**Trial decision**

Invalidation No. 2014-880014

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The case of trial regarding the invalidation of design registration of Japanese design registration No. 1478580 "Charge Connector for Electric Car" between the parties above has resulted in the following trial decision:

Conclusion

The demand for the trial of the case was groundless.

The costs in connection with the trial shall be borne by the demandant.

Reason

No. 1. History of the procedures

The design of the present design registration No. 1478580 (hereinafter referred to as the "Registered Design") was filed on December 3, 2012 for design registration (design application No. 2012-29580. Hereinafter referred to as "the present application"); the establishment of the design right was registered on August 2, 2013 after examination; the relevant design bulletin was issued on September 2, 2013; and then, in summary, the following procedures were conducted by the body.

- Demand for trial of the case September 30, 2014
- Submission of the written reply of the trial case February 25, 2015
- Submission of the written refutation of the trial case July 29, 2015

- Submission of the oral proceedings statement brief (demandee)
September 15, 2015
- Submission of the oral proceedings statement brief (demandant)
September 30, 2015
- Oral proceeding October 14, 2015

No. 2 Evidence submitted by the parties

1. The demandant submitted the following Evidence A No. 1 to No. 21 (all are copies) as the attached documents of the notice of demand for trial, the written refutation of the trial case, and the oral proceedings statement brief.

Evidence A No. 1 Design bulletin of Design Registration No. 1478580 (the Registered Design)

Evidence A No. 2 Design bulletin of Design Registration No. 1417577 (Publicly Known Design)

Evidence A No. 3 Comparison diagram of the Registered Design and the Publicly Known Design

Evidence A No. 4 Transition of shapes and designs of power supply connector for car

Evidence A No. 5 Minutes of 6th meeting of Maintenance Department of CHAdeMo Association

Evidence A No. 6 Implemented product of the Publicly Known Design, abstract of company newsletter

Evidence A No. 7 Implemented product of the Publicly Known Design, printouts of website

Evidence A No. 8 Implemented product of the Registered Design, press release

Evidence A No. 9 Implemented product of the Registered Design, flyer

Evidence A No. 10 Written opinion regarding the Registered Design submitted on April 26, 2013

Evidence A No. 11 Design bulletin of Design Registration No. 1478392

Evidence A No. 12 Design bulletin of Design Registration No. 1478582

Evidence A No. 13 Design bulletin of Design Registration No. 1433072

Evidence A No. 14 Design bulletin of Design Registration No. 1452864

Evidence A No. 15 Design bulletin of Design Registration No. 950460

Evidence A No. 16 Design bulletin of similar design 1 of Design Registration No. 950460

Evidence A No. 17　Design bulletin of similar design 2 of Design Registration No. 950460

Evidence A No. 18　Design bulletin of Design Registration No. 1476923

Evidence A No. 19　Design bulletin of Design Registration No. 1464742

Evidence A No. 20　Photograph of display lamp of product of demandant

Evidence A No. 21　Design bulletin of Design Registration No. 1478583

2. The demandee submitted the following Evidence B No. 1 to No. 6 (including their branch numbers; all are copies.) as the attached documents of the written reply of the trial case and the oral proceedings statement briefs. In addition, Evidence B No. 2 and No. 3 are abstracts from the front page and the relevant drawings from the bulletin.

Evidence B No. 1 Comparison drawing between the Registered Design and the Publicly Known Design

Evidence B No. 2-1 Japanese Unexamined Patent Application Publication No. H9-161898

Evidence B No. 2-2 Japanese Unexamined Patent Application Publication No. 2003-346981

Evidence B No. 2-3 Japanese Unexamined Patent Application Publication No. 2010-123521

Evidence B No. 2-4 Japanese Unexamined Patent Application Publication No. 2010-161910

Evidence B No. 2-5 US Patent No. 6123569

Evidence B No. 2-6 Japanese Unexamined Patent Application Publication No. H7-37644

Evidence B No. 2-7 Japanese Unexamined Patent Application Publication No. H10-262340

Evidence B No. 2-8 Japanese Unexamined Patent Application Publication No. H11-122714

Evidence B No. 2-9 Japanese Unexamined Patent Application Publication No. H6-290836

Evidence B No. 2-10 Japanese Unexamined Patent Application Publication No. H6-325830

Evidence B No. 2-11 Japanese Unexamined Patent Application Publication No. H6-325834

Evidence B No. 2-12 Japanese Unexamined Patent Application Publication No. H9-106861

Evidence B No. 2-13 Japanese Unexamined Patent Application Publication No. 2009-194958

Evidence B No. 3 Japanese Unexamined Patent Application Publication No. H7-85926

Evidence B No. 4 Web page of explanation of interface of CHAdeMo Association (http://www.chademo.com/wp/japan/technology/details/)

Evidence B No. 5 Kojien Dictionary, 6th edition, page 2565, front cover, colophon

Evidence B No. 6 Kojien Dictionary, 6th edition, page 1705, front cover, colophon

No. 3 Gist of the demandant's petition and reasons

The demandant petitioned, as the object of demand for the trial, that "we request an trial decision that registration of design registration No. 1478580 is invalid, and that the costs in connection with the trial shall be borne by the demandee," argued the grounds as summarized below (including the contents of the "written refutation of the trial case" and the "oral proceedings statement brief") and submitted the evidence listed in the "No. 2-1" to prove the stated facts.

1 Gist of the invalidation of design registration

The design of design registration No. 1478580 (hereinafter referred to as the "Registered Design," Evidence A No. 1. See No. 1 in the attached sheet) is similar to the design of design registration No. 1417577 which had been publicly known in Japan or a foreign country, prior to the filing of the application for design registration of the Registered Design, and which had been described in a distributed publication , or had been made publicly available through an electric telecommunication line in Japan or a foreign country, prior to the filling of the application for design registration of the Registered Design (hereinafter referred to as a "Publicly Known Design," Evidence A No. 2. See No. 2 in the attached sheet), and therefore it falls under Article 3(1)(iii) of the Design Act.

Accordingly, registration of the Registered Design should be invalidated under the provisions of Article 48(1)(i) of the same Act.

2. Reasons for the invalidation of the registration of the Registered Design

(1) Gist of Registered Design

The Registered Design (Evidence A No. 1) is a design relating to a "charge connector for an electric car," Hereinafter, the form will be identified. Names of components and directions of drawings are identified based on Evidence A No. 3 (see No. 3 in the attached sheet).

A The basic constitution

(A) The Registered Design is a gun-type single action grip charge connector for an electric car, composed of an insertion section, a connector body, a cable section, and a grip section. The sections form a smooth and even surface shape without a large step.

(B) The insertion section has a cylindrical shape and has four circular connectors on its tip. In addition, a retaining hook is provided on the top side of the insertion section.

(C) The connector body has a cylindrical shape with a width slightly larger than that of the insertion section, and the width is slightly enlarged toward the grip direction and then becomes gradually narrower.

(D) The grip section is provided so as to be connected to the connector body from the upward direction, and a release switch is provided on the upper edge of the grip section. Further, a display lamp section is provided on the rear side of the grip section.

(E) The cable section having a cable therein is provided so as to be connected to the connector body from the downward direction.

(F) The upper side of the connector body and the outer side of the grip section are covered with an upper design cover. In addition, the lower side of the connector body and the outer side of the cable section are covered with a lower design cover.

B Specific constitution

(G) The retaining hook provided on the insertion section is slightly long and has a claw section on its tip.

(H) Although the upper portion of the connector body is enlarged in an arc shape from the insertion section and then narrowed in an arc shape enlarged outward, the lower portion and the middle portion of the connector body are gouged inside in an arc shape to have the narrower width.

(I) The release switch is a push switch having a rounded-edge rectangular shape.

(J) The grip section is provided so as to be parallel to the cable section straightly.

(K) The grip section has a recess for holding the index finger on the upper inside, and the space formed by the grip section and the cable section has a generally oval shape.

(L) The display lamp section has a linear shape slightly enlarged in the center.

(M) The upper design cover and the lower design cover have a space on the forward side surface of the connector body and on the lower side of the grip section and the lower side of the cable section.

(2) Gist of Publicly Known Design

The Publicly Known Design is a design relating to a "power supply connector for a car." Hereinafter, the form of the Publicly Known Design will be specified within a range that is necessary for comparison with the Registered Design. Names of components and directions of drawings are identified based on Evidence A No. 3 (see No. 3 in the attached sheet).

A The basic constitution

(a) The Publicly Known Design is a gun-type single action grip charge connector for an electric car, composed of an insertion section, a connector body, a cable section, and a grip section. The sections form a smooth and even surface shape without a large step.

(b) The insertion section has a cylindrical shape and has four circular connectors on its tip. In addition, a retaining hook and guides are provided on the top side of the insertion section.

(c) The connector body has a cylindrical shape with a width slightly larger than that of the insertion section, and the width is slightly enlarged toward the grip direction and then becomes gradually narrower.

(d) The grip section is provided so as to be connected to the connector body from the upward direction, and a release switch is provided on the upper edge of the grip section. Further, a display lamp section is provided on the rear side of the grip section.

(e) The cable section having a cable therein is provided so as to be connected to the connector body from the downward direction.

(f) A design line is provided from the upper side of the connector body to the cable section to thereby change the widths described in the above (c).

B Specific constitution

(g) The retaining hook provided on the insertion section is slightly long and has a claw section on its tip.

(h) Although the upper portion of the connector body is enlarged in an arc shape from the insertion section and then narrowed in an arc shape enlarged outward, the lower portion and the middle portion are gouged inside in an arc shape to have the narrower width after the design line as a boundary line.

(i) The release switch is a push switch having a rounded-edge rectangular shape.

(j) The grip section has a straight shape slightly enlarged outward and is provided so as to be parallel to the cable section.

(k) The grip section has a grip groove inside, and the space formed by the grip section and the cable section has a generally oval shape.

(l) The display lamp section has a circular shape.

(3) The common features and different features

A The common features

Each of the Registered Design and the Publicly Known Design relates to a gun-type single action grip charge connector for an electric car composed of an insertion section, a connector body, a cable section, and a grip section, and they have a significantly common overall impression in that the sections form a smooth and even surface shape without a large step and in the proportion of the size of each section to a whole.

According to the sections in the basic constitutions, first, regarding the insertion section, they are common in that the insertion section has a circular shape, the insertion section has four connectors on its tip, and the insertion section has the retaining hook on the top side. In addition, regarding the connector body, they are common in that the connector body has a cylindrical shape with a width slightly larger than that of the insertion section, and that the width is slightly enlarged toward the grip direction and then becomes gradually narrower. Furthermore, they are common in the stream of the size of the width in that the large width of the connector body is narrowed downward to be the cable section and is further narrowed to be the grip section. They are also common in the positions of the release switch and the display lamp section provided on the grip section.

According to the specific constitutions, they are common mainly in that, in changing of the widths of the connector body, the connector section is enlarged in an arc shape from the insertion section and is gouged inside in an arc shape to have the narrower width in the lower portion and the middle portion. In addition, they are common in that the grip section is provided so as to be parallel to the cable section straightly, and that the space formed by the grip section and the cable section has a generally oval shape.

B The different features

Both designs differ in the presence of the design cover. Specifically, while, in the Registered Design, the outside of the connector body, the grip section, and the cable section is covered with the upper design cover and the lower design cover, the Publicly Known Design does not have a design cover.

They differ in that, while, in the Publicly Known Design, the design line is provided from the connector body to the cable section to change the width of the connector body to the width of the cable section and the grip section, in the Registered Design, there is no such line, and the width is changed by a round portion.

They also differ in that, while, in the Registered Design, the grip section is parallel to the cable section straightly and has a recess for holding the index finger, in the Publicly Known Design, the grip section has a straight shape with a slight outward enlargement and has a grip groove inside.

They further differ in the specific shapes of the release switch and the display lamp section. They differ in that, while, in the Registered Design, the shape of the retaining hook provided on the insertion section is slightly long, in the Publicly Known Design, it is short. Furthermore, they differ in that, while, in the Publicly Known Design, the insertion section has the guides, the Registered Design does not have a guide.

(4) Similarity

A Evaluation of Common Features and Different Features

Because all of the different features are insignificant differences, they are not highly evaluated at all in determination of similarity between both designs.

First, the different feature of the presence of the design cover will be considered. In this regard, in the course of the examination for the design application of the Registered Design, there was issued a notification of reasons for refusal that cites the Publicly Known Design and rejects the design application on the grounds that it falls under the category of Article 3(1)(iii) of the Design Act. In the written opinion filed in response to the notification, the demandee states that "there is a crucial different feature in the presence of the design cover in the basic constitution" (Evidence A No. 10: the written opinion, pages 5 and 7). However, the presence of this design cover is a difference that does not affect determination of similarity. The reason is clear from design registration No. 1478582 (Evidence A No. 12) being registered as a related design of design registration No. 1478392 (Evidence A No. 11) which is the principal design of the Registered Design.

Specifically, while the said principal design is a design in which the design cover is provided, the said related design is a design relating to a form where the design cover is removed from the principal design. In consideration that the designs were determined to be similar and registered in spite of such a difference in the presence of the design cover, it is understood that the different feature of the presence of the design cover is interpreted as an insignificant difference that does not affect determination of

similarity. Further, conversely, it is understood from this registration example that the determination of similarity was conducted based on the shapes of the insertion section, the connector body, the cable section, and the grip section, which are considered more important rather than the different feature in the presence of the design cover. It is clear from such a registration example (moreover, from a registration example of the demandee himself) that the presence of the design cover cannot be evaluated as a remarkable different features.

Second, concerning the presence of the design line, the design line of the Publicly Known Design is a changing line where the enlargement of the connector body is gradually recessed toward the cable section and the grip section, and therefore, an aesthetic impression that the shape of the enlargement is changed to be gradually recessed around the line should be emphasized, rather than the feature that the line is provided there. On the other hand, although, in the Registered Design, the design line like the one in the Publicly Known Design is not provided, in the same position, the enlargement of the connector body is changed to be gradually recessed toward the cable section and the grip section, resulting in an aesthetic impression that such changing of the aesthetic treatment has been conducted. As such, the presence of the design line should not be understood as a remarkable different feature, but should be understood even as a common feature in the aesthetic treatment that, in the same positions, the enlargements of the connector bodies are changed to be gradually recessed toward the cable sections and the grip sections.

Thirdly, they differ in the specific shape of the grip section. More specifically, while, in the Registered Design, the rear side of the grip section is straight, in the Publicly Known Design, the rear side is straight with a slight outward enlargement. However, as the shape has been specified herein, the rear side of the Publicly Known Design is merely enlarged slightly outward, and it cannot be a remarkable difference in design when compared to the Registered Design. Rather, it is buried in a common concept of the grip portion which is grip style, is formed in parallel to the cable section, and is similar in thickness to the cable section. Further, although they differ in that the Registered Design has the recess for the index finger inside the grip section, while the Publicly Known Design has the grip groove but not the recess, these are both structures that are generally made to enhance the holding feature of the grip, and neither of these can particularly be a portion for producing a remarkable aesthetic impression. Therefore, rather than such a difference inside the grip portions, the feature that the spaces formed between the grip sections and the cable sections both have similar, generally oval shapes should be evaluated.

Fourthly, they differ in the specific shapes of the release switch and the display lamp section, the presence of the guide in the insertion section, and the length of the retaining hook. However, it is clear that, when these are viewed from the designs as a whole, these are merely insignificant differences relating to small and auxiliary portions, and are not differences that make determination of similarity between both designs.

As described above, none of the different features of both designs can be highly evaluated, and it is clear that even if these different features are considered together, they cannot produce a different aesthetic impression between both designs.

On the other hand, both designs have the following common features.

- In the Registered Design and the Publicly Known Design, all of the insertion section, the connector body, the cable section, and the grip section form a smooth and even surface shape without a large step. And the proportion of the size of each section to a while and the overall impressions are common to them.
- The connector body has a cylindrical shape with a width slightly larger than that of the insertion section, and the width is slightly enlarged toward the grip direction and then becomes gradually narrower. More specifically, in changing of the widths of the connector body, the connector section is enlarged in an arc shape from the insertion section and is gouged inside in an arc shape to have the narrower width in the lower portion and the middle portion.
- The grip section is provided so as to be parallel to the cable section straightly, and the space formed by the grip section and the cable section has a generally oval shape.
- The cylindrical insertion section has four circular connectors on the tip, and the retaining hook on the upper surface.

From the registered design examples, it is clear that, in designs of power supply adapters for a car, the overall shapes and the overall impressions of the insertion section, the connector section, the cable section, and the grip section are considered important. For example, the following example will be considered. Design registration No. 1433072 (principal design: Evidence A No. 13) and design registration No. 1452864 (related design: Evidence A No. 14) are registered as similar designs, and because the overall shape and the overall impression including the insertion section, the connector body, the grip section, and the cable section comprehensively are common to both designs, they are determined to be similar even if specific shapes of the sections differ to some extent.

In addition, design registration No. 950460 (principal design: Evidence A No. 15) and similarity 1 of design registration No. 950460 (similar design: Evidence A No. 16) and similarity 2 of design registration No. 950460 (similar design: Evidence A No. 17) are registered as similar designs, and of the overall shape and the overall impression, the connector body and the insertion sections are particularly considered important, and the details of the grip section are not considered particularly important.

As such, in consideration of the prior registered examples and the portions creating the aesthetic impression to consumers, it is understood that the overall shape and the overall impression, particularly, the overall impression relating to the connector body and the insertion section, should be considered important in determination of similarity between the Registered Design and Publicly Known Design. In this regard, because, as described above, in both designs of the case, the insertion section, the entire connector, the cable section, and the grip section form a smooth and even surface shape without a large step, and because both designs have many features in common in overall aesthetic treatment and in the proportions of the sections, the designs have a common overall impression. Further, both designs are common in the point that should be considered important in determination in similarity; that is, the point that the connector body has a cylindrical shape with a width slightly larger than that of the insertion section, and the width is slightly enlarged toward the grip direction and then becomes gradually narrower, and more specifically, in changing of the widths of the connector body, the connector section is enlarged in an arc shape from the insertion section and is gouged inside in an arc shape to have the narrower width in the lower portion and the middle portion. Although, in the grip section, there are small different features as described above, both designs are common in the impression that the grip section is provided so as to be parallel to the cable section straightly, and that the space formed by the grip section and the cable section has a generally oval shape, and thus, they are common in the points that should be considered important in determination of similarity.

B Determination of similarity and applicability of Article 3(1)(iii) of Design Act

Although the different features between the Registered Design and the Publicly Known Design relate to points that are not considered important or to insignificant points, and they are not important in determination of similarity, the common features between them relate to the sections that should be considered important in this type of article, and the common aesthetic impressions produced from each of the common features and comprehensive common features create strong common aesthetic impressions to consumers. Therefore, both designs are similar.

Further, the Publicly Known Design was publicly disclosed in the bulletin issued on June 27, 2011, and the Registered Design was filed on December 3, 2011.

Accordingly, the Registered Design falls under Article 3(1)(iii) of the Design Act based on the existence of the Publicly Known Design.

(5) Closing

As described above, because the Registered Design falls under the provisions of Article 3(1)(iii) of the Design Act, registration of the Registered Design should be invalidated under the provisions of Article 48(1)(i) of the same Act.

3 Argument in "Written Refutation of Trial Case" of July 29, 2015

Evaluation of the different features between both designs can be summarized as follows.

First, the different feature in the presence of the design cover cannot be highly evaluated in consideration of the presence of Evidence A No. 11 and No. 12.

Second, concerning the presence of the design line, the design line of the Publicly Known Design is a changing line where the enlargement of the connector body is gradually recessed toward the cable section and the grip section, and therefore, the aesthetic impression that the shape of the enlargement is changed to be gradually recessed around the line should be emphasized, rather than the feature that the line is provided there. On the other hand, in the Registered Design, in the same position as the design line of the Publicly Known Design, the enlargement of the connector body is changed to be recessed toward the cable section and the grip section, resulting in an aesthetic impression that such changing of the aesthetic treatment has been conducted. As such, the presence of the design line should not be understood as a remarkable different feature, but should be understood even as a common feature in aesthetic treatment that, in the same positions, the enlargements of the connector bodies are changed to be recessed toward the cable sections and the grip sections.

Thirdly, concerning the different feature that, while, in the Registered Design, the rear side of the grip section is straight, in the Publicly Known Design, the side is straight with a slight enlargement outward, the rear side of the Publicly Known Design is merely enlarged slightly outward, and it cannot be a remarkable different feature in design when it is compared to the Registered Design. Rather, it is buried in a common concept of the grip portion which is grip style, is formed in parallel to the cable section, and is similar in thickness to the cable section. Further, although they differ in that the Registered Design has the recess for the index finger inside the grip section, while the

Publicly Known Design has the grip groove but not the recess, both of these are structures that are generally made to enhance the holding feature of the grip, and neither of these can particularly be a portion for producing a remarkable aesthetic impression. Therefore, the feature that the spaces formed between the grip sections and the cable sections are "oval" in both of the designs should be evaluated, rather than the different feature inside the grip portion.

Fourthly, they differ in the specific shapes of the release switch and the display lamp section, the presence of the guide in the insertion section, and the length of the retaining hook. However, it is clear that, when these are viewed from the designs as a whole, these are merely insignificant differences relating to small and auxiliary portions, and are not differences that make determination of similarity between both designs. Conversely, the positions of the release switch and the display lamp should be considered important, and in this regard, both designs are common in the positions of the release switch and the display lamp.

As described above, none of the different features between both designs can be highly evaluated, and it is clear that even if these different features are considered together, they cannot produce a different aesthetic impression between both designs.

On the other hand, the common features between both designs are as follows, and none of them can fail to be acknowledged even in consideration of the contents of the written reply by the demandee. In particular, in the following common features (1) to (4), both designs produce a common aesthetic impression.

(1) In the Registered Design and the Publicly Known Design, all of the insertion section, the connector body, the cable section, and the grip section form a smooth and even surface shape without a large step. And the proportion of the size of each sections to a while and the overall impressions are common to them.

(2) The connector body has a cylindrical shape with a width slightly larger than that of the insertion section, and the width is slightly enlarged toward the grip direction and then becomes gradually narrower. More specifically, in changing of the widths of the connector body, the connector section is enlarged in an arc shape from the insertion section and is gouged inside in an arc shape to have the narrower width in the lower portion and the middle portion.

(3) The grip section is provided so as to be parallel to the cable section straightly, and the space formed by the grip section and the cable section is "oval."

(4) The cylindrical insertion section has the four circular connectors on the tip and the retaining hook on the upper side.

As described in the notice of demand for trial, in determination of similarity between the Registered Design and the Publicly Known Design, the overall shape and the overall impression should be considered important. In this regard, as described above, in both of the designs of the case, the insertion section, the entire connector, the cable section, and the grip section form a smooth and even surface shape without a large step, and because both designs have many features in common in overall aesthetic treatment and in the proportions of the sections, the designs have a common overall impression. Further, both designs are common in a point that should be considered important in determination in similarity; that is, the point that the connector body has a cylindrical shape with a width slightly larger than that of the insertion section, and the width is slightly enlarged toward the grip direction and then becomes gradually narrower, and more specifically, in changing of the widths of the connector body, the connector section is enlarged in an arc shape from the insertion section and is gouged inside in an arc shape to have the narrower width in the lower portion and the middle portion. Although, in the grip section, there are also small different features as described above, both designs are common in the impression that the grip section is provided so as to be parallel to the cable section straightly, and that the space formed by the grip section and the cable section has a generally oval shape, and thus, they are common in points that should be considered important in determination of similarity.

In summary, the aesthetic impression produced from the common features is stronger than the impression produced by the different features, and therefore, both designs are similar.

4 Argument in "oral proceedings statement brief" of September 30, 2015

(1) Presence of Design Cover

First, the feature that the Registered Design does not have a "large step" is important. Because, in designs of a power supply connector for a car, there are a lot of designs in which a "large step" exists such as Evidence A No.13, Evidence A No.18 and Evidence A No.19, the point that the Registered Design (and the Publicly Known Design) has no "large step" is evaluated as a significant common feature.

Second, although the Registered Design has the design cover, the design cover is not a portion which should be considered important in determination of similarity, and is merely a portion that is buried in the common feature of the overall impression that there is no large step as a whole. Although, concerning the evaluation of the presence of the design cover, we cited the examples that Evidence A No. 11 and No. 12 are registered as being related to each other and gave the explanation that the presence of

the design cover is not considered important in determination of similarity, the demandee argued, in the oral proceedings statement brief (hereinafter referred to as the "statement brief") submitted on September 15, 2015, that "Evidence A No. 11 and No. 12 are completely identical to each other except for the cover, and the common features exceed the different features overwhelmingly, and therefore, they are completely different cases." However, the designs are determined to be similar even if they obviously differ in the presence of the design cover, because the design cover was determined not to be a component that is considered important in determination of similarity. Conversely, if the presence of the design cover is an important element, the designs of Evidence A No. 11 and No. 12 should have been dissimilar to each other, and, of the overall shape and the design cover, the overall shape must have been considered more important.

Therefore, although the Registered Design does have the design cover, the design cover is not considered important in determination of similarity. Rather, the form relating to the common feature that the overall shape of both designs forms "a smooth and even surface shape without a large step" should be considered more important, and the shape relating to this common feature is a characteristic feature that is not found in other designs.

(2) Position and Shape of Release Switch

In determination of similarity between the Registered Design and the Publicly Known Design, the position of the boundary between the grip section and the connector body is not important, but the problem is the position of the release switch. As the release switch is operated by the thumb when the present article is operated with the grip section gripped, it is recognized that the release switch is on the grip, and it is natural to consider that the release switch is provided on the upper edge of the grip section. Therefore, in determination of similarity between both designs, it should also be found that the position of the release switch is substantially common.

(3) Space Formed by Grip Section and Cable Section

Both of The spaces formed by the grip sections and the cable sections of both designs can be recognized as "oval" and, it is reasonable to evaluate them as spaces having a similar outline.

(4) Inner Shape of Connector Body

Although the demandee repeatedly specifies that the connector body of the Publicly Known Design is "gouged inside" as the connector body is bent inwardly and narrowed in the top view, and the design line shows in the side view, the design line is merely a changing line of the width and merely indicates that the width becomes

narrower inside from the design line. Further, in that changing to the narrower width, the width becomes narrower with a slight inward arc in the top view, but it is difficult to express it as "being gouged." Therefore, the common feature between both designs that "the connector body has a cylindrical shape with a width slightly larger than that of the insertion section, and the width is slightly enlarged toward the grip direction and then becomes gradually narrower" is maintained, and this is a characteristic feature that cannot be found in other designs.

Further, concerning the inside shape of the connector body of Registered Design, based on Article 24 of the Design Act, the demandee argues in the statements brief that it is clear that the shape of the above-described portion we argued above is not included in the drawings, and therefore, it cannot be a specific constitution of the Registered Design. Although the Registered Design has a deficiency in the drawings, in this case, there is no alternative but to understand reasonably the shape of the design from the submitted drawings. From the drawings of the Registered Design, it is reasonable to interpret that the connector body is recessed inward from the curved line indicated by the red circle in the rear view in [Table 2] on page 5 of the written refutation (see No. 4 in the attached sheet) to have the narrower width. Moreover, the drawings include no description that can deny this way of understanding of the drawings. In this regard, although the demandee states that "it is merely a faint, single line that expresses a slight change in the surface connected to the space formed by the grip section and the cable section," the description fails to specify any specific shape in the end, and it is far from reasonable shape identification.

No. 4 The demandee's reply and the gist of the reasons

The demandee submitted the written reply stating that "the demand for trial of the case was groundless, and the costs in connection with the trial shall be borne by the demandant" based on the grounds as summarized below (including the contents of the "oral proceedings statement brief" of September 15, 2015) and submitted the evidence listed in "No. 22" to prove the stated facts.

1 Statement of the reply

(1) Evaluation of Common Features and Different Features

Although, concerning the different features between both designs, the demandant states that "all of them are insignificant differences and cannot be highly evaluated at all in determination of similarity," this argument is completely

inappropriate. Each of the different features has a significant impact on the aesthetic impression of both designs as a whole.

Therefore, first, evaluation of the portions explained by the demandant as the different features will be described in detail.

A Presence of Design Cover

Both designs clearly differ in that while the Registered Design is covered with the upper design cover for covering the connector body and the grip section from upward and the lower design cover for covering the cable section from downward, the Publicly Known Design has no such a cover. The design cover of the Registered Design is also subjected to aesthetic treatment for hiding the screw holes and the matching lines between parts, and this emphasizes the different feature from the Publicly Known Design where the screw hole and the matching line between parts are prominent, and the cover occupies a relatively large size portion of the design as a whole, and therefore, it can be said that the design cover has an extremely large impact on the aesthetic impression of both designs as a whole.

Although the demandant argues, in response to this, that the presence of the design cover is a difference that does not affect determination of similarity and cites the registration examples of the related designs in Evidence A No. 11 and No. 12, they are completely different cases.

Although the registered examples of the related designs cited by the demandant are certainly determined to be similar to each other and registered, compared to both designs, in the registered examples, the common features exceed the different features overwhelmingly since they are completely identical to each other except for the cover. They are merely examples indicating that any designs having a different feature in the presence of the design cover are not always dissimilar, and that there is a case where the designs may be similar even if they have the different feature in the presence of the cover.

Needless to say, because determination of similarity in examination and trial/appeal should be carried out in an individual and specific manner, and because similarity and dissimilarity between designs are relative, there is no direct contradiction between the state that the Registered Design and the Publicly Known Design are dissimilar and the state that the above-described related designs are similar to each other.

B Presence of Design Line

Both designs completely differ in that while the Publicly Known Design has the design line shaped in a question mark from the connector body to the cable section, the Registered Design has no such design line. Because a large size of the design line is

provided on the connector body and the cable section occupying a large proportion of the design as a whole, it can be said that this different feature has an extremely large impact on the aesthetic impression of both designs as a whole.

As the demandant himself calls it the "design line," it is provided on the purpose of emphasizing the design, and it clearly intends to provide a visual effect. This line emphasizes the impression that, in the Publicly Known Design, the connector body is gouged inside, and this line produces a different aesthetic impression from the Registered Design.

Although the demandant also states that, in the Registered Design having no design line, "changing to gradually recess" is also carried out, and that this should be understood as a common feature with the Publicly Known Design, because, as described above, in the Publicly Known Design, the shape is completely changed after the design line, and the connector body is clearly gouged inside rather than being changed, and it clearly differs from the Registered Design where changing of the widths of the connector body section is provided by a round portion.

C Shape of Grip Section

They differ in that, while the Registered Design has a recess for holding the index finger, the Publicly Known Design doesn't, and that, while, in the Publicly Known Design, the grip section has the grip groove (providing slip resistance) inside, the Registered Design has no grip groove. Above all, both designs completely differ in that while, in the Registered Design, the rear side of the grip section is parallel to the cable section straightly, in the Publicly Known Design, the rear side of the grip section is bent significantly outward.

Although the demandant states that, in the Publicly Known Design, it is "merely slightly enlarged outward," it has a completely different shape from the Registered Design as described above, and the impression produced from this shape completely differs from that of the Registered Design. In the other words, there is a contrasting difference in impression between an image of the Registered Design where the grip section is provided in a straight and ordered manner such as, for example, an L shape, and an image of the Publicly Known Design where the grip section is provided in a curved and smooth manner such as, for example, a C shape, and this different feature has an extremely large impact on the aesthetic impressions of the designs as a whole.

Further, concerning the difference in the presence of the recess for hooking the index finger, although the demandant also states that "it is a structure generally made to enhance the gripping feature of the grip, and it cannot be a portion that provides an aesthetic impression," if the shape of the grip section has an impact on the gripping

feature, the shape is considered to attract strong attention of traders and consumers who operate it, and the detailed shapes become important decision making factors when they select and purchase the connector. In consideration of such a circumstance, this difference in the presence of the recess for hooking the index finger should also be sufficiently evaluated in determination of similarity of both designs as a whole, and it can be said that it has a significant impact on the aesthetic impression on the designs as a whole.

Also, concerning the spaces formed by the grip sections and the cable sections, the spaces cannot be categorized in the same category as the "similar generally oval shape" as described by the demandant, and as described above, they completely differ in that, while in the Registered Design, it has a "cocoon shape," in the Publicly Known Design, it has a "sea cucumber shape." Because, like the grip section, the space formed by the grip section and the cable section is a portion that is observed by the consumers with interest when they grip the grip section, this also has a large impact on the aesthetic impression of both designs as a whole.

D Differences in Release Switch, Display Lamp, Retaining Hook, and Insertion Guide

Although the demandant argues, concerning these differences, that "when they are viewed from the design as a whole, they are merely insignificant differences relating to small and auxiliary portions," this is an extremely rough and groundless argument.

Both designs clearly differ in each of the sections. Concerning the release switch, it is a portion that the consumers directly touch when they operate it, and concerning the display lamp, the retaining hook, and the insertion guide, they are also portions that the consumers look at, check, etc. when they are in use. Therefore, each of them has a large impact on the operability of the connector itself, etc. As such, as these different features become important decision making factors in selecting and purchasing the connector, they should also be sufficiently evaluated in determination of similarity of both designs as a whole, and it can also be said that they have a significant impact on the aesthetic impression of the designs as a whole.

E Differences in Insertion Section

While, in the Registered Design, the cut end of the insertion section on the hand side has a curved shape in the top view, in the Publicly Known Design, the cut end of the insertion section on the hand side has a straight shape in the top view. Because this can also be said as a contrasting different feature that tends to attract attention of the consumers, like the above-described retaining hook, the insertion guide, etc., this different feature should be sufficiently evaluated in determination of similarity of both

designs as a whole, and it can be said that it has a large impact on the aesthetic impression on the designs as a whole.

As above, the different features between the sections of both designs should be evaluated to the maximum degree in determination of similarity between the designs as a whole, and further, most of the following points that the demandant argues to be evaluated as "common features" should be evaluated as "different features."

F Overall Impression, etc. of Both Designs

Although each of both designs certainly relates to a gun-type single action grip charge connector for an electric car, composed of the insertion section, the connector body, the cable section, and the grip section, and both designs are also roughly common in the proportion of the size of each section to a whole, they are not common in that "the sections form a smooth and even surface shape without a large step" as the demandant argues.

That is, because the Registered Design has the design cover, which is not provided in the Publicly Known Design, it cannot be said that Registered Design has a "smooth and even surface shape without a large step," and rather, wall thickness can be seen from the Registered Design as a whole due to the presence of the design cover. Therefore, this feature should be evaluated as a large different feature with the Publicly Known Design where no design cover is provided and wall thickness cannot be seen.

G Shape of Connector Body

Concerning the argument by the demandant that "the connector body has a cylindrical shape with a width slightly larger than that of the insertion section, and the width is slightly enlarged toward the grip direction and then becomes gradually narrower," this feature cannot be a common feature between both designs. Although, in the Registered Design, the connector body does have such a form, in the Publicly Known Design, the connector body is not "narrowed gradually" but is narrowed "so as to be sharply gouged," and produces the strong impression that it is reduced inwardly. Therefore, it is clear that the connector body is not a common form. Rather, it can be said that such a different feature in the form is a different feature between both designs.

Because, needless to say, the connector body occupies a large portion of the design as a whole and is considered to attract strong attention of the traders and the consumers who handle the connector, the above-described different feature should be evaluated to the maximum degree in determination of similarity between both designs as a whole, and it can also be said that the connector body has a significant impact on the aesthetic impression of the designs as a whole.

H Grip Section

As described above, there are the features that the Publicly Known Design where the grip section is not provided straightly clearly differs from the Registered Design where the grip section is parallel to the cable section straightly, and that, in both of the designs, the spaces formed by the grip sections and the cable sections do not have a generally oval shape but have clearly different shapes; that is, a "cocoon shape" in the Registered Design and a "sea cucumber shape" in the Publicly Known Design. These features also have an impact on the holding feature of the grip and, therefore, they are considered to attract strong attention of the traders and the consumers. They should also be sufficiently evaluated in determination of similarity of both designs as a whole, and are considered to have a large impact on the aesthetic impression of the designs as a whole.

I Insertion section

Although the demandant argues that both designs are common in that the insertion section has four circular connectors on its tip, concerning this form, Evidence B No. 3 (Japanese Unexamined Patent Application Publication No. H7-85926) disclosed, in FIGs. 1 and 2, almost same outer shape of an insertion section before the application of the Publicly Known Design was filed, and this is because the connectors are inevitably designed to have the same shapes due to the need of connectivity to an inlet on the car side.

Moreover, the above-described form is a unified interface specified by CHAdeNO Association (Evidence B No. 4).

Accordingly, the feature of providing four circular connectors on the tip of the insertion section cannot be evaluated at all in determination of similarity of both designs as a whole.

(2) Determination of Similarity and Applicability of Article 3(1)(iii) of Design Act

As described above, because there are a number of clear different features between the Registered Design and the Publicly Known Design to the degree that overwhelmingly exceeds the common features described by the demandant, and because it is impossible to observe a common aesthetic impression from both designs as a whole, the Registered Design and the Publicly Known Design are dissimilar designs, and the Registered Design does not fall under Article 3(1)(iii) of the Design Act.

2 Argument in "Oral Proceedings Brief Statement" of September 15, 2015

(1) Design of Car Power Supply Connector

Although the demandant describes that a characteristic feature of the Publicly Known Design is that "the sections form a smooth and even surface shape without a large step and the connector body has a cylindrical shape with a width slightly larger than that of the insertion section, and the width is slightly enlarged toward the grip direction and then becomes gradually narrower," in the Publicly Known Design, the connector body is narrowed so as to be "sharply gouged "but not "gradually narrower," and therefore, this recognition of the characteristic feature is incorrect in the first place. Even if the characteristic feature of the Publicly Known Design is recognized accurately, and it is novel in the market, the feature differs from the Registered Design, and therefore, that fact cannot be grounds for invalidation of the registration of the Registered Design.

(2) Evaluation of Common Features and Different features

A Concerning the different feature in the presence of the design cover, the demandant argues, in the written refutation, that Evidence A No. 11 and No. 12 (related design registration cases that are recognized to be similar even if they differ in the presence of the cover) indicate that "the presence of the design cover is not highly evaluated in determination of similarity," and argues that it is clear that the presence of the design cover is not highly evaluated in determination of similarity of the present case as well. However, as the demandee states in the written reply, they are completely different cases. The above-described cases are completely identical other than the cover, and the common features surpass the different features. Although the demandant persists in citing the above-described related design registration cases unnecessarily and insists that "the presence of the cover is not evaluated" by any means, naturally, individual and specific determination should be made in determination of similarity in consideration of the constitution other than the cover. It is impossible to conclude, based on this registration case alone, that the presence of the design cover is not highly evaluated in determination of similarity in other cases as well, and individual and specific determination should be made in consideration of other constitutions. The argument by the demandant completely overlooks such a point, and therefore it is inappropriate.

As the demandee already states in the written reply, the design cover of the Registered Design is also subjected to the aesthetic treatment for hiding the screw holes and the matching lines between parts, and this emphasizes the different feature from the Publicly Known Design, where the screw hole and the matching line between parts are prominent. In addition, the proportion occupied by the cover compared to the entire design is relatively large, and the wall thickness of the Registered Design that cannot be

seen from the Publicly Known Design is more emphasized by the design cover that is enhancing its presence. Therefore, it can be said that the design cover has an extremely large impact on the aesthetic impressions of both designs as a whole.

B Concerning the design line of the Publicly Known Design, the demandant argues, in the written refutation, that the design line is a line for changing the widths from the connector body to the cable section, and the important matter is not how to name the line, but is a physical shape change where the widths are changed along the line.

However, as the demandee states in the written reply, because the design line provides the visual effect of emphasizing the impression that the connector body of the Publicly Known Design is gouged inside, it can be said that the line is provided to emphasize the design, but is never provided only for its name. In this regard, the demandant himself positively defines the line as the "design line" in the notice of demand for trial, and the demandee merely follows this definition purposely. Further, the demandant merely replaces such a line for emphasizing the impression of the connector body gouged inside with an expression such as "changing of the widths." If the physical shape change is objectively observed, the connector body is obviously gouged inside after the design line, and therefore, it can be said that the Publicly Known Design clearly differs from the Registered Design. Such a clear different feature has a large impact on determination of similarity.

C As the demandee states in the written reply, both designs clearly differ in each of the grip section, the release switch, the display lamp, the retaining hook, the insertion guide, and insertion section, and, first, concerning the grip section, it is considered that the shape has an impact on the holding feature and attracts strong attention of the traders and the consumers who operate it and concern with the details of constitution as the important decision making factors in selecting and purchasing the connector. Further, concerning the release switch, it is a portion that the consumers directly touch when they operate it, and concerning the display lamp, the retaining hook, and the insertion guide, they are also portions that the consumers look at, check, etc. when they are in use. Therefore, each of them has a large impact on the operability of the connector itself, etc. As such, as these different features become important decision making factors when the traders and the consumers select and purchase the connector, they should also be sufficiently evaluated in determination of similarity of both designs as a whole, and it can also be said that they have a significant impact on the aesthetic impression of the designs as a whole.

(3) Closing

As described above, because the argument by the demandant is inappropriate, it is clear that the registration of the Registered Design has no deficiency, and it does not fall under Article 3(1)(iii) of the Design Act.

No. 5 Oral proceeding

The body conducted the oral proceeding concerning the trial of the case on October 14, 2015 ("Trial record of First Oral Proceeding" of October 14, 2015).

No. 6 Judgment by the body

1 Registered Design

The article to the Registered Design is a "charge connector for an electric car," and the Registered Design has a form as described in the application and the drawings attached to the application. According to explanation of the article to the design, "the article is a charge connector used in supplying electrical power to a battery of an electric car, a plug-in hybrid car, etc." (see No. 1 in the attached sheet).

The form of the Registered Design is as below. In addition, names of components of the Registered Design and directions of drawings are identified based on Evidence A No. 3 (see No. 3 in the attached sheet).

(1) Basic Constitution

A Overall Constitution

The Registered Design has the gun-type composed of the insertion section, the connector body, the grip section, and the cable section as a whole, and a vertical enclosed space section (hereinafter simply referred to as the "space section") for inserting the fingers is formed between the grip section and the cable section.

B Constitutions of Insertion Section and Connector Body

The insertion section has a generally cylindrical shape and is rearwardly connected to the connector body having a generally cylindrical shape, and the center of the insertion section and the center of the connector section are located on a coaxial horizontal line.

C Constitutions of Grip Section and Cable Section

The upper rear side of the connector body continues to the grip section which is inclined to the lower right direction in the right side view, and the lower rear side of the connector body also continues to the cable section which is inclined to the lower right direction in the right side view. Further, the lower portion of the connector section continues to the lower portion of the grip section, and the lower end of the continuous portion is inclined to the upper right direction in the right side view.

D Constitution of Design Cover

The upper design cover is provided on the upper side of the connector body and the outside of the grip section, and the lower design cover is provided on the lower side of the connector body and the outside of the cable section. The thicknesses of both design covers are expressed to be small.

(2) Specific Form

E Shape of Insertion Section

The four circular connectors are positioned in a cross shape on the inner front side of the insertion section, while the vertical retaining hook having the nail section on its tip is provided on the center of the top of the insertion section so as to extend from the connector body.

F Shape of Connector Body

In the connector body, both of the right and left ends are slightly enlarged in an arc shape on the insertion section side in the top view, and the widths are gradually narrowed as they approach the grip section. Further, according to perspective view 1, perspective view 3, and perspective view 4, the portion near the upper left side of the space section in the connector body is narrowed in the right side view.

G Shape of Grip Section

Although the upper portion inside the grip section is narrowed, a bump section (hereinafter simply referred to as a "bump section") is formed from the middle portion to the lower portion inside, and a step surface is formed on the upper end of the bump portion. Then, the lower portion of the bump portion extends toward the cable section side so as to be gradually enlarged, and the bump section is expressed to have a generally inverted L shape (inner angle has an arc shape) in the right side view. Further, the outer side of the grip section is expressed to be generally linear in the right side view.

H Shape of Cable Section

Because most of the inner side of the cable section is narrowed, and because the lower end portion rises and is gradually enlarged, the ridge line inside the cable section is expressed to have a generally L shape (inner side has an arc shape) in the right side view. In the right side view, the lower end tip of a generally reversed L shape of the bump section is formed to contact with the lower position of the lower end tip of the generally L shape of the ridge line inside the cable section.

I Shape of Ridge Line Inside Space Section

In the right side view, the upper portion of the ridge line inside the space section has a mountain shape, and the right end of it is blocked by the bump section to thereby form a step, and the left side and the right side (ridge line of the bump section) of the

ridge line inside the space section are parallel. The lower left side portion of the ridge line inside the space section is expressed to have an arc shape, and the lower right side portion is also expressed to have an arc shape. Because the former is provided on the slightly upper position than the latter, a step is formed on the lower portion.

J Shape of Design Cover

In the right side view, substantially the left half of the upper design cover has a generally inverted and reversed J shape, and substantially the left half of the lower design cover also has a generally inverted J shape. Because the tips of the J shapes are adjacent to each other, they are combined and expressed to have a generally inverted U shape.

Moreover, the upper design cover is formed such that it is bent substantially in a "jackknifed" manner in the middle portion, and substantially the right half of the cover covers most of the grip section. The inclination of the end portion of the right half is sharper than the inclination of the lower end of the grip section. Also, the lower design cover is formed so as to be bent in a manner similar to that of the upper design cover such that substantially the right half covers the outer side and the lower portion of the cable section, and substantially the right half is expressed to be inclined to the left in a generally L shape as a whole (inner side has an arc shape).

Further, because, in the top view, the lower end of the upper design cover is formed to have a generally concave arc shape, and the right and left ends are also cut off in an arc shape, the upper design cover is expressed to have a generally reversed "Y" shape as a whole. The retaining hook is expressed to be elongated from the lower end of the center of the generally reversed "Y" shape.

K Shape and Position of Release Switch

The release switch, which has a generally rounded vertical rectangular shape in the top view, is positioned on the outer side of the substantially jackknifed bent portion of the upper design cover so as to protrude therefrom, and a slightly larger seat section which has a generally rounded vertical rectangular shape in the top view, is formed so as to rise around the release switch. In addition, in the right side view, the position of the release switch is on the right side of the upper end position of the space section.

L Shape and Position of Display Lamp Section

The display lamp section having a generally inverted narrow teardrop shape is positioned on approximately the center of the upper design cover in the rear view.

M Shape of Cable Mounting Section and Cable Section

A cable mounting section having a generally reversed truncated cone shape is provided under the cable section, by way of the generally L shaped lower portion of

substantially the right half of the lower design cover, and a (part of) cylindrical cable having a slightly smaller radius than the cable mounting section is provided under the cable mounting section.

2 Gist of Reasons for Invalidation

The demandant argues, as the reasons for invalidation of the registration of the Registered Design, that because the Registered Design is similar to the design of design registration No. 1417577 (design of Evidence A No. 2) which had been publicly known in Japan or a foreign country, prior to the filling of the application for design registration of the Registered Design, and which had been described in a distributed publication, or had been made publicly available through an electric telecommunication line in Japan or a foreign country, prior to the filling of the application for design registration of the Registered Design, it falls under the category of Article 3(1)(iii) of the Design Act and cannot be registered under the provision of the main paragraph of the same Article, and that therefore, the registration of the Registered Design falls under the provision of Article 48(1)(i) of the same Act and should be invalidated under the provision of the main paragraph of the same Article.

In addition, because the issue date of the design bulletin (Evidence A No. 2) describing the design of registered design No. 1417577 is June 27, 2011, and the same bulletin was issued more than 17 months before the filing date of the Registered Design (December 3, 2012), it is clear that the design of registered design No. 1417577 is a design which had been publicly known in Japan or a foreign country, prior to the filling of the application for design registration of the Registered Design. Therefore, the body will examine whether or not the Registered Design is similar to the design of registered design No. 1417577 which had been described in a distributed publication, or had been made publicly available through an electric telecommunication line in Japan or a foreign country, prior to the filling of the application for design registration of the Registered Design (design of Evidence No. 2. Hereinafter, we, the body, also refer this design as the "Publicly Known Design").

3 Determination of Reasons for Invalidation

Whether or not the Registered Design is similar to the Publicly Known Design will be examined.

(1) Publicly Known Design

According to Evidence A No. 2 (see No. 2 in the attached sheet), the article to the Publicly Known Design is a "power supply connector for a car," and the Publicly

Known Design has the form as described in Evidence A No. 2, and according to explanation of the article to the design, "the article is used for supplying power to a battery of an electric car. This power supply connector is provided on a tip of a cable connected to a power source, and terminals in the power supply connector are connected to terminals in a power receiving opening when the former is inserted into the latter."

The form of the Publicly Known Design is as described below. In addition, names of components of the Publicly Known Design are identified based on Evidence A No. 3 (see No. 3 in the attached sheet).

A Basic Constitution

(A) Overall Constitution

The Publicly Known Design has the gun-type composed of the insertion section, the connector body, the grip section, and the cable section as a whole, and a vertical enclosed space section (hereinafter simply referred to as the "space section") for inserting the fingers is formed between the grip section and the cable section.

(B) Constitutions of Insertion Section and Connector Body

The insertion section has a generally cylindrical shape and is rearwardly connected to the connector body having a generally cylindrical shape, and the center of the insertion section and the center of the connector section are located on a coaxial horizontal line.

(C) Constitutions of Grip Section and Cable Section

The upper rear side of the connector body continues to the grip section which is inclined to the lower right direction in the right side view, and the lower rear side of the connector body also continues to the cable section which is inclined to the lower right direction in the right side view. Further, the lower portion of the connector section continues to the lower portion of the grip section, and the lower end of the continuous portion is inclined to the upper right direction in the right side view.

(D) Constitutions Based on Surface Parting Lines

In the right side view, the surface parting line having a generally reversed "?" shape is formed from the center portion of the connector body to the lower end of the cable section, and the connector body is recessed in a generally concave surface in the right direction after the parting line. In the top view, the parting line is expressed as bend points which appear on the ridge lines of the right and left sides of the connector body.

B Specific Form

(E) Shape of Insertion Section

The four circular connectors are positioned in a cross shape on the inner front side of the insertion section, while the vertical retaining hook having the nail section on its tip is provided on the center of the top of the insertion section so as to extend from the connector body. Further, in the top view, vertical and shallow groove guides are formed on the right and left sides of the retaining hook.

(F) Shape of Connector Body

In the connector body, the widths of both of the right and left ends on the insertion section side in the top view are gradually enlarged toward the grip section direction and are narrowed inward to have a generally concave arc shape after the above-described bend points. Further, a parting line is provided between the connector body and the grip section, and the same parting line is inclined to the left side in the right side view.

(G) Shape of Grip Section

The grip section is bent into a generally arch shape as a whole, and in particular, the upper portion is bent in the connector body direction, and 13 horizontal grooves are formed vertically inside the grip section. In addition, on the upper side of the grip section, there are formed a parting line between the connector body and the grip section, and a partitioned section which has a generally bell shape in the top view and is partitioned by an extended line on the upper side of the surface parting line having the above-described generally reversed "?" shape. The rear end portion of the partitioned section rises slightly. Moreover, the upper surface of the lower portion of the grip section is expressed to be a generally flat surface.

(H) Shape of Cable Section

In the cable section, the outer side of the surface parting line having the generally reversed "?" shape; that is, substantially the left half of the cable section, is expressed to have a generally semicylindrical shape. Substantially the right half of the cable section is expressed to have the side portions having generally flat surfaces.

(I) Shape of Ridge Line Inside Space Section

In the right side view, the portion from the upper portion to the right side of the ridge line, in particular, the upper side, inside the space section has a generally arch shape toward the connector body, and the left side and the lower side of the ridge line inside the space section are generally linear.

(J) Shape and Position of Release Switch

The release switch, which has the generally rounded vertical rectangular shape in the top view, is provided inside the partitioned section having the generally bell shape on the upper side of the grip section in the top view, and a vertically-slidable button

having a mountain shape in the right side view is positioned thereon. In addition, in the right side view, the position of the release switch is almost identical to the upper end position of the space section.

(K) Shape and Position of Display Lamp Section

The circular display lamp section is positioned on the lower rear side of the grip section.

(L) Shape of Cable Mounting Section

The cable mounting section having a generally inverted truncated cone shape is provided under the cable section, and three grooves are formed from the closer position of the upper end side to substantially the center of the cable mounting section.

(2) Comparison between Registered Design and Publicly Known Design

Because the article to the Registered Design is a "charge connector for an electric car," and the article to the Publicly Known Design is a "power supply connector for a car," the Registered Design and the Publicly Known Design (hereinafter referred to as "both designs") are used to supply electrical power to a battery, etc. of a car. Therefore, it is admitted that both designs are common in the articles to the design, and that they have the following common features and different features in forms.

A Common Features

(A) Overall Constitution

Each of them has the gun-type composed of the insertion section, the connector body, the grip section, and the cable section as a whole, and the space section is formed between the grip section and the cable section.

(B) Constitutions of Insertion Section and Connector Body

The insertion section has a generally cylindrical shape and is rearwardly connected to the connector body having a generally cylindrical shape, and the center of the insertion section and the center of the connector section are located on a coaxial horizontal line.

(C) Constitutions of Grip Section and Cable Section

The upper rear side of the connector body continues to the grip section which is inclined to the lower right direction in the right side view, and the lower rear side of the connector body also continues to the cable section which is inclined to the lower right direction in the right side view. Further, the lower portion of the connector section continues to the lower portion of the grip section, and the lower end of the continuous portion is inclined to the upper right direction in the right side view.

(D) Shape of Insertion Section

The four circular connectors are positioned in a cross shape on the inner front side of the insertion section, while the vertical retaining hook having the nail section on its tip is provided on the center of the top of the insertion section so as to extend from the connector body.

(E) Shape of Cable Mounting Section

The cable mounting section having a generally reversed truncated cone shape is provided under the cable section.

(F) Shape of Release Switch

The release switch has a generally rounded vertical rectangular shape in the top view.

B Different features

(a) Difference in Presence of Design Cover

In the Registered Design, the upper design cover is positioned on the upper side of the connector body and the outer side of the grip section, and the lower design cover is positioned on the lower side of the connector body and the outer side of the cable section, but the Publicly Known Design has no such cover.

(b) Difference in Presence of Surface Parting Line

In the Publicly Known Design, in the right side view, the surface parting line having a generally reversed "?" shape is formed from the center portion of the connector body to the lower end of the cable section (which appears as bend points in the top view), and the connector body is recessed in a generally concave surface in the right direction after the parting line. But, the Registered Design has no such surface parting line.

(c) Difference in Shape of Connector Body

In the Registered Design, both the right and left ends of the connector body on the insertion section side are slightly enlarged in an arc shape in the top view, and the widths are gradually narrowed as they are closer to the grip section. Further, the portion near the upper left side of the space section of the connector body is narrowed in the right side view.

In contrast, in the Publicly Known Design, the widths of both of the right and left ends of the connector body on the insertion section side are gradually enlarged toward the grip section direction in the top view, and are narrowed inward in a generally concave arc shape after the bend points in the top view. Further, the parting line is provided between the connector body and the grip section, and the same parting line is inclined to the left side in the right side view.

(d) Difference in Shape of Grip Section

Although, in the Registered Design, the upper portion inside the grip section is narrowed, the bump section is formed from the middle to the lower portions inside, and a step surface is formed on the upper end of the bump portion. The lower portion of the bump portion extends toward the cable section side so as to be gradually enlarged, and the bump section is expressed to have a generally inverted L shape (inner angle has an arc shape) in the right side view. Further, the outer side of the grip section is expressed to be generally linear in the right side view.

In contrast, the grip section of the Publicly Known Design is bent to have a generally arch shape as a whole, and in particular, the upper portion is bent in the connector body direction, and 13 horizontal grooves are formed vertically inside the grip section. In addition, on the upper side of the grip section, there are formed a parting line between the connector body and the grip section, and a partitioned section which has a generally bell shape in the top view and is partitioned by an extended line on the upper side of the surface parting line having the above-described generally reversed "?" shape. The rear end portion of the partitioned section rises slightly. Moreover, the upper surface of the lower portion of the grip section is expressed to be a generally flat surface.

(e) Differences in Shape of Cable Section

Because most of the inner side of the cable section of the Registered Design is narrowed, and the lower end portion rises and is gradually enlarged, the ridge line of the inside of the cable section is expressed to have a generally L shape (the inner side has an arc shape) in the right side view. In the right side view, the lower end tip of a generally reversed L shape of the bump section is formed to contact with the lower position of the lower end tip of the generally L shape of the ridge line inside the cable section.

In contrast, in the cable section of the Publicly Known Design, the outer side of the surface parting line having the generally reversed "?" shape; that is, substantially the left half of the cable section, is expressed to have a generally semicylindrical shape. Substantially the right half of the cable section is expressed to have the side portions having a generally flat surfaces.

(f) Difference in Shape of Ridge Line Inside Space Section

In the right side view of the Registered Design, the upper portion of the ridge line inside the space section has a mountain shape, and the right end of it is blocked by the bump section to thereby form the step, and the left side and the right side (ridge line of the bump section) of the ridge line inside the space section are parallel. The lower left side portion of the ridge line inside the space section is expressed to have an arc

shape, and the lower right side portion is also expressed to have an arc shape. Because the former is provided on the slightly upper position in relation to the latter, a step is formed on the lower portion.

In contrast, in the Publicly Known Design, the portion from the upper side to the right side of the ridge line inside the space section has a generally arch shape toward the connector body, in particular, in the upper side, and the left side and the lower side of the ridge line inside the space section are generally linear.

(g) Difference in Shape and Position of Release Switch

In the Registered Design, the release switch is positioned on the outer side of the almost jackknifed bent portion of the upper design cover so as to protrude therefrom, and a slightly larger seat section, which has a generally rounded vertical rectangular shape in the top view, is formed so as to rise around the release switch. In addition, in the right side view, the position of the release switch is on the right side of the upper end position of the space section.

In contrast, in the Publicly Known Design, the release switch is provided inside the partitioned section having the generally bell shape on the upper side of the grip section in the top view, and a vertically-slidable button having a mountain shape in the right side view is positioned thereon. In addition, in the right side view, the position of the release switch is almost identical to the upper end position of the space section.

(h) Difference between Shape and Position of Display Lamp Section

While, in the Registered Design, the display lamp section, which has a generally inverted narrow teardrop shape, is positioned on approximately the center of the upper design cover in the rear view, in the Publicly Known Design, the circular display lamp section is positioned on the lower rear side of the grip section.

(i) Differences in Shape of Cable Mounting Section

While, in the Publicly Known Design, three grooves are formed from the closer position of the upper end side to substantially the center of the cable mounting section, the Registered Design has no such a groove.

(j) Difference in Presence of Cable

Although, in the Registered Design, a (part of) cylindrical cable having a slightly smaller radius than the cable mounting section is provided under the cable mounting section, the Publicly Known Design has no such a cable.

(k) Difference in Presence of Guides

While, in the Publicly Known Design, vertical and shallow groove guides are formed on the right and left sides of the retaining hook of the insertion section in the top view, the Registered Design has no such a guide.

(l) Difference in Length of Retaining Hook

In the Registered Design, the retaining hook is expressed to be elongated from the lower end of the center of the generally reversed "Y" shape of the upper design cover, in the top view, and the length of the retaining hook in the Publicly Known Design is shorter than that of the Registered Design.

(3) Determination of Similarity between Both Designs

A The Article to the Design

As found above, the articles to which both designs are applied are common.

B Determination of Similarity in Field of Article of "Charging Connector for Electric Car"

When the "charging connector for an electric car" is used, that design as a whole is touched by the hand of the user. Therefore, the user (observer) can observe the overall shape of the design, and can also carefully observe and pay attention to the shapes of the sections viewed from all directions. Therefore, in determination of similarity in design in the field of the article of the "charging connector for an electric car," the form is evaluated by evaluating the overall shape and all the shapes of the sections and further by evaluating them together as the design as a whole.

C Evaluation of Common Features in Form

Concerning the constitutions pointed out in the common features (A) to (C), as they were commonly found in the designs in the field of the articles of the "charging connector for an electric car" before the filing of the present application, they cannot attract the observer's attention. Specifically, the constitutions can be found in the design of the "power supply connector (20) "disclosed in Japanese Unexamined Patent Application Publication No. H6-325830 (Evidence B No. 2-10, see the attached sheet No. 5). Further, the form of the common feature (D) can also be found in the design of the "power supply side connector (B)" (Evidence B No. 3, see No. 6 in the attached sheet) disclosed in Japanese Unexamined Patent Application Publication No. H7-85926. As both of the features that (E) the cable mounting section has an reversed truncated cone shape, and that (F) the release switch has a generally rounded vertical rectangular shape in the top view are not unique, but are ordinary, they cannot attract the observer's attention. Therefore, it can be said that the impact of the common features (A) to (F) on determination of similarity between both designs is small.

D Evaluation of Different feature in Form

The different features in the forms between both designs are evaluated as below. It is admitted that their impact on determination of similarity between both designs is

larger than that of the above-described common features when the different features are considered together.

First, concerning the different feature (a), which is the difference in the presence of the design cover, the observer can notice the difference at a glance because the design covers, which are positioned from the upper side and the lower side of the connector body to the outer side of the grip section and the outer side of the cable section of the Registered Design, occupy the large area of the design as a whole. Because it should be said that the covers create a certain level of aesthetic impression to the observer, they provides a remarkable different feature from the Publicly Known Design where no such a cover is provided, and the impact of the different feature (a) on determination of similarity between both designs is large.

In particular, the form of the generally inverted "U" shape of the upper design cover and the lower design cover in combination in the right side view and the form of the generally reversed "Y" shape of the upper design cover in the top view should give unique impressions to the observer. Further, because the generally L shaped portion of substantially the right half of the lower design cover is expressed to continue, on the lower side, to the generally reversed L shaped bump section of the grip section, a generally inverted U shape portion inclined to the left appears when they are viewed in combination. Also, because the inner angles of both of the L shapes have an arc shape, and the inner ridge line of the generally inverted U shape portion is observed to be a generally U shape inclined to the left, substantially the right half of the lower design cover in combination with the bump section of the grip section creates a unique aesthetic impression to the observer.

Concerning the presence of the design cover, referring to the past design registration examples (Evidence A No. 11 and No. 12 registered as similar designs), the demandant argues that "In consideration that the designs were determined to be similar and registered in spite of such a difference in the presence of the design cover, it is understood that the different feature of the presence of the design cover is interpreted as an insignificant difference that does not affect determination of similarity. (snip) It is clear that the presence of the design cover cannot be evaluated as a remarkable different feature."

However, in making determination of similarity between the Registered Design and the Publicly Known Design, it is necessary to make the determination by comparing all the common features and the different features between both designs, and the presence of the different feature (a) does not always make total determination of similarity. Further, in those past design registration examples, determination was also

made by comparing the different features of the presence of the design cover (and the other different features) to a plurality of common features, and the determination content cannot be directly applied to determination of similarity between the Registered Design and the Publicly Known Design. Therefore, the argument by the demandant is not acceptable.

Next, concerning the differences in (b) the presence of the surface parting line and (c) the shape of the connector body, the surface parting line formed on the Publicly Known Design extends from the center portion of the connector body to the lower end of the cable section. Because, after this line, the connector body is recessed in a generally concave surface in the right direction, and the line appears as bend points in the top view, the surface parting line should give a special visual impression to the observer. When the Publicly Known Design is compared to the Registered Design where no surface parting line is provided and no bend point appears in the top view, it can be said that both designs give significantly different visual impressions to the observer. In addition, although the connector body is also narrowed in the Registered Design, according to perspective view 1, perspective view 3, and perspective view 4, the position of the narrowed portion is near the upper left portion of the space section of the connector body in the right side view, and, in the top view, it corresponds to the position where the connector body is gradually narrowed near the grip section. Therefore, the shape of the connector body differs from that of the Publicly Known Design. Therefore, the impact of the different feature (b) on determination of similarity between both designs is large.

Concerning this surface parting line, the demandant argues that "the design line of the Publicly Known Design is a changing line where the enlargement of the connector body is gradually recessed toward the cable section and the grip section, and therefore, an aesthetic impression that the shape of the enlargement is changed to be gradually recessed around line should be emphasized, rather than the feature that the line is provided there. On the other hand, although, in the Registered Design, the design line like the one in the Publicly Known Design is not provided, in the same position, the enlargement of the connector body is changed to be gradually recessed toward the cable section and the grip section, resulting in an aesthetic impression that such changing of the aesthetic treatment has been conducted. As such, the presence of the design line should not be understood as a remarkable different feature, but should be understood even as a common feature in the aesthetic treatment that, in the same positions, the enlargements of the connector bodies are changed to be gradually recessed toward the cable sections and the grip sections." The demandant further argues that "the design

line is merely a changing line of the width and merely indicates that the width becomes narrower inside from the design line. Further, in that changing to the narrower width, the width becomes narrower with a slight arc inward in the top view, but it is difficult to express it as 'being gouged.' Therefore, the common feature between both designs that 'the connector body has a cylindrical shape with a width slightly larger than that of the insertion section, and the width is slightly enlarged toward the grip direction and then becomes gradually narrower' is maintained, and this is a characteristic feature that cannot be found in other designs."

However, because it is clear that the surface parting line observed in the Publicly Known Design is formed as a boundary between the discontinuous surfaces as it appears as bend points in the top view, and that the connector body on the right side of the line is recessed to have the generally concave surface, it cannot be said that the recess of the connector body in the right direction after the surface parting line is "the shape of the enlargement is changed to be gradually recessed," even if it cannot be expressed as a gouged recess. Further, because, as identified above, the position where the connector body begins to be narrowed in the Registered Design is near the upper left portion of the space section in the right side view, it cannot be said that "the enlargement of the connector body is changed to be gradually recessed toward the cable section and the grip section in the same position" as the position of the surface parting line or that "the common feature between both designs is maintained." Therefore, the argument by the demandant is not acceptable.

Moreover, concerning "being changed to be gradually recessed," the demandant argues that "from the drawings of the Registered Design, it is reasonable to interpret that the connector body is recessed inward from the curved line indicated by the red circle in the rear view in [Table 2] on page 5 of the written refutation (see No. 4 in the attached sheet) to have the narrower width," However, in the Registered Design, the curved line seen in the rear view is merely presumed to be located within the range from a position where both of the right and left ends are enlarged into a gradual arc near the insertion side to a position near the grip section side in the top view. Although the relationship between the curved line and the narrowed portion near the upper left portion of the space section of the connector body in the right side view, which can be seen in perspective view 1, perspective view 3, and perspective view 4 of the Registered Design, is unknown, as described above, the position of the narrowed portion differs from the position of the surface parting line of the Publicly Known Design, and therefore, the argument by the demandant for particularly emphasizing the presence of the curved line is not adoptable.

Then, it should be said that the differences in (d) the shape of the grip section, (e) the shape of the cable section, and (f) the shape of the ridge line inside the space section give, in combination with the difference in the presence of the design cover, different visual impressions to the observer. In consideration that these differences are related to the shapes of the portions directly touched by the hand of the observer and to the shapes around the portions, it should be recognized that the observer pays attention to these differences to a large extent. Therefore, the impact of the different features (d) to (f) on determination of similarity of both designs is large.

Concerning this shape of the ridge line inside the space section, the demandant argues that "both of the spaces formed by the grip sections and the cable sections of both designs can be recognized as 'oval' and, that it is reasonable to evaluate them as spaces having similar outlines." However, in the Registered Design, the ridge line inside the space section has a distorted shape due to the step of the bump section and the step on the lower side, and it should be recognized that it greatly differs from the shape of the ridge line inside the space section of the Publicly Known Design where the portion from the upper side to the right side has a generally arch shape, and the left side and the lower side are generally linear. Therefore, the argument by the demandant is not acceptable.

Moreover, with regard to the difference in (g) the shape of the release switch, the difference relates to the shape of the switch operated by the observer, and the observer is considered to always pay attention to the Registered Design having the push button switch and the Publicly Known Design having the slide switch. Further, concerning the position of the release switch in the right side view, while, in the Registered Design, the position is located on the right side of the upper end position of the space section, in the Publicly Known Design, the position is almost identical to the upper end of the space section. This difference in the positions thus appears as a difference in positions of the thumb and the index finger in use, and the difference accordingly affects the angle of the wrist holding the grip section, and therefore, the observer is considered to pay attention to the difference in the positions. Therefore, it is admitted that there is a certain degree of impact of the different feature (g) on determination of similarity between both designs.

On the other hand, the differences in (h) the shape and the position of the display lamp section, (i) the shape of the cable mounting section, and (l) the length of the retaining hook are out of reach of the differences that attract attention of the observer, as the areas occupied by the display lamp section, the cable mounting section and the retaining hook compared to the entire design is small. Further, concerning the

differences in (j) the presence of the cable and (k) the presence of the guide, it cannot be said that the observer pays particular attention to them, because the cable in the Registered Design and the guides in the Publicly Known Design are commonly observed in the designs in the field of the article of the "charging connector for an electric car" before filing of the present application (for example, the design of "power supply side connector (B)" disclosed in Japanese Patent Unexamined Application Publication No. H7-85926, Evidence B No. 3, see No. 6 in the attached sheet). Therefore, the impact of the different features (h) to (l) on determination of similarity between both designs is small.

As such, because all the different features (a) to (g) have large impacts on determination of similarity between both designs, even if the impacts of the remaining different features are small, when all different features between both designs are considered in a comprehensive manner, they give the impression that both designs differ from each other. Therefore, it can be said that they have large impacts on determination of similarity between both designs, and they exceed the common features between both designs.

E Summary

As such, although both designs are common in the articles to the designs, in terms of the forms of the designs, the impact of the common features on determination of similarity between both designs is small, while the impact of the different features in the form between both designs is large when the different features between both designs are considered in a comprehensive manner. Because the different features give the impression that both designs differ from each other beyond the aesthetic impression that the common features create to the observer, the Registered Design is not similar to the Publicly Known Design.

That is, the Registered Design is not similar to the design of design registration No. 1417577 (Publicly Known Design) which had been publicly known in Japan or a foreign country and which had been described in a distributed publication, or had been made publicly available through an electric telecommunication line in Japan or a foreign country, prior to the filling of the application for design registration of the Registered Design.

Therefore, the reason for invalidation of the registration of the Registered Design argued by the demandant is groundless.

No. 7 Closing

As described above, even when taking into consideration the reason for invalidation alleged by the demandant, it cannot be said that the Registered Design was granted design registration in spite of falling under the category of Article 3(1)(iii) of the Design Act, and the registration of the Registered Design cannot be invalidated in accordance with the provisions of Article 48(1)(i) of the same Act.

The costs in connection with the trial shall be borne by the demandant under the provisions of Article 61 of the Code of Civil Procedure applied mutatis mutandis in Article 169(2) of the Patent Act applied mutatis mutandis in Article 52 of the Design Act.

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

December 1, 2015

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

別紙第１　　甲第１号証



（１９）【発行国】日本国特許庁（ＪＰ）
（４５）【発行日】平成２５年９月２日（２０１３．９．２）
（１２）【公報種別】意匠公報（Ｓ）
（１１）【登録番号】意匠登録第１４７８５８０号（Ｄ１４７８５８０）
（２４）【登録日】平成２５年８月２日（２０１３．８．２）
（５４）【意匠に係る物品】電気自動車用充電コネクタ
【本意匠の意匠登録番号】意匠登録第１４７８３９２号（Ｄ１４７８３９２）
【本意匠に係る他の関連意匠の意匠登録番号】意匠登録第１４７８５８１号（Ｄ１４７８５８１）、意匠登録第１４７８５８２号（Ｄ１４７８５８２）、意匠登録第１４７８５８３号（Ｄ１４７８５８３）、意匠登録第１４７８５７９号（Ｄ１４７８５７９）
（５２）【意匠分類】Ｈ１－３４３３
（５１）【国際意匠分類（参考）】１３－０３、１４－０３
【Ｄターム】Ｈ１－３４３３ＡＢ
（２１）【出願番号】意願２０１２－２９５８０（Ｄ２０１２－２９５８０）
（２２）【出願日】平成２４年１２月３日（２０１２．１２．３）
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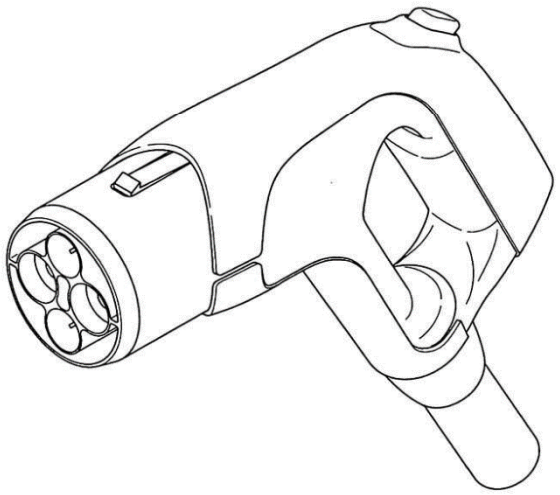
【審査官】宮田　荘平
（５６）【参考文献】意登９６０６８８　意登９６０６８８－１　意登９８３５０９　意登９８６０１３　意登１０４８５２２　意登１４１７５７７　意登１４２３２９１　意登１４３４３５０　意登１４６４７４２　意登１４６４７４３　意登１４６４７４４　意登１４６４７４５　意登１４６４８５０　意登１４７６６７５　意登１４７６９２３　意登１４７８３９２　意登１４７８５７９　意登１４７８５８１　意登１４７８５８２　意登１４７８５８３　アメリカ意匠公報：オフィシャルガゼット、３号、１２０７巻、（１９９８－２－１７）、２５１７頁、３９０８２７、（特許庁意匠課公知資料番号ＨＨ１１０３３０４４）　日経トレンディ、３４２号、（２０１２－８－４）、５３頁、（特許庁意匠課公知資料番号ＨＡ２４００６３１４）　欧州共同体意匠公報、（２０１２－３－６）、００１９９６６５３－０００１、（特許庁意匠課公知資料番号ＨＨ２４２０１４９２）　欧州共同体意匠公報、（２０１２－３－６）、００１９９６６５３－０００２、（特許庁意匠課公知資料番号

別紙第１　甲第１号証　　Appendix 1 Evidence A No. 1

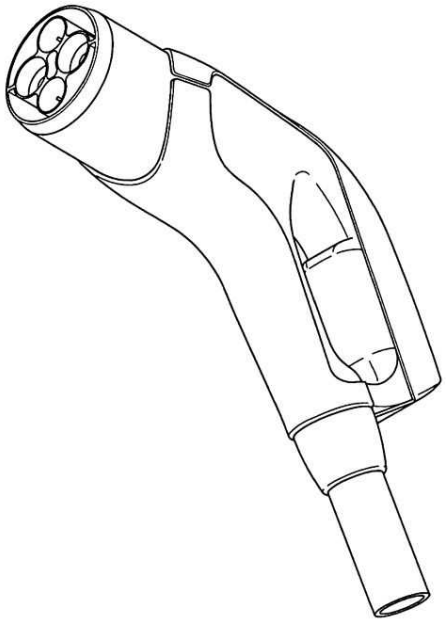
HH24201493）　PHOENIX CONTACT Deutschland GmbH、ホームページ掲載実績あり、（特許庁意匠課公知資料番号ＨＪ２４０４８７６６）
（５５）【意匠に係る物品の説明】本物品は、電気自動車やプラグインハイブリッド自動車等のバッテリーに電力を供給するために使用される充電コネクタである。
【図面】
【斜視図１】



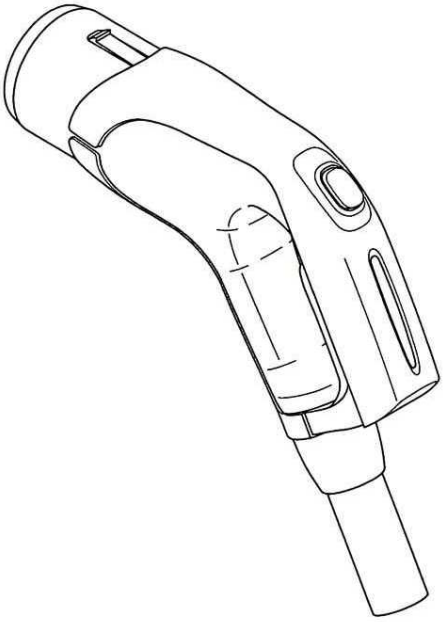
【斜視図２】

意匠登録１４７８５８０　　Design Registration No. 1478580

【図面】　　[Drawings]
【斜視図１】　　[Perspective view 1]
【斜視図２】　　[Perspective view 2]

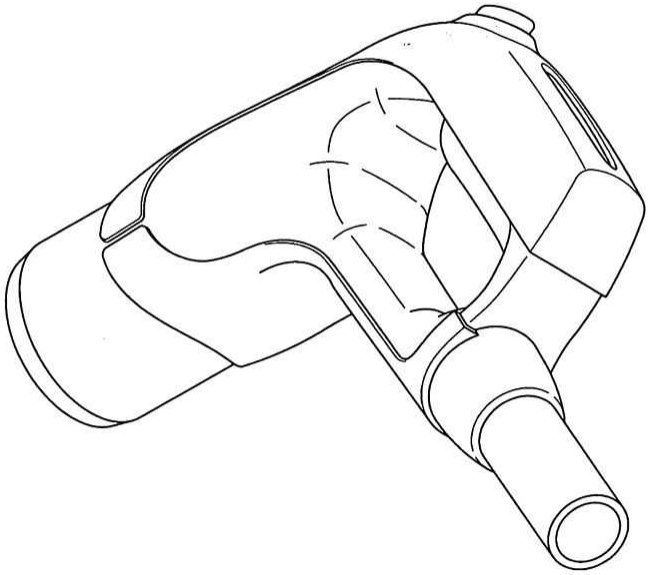


【斜視図３】

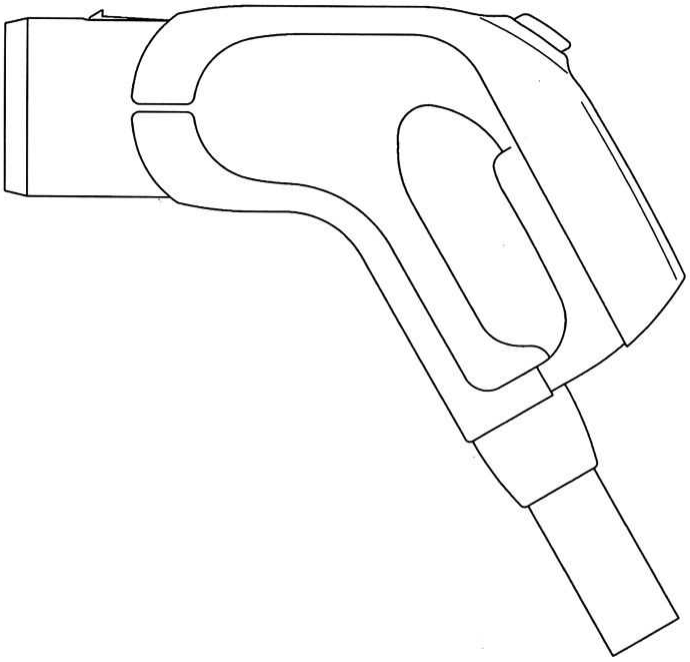


【斜視図４】

【斜視図３】　[Perspective view 3]
【斜視図４】　[Perspective view 4]

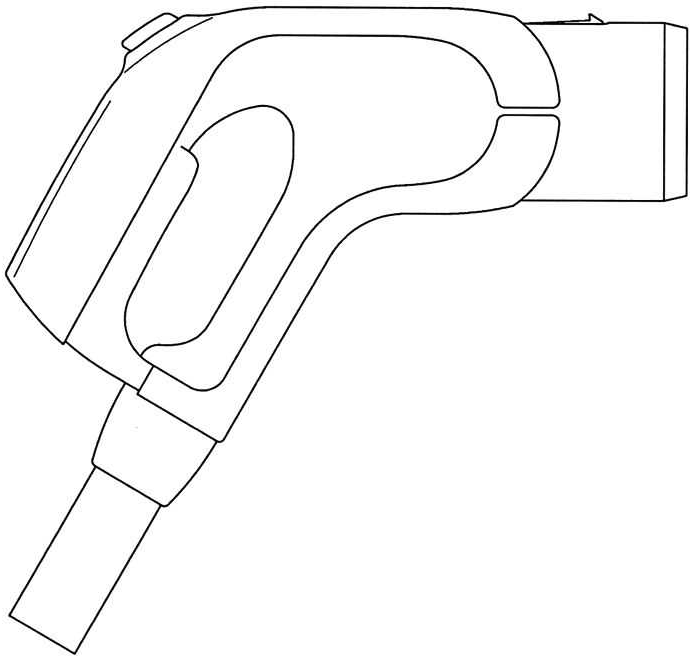


【正面図】

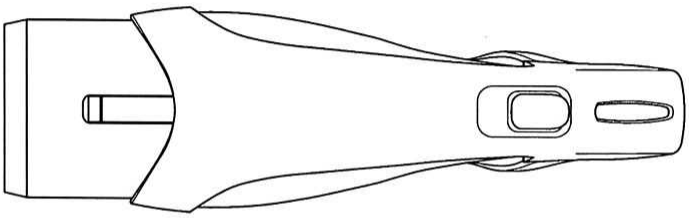


【背面図】

【正面図】　[Front view]
【背面図】　[Rear view]

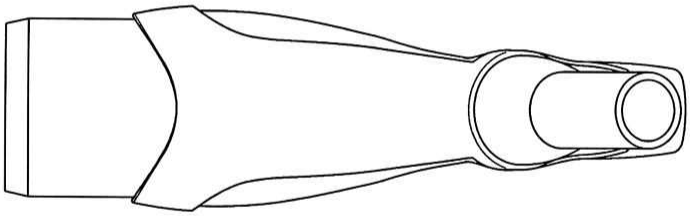


【平面図】

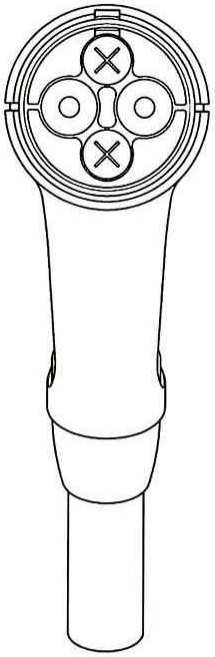


【底面図】

【平面図】　[Top view]
【底面図】　[Bottom view]



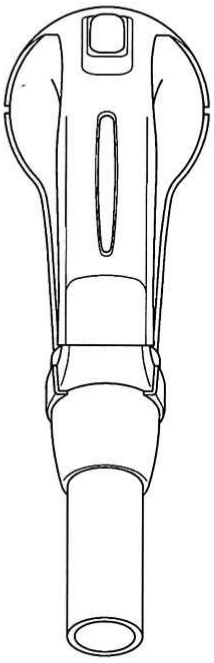
【左側面図】



【右側面図】

【左側面図】　[Left side view]
【右側面図】　[Right side view]

(7)　　意匠登録１４７８５８０

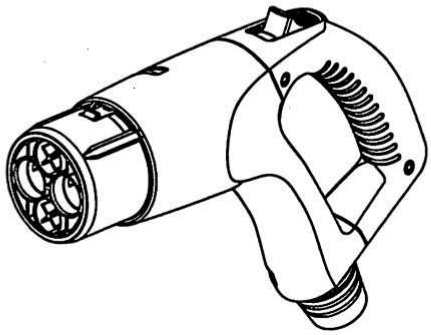


別紙第２　　甲第２号証

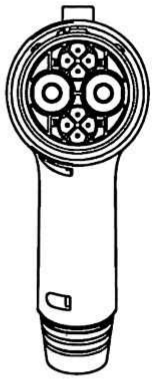


（１９）【発行国】日本国特許庁（ＪＰ）
（４５）【発行日】平成２３年６月２７日（２０１１．６．２７）
（１２）【公報種別】意匠公報（Ｓ）
（１１）【登録番号】意匠登録第１４１７５７７号（Ｄ１４１７５７７）
（２４）【登録日】平成２３年５月２７日（２０１１．５．２７）
（５４）【意匠に係る物品】自動車用給電コネクタ
（５２）【意匠分類】Ｈ１－３４３３
（５１）【国際意匠分類（参考）】１３－０３、１４－０３
【Ｄターム】Ｈ１－３４３３ＡＢ
（２１）【出願番号】意願２０１０－３０６９４（Ｄ２０１０－３０６９４）
（２２）【出願日】平成２２年１２月２２日（２０１０．１２．２２）
（７２）【創作者】
【氏名】児玉　至行
【住所又は居所】兵庫県伊丹市北河原六丁目１番３号　住電朝日精工株式会社内
（７２）【創作者】
【氏名】新居　弘章
【住所又は居所】兵庫県伊丹市北河原六丁目１番３号　住電朝日精工株式会社内
（７２）【創作者】
【氏名】津田　滋宏
【住所又は居所】兵庫県伊丹市北河原六丁目１番３号　住電朝日精工株式会社内
（７２）【創作者】
【氏名】鞆　幾也
【住所又は居所】神奈川県横浜市都筑区中川１－４－１　ハウスクエア横浜４Ｆ　株式会社Ｕ’ｅｙｅｓ　Ｄｅｓｉｇｎ内
（７２）【創作者】
【氏名】庭野　敦也
【住所又は居所】神奈川県横浜市都筑区中川１－４－１　ハウスクエア横浜４Ｆ　株式会社Ｕ’ｅｙｅｓ　Ｄｅｓｉｇｎ内
（７３）【意匠権者】
【識別番号】０００２１３８８４
【氏名又は名称】住電朝日精工株式会社
【住所又は居所】兵庫県伊丹市北河原６丁目１番３号
（７３）【意匠権者】
【識別番号】５０１３８５２０４
【氏名又は名称】株式会社Ｕ’ｅｙｅｓ　Ｄｅｓｉｇｎ
【住所又は居所】東京都渋谷区神泉町９番５号
【住所又は居所原語表記】９－５，Ｓｈｉｎｓｅｎ－ｃｈｏ，Ｓｈｉｂｕｙａ－ｋｕ，Ｔｏｋｙｏ　１５０－００４５　ＪＡＰＡＮ
（７４）【代理人】
【識別番号】１００１００１４７
【弁理士】
【氏名又は名称】山野　宏
【審査官】宮田　荘平
（５５）【意匠に係る物品の説明】本物品は、電気自動車のバッテリーに給電するために使用される。この給電コネクタは、電源に接続されたケーブルの先端に設けられ、電気自動車の受電口に差し込むことで、内部の端子が受電口内の端子と接続される。
【図面】
【参考斜視図】

別紙第２　甲第２号証　　Appendix 2 Evidence A No. 2

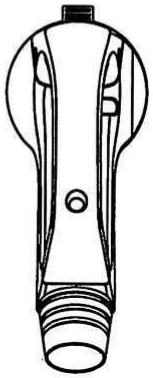


【正面図】

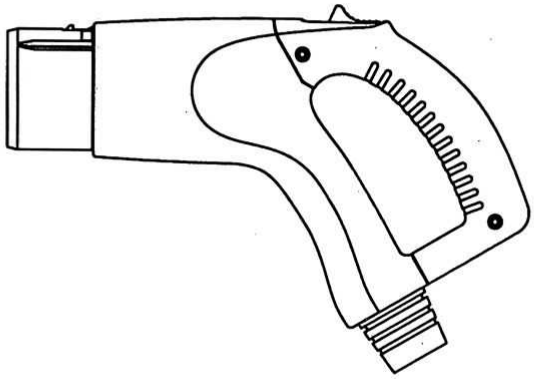


【背面図】

意匠登録１４１７５７７　Design Registration No. 1417577
【正面図】　[Front view]
【背面図】　[Rear view]

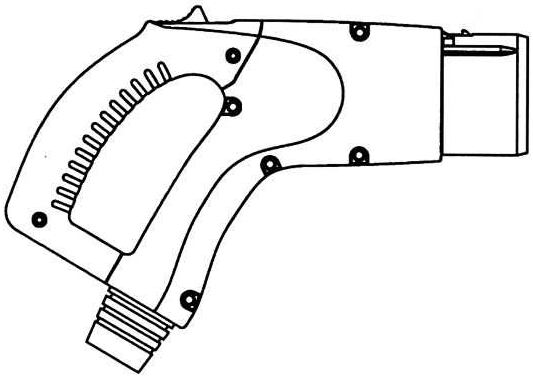


【右側面図】

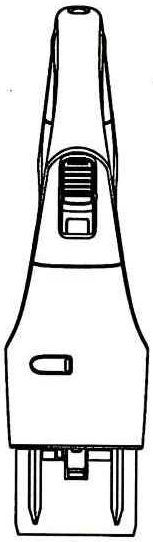


【左側面図】

【右側面図】 [Right side view]
【左側面図】 [Left side view]

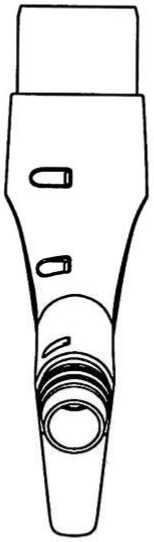


【平面図】



【底面図】

【平面図】 [Top view]
【底面図】 [Bottom view]



乙第２号証-10

(19)日本国特許庁（ＪＰ）　(12)**公開特許公報**（Ａ）　(11)特許出願公開番号

特開平6－325830

(43)公開日　平成６年(1994)11月25日

| (51)Int.Cl.[5] | 識別記号 | 庁内整理番号 | ＦＩ | 技術表示箇所 |
|---|---|---|---|---|
| Ｈ０１Ｒ　13/66 | | 9173－5E | | |
| Ｈ０１Ｍ　10/46 | | | | |
| Ｈ０１Ｒ　9/00 | | 7319－5E | | |

審査請求　未請求　請求項の数１　ＦＤ　（全　６　頁）

(21)出願番号　特願平5－132860

(22)出願日　平成５年(1993)５月10日

(71)出願人　000183406
住友電装株式会社
三重県四日市市西末広町１番14号

(72)発明者　国府谷　恒
三重県四日市市西末広町１番14号　住友電装株式会社内

(72)発明者　九鬼　平次
三重県四日市市西末広町１番14号　住友電装株式会社内

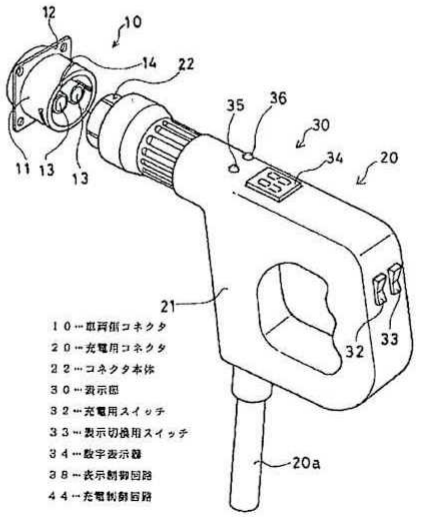
(74)代理人　弁理士　▲高▼木　芳之　（外３名）

(54)【発明の名称】　電気自動車充電用コネクタ

(57)【要約】

【目的】　充電用コネクタ自体から電気自動車の充電に関する情報を読み取ることができるようにする。

【構成】　コネクタボディ２２の上面部に設けられた表示部３０は、発光ダイオードにより構成した７セグメント型の２桁の数字表示器３４と、赤色と緑色の２個の発光ダイオード３５，３６とからなる。赤色の発光ダイオード３５は充電状態にあるときに点灯され、緑色の発光ダイオード３６は充電が終了すると赤色の発光ダイオード３５に代えて点灯される。また、数字表示器３４には、①充電開始からの経過時間、②バッテリーの残存容量のいずれかが選択的に表示される。



別紙第５　乙第２号証－１０　Appendix 5 Evidence B No. 2-10
乙第２号証－１０　Evidence B No. 2-10

（１９）日本国特許庁（ＪＰ）　(19) Japan Patent Office (JP)
（１２）公開特許公報（Ａ）　(12) Publication of Unexamined Patent Application (A)
（１１）特許出願公開番号　特開平６－３２５８３０　(11) Japanese Unexamined Patent Application Publication No. H6-325830
（４３）公開日　平成６年（１９９４）１１月２５日　(43) Publication Date November 25, 1994

識別記号　Identification number
庁内整理番号　Patent office docket number
技術表示箇所　Technology description

審査請求　Request for examination
未請求　Unrequested
請求項の数１　Number of Claims 1
（全６頁）　(6 pages in total)

（２１）出願番号　特願平５－１３２８６０　(21) Application number Japanese Patent Application No. H5-132860
（２２）出願日　平成５年（１９９３）５月１０日　(22) Filing date May 10, 1993

（７１）出願人　０００１８３４０６　(71) Applicant 000183406
住友電装株式会社　Sumitomo Wiring Systems Ltd.
三重県四日市市西末広町１番１４号　1-14 Nishisuehiro-cho, Yokkaichi-shi, Mie-ken
（７２）発明者　国府谷　恒　(72) Inventor Wataru Kokufutani
三重県四日市市西末広町１番１４号　住友電装株式会社内　Sumitomo Wiring Systems, Ltd. 1-14 Nishisuehiro-cho, Yokkaichi-shi, Mie-ken
（７２）発明者　九鬼　平次　(72) Inventor Heiji Kuki
三重県四日市市西末広町１番１４号　住友電装株式会社内　Sumitomo Wiring Systems, Ltd. 1-14 Nishisuehiro-cho, Yokkaichi-shi, Mie-ken

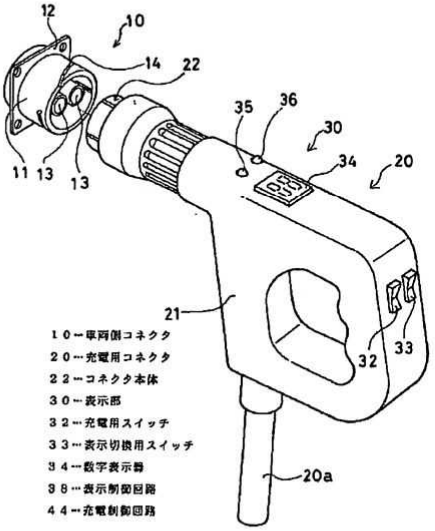
（７４）代理人　弁理士　▲高▼木　芳之　（外３名）　(74) Attorney Patent Attorney Yoshiyuki Takagi (and three others)

（５４）【発明の名称】電気自動車充電用コネクタ　(54) [Title of Invention] CHARGE CONNECTOR FOR ELECTRIC CAR

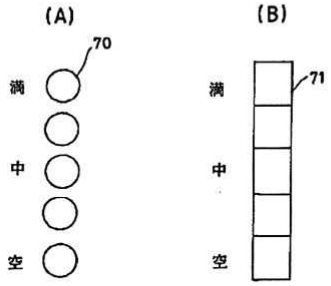
（５７）【要約】　(57) [Abstract]
【目的】　充電用コネクタ自体から電気自動車の充電に関する情報を読み取ることができるようにする。　[Object] To enable reading of information about power charging of an electric car from a charge connector itself.
【構成】　コネクタボディ２２の上面部に設けられた表示部３０は、発光ダイオードにより構成した７セグメント型の２桁の数字表示器３４と、赤色と緑色の２個の発光ダイオード３５，３６とからなる。　[Structure] A display section 30 provided on the upper surface portion of a connector body 22 is composed of a seven-segment, two-digit number display 34 composed of light-emitting diodes, and red and green two light-emitting diodes 35 and 36.
赤色の発光ダイオード３５は充電状態にあるときに点灯され、緑色の発光ダイオード３６は充電が終了すると赤色の発光ダイオード３５に代えて点灯される。
The red light-emitting diode 35 is turned on when power is charged, while the green light-emitting diode 36 is turned on, instead of the red light-emitting diode 35, when charging is completed.
また、数字表示器３４には、①充電開始からの経過時間、②バッテリーの残存容量のいずれかが選択的に表示される。　Further, the number display 34 selectively displays either of (1) an elapsed time since charging started or (2) the remaining amount of battery charge.

| | |
|---|---|
| １０…車両側コネクタ | 10...Vehicle side connector |
| ２０…充電用コネクタ | 20...Charge connector |
| ２２…コネクタ本体 | 22...Connector body |
| ３０…表示部 | 30...Display section |
| ３２…充電用スイッチ | 32...Charge switch |
| ３３…表示切換用スイッチ | 33...Display change switch |
| ３４…数字表示器 | 34...Number display |
| ３８…表示制御回路 | 38...Display control circuit |
| ４４…充電制御回路 | 44...Charge control circuit |

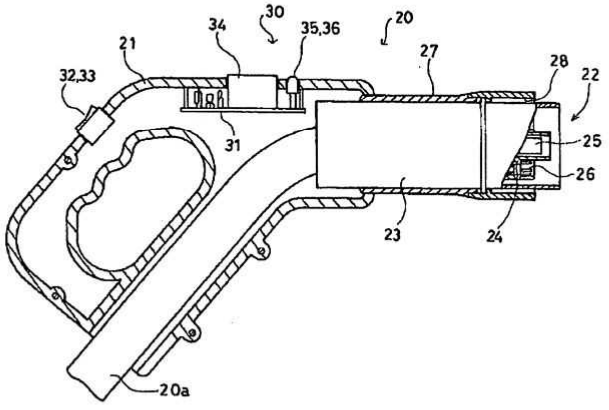
【図1】


12
10
14
22
35
36
30
34
20
11
13
13
21
32
33
20a
10…本体側コネクタ
20…充電用コネクタ
22…コネクタ本体
30…表示部
32…充電用スイッチ
33…表示切換用スイッチ
34…数字表示器
38…表示制御回路
44…充電制御回路

【図4】


(A)
(B)
満
中
空
70
71

【図2】


30
34
35,36
20
21
27
28
22
32,33
31
25
26
23
24
20a

【図１】　[FIG. 1]
【図４】　[FIG. 4]

１０…車両側コネクタ　10...Vehicle side connector
２０…充電用コネクタ　20...Charge connector
２２…コネクタ本体　22...Connector body
３０…表示部　30...Display section
３２…充電用スイッチ　32...Charge switch
３３…表示切換用スイッチ　33...Display change switch
３４…数字表示器　34...Number display
３８…表示制御回路　38...Display control circuit
４４…充電制御回路　44...Charge control circuit

【図２】　[FIG. 2]

別紙第６　　乙第３号証

乙第３号証

(19)日本国特許庁（ＪＰ）　(12) **公開特許公報（Ａ）**　(11)特許出願公開番号

**特開平7－85926**

(43)公開日　平成７年(1995)３月31日

| (51)Int.Cl.[6] | 識別記号 | 庁内整理番号 | ＦＩ | 技術表示箇所 |
|---|---|---|---|---|
| Ｈ０１Ｒ　13/639 | | Ｚ　9173－5Ｅ | | |
| Ｂ６０Ｒ　16/02 | | Ｔ | | |

審査請求　未請求　請求項の数４　ＯＬ　（全８頁）

(21)出願番号　特願平5－233409

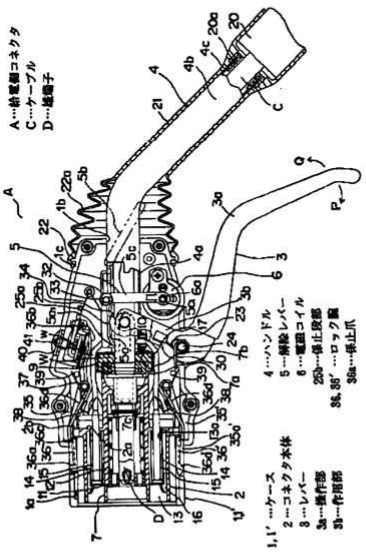
(22)出願日　平成５年(1993)９月20日

(71)出願人　000006895
矢崎総業株式会社
東京都港区三田１丁目４番28号
(74)上記１名の代理人　弁理士　瀧野　秀雄　（外１名）
(71)出願人　000003207
トヨタ自動車株式会社
愛知県豊田市トヨタ町１番地
(74)上記１名の代理人　弁理士　瀧野　秀雄
(72)発明者　▲吉▼岡　伸晃
静岡県榛原郡榛原町布引原206－１　矢崎部品株式会社内

最終頁に続く

(54)【発明の名称】　給電コネクタ

(57)【要約】
【目的】　電気自動車などの充電に際し、給電側および受電側コネクタの嵌合通電時の離脱防止と構造の簡素化による多極化を容易にすると共にレバーの不用意な回動を防止することを目的とする。
【構成】　給電側コネクタＡは筒状のケース１，１′の前半部にコネクタ本体２を摺動可能に内装し、後半部にレバー３の回動により該本体２を相手方コネクタ側に前進させるハンドル４が進退可能に設けてある。レバー３には、コネクタ本体２を相手方コネクタ本体と嵌合した位置でロックする１次ロック手段（解除レバー５）と、該解除レバー５を電磁コイル６の励磁によりロックする２次ロック手段と、消磁により２次ロックが解除された解除レバー５の１次ロックを解除する手段が設けてある。また、コネクタＡは相手方コネクタに対する仮係合手段（ロック腕３６，３６′）を備えると共に、該仮係合手段は相手方コネクタとの嵌合前に前記コネクタ本体２の前進を阻止するストッパ手段を備えている。



別紙第６　乙第３号証　　Appendix 6 Evidence B No. 3
乙第３号証　Evidence B No. 3

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（５４）【発明の名称】給電コネクタ　(54) [Title of Invention] POWER SUPPLY CONNECTOR

（５７）【要約】　(57) [Abstract]

【目的】　電気自動車などの充電に際し、給電側および受電側コネクタの嵌合通電時の離脱防止と構造の簡素化による多極化を容易にすると共にレバーの不用意な回動を防止することを目的とする。　[Object] In charging an electric car, etc., to prevent connectors from being separated when a power supply side connector and a power receiving side connector are fitted into each other for electric conduction, to facilitate multipolarization based on a simplified structure, and to prevent unnecessary rotation of a lever.

【構成】　給電側コネクタＡは筒状のケース１，１′の前半部にコネクタ本体２を摺動可能に内装し、後半部にレバー３の回動により該本体２を相手方コネクタ側に前進させるハンドル４が進退可能に設けてある。　[Structure] A power supply side connector A contains therein a connector body 2 in the front half of cylindrical cases 1 and 1' in a slidable manner, and contains, in the latter half, a handle 4 for moving the body 2 forward to a corresponding connector side by rotating a lever 3 in a retractable manner.

レバー３には、コネクタ本体２を相手方コネクタ本体と嵌合した位置でロックする１次ロック手段（解除レバー５）と、該解除レバー５を電磁コイル６の励磁によりロックする２次ロック手段と、消磁により２次ロックが解除された解除レバー５の１次ロックを解除する手段が設けてある。　The lever 3 has a first lock means (release lever 5) for locking the connector body 2 in a position where it is fitted into the corresponding connector, a second lock means for locking the release lever 5 using excitation of an electromagnetic coil 6, and a means for unlocking the first lock of the release lever 5 which has been released from the second lock by demagnetization.

また、コネクタＡは相手方コネクタに対する仮係合手段（ロック腕３６，３６′）を備えると共に、該仮係合手段は相手方コネクタとの嵌合前に前記コネクタ本体２の前進を阻止するストッパ手段を備えている。　Further, the connector A has

a temporary engagement means (lock arms 36 and 36') corresponding to the corresponding connector, and the temporary engagement means has a stopper means for preventing the connector body 2 from moving forward before it is fitted into the corresponding connector.

| | |
|---|---|
| Ａ．．．給電側コネクタ | A...Power supply side connector |
| Ｃ．．．ケーブル | C...Cable |
| Ｄ．．．雄端子 | D...Male terminal |

| | |
|---|---|
| １，１′．．．ケース | 1, 1'...Case |
| ２．．．コネクタ本体 | 2...Connector body |
| ３．．．レバー | 3...Lever |
| ３ａ．．．操作部 | 3a...Operation section |
| ３ｂ．．．作用部 | 3b...Action section |
| ４．．．ハンドル | 4...Handle |
| ５．．．解除レバー | 5...Release lever |
| ６．．．電磁コイル | 6...Electromagnetic coil |
| ２５ｂ．．．係止段部 | 25b...Engagement step section |
| ３６，３６′．．．ロック腕 | 36, 36'...Lock arm |
| ３６ａ．．．係止爪 | 36a...Engaging claw |

9　　10

図である。

【図７】図６の完全嵌合状態を示す縦断面図である。

【図８】本発明の給電コネクタの電気回路の説明図である。

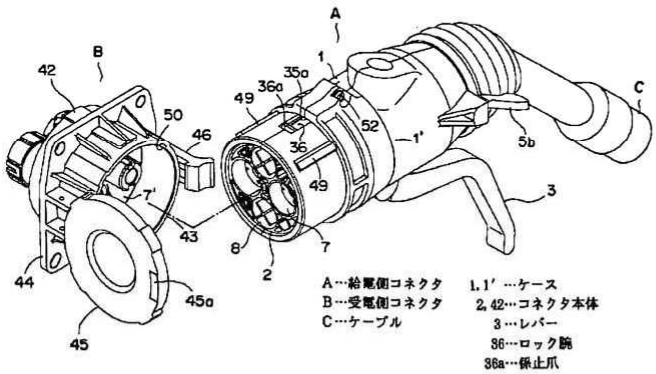
【図９】従来の給電コネクタの分離状態の断面図である。

【図１０】図９の接続状態の断面図である。

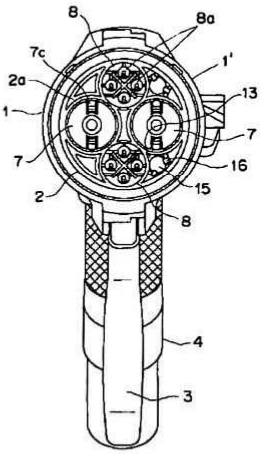
【符号の説明】

| | | | | |
|---|---|---|---|---|
| A | 給電側コネクタ | ＊ | １，１′ | ケース |
| B | 受電側コネクタ | | ２，４２ | コネクタ本体 |
| C | ケーブル | | ３ | レバー |
| D | 雄端子 | | ３ａ | 操作部 |
| D′ | 雌端子 | | ３ｂ | 作用部 |
| | | | ４ | ハンドル |
| | | | ５ | 解除レバー |
| | | | ６ | 電磁コイル |
| | | | ２５ | 支持片 |
| | | | ２５ｂ | 係止段部 |
| | | | ３６，３６′ | ロック腕 |
| | | | ３６ａ | 係止爪 |
| | | ＊ | ５１，５１′ | 係止段部 |

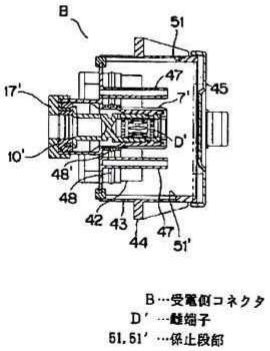
【図１】



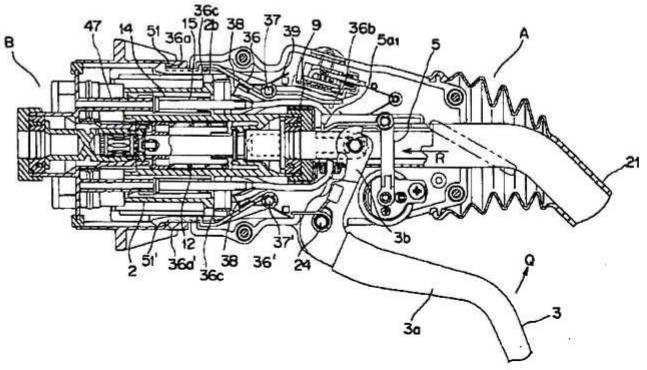

【図２】



【図４】




【図６】



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【図７】図６の完全嵌合状態を示す縦断面図である。　FIG. 7 shows a longitudinal sectional view showing a complete fit state of FIG. 6.

【図８】本発明の給電コネクタの電気回路の説明図である。　FIG. 8 shows an explanatory view of an electric circuit of a power supply connector of the present invention.

【図９】従来の給電コネクタの分離状態の断面図である。　FIG. 9 shows a sectional view of a conventional power supply connector in a separate state.

【図１０】図９の接続状態の断面図である。　FIG. 10 shows a sectional view of FIG. 9 in a connected state.

【符号の説明】　[Explanation of letters or numerals]

| | |
|---|---|
| Ａ　給電側コネクタ | A Power supply side connector |
| Ｂ　受電側コネクタ | B Power receiving side connector |
| Ｃ　ケーブル | C Cable |
| Ｄ　雄端子 | D Male terminal |
| Ｄ′　雌端子 | D' Female terminal |
| １，１′　ケース | 1, 1' Case |
| ２，４２　コネクタ本体 | 2, 42 Connector body |
| ３　レバー | 3 Lever |
| ３ａ　操作部 | 3a Operation section |
| ３ｂ　作用部 | 3b Action section |
| ４　ハンドル | 4 Handle |
| ５　解除レバー | 5 Release lever |
| ６　電磁コイル | 6 Electromagnetic coil |
| ２５　支持片 | 25 Supporting piece |
| ２５ｂ　係止段部 | 25b Engagement step section |
| ３６，３６′　ロック腕 | 36, 36' Lock arm |
| ３６ａ　係止爪 | 36a Engaging claw |
| ５１，５１′　係止段部 | 51, 51' Engagement step section |

【図１】　[FIG. 1]

【図２】　[FIG. 2]

| | |
|---|---|
| Ａ．．．給電側コネクタ | A...Power supply side connector |
| Ｂ．．．受電側コネクタ | B...Power receiving side connector |
| Ｃ．．．ケーブル | C...Cable |

| | |
|---|---|
| １，１′．．．ケース | 1, 1'...Case |
| ２，４２．．．コネクタ本体 | 2, 42...Connector body |
| ３．．．レバー | 3...Lever |
| ３６．．．ロック腕 | 36...Lock arm |
| ３６ａ．．．係止爪 | 36a...Engaging claw |

| | |
|---|---|
| 【図４】 | [FIG. 4] |
| 【図６】 | [FIG. 6] |

| | |
|---|---|
| Ｂ．．．受電側コネクタ | B...Power receiving side connector |
| Ｄ′．．．雌端子 | D'...Female terminal |
| ５１，５１′．．．係止段部 | 51, 51'...Engagement step section |