

Appeal decision

Appeal No. 2014- 25003

Tokyo, Japan

Appellant

NIHON LOCK SERVICE CO. LTD.

Tokyo, Japan

Patent Attorney

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Patent Attorney

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The case of appeal against the examiner's decision of refusal of Design Application No. 2013-22492, entitled "caps for furniture legs" has resulted in the following appeal decision:

Conclusion

The examiner's decision is revoked.

The design in the application shall be registered.

Reason

No. 1 The design in the application

The application was filed on September 27, 2013 (Heisei 25) and described the design whose article to the design is "caps for furniture legs," and the shape, patterns or colors, or any combination thereof (hereinafter referred to as "form") of the design are described in the application and drawings attached the application, and "as the ground contact part with a floor etc. forms a spherical surface, even if a leg is inclined to the floor, the ground-contact state similarly to a vertical leg is secured. The surface of the spherical ground contact part with the floor etc. is covered with a felt." (see Appendix 1)

No. 2 Reasons for refusal of the examiner's decision

The reason for refusal in the examiner's decision is that the design in the

application would have been able to easily created by a person ordinary skilled in the art of the design based on shape, patterns or colors, or any combination thereof that were publicly known in Japan or a foreign country, prior to the filing of the application, and thus should not be registered under Article 3(2) of the Design Act, which is specifically as follows.

"The design in the application for design registration is designed such that the floor ground contact part of the body is covered with a felt".

In the field of caps for furniture legs under which the design in the application falls, covering the floor ground contact part of the body with a felt had been a common design method as found in, for example, the following publicly known design 1 or publicly known design 2 since before the application was filed.

The design in the application uses the form of the publicly known design 3 which is found to have been publicly known before the application was filed almost without modification and merely covers the floor ground contact part of the body with a felt based on the aforementioned common design method and thus would have been able to be easily created by a person skilled in the art.

Additionally, a fitting concave of the design in the application is represented in a top view as a star polygon but such fitting concave is a common form in the said field as found in, for example, the following publicly known design 4 and accordingly, it is found that the form of the fitting concave of the design in the application has no especially creation to be evaluated.

[Publicly Known Design 1] (see Appendix 2)

As described in Registered utility model gazette issued by JPO

Utility Model Registration No. 3046022

Design for an adapter for an adjust bolt shown in [Fig. 1] and [Fig. 2].

[Publicly known design 2] (see Appendix No. 3)

As described in Design Gazette issued by JPO

Design Registration No. 1406444

Design for caps for furniture legs

[Publicly known design 3] (see Appendix No. 4)

As described in Design Gazette issued by JPO

Design Registration No. 1181399

Design for height adjuster for infant chair

[Publicly known design 4] (see Appendix No. 5)

As described in publication of unexamined patent applications issued by JPO

Japanese Unexamined Patent Application Publication No. 8-131284

Form of a star-polygon-shaped fitting concave shown in [Fig. 7].”

No. 3 Judgment by the body

It will be examined below whether the design in the application falls under Article 3(2) of the Design Act, namely whether the design in the application would have been able to be easily created by a person ordinary skilled in the art of the design.

1. The design in the application

The article to the design in the application is "caps for furniture legs" and the form of the design in the application is as follows.

The basic constitution is found as follows.

(A) The basic constitution

The upper part formed into an almost cylindrical part is integrated with the spherical lower part with a partly cutout part (hereinafter referred to as "an almost modified spherical part") in its entirety and an opening provided on the upper surface of the almost cylindrical part is deeply formed near the center of the almost modified spherical part.

Further specific form is found as follows.

(B) Form of the almost cylindrical part and almost modified spherical part

From a front view, the ratio of the width of the almost cylindrical part and the maximum width of the almost modified spherical part is about 2:3, and the ratio of the vertical width of the almost cylindrical part and that of almost modified spherical part is about 4:7.

(C) Felt part

In the range occupying about two-fifths of the height from the lower end of the almost modified spherical part, a part covered with a dark tone felt (hereinafter referred to as "a felt part") is formed, and an external border of the felt part and other part is shown horizontally in the front view and is flush with each other.

(D) Form of an opening

The opening has an almost an octagonal star shape in the front view, and reaches the depth of about three-fourth of the total length of the vertical width and 16

ridge lines in total, namely 8 concave ridge lines and 8 convex ridge lines are shown in the opening.

2. Determination of creative difficulty

This kind of article having the basic form (A) had been publicly known as found in the publicly known design 3 before the application was filed. However, the structural ratio of the almost cylindrical part and almost modified spherical part of the publicly known design 3 (to be found as the same direction as the design in the application) is about 5:7 in width and about 2:5 in vertical width, which is different from the structural ratio of the design in the application, and the opening of the publicly known design 3 is circular and a bolt is provided on its center, which is remarkably different from the shape of the opening of the design in the application. Moreover, although a border is formed at the almost center vertical of the partly cutout part of the spherical shape of the publicly known design 3 (an almost modified spherical part), it is unclear whether the lower part from the border consists of a felt or not, and this part is not shown in a dark tone. Accordingly, it cannot be concluded that the design in the application would have been able to be easily created only based on the publicly known design 3.

On the other hand, it can be judged that in the field of caps for furniture legs, forming the dark tone felt part on the floor ground contact part had been per se already common before the application was filed as found in the publicly known design 1 and the publicly known design 2. However, the design in the application is created such that the felt part ranges to the height of about two-fifths from the lower end of the almost modified spherical part, and even if a leg is inclined to the floor, the felt part contacts the floor. Even if covering the floor ground contact part with the felt had been common before the application was filed as seen in the publicly known design 1 and the publicly known design 2, it cannot be concluded that a person skilled in the art would have been able to easily create the felt part of the design in the application.

In addition, the publicly known design 4 shows the shape of an opening (a concave of an adapter body (3c)) which is formed on the upper surface of an adapter for an adjuster bolt and in which a head of a bolt is put, while the opening has substantially a shallow dodecagon star shape but does not have substantially a deep octagonal star shape as found in the design in the application. It is, therefore, difficult to conclude that a person skilled in the art would have been able to easily create the opening of the design in the application based on this publicly known design 4 or by applying this.

Accordingly, it cannot be judged that the design in the application would have

been able to be easily created by a person skilled in the art based on the publicly known design 1 to the publicly known design 4 cited in the reasons for refusal of the examiner's decision.

No. 4 Conclusion

As described above, it cannot be judged that the design in the application would have been able to be easily created by a person skilled in the art based on shape, patterns or colors, or any combination thereof that were publicly known in Japan or a foreign country, prior to the filing of the application for design registration, under Article 3(2) of the Design Act. It is not, therefore, concluded that the design in the application shall be rejected by the reasons for refusal of the examiner's decision.

As the result of the further body's examination, no reasons for refusal were found.

Therefore, the appeal decision shall be made as described in the conclusion.

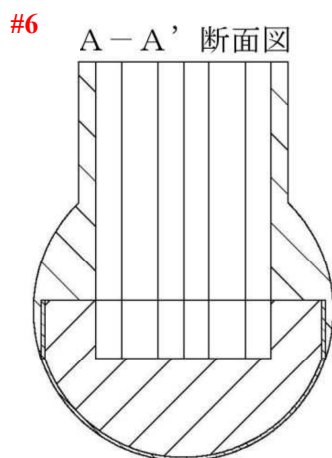
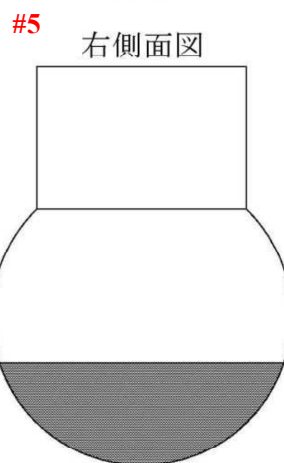
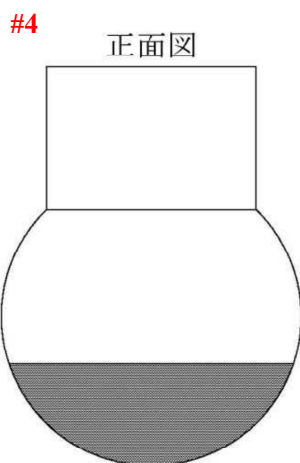
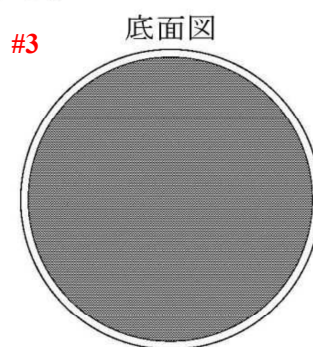
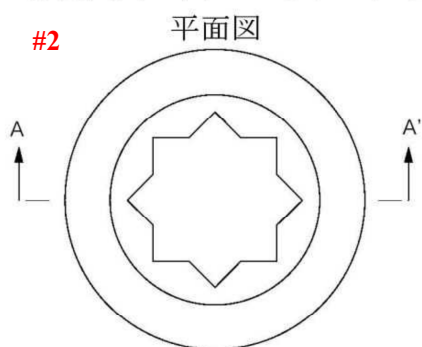
April 30, 2015

Chief administrative judge:	SAITO, Takae
Administrative judge:	KOBAYASHI, Hirokazu
Administrative judge:	SHODA, Takeshi

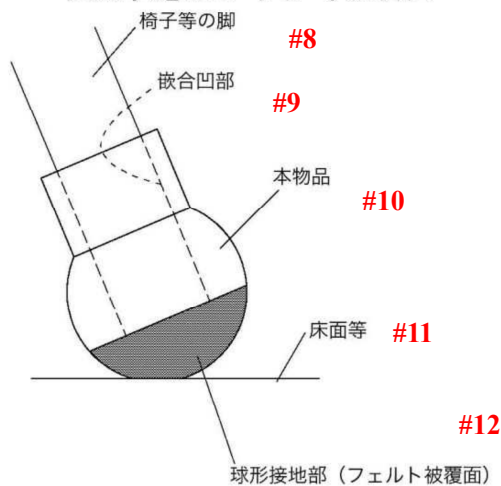
意匠に係る物品 家具脚用キャップ

意匠に係る物品の説明 本物品は、嵌合凹部を椅子等、家具の脚に嵌めて使用するキャップである。床面等との接地部が球面により形成されているために、床面に対して脚が傾斜しても、垂直脚と同様の接地状態が確保される。

意匠の説明 床面等との球形の接地部の表面がフェルトにより覆われる。背面図は正面図と同一にあらわれるため省略する。左側面図は右側面図と同一にあらわれるため省略する。



#7 使用状態を示す参考説明図



- #1 Appendix 1 The Design in the Application
- #2 Top View
- #3 Bottom View
- #4 Front View
- #5 Right-Side View
- #6 A-A' Line Sectional View
- #7 Reference Explanation View Showing The State Of Use
- #8 Leg Of Chair Etc.
- #9 Fitting Concave
- #10 This Article
- #11 Floor Etc.
- #12 Spherical Ground Contact Part (Surface Covered With A Felt)

#1

別紙第 2 公知意匠 1

特許庁発行の登録実用新案公報記載
実用新案登録第 3 0 4 6 0 2 2 号

(19) 日本国特許庁 (J P)

(12) 登録実用新案公報 (U)

(11) 実用新案登録番号

第3046022号

(45) 発行日 平成10年(1998) 2月20日

(24) 登録日 平成 9 年(1997)11月26日

(21) 出願番号 実願平9-7477

(22) 出願日 平成 9 年(1997) 8 月 6 日

(54) 【考案の名称】 椅子・テーブル脚用の接床キャップ

【図面の簡単な説明】

【図 1】 一実施例の接床キャップを椅子・テーブルの脚
下端に装着した状態で示す縦断正面図である。

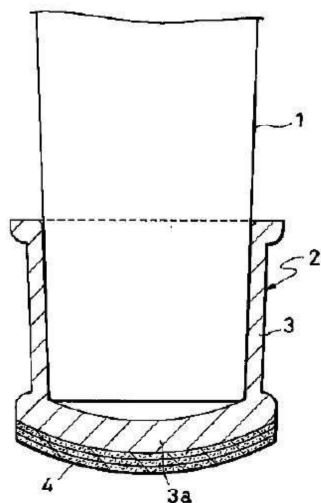
【図 2】 図 1 に示す接床キャップと椅子・テーブルの脚
下端とを分離状態で示す斜視図である。

【符号の説明】

- 1 椅子・テーブルの脚
- 2 接床キャップ
- 3 キャップ本体
- 4 接床板

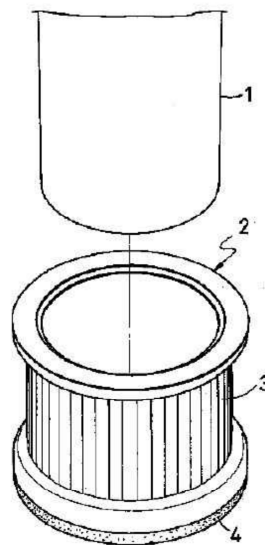
#2

【図 1】



#3

【図 2】



#1	Appendix 2	Publicly Known Design 1
#2	[Fig. 1]	
#3	[Fig. 2]	

#1

別紙第3 公知意匠2

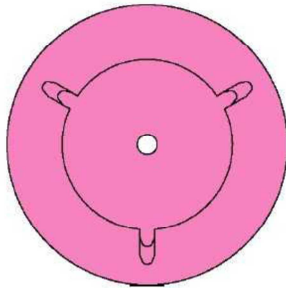
特許庁発行の意匠公報記載 意匠登録第1406444号

意匠に係る物品 家具脚用キャップ

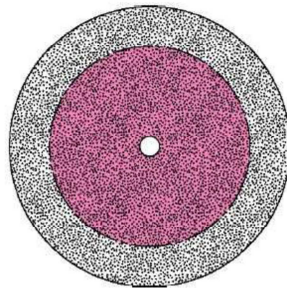
意匠に係る物品の説明 本物品は、椅子等、家具の脚に嵌めて使用するキャップである。本物品の床接地部は角部までフェルト等の滑り易い素材により覆われているため、本物品を嵌めた家具の脚が床面に対し斜めのものでも、本物品は前記家具の脚から脱げて外れたりしにくい。

意匠の説明 ピンク色を付した部分以外の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。一点鎖線は部分意匠として意匠登録を受けようとする部分とその他の部分との境界のみを示す線である。右側面図は左側面図と対称に表れる。

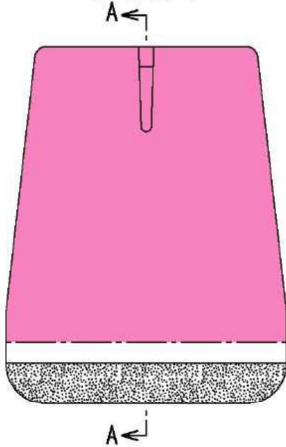
#2 平面図



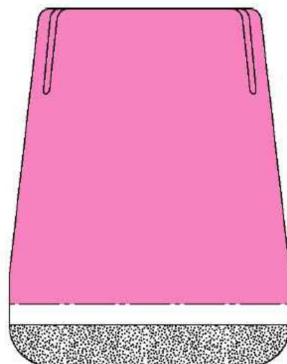
#3 底面図



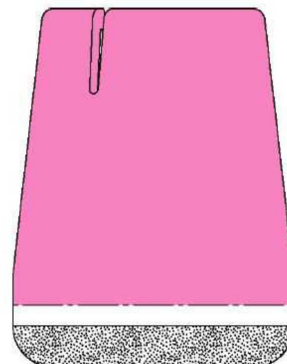
#4 正面図



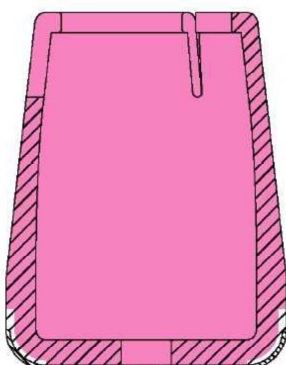
#5 背面図



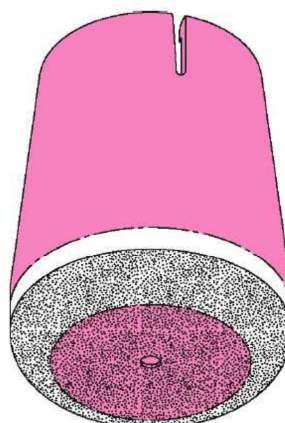
#6 左側面図



#7 A-A線断面図

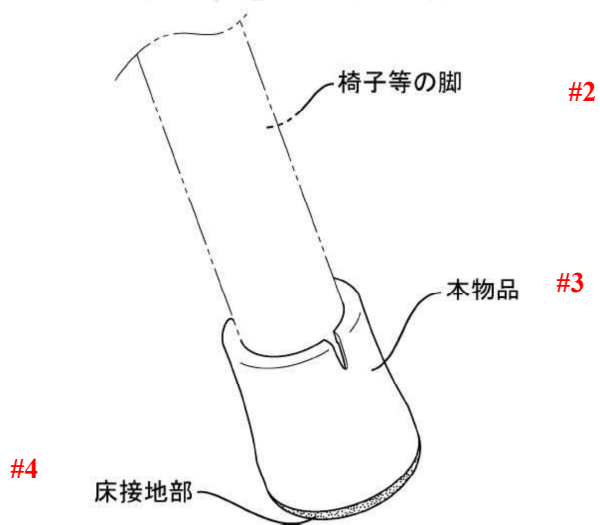


#8 斜視図

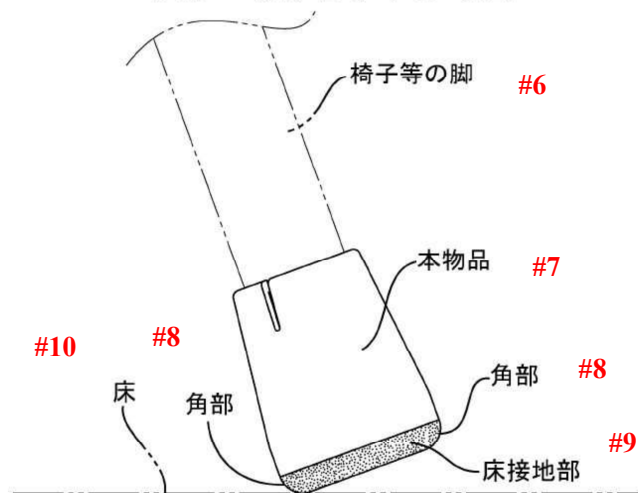


#1	Appendix 3	Publicly Known Design 2
#2	Top View	
#3	Bottom View	
#4	Front View	
#5	Rear View	
#6	Left-Side View	
#7	A-A' Line Sectional View	
#8	Perspective View	

#1 使用状態を示す参考図



#5 各部の名称を示す参考図



- #1 Reference View Showing The State Of Use
- #2 Leg Of Chair Etc.
- #3 This Article
- #4 Floor Ground Contact Part

- #5 Reference View Showing Names Of Parts
- #6 Leg Of Chair Etc.
- #7 This Article
- #8 Corner Part
- #9 Floor Ground Contact Part
- #10 Floor

#1

別紙第4 公知意匠3

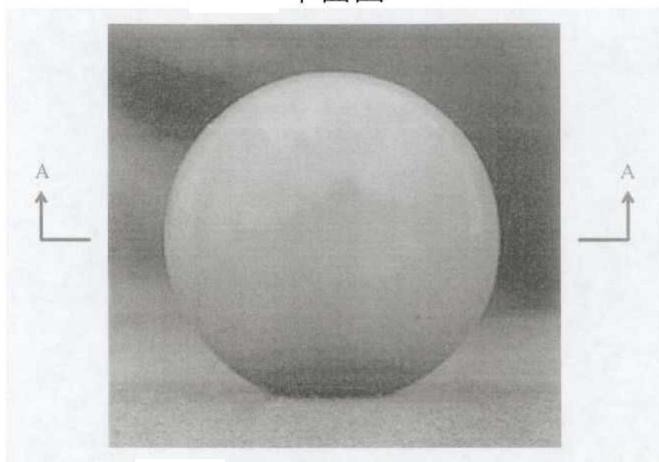
特許庁発行の意匠公報記載 意匠登録第1181399号

意匠に係る物品 幼児いす用高さ調整具

意匠に係る物品の説明 本物品は幼児いすに利用されるガタツキ防止用高さ調整具である。

意匠の説明 背面図、左側面図、右側面図は正面図と同一にあられる。

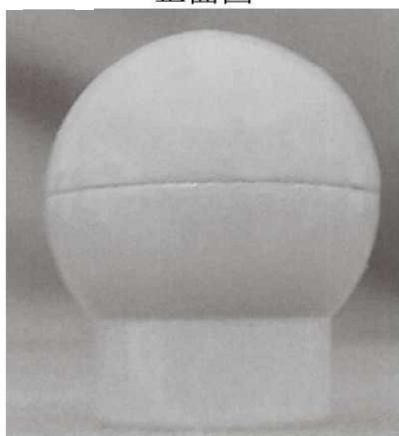
#2 平面図



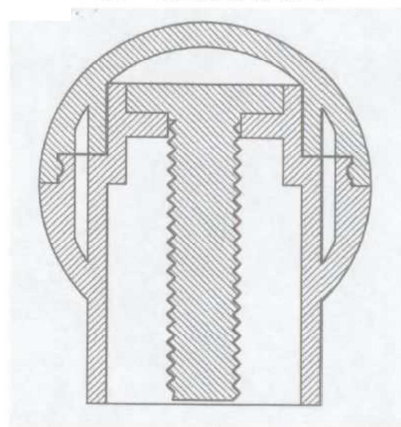
#3 底面図



#4 正面図



#5 A-A線断面図



#6 使用状態を示す参考斜視図



#7 使用状態を示す拡大した参考斜視図



- #1 Appendix 4 Publicly Known Design 3
- #2 Top View
- #3 Bottom View
- #4 Front View
- #5 A-A Line Sectional View
- #6 Reference Perspective View Showing The State Of Use
- #7 Enlarged Reference Perspective View Showing The State Of Use

#1

別紙第 5 公知意匠 4

特許庁発行の公開特許公報記載
平成 8 年特許出願公開第 1 3 1 2 8 4 号

(19) 日本国特許庁 (J P)

(12) 公開特許公報 (A)

(11) 特許出願公開番号

特開平8-131284

(43) 公開日 平成 8 年 (1996) 5 月 28 日

(21) 出願番号 特願平6-298770

(22) 出願日 平成 6 年 (1994) 11 月 7 日

(54) 【発明の名称】 アジャスタボルト用のアダプタ

【図面の簡単な説明】

【図 5】 アジャスタボルトに本発明の一実施例に係るアダプタを取り付けた状態の斜視図である。

【図 6】 図 5 に示すアダプタの側面図である。

【図 7】 図 5 に示すアダプタの平面図である。

【図 8】 図 7 の A-A 線に沿う断面図である。

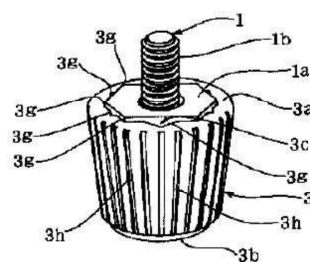
【図 9】 図 5 に示すアダプタの底面図である。

【符号の説明】

- 1 アジャスタボルト
- 1 a 頭部
- 1 b 雄ねじ部
- 1 c 角部
- 2 机
- 3 アダプタ本体
- 3 c 凹所
- 3 f 側壁面
- 3 g 係合溝
- 3 h 縦溝

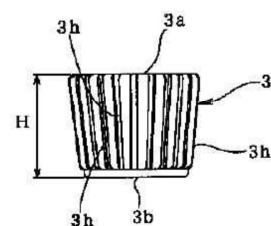
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【図 5】



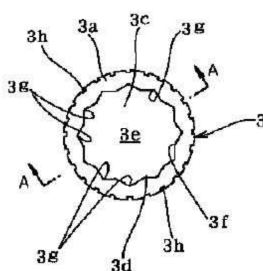
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【図 6】



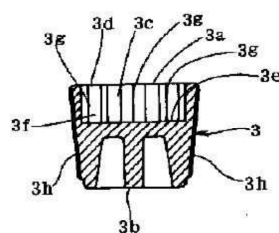
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【図 7】



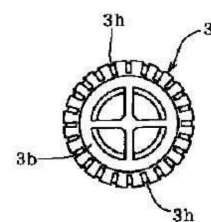
#5

【図 8】



#6

【図 9】



#1	Appendix 5	Publicly Known Design 4
#2	[Fig. 5]	
#3	[Fig. 6]	
#4	[Fig. 7]	
#5	[Fig. 8]	
#6	[Fig. 9]	