of resource constraint)	response to the Examination Report, the Examiner may register the design or may appoint a hearing if the requirements of the Examiner are not met.)
Specifying the form	Regarding drawing methods	Example: An examiner in charge of formality examination makes a determination based on implementation regulations  Free description (A single Examiner makes substantive as well formality Examination. Formality check is made on the basis of provisions in the Designs Act, 2002 and Designs Rules, 2001 alongwith Examination guidelines in the Manual of Design Practice and Procedure)	Example: Dismissal for failure to comply with formalities and dismissal of the application  Free description (A single examination report is sent listing the objections whether formal or substantive. After the Applicant files response to the Examination Report, the Examiner may register the design or may appoint a hearing if the requirements of the Examiner are not met.)
	Clarity of the design	Example: An examiner in charge of substantive examination makes a determination based on design law, etc.*  Free description (Part of formality check in examination)	Example: Sending a notice of reasons for refusal  Free description (A single examination report is sent listing the objections whether formal or substantive. After the Applicant files response to the Examination Report, the Examiner may register the design or may appoint a hearing if the requirements of the Examiner are not met.)

\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled?

Action	Specific handling	Postponement of the filing date	
Example: Sending a notice of reasons for refusal to the effect that the design cannot be specified	Example: Dismissing an amendment if the amendment is not permitted	Not postponed	
Free description ( A single Examiner is sent listing all types of objection whether formal or substantive)	Free description (Amendments are demanded by the Examiner and there is no voluntary amendments)	<input type="checkbox"/> Postponed	<input checked="" type="checkbox"/> Not postponed*

\*Not postponed generally. However, if the Applicant makes a formal request a further period of 3 months is given for removal of the

objections.

Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design"*	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input checked="" type="checkbox"/> Explanation of function/operation**	<input type="checkbox"/> Necessary at the time of filing	<input checked="" type="checkbox"/> Necessary at the time of registration
<input checked="" type="checkbox"/> Size and color***	<input type="checkbox"/> Necessary at the time of filing	<input checked="" type="checkbox"/> Necessary at the time of registration
<input checked="" type="checkbox"/> Method of omitting drawings****	<input type="checkbox"/> Necessary at the time of filing	<input checked="" type="checkbox"/> Necessary at the time of registration

\* As such there is no partial design system in India. There is no statutory provision in the Design Act, 2000 or case law which recognize partial design system in India. However, if the design is applied to a part of an article, design registration can be obtained for the entire article with the part to which the design is applied. Further, if novelty of the design lies in a part of the design, a statement of novelty is inserted highlighting novelty of the design in that part. In such cases where novelty lies in a part of the design and not in the whole article to which the design is applied, the inclusion of statement of novelty in the Application is desirable in the interest of the registered proprietor of the design, for his statement of the features constituting the novelty of his design will protect him against the contention that difference in shape or configuration in features not so specified constitute a substantial change from his design. Thus, in such cases statement of novelty serves the goal of some protection of the partial design system in India.

\*\*Explanation of the function is given if demanded by the Examiner at the time of filing response. Explanation of the operation is not given nor asked.

\*\*\*Information is given if demanded by the Examiner at the time of filing response. However, Examiner may also desire to file disclaimer stating that size and colour do not constitute novelty in the design.

\*\*\*\*We believe your question pertains to whether the omitting of drawings is permissible. We are answering this question based on this understanding of ours. If you think otherwise, kindly revert to us. Drawings are omitted or added if demanded by the Examiner.

Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? If not, please describe why.

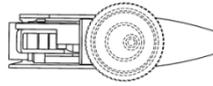
[Article to the design] Nozzle of a nebulizer for packaging

[Partial design]

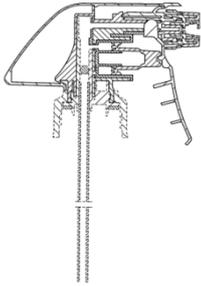
[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever.

[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design application, the length of the omitted part is 5 cm.

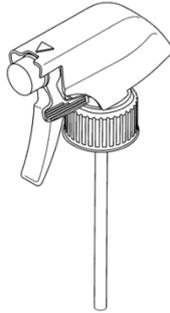
[Bottom view]



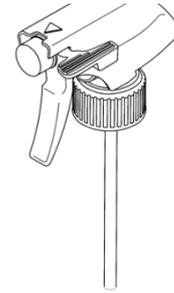
[Left side central longitudinal end view; internal mechanism is omitted]



[Reference perspective view with the grip part in the down position]



[Reference perspective view with the grip part in the up position]



Description of the reasons why a design would not be found in your country, if applicable.

**In India, design protection will not be available to the above mentioned example because as per the Design Act, 2000, it is the finished article judged solely by the eye which comes under the ambit of the design protection. Therefore, anything which in finished product is not visible to the eye cannot be subject matter of the design protection. Therefore, left side central longitudinal end view cannot be protected. Further, functional aspect of the design cannot be protected. Thus, Reference perspective view with the grip part in the down position and Reference perspective view with the grip part in the up position views cannot be protected.**

Q5-9 If amendment/division/conversion\*of an application is permitted, please describe the scope of amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments	
<p>(1) Amendment beyond the type of design</p> <p><input type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / <input type="checkbox"/> Amendment from a partial design to another partial design</p> <p>(2) Amendment beyond the type of drawing</p> <p><input type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input type="checkbox"/> Amendment from a drawing to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a photograph to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a color image to a monochrome image and vice versa</p>	<p>(3) Amendment beyond the type of view</p> <p><input type="checkbox"/> Addition of a perspective view / <input type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa</p> <p>(4) Amendment of the content of a design</p> <p><input type="checkbox"/> Addition of a new matter (change of the gist of the design)</p> <p><input type="checkbox"/> Amendment that does not affect the finding of the gist of the design</p> <p><input type="checkbox"/> Amendment that does not affect the determination of similarity</p> <p><input type="checkbox"/> Amendment to the scope of the design for which design registration is requested</p>

Free description:

\* Amendments are allowed only to comply with the requirement of the Examiner in the Examination Report. There is no provision of voluntary amendment nor such amendments are allowed by the Examiner. No division or conversion of the application is allowed under The Designs Act, 2000.

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments\* can be made.

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design		
Explanation of the article to the design		
Explanation of the design		

Permissible division (free description):

Permissible conversion of an application	<input type="checkbox"/> From a design application to a patent/utility model application and vice versa	<input type="checkbox"/> From a design application to a trademark application and vice versa
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\* Amendments are allowed only to comply with the requirement of the Examiner in the Examination Report. There is no provision of voluntary amendment nor such amendments are allowed by the Examiner. No division or conversion of the application is allowed under The Designs Act, 2000.

[6. Understanding of the unity of design] The following questions are to countries that adopt a one application for multiple designs system.\* What is your understanding of the unity of design? Please answer the following questions.

\*NOTE: In India, one application for multiple design is not permissible. However, in one application a design for multiple articles can be claimed. Further, in India, design protection is allowed for the set. Therefore, in view of the above we are answering questions below.

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry
A design may be registered in respect of more than one article in a class of goods. But a design cannot be registered for more than one class of goods.	Section 5 (3) of the Designs Act, 2000 and Rule 11(2) of the Designs Rules, 2001 and 3 <sup>rd</sup> schedule of the Act.

Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included

Multiple dissimilar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple similar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
A single design designating multiple articles	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple similar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included

Q6-3 What is the scope of a single design? Please choose whether the following are recognized to be single designs.

Multiple embodiments based on one design (e.g. an unpackaged article and multiple packaged working examples)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized
Sets, such as a set of knives, forks and spoons	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
For such sets, are applicants permitted to freely combine articles and file an application for the combination as single design?	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized
Articles which move or change entirely or in part (e.g. a toy car that changes into a robot through assembly)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized
Transitional images (e.g. an image that is developed through the operation of a music playing device)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized

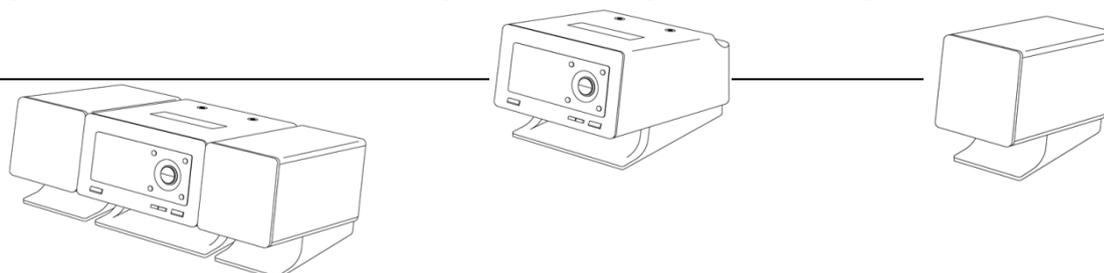
Q6-4 Please inform us of specific cases of not being recognized to be a single design.

In India, application which relates to multiple designs are objected to at the time of examination and such application are required to be amended by the Examiner/Controller to make them relate to single design. Such matters are not reported in journal and we have not encountered any such cases in our practice.

Q6-5 In the example case shown below, would the set be recognized to be a single design in your country? If not, please provide the reasons.

[Article to the design] A set of audio equipment

[Explanation of the article to the design] This article consists of the body part which is a chassis that houses multiple types of audio equipment and two speaker boxes on its left and right sides which receive audio signal output from the body part and release it as sound. The body part and the two speaker boxes are separable.



<input checked="" type="checkbox"/> Recognized to be a single design*	<input type="checkbox"/> Not recognized to be a single design Reasons ( )
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\* Only if the design of set shown in perspective view is claimed in a single application rather than three designs claimed in a single application. The three designs as indicated above can be claimed in three separate applications.

[7. Design right] What is your understanding of the effect of a design right? Please answer the following questions.

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right? Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity included in the name of an article	<input type="checkbox"/> The scope is limited to that of the article stated in the application.	<input type="checkbox"/> The scope extends to articles similar to the article stated in the application.
	<input type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form	<input checked="" type="checkbox"/> (Free description) The scope of design right in addition to the article stated in the application also extends to articles in the class in which the design is registered and it also prohibit any fraudulent or obvious imitation of the design. Section 22 of The Designs Act, 2000.
Parts that are not disclosed in drawings, etc.	(Design protection is not available)	
Color or monochrome	(In India colour is included in the definition of the design in Section 2(d) of the Act. The colour may form an element in a design, colour or colouring as such does not constitute design, that is unless the changes of colour creates a new pattern or ornament.)	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	(Under Section 22 of the Act, there is infringement of the registered design if any person, without consent of the of the registered proprietor, for the purpose of sale apply or cause to be applied to <u>any article in any class of articles in which the design is registered, the design or any fraudulent or obvious imitation thereof</u> , or to do anything with a view to enable the design to be so applied. Further, Section 22 prohibits import for the purpose of sale, without consent of the of the registered proprietor, <u>any article belonging to the class in which the design has been registered, and having applied to it the design or any fraudulent or obvious imitation thereof</u> . Thus, under the Act, protection is also extend to articles in the class in which the design is registered and it also prohibits any fraudulent or obvious imitation of the design.)	
Scope of a design depicted in views, etc.	<input checked="" type="checkbox"/> The scope is the same as that of the views, etc.*	<input type="checkbox"/> The scope extends to similar views, etc.

\* However, scope of design right also extends to any fraudulent or obvious imitation of the design. Section 22 of The Designs Act, 2000.

Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

The restriction in the enforcement of rights of a design in respect of disclosure of a design is provided under the Designs Act, 2000. Section 4(b) of the Act provides a design shall not be registered if the design has been disclosed to public anywhere in India or any other country by publication in tangible form or by use in any other way prior to the filing date, or where applicable, the priority date of the application for registration.

Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

A design can be invalidated if it has been previously registered in India; or it has been published in India or in any other country prior to the date of registration; or the design is not new or original (Section 19 of the Act.)

[8. Other]

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?\*

<input type="checkbox"/> Sufficient	<input type="checkbox"/> Insufficient
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\* In Indian Design Regulation, there is no particular number of drawings but the number of drawings should be sufficient to describe the design. Perspective view is mandatory as per Indian Law.

Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient disclosure of a design?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (Please specifically describe: _____ )
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Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes In what situation? → (Free description: Where a design application claims priority from an Application in a convention country - Rule 15(2) of the Design Rules, 2001)
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Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Not accepted	<input type="checkbox"/> Other (Objection on the ground of requirement under Rule 15(2) of the Design Rules, 2001)
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[Request for information gathering]

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc.

1. ***Microfibers Inc. v. Girdhar Co. & Another*** : Interpretation of Section 2(d) of the Designs Act, 2000 and Section 15 (Artistic work) of the Copyright Act, 1957
2. ***Bharat Glass Tube Ltd. v. Gopal Glass Works Ltd.***: The court Examined the nature of proof required to establish prior publication.
3. ***Escorts construction Equipment Ltd. v. Action construction Equipment Pvt Ltd.*** 1999 PTC 36 (Del) at pp. 39, 40, 48: Purely functional part are incapable of registration under the Design Act, 2000.
4. ***Glaxo Smithkline CH GmbH & Co. v. Anchor Health & Beautycare P. Ltd.*** 2004 (29) PTC 72 (del): Mere mechanical contrivance does not qualify for design registration.
5. ***Rotela Auto Components (P) Ltd Vs Jaspal Singh reported in 2002(24)PTC449(Del)***, it was held by the court in word ‘published‘ used in section 19 or under section 4 of the Designs Act has not been defined under the Designs Act, 2000. It is published if a design is no longer a secret. There is publication if the design has been disclosed to the public or public has been put in possession of the design.
6. ***Gopal Glass Works Ltd Vs Asstt. Controller of Patents and Designs [2006(33) PTC434 (Cal)]***, it was held by the court that to constitute prior disclosure by publication to destroy the novelty of the registered design, the publication would have to be intangible form, of the design applied to the same article. Prior publication of a trade catalogue, brochure, book, journal, magazine, or news paper containing photographs or explicit picture illustrations that clearly depict the application of the design on same article with the same visual effect would be sufficient.
7. ***M/s Brighto AutoIndustries Vs Shri Raj Chawla (ILR 1978 (I) Delhi)*** it was held by the Honorable Court —\_new‘ is taken generally to mean as different to what has gone before and original as something originating from the author. In the matter of novelty the eye has to be the ultimate arbiter and the determination has to rest on the general ocular impression. To secure recognition for its newness or originality it is imperative that a design identical with or even materially similar to the relevant design should not have been published or registered previously. A slight trivial or infinitesimal variation from a pre-existing design will not qualify it for registration taking into account the nature involved the change introduced should be substantial. It is no t necessary to justify registration that the whole of the design should be new, the newness may be confined to only a part of it but that part must be a significant one and it should be potent enough to impart to the whole design a distinct identity, unless the registration sought for the said part alone. Further it was held that it is the duty of the court to take special care that no design shall be counted new or original, unless it is distinct from what previously existed by something essentially new or original which is different from ordinary trade variants, which may have lost, been common matters of test or choice in that trade.
8. ***Disney Enterprise Inc. v. Prime Housewives Ltd.***: Issue of international registration of industrial design and requirement of Indian Law came into conflict and Indian court refused to recognize international registration.
9. ***Cow & Co. Ltd. v Cannon Rubber Manufacturers, Ltd (1959) RPC 240, 347***: If the design is not an essentially a mechanical contrivance but also meets the criterion for registration apart from its functionality, it may qualify

for registration.

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites and names of documents which are especially informative with regard to expression of a design under your country's design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved.

1. The Designs Act, 2000 available on <http://www.ipindia.nic.in/>
2. The Designs Rules, 2000 available on <http://www.ipindia.nic.in/>
3. Manual of Design Practice and Procedure published by the Office of the Controller General of Patents, Designs & Trademarks available on <http://www.ipindia.nic.in/>
4. Information booklet for Application For Registration of Designs by Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India. available on <http://www.ipindia.nic.in/>
5. P. Narayanan, Law of Copyright and Industrial Designs, Eastern Law House.



**[1. SYSTEM] PLEASE ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO DESIGN-RELATED INDUSTRIAL PROPERTY RIGHT SYSTEMS IN YOUR COUNTRY.**

Q1-1 Does your country have (1) a design law (legally binding), (2) formality examination regulations (legally binding), and (3) design examination guidelines (not legally binding)?

Design law <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Formality examination regulations <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Design examination guidelines <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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(2) refers to detailed rules, such as implementation regulations needed for the law or detailed provisions based on the law, and (3) refers to examination practices.

Q1-2 In your country, is there a special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality? Is there also a special department that assigns and confirms classifications in your country? If so, please enter the number of persons in charge in such special departments.

Special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality	<input type="checkbox"/> Yes (no. of persons in charge: approximately Design department of the Russian Patent Office (number of persons in charge: approximately 50)	<input type="checkbox"/> No
Special department that assigns and confirms classifications	<input type="checkbox"/> Yes (no. of persons in charge: )	<input checked="" type="checkbox"/> No

Determining whether a design application is novel/creative through prior design search is to be called "conducting substantive examination."

Q1-3 Is substantive examination conducted for design applications in your country?

<input checked="" type="checkbox"/> Yes (for all applications)	<input type="checkbox"/> Yes (for some design applications)	<input type="checkbox"/> No
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Q1-4 Is there a special department that conducts substantive examinations? If so, please enter the number of persons in charge in the special department.

<input type="checkbox"/> Yes (no. of persons in charge: ) Design department of the Russian Patent Office (number of persons in charge: approximately 50)	<input type="checkbox"/> No
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Q1-5 This question applies to countries in which substantive examinations are conducted. Please check the applicable boxes below in relation to the scope of prior design searches conducted to determine novelty.

<input checked="" type="checkbox"/> Design gazette of your country	<input checked="" type="checkbox"/> Design gazette of other countries (→ Which countries/regions? Obligatory search: Japan, USA, France, Great Britain, Germany, Spain, WIPO, OHIM)
<input type="checkbox"/> Patent gazette, etc.	<input checked="" type="checkbox"/> Publicly known materials ( <input type="checkbox"/> magazines/catalogs <input type="checkbox"/> internet <input type="checkbox"/> other ( ))



**[3. MEASURES OF DESIGN DISCLOSURE] PLEASE ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO THE MEASURES OF DISCLOSING A DESIGN IN A DESIGN APPLICATION IN YOUR COUNTRY.**

Q3-1 Please check the applicable boxes below to indicate the permitted design application filing formats in your country. If there are any permissible formats other than those listed below, please describe them in the "Other" box.

<input checked="" type="checkbox"/> Paper document	<input type="checkbox"/> Electronic recording media	<input type="checkbox"/> E-mail	<input type="checkbox"/> Internet	<input type="checkbox"/> Other ( )
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Q3-2 Please check the applicable boxes below to indicate the permitted forms of expressing designs in design applications in your country. Please describe forms other than those listed below in the "Other" box.

<input checked="" type="checkbox"/> Drawings	<input checked="" type="checkbox"/> Photographs	<input type="checkbox"/> Specimens	<input checked="" type="checkbox"/> Other (Computer generated pictures )
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Q3-3 If there are any special fee systems in relation to the format of a design application, please check the applicable boxes below to indicate their features. Please describe systems other than those listed below in the "Other" box.

Fee system	In what cases	Details of the fees
<input type="checkbox"/> Computerization fees		
<input type="checkbox"/> Storage fees		
<input type="checkbox"/> Other		
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs		
<input type="checkbox"/> Other		

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input type="checkbox"/> Up to _____ drawings per design (“a set of drawings of the article, which must provide a full detailed perception of the outer appearance of the article: perspective view, front view, rear view, top view, bottom view, left side view, right side view”)	<input type="checkbox"/> No provisions
Size of drawings (size of each drawing)	<input checked="" type="checkbox"/> (Free description) A4 format	<input type="checkbox"/> No provisions
Drawing methods	e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are	<input checked="" type="checkbox"/> No provisions

	<p>permitted only for oblique-perspective drawings).</p> <p><input type="checkbox"/> (Free description)</p> <p>( )</p>	
Notation in drawings	<p><input type="checkbox"/> Indication of direction and content (e.g. "front view" and "reference drawing showing the conditions of use")</p> <p><input type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2")</p> <p><input type="checkbox"/> Other ( a title of a design )</p>	<input type="checkbox"/> No provisions
Omission of drawings	<p><input type="checkbox"/> For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted (it is sufficient to submit only one view for two-dimensional subject)</p> <p><input type="checkbox"/> For a three-dimensional subject, if two drawings are identical or symmetrical, either may be omitted</p> <p><input type="checkbox"/> Other (free description)</p> <p>(if two drawings are identical or symmetrical it is necessary to submit both drawings)</p>	<input type="checkbox"/> No provisions
Addition of drawings other than necessary drawings	<p><input type="checkbox"/> Not permitted</p> <p><input type="checkbox"/> Development view, cross-section view, magnified view, perspective view, image view, etc.</p> <p><input type="checkbox"/> Other (free description)</p> <p>(Necessary views are following: perspective view, front view, rear view, top view, bottom view, left side view and right side view. Magnified view can be filed in addition to the necessary views for better understanding of the design by the Examiner)</p>	<input type="checkbox"/> No provisions
Reference drawings	<p><input type="checkbox"/> Not permitted</p> <p><input type="checkbox"/> Permitted where necessary to help the examiner understand the design</p> <p><input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use</p> <p><input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations</p> <p><input type="checkbox"/> Other (free description)</p> <p>(Reference views are not published but can be helpful for better understanding of the design by the Examiner)</p>	<input type="checkbox"/> No provisions
Styles of lines	<p><input type="checkbox"/> Different lines are used to express transparent parts</p> <p><input type="checkbox"/> Different lines are used to express materials</p> <p>Specifically → (Free description: )</p> <p>[Please answer the following if your country has a partial design system]</p> <p><input type="checkbox"/> Different lines are used to distinguish a part for which an applicant requests design registration from other parts</p> <p><input type="checkbox"/> Other (free description)</p>	<input type="checkbox"/> No provisions

	( )	
Existence and expression of color	<input type="checkbox"/> Drawings consisting solely of lines are permitted / <input type="checkbox"/> Drawings consisting solely of lines are not permitted <input type="checkbox"/> Drawings which include color are permitted / <input type="checkbox"/> Drawings which include color are not permitted <input type="checkbox"/> Color may be specified in a way other than by drawing (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> The part for which the applicant requests design registration may be specified using different colors	<input type="checkbox"/> No provisions
Expression of shading, etc.	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input checked="" type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input type="checkbox"/> No provisions
	<input checked="" type="checkbox"/> Mannequins and models (persons), etc. may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Other material that may be included (free description)	

In the case of expression by photographs		
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Number. of photographs	<input type="checkbox"/> Up to ____ photographs per design (“a set of <b>photographs of the article, which must provide a full detailed perception of the outer appearance of the article</b> ”)	<input type="checkbox"/> No provisions
Size of photographs (size of each photograph)	<input type="checkbox"/> (Free description) <b>Size of photographs is 18x24 cm, 13x18 cm or 9x12 cm</b>	<input type="checkbox"/> No provisions
Sharpness	<input checked="" type="checkbox"/> (photographs shall be clear)	<input type="checkbox"/> No provisions
Existence and expression of color	<input checked="" type="checkbox"/> Black-and-white photographs are permitted / <input type="checkbox"/> Black-and-white photographs are not permitted <input checked="" type="checkbox"/> Color photographs are permitted / <input type="checkbox"/> Color photographs are not permitted [Please answer the following if your country has a partial design system] <input type="checkbox"/> Different colors may be applied to photographs	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input type="checkbox"/> No provisions
	<input checked="" type="checkbox"/> Mannequins and models (persons), etc. may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are	<input type="checkbox"/> No provisions

	permitted	
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In the case of expression by specimens		
<input type="checkbox"/> Expression by specimens is not permitted. Reasons ( All features of the list of essential features which defines the scope of protection must be identifiable in the representations of the design)		
Provisions	Details of the provisions	
Mannequins and other accessories	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input type="checkbox"/> No provisions

In the case of expression by electronic images, such as CG (computer graphics)		
<input type="checkbox"/> Expression by electronic images, such as CG (computer graphics), is not permitted Reasons ( )		
Provisions	Details of the provisions	
Types of images (still/moving images)	<input type="checkbox"/> Only still images are permitted	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to _____ images per design (“a set of photographs of the article, which must provide a full detailed perception of the outer appearance of the article”)	<input type="checkbox"/> No provisions
Permitted image formats	<input type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF <input type="checkbox"/> Other	<input type="checkbox"/> No provisions
Image data amount (size)	<input type="checkbox"/> Up to _____ <b>A4 format</b> _____	<input type="checkbox"/> No provisions
Existence and expression of color	<input type="checkbox"/> Black-and-white images are permitted / <input type="checkbox"/> Black-and-white images are not permitted <input type="checkbox"/> Color images are permitted / <input type="checkbox"/> Color images are not permitted <input type="checkbox"/> Color may be specified in a way other than through the use of images (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> A part for which an applicant requests design registration may be specified by using different colors	<input type="checkbox"/> No provisions

**[4. DESCRIPTION IN AN APPLICATION IN RELATION TO THE EXPRESSION OF A DESIGN] WITH REGARD TO THE DESCRIPTION IN AN APPLICATION IN RELATION TO THE EXPRESSION OF A DESIGN, PLEASE ANSWER THE FOLLOWING QUESTIONS.**

Q4-1 Please check the applicable boxes below to indicate the contents (items described) of documents submitted in filing a design application in your country.

Article to the design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the article	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the design	<input type="checkbox"/> Necessary (it is necessary to submit a description of the design)	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
If your country has a partial design system, indication of partial design	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

Q4-1-1 What provisions exist concerning statements in the "Article to the design" section? Please describe them below.

Example 1: In Japan, statements must follow the classification of articles specified in the Ordinance of the Ministry of Economy, Trade and Industry (bottom column of Appended Table 1). If an article does not belong to any classification, the applicant provides explanations to help the examiner understand the article in the "Explanation of the article" section, such as its purpose and the conditions of its use.

Example 2: Articles included in the International Classification for Industrial Designs are permitted.

In Russia, the Locarno class is indicated in the description of the design by the applicant. If it is impossible to determine the Locarno class of the design the Examiner of the Russian Patent Office determines the Locarno class in accordance with the paragraph "destination and field of use of the design" of the description.

Q4-1-2 With regard to the (1) "Explanation of the article" and (2) "Explanation of the design" sections in an application, please write Y or N in the parentheses below to indicate whether or not the relevant matter can be stated in the respective section.

Purpose of use: (1) ( <input checked="" type="checkbox"/> )/(2) ( <input checked="" type="checkbox"/> )	Method of operation: (1) ( <input checked="" type="checkbox"/> )/(2) ( <input checked="" type="checkbox"/> )	Material: (1) ( <input checked="" type="checkbox"/> )/(2) ( <input checked="" type="checkbox"/> )	Size: (1) ( <input checked="" type="checkbox"/> )/(2) ( <input checked="" type="checkbox"/> )
Colored/transparent parts: (1) ( <input checked="" type="checkbox"/> )/(2) ( <input checked="" type="checkbox"/> )	Continuity of a pattern: (1) ( <input checked="" type="checkbox"/> )/(2) ( <input checked="" type="checkbox"/> )	Features of the design: (1) ( <input checked="" type="checkbox"/> )/(2) ( <input checked="" type="checkbox"/> )	
Other statements permitted (free description) (1) / (2)		Other statements not permitted (free description) (1) / (2)	

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design.

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the method by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

**[5. UNDERSTANDING OF SPECIFICATION/FINDING/AMENDMENT OF A DESIGN] WHAT IS YOUR UNDERSTANDING WITH REGARD TO THE SPECIFICATION/FINDING/AMENDMENT OF A DESIGN?**

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the requirements for disclosure of a design considered sufficient to secure the filing date?

There is a 6-month novelty grace period from the date when the design became available to the public till filing the application to the Russian Patent Office.

According to Point 4 of article 1352 of the Fourth Part of the Civil Code of the Russian Federation "Disclosure of information relating to a design by the author of the design, applicant, or other person who received this information directly or indirectly from them, as a result of which information on the nature of the design became publicly available shall not be a circumstance precluding the recognition of the patentability of the design if an application for the issuance of a patent for the design has been filed with the Russian Patent Office within the course of six months from the day of disclosure of the information. The burden of proof that the circumstances have taken place by virtue of which the disclosure of information does not prevent the recognition of the patentability of the design shall rest on the applicant"

Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input type="checkbox"/> Country's own design classification	<input checked="" type="checkbox"/> International Classification for Industrial Designs	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Government office	<input type="checkbox"/> Other ( )
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Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input type="checkbox"/> All articles with the same classification are similar	<input type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input checked="" type="checkbox"/> Other (free description) There is the International Locarno Classification for Industrial Designs in Russia. Articles within each class are related to each other in such way that they fulfill the same function indicated in the title of the corresponding class.
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Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations).

	Who is empowered to find a design, and based on what standards?		Handing of cases in which a design cannot be found
Specifying the scope of similarity of articles	Example: An examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings, etc. attached to it.* Free description ( )		Example: Sending a notice of reasons for refusal Free description ( )
Specifying the form	Regarding drawing methods	Example: An examiner in charge of formality examination makes a determination based on implementation regulations Free description ( )	Example: Dismissal for failure to comply with formalities and dismissal of the application Free description ( )
	Clarity of the design	Example: An examiner in charge of substantive examination makes a determination based on design law, etc.* Free description ( )	Example: Sending a notice of reasons for refusal Free description ( )

\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Design application in Russia undergoes formal and substantive examinations. During the formal examination the presence of the necessary documents and their correspondence to established requirements are verified. The substantive examination starts automatically after a positive result of the formal examination. Substantive examination includes the verification of the correspondence of the claimed industrial design to the conditions of patentability (i.e. the criteria of worldwide novelty and originality). If the design satisfies the criteria of world-wide novelty and originality, Decision of Grant is issued. After the payment of Grant fee the registration and subsequent publication take place.

At the stage of formal examination the Patent Office can issue an Official Action and an Official Notification and at the stage of substantive examination the Patent Office can issue an Official Action.

A response to the Official Action should be submitted within two months. We can make maximum extension of the term for response to the Official Action for 10 months.

A response to the Official Notification should be submitted within two months. The term of the response to the Official Notification cannot be extended.

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled?

Action	Specific handling	Postponement of the filing date	
Example: Sending a notice of reasons for refusal to the effect that the design cannot be specified	Example: Dismissing an amendment if the amendment is not permitted	Not postponed	
Free description ( <b>The Examiner of the Russian Patent Office issues an Official action with requirement to make amendments in the description</b> )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed

Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design"	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input checked="" type="checkbox"/> Explanation of function/operation	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input checked="" type="checkbox"/> Size and color	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Method of omitting drawings	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration

Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? If not, please describe why.

<p>[Article to the design] Nozzle of a nebulizer for packaging</p> <p>[Partial design]</p> <p>[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever.</p> <p>[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design is requested. In the drawings attached to the application, the length of the omitted tube is 5 cm.</p>
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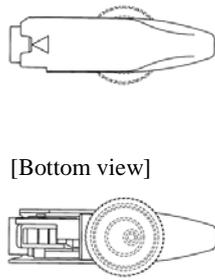
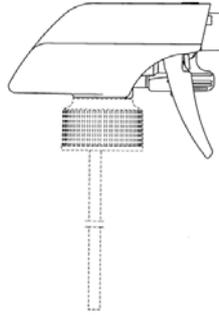
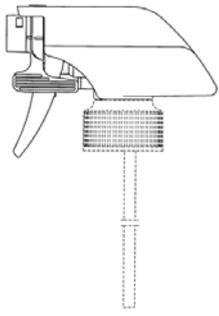
[Front view]

[Back view]

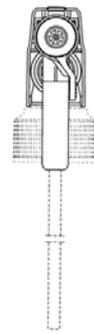
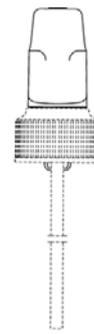
[Plane view]

[Right-side view]

[Left-side view]



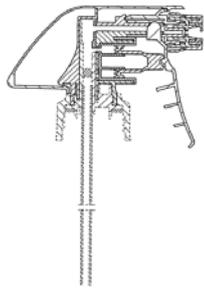
[Bottom view]



[Left side central longitudinal end view; internal mechanism is omitted]

[Reference perspective view with the grip part in the down position]

[Reference perspective view with the grip part in the up position]



Description of the reasons why a design would not be found in your country, if applicable.

In accordance with our legislation the above object shown in front view, back view, plan view, right-side view, left-side view is not a finished article and therefore such object cannot be patentable

Q5-9 If amendment/division/conversion of an application is permitted, please describe the scope of amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments	
<p>(1) Amendment beyond the type of design</p> <p><input type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / <input type="checkbox"/> Amendment from a partial design to another partial design</p> <p>(2) Amendment beyond the type of drawing</p> <p><input type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input type="checkbox"/> Amendment from a drawing to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a photograph to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a color image to a monochrome image and vice versa</p>	<p>(3) Amendment beyond the type of view</p> <p><input type="checkbox"/> Addition of a perspective view / <input type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa</p> <p>(4) Amendment of the content of a design</p> <p><input type="checkbox"/> Addition of a new matter (change of the gist of the design)</p> <p><input type="checkbox"/> Amendment that does not affect the finding of the gist of the design</p> <p><input type="checkbox"/> Amendment that does not affect the determination of similarity</p> <p><input type="checkbox"/> Amendment to the scope of the design for which design registration is requested</p>
<p>Free description: it is possible to make any amendments in the description and the list of essential features of the design till a Decision of Grant. It is impossible to amend the representations of the design after filing the application.</p>	

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments can be made.

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design		
Explanation of the article to the design		
Explanation of the design	The applicant shall have the right to make amendments and clarifications in the application materials for an industrial design if these amendments and clarifications do not change the essence of the industrial design	Amendments can be made till a Decision of Grant

Permissible division (free description): Divisional design application can be filed at any time before a Decision of Grant

Permissible conversion of an application	<input type="checkbox"/> From a design application to a patent/utility model application and vice versa	<input type="checkbox"/> From a design application to a trademark application and vice versa
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**[6. UNDERSTANDING OF THE UNITY OF DESIGN] THE FOLLOWING QUESTIONS ARE TO COUNTRIES THAT ADOPT A ONE APPLICATION FOR MULTIPLE DESIGNS SYSTEM. WHAT IS YOUR UNDERSTANDING OF THE UNITY OF DESIGN? PLEASE ANSWER THE FOLLOWING QUESTIONS.**

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry
An application for a design must relate to one design or to a group of designs connected with one another to the extent that they form a unified creative idea (requirement of unity of the industrial design). One design application can contain one design or variants or one design and independent parts thereof if they relate to one Locarno subclass.	Point 1 of the article 1377 of the Fourth Part of the Civil Code of the Russian Federation.

Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple dissimilar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple similar designs for the same article (e.g. multiple chair designs)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
A single design designating multiple articles	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple dissimilar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple similar designs (the designs may be used for the same or different articles)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included

Q6-3 What is the scope of a single design? Please choose whether the following are recognized to be single designs.

Multiple embodiments based on one design (e.g. an unpackaged article and multiple packaged working examples)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized
Sets, such as a set of knives, forks and spoons	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
For such sets, are applicants permitted to freely combine articles and file an application for the combination as single design?	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Articles which move or change entirely or in part (e.g. a toy car that changes into a robot through assembly)	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Transitional images (e.g. an image that is developed through the operation of a music playing device)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized

Q6-4 Please inform us of specific cases of not being recognized to be a single design.

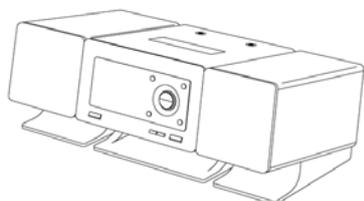
The example from our practice. We filed a design application for two designs: a confectionery and a confectionery in envelope. The examiner of the Russian Patent office issued an official action, in which it was indicated that the claimed group of designs did not correspond to the unity requirement. As a response to the Official action we kept the confectionery in this application and filed a divisional application for the confectionery in envelope.

Q6-5 In the example case shown below, would the set be recognized to be a single design in your country? If not, please provide the reasons.

[Article to the design] A set of audio equipment

[Explanation of the article to the design] This article consists of the body part which is a chassis that houses multiple types of audio equipment and two speaker boxes on its left and right sides which receive audio signal output from the body part and release it as sound. The body part and the two speaker boxes are separable.

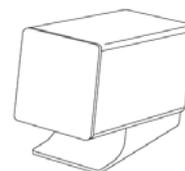
[Perspective view]



[Perspective view of the body part]



[Perspective view of the speaker part]



Recognized to be a single design

Not recognized to be a single design

Reasons ( )

**[7. DESIGN RIGHT] WHAT IS YOUR UNDERSTANDING OF THE EFFECT OF A DESIGN RIGHT? PLEASE ANSWER THE FOLLOWING QUESTIONS.**

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right? Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity included in the name of an article	<input type="checkbox"/> The scope is limited to that of the article stated in the application	<input type="checkbox"/> The scope extends to articles similar to the article stated in the application
	<input type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form	<input type="checkbox"/> (Free description)
Parts that are not disclosed in drawings, etc.	(Free description)	
Color or monochrome	(Free description)	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	(Free description)	
Scope of a design depicted in views, etc.	<input type="checkbox"/> The scope is the same as that of the views, etc.	<input type="checkbox"/> The scope extends to similar views, etc.

Free description: the scope of protection of a design is determined by the list of essential features that have found reflection in the representations of the design and are included in the list of essential features of the design.

Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

In accordance with our legislation there are any restrictions in terms of the enforcement of rights

Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

According to article 1398 of the Fourth Part of the Civil Code of the Russian Federation:

1. A patent for an industrial design may be recognized, during the course of its term of effectiveness as invalid in whole or in part in cases of:

1) an industrial design does not correspond to the conditions of patentability established by the Civil Code of the Russian Federation;

2) presence in the list of essential features of an industrial design that are contained in the decision of grant of features that were absent on the filing date of the application in representations of an article;

3) issuance of a patent in the presence of several applications for identical industrial designs having one and the same priority date in violation of the conditions indicated in Article 1383 of the Civil Code of the Russian Federation;

4) issuance of a patent with an indication in it as the author or patent holder of a person who is not such in accordance with the Civil Code of the Russian Federation or without the indication in the patent as the author or patent holder of a person who is such in accordance with the Civil Code of the Russian Federation.

In accordance with article 1358(3), of the Fourth Part of the Civil Code of the Russian Federation "an industrial design is considered used in an article if the article contains all the essential features of the industrial design which found reflection in the representations of the article and which were stated in the list of essential features of the industrial design".

## **[8. OTHER]**

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?

<input checked="" type="checkbox"/> Sufficient (Please note that representations of the design should provide a full detailed perception of appearance of the design).	<input type="checkbox"/> Insufficient
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Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient disclosure of a design?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (Please specifically describe: )
--	--

Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes In what situation? → (Free description: An applicant wishing to use the right of Convention priority with respect to an application for an industrial design must submit a certified copy of the first application before the expiration of three months from the day of filing with the Russian Patent Office of the application for which Convention priority is requested)
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Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

<input type="checkbox"/> Accepted	<input type="checkbox"/> Not accepted	<input checked="" type="checkbox"/> Other (According to our legislation for claiming the convention priority the representations of the design in the Russian application should exactly correspond to the representations of this design in the first application on the basis of which the convention priority is claimed. Otherwise the convention priority will not be established.)
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**[REQUEST FOR INFORMATION GATHERING]**

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc.

There is a small number of court cases involving designs. One of these cases (in 2011) involved a design of bakery products and packaging. The infringer produced bakery products the shape of which was similar to the pictures placed on the packaging of the plaintiff. The court satisfied the claims of the plaintiff and banned further production of the respondent.

In yet another case the design at issue was a “sugar tube”. The picture of the sugar tube was created by a private person. Later, another person obtained a patent for design for a modified image of the sugar tube. The author of the picture initiated a court action claiming his copyright but could not prove that he was the author of the sugar tube. Hence the owner of the design retained his rights for the patent

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites and names of documents which are especially informative with regard to expression of a design under your country’s design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved.

- 1) The Administrative Regulations for execution by the Federal Service on Intellectual Property, Patents and Trade Marks of state duty on organizing reception of applications for industrial design and consideration thereof, examination and granting in accordance with established procedure patents of the Russian Federation for industrial design

Unfortunately, the English translation of the “Administrative Rules” is not available yet.

- 2) Civil Code of the Russian Federation. Fourth Part (English and Russian Edition) by Alexej N. Zhiltsov and Peter B. Maggs (Hardcover - Jun 1, 2010)

Hardcover: 664 pages

Publisher: Infotropic Media; 2nd edition (June 1, 2010)

Language: English, Russian

ISBN-10: 599980017X

ISBN-13: 978-5999800176

- 3) The Russian Patent Office: Website: <http://www.rupto.ru/>.



ブラジルアンケート回答

[1. System] Please answer the following questions with regard to design-related industrial property right systems in your country.

Q1-1 Does your country have (1) a design law (legally binding), (2) formality examination regulations (legally binding), and (3) design examination guidelines (not legally binding)?

Design law	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Formality examination regulations	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Design examination guidelines	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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(2) refers to detailed rules, such as implementation regulations needed for the law or detailed provisions based on the law, and (3) refers to examination practices.

Q1-2 In your country, is there a special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality? Is there also a special department that assigns and confirms classifications in your country? If so, please enter the number of persons in charge in such special departments.

Special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality	<input checked="" type="checkbox"/> Yes (no. of persons in charge: )	<b>± 4</b>
Special department that assigns and confirms classifications	Yes (no. of persons in charge: )	<b>The same</b>

Determining whether a design application is novel/creative through prior design search is to be called "conducting substantive examination."

Q1-3 Is substantive examination conducted for design applications in your country?

<input type="checkbox"/> Yes (for all applications)	<input type="checkbox"/> Yes (for some design applications)	<input checked="" type="checkbox"/> No
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Q1-4 Is there a special department that conducts substantive examinations? If so, please enter the number of persons in charge in the special department.

**Merit examination is made upon request of the Applicant or of a third party.**

<input type="checkbox"/> Yes (no. of persons in charge: )	<input type="checkbox"/> No
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Q1-5 This question applies to countries in which substantive examinations are conducted. Please check the applicable boxes below in relation to the scope of prior design searches conducted to determine novelty.

<input type="checkbox"/> Design gazette of your country	<input type="checkbox"/> Design gazette of other countries (→ Which countries/regions? _____)
<input type="checkbox"/> Patent gazette, etc.	<input type="checkbox"/> Publicly known materials ( <input type="checkbox"/> magazines/catalogs <input type="checkbox"/> internet <input type="checkbox"/> other (    ) )

Q1-6 Please let us know the situation in your country with regard to the following.

Partial design system	<input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available	Accelerated examination system	<input checked="" type="checkbox"/> Available ( <b>in some instances</b> ) <input type="checkbox"/> Not available
Related design system	Available <input checked="" type="checkbox"/> Not available	Exception to lack of novelty	<input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available



Q3-3 If there are any special fee systems in relation to the format of a design application, please check the applicable boxes below to indicate their features. Please describe systems other than those listed below in the "Other" box.

Fee system	In what cases	Details of the fees
<input type="checkbox"/> Computerization fees		
<input checked="" type="checkbox"/> Storage fees		
<input type="checkbox"/> Other		
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs		
<input type="checkbox"/> Other		

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input type="checkbox"/> Up to _____ drawings per design	<input checked="" type="checkbox"/> No provisions
Size of drawings (size of each drawing)	<input type="checkbox"/> (Free description)	<input checked="" type="checkbox"/> No provisions
Drawing methods	e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are permitted only for oblique-perspective drawings).  <input type="checkbox"/> (Free description) ( )	<input checked="" type="checkbox"/> No provisions
Notation in drawings (not permitted)	<input type="checkbox"/> Indication of direction and content (e.g. "front view" and "reference drawing showing the conditions of use") <input type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2") <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Omission of drawings	<input checked="" type="checkbox"/> For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted <input checked="" type="checkbox"/> For a three-dimensional subject, if two drawings are identical or symmetrical, either may be omitted <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Addition of drawings other than necessary drawings	<input checked="" type="checkbox"/> Not permitted <input type="checkbox"/> Development view, cross-section view, magnified view, perspective view, image view, etc. ( <b>not accepted</b> ) <input type="checkbox"/> Other (free description)	<input type="checkbox"/> No provisions

	( )	
Reference drawings	<input checked="" type="checkbox"/> Not permitted <input type="checkbox"/> Permitted where necessary to help the examiner understand the design <input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use <input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Styles of lines	<input type="checkbox"/> Different lines are used to express transparent parts <input type="checkbox"/> Different lines are used to express materials Specifically → (Free description: ) [Please answer the following if your country has a partial design system] <input type="checkbox"/> Different lines are used to distinguish a part for which an applicant requests design registration from other parts <input type="checkbox"/> Other (free description) <b>( no broken lines are accepted at all )</b>	No provisions
Existence and expression of color	<input checked="" type="checkbox"/> Drawings consisting solely of lines are permitted / <input type="checkbox"/> Drawings consisting solely of lines are not permitted <input checked="" type="checkbox"/> Drawings which include color are permitted / <input type="checkbox"/> Drawings which include color are not permitted <input type="checkbox"/> Color may be specified in a way other than by drawing (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> The part for which the applicant requests design registration may be specified using different colors	<input type="checkbox"/> No provisions
Expression of shading, etc.	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input checked="" type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Other material that may be included (free description)	

In the case of expression by photographs		
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Number. of photographs	<input type="checkbox"/> Up to ____ photographs per design	<input checked="" type="checkbox"/> No provisions
Size of photographs (size of each	<input type="checkbox"/> (Free description)	<input checked="" type="checkbox"/> No provisions

photograph)		
Sharpness	<input type="checkbox"/> (Free description)	<b>X</b> No provisions
Existence and expression of color	<b>X</b> Black-and-white photographs are permitted / <input type="checkbox"/> Black-and-white photographs are not permitted <b>X</b> Color photographs are permitted / <input type="checkbox"/> Color photographs are not permitted [Please answer the following if your country has a partial design system] <b>X</b> Different colors may be applied to photographs	<input type="checkbox"/> No provisions
Description of materials other than the subject design	The background may be included	<b>X</b> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<b>X</b> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<b>X</b> No provisions

In the case of expression by specimens		
<input type="checkbox"/> Expression by specimens is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Mannequins and other accessories	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input type="checkbox"/> No provisions

In the case of expression by electronic images, such as CG (computer graphics)		
<input type="checkbox"/> Expression by electronic images, such as CG (computer graphics), is not permitted Reasons ( )		
Provisions	Details of the provisions	
Types of images (still/moving images)	<b>X</b> Only still images are permitted	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to _____ images per design	x No provisions
Permitted image formats	<input type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF <input type="checkbox"/> Other ( )	x No provisions
Image data amount (size)	<input type="checkbox"/> Up to _____	x No provisions
Existence and expression of color	<b>X</b> Black-and-white images are permitted / <input type="checkbox"/> Black-and-white images are not permitted <b>X</b> Color images are permitted / <input type="checkbox"/> Color images are not permitted <input type="checkbox"/> Color may be specified in a way other than through the use of images (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system]	<input type="checkbox"/> No provisions

A part for which an applicant requests design registration may be specified by using different colors

[4. Description in an application in relation to the expression of a design] With regard to the description in an application in relation to the expression of a design, please answer the following questions.

Q4-1 Please check the applicable boxes below to indicate the contents (items described) of documents submitted in filing a design application in your country.

Article to the design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the article	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the design	<input type="checkbox"/> Necessary	<input checked="" type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
If your country has a partial design system, indication of partial design	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

Q4-1-1 What provisions exist concerning statements in the "Article to the design" section? Please describe them below.

Example 1: In Japan, statements must follow the classification of articles specified in the Ordinance of the Ministry of Economy, Trade and Industry (bottom column of Appended Table 1). If an article does not belong to any classification, the applicant provides explanations to help the examiner understand the article in the "Explanation of the article" section, such as its purpose and the conditions of its use.

Example 2: Articles included in the International Classification for Industrial Designs are permitted.

**The identification of the article is made through a box named "field of application" by the Applicant. The Patent Office is in charge of providing the respective classification.**

Q4-1-2 With regard to the (1) "Explanation of the article" and (2) "Explanation of the design" sections in an application, please write Y or N in the parentheses below to indicate whether or not the relevant matter can be stated in the respective section.

Purpose of use: (1) (N)/(2) (Y)	Method of operation: (1) (N)/(2) (N)	Material: (1) (N)/(2) (N)	Size: (1) (N)/(2) (N)
Colored/transparent parts: (1) (N)/(2) (N)	Continuity of a pattern: (1) (N)/(2) (N)	Features of the design: (1) ( )/(2) (Y, voluntarily)	
Other statements permitted (free description) (1) / (2)		Other statements not permitted (free description) (1) / (2)	

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design.

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the method by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

[5. Understanding of specification/finding/amendment of a design] What is your understanding with regard to the specification/finding/amendment of a design?

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the requirements for disclosure of a design considered sufficient to secure the filing date?

**Brazilian Law states on article 96: Article 96 - An industrial design is considered to be new when not**

Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input type="checkbox"/> Country's own design classification	<input checked="" type="checkbox"/> International Classification for Industrial Designs	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Government office	<input type="checkbox"/> Other ( )
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Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input type="checkbox"/> All articles with the same classification are similar	<input type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input checked="" type="checkbox"/> Other (free description) <b>There is not a direct relationship between the similarity of articles and the classification</b>
--	---	--

Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations).

	Who is empowered to find a design, and based on what standards?	Handing of cases in which a design cannot be found
Specifying the scope of similarity of articles	Example: An examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings, etc. attached to it.* Free description (Ae Design in Brazil is registered always if it fulfils the necessary formal conditions)	Example: Sending a notice of reasons for refusal Free description ( )
Specifying the form	Regarding drawing methods Example: An examiner in charge of formality examination makes a determination based on implementation regulations Free description ( )	Example: Dismissal for failure to comply with formalities and dismissal of the application Free description ( )
	Clarity of the design Example: An examiner in charge of substantive examination makes a determination based on design law, etc.* Free description ( )	Example: Sending a notice of reasons for refusal Free description ( )

\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively

determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled?

Action	Specific handling	Postponement of the filing date	
Example: Sending a notice of reasons for refusal to the effect that the design cannot be specified	Example: Dismissing an amendment if the amendment is not permitted	Not postponed	
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed

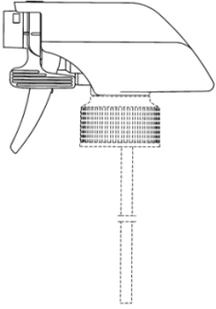
Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design"	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Explanation of function/operation	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Size and color	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Method of omitting drawings	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration

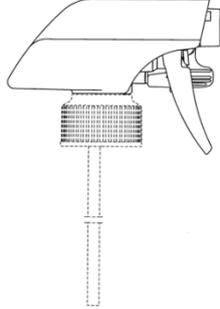
Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? If not, please describe why.

<p>[Article to the design] Nozzle of a nebulizer for packaging</p> <p>[Partial design]</p> <p>[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever.</p> <p>[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design is requested. In the drawings attached to the application, the length of the omitted tube is 5 cm.</p>
--

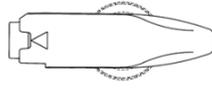
[Front view]



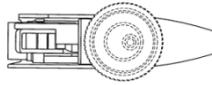
[Back view]



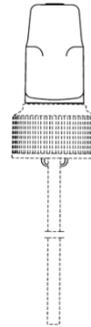
[Plane view]



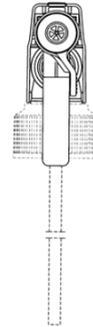
[Bottom view]



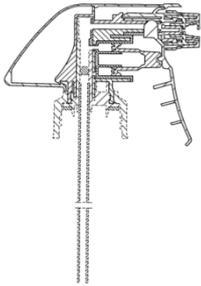
[Right-side view]



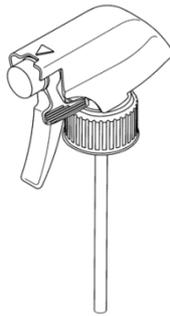
[Left-side view]



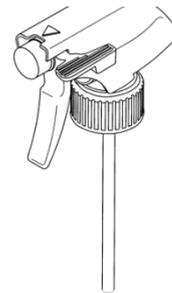
[Left side central longitudinal end view; internal mechanism is omitted]



[Reference perspective view with the grip part in the down position]



[Reference perspective view with the grip part in the up position]



Description of the reasons why a design would not be found in your country, if applicable.

Q5-9 If amendment/division/conversion of an application is permitted, please describe the scope of amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments	
(1) Amendment beyond the type of design <input type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / <input type="checkbox"/> Amendment from a partial design to another partial design (2) Amendment beyond the type of drawing <input checked="" type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input type="checkbox"/> Amendment from a drawing to a specimen/model and vice versa <input type="checkbox"/> Amendment from a photograph to a specimen/model and vice versa	(3) Amendment beyond the type of view <input type="checkbox"/> Addition of a perspective view / <input type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa (4) Amendment of the content of a design <input type="checkbox"/> Addition of a new matter (change of the gist of the design) <input type="checkbox"/> Amendment that does not affect the finding of the gist of

<input checked="" type="checkbox"/> Amendment from a color image to a monochrome image and vice versa	the design <input type="checkbox"/> Amendment that does not affect the determination of similarity <input type="checkbox"/> Amendment to the scope of the design for which design registration is requested
Free description:	

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments can be made.

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design		<b>Before the register</b>
Explanation of the article to the design		
Explanation of the design		

Permissible division (free description): **Divisions are permitted (usuallu it is required by the Examiners)**

Permissible conversion of an application	<input type="checkbox"/> From a design application to a patent/utility model application and vice versa	<input type="checkbox"/> From a design application to a trademark application and vice versa
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[6. Understanding of the unity of design] The following questions are to countries that adopt a one application for multiple designs system. What is your understanding of the unity of design? Please answer the following questions.

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

**A multiple design can include up to 20 variants, provided that these variants keep between them a same preponderant overall aspect or shape.**

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry

Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included

Multiple dissimilar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple similar designs for the same article (e.g. multiple chair designs)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
A single design designating multiple articles	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple dissimilar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple similar designs (the designs may be used for the same or different articles)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included

Q6-3 What is the scope of a single design? Please choose whether the following are recognized to be single designs.

Multiple embodiments based on one design (e.g. an unpackaged article and multiple packaged working examples)	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Sets, such as a set of knives, forks and spoons	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
For such sets, are applicants permitted to freely combine articles and file an application for the combination as single design?	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Articles which move or change entirely or in part (e.g. a toy car that changes into a robot through assembly)	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Transitional images (e.g. an image that is developed through the operation of a music playing device)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized

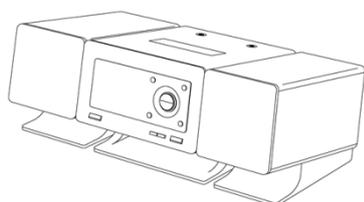
Q6-4 Please inform us of specific cases of not being recognized to be a single design.

Q6-5 In the example case shown below, would the set be recognized to be a single design in your country? If not, please provide the reasons.

[Article to the design] A set of audio equipment

[Explanation of the article to the design] This article consists of the body part which is a chassis that houses multiple types of audio equipment and two speaker boxes on its left and right sides which receive audio signal output from the body part and release it as sound. The body part and the two speaker boxes are separable.

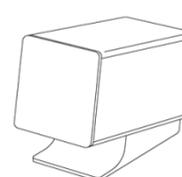
[Perspective view]



[Perspective view of the body part]



[Perspective view of the speaker part]



<input checked="" type="checkbox"/> Recognized to be a single design	<input type="checkbox"/> Not recognized to be a single design Reasons ( )
--	--

[7. Design right] What is your understanding of the effect of a design right? Please answer the following questions.

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right? Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity included in the name of an article	<b>The scope is limited to that of the article stated in the application</b>	<input type="checkbox"/> The scope extends to articles similar to the article stated in the application
	<input type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form OK	<input type="checkbox"/> (Free description)
Parts that are not disclosed in drawings, etc.	(Free description)	
Color or monochrome	(Free description)	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	(Free description)	
Scope of a design depicted in views, etc.	<input type="checkbox"/> The scope is the same as that of the views, etc.	<input checked="" type="checkbox"/> The scope extends to similar views, etc.

Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

<b>Only the design that has been disclosed enjoy protection</b>
---

Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

<b>If the design, as disclosed, is not novel</b>
--

[8. Other]

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?

<input type="checkbox"/> Sufficient	<input type="checkbox"/> Insufficient
-------------------------------------	---------------------------------------

**Note that in Brazil there are necessary for 3D designs at least one perspective view and all other elevational and plan views for each variant of the design,**

Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient

disclosure of a design?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (Please specifically describe: _____ )
--	--

Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes In what situation? → (Free description: <b>when priority is claimed</b> )
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Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

<input type="checkbox"/> Accepted	<input type="checkbox"/> Not accepted	<input type="checkbox"/> Other ( <b>if the overall article is the same this can be accepted</b> )
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[Request for information gathering]

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc.

#### Examples

1) Lawsuit n°.: 2010.51.01.809326-0

Judge: **Guilherme Bollorini Pereira**

25th Federal Court of Rio de Janeiro

**ORGUS INDÚSTRIA E COMÉRCIO LTDA.** filed a lawsuit against **FORD MOTOR COMPANY BRASIL LTDA., FORD MOTOR COMPANY, FORD GLOBAL TECHNOLOGIES** and the Brazilian PTO, seeking the annulment of administrative decisions that granted several Industrial Design registrations referenced to cars' lights and bumpers.

The Author argued that these parts of the vehicles alone cannot constitute independent Industrial Designs, and that the ID registrations in these cases should be granted alongside with the vehicle design as a whole and not independently.

The Author also claimed the granting of these registrations infringe articles 95 and 100 of Brazilian Intellectual Property Law n° 9.279/96, since unattached parts of vehicles cannot be subject to independent registrations.

The Author's pleadings were granted by the 25th Federal Court of Rio de Janeiro in decision published on May 16, 2012, and the administrative decision that granted the above mentioned ID's registrations were annulled.

The defendants appealed from the Lower Court's decision, and the Appeal is still pending a decision from the

**Federal Court Of Appeals for the 2nd Circuit.**

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**2) Lawsuit n°.: 2004.51.01.250066-0**

**Judge: Guilherme Bollorini Pereira**

**25th Federal Court of Rio de Janeiro**

**SCHOELLER PLAST DO BRASIL LTDA.** filed a lawsuit against **LINPAC PISANI LTDA** and the **Brazilian PTO**, seeking the annulment of the administrative decision that cancelled an **Industrial Design** registration referenced to boxes for bottles (“settings applied to a recipient box”), claiming the **ID** did not comply with the legal requirement novelty.

The Judge granted the preliminary injunction to the Author, to grant the pleaded effects until the rendering of a final decision on the lawsuit.

The 25th Federal Court of Rio de Janeiro decided in favor of the Author, recognizing novelty on the registration and reestablishing the **ID** registration before the **Brazilian PTO**. However, the **Brazilian PTO** filed an Appeal from this decision before the **Federal Court Of Appeals for the 2nd Circuit**. On April 2008, the **Federal Court of Appeals** upheld the lower Court’s decision, maintaining its effects, clarifying that the novelty requirement is relative, since the simple combination of known elements that result in a different composition can be subject to **IDs** registrations.

The **Brazilian PTO** did not appeal from this decision and lawsuit was shelved.

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**3) Lawsuit n°.: 2005.51.01.522888-1**

**Judge: Daniela Pereira Madeira**

**13th Federal Court of Rio de Janeiro**

**PERFECTA COMERCIAL IMPORTADORA E EXPORTADORA LTDA.** filed a lawsuit against **ALI AHAMAD ZAIOUN** and the **Brazilian PTO**, seeking the annulment of the administrative decision that granted **04 Industrial Designs** registrations referenced to electronic games or calculators configurations, claiming the **IDs** did not comply with the legal requirement novelty, since they conflicted with other **IDs** applications previously registered.

The 13th Federal Court of Rio de Janeiro denied the preliminary injunction to the Author, but partially granted the Author’s pleadings, recognizing the lack of novelty and annulling one of the **IDs** registrations, but not on the other three, stating the pictures brought to by the Author were inconclusive since it only showed the front of the designs.

**The Brazilian PTO filed an Appeal from this decision before the Federal Court Of Appeals for the 2nd Circuit, arguing the documents presented regarding the annulled ID registration were not be able to prove the existence of previous similar IDs registrations. The Federal Court Of Appeals denied the Brazilian PTO's appeal in decision published on January 2009, finding the IDs confusingly similar.**

**The Brazilian PTO did not appeal from this decision and lawsuit was shelved.”**

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites and names of documents which are especially informative with regard to expression of a design under your country's design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved.

**Please see attached the Brazilian Law Articles and Normative Act 161 relative to the prosecution of Industrial Designs in Brazil.**

#### UMMARY

In Brazil, in most of the cases a design application is granted in more or less one year from the filing date, provided that it meets the general conditions (for example, drawings or photographs in



オーストラリアアンケート回答

[1. System] Please answer the following questions with regard to design-related industrial property right systems in your country.

Q1-1 Does your country have (1) a design law (legally binding), (2) formality examination regulations (legally binding), and (3) design examination guidelines (not legally binding)?

Design law      ● <input type="checkbox"/> Yes <input type="checkbox"/> No	Formality examination regulations ● <input type="checkbox"/> Yes <input type="checkbox"/> No	Design examination guidelines ● <input type="checkbox"/> Yes <input type="checkbox"/> No
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(2) refers to detailed rules, such as implementation regulations needed for the law or detailed provisions based on the law, and (3) refers to examination practices.

Q1-2 In your country, is there a special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality? Is there also a special department that assigns and confirms classifications in your country? If so, please enter the number of persons in charge in such special departments.

Special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality	● <input type="checkbox"/> Yes (no. of persons in charge: 4 )	<input type="checkbox"/> No
Special department that assigns and confirms classifications	● <input type="checkbox"/> Yes (no. of persons in charge: 4 )	<input type="checkbox"/> No

Determining whether a design application is novel/creative through prior design search is to be called "conducting substantive examination."

Q1-3 Is substantive examination conducted for design applications in your country?

<input type="checkbox"/> Yes (for all applications)	● <input type="checkbox"/> Yes (for some design applications) On request after registration	<input type="checkbox"/> No
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Q1-4 Is there a special department that conducts substantive examinations? If so, please enter the number of persons in charge in the special department.

● <input type="checkbox"/> Yes (no. of persons in charge: 6 )	<input type="checkbox"/> No
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Q1-5 This question applies to countries in which substantive examinations are conducted. Please check the applicable boxes below in relation to the scope of prior design searches conducted to determine novelty.

● <input type="checkbox"/> Design gazette of your country	● <input type="checkbox"/> Design gazette of other countries (→ Which countries/regions? <u>US, EP, UK, FI</u> )
● <input type="checkbox"/> Patent gazette, etc.	● <input type="checkbox"/> Publicly known materials (● <input type="checkbox"/> magazines/catalogs ● <input type="checkbox"/> internet <input type="checkbox"/> other (      ))

Q1-6 Please let us know the situation in your country with regard to the following.

Partial design system      ● <input type="checkbox"/> Available <input type="checkbox"/> Not available	Accelerated examination system <input type="checkbox"/> Available      ● <input type="checkbox"/> Not available
Related design system <input type="checkbox"/> Available <input type="checkbox"/> Not available	Exception to lack of novelty      ● <input type="checkbox"/> Available <input type="checkbox"/> Not available



[3. Measures of design disclosure] Please answer the following questions with regard to the measures of disclosing a design in a design application in your country.

Q3-1 Please check the applicable boxes below to indicate the permitted design application filing formats in your country. If there are any permissible formats other than those listed below, please describe them in the "Other" box.

<input type="checkbox"/> Paper document	<input type="checkbox"/> Electronic recording media	<input type="checkbox"/> E-mail	<input type="checkbox"/> Internet	<input type="checkbox"/> Other (facsimile, business to business (B2B) )
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Q3-2 Please check the applicable boxes below to indicate the permitted forms of expressing designs in design applications in your country. Please describe forms other than those listed below in the "Other" box.

<input type="checkbox"/> Drawings	<input type="checkbox"/> Photographs	<input type="checkbox"/> Specimens where easily mountable on a flat surface and easily stored with other documents	<input type="checkbox"/> Other (digital images where printable )
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Q3-3 If there are any special fee systems in relation to the format of a design application, please check the applicable boxes below to indicate their features. Please describe systems other than those listed below in the "Other" box.

Fee system	In what cases	Details of the fees
<input type="checkbox"/> Computerization fees		
<input type="checkbox"/> Storage fees		
<input type="checkbox"/> Other		
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs		
<input checked="" type="checkbox"/> Other	Electronic and B2B filing of application	\$AUD100 reduction

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input type="checkbox"/> Up to _____ drawings per design. 5 copies of each sheet of drawings. No limit on number of sheets or views	<input type="checkbox"/> No provisions
Size of drawings (size of each drawing)	<input type="checkbox"/> (Free description) Each representation should be printed or mounted on an A4 sheet	<input type="checkbox"/> No provisions
Drawing methods	e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are	<input type="checkbox"/> No provisions

	<p>permitted only for oblique-perspective drawings).</p> <ul style="list-style-type: none"> <li>● <input type="checkbox"/> (Free description)</li> </ul> <p>( No specific drawing method is stipulated so long as the drawing is clear and reproducible by copying )</p>	
Notation in drawings	<ul style="list-style-type: none"> <li>● <input type="checkbox"/> Indication of direction and content (e.g. "front view" and "reference drawing showing the conditions of use")</li> <li>● <input type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2")</li> <li>● <input type="checkbox"/> Other (Schedule of drawings giving description of each view or figure)</li> </ul>	<input type="checkbox"/> No provisions
Omission of drawings	<ul style="list-style-type: none"> <li>● <input type="checkbox"/> For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted</li> <li>● <input type="checkbox"/> For a three-dimensional subject, if two drawings are identical or symmetrical, either may be omitted</li> <li>● <input type="checkbox"/> Other (free description)</li> </ul> <p>( No specific requirements )</p>	<input type="checkbox"/> No provisions
Addition of drawings other than necessary drawings	<ul style="list-style-type: none"> <li><input type="checkbox"/> Not permitted</li> <li>● <input type="checkbox"/> Development view, cross-section view, magnified view, perspective view, image view, etc.</li> <li>● <input type="checkbox"/> Other (free description)</li> </ul> <p>(No limit on number and type of representations but unnecessary views may limit scope)</p>	<input type="checkbox"/> No provisions
Reference drawings	<ul style="list-style-type: none"> <li><input type="checkbox"/> Not permitted</li> <li><input type="checkbox"/> Permitted where necessary to help the examiner understand the design</li> <li><input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use</li> <li><input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations</li> <li>● <input type="checkbox"/> Other (free description)</li> </ul> <p>(Permitted with no specific justification)</p>	<input type="checkbox"/> No provisions
Styles of lines	<ul style="list-style-type: none"> <li>● <input type="checkbox"/> Different lines are used to express transparent parts</li> <li><input type="checkbox"/> Different lines are used to express materials</li> </ul> <p>Specifically → (Free description: )</p> <p>[Please answer the following if your country has a partial design system]</p> <ul style="list-style-type: none"> <li>● <input type="checkbox"/> Different lines are used to distinguish a part for which an applicant requests design registration from other parts</li> <li><input type="checkbox"/> Other (free description)</li> </ul> <p>( )</p>	<input type="checkbox"/> No provisions

Existence and expression of color	<ul style="list-style-type: none"> <li>● <input type="checkbox"/> Drawings consisting solely of lines are permitted / <input type="checkbox"/> Drawings consisting solely of lines are not permitted</li> <li>● <input type="checkbox"/> Drawings which include color are permitted / <input type="checkbox"/> Drawings which include color are not permitted</li> <li>● <input type="checkbox"/> Color may be specified in a way other than by drawing (via a written statement in an application, etc.)</li> </ul> <p>[Please answer the following if your country has a partial design system]</p> <ul style="list-style-type: none"> <li>● <input type="checkbox"/> The part for which the applicant requests design registration may be specified using different colors</li> </ul>	<input type="checkbox"/> No provisions
Expression of shading, etc.	<input type="checkbox"/> Not permitted <ul style="list-style-type: none"> <li>● <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → No restrictions )</li> </ul>	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input type="checkbox"/> No provisions
	● <input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input type="checkbox"/> No provisions
	● Other material that may be included (free description) Descriptive text must not be included except where necessary for understanding the representation=	

In the case of expression by photographs		
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Number. of photographs	<input type="checkbox"/> Up to ____ photographs per design	● <input type="checkbox"/> No provisions
Size of photographs (size of each photograph)	● <input type="checkbox"/> (Free description) Must be mountable on an A4 sheet	<input type="checkbox"/> No provisions
Sharpness	● <input type="checkbox"/> (Free description) Must be original and clear. Must be durable over time ["Polaroid" not acceptable] and should be reproducible by photocopying.	<input type="checkbox"/> No provisions
Existence and expression of color	<ul style="list-style-type: none"> <li>● <input type="checkbox"/> Black-and-white photographs are permitted / <input type="checkbox"/> Black-and-white photographs are not permitted</li> <li>● <input type="checkbox"/> Color photographs are permitted / <input type="checkbox"/> Color photographs are not permitted</li> </ul> <p>[Please answer the following if your country has a partial design system]</p> <ul style="list-style-type: none"> <li>● <input type="checkbox"/> Different colors may be applied to photographs</li> </ul>	<input type="checkbox"/> No provisions
Description of materials other than the subject design	● <input type="checkbox"/> The background may be included [should be plain or contrasting background]	<input type="checkbox"/> No provisions
	● <input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input type="checkbox"/> No provisions

	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input type="checkbox"/> No provisions
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In the case of expression by specimens		
<input type="checkbox"/> Expression by specimens is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Mannequins and other accessories	<input type="checkbox"/> Not permitted <input checked="" type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → Must be mounable flat on an A4 sheet and reproducible by photocopying, e.g. flat textile, photographs preferred)	<input type="checkbox"/> No provisions

In the case of expression by electronic images, such as CG (computer graphics)		
<input type="checkbox"/> Expression by electronic images, such as CG (computer graphics), is not permitted Reasons ( )		
Provisions	Details of the provisions	
Types of images (still/moving images)	<input checked="" type="checkbox"/> Only still images are permitted	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to _____ images per design	<input checked="" type="checkbox"/> No provisions
Permitted image formats	<input checked="" type="checkbox"/> JPEG <input checked="" type="checkbox"/> BMP <input checked="" type="checkbox"/> GIF <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Image data amount (size)	<input type="checkbox"/> Up to _____	<input checked="" type="checkbox"/> No provisions
Existence and expression of color	<input checked="" type="checkbox"/> Black-and-white images are permitted / <input type="checkbox"/> Black-and-white images are not permitted <input checked="" type="checkbox"/> Color images are permitted / <input type="checkbox"/> Color images are not permitted <input checked="" type="checkbox"/> Color may be specified in a way other than through the use of images (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input checked="" type="checkbox"/> A part for which an applicant requests design registration may be specified by using different colors	<input type="checkbox"/> No provisions

[4. Description in an application in relation to the expression of a design] With regard to the description in an application in relation to the expression of a design, please answer the following questions.

Q4-1 Please check the applicable boxes below to indicate the contents (items described) of documents submitted in filing a design application in your country.

Article to the design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the article	<input checked="" type="checkbox"/> Necessary [sometimes]	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

Explanation of the design	<input type="checkbox"/> Necessary	<input checked="" type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
If your country has a partial design system, indication of partial design	<input type="checkbox"/> Necessary	<input checked="" type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

Q4-1-1 What provisions exist concerning statements in the "Article to the design" section? Please describe them below.

Example 1: In Japan, statements must follow the classification of articles specified in the Ordinance of the Ministry of Economy, Trade and Industry (bottom column of Appended Table 1). If an article does not belong to any classification, the applicant provides explanations to help the examiner understand the article in the "Explanation of the article" section, such as its purpose and the conditions of its use.

Example 2: Articles included in the International Classification for Industrial Designs are permitted.

Products included in the International Classification of Designs are permitted. The Examiner may request an explanation of the product where the name of the product is unclear or it is not possible to classify the product based on its name. There is no mandatory requirement to provide details of the product apart from its name at filing.

Q4-1-2 With regard to the (1) "Explanation of the article" and (2) "Explanation of the design" sections in an application, please write Y or N in the parentheses below to indicate whether or not the relevant matter can be stated in the respective section.

Purpose of use: (1) ( ) / (2) ( )	Method of operation: (1) ( ) / (2) ( )	Material: (1) ( ) / (2) ( )	Size: (1) ( ) / (2) ( )
Colored/transparent parts: (1) ( ) / (2) ( )	Continuity of a pattern: (1) ( ) / (2) ( )	Features of the design: (1) ( ) / (2) ( Y )	
Other statements permitted (free description) (1) / (2) A statement of newness and distinctiveness is permitted which highlights the new and distinctive features of the design		Other statements not permitted (free description) (1) / (2)	

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design.

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the method by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

No specific section or requirement to specify the partial design but the name of the product and the Statement of Newness and Distinctiveness may be used to identify the partial design in the product

[5. Understanding of specification/finding/amendment of a design] What is your understanding with regard to the specification/finding/amendment of a design?

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the requirements for disclosure of a design considered sufficient to secure the filing date?

Section 21(2) of the Act describes the minimum filing requirements and refers to the Regulation 3.01

3.01 Minimum filing requirements

For subsection 21 (2) of the Act, each of the following requirements is prescribed:

- (a) the application must include information that indicates that what is filed is intended to be a design application;
- (b) the application must include information that:
  - (i) allows the identity of the applicant to be established; and
  - (ii) allows the applicant to be contacted;
- (c) the application must include a representation, or information that appears to be a representation, of each design.

Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input type="checkbox"/> Country's own design classification	<input checked="" type="checkbox"/> International Classification for Industrial Designs	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Government office	<input type="checkbox"/> Other ( )
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Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input type="checkbox"/> All articles with the same classification are similar	<input type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input checked="" type="checkbox"/> Other (free description) Not applicable
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Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations).

	Who is empowered to find a design, and based on what standards?	Handing of cases in which a design cannot be found
Specifying the scope of similarity of articles	<p>Example: An examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings, etc. attached to it.*</p> <p>Free description (A substantive examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings, etc. attached to it and implementing law and regulations)</p>	<p>Example: Sending a notice of reasons for refusal</p> <p>Free description ( Sending Notice of reasons for refusal )</p>
Specifying the form	<p>Regarding drawing</p> <p>Example: An examiner in charge of formality examination makes a determination based on</p>	<p>Example: Dismissal for failure to comply with formalities and dismissal of the</p>

	methods	implementation regulations Free description ( A formalities examiner makes a determination based on design law, etc.*)	application Free description ( )
	Clarity of the design	Example: An examiner in charge of substantive examination makes a determination based on design law, etc.* Free description (A formalities or substantive examiner makes a determination based on design law, etc.*)	Example: Sending a notice of reasons for refusal Free description (Sending formalities notice or reason for refusal)

\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled?

Action	Specific handling	Postponement of the filing date	
Example: Sending a notice of reasons for refusal to the effect that the design cannot be specified	Example: Dismissing an amendment if the amendment is not permitted	Not postponed	
Free description ( Sending an Official Report )	Free description (Dismissing an amendment if not allowed or raising further objection)	<input type="checkbox"/> Postponed	<input checked="" type="checkbox"/> Not postponed
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed

Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design"	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Explanation of function/operation	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Size and color	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Method of omitting drawings	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration

Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? **Design would be found in all cases.** If not, please describe why.

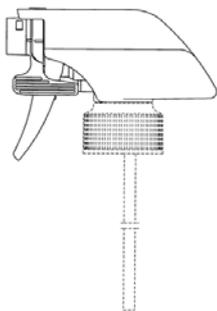
[Article to the design] Nozzle of a nebulizer for packaging

[Partial design]

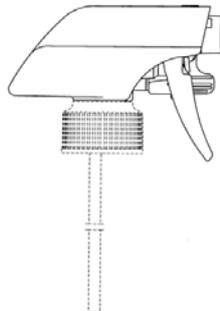
[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever.

[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design is requested. In the drawings attached to the application, the length of the omitted tube is 5 cm.

[Front view]



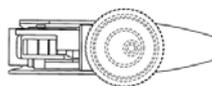
[Back view]



[Plane view]



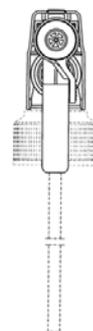
[Bottom view]



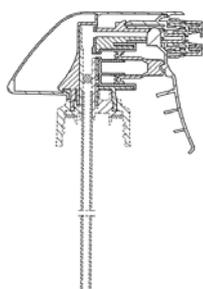
[Right-side view]



[Left-side view]



[Left side central longitudinal end view; internal mechanism is omitted]



[Reference perspective view with the grip part in the down position]



[Reference perspective view with the grip part in the up position]



Description of the reasons why a design would not be found in your country, if applicable.

Q5-9 If amendment/division/conversion of an application is permitted, please describe the scope of

amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments	
<p>(1) Amendment beyond the type of design</p> <ul style="list-style-type: none"> <li>● <input type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / ● <input type="checkbox"/> Amendment from a partial design to another partial design</li> </ul> <p>(2) Amendment beyond the type of drawing</p> <ul style="list-style-type: none"> <li>● <input type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input type="checkbox"/> Amendment from a drawing to a specimen/model and vice versa</li> <li>● <input type="checkbox"/> Amendment from a photograph to a specimen/model and vice versa</li> <li>● <input type="checkbox"/> Amendment from a color image to a monochrome image and vice versa</li> </ul>	<p>(3) Amendment beyond the type of view</p> <ul style="list-style-type: none"> <li>● <input type="checkbox"/> Addition of a perspective view / <input type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa</li> </ul> <p>(4) Amendment of the content of a design</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Addition of a new matter (change of the gist of the design)</li> <li>● <input type="checkbox"/> Amendment that does not affect the finding of the gist of the design</li> <li>● <input type="checkbox"/> Amendment that does not affect the determination of similarity</li> <li>● <input type="checkbox"/> Amendment to the scope of the design for which design registration is requested</li> </ul>
<p>Free description: All of the above type of amendments are not allowable in so far as they define a design disclosed in the design application, in such a way as to alter the scope of the application by the inclusion of matter which was not in substance disclosed in the original design application, representations or other documents. After registration, an amendment to increase the scope of the design registration is not allowable</p>	

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments can be made.

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design	Allowable see Q 5-9	Before registration and during Substantive Examination.
Explanation of the article to the design		
Explanation of the design	Allowable see Q 5-9	Before registration and in limited circumstances during substantive examination

Permissible division (free description): While application is pending before registration. Must be for a design excluded from the parent.

Permissible conversion of an application	<input type="checkbox"/> From a design application to a patent/utility model application and vice versa	<input type="checkbox"/> From a design application to a trademark application and vice versa
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[6. Understanding of the unity of design] The following questions are to countries that adopt a one application for multiple designs system. What is your understanding of the unity of design? Please answer the following questions.

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry

Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input checked="" type="radio"/> <input type="checkbox"/> Can be included [where the part and the product are in same Locarno classification]	<input type="checkbox"/> Cannot be included
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table)	<input checked="" type="radio"/> <input type="checkbox"/> Can be included [where each product in same Locarno classification]	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs for the same article (e.g. multiple chair designs)	<input checked="" type="radio"/> <input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple similar designs for the same article (e.g. multiple chair designs)	<input checked="" type="radio"/> <input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
A single design designating multiple articles	<input checked="" type="radio"/> <input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs (the designs may be used for the same or different articles)	<input checked="" type="radio"/> <input type="checkbox"/> Can be included [where each product in same Locarno classification]	<input type="checkbox"/> Cannot be included
Multiple similar designs (the designs may be used for the same or different articles)	<input checked="" type="radio"/> <input type="checkbox"/> Can be included [where each product in same Locarno classification]	<input type="checkbox"/> Cannot be included

Q6-3 What is the scope of a single design? Please choose whether the following are recognized to be single designs.

Multiple embodiments based on one design (e.g. an unpackaged article and multiple packaged working examples) OK where there is a single common design in relation to the products.	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Sets, such as a set of knives, forks and spoons. OK where there is a single common design.	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
For such sets, are applicants permitted to freely combine articles and file an application for the combination as single design? OK where there is a single common design in relation to the products..	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Articles which move or change entirely or in part (e.g. a toy car that changes into a robot through assembly). Products which move but remain the same product are OK. (e.g. expandable bag)	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Transitional images (e.g. an image that is developed through the operation of a music playing device) <b>Needs to be related to a “product” as defined above</b>	<input type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized

Q6-4 Please inform us of specific cases of not being recognized to be a single design.

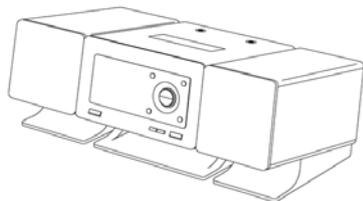
Embodiments of a product where the features of the design vary.

Q6-5 In the example case shown below, would the set be recognized to be a single design in your country? If not, please provide the reasons.

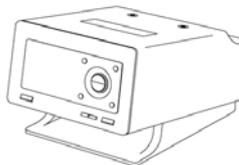
[Article to the design] A set of audio equipment

[Explanation of the article to the design] This article consists of the body part which is a chassis that houses multiple types of audio equipment and two speaker boxes on its left and right sides which receive audio signal output from the body part and release it as sound. The body part and the two speaker boxes are separable.

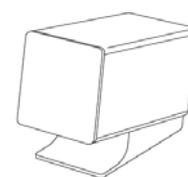
[Perspective view]



[Perspective view of the body part]



[Perspective view of the speaker part]



Recognized to be a single design

Not recognized to be a single design

Reasons (There is no common design between each of the three parts. The body part and the speaker part could each constitute a single design.)

[7. Design right] What is your understanding of the effect of a design right? Please answer the following questions.

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right?

Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity included in the name of an article	<input type="checkbox"/> The scope is limited to that of the article stated in the application	<input type="checkbox"/> The scope extends to articles similar to the article stated in the application
	<input type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form	<input checked="" type="checkbox"/> The scope is limited to that of the product stated in the application
Parts that are not disclosed in drawings, etc.	(Free description)	
Color or monochrome	(Free description)	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	(Free description)	
Scope of a design depicted in views, etc.	<input checked="" type="checkbox"/> The scope is the same as that of the views, etc.	<input checked="" type="checkbox"/> The scope extends to similar views, etc.

Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

The infringement must relate to a product, in relation to which the design is registered, which embodies a design that is identical to, or substantially similar in overall impression to, the registered design. The registered design must be certified (substantively examined) before it can be enforced.
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Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

<p>A Design may be revoked on the grounds that it is not a registrable design</p> <p>(1) A design is a <b>registrable design</b> if the design is new and distinctive when compared with the prior art base for the design as it existed before the priority date of the design.</p> <p>(2) The <b>prior art base</b> for a design (the <b>designated design</b>) consists of:</p> <p>(a) designs publicly used in Australia; and</p> <p>(b) designs published in a document within or outside Australia; and</p> <p>(c) designs in relation to which each of the following criteria is satisfied:</p> <p>(i) the design is disclosed in a design application;</p> <p>(ii) the design has an earlier priority date than the designated design;</p> <p>(iii) the first time documents disclosing the design are made available for public inspection under section 60 is on or after the priority date of the designated design.</p>
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[8. Other]

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?

<input checked="" type="checkbox"/> Sufficient	<input type="checkbox"/> Insufficient
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Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient

disclosure of a design?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (Please specifically describe: _____ )
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Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes In what situation? → (Free description: _____ )
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Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

<input type="checkbox"/> Accepted	<input type="checkbox"/> Not accepted	<input checked="" type="checkbox"/> Other (May be accepted where it is considered that the design disclosed in the priority application is substantially similar in overall appearance to the design of the design application)
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[Request for information gathering]

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc.

*Sportservice Pty Ltd* [2007] ADO 6

*Review 2 v Redberry Enterprise* [2008] FCA155

*LED Technologies v Elecspeess* [2008] FCA 1941

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites and names of documents which are especially informative with regard to expression of a design under your country's design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved.

The IP Australia website at [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au) provides useful information, in particular, under the "FOR IP PROFESSIONALS" tab.



南アフリカアンケート回答

[1. System] Please answer the following questions with regard to design-related industrial property right systems in your country.

Q1-1 Does your country have (1) a design law (legally binding), (2) formality examination regulations (legally binding), and (3) design examination guidelines (not legally binding)?

Design Law <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Formality examination regulations <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Design examination guidelines <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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(2) refers to detailed rules, such as implementation regulations needed for the law or detailed provisions based on the law, and (3) refers to examination practices.

Q1-2 In your country, is there a special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality? Is there also a special department that assigns and confirms classifications in your country? If so, please enter the number of persons in charge in such special departments.

Special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality	<input type="checkbox"/> Yes (no. of persons in charge: )	<input checked="" type="checkbox"/> No
Special department that assigns and confirms classifications	<input type="checkbox"/> Yes (no. of persons in charge: )	<input checked="" type="checkbox"/> No

Determining whether a design application is novel/creative through prior design search is to be called "conducting substantive examination."

Q1-3 Is substantive examination conducted for design applications in your country?

<input type="checkbox"/> Yes (for all applications)	<input type="checkbox"/> Yes (for some design applications)	<input checked="" type="checkbox"/> No
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Q1-4 Is there a special department that conducts substantive examinations? If so, please enter the number of persons in charge in the special department.

<input type="checkbox"/> Yes (no. of persons in charge: )	<input checked="" type="checkbox"/> No
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Q1-5 This question applies to countries in which substantive examinations are conducted. Please check the applicable boxes below in relation to the scope of prior design searches conducted to determine novelty.

<input type="checkbox"/> Design gazette of your country	<input type="checkbox"/> Design gazette of other countries (→ Which countries/regions? _____)
<input type="checkbox"/> Patent gazette, etc.	<input type="checkbox"/> Publicly known materials ( <input type="checkbox"/> magazines/catalogs <input type="checkbox"/> internet <input type="checkbox"/> other (            ))

Q1-6 Please let us know the situation in your country with regard to the following.

Partial design system <input checked="" type="checkbox"/> Available <input type="checkbox"/> Not available	Accelerated examination system <input checked="" type="checkbox"/> Available <input type="checkbox"/> Not available
Related design system <input checked="" type="checkbox"/> Available <input type="checkbox"/> Not available	Exception to lack of novelty <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available

One application for multiple designs system <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available	Reduction and exemption system for various fees <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available
System for converting a patent application to a design application and vice versa <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available	

[2. Designs subject to protection] With regard to designs protected in your country, please answer the following questions.

Q2-1 Please provide the definition of a design protected by design law in your country.

e.g. In Japan, a design is defined as follows: "'Design' ... shall mean the shape, patterns or colors, or any combination thereof, of an article (including a part of an article ...), which creates an aesthetic impression through the eye."

"Design" means an aesthetic design or a functional design. "Aesthetic design" means any design applied to any article, whether for the pattern or the shape or the configuration or the ornamentation thereof, or for any two or more of those purposes, and by whatever means it is applied, having features which appeal to and are judged solely by the eye, irrespective of the aesthetic quality thereof. "Functional design" means any design applied to any article, whether for the pattern or the shape or the configuration thereof, or for any two or more of those purposes, and by whatever means it is applied, having features which are necessitated by the function which the article to which the design is applied, is to perform, and includes an integrated circuit topography, a mask work and a series of mask works

Q2-2 Please check the applicable boxes below to indicate the subjects of design law protection in your country. If there are any subjects of protection other than those listed below, please describe them in the "Other" box.

<input checked="" type="checkbox"/> Tangible objects (including real property)	<input checked="" type="checkbox"/> Tangible objects (not including real property)	<input checked="" type="checkbox"/> Three-dimensional (3D) images
<input checked="" type="checkbox"/> Microscopic designs (those not visible to the naked eye)	<input checked="" type="checkbox"/> Buildings <small>If it is an article of manufacture</small>	<input type="checkbox"/> Holograms
<input type="checkbox"/> Motion designs	<input type="checkbox"/> Lighting (fireworks, illuminations, etc.)	<input type="checkbox"/> Graphic symbols
<input checked="" type="checkbox"/> Indoor displays and layouts of stores, etc.	<input checked="" type="checkbox"/> Packaging	<input type="checkbox"/> Icons
<input checked="" type="checkbox"/> Images (with specification of the articles on which the images are displayed)	<input checked="" type="checkbox"/> Images alone (without specification of the articles on which the images are displayed)	<input type="checkbox"/> Design drawings
<input checked="" type="checkbox"/> Textile designs (with specification of the articles as textiles)	<input checked="" type="checkbox"/> Textile designs alone (without specification of the articles in which the design is used)	<input type="checkbox"/> Other ( )

[3. Measures of design disclosure] Please answer the following questions with regard to the measures of disclosing a design in a design application in your country.

Q3-1 Please check the applicable boxes below to indicate the permitted design application filing formats in your country.

If there are any permissible formats other than those listed below, please describe them in the "Other" box.

<input checked="" type="checkbox"/> Paper document	<input type="checkbox"/> Electronic recording media	<input type="checkbox"/> E-mail	<input type="checkbox"/> Internet	<input type="checkbox"/> Other ( )
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Q3-2 Please check the applicable boxes below to indicate the permitted forms of expressing designs in design applications in your country. Please describe forms other than those listed below in the "Other" box.

<input checked="" type="checkbox"/> Drawings	<input checked="" type="checkbox"/> Photographs	<input type="checkbox"/> Specimens	<input type="checkbox"/> Other ( )
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Q3-3 If there are any special fee systems in relation to the format of a design application, please check the applicable boxes below to indicate their features. Please describe systems other than those listed below in the "Other" box.

Fee system	In what cases	Details of the fees
<input type="checkbox"/> Computerization fees		
<input type="checkbox"/> Storage fees		
<input type="checkbox"/> Other		
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs		
<input type="checkbox"/> Other		

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input type="checkbox"/> Up to _____ drawings per design	<input checked="" type="checkbox"/> No provisions
Size of drawings (size of each drawing)	<input checked="" type="checkbox"/> (Free description)    A4 paper	<input type="checkbox"/> No provisions
Drawing methods	e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are permitted only for oblique-perspective drawings).  <input type="checkbox"/> (Free description) ( )	<input checked="" type="checkbox"/> No provisions
Notation in drawings	<input checked="" type="checkbox"/> Indication of direction and content (e.g. "front view" and "reference drawing showing the conditions of use") <input type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2") <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Omission of drawings	<input checked="" type="checkbox"/> For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted <input checked="" type="checkbox"/> For a three-dimensional subject, if two drawings are identical or symmetrical, either may be omitted <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Addition of drawings other than necessary drawings	<input type="checkbox"/> Not permitted <input checked="" type="checkbox"/> Development view, cross-section view, magnified view, perspective view, image view, etc. <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Reference drawings	<input type="checkbox"/> Not permitted	<input checked="" type="checkbox"/> No provisions

	<input type="checkbox"/> Permitted where necessary to help the examiner understand the design <input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use <input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations <input type="checkbox"/> Other (free description) ( )	
Styles of lines	<input type="checkbox"/> Different lines are used to express transparent parts <input type="checkbox"/> Different lines are used to express materials Specifically → (Free description: ) [Please answer the following if your country has a partial design system] <input checked="" type="checkbox"/> Different lines are used to distinguish a part for which an applicant requests design registration from other parts <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Existence and expression of color	<input checked="" type="checkbox"/> Drawings consisting solely of lines are permitted / <input type="checkbox"/> Drawings consisting solely of lines are not permitted <input checked="" type="checkbox"/> Drawings which include color are permitted / <input type="checkbox"/> Drawings which include color are not permitted <input checked="" type="checkbox"/> Color may be specified in a way other than by drawing (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> The part for which the applicant requests design registration may be specified using different colors	<input type="checkbox"/> No provisions
Expression of shading, etc.	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input checked="" type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Other material that may be included (free description)	

In the case of expression by photographs		
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Number. of photographs	<input type="checkbox"/> Up to _____ photographs per design	<input checked="" type="checkbox"/> No provisions
Size of photographs (size of each photograph)	<input checked="" type="checkbox"/> (Free description) A4 paper	<input type="checkbox"/> No provisions
Sharpness	<input type="checkbox"/> (Free description)	<input checked="" type="checkbox"/> No provisions

Existence and expression of color	<input checked="" type="checkbox"/> Black-and-white photographs are permitted / <input type="checkbox"/> Black-and-white photographs are not permitted <input checked="" type="checkbox"/> Color photographs are permitted / <input type="checkbox"/> Color photographs are not permitted [Please answer the following if your country has a partial design system] <input type="checkbox"/> Different colors may be applied to photographs	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input checked="" type="checkbox"/> No provisions

In the case of expression by specimens		
<input checked="" type="checkbox"/> Expression by specimens is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Mannequins and other accessories	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input checked="" type="checkbox"/> No provisions

In the case of expression by electronic images, such as CG (computer graphics)		
<input checked="" type="checkbox"/> Expression by electronic images, such as CG (computer graphics), is not permitted Reasons ( No means for storage )		
Provisions	Details of the provisions	
Types of images (still/moving images)	<input type="checkbox"/> Only still images are permitted	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to _____ images per design	<input type="checkbox"/> No provisions
Permitted image formats	<input type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Image data amount (size)	<input type="checkbox"/> Up to _____	<input type="checkbox"/> No provisions
Existence and expression of color	<input type="checkbox"/> Black-and-white images are permitted / <input type="checkbox"/> Black-and-white images are not permitted <input type="checkbox"/> Color images are permitted / <input type="checkbox"/> Color images are not permitted <input type="checkbox"/> Color may be specified in a way other than through the use of images (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> A part for which an applicant requests design registration may be specified by using different colors	<input type="checkbox"/> No provisions

[4. Description in an application in relation to the expression of a design] With regard to the description in an application in relation to the expression of a design, please answer the following questions.

Q4-1 Please check the applicable boxes below to indicate the contents (items described) of documents submitted in filing a design application in your country.

Article to the design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the article	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the design	<input type="checkbox"/> Necessary	<input checked="" type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
If your country has a partial design system, indication of partial design	<input type="checkbox"/> Necessary	<input checked="" type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

Q4-1-1 What provisions exist concerning statements in the "Article to the design" section? Please describe them below.

Example 1: In Japan, statements must follow the classification of articles specified in the Ordinance of the Ministry of Economy, Trade and Industry (bottom column of Appended Table 1). If an article does not belong to any classification, the applicant provides explanations to help the examiner understand the article in the "Explanation of the article" section, such as its purpose and the conditions of its use.

Example 2: Articles included in the International Classification for Industrial Designs are permitted.

Articles included in the International Classification for Industrial Designs are permitted.

Q4-1-2 With regard to the (1) "Explanation of the article" and (2) "Explanation of the design" sections in an application, please write Y or N in the parentheses below to indicate whether or not the relevant matter can be stated in the respective section.

Purpose of use: (1) (Y)/(2) (Y)	Method of operation: (1) (N)/(2) (N)	Material: (1) (Y)/(2) (Y)	Size: (1) (Y)/(2) (Y)
Colored/transparent parts: (1) (Y)/(2) (Y)	Continuity of a pattern: (1) (Y)/(2) (Y)	Features of the design: (1) (Y)/(2) (Y)	
Other statements permitted (free description) (1) / (2)		Other statements not permitted (free description) (1) / (2)	

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design.

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the method by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

The partial design should be shown in solid lines and in "location" as part of the whole article.

[5. Understanding of specification/finding/amendment of a design] What is your understanding with regard to the specification/finding/amendment of a design?

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the requirements for disclosure of a design considered sufficient to secure the filing date?

A non-convention application must disclose the design drawings, while an application claiming priority must cite the priority application.

Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input type="checkbox"/> Country's own design classification	<input checked="" type="checkbox"/> International Classification for Industrial Designs	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input checked="" type="checkbox"/> Applicant	<input type="checkbox"/> Government office	<input type="checkbox"/> Other ( )
---	--	------------------------------------

Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input checked="" type="checkbox"/> All articles with the same classification are similar	<input type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input type="checkbox"/> Other (free description)
---	---	---

Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations).

	Who is empowered to find a design, and based on what standards?	Handing of cases in which a design cannot be found
Specifying the scope of similarity of articles	Example: An examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings, etc. attached to it.* Free description ( N/A )	Example: Sending a notice of reasons for refusal Free description ( N/A )
Specifying the form	Regarding drawing methods Example: An examiner in charge of formality examination makes a determination based on implementation regulations Free description ( Registrar of Designs )	Example: Dismissal for failure to comply with formalities and dismissal of the application Free description ( Application refused )
	Clarity of the design Example: An examiner in charge of substantive examination makes a determination based on design law, etc.* Free description ( Registrar of Designs )	Example: Sending a notice of reasons for refusal Free description ( Application refused )

\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled? [No substantive examination is conducted](#)

Action	Specific handling	Postponement of the filing date	
Example: Sending a notice of reasons for refusal to the effect that the design cannot be specified	Example: Dismissing an amendment if the amendment is not permitted	Not postponed	
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed

Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design"	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Explanation of function/operation	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Size and color	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Method of omitting drawings	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration

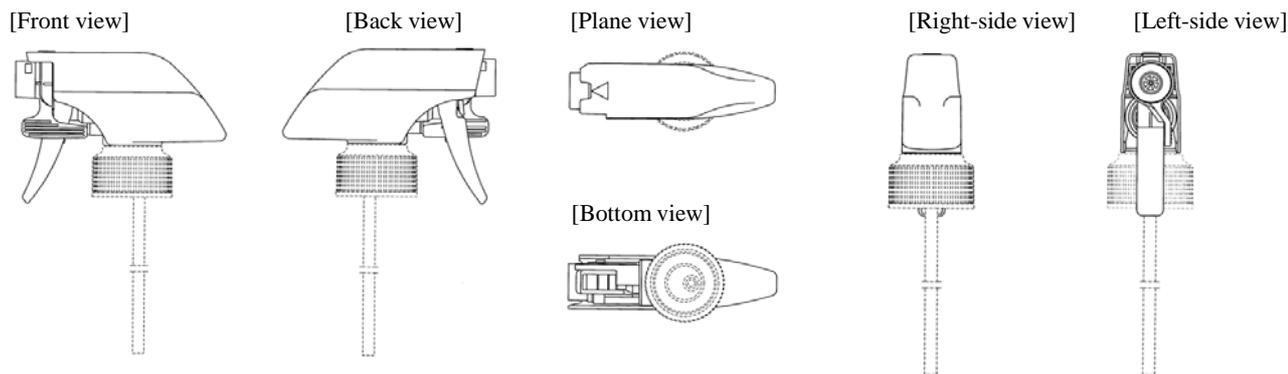
Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? If not, please describe why. [Yes](#)

[Article to the design] Nozzle of a nebulizer for packaging

[Partial design]

[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever.

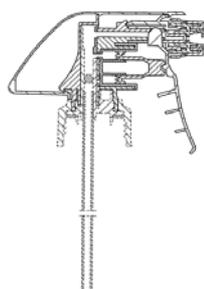
[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design is requested. In the drawings attached to the application, the length of the omitted tube is 5 cm.



[Left side central longitudinal end view; internal mechanism is omitted]

[Reference perspective view with the grip part in the down position]

[Reference perspective view with the grip part in the up position]



Description of the reasons why a design would not be found in your country, if applicable.

Q5-9 If amendment/division/conversion of an application is permitted, please describe the scope of amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments	
<p>(1) Amendment beyond the type of design</p> <p><input type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / <input type="checkbox"/> Amendment from a partial design to another partial design</p> <p>(2) Amendment beyond the type of drawing</p> <p><input checked="" type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input type="checkbox"/> Amendment from a drawing to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a photograph to a specimen/model and vice versa</p> <p><input checked="" type="checkbox"/> Amendment from a color image to a monochrome image and vice versa</p>	<p>(3) Amendment beyond the type of view</p> <p><input type="checkbox"/> Addition of a perspective view / <input type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa</p> <p>(4) Amendment of the content of a design</p> <p><input type="checkbox"/> Addition of a new matter (change of the gist of the design)</p> <p><input type="checkbox"/> Amendment that does not affect the finding of the gist of the design</p> <p><input type="checkbox"/> Amendment that does not affect the determination of similarity</p> <p><input type="checkbox"/> Amendment to the scope of the design for which design registration is requested</p>

Free description: [An amendment of an application for the registration of a design, or the registration of a design, may be allowed if it is by way of correction, including the correction of a mistake](#)

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments can be made.

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design	No	None
Explanation of the article to the design	Yes	Prior to grant
Explanation of the design	Yes	Prior to grant

Permissible division (free description): [None](#)

Permissible conversion of an application <a href="#">None</a>	<input type="checkbox"/> From a design application to a patent/utility model application and vice versa	<input type="checkbox"/> From a design application to a trademark application and vice versa
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[6. Understanding of the unity of design] The following questions are to countries that adopt a one application for multiple designs system. What is your understanding of the unity of design? Please answer the following questions. [N/A](#)

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry

Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple similar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
A single design designating multiple articles	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included



[7. Design right] What is your understanding of the effect of a design right? Please answer the following questions.

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right? Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity included in the name of an article	<input type="checkbox"/> The scope is limited to that of the article stated in the application	<input type="checkbox"/> The scope extends to articles similar to the article stated in the application
	<input checked="" type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form	<input type="checkbox"/> (Free description)
Parts that are not disclosed in drawings, etc.	(Free description) <b>Not protected</b>	
Color or monochrome	(Free description) <b>Only if stated in explanation of design.</b>	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	(Free description)	
Scope of a design depicted in views, etc.	<input type="checkbox"/> The scope is the same as that of the views, etc.	<input checked="" type="checkbox"/> The scope extends to similar views, etc. <b>Depends on prior art</b>

Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

No
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Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

That the design is not new or not original.
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[8. Other]

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?

<input checked="" type="checkbox"/> Sufficient	<input type="checkbox"/> Insufficient
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Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient disclosure of a design?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (Please specifically describe: )
--	--

Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes In what situation? → (Free description: <b>If priority is claimed</b> )
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Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

<input checked="" type="checkbox"/> Accepted	<input type="checkbox"/> Not accepted	<input type="checkbox"/> Other ( )
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[Request for information gathering]

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc.

[Vari-Deals 101 \(Pty\) Ltd v Sunsmart Products \(Pty\) Ltd \[2007\] SCA 123](#)  
[Clipsal Australia \(Pty\) Ltd v Trust Electrical Wholesalers \[2007\] SCA 24](#)

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites and names of documents which are especially informative with regard to expression of a design under your country's design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved.

[Designs Act, No 195 of 1993](#)  
<http://www.cipc.co.za/Design.aspx>



トルコアンケート回答

[1. System] Please answer the following questions with regard to design-related industrial property right systems in your country.

Q1-1 Does your country have (1) a design law (legally binding), (2) formality examination regulations (legally binding), and (3) design examination guidelines (not legally binding)?

Design law <input checked="" type="checkbox"/> YES <input type="checkbox"/> No	Formality examination regulations <input checked="" type="checkbox"/> YES <input type="checkbox"/> No	Design examination guidelines <input checked="" type="checkbox"/> YES <input type="checkbox"/> No
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(2) refers to detailed rules, such as implementation regulations needed for the law or detailed provisions based on the law, and (3) refers to examination practices.

Q1-2 In your country, is there a special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality? Is there also a special department that assigns and confirms classifications in your country? If so, please enter the number of persons in charge in such special departments.

Special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality	<input type="checkbox"/> Yes (no. of persons in charge: )	<input checked="" type="checkbox"/> NO
Special department that assigns and confirms classifications	<input type="checkbox"/> Yes (no. of persons in charge: )	<input checked="" type="checkbox"/> NO

Determining whether a design application is novel/creative through prior design search is to be called "conducting substantive examination."

Q1-3 Is substantive examination conducted for design applications in your country?

<input type="checkbox"/> Yes (for all applications)	<input type="checkbox"/> Yes (for some design applications)	<input checked="" type="checkbox"/> NO
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Q1-4 Is there a special department that conducts substantive examinations? If so, please enter the number of persons in charge in the special department.

<input type="checkbox"/> Yes (no. of persons in charge: )	<input checked="" type="checkbox"/> NO
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Q1-5 This question applies to countries in which substantive examinations are conducted. Please check the applicable boxes below in relation to the scope of prior design searches conducted to determine novelty. (N/A)

<input type="checkbox"/> Design gazette of your country	<input type="checkbox"/> Design gazette of other countries (→ Which countries/regions? _____)
<input type="checkbox"/> Patent gazette, etc.	<input type="checkbox"/> Publicly known materials ( <input type="checkbox"/> magazines/catalogs <input type="checkbox"/> internet <input type="checkbox"/> other (    ))

Q1-6 Please let us know the situation in your country with regard to the following.

Partial design system <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available	Accelerated examination system <input type="checkbox"/> Available <input type="checkbox"/> Not available
Related design system <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available	Exception to lack of novelty <input checked="" type="checkbox"/> Available <input type="checkbox"/> Not available (Grace period of 12 months)
One application for multiple designs system	Reduction and exemption system for various fees



boxes below to indicate their features. Please describe systems other than those listed below in the "Other" box.

Fee system	In what cases	Details of the fees
<input checked="" type="checkbox"/> Computerization fees ( <b>bank receipt</b> )	<b>In all cases</b>	<b>Fees to be paid for application:</b> <b>- filing fee,</b> <b>- additional fee for each further view of the same design,</b> <b>- additional fee for each further design in the same class (for multiple applications),</b> <b>- publication fee for each picture in black&amp;white or in color,</b> <b>- priority fee (if any),</b> <b>- postponement of publication.</b>
<input type="checkbox"/> Storage fees		
<input type="checkbox"/> Other		
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs		
<input type="checkbox"/> Other		

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input type="checkbox"/> Up to _____ drawings per design	<input checked="" type="checkbox"/> <b>No provisions</b>
Size of drawings (size of each drawing)	<input checked="" type="checkbox"/> (Free description) <b>8x8 cm, 8x16 cm OR 16x16 cm</b>	<input type="checkbox"/> No provisions
Drawing methods	e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are permitted only for oblique-perspective drawings).  <input checked="" type="checkbox"/> (Free description) ( <b>Perspective-style technical drawings are recommended and can be supported with two or more flat views</b> )	<input type="checkbox"/> No provisions
Notation in drawings	<input checked="" type="checkbox"/> Indication of direction and content (e.g. "front view" and "reference drawing showing the conditions of use") <b>Particularly cited in the description</b> <input type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2") <input checked="" type="checkbox"/> <b>Other (reference numbers cannot be used)</b>	<input type="checkbox"/> No provisions
Omission of drawings	<input checked="" type="checkbox"/> <b>For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted</b> <input checked="" type="checkbox"/> <b>For a three-dimensional subject, if two drawings are identical or symmetrical, either may be omitted</b>	<input type="checkbox"/> No provisions

	<input checked="" type="checkbox"/> <b>Other (free description)</b> <b>(at least one three dimensional drawing of the subject is recommended, if applicable)</b>	
Addition of drawings other than necessary drawings	<input type="checkbox"/> Not permitted <input type="checkbox"/> Development view, cross-section view, magnified view, perspective view, image view, etc. <input checked="" type="checkbox"/> <b>Other (free description)</b> <b>(each type of view mentioned above is acceptable except cross section view)</b>	<input type="checkbox"/> No provisions
Reference drawings	<input type="checkbox"/> <b>Not permitted</b> <input type="checkbox"/> Permitted where necessary to help the examiner understand the design <input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use <input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Styles of lines	<input type="checkbox"/> Different lines are used to express transparent parts <input type="checkbox"/> Different lines are used to express materials Specifically → (Free description: ) [Please answer the following if your country has a partial design system] <input checked="" type="checkbox"/> <b>Different lines are used to distinguish a part for which an applicant requests design registration from other parts (</b> <input checked="" type="checkbox"/> <b>Other (free description) (dotted/dashed lines are used to indicate irrelevant part/s for the design registration)</b>	<input type="checkbox"/> No provisions
Existence and expression of color	<input checked="" type="checkbox"/> <b>Drawings consisting solely of lines are permitted</b> / <input type="checkbox"/> Drawings consisting solely of lines are not permitted <input type="checkbox"/> Drawings which include color are permitted / <input checked="" type="checkbox"/> <b>Drawings which include color are not permitted</b> <input type="checkbox"/> Color may be specified in a way other than by drawing (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> The part for which the applicant requests design registration may be specified using different colors	<input type="checkbox"/> No provisions
Expression of shading, etc.	<input checked="" type="checkbox"/> <b>Not permitted</b> <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input type="checkbox"/> No provisions
	<input checked="" type="checkbox"/> Other material that may be included (free description) <b>There is a provision (Article 9 of Implementing Regulation) regarding the above materials but it says that they are not acceptable.</b>	

In the case of expression by photographs		
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Number. of photographs	<input type="checkbox"/> Up to _____ photographs per design	<input type="checkbox"/> <b>No provisions</b>
Size of photographs (size of each photograph)	<input checked="" type="checkbox"/> <b>(Free description) 8x8 cm, 8x16 cm, 16x16 cm</b>	<input type="checkbox"/> No provisions
Sharpness	<input type="checkbox"/> (Free description)	<input type="checkbox"/> <b>No provisions</b>
Existence and expression of color	<input checked="" type="checkbox"/> <b>Black-and-white photographs are permitted</b> / <input type="checkbox"/> Black-and-white photographs are not permitted	<input type="checkbox"/> No provisions
	<input checked="" type="checkbox"/> <b>Color photographs are permitted</b> / <input type="checkbox"/> Color photographs are not permitted [Please answer the following if your country has a partial design system] <input type="checkbox"/> Different colors may be applied to photographs	
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input type="checkbox"/> No provisions
<b>There is a provision (Article 9 of Implementing Regulation) regarding the above materials but it says that they are not acceptable</b>		

In the case of expression by specimens		
<input checked="" type="checkbox"/> <b>Expression by specimens is not permitted. Reasons (Article 9 of Implementing Regulation)</b>		
Provisions	Details of the provisions	
Mannequins and other accessories	<input type="checkbox"/> Not permitted	<input type="checkbox"/> No provisions
	<input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	

In the case of expression by electronic images, such as CG (computer graphics)		
<input type="checkbox"/> Expression by electronic images, such as CG (computer graphics), is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Types of images (still/moving images)	<input checked="" type="checkbox"/> <b>Only still images are permitted</b>	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to _____ images per design	<input type="checkbox"/> No provisions
Permitted image formats	<input type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Image data amount (size)	<input type="checkbox"/> Up to _____	<input type="checkbox"/> No provisions

Existence and expression of color	<input checked="" type="checkbox"/> <b>Black-and-white images are permitted</b> / <input type="checkbox"/> Black-and-white images are not permitted <input checked="" type="checkbox"/> <b>Color images are permitted</b> / <input type="checkbox"/> Color images are not permitted <input type="checkbox"/> Color may be specified in a way other than through the use of images (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> A part for which an applicant requests design registration may be specified by using different colors	<input type="checkbox"/> No provisions
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[4. Description in an application in relation to the expression of a design] With regard to the description in an application in relation to the expression of a design, please answer the following questions.

Q4-1 Please check the applicable boxes below to indicate the contents (items described) of documents submitted in filing a design application in your country.

Article to the design	<input checked="" type="checkbox"/> <b>Necessary</b>	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the article	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input checked="" type="checkbox"/> <b>No such item.</b>
Explanation of the design	<input checked="" type="checkbox"/> <b>Necessary</b>	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
If your country has a partial design system, indication of partial design <b>N/A</b>	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

Q4-1-1 What provisions exist concerning statements in the "Article to the design" section? Please describe them below.

Example 1: In Japan, statements must follow the classification of articles specified in the Ordinance of the Ministry of Economy, Trade and Industry (bottom column of Appended Table 1). If an article does not belong to any classification, the applicant provides explanations to help the examiner understand the article in the "Explanation of the article" section, such as its purpose and the conditions of its use.

Example 2: Articles included in the International Classification for Industrial Designs are permitted.

**The known article of design should be written on the application form according to the Article 8 of Implementation Regulation**

Q4-1-2 With regard to the (1) "Explanation of the article" and (2) "Explanation of the design" sections in an application, please write Y or N in the parentheses below to indicate whether or not the relevant matter can be stated in the respective section.

Purpose of use: (1) ( )/(2) <b>(N)</b>	Method of operation: (1) ( )/(2) <b>(N)</b>	Material: (1) ( )/(2) <b>(N)</b>	Size: (1) ( )/(2) <b>(N)</b>
Colored/transparent parts: (1) ( )/(2) <b>(N)</b>	Continuity of a pattern: (1) ( )/(2) <b>(N/A)</b>	Features of the design: (1) ( )/(2) <b>(Y)</b>	
Other statements permitted (free description) (1) / (2)		Other statements not permitted (free description) (1) / (2)	

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design. **N/A**

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the

case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the method by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

**It is stated in the description part of the design and irrelevant parts of the new design is represented by dotted or dashed lines**

[5. Understanding of specification/finding/amendment of a design] What is your understanding with regard to the specification/finding/amendment of a design?

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the requirements for disclosure of a design considered sufficient to secure the filing date?

**Article 13 of Implementing Regulation**

The application shall be accorded the filing date, as of the date, the hour and the minute when an application petition conforming to the sample in Annex-1, and a drawing, painting, graphic, photographic or similar representation of the design suitable for reproduction reflecting all of its specific features as provisioned in the sub-paragraph (b) of the first paragraph of Article 26 of The Decree-Law, and the original receipt for the payment of fees have been deposited. Where these documents have not been submitted at filing of the application, the Institute shall allow one month for remedying these the deficiencies, and the filing date shall be the date these deficiencies are remedied.

Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input type="checkbox"/> Country's own design classification	<input checked="" type="checkbox"/> <b>International Classification for Industrial Designs</b>	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input checked="" type="checkbox"/> <b>Applicant</b>	<input type="checkbox"/> Government office	<input checked="" type="checkbox"/> <b>Other (Representative/Design Attorney)</b>
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Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input checked="" type="checkbox"/> <b>All articles with the same classification are similar</b>	<input type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input type="checkbox"/> Other (free description)
--	---	---

Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations).

	Who is empowered to find a design, and based on what standards?	Handing of cases in which a design cannot be found
Specifying the scope of similarity of articles	N/A	N/A

Specifying the form	Regarding drawing methods	An examiner in charge of formality examination makes a determination based on implementation regulations	Sending a notice of reasons for <b>deficiency</b>
	Clarity of the design	An examiner in charge of <b>formality examination</b> makes a determination based on design law, etc.*	Sending a notice of reasons for <b>deficiency</b>

\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled? **N/A**

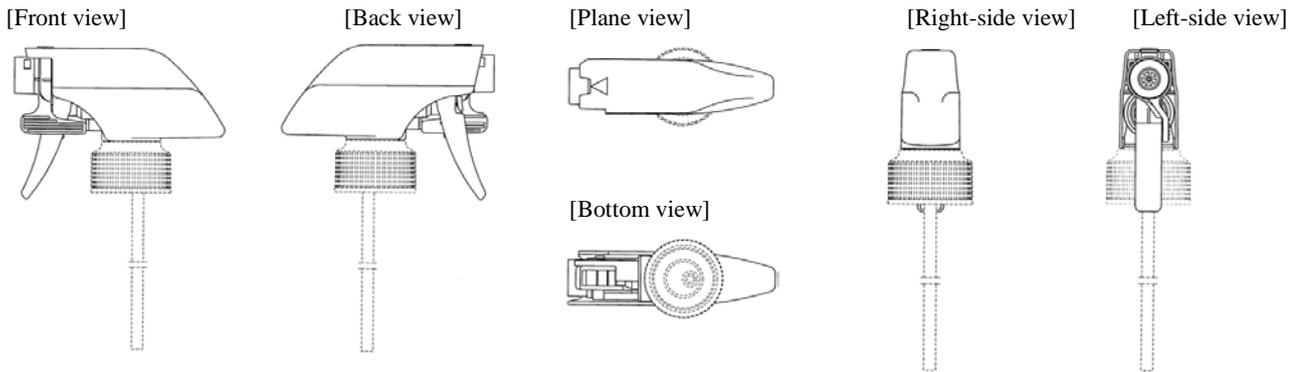
Action	Specific handling	Postponement of the filing date	
Example: Sending a notice of reasons for refusal to the effect that the design cannot be specified	Example: Dismissing an amendment if the amendment is not permitted	Not postponed	
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed

Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design" <b>NA</b>	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Explanation of function/operation <b>NA</b>	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Size and color <b>NA</b>	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Method of omitting drawings <b>NA</b>	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration

Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? If not, please describe why.

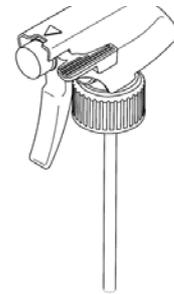
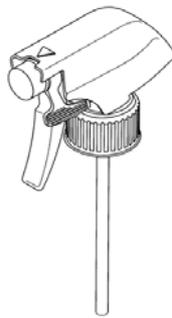
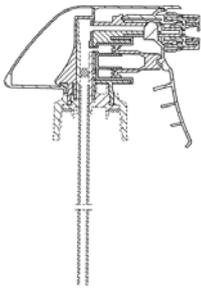
[Article to the design] Nozzle of a nebulizer for packaging <b>YES</b>
[Partial design] <b>N/A</b>
[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever. <b>N/A</b>
[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design is requested. In the drawings attached to the application, the length of the omitted tube is 5 cm. <b>YES, but size or colors are not described, only features of design are accepted in the explanation.</b>



[Left side central longitudinal end view; internal mechanism is omitted]

[Reference perspective view with the grip part in the down position]

[Reference perspective view with the grip part in the up position]



Description of the reasons why a design would not be found in your country, if applicable.

**All of the above designs would be found in our country but only the one which names as “left side central longitudinal end view; internal mechanism is omitted” cannot be added as it is a cross section view and this kind of views are not acceptable in TURKEY.**

Q5-9 If amendment/division/conversion of an application is permitted, please describe the scope of amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments	
<p>(1) Amendment beyond the type of design</p> <p><input type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / <input type="checkbox"/> Amendment from a partial design to another partial design</p> <p>(2) Amendment beyond the type of drawing</p> <p><input type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input checked="" type="checkbox"/> <b>Amendment from a drawing to a specimen/model and vice versa</b></p> <p><input checked="" type="checkbox"/> <b>Amendment from a photograph to a specimen/model and vice versa</b></p> <p><input checked="" type="checkbox"/> <b>Amendment from a color image to a monochrome image and vice versa</b></p>	<p>(3) Amendment beyond the type of view</p> <p><input checked="" type="checkbox"/> <b>Addition of a perspective view / <input checked="" type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa</b></p> <p>(4) Amendment of the content of a design</p> <p><input type="checkbox"/> Addition of a new matter (change of the gist of the design)</p> <p><input type="checkbox"/> Amendment that does not affect the finding of the gist of the design</p> <p><input type="checkbox"/> Amendment that does not affect the determination of similarity</p> <p><input type="checkbox"/> Amendment to the scope of the design for which design</p>

	registration is requested
Free description:	

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments can be made.

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design	<b>It is permissible</b>	<b>Until grant decision</b>
Explanation of the article to the design	<b>N/A</b>	<b>N/A</b>
Explanation of the design	<b>It is permissible</b>	<b>Until publication</b>

Permissible division (free description): **N/A**

Permissible conversion of an application <b>N/A</b>	<input type="checkbox"/> From a design application to a patent/utility model application and vice versa	<input type="checkbox"/> From a design application to a trademark application and vice versa
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[6. Understanding of the unity of design] The following questions are to countries that adopt a one application for multiple designs system. What is your understanding of the unity of design? Please answer the following questions.

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry
<b>A design that has different views of a single body which have the same article of same classification is recognized as "one design".</b>	<b>Article 9 of the Implementing Regulation</b>

Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> <b>Cannot be included</b>
A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> <b>Cannot be included</b>
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> <b>Cannot be included</b>
Multiple dissimilar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> <b>Cannot be included</b>
Multiple similar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> <b>Cannot be included</b>
A single design designating multiple articles	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> <b>Cannot be included</b>
Multiple dissimilar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> <b>Cannot be included</b>

Multiple similar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> <b>Cannot be included</b>
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Q6-3 What is the scope of a single design? Please choose whether the following are recognized to be single designs.

Multiple embodiments based on one design (e.g. an unpackaged article and multiple packaged working examples)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> <b>Not recognized</b>
Sets, such as a set of knives, forks and spoons	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> <b>Not recognized</b>
For such sets, are applicants permitted to freely combine articles and file an application for the combination as single design?	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> <b>Not recognized</b>
Articles which move or change entirely or in part (e.g. a toy car that changes into a robot through assembly)	<input checked="" type="checkbox"/> <b>Recognized</b>	<input type="checkbox"/> Not recognized
Transitional images (e.g. an image that is developed through the operation of a music playing device)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> <b>Not recognized</b>

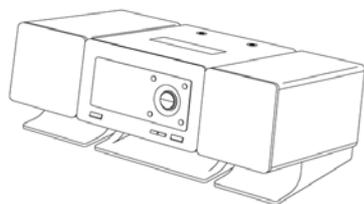
Q6-4 Please inform us of specific cases of not being recognized to be a single design.

**Please refer to our answers of Q6-2 and Q6-3**

Q6-5 In the example case shown below, would the set be recognized to be a single design in your country? If not, please provide the reasons.

[Article to the design] A set of audio equipment  
 [Explanation of the article to the design] This article consists of the body part which is a chassis that houses multiple types of audio equipment and two speaker boxes on its left and right sides which receive audio signal output from the body part and release it as sound. The body part and the two speaker boxes are separable.

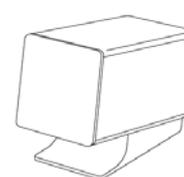
[Perspective view]



[Perspective view of the body part]



[Perspective view of the speaker part]



<input type="checkbox"/> Recognized to be a single design	<input checked="" type="checkbox"/> <b>Not recognized to be a single design</b> <b>Reasons (it consists of 3 designs ad it is recognized as multiple design in Tukey)</b>
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[7. Design right] What is your understanding of the effect of a design right? Please answer the following questions.

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right? Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity included in the name of an article	<input checked="" type="checkbox"/> <b>The scope is limited to that of the article stated in the application</b>	<input type="checkbox"/> The scope extends to articles similar to the article stated in the application
	<input type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form	<input type="checkbox"/> (Free description)
Parts that are not disclosed in drawings, etc.	(Free description) <b>if the parts that are not disclosed in drawings, they are not in the scope of effect of a design right.</b>	
Color or monochrome	(Free description) <b>N/A</b>	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	(Free description) <b>they should be similar in terms of visual properties</b>	
Scope of a design depicted in views, etc.	<input type="checkbox"/> The scope is the same as that of the views, etc.	<input type="checkbox"/> The scope extends to similar views, etc.

Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

**YES, there are some restrictions according to the Article 21-24 of Decree Law 554 (attached).**

Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

**Article 43 of Decree Law 554: Invalidity**

***A registered design shall be declared invalid by the court in following cases:***

***a) Where proved that the design is not eligible for protection under the provisions of the Articles 5 through 10 of this Decree-Law;***

***b) Where proved that the entitlement to the design right as provided in Articles 13, 14, 15 and 16 of this Decree-Law, actually belongs to another person or persons.***

***c) Where there exists a conflicting design which has been made available to the public at a later date but having an earlier date of filing;***

[8. Other]

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?

**Sufficient**       Insufficient

Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient disclosure of a design?

**No**       Yes (Please specifically describe: \_\_\_\_\_ )

Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

No       **Yes** In what situation? → (Free description: **in applications claiming priority**)

Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

<input checked="" type="checkbox"/> <b>Accepted</b>	<input type="checkbox"/> Not accepted	<input type="checkbox"/> Other ( )
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[Request for information gathering]

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc.

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites and names of documents which are especially informative with regard to expression of a design under your country's design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved.

**The website of Turkish Patent Institute is given below, the regulations and laws are attached.**

[http://www.tpe.gov.tr/portal/default\\_en.jsp](http://www.tpe.gov.tr/portal/default_en.jsp)



## ニュージーランドアンケート回答

[1. System] Please answer the following questions with regard to design-related industrial property right systems in your country.

Q1-1 Does your country have (1) a design law (legally binding), (2) formality examination regulations (legally binding), and (3) design examination guidelines (not legally binding)?

Design law <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Formality examination regulations <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Design examination guidelines <input checked="" type="checkbox"/> (but not readily obtainable) Yes <input type="checkbox"/> No
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(2) refers to detailed rules, such as implementation regulations needed for the law or detailed provisions based on the law, and (3) refers to examination practices.

Q1-2 In your country, is there a special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality? Is there also a special department that assigns and confirms classifications in your country? If so, please enter the number of persons in charge in such special departments.

Special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality	<input checked="" type="checkbox"/> Yes (no. of persons in charge: 2 but public order and morality not examined )	<input type="checkbox"/> No
Special department that assigns and confirms classifications	<input checked="" type="checkbox"/> Yes (no. of persons in charge: 2 )	<input type="checkbox"/> No

Determining whether a design application is novel/creative through prior design search is to be called "conducting substantive examination."

Q1-3 Is substantive examination conducted for design applications in your country?

<input checked="" type="checkbox"/> Yes (for all applications)	<input type="checkbox"/> Yes (for some design applications)	<input type="checkbox"/> No
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Q1-4 Is there a special department that conducts substantive examinations? If so, please enter the number of persons in charge in the special department.

<input checked="" type="checkbox"/> Yes (no. of persons in charge: 2 )	<input type="checkbox"/> No
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Q1-5 This question applies to countries in which substantive examinations are conducted. Please check the applicable boxes below in relation to the scope of prior design searches conducted to determine novelty.

<input checked="" type="checkbox"/> Design gazette of your country	<input type="checkbox"/> Design gazette of other countries (→ Which countries/regions? The examiner may look at other documents in cases where the examiner thinks it appropriate. Local novelty applies)
<input type="checkbox"/> Patent gazette, etc.	<input type="checkbox"/> Publicly known materials ( <input type="checkbox"/> magazines/catalogs <input type="checkbox"/> internet <input type="checkbox"/> other (            ))

Q1-6 Please let us know the situation in your country with regard to the following.

Partial design system <input checked="" type="checkbox"/> Available <input type="checkbox"/> Not available	Accelerated examination system <input type="checkbox"/> Available <input type="checkbox"/> Not available
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XPaper document	<input type="checkbox"/> Electronic recording media	<input type="checkbox"/> E-mail	<input checked="" type="checkbox"/> Internet (preferred method)	<input type="checkbox"/> Other ( )
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Q3-2 Please check the applicable boxes below to indicate the permitted forms of expressing designs in design applications in your country. Please describe forms other than those listed below in the "Other" box.

<input checked="" type="checkbox"/> Drawings	<input checked="" type="checkbox"/> Photographs	<input type="checkbox"/> Specimens	<input type="checkbox"/> Other ( )
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Q3-3 If there are any special fee systems in relation to the format of a design application, please check the applicable boxes below to indicate their features. Please describe systems other than those listed below in the "Other" box.

Fee system	In what cases	Details of the fees
<input type="checkbox"/> Computerization fees		
<input type="checkbox"/> Storage fees		
<input type="checkbox"/> Other		
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs		
<input type="checkbox"/> Other		

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input type="checkbox"/> Up to _____ drawings per design	<input checked="" type="checkbox"/> No provisions
Size of drawings (size of each drawing)	<input checked="" type="checkbox"/> (Free description) Must be A4 with 5 cm left hand margin	<input type="checkbox"/> No provisions
Drawing methods	e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are permitted only for oblique-perspective drawings).  <input checked="" type="checkbox"/> (Free description) ( lines and gray scale are allowed)	<input checked="" type="checkbox"/> No provisions
Notation in drawings	<input checked="" type="checkbox"/> Indication of direction and content (eg "front view") <input type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2") <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Omission of drawings	<input type="checkbox"/> For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted <input type="checkbox"/> For a three-dimensional subject, if two drawings are identical or	<input type="checkbox"/> No provisions

	<p>symmetrical, either may be omitted</p> <p>X Other (free description)</p> <p>( In theory both of the above should be permitted however examiners usually require the whole article (as opposed to the design) to be shown)</p>	
Addition of drawings other than necessary drawings	<p><input type="checkbox"/> Not permitted</p> <p><input type="checkbox"/> Development view, cross-section view, magnified view, perspective view, image view, etc.</p> <p>X Other (free description)</p> <p>(Such drawings will usually be allowed)</p>	<input type="checkbox"/> No provisions
Reference drawings	<p><input type="checkbox"/> Not permitted</p> <p><input type="checkbox"/> Permitted where necessary to help the examiner understand the design</p> <p><input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use</p> <p><input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations</p> <p><input type="checkbox"/> Other (free description)</p> <p>( )</p>	X No provisions
Styles of lines	<p><input type="checkbox"/> Different lines are used to express transparent parts</p> <p><input type="checkbox"/> Different lines are used to express materials</p> <p>Specifically → (Free description: )</p> <p>[Please answer the following if your country has a partial design system]</p> <p>X Different lines are used to distinguish a part for which an applicant requests design registration from other parts</p> <p><input type="checkbox"/> Other (free description)</p> <p>(Dotted lines to distinguish a part in the case of a partial design. Also to show breaks in a design of constant cross section but indefinite length)</p>	<input type="checkbox"/> No provisions
Existence and expression of color	<p>X Drawings consisting solely of lines are permitted / <input type="checkbox"/> Drawings consisting solely of lines are not permitted</p> <p>X Drawings which include color are permitted / <input type="checkbox"/> Drawings which include color are not permitted</p> <p><input type="checkbox"/> Color may be specified in a way other than by drawing (via a written statement in an application, etc.)</p> <p>[Please answer the following if your country has a partial design system]</p> <p>X The part for which the applicant requests design registration may be specified using different colors</p>	<input type="checkbox"/> No provisions
Expression of shading, etc.	<p><input type="checkbox"/> Not permitted</p> <p>X Permitted with certain restrictions</p> <p>(What are the restrictions? → Gray scale is permitted)</p>	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	X No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included:	X No provisions

	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	X No provisions
	<input type="checkbox"/> Other material that may be included (free description) dotted or other lines to direct design to specific parts of the article	

In the case of expression by photographs		
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Number. of photographs	<input type="checkbox"/> Up to _____ photographs per design	X No provisions
Size of photographs (size of each photograph)	X (Free description) Must be mounted on or copied onto an A4 page with 5 cm left hand margin	<input type="checkbox"/> No provisions
Sharpness	X (Free description) must be clear (able to be clearly reproduced)	<input type="checkbox"/> No provisions
Existence and expression of color	X Black-and-white photographs are permitted / <input type="checkbox"/> Black-and-white photographs are not permitted X Color photographs are permitted if permanent / <input type="checkbox"/> Color photographs are not permitted [Please answer the following if your country has a partial design system] <input type="checkbox"/> Different colors may be applied to photographs	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	X No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	X No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	X No provisions

In the case of expression by specimens		
X Expression by specimens is not permitted. Reasons ( recent changes in legislation have repealed the provision which allowed specimens)		
Provisions	Details of the provisions	
Mannequins and other accessories	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	X No provisions

In the case of expression by electronic images, such as CG (computer graphics)		
<input type="checkbox"/> Expression by electronic images, such as CG (computer graphics), is not permitted		
Reasons ( )		
Provisions	Details of the provisions	
Types of images (still/moving images)	X Only still images are permitted	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to _____ images per design	<input type="checkbox"/> No provisions
Permitted image formats	<input type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF	<input type="checkbox"/> No provisions

	<input type="checkbox"/> Other ( PDF )	
Image data amount (size)	<input type="checkbox"/> Up to _____	X No provisions
Existence and expression of color	<input checked="" type="checkbox"/> Black-and-white images are permitted / <input type="checkbox"/> Black-and-white images are not permitted <input checked="" type="checkbox"/> Color images are permitted / <input type="checkbox"/> Color images are not permitted <input type="checkbox"/> Color may be specified in a way other than through the use of images (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> A part for which an applicant requests design registration may be specified by using different colors	<input type="checkbox"/> No provisions

[4. Description in an application in relation to the expression of a design] With regard to the description in an application in relation to the expression of a design, please answer the following questions.

Q4-1 Please check the applicable boxes below to indicate the contents (items described) of documents submitted in filing a design application in your country.

Article to the design (TITLE)	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the article	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input checked="" type="checkbox"/> No such item.
Explanation of the design (Statement of novelty)	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
If your country has a partial design system, indication of partial design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

Q4-1-1 What provisions exist concerning statements in the "Article to the design" section? Please describe them below.

Example 1: In Japan, statements must follow the classification of articles specified in the Ordinance of the Ministry of Economy, Trade and Industry (bottom column of Appended Table 1). If an article does not belong to any classification, the applicant provides explanations to help the examiner understand the article in the "Explanation of the article" section, such as its purpose and the conditions of its use.

Example 2: Articles included in the International Classification for Industrial Designs are permitted.

Applications must state the article to which the design is to be applied

Q4-1-2 With regard to the (1) "Explanation of the article" and (2) "Explanation of the design" sections in an application, please write Y or N in the parentheses below to indicate whether or not the relevant matter can be stated in the respective section.

Purpose of use: (1) ( ) / (2) ( Y )	Method of operation: (1) ( ) / (2) ( N )	Material: (1) ( ) / (2) ( N )	Size: (1) ( ) / (2) ( N )
Colored/transparent parts: (1) ( ) / (2) ( Y )	Continuity of a pattern: (1) ( ) / (2) ( Y )	Features of the design: (1) ( ) / (2) ( Y )	
Other statements permitted (free description) (1) / (2) The novelty in parts of an article can be disclaimed and it can be indicated that the article is of constant cross-section and indefinite length		Other statements not permitted (free description) (1) / (2)	

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design.

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the method by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

Reference is made in the statement of novelty as to which is the novel part. This should also be indicated in the representations

[5. Understanding of specification/finding/amendment of a design] What is your understanding with regard to the specification/finding/amendment of a design?

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the requirements for disclosure of a design considered sufficient to secure the filing date?

Designs Act 1953, Designs Regulations 1954, Filing to secure a filing date requires (a) application form, (b) fee, (c) at least one representation, (d) statement of novelty

Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input type="checkbox"/> Country's own design classification	<input checked="" type="checkbox"/> International Classification for Industrial Designs	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Government office	<input type="checkbox"/> Other ( )
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Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input type="checkbox"/> All articles with the same classification are similar	<input checked="" type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input type="checkbox"/> Other (free description)
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Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations).

	Who is empowered to find a design, and based on what standards?	Handing of cases in which a design cannot be found
Specifying the scope of similarity of articles	Example: An examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings, etc. attached to it.*  Free description ( Examiner examines for formalities and	Example: Sending a notice of reasons for refusal  Free description  (Examiner sends reasons for refusal. 12

	substantive matters usually at the same time)		there is a 12 month period from filing to overcome objections)
Specifying the form	Regarding drawing methods	Example: An examiner in charge of formality examination makes a determination based on implementation regulations Free description ( Yes )	Example: Dismissal for failure to comply with formalities and dismissal of the application Free description ( Yes, 12 months to overcome objections as above)
	Clarity of the design	Example: An examiner in charge of substantive examination makes a determination based on design law, etc.* Free description ( Yes )	Example: Sending a notice of reasons for refusal Free description ( Yes, 12 months to overcome objections as above )

\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled?

Action	Specific handling	Postponement of the filing date	
Example: Sending a notice of reasons for refusal to the effect that the design cannot be specified	Example: Dismissing an amendment if the amendment is not permitted		Not postponed
Free description ( an examination report is sent to the applicant)	Free description (responses can be dismissed but the applicant can try again. Maximum period to overcome objections is 12 months as above )	<input type="checkbox"/> Postponed	<input checked="" type="checkbox"/> Not postponed
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input checked="" type="checkbox"/> Not postponed

Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input checked="" type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design"	<input checked="" type="checkbox"/> Necessary at the time of filing by including in wording of statement of novelty	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Explanation of function/operation	<input type="checkbox"/> Necessary at the time of	<input type="checkbox"/> Necessary at the time of

	filing	registration
<input type="checkbox"/> Size and color	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Method of omitting drawings	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration

Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? If not, please describe why.

[Article to the design] Nozzle of a nebulizer for packaging

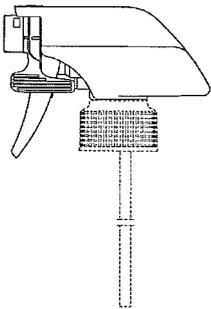
[Partial design]

[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever.

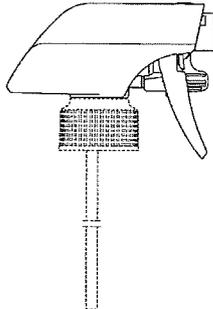
[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design is requested. In the drawings attached to the application, the length of the omitted tube is 5 cm.

“Nozzle” or “Nozzle for Nebulizer” would probably be sufficient. However objection would likely require the whole article (ie including the bottle) to be shown. Novelty in the bottle could be disclaimed in the statement of novelty.

[Front view]



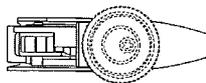
[Back view]



[Plane view]



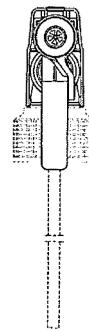
[Bottom view]



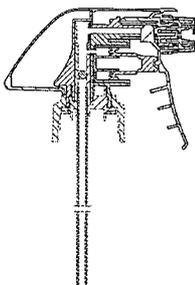
[Right-side view]



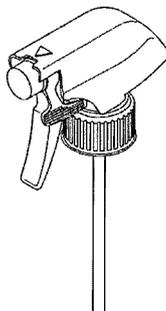
[Left-side view]



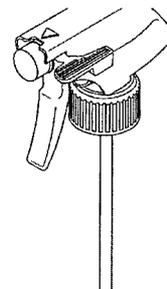
[Left side central longitudinal end view; internal mechanism is omitted]



[Reference perspective view with the grip part in the down position]



[Reference perspective view with the grip part in the up position]



Description of the reasons why a design would not be found in your country, if applicable.
central longitudinal end view may be objected to as showing internal parts not seen in the article.

Q5-9 If amendment/division/conversion of an application is permitted, please describe the scope of amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments	
(1) Amendment beyond the type of design <input checked="" type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / <input checked="" type="checkbox"/> Amendment from a partial design to another partial design (2) Amendment beyond the type of drawing <input checked="" type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input type="checkbox"/> Amendment from a drawing to a specimen/model and vice versa <input type="checkbox"/> Amendment from a photograph to a specimen/model and vice versa <input checked="" type="checkbox"/> Amendment from a color image to a monochrome image and vice versa	(3) Amendment beyond the type of view <input checked="" type="checkbox"/> Addition of a perspective view / <input type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa (4) Amendment of the content of a design <input type="checkbox"/> Addition of a new matter (change of the gist of the design) <input checked="" type="checkbox"/> Amendment that does not affect the finding of the gist of the design can probably be made <input checked="" type="checkbox"/> Amendment that does not affect the determination of similarity can probably be made <input checked="" type="checkbox"/> Amendment to the scope of the design for which design registration is requested can probably be made The items marked "X" above may be requested by the examiner.
Free description: Once registered there is no provision for amendment	

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments can be made.

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design		
Explanation of the article to the design	May be required by examiner to aid classification	Before registration period limited to 12 months from filing
Explanation of the design	Yes, probably	Before registration period limited to 12 months from filing

Permissible division (free description): Division is available if multiple designs are filed in one application

Permissible conversion of an	<input type="checkbox"/> From a design application to a patent/utility	<input type="checkbox"/> From a design application to a trademark
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application	model application and vice versa	application and vice versa
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[6. Understanding of the unity of design] The following questions are to countries that adopt a one application for multiple designs system. What is your understanding of the unity of design? Please answer the following questions.

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry
An application may be filed for a set of articles but the designs office require the set to be of articles that are of the same general character, ordinarily on sale together and intended to be used together.	

Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple dissimilar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple similar designs for the same article (e.g. multiple chair designs)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
A single design designating multiple articles	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included unless it is a set
Multiple dissimilar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple similar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included

Q6-3 What is the scope of a single design? Please choose whether the following are recognized to be single designs.

Multiple embodiments based on one design (e.g. an unpackaged article and multiple packaged working examples)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized
Sets, such as a set of knives, forks and spoons	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
For such sets, are applicants permitted to freely combine articles and file an application for the combination as single design?	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized

Articles which move or change entirely or in part (e.g. a toy car that changes into a robot through assembly)	<input checked="" type="checkbox"/> Recognized but only in one state	<input type="checkbox"/> Not recognized
Transitional images (e.g. an image that is developed through the operation of a music playing device)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized

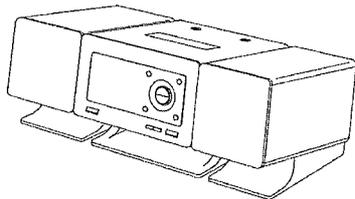
Q6-4 Please inform us of specific cases of not being recognized to be a single design.

Articles usually on sale together but not intended to be used together.

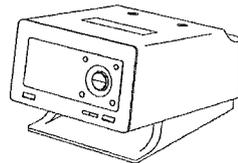
Q6-5 In the example case shown below, would the set be recognized to be a single design in your country? If not, please provide the reasons.

[Article to the design] A set of audio equipment  
 [Explanation of the article to the design] This article consists of the body part which is a chassis that houses multiple types of audio equipment and two speaker boxes on its left and right sides which receive audio signal output from the body part and release it as sound. The body part and the two speaker boxes are separable.

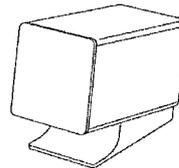
[Perspective view]



[Perspective view of the body part]



[Perspective view of the speaker part]



<input type="checkbox"/> Recognized to be a single design	<input checked="" type="checkbox"/> Not recognized to be a single design Reasons ( Items are not of the same general character )
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[7. Design right] What is your understanding of the effect of a design right? Please answer the following questions.

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right? Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity included in the name of an article	<input type="checkbox"/> The scope is limited to that of the article stated in the application	<input checked="" type="checkbox"/> The scope extends to articles similar to the article stated in the application
	<input type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form	<input type="checkbox"/> (Free description) Includes designs not substantially different from the registered design. Also includes anything for enabling such articles to be made.

Parts that are not disclosed in drawings, etc.	(Free description) A part would probably not infringe a registration. I am unaware of a decision on this point	
Color or monochrome	(Free description) Colour is generally not relevant	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	(Free description) This question is not clear.	
Scope of a design depicted in views, etc.	<input checked="" type="checkbox"/> The scope is the same as that of the views, etc.	<input type="checkbox"/> The scope extends to similar views, etc.

Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

The question to be tried is is the similarity of the design applied to an article.

Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

The subject matter of the design is not new or original at the date of registration(filing or priority date) or any other ground on which the Commissioner could have refused registration.

[8. Other]

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?

<input checked="" type="checkbox"/> Sufficient but the designs office usually require a perspective view.	<input type="checkbox"/> Insufficient
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Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient disclosure of a design?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (Please specifically describe: )
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Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes In what situation? → (Free description: within 3 months of filing )
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Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

<input type="checkbox"/> Accepted	<input checked="" type="checkbox"/> Not accepted	<input type="checkbox"/> Other ( Convention documents can have multiple applications only one of which is filed in New Zealand are acceptable)
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[Request for information gathering]

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc.

There are not many New Zealand decisions in relation to registered Designs. British decisions are usually relevant. Of the New Zealand decisions many relate to Interim Injunctions.

**BEP Marine Ltd v Aquatech Marine Ltd** – Defendants arguments which urged isolation of features with eye appeal, rather than visual comparison, overstated the importance of individual features.

**Sutton v Bay Masonry Ltd** – this related to a fence post with “Z” cross-section. It was held that the Z-post achieved shape or configuration by an industrial process applied to an article however the shape of Z-post was functional and could not be said to appeal to the eye and therefore registration was revoked. The Z-post was too general for registration as a design and amounted to a method or principle of construction.

**Permanent Promotions Pty Ltd v Independent Liquor (NZ) Ltd** – Registration of a design conferred a prima facie right sufficient to overcome the hurdle of establishing that a serious question existed to be tried. Overall interests of justice required grant of an interim injunction on strict terms which included the plaintiff giving an undertaking as to damages if the plaintiff lost the substantive case. (Such undertaking is required from an interim injunction) (It is not clear that registration does in fact overcome the hurdle referred to in all cases).

In *Brand Developers v Ezibuy* (alleged infringing product outside statement of novelty), and *Viscount Plastics Ltd. v Lamnei Plastics Ltd* interim injunctions were not granted although in *Viscount* a direction that the matter be brought on for trial quickly was given.

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites and names of documents which are especially informative with regard to expression of a design under your country’s design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved.

Designs Act 1953

Designs regulations 1954

[www.legislation.govt.nz](http://www.legislation.govt.nz)

アラブ首長国連邦アンケート回答

[1. System] Please answer the following questions with regard to design-related industrial property right systems in your country.

Q1-1 Does your country have (1) a design law (legally binding), (2) formality examination regulations (legally binding), and (3) design examination guidelines (not legally binding)?

Design law <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Formality examination regulations <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Design examination guidelines <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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(2) refers to detailed rules, such as implementation regulations needed for the law or detailed provisions based on the law, and (3) refers to examination practices.

Q1-2 In your country, is there a special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality? Is there also a special department that assigns and confirms classifications in your country? If so, please enter the number of persons in charge in such special departments.

Special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality	<input checked="" type="checkbox"/> Yes (no. of persons in charge: 2 )	<input type="checkbox"/> No
Special department that assigns and confirms classifications	<input type="checkbox"/> Yes (no. of persons in charge: 2 )	<input checked="" type="checkbox"/> No

Determining whether a design application is novel/creative through prior design search is to be called "conducting substantive examination."

Q1-3 Is substantive examination conducted for design applications in your country?

<input type="checkbox"/> Yes (for all applications)	<input type="checkbox"/> Yes (for some design applications)	<input checked="" type="checkbox"/> No (i.e. substantive examination is provided for by regulations, however this practice not yet adopted by the patent office)
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Q1-4 Is there a special department that conducts substantive examinations? If so, please enter the number of persons in charge in the special department.

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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Q1-5 This question applies to countries in which substantive examinations are conducted. Please check the applicable boxes below in relation to the scope of prior design searches conducted to determine novelty.

<input type="checkbox"/> Design gazette of your country	<input type="checkbox"/> Design gazette of other countries (→ Which countries/regions? _____)
<input type="checkbox"/> Patent gazette, etc.	<input type="checkbox"/> Publicly known materials ( <input type="checkbox"/> magazines/catalogs <input type="checkbox"/> internet <input type="checkbox"/> other (            ))

Q1-6 Please let us know the situation in your country with regard to the following.



<input checked="" type="checkbox"/> Drawings	<input checked="" type="checkbox"/> Photographs	<input type="checkbox"/> Specimens	<input type="checkbox"/> Other ( )
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Q3-3 If there are any special fee systems in relation to the format of a design application, please check the applicable boxes below to indicate their features. Please describe systems other than those listed below in the "Other" box.

Fee system	In what cases	Details of the fees
<input type="checkbox"/> Computerization fees		
<input type="checkbox"/> Storage fees		
<input type="checkbox"/> Other		
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs		
<input checked="" type="checkbox"/> Other	Individual vs. Corporation	

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input type="checkbox"/> Up to <u>20</u> drawings per design	<input type="checkbox"/> No provisions
Size of drawings (size of each drawing)	<input checked="" type="checkbox"/> (Free description) 10 x 20 cm Max	<input type="checkbox"/> No provisions
Drawing methods	e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are permitted only for oblique-perspective drawings).  Photographs, drawings or tracings.  <input checked="" type="checkbox"/> (Free description)  - A copy of each side (view) of the design if it is a 3 dimensional	<input type="checkbox"/> No provisions
Notation in drawings	<input type="checkbox"/> Indication of direction and content (e.g. "front view" and "reference drawing showing the conditions of use") <input checked="" type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2") <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Omission of drawings	<input type="checkbox"/> For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted <input type="checkbox"/> For a three-dimensional subject, if two drawings are identical or symmetrical, either may be omitted	<input checked="" type="checkbox"/> No provisions

	<input type="checkbox"/> Other (free description) ( )	
Addition of drawings other than necessary drawings	<input type="checkbox"/> Not permitted <input checked="" type="checkbox"/> Development view, cross-section view, magnified view, perspective view, image view, etc. <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Reference drawings	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted where necessary to help the examiner understand the design <input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use <input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations <input type="checkbox"/> Other (free description) ( )	<input checked="" type="checkbox"/> No provisions
Styles of lines	<input type="checkbox"/> Different lines are used to express transparent parts <input type="checkbox"/> Different lines are used to express materials Specifically → (Free description: ) [Please answer the following if your country has a partial design system] <input type="checkbox"/> Different lines are used to distinguish a part for which an applicant requests design registration from other parts <input type="checkbox"/> Other (free description) ( )	<input checked="" type="checkbox"/> No provisions
Existence and expression of color	<input checked="" type="checkbox"/> Drawings consisting solely of lines are permitted / <input type="checkbox"/> Drawings consisting solely of lines are not permitted <input type="checkbox"/> Drawings which include color are permitted / <input checked="" type="checkbox"/> Drawings which include color are not permitted <input type="checkbox"/> Color may be specified in a way other than by drawing (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> The part for which the applicant requests design registration may be specified using different colors	<input type="checkbox"/> No provisions
Expression of shading, etc.	<input checked="" type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Other material that may be included (free description)	

In the case of expression by photographs		
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Number. of photographs	<input type="checkbox"/> Up to <u>20</u> photographs per design	<input type="checkbox"/> No provisions
Size of photographs (size of each photograph)	<input type="checkbox"/> (Free description) 10 x 20 cm Max	<input type="checkbox"/> No provisions
Sharpness	<input type="checkbox"/> (Free description)	<input checked="" type="checkbox"/> No provisions
Existence and expression of color	<input checked="" type="checkbox"/> Black-and-white photographs are permitted / <input type="checkbox"/> Black-and-white photographs are not permitted <input type="checkbox"/> Color photographs are permitted / <input checked="" type="checkbox"/> Color photographs are not permitted [Please answer the following if your country has a partial design system] <input type="checkbox"/> Different colors may be applied to photographs	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input checked="" type="checkbox"/> No provisions

In the case of expression by specimens		
<input checked="" type="checkbox"/> Expression by specimens is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Mannequins and other accessories	<input type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input type="checkbox"/> No provisions

In the case of expression by electronic images, such as CG (computer graphics)		
<input checked="" type="checkbox"/> Expression by electronic images, such as CG (computer graphics), is not permitted		
Reasons ( )		
Provisions	Details of the provisions	
Types of images (still/moving images)	<input type="checkbox"/> Only still images are permitted	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to _____ images per design	<input type="checkbox"/> No provisions
Permitted image formats	<input type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Image data amount (size)	<input type="checkbox"/> Up to _____	<input type="checkbox"/> No provisions
Existence and expression of color	<input type="checkbox"/> Black-and-white images are permitted / <input type="checkbox"/> Black-and-white images are not permitted	<input type="checkbox"/> No provisions

	<input type="checkbox"/> Color images are permitted / <input type="checkbox"/> Color images are not permitted <input type="checkbox"/> Color may be specified in a way other than through the use of images (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> A part for which an applicant requests design registration may be specified by using different colors
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[4. Description in an application in relation to the expression of a design] With regard to the description in an application in relation to the expression of a design, please answer the following questions.

Q4-1 Please check the applicable boxes below to indicate the contents (items described) of documents submitted in filing a design application in your country.

Article to the design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the article	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
If your country has a partial design system, indication of partial design	<input type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

Q4-1-1 What provisions exist concerning statements in the "Article to the design" section? Please describe them below.

Example 1: In Japan, statements must follow the classification of articles specified in the Ordinance of the Ministry of Economy, Trade and Industry (bottom column of Appended Table 1). If an article does not belong to any classification, the applicant provides explanations to help the examiner understand the article in the "Explanation of the article" section, such as its purpose and the conditions of its use.

Example 2: Articles included in the International Classification for Industrial Designs are permitted.

Articles included in the International Classification for Industrial Designs are permitted.

Q4-1-2 With regard to the (1) "Explanation of the article" and (2) "Explanation of the design" sections in an application, please write Y or N in the parentheses below to indicate whether or not the relevant matter can be stated in the respective section.

Purpose of use: (1) ( Y )/(2) ( Y )	Method of operation: (1) ( Y )/(2) ( Y )	Material: (1) ( Y )/(2) ( Y )	Size: (1) ( Y )/(2) ( Y )
Colored/transparent parts: (1) ( N )/(2) ( N )	Continuity of a pattern: (1) ( Y )/(2) ( Y )	Features of the design: (1) ( Y )/(2) ( Y )	
Other statements permitted (free description) (1) / (2)		Other statements not permitted (free description) (1) / (2)	

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design.

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the

method

by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

N/A

[5. Understanding of specification/finding/amendment of a design] What is your understanding with regard to the specification/finding/amendment of a design?

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the requirements for disclosure of a design considered sufficient to secure the filing date?

Federal Law No. 17/2002 as amended by Federal Law No. 31 of 2006  
Cabinet Decision No. 11 of 1993

Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input type="checkbox"/> Country's own design classification	<input checked="" type="checkbox"/> International Classification for Industrial Designs	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input checked="" type="checkbox"/> Applicant	<input type="checkbox"/> Government office	<input type="checkbox"/> Other ( )
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Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input type="checkbox"/> All articles with the same classification are similar	<input type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input checked="" type="checkbox"/> Other (free description) International Classification
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Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations).

	Who is empowered to find a design, and based on what standards?	Handing of cases in which a design cannot be found
Specifying the scope of similarity of articles	<p>Example: An examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings, etc. attached to it.*</p> <p>Free description (An examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings,</p>	<p>Example: Sending a notice of reasons for refusal</p> <p>Free description (Sending a notice of reasons for refusal)</p>

	etc. attached to it.)		
Specifying the form	Regarding drawing methods	Example: An examiner in charge of formality examination makes a determination based on implementation regulations  Free description  (An examiner in charge of formality examination makes a determination based on implementation regulations /internal administrative guides)	Example: Dismissal for failure to comply with formalities and dismissal of the application  Free description  (Dismissal for failure to comply with formalities and dismissal of the application)
	Clarity of the design	Example: An examiner in charge of substantive examination makes a determination based on design law, etc.*  Free description  (An examiner in charge of substantive examination makes a determination based on design law, etc.)	Example: Sending a notice of reasons for refusal  Free description  (Sending a notice of reasons for refusal)

\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled?

Action	Specific handling	Postponement of the filing date	
		Postponed	Not postponed
Example: Sending a notice of reasons for refusal to the effect that the design cannot be specified	Example: Dismissing an amendment if the amendment is not permitted	Not postponed	
Free description (Sending a notice of reasons for refusal to the effect that the design cannot be specified)	Free description (Dismissing an amendment if the amendment is not permitted)	<input type="checkbox"/> Postponed	<input checked="" type="checkbox"/> Not postponed
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed

Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design"	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
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<input checked="" type="checkbox"/> Explanation of function/operation	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Size and color	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Method of omitting drawings	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration

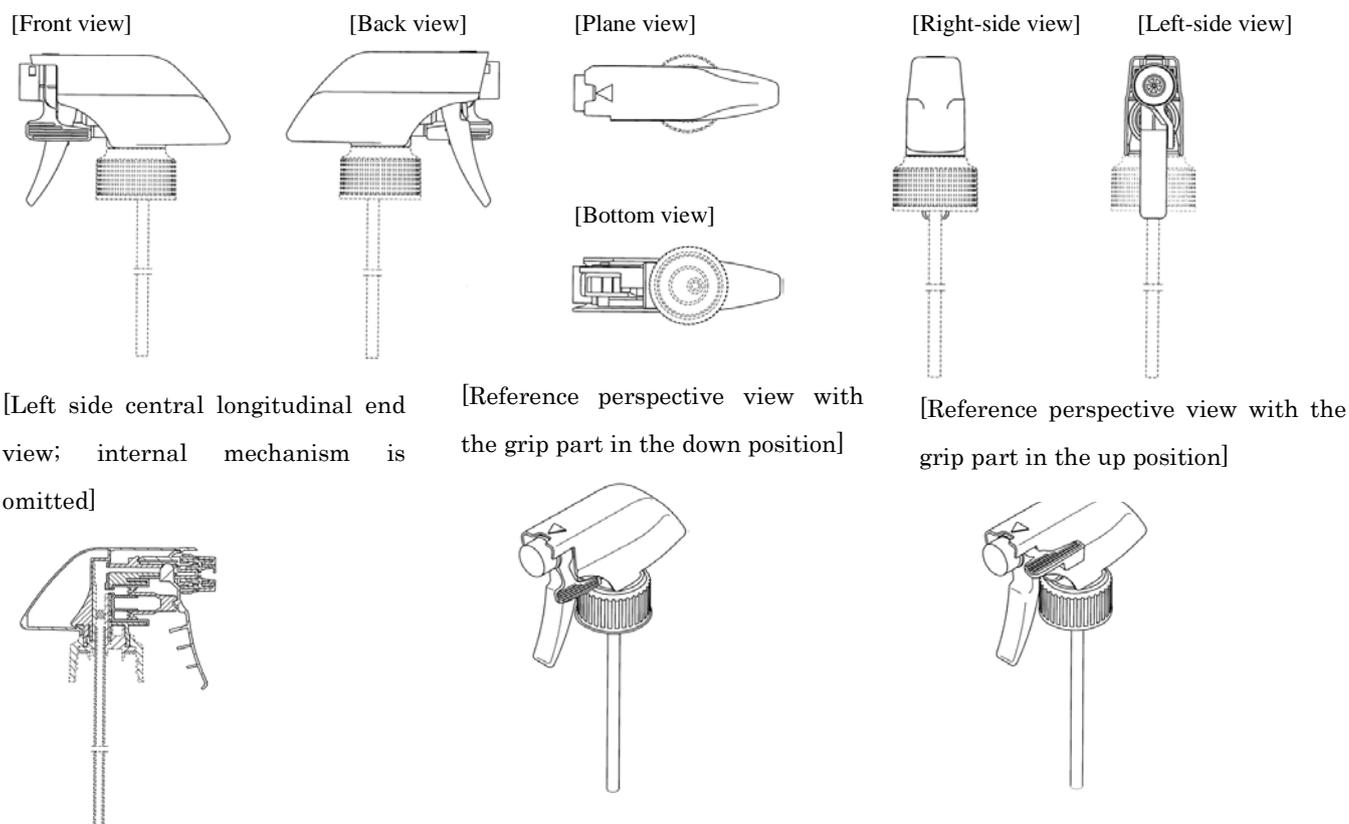
Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? If not, please describe why.

[Article to the design] Nozzle of a nebulizer for packaging

[Partial design]

[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever.

[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design is requested. In the drawings attached to the application, the length of the omitted tube is 5 cm.



Description of the reasons why a design would not be found in your country, if applicable.

N/A

Q5-9 If amendment/division/conversion of an application is permitted, please describe the scope of amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments	
(1) Amendment beyond the type of design <input type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / <input type="checkbox"/> Amendment from a partial design to another partial design (2) Amendment beyond the type of drawing <input type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input type="checkbox"/> Amendment from a drawing to a specimen/model and vice versa <input type="checkbox"/> Amendment from a photograph to a specimen/model and vice versa <input type="checkbox"/> Amendment from a color image to a monochrome image and vice versa	(3) Amendment beyond the type of view <input checked="" type="checkbox"/> Addition of a perspective view / <input checked="" type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa (4) Amendment of the content of a design <input type="checkbox"/> Addition of a new matter (change of the gist of the design) <input checked="" type="checkbox"/> Amendment that does not affect the finding of the gist of the design <input checked="" type="checkbox"/> Amendment that does not affect the determination of similarity <input type="checkbox"/> Amendment to the scope of the design for which design registration is requested
Free description: N/A	

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments can be made.

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design	Yes	before examination
Explanation of the article to the design	Yes	before examination
Explanation of the design	Yes	before examination

Permissible division (free description): No
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Permissible conversion of an application	<input type="checkbox"/> From a design application to a patent/utility model application and vice versa	<input type="checkbox"/> From a design application to a trademark application and vice versa
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[6. Understanding of the unity of design] The following questions are to countries that adopt a one application for multiple designs system. What is your understanding of the unity of design? Please answer the following questions.

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry
More than one industrial drawing or design is	Section 45 of Federal Law No. 31 of 2006

permitted if are interrelated in terms of manufacture and uses and their total number does not exceed 20 drawings or designs.	
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Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple dissimilar designs for the same article (e.g. multiple chair designs)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple similar designs for the same article (e.g. multiple chair designs)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
A single design designating multiple articles	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs (the designs may be used for the same or different articles)	<input type="checkbox"/> Can be included	<input checked="" type="checkbox"/> Cannot be included
Multiple similar designs (the designs may be used for the same or different articles)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included

Q6-3 What is the scope of a single design? Please choose whether the following are recognized to be single designs.

Multiple embodiments based on one design (e.g. an unpackaged article and multiple packaged working examples)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized
Sets, such as a set of knives, forks and spoons	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized
For such sets, are applicants permitted to freely combine articles and file an application for the combination as single design?	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized
Articles which move or change entirely or in part (e.g. a toy car that changes into a robot through assembly)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized
Transitional images (e.g. an image that is developed through the operation of a music playing device)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized

Q6-4 Please inform us of specific cases of not being recognized to be a single design.

None we are aware of
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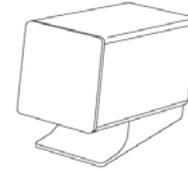
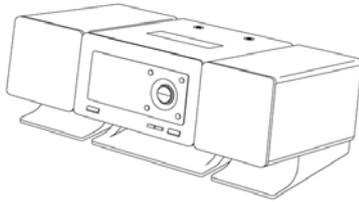
Q6-5 In the example case shown below, would the set be recognized to be a single design in your country? If not, please provide the reasons.

<p>[Article to the design] A set of audio equipment</p> <p>[Explanation of the article to the design] This article consists of the body part which is a chassis that houses multiple types of audio equipment and two speaker boxes on its left and right sides which receive audio signal output from the body part and release it as sound. The body part and the two speaker boxes are separable.</p>
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[Perspective view]

[Perspective view of the body part]

[Perspective view of the speaker part]



<input checked="" type="checkbox"/> Recognized to be a single design	<input type="checkbox"/> Not recognized to be a single design Reasons ( )
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[7. Design right] What is your understanding of the effect of a design right? Please answer the following questions.

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right? Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity included in the name of an article	<input type="checkbox"/> The scope is limited to that of the article stated in the application	<input checked="" type="checkbox"/> The scope extends to articles similar to the article stated in the application ( Section 51)
	<input type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form	<input type="checkbox"/> (Free description)
Parts that are not disclosed in drawings, etc.	(Free description)	
Color or monochrome	(Free description)	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	(Free description)	
Scope of a design depicted in views, etc.	<input type="checkbox"/> The scope is the same as that of the views, etc.	<input checked="" type="checkbox"/> The scope extends to similar views, etc.

Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

Prior use (Section 17)
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Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

Novelty / Industrial applicability.
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[8. Other]

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?

<input checked="" type="checkbox"/> Sufficient	<input type="checkbox"/> Insufficient
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Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient disclosure of a design?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (Please specifically describe: _____ )
--	--

Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes In what situation? → (Free description: _____ Always _____ )
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Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

<input type="checkbox"/> Accepted	<input type="checkbox"/> Not accepted	<input type="checkbox"/> Other (Priority claim may be rejected)
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[Request for information gathering]

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc.

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites and names of documents which are especially informative with regard to expression of a design under your country's design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved.

- Federal Law No. 17/2002 as amended by Federal Law No. 31 of 2006
- Cabinet Decision No. 11-1993
- [www.iprights.com](http://www.iprights.com)
- Peter Hansen, Intellectual Property Law and Practice of the UAE
- PLC Cross Border Handbooks:
  - IP in Business Transactions



フランスアンケート回答

[1. System] Please answer the following questions with regard to design-related industrial property right systems in your country.

Q1-1 Does your country have (1) a design law (legally binding), (2) formality examination regulations (legally binding), and (3) design examination guidelines (not legally binding)?

Design law <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Formality examination regulations <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Design examination guidelines <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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(2) refers to detailed rules, such as implementation regulations needed for the law or detailed provisions based on the law, and (3) refers to examination practices.

Q1-2 In your country, is there a special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality? Is there also a special department that assigns and confirms classifications in your country? If so, please enter the number of persons in charge in such special departments.

Special department that confirms the description requirements of drawings for design applications and examines design applications in terms of public order and morality	<input type="checkbox"/> Yes <b>there is no special department in charge of the control. the person in charge of the case will follow it throughout the procedure</b>	<input type="checkbox"/> No
Special department that assigns and confirms classifications	<input type="checkbox"/> Yes (no. of persons in charge: )	<input type="checkbox"/> No

Determining whether a design application is novel/creative through prior design search is to be called "conducting substantive examination."

Q1-3 Is substantive examination conducted for design applications in your country?

<input type="checkbox"/> Yes (for all applications)	<input type="checkbox"/> Yes (for some design applications)	<input checked="" type="checkbox"/> No
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Q1-4 Is there a special department that conducts substantive examinations? If so, please enter the number of persons in charge in the special department.

<input type="checkbox"/> Yes (no. of persons in charge: )	<input checked="" type="checkbox"/> No
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Q1-5 This question applies to countries in which substantive examinations are conducted. Please check the applicable boxes below in relation to the scope of prior design searches conducted to determine novelty.

<input type="checkbox"/> Design gazette of your country	<input type="checkbox"/> Design gazette of other countries (→ Which countries/regions? _____)
<input type="checkbox"/> Patent gazette, etc.	<input type="checkbox"/> Publicly known materials ( <input type="checkbox"/> magazines/catalogs <input type="checkbox"/> internet <input type="checkbox"/> other ( ))

Q1-6 Please let us know the situation in your country with regard to the following.

Partial design system <input checked="" type="checkbox"/> Available <input type="checkbox"/> Not available	Accelerated examination system <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available
Related design system <input type="checkbox"/> Available <input checked="" type="checkbox"/> Not available	Exception to lack of novelty <input checked="" type="checkbox"/> Available <input type="checkbox"/> Not available



Fee system	In what cases	Details of the fees
<input type="checkbox"/> Computerization fees		
<input type="checkbox"/> Storage fees		
<input type="checkbox"/> Other		
Reduction/exemption system	In what cases	Details of the fees
<input type="checkbox"/> In relation to the number of applications or the number of designs		
<input type="checkbox"/> Other		

Q3-4 Are there any provisions concerning the permitted measures of expressing designs in design applications in your country? If so, what are their features? Please check the applicable boxes below and describe any features not listed below in the areas marked "free description".

In the case of expression by drawings		
Provisions	Details of the provisions	
Number of drawings	<input type="checkbox"/> Up to <u>100</u> drawings per design	<input type="checkbox"/> No provisions
Size of drawings (size of each drawing)	<input type="checkbox"/> (Free description) 8 cm x 8 cm	<input type="checkbox"/> No provisions
Drawing methods	e.g., The orthogonal drawing method; the isometric drawing method and the cabinet/cavalier drawing methods (cabinet drawings or cavalier drawings are permitted only for oblique-perspective drawings). <b>ok</b> <input type="checkbox"/> (Free description) ( )	<input type="checkbox"/> No provisions
Notation in drawings	<input checked="" type="checkbox"/> Indication of direction and content (e.g. "front view" and "reference drawing showing the conditions of use") <input checked="" type="checkbox"/> Appendix of reference numbers (e.g. "fig. 1," "1.1," and "1-2") <input type="checkbox"/> Other ( )	<input type="checkbox"/> No provisions
Omission of drawings	<input type="checkbox"/> For a two-dimensional subject whose reverse side lacks any design elements, a drawing of the reverse side may be omitted <input type="checkbox"/> For a three-dimensional subject, if two drawings are identical or symmetrical, either may be omitted <input type="checkbox"/> Other (free description) ( )	<input checked="" type="checkbox"/> No provisions
Addition of drawings other than necessary drawings	<input type="checkbox"/> Not permitted <input checked="" type="checkbox"/> Development view, cross-section view, magnified view, perspective view, image view, etc. <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Reference drawings	<input type="checkbox"/> Not permitted	<input checked="" type="checkbox"/> No provisions

	<input type="checkbox"/> Permitted where necessary to help the examiner understand the design <input type="checkbox"/> Permitted if a reference drawing is one that indicates the conditions of use <input type="checkbox"/> Permitted if a reference drawing describes incoming lines and/or provides explanations <input type="checkbox"/> Other (free description) ( )	
Styles of lines	<input checked="" type="checkbox"/> Different lines are used to express transparent parts <input checked="" type="checkbox"/> Different lines are used to express materials Specifically → (Free description: ) [Please answer the following if your country has a partial design system] <input checked="" type="checkbox"/> Different lines are used to distinguish a part for which an applicant requests design registration from other parts <input type="checkbox"/> Other (free description) ( )	<input type="checkbox"/> No provisions
Existence and expression of color	<input checked="" type="checkbox"/> Drawings consisting solely of lines are permitted / <input type="checkbox"/> Drawings consisting solely of lines are not permitted <input checked="" type="checkbox"/> Drawings which include color are permitted / <input type="checkbox"/> Drawings which include color are not permitted <input type="checkbox"/> Color may be specified in a way other than by drawing (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> The part for which the applicant requests design registration may be specified using different colors	<input type="checkbox"/> No provisions
Expression of shading, etc.	<input checked="" type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Other material that may be included (free description)	

In the case of expression by photographs		
<input type="checkbox"/> Expression by photographs is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Number. of photographs	<input type="checkbox"/> Up to <u>100</u> photographs per design	<input type="checkbox"/> No provisions
Size of photographs (size of each photograph)	<input type="checkbox"/> (Free description) 8 cm x 8 cm	<input type="checkbox"/> No provisions
Sharpness	<input type="checkbox"/> (Free description) the highest possible	<input type="checkbox"/> No provisions

Existence and expression of color	<input checked="" type="checkbox"/> Black-and-white photographs are permitted / <input type="checkbox"/> Black-and-white photographs are not permitted <input checked="" type="checkbox"/> Color photographs are permitted / <input type="checkbox"/> Color photographs are not permitted [Please answer the following if your country has a partial design system] <input checked="" type="checkbox"/> Different colors may be applied to photographs	<input type="checkbox"/> No provisions
Description of materials other than the subject design	<input type="checkbox"/> The background may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Mannequins and models (persons), etc. may be included	<input checked="" type="checkbox"/> No provisions
	<input type="checkbox"/> Incoming lines and explanations described in drawings are permitted	<input checked="" type="checkbox"/> No provisions

In the case of expression by specimens		
<input type="checkbox"/> Expression by specimens is not permitted. Reasons ( )		
Provisions	Details of the provisions	
Mannequins and other accessories	<input checked="" type="checkbox"/> Not permitted <input type="checkbox"/> Permitted with certain restrictions (What are the restrictions? → )	<input type="checkbox"/> No provisions

In the case of expression by electronic images, such as CG (computer graphics)		
<input type="checkbox"/> Expression by electronic images, such as CG (computer graphics), is not permitted Reasons ( )		
Provisions	Details of the provisions	
Types of images (still/moving images)	<input checked="" type="checkbox"/> Only still images are permitted	<input type="checkbox"/> Moving images are also permitted
Number of images	<input type="checkbox"/> Up to <u>100</u> images per design	<input type="checkbox"/> No provisions
Permitted image formats	<input type="checkbox"/> JPEG <input type="checkbox"/> BMP <input type="checkbox"/> GIF <input checked="" type="checkbox"/> Other ( <b>paper document</b> )	<input type="checkbox"/> No provisions
Image data amount (size)	<input type="checkbox"/> Up to _____	<input type="checkbox"/> No provisions
Existence and expression of color	<input checked="" type="checkbox"/> Black-and-white images are permitted / <input type="checkbox"/> Black-and-white images are not permitted <input checked="" type="checkbox"/> Color images are permitted / <input type="checkbox"/> Color images are not permitted <input type="checkbox"/> Color may be specified in a way other than through the use of images (via a written statement in an application, etc.) [Please answer the following if your country has a partial design system] <input type="checkbox"/> A part for which an applicant requests design registration may be specified by using different colors	<input type="checkbox"/> No provisions

[4. Description in an application in relation to the expression of a design] With regard to the description in an application in relation to the expression of a design, please answer the following questions.

Q4-1 Please check the applicable boxes below to indicate the contents (items described) of documents submitted in filing a design application in your country.

Article to the design	<input checked="" type="checkbox"/> Necessary	<input type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the article	<input type="checkbox"/> Necessary	<input checked="" type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
Explanation of the design	<input type="checkbox"/> Necessary	<input checked="" type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.
If your country has a partial design system, indication of partial design	<input type="checkbox"/> Necessary	<input checked="" type="checkbox"/> Voluntary	<input type="checkbox"/> No such item.

Q4-1-1 What provisions exist concerning statements in the "Article to the design" section? Please describe them below.

Example 1: In Japan, statements must follow the classification of articles specified in the Ordinance of the Ministry of Economy, Trade and Industry (bottom column of Appended Table 1). If an article does not belong to any classification, the applicant provides explanations to help the examiner understand the article in the "Explanation of the article" section, such as its purpose and the conditions of its use.

Articles included in the International Classification for Industrial Designs are permitted

Q4-1-2 With regard to the (1) "Explanation of the article" and (2) "Explanation of the design" sections in an application, please write Y or N in the parentheses below to indicate whether or not the relevant matter can be stated in the respective section.

Purpose of use: (1) ( N)/(2) ( Y )	Method of operation: (1) ( N)/(2) ( N )	Material: (1) ( N)/(2) ( Y )	Size: (1) ( N)/(2) ( Y )
Colored/transparent parts: (1) ( N)/(2) ( Y )	Continuity of a pattern: (1) ( N)/(2) ( N )	Features of the design: (1) ( N)/(2) ( Y )	
Other statements permitted (free description) (1) / (2)		Other statements not permitted (free description) (1) / (2)	

Q4-1-3 This question applies to countries with partial design systems. Please describe provisions concerning cases in which it is stated in an application that the design in the application concerned is a partial design.

Example: In Japan, the applicant must include a "Partial design" section in the application with the name of the article (e.g., "camera" in the case of a partial design of the grip part of a camera) subject to the right in the "Article to the design" section, and must also describe the method by which the part for which the applicant requests design registration is specified in drawings, etc., in the "Explanation of the design" section.

There is no provision to that respect in French law

[5. Understanding of specification/finding/amendment of a design] What is your understanding with regard to the specification/finding/amendment of a design?

Q5-1 What provisions (laws, implementation regulations, detailed rules, guidelines, etc.) exist concerning the requirements for disclosure of a design considered sufficient to secure the filing date?

A registered design initially has a life of five years from the filing date and can be renewed in blocks of five years up to a maximum of 25 years. Applicants may market a design for up to 12 months before filing for an registered design without destroying its novelty.

A design shall be deemed to have been made available to the public if it has been published following registration or otherwise, or exhibited, used in trade or otherwise disclosed in the normal course of business to the circles specialized in the sector concerned, operating within the Community. The design shall not, however, be deemed to have been made available to the public for the sole reason that it has been disclosed to a third person under explicit or implicit conditions of confidentiality. L 511.6 IPC, Council Regulation (EC) n° 6/2002 of 12 December 2001 on Community Designs.

Q5-2 What classifications does your country adopt? Please check the applicable boxes below.

<input type="checkbox"/> Country's own design classification	<input checked="" type="checkbox"/> International Classification for Industrial Designs (Locarno)	<input type="checkbox"/> Other country's classification (name of the country: )	<input type="checkbox"/> Other ( )
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Q5-3 Who assigns classifications?

<input checked="" type="checkbox"/> Applicant	<input checked="" type="checkbox"/> Government office	<input type="checkbox"/> Other ( )
---	---	------------------------------------

Q5-4 Is there any relationship between an assigned classification and the similarity of articles within it? Please check the applicable boxes below.

<input checked="" type="checkbox"/> All articles with the same classification are similar	<input type="checkbox"/> The scope of the similarity of articles is decided for each classification	<input type="checkbox"/> Other (free description)
---	---	---

Q5-5 Please describe the examination process prior to the finding of a design (including both formality and substantive examinations). **There is no substantive examination**

	Who is empowered to find a design, and based on what standards?	Handing of cases in which a design cannot be found
Specifying the scope of similarity of articles	Example: An examiner in charge of substantive examination makes a comprehensive determination based on statements in an application and drawings, etc. attached to it.* Free description ( )	Example: Sending a notice of reasons for refusal Free description ( )
Specifying the form	Regarding drawing methods Example: An examiner in charge of formality examination makes a determination based on implementation regulations Free description ( )	Example: Dismissal for failure to comply with formalities and dismissal of the application Free description ( )
	Clarity of	Example: An examiner in charge of substantive
		Example: Sending a notice of reasons for

	the design	examination makes a determination based on design law, etc.* Free description ( )	refusal Free description ( )
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\* In Japan, substantive matters regarding (1) the article to the design and (2) the form of the article to the design are comprehensively determined based on ordinary knowledge in the art to which the design pertains in light of statements in the application and drawings, etc. attached to it

Q5-6 With regard to provisions on the expression of a design in substantive examinations, how are inadequate descriptions handled?

Action	Specific handling	Postponement of the filing date	
Example: Sending a notice of reasons for refusal to the effect that the design cannot be specified	Example: Dismissing an amendment if the amendment is not permitted	Not postponed	
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed
Free description ( )	Free description ( )	<input type="checkbox"/> Postponed	<input type="checkbox"/> Not postponed

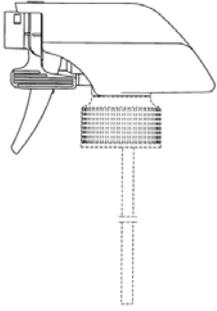
Q5-7 With regard to statements in an application, please check the boxes below to indicate information that must be provided in your country and the time at which the information is necessary (at the time of filing or registration (amendment is permitted)).

<input type="checkbox"/> For countries that have a partial design system, a statement to the effect that the design in the application is a "partial design" N.A	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Explanation of function/operation	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Size and color	<input checked="" type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration
<input type="checkbox"/> Method of omitting drawings N.A	<input type="checkbox"/> Necessary at the time of filing	<input type="checkbox"/> Necessary at the time of registration

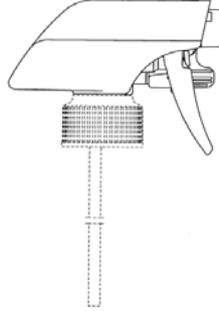
Q5-8 In the example case shown below, a design can be found in Japan. Would a design be found in the following case in your country? If not, please describe why

<p>[Article to the design] Nozzle of a nebulizer for packaging</p> <p>[Partial design]</p> <p>[Explanation of the article] This article is a nozzle of a nebulizer for packaging with a grip part that fixes or releases the nozzle lever.</p> <p>[Explanation of the design] The part expressed by solid lines is the part for which design registration as a partial design is requested. In the drawings attached to the application, the length of the omitted tube is 5 cm.</p>
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[Front view]



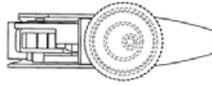
[Back view]



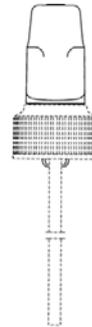
[Plane view]



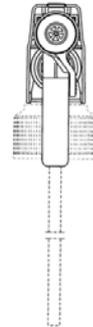
[Bottom view]



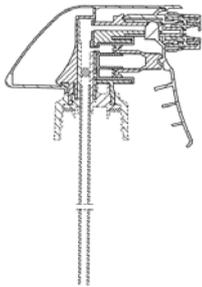
[Right-side view]



[Left-side view]



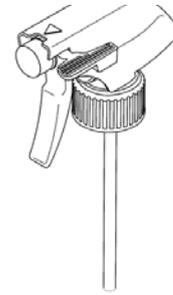
[Left side central longitudinal end view; internal mechanism is omitted]



[Reference perspective view with the grip part in the down position]



[Reference perspective view with the grip part in the up position]



Description of the reasons why a design would not be found in your country, if applicable.

A design only covers the appearance of a product: therefore “*the left side central longitudinal end view; internal mechanism*” cannot be protecting by design law.

A design cannot protect the function of a product : if the form is dictated exclusively by the function of the product, it cannot be protected by the Designs law.

Q5-9 If amendment/division/conversion of an application is permitted, please describe the scope of amendment/division/conversion that is permissible after a design is found. Please check the applicable boxes below and enter special instructions in the "Free description" column, if any.

Permissible amendments

<p>(1) Amendment beyond the type of design</p> <p><input type="checkbox"/> Amendment from a design for a whole article to a partial design and vice versa / <input type="checkbox"/> Amendment from a partial design to another partial design</p> <p>(2) Amendment beyond the type of drawing</p> <p><input type="checkbox"/> Amendment from a drawing to a photograph and vice versa / <input type="checkbox"/> Amendment from a drawing to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a photograph to a specimen/model and vice versa</p> <p><input type="checkbox"/> Amendment from a color image to a monochrome image and vice versa</p>	<p>(3) Amendment beyond the type of view</p> <p><input type="checkbox"/> Addition of a perspective view / <input type="checkbox"/> Amendment from a perspective view to a set of six drawings and vice versa</p> <p>(4) Amendment of the content of a design</p> <p><input type="checkbox"/> Addition of a new matter (change of the gist of the design)</p> <p><input type="checkbox"/> Amendment that does not affect the finding of the gist of the design</p> <p><input type="checkbox"/> Amendment that does not affect the determination of similarity</p> <p><input type="checkbox"/> Amendment to the scope of the design for which design registration is requested</p>
Free description: <b>No amendments allowed after the filing.</b>	

Q5-10 With regard to statements in an application, please describe items which may be amended and the period during which amendments can be made. **NO amendment**

	Permissibility of amendment (free description)	Period during which amendments can be made (free description)
Article to the design		
Explanation of the article to the design		
Explanation of the design		

Permissible division (free description):

Permissible conversion of an application (NO)	<input type="checkbox"/> From a design application to a patent/utility model application and vice versa	<input type="checkbox"/> From a design application to a trademark application and vice versa
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[6. Understanding of the unity of design] The following questions are to countries that adopt a one application for multiple designs system. What is your understanding of the unity of design? Please answer the following questions.

Q6-1 What are the requirements for being recognized to be a "single design" in your country?

Requirements for "one design" (free description)	Are there any governing laws, rules, or guidelines? (free description)
Example: A design for one article that corresponds to a classification of articles	Example: Article 7 of the Design Act and the Appended Table 1 of the Ordinance of the Ministry of Economy, Trade and Industry
Multiple designs are allowed, they should belong to the same class of the Locarno classification.	Article R 512-2 of the IP code.

Q6-2 What is the scope of designs that can be included in a single application? Please indicate whether designs could be included in a single application in the following cases.

A part and a finished product (e.g. a bicycle saddle and a bicycle)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple articles within the same classification (e.g. if chairs and tables fall under the same classification, a chair and a table)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs for the same article (e.g. multiple chair designs)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple similar designs for the same article (e.g. multiple chair designs)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
A single design designating multiple articles : <b>will be considered as multiple designs in the same application.</b>	<input type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple dissimilar designs (the designs may be used for the same or different articles)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included
Multiple similar designs (the designs may be used for the same or different articles)	<input checked="" type="checkbox"/> Can be included	<input type="checkbox"/> Cannot be included

Q6-3 What is the scope of a single design? Please choose whether the following are recognized to be single designs.

Multiple embodiments based on one design (e.g. an unpackaged article and multiple packaged working examples)	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized
Sets, such as a set of knives, forks and spoons	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
For such sets, are applicants permitted to freely combine articles and file an application for the combination as single design?	<input type="checkbox"/> Recognized	<input checked="" type="checkbox"/> Not recognized
Articles which move or change entirely or in part (e.g. a toy car that changes into a robot through assembly)	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized
Transitional images (e.g. an image that is developed through the operation of a music playing device)	<input checked="" type="checkbox"/> Recognized	<input type="checkbox"/> Not recognized

Q6-4 Please inform us of specific cases of not being recognized to be a single design.

A design which has no unity such as multiple articles will not be considered as a single design but can be included in one single application.
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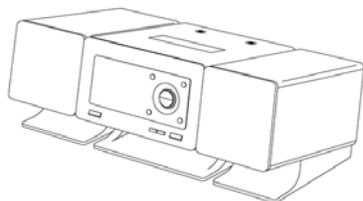
Q6-5 In the example case shown below, would the set be recognized to be a single design in your country? If not, please

provide the reasons.

[Article to the design] A set of audio equipment

[Explanation of the article to the design] This article consists of the body part which is a chassis that houses multiple types of audio equipment and two speaker boxes on its left and right sides which receive audio signal output from the body part and release it as sound. The body part and the two speaker boxes are separable.

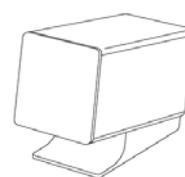
[Perspective view]



[Perspective view of the body part]



[Perspective view of the speaker part]



<input type="checkbox"/> Recognized to be a single design	<input checked="" type="checkbox"/> Not recognized to be a single design Reasons ( the speaker and the body part are two designs different from the set. There will be considered as three different designs in the same application )
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[7. Design right] What is your understanding of the effect of a design right? Please answer the following questions.

Q7-1 What is your understanding of the content of a disclosure of a design and the scope of effect of a design right? Please check the applicable boxes below. If your understanding does not fall under any of the following, please elaborate in the "free description" box.

Scope of the similarity included in the name of an article	<input type="checkbox"/> The scope is limited to that of the article stated in the application	<input checked="" type="checkbox"/> The scope extends to articles similar to the article stated in the application
	<input checked="" type="checkbox"/> The name of the article is a mere example, and the design right extends to other articles with the same form	<input type="checkbox"/> (Free description)
Parts that are not disclosed in drawings, etc.	No protected	
Color or monochrome	Protected if filed	
Infringing goods that are similar to products subject to a design right only in terms of embodiment	There is infringement when the second design gives the same overall impression to the informed user.	
Scope of a design depicted in views, etc.	<input type="checkbox"/> The scope is the same as that of the views, etc.	<input checked="" type="checkbox"/> The scope extends to similar views, etc.

Q7-2 With regard to the content of a disclosure of a design, are there any restrictions in terms of the enforcement of rights?

1-A design shall be deemed to have been made available to the public if it has been published following registration or otherwise, or exhibited, used in trade or otherwise disclosed in the normal course of business to the circles specialised in the sector concerned, operating within the Community. The design shall not, however, be deemed to have been made available to the public for the sole reason that it has been disclosed to a third person under explicit or implicit conditions of confidentiality.

2-A disclosure shall not be taken into consideration for the purpose if a design for which protection is claimed under a registered Community design has been made available to the public:

(a) by the designer, his successor in title, or a third person as a result of information provided or action taken by the designer or his successor in title; and

(b) During the 12-month period preceding the date of filing of the application or, if a priority is claimed, the date of priority.

3. Paragraph 2 shall also apply if the design has been made available to the public as a consequence of an abuse in relation to the designer or his successor in title

Q7-3 What are the grounds for invalidation in relation to the content of a disclosure of a design?

Lack of novelty

[8. Other]

Q8-1 The Geneva Act of the Hague Agreement provides that an applicant may submit up to six drawings. Is this considered to be sufficient disclosure of a design in your country?

<input checked="" type="checkbox"/> Sufficient	<input type="checkbox"/> Insufficient
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Q8-2 Are there any court precedents in your country in which a court determined that six drawings were insufficient disclosure of a design?

<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (Please specifically describe: )
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Q8-3 In your country, is it necessary to submit a priority certificate under the Paris Convention?

No

Yes

In what situation? →to extend protection in other countries (priority periods of 6 months)

Q8-4 For an application claiming priority under the Paris Convention, etc., where there are differences between the drawings, etc. attached to the application filed in your country and the drawings, etc. in a priority certificate, how would the application be handled in your country?

Accepted

Not accepted

Other (

)

[Request for information gathering]

9-1 Please inform us of trial decisions or judgments with regard to the expression of a design in your country, if any. If there are many such trial decisions and judgments, please inform us of approximately three of the most famous judgments, etc.

9-2 Please inform us of laws and regulations, rules, manuals, and guidelines in your country as well as URLs of websites and names of documents which are especially informative with regard to expression of a design under your country's design system, and provide summaries of the relevant parts and the names of the authors thereof. We will consult with you separately if copyrights are involved.

Intellectual Property Code:

<http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006069414>

-Council Regulation (EC) n° 6/2002 of 12 December 2001 on Community Designs:

[http://oami.europa.eu/ows/rw/resource/documents/RCD/regulations/62002\\_en\\_cv.pdf](http://oami.europa.eu/ows/rw/resource/documents/RCD/regulations/62002_en_cv.pdf)

-Implementing Regulation (CDIR)

[http://oami.europa.eu/ows/rw/resource/documents/RCD/regulations/22452002\\_cv\\_en.pdf](http://oami.europa.eu/ows/rw/resource/documents/RCD/regulations/22452002_cv_en.pdf)

-Directive:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31998L0071:EN:HTML>