Trial decision

Invalidation No. 2014-880015

Tokyo, Japan

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The case of trial regarding the invalidation of design registration for Design Registration No. 1492562, entitled "Slat for blinds" between the parties above has resulted in the following trial decision.

Conclusion

Design Registration No. 1492562 is invalidated.

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

Reason

No. 1 History of the procedures

May 1, 2013	Application for design registration (Japanese Design Application No. 2013-9843)
February 14, 2014	Registration of the establishment (Design Registration No. 1492562)
October 14, 2014	Demand for trial of the case (the demandant, attached with Evidence A No. 1 to A No. 11)
February 25, 2015	Submission of the written reply (the demandee, attached with Reference Materials 1 to 3)
October 27, 2015	Notification of matters to be examined
November 24, 2015	Oral proceedings statement brief (the demandant, attached with Reference Materials A and B)
December 8, 2015	Oral proceedings statement brief (the demandee, attached with

Reference Material a)

December 22, 2015 Oral proceeding

No. 2 the demandant's object of the demand and the grounds therefor

The demandant demanded the trial decision that Design Registration No. 1492562 (hereinafter, referred to as the "Registered Design") is invalidated, and the costs in connection with the trial shall be borne by the demandee, summarized grounds for the demand as follows, and submitted Evidence A No. 1 to A No. 11 as means of evidence.

1. Gist of the reason for invalidation of the registration of the Registered Design

The Registered Design could be easily created based on patterns, colors, or any combination thereof (hereinafter, referred to as "a configuration") which had been publicly known before the application was filed, and thus should not be registered under Article 3(2) of the Design Act, and should be invalidated under the provisions of Article 48(1) of the same Act.

2. The reason for invalidation of the Registered Design

(1) Gist of the Registered Design

In the Registered Design, the article to the design is "Slat for blinds," and the part represented by solid lines refers to the part (the relevant part) for which the design registration is registered as a partial design. The configuration of the relevant part is as follows.

(Basic constitution)

(A) At a notch which stores a rise-and-fall cord and the like, there is a pair of holding guide surfaces for guiding a rise-and-fall cord and the like into a central recessed holding part, and

(B) in a front view, there are respectively formed inclined surfaces which form an inverted V-shape symmetric across the recessed holding part.

(Specific constitution)

(a) In a top view, there are formed two symmetric semicircular (flat “U”) shaped surfaces respectively having arcs on the n outer side.

(b) An angle of each of the inclined surfaces is about 55 degrees.

(2) Description of the fact and evidence of presence of prior design

A. Regarding cited designs 1 and 2 (Evidence A No. 3 and No. 4)

Cited design 1 is a design of "a blind" published in a Design Registration Publication

Cited design 2 is a design of "a horizontal blind" published in a Japanese Unexamined Patent Application Publication

(Basic constitution)

(C) At a notch, there are guide surfaces for guiding a rise-and-fall cord and the like into an holding part, and

(D) in a front view, there are respectively formed inclined surfaces forming an inverted V-shape.

(Specific constitution)

(c) A shape of the inclined surface in a top view is not shown and is unclear.

(d) An angle of each inclined surface is about 30 degrees in cited design 1, and about 35 degrees in cited design 2.

B. Regarding cited designs 3 to 5 (Evidence A No. 5 to 7)

They are designs for "wood slats" or "a venetian blind."

Slats are formed to be rounded at both edge parts in a transverse direction, and at the edge part, a notch for passing a ladder cord or a rope is formed.

C. Regarding cited designs 6 and 7 (Evidence A No. 8 and A No. 9)

They are designs for "a blind."

Slats are formed to be rounded at both edge parts in a transverse direction.

D. Regarding peripheral design 1 (Evidence A No. 10)

This is a design for "a horizontal blind."

Slats have triangular notches.

E. Regarding peripheral designs 2 and 3 (Evidence A No. 11)

They are designs for "a horizontal blind."

Slats have right angle trapezoidal shaped notches, or have triangular notches which

angles are about 55 degrees.

(3) The ease of creation of the Registered Design

Articles to the Registered Design, cited design 1, and cited design 2 are common, but the configurations of the relevant part of the Registered Design and parts corresponding to the relevant parts in cited designs 1 and 2 have the following common features and different features.

(The common features)

All of the relevant part of the Registered Design, and cited designs 1 and 2, in the basic constitution,

(A) are a pair of guide surfaces at a notch, and

(B) are formed as inclined surfaces forming an inverted V-shape in a front view.

(The different features)

In the specific constitution,

(a) The relevant part of the Registered Design is formed as two semicircular surfaces in a

top view, whereas shapes of cited designs 1 and 2 are not clear from the drawings.

(b) An angle of the inclined surface in a front view of the relevant part of the Registered Design is about 55 degrees, whereas angles of the inclined surfaces of the corresponding parts in cited designs 1 and 2 are respectively about 30 degrees and about 35 degrees.

Then, with reference to the common features and different features of the Registered Design and cited designs 1 and 2, we will examine whether or not the Registered Design could be easily created based on cited designs 1 to 7.

Since all of the Registered Design and cited designs 1 to 7 are designs related to blinds (or slats thereof), articles to those designs are common.

Concerning the configurations, the basic constitutions (A) and (B) of the Registered Design are identical with the basic constitutions of cited designs 1 and 2, and are publicly known configurations.

On the other hand, the specific configuration thereof has the different features (a) and (b).

When examining the different feature (a), the Registered Design has two symmetric semicircular surfaces, because edge parts in a transverse direction of slats are formed so as to be rounded. The slats formed so as to be rounded at both edge portions in the transverse direction are publicly known configurations as indicated in cited designs 3 to 7.

Also, as shown in cited designs 1 to 5 and the peripheral designs 1 to 3, it is naturally performed in the art of the design related to a blind to form notches for engaging a rise-and-fall cord or a ladder cord and the like on slats, and it is also naturally performed to form notches on slats rounded at edge parts.

Then, if guide surfaces at notches shown in each of the basic constitutions of cited designs 1 and 2 are formed on rounded slats such as cited designs 3 to 7 which are publicly known, shapes of the guide surfaces inevitably become two symmetric semicircular shapes shown in the specific constitution(a) of the Registered Design. This can be easily understood also from the fact that cross-sections of the edge parts at the notch portions of cited designs 3 and 4 have arc-shapes similar to those of the Registered Design.

Also, concerning the different feature (b), whether the angle of the inclined surface

is about 55 degrees, or about 30 degrees or about 35 degrees is just a slight difference within a partial and ordinary alteration that could be appropriately performed by a person in the skilled in the art of the designs related to a blind. In other words, there is no difficulty in creating the relevant part of the Registered Design by adding these slight alterations to cited designs 1 and 2.

In addition, the angles of the inclined surfaces at the notches of the peripheral design 3 are about 55 degrees, and there is no difficulty in applying the inclined surfaces having the angles to the inclined surfaces of cited designs 1 and 2 having recessed holding parts.

Therefore, the Registered Design has the same basic constitutions (A) and (B) as cited designs 1 and 2. Concerning the specific constitution (a), the form in which the inclined surfaces are made to be semicircular is a form inevitably realized by replacing the slats of cited designs 1 and 2 with the slats rounded at the edge parts shown in cited designs 3 to 7, and the specific constitution (b) is nothing other than a form which could be appropriately performed without extraordinary ingenuity.

Consequently, the Registered Design is a design in which the slats are replaced with the slats in cited designs 3 to 7, in cited designs 1 and 2, and corresponds to a design which could be easily created.

3. Conclusion

As described above, the Registered Design could be easily creased based on the publicly known configuration before the application was filed, and thus should not be registered under the provision of Article 3(2) of the Design Act. Therefore, its registration should be invalidated under the provision of Article 48(1) of the Design Act.

4. Means of proof

(1) We will prove that the Registered Design could be easily created based on publicly know configurations before the application was filed, from Evidence A No. 1 to Evidence A No. 11.

(2) Indication of proof

Evidence A No. 1: Copy of the design registry of Design Registration No. 1492562 which is the invalidation trial subject

Evidence A No. 2: Copy of the design bulletin of Design Registration No. 1492562 which is the invalidation trial subject

Evidence A No. 3: Copy of the design bulletin of Design Registration No. 1465235 distributed before the application of the Registered Design was filed

Evidence A No. 4: Copy of Japanese Unexamined Patent Application Publication No. 2011-252265 distributed before the application of the Registered Design was filed

Evidence A No. 5: Copy of U.S. Patent No. 6443042 distributed before the application of the Registered Design was filed

Evidence A No. 6: Copy of U.S. Patent No. 6263944 distributed before the application of the Registered Design was filed

Evidence A No. 7: Copy of U.S. Patent No. 2202752 distributed before the application of the Registered Design was filed

Evidence A No. 8: Copy of Japanese Unexamined Patent Application Publication No. 2011-26804 distributed before the application of the Registered Design was filed

Evidence A No. 9: Copy of Japanese Unexamined Patent Application Publication No. H09-328975 distributed before the application of the Registered Design was filed

Evidence A No. 10: Copy of Japanese Utility Model Publication No. H03-35034

distributed before the application of the Registered Design was filed

Evidence A No. 11: Copy of Japanese Utility Model Publication No. H08-8233 distributed before the application of the Registered Design was filed

No. 3 The demandee's reply and reasons

The trial decision that demand for invalidation trial of the case is groundless and the costs in connection with the trial shall be borne by the demandant, is demanded.

1. Gist of statement of the reply

The demandant alleges, in the written demand for trial dated October 14, 2014, that the Registered Design could be easily created based on the publicly known configuration before the application was filed, and thus should not be registered under the provision of Article 3(2) of the Design Act, and its registration should be invalidated under the provision of Article 48(1) of the Design Act.

However, the demandee thinks that the allegation of the demandant cannot be approved and the registration of the Registered Design should not be invalidated, because of the following reasons.

(1) Rebuttal of the demandee

There is no objection in the constitutions of the Registered Design and the cited designs/peripheral designs of the demandant but, specific angles of the inclined surfaces of the relevant part in a front view of the Registered Design of the specific constitution are not particularly specified as features of the Registered Design.

However, evaluation of the different feature (a) between the Registered Design and the cited designs of the demandant, and the conclusion derived therefrom that the Registered Designs corresponds to a design that could be easily created, cannot be affirmed at all.

First, in the cited designs which the demandant mentioned as evidence, "a structure in which at a notch holding a rise-and-fall cord and the like, the inclined surfaces are pair of holding guide surfaces for guiding to a central recessed holding part, and are formed as two symmetric semicircular surfaces having arcs on the outer side in a top view" does not appear anywhere in the cited designs. It can be said that the relevant part of the Registered Design is a novel form not conventionally existing.

Cited designs 1 and 2, whose shapes are considered unclear, are very common thin slat material, and it is obvious that they does not have semicircular surfaces in the top view as the Registered Design does.

Then, the demandant alleges that since the form like the relevant part of the Registered Design does not exist in the cited designs, the form of the relevant part of the Registered Design is derived from adopting the publicly known slats rounded at edge parts in a transverse direction as shown in cited designs 3 to 7, and the configuration like the relevant part of the Registered Design is inevitably obtained by forming holding guide surfaces at the notches shown in the basic constitutions of cited designs 1 and 2 on the publicly known slats rounded at the edge parts.

However, even if the holding guide surfaces at the notches shown in the basic constitution of cited designs 1 and 2 are formed on the publicly known rounded slats, it cannot be said that the form like the relevant part of the Registered Design is inevitably obtained.

As Reference Material 3, designs in which holding guide surfaces at notches having the basic constitutions of cited designs 1 and 2 are formed on the publicly known rounded

slats are submitted as design examples 1 to 3.

For example, design example 1 further deeply forms guide surfaces to a deep side of a flat part of a slat on slat material formed to be rounded in arc-shapes at edge parts in a transverse direction. In that case, inclined surfaces of the guide surfaces are formed in semi-oval shapes (half capsule shapes), and have semi-oval shapes in a top view.

Next, design example 2 largely forms notches, decreases the inclination angle of guide surfaces, and further deeply forms the relevant part to a deep side of flat part of a slat. At that time, inclined surfaces of the guide surfaces have rocket-shapes.

Then, design example 3 decreases inclination angles, shallows guide surfaces, and is provided with edge arts formed in arc-shapes of a slat. Also in this case in a top view, inclined surfaces of the guide surfaces do not spread to the full width (thickness) of the slat, and appear in the inside of the width. The inclined surfaces are formed in generally triangular shapes that are rounded, and have generally triangular shapes that are rounded also in a top view.

Thus, even if the holding guide surfaces at the notches shown in the basic constitution of cited designs 1 and 2 are formed on the publicly known slats that are rounded in the edge parts in a transverse direction, the configuration like the relevant part

of the Registered Design is not inevitably obtained.

Namely, the form of the relevant part of the Registered Design is not an inevitable form, but a form which is intentionally and selectively created.

In the relevant part of the Registered Design, edge parts in a transverse direction of a slat are formed to be rounded in arc-shapes so as to give a unified soft image to observers while being functional as guide surfaces, and inclined surfaces of the guide surfaces which are the relevant part are formed so as to fit within a boundary vicinity between the edge part formed in the arc-shape of the slat and a flat part of the slat. Namely, it is a configuration such that the deepest parts (y) of the guide surfaces fit within a range of the boundary vicinity (x), and the configuration cannot be derived from the cited designs.

Then, an act that selectively organized the relevant part of the Registered Design as a whole as described above, should be called a creative act, and it cannot be said that it could be easily created by a person skilled in the art.

This is also obvious in light of recent precedents such as the following.

A. 2007 (Gyo-Ke) 10078 the case of revocation of the appeal decision (SHELL

SUSPENSION TOOL)

*The following is excerpted from the judgment document

...regarding how to shape the coupling portion (Omitted), (Omitted), it can be said that there is room for selecting various designs.

Then, it cannot be said that the formation of the features of the design in the application by replacing the different features between the design in the application and design example 1 (Omitted), with two coupling strings of design example 2, can be easily done by a person skilled in the art.

...it cannot be said that a person skilled in the art could easily create the selection of the features of the design in the application which has a peculiar unified feeling as the whole impression....

B. 2008 (Gyo-Ke) 10071 the case of revocation of the appeal decision (POLISHING PAD)

*The following is excerpted from the judgment document

...according to the width of a groove interval, (Omitted) shapes formed are varied, and in each case, an impression given by the design may be different. Therefore, what kind of groove interval width to choose is decided by considering the impression to be given by

the design, and it can be recognized that a considerable degree of creativity is required in the process of the decision...

Therefore, the demandant's allegation that "since the configuration like the relevant part of the Registered Design is inevitably obtained by forming holding guide surfaces at the notches shown in the basic constitutions of cited designs 1 and 2 on the publicly known slats rounded at the edge parts, the relevant part of the Registered Design is a design in which the slats are replaced with the slats in cited designs 3 to 7, in cited designs 1 and 2, and corresponds to a design which could be easily created" cannot be accepted.

Furthermore, regarding the specific angle difference of the inclined surfaces of the relevant part in a front view between the Registered Design and the cited designs/ peripheral designs in the different feature (b), it should not be specified as a feature of the Registered Design, and thus we will not especially mention that.

(2) Closing

As described above, the demandant's allegation that the Registered Design "could

be easily created based on the publicly known form before the application was filed, and thus should not be registered under the provision of Article 3(2) of the Design Act, and its registration should be invalidated under the provision of Article 48(1) of the Design Act" is groundless.

2. Attached documents

(1) Reference Material 1 List of representative drawings of the Registered Design

(2) Reference Material 2 List of representative drawings of the cited designs/peripheral designs

(3) Reference Material 3 List of design examples 1-3

No. 4 Oral proceeding

In this case, the body conducted an oral proceeding on December 22, 2015. (Refer to the oral proceeding record dated December 22, 2015.)

1. The demandant made a statement about the object and statement of the demand therefor as described the written demand for trial during an oral proceeding, and in addition,

submitted Reference Materials A and B with the oral proceedings statement brief dated November 24, 2015, and made a statement as described in the brief.

*Statement brief

(1) Rebuttal to the demandee's allegation

The demandee alleges that the shape of the relevant part of the Registered Design is intentionally and selectively formed so as to fit the guide surfaces within the boundary vicinity of the arc-shaped edge part and the flat part of the slat, and submitted design examples 1 to 3. However, all of these design examples 1 to 3 are produced by intentionally and arbitrarily selecting the depth and inclination angle of the guide surfaces and the size of the notch.

As shown below, in design examples 1 to 3 of the demandee, a large technical problem arises in terms of function in either case, so that those are not realistic at all and hard to be assumed for a person skilled in the art.

A. design example 1

In design example 1, if the guide surfaces are deeply formed until the deep side of the flat part of the slat, the slats are easy to move in a fore-and-aft direction, and tend to be misaligned, so that it is not realistic.

Also, since intervals between end parts of the guide surfaces are very large, horizontal strings are largely deviated in a lateral direction along the guide surfaces, and the slats are easy to tilt and tend to be misaligned, so that it is not realistic.

B. design example 2

In design example 2, since the inclination angle of guide surfaces is small, horizontal strings are easily deviated in a lateral direction along the guide surfaces, and the slats are easily misaligned, so that it is not realistic.

C. design example 3

In design example 3, since notches exist at positions close to edge parts of slats as a whole, when slats are inserted between horizontal strings at the assembling of a blind, the horizontal strings catch on the notches, and since there is almost no inclination angle in the guide surfaces, the caught horizontal strings become hard to come off, and ease of assembly

is remarkably deteriorated, so that it is not realistic. Originally, the notches does not play the role of guiding the rise-and-fall cords and the horizontal strings since they have too small inclination angle of guide surfaces.

Furthermore, the demandee makes a statement that "regarding the specific angle difference of the inclined surfaces between the Registered Design and the cited designs/peripheral designs in the different feature (b), it should not be specified as a feature of the Registered Design, and thus we will not especially mention that."

On the other hand, the demandee asserts that the shapes of the inclined surfaces of design examples 1 to 3 respectively have "semi-oval shapes (half capsule shapes)," "rocket-shapes," and "generally triangular shapes that are rounded," and the form of the relevant part of the Registered Design having semicircular inclined surfaces is not an inevitable form, but a form which is intentionally and selectively created.

However, it is clear, no need to explain, that "semi-oval shapes (half capsule shapes)," "rocket-shapes," and "generally triangular shapes that are rounded" of the inclined surfaces of design examples 1 to 3, which the demandee alleges, are decided according to angles of the inclined surfaces, and it can be said that the demandee intentionally and

arbitrarily selects the angles of the inclined surfaces respectively to produce the forms of design examples 1 to 3, so as to make the shapes of these inclined surfaces differ from that of the Registered Design.

As described above, design examples 1 to 3 indicated by the demandee are produced by intentionally and arbitrarily selecting the form in which the technical problems exist, and a person skilled in the art cannot assume the creation, about the depth of the guide surfaces, the inclination angle of the inclined surfaces, the size of the notches, and the like. Design examples 1 to 3 having the form cannot be a basis for denying that the configuration like as the relevant part of the Registered Design is inevitably obtained by forming guide surfaces at the notches shown in the basic constitutions of cited designs 1 and 2 on the publicly known slats rounded at the edge parts.

(2) Regarding creation ease of a form from which an inclined surface of a guide surface starts, in accordance with a boundary point of a slat

As described above, the demandee makes a statement that regarding the specific angle difference of the inclined surfaces of the relevant part in a front view between the

Registered Design and the cited designs/peripheral designs in the different feature (b), it should not be specified as the features of the Registered Design.

This is understood as the demandee having recognized the demandant's allegation that "concerning the different feature (b), whether the angles of the inclined surfaces are about 55 degrees, or about 30 degrees or about 35 degrees is just a slight difference within a partial and ordinary alteration that could be appropriately performed by a person in the skilled in the art."

Then, a person skilled in the art can appropriately select the angles of the inclined surfaces when forming the guide surfaces at the notches indicated in the respective basic constitutions (C) and (D) of cited designs 1 and 2 on the publicly known rounded slats like cited designs 3 to 7.

If a person skilled in the art intends to form notches by considering ease of assembly while avoiding the demerits indicated about design examples 1 to 3 to prevent the deviation of slats, angles of inclined surfaces (and the depth of recessed holding parts) are inevitably decided according to a relationship between the width of the slats and the size of horizontal strings.

Therefore, if a person skilled in the art in a field of the article just shows ordinary creative ability to form the guide surfaces at the notches indicated in the respective basic constitutions (C) and (D) of cited designs 1 and 2, on the publicly known rounded slats, the shapes of the guide surfaces inevitably become two symmetric semicircular shapes indicated as the specific constitution (a) of the relevant part of the Registered Design, and simultaneously, the inclined surfaces of the relevant part are formed so as to fit within the boundary vicinity.

Also, the demandee alleges that the inclined surfaces of the relevant part fit within "the boundary vicinity." As described above, "the boundary vicinity" is particularly natural as a result of the creation by a person skilled in the art who intends to avoid the demerits of design examples 1 to 3, and the person do not intend to form the inclined surfaces so as to match the boundary.

Namely, the form related to a start position of the inclined surface of the Registered Design is not intentionally and selectively formed, and is an inevitable configuration.

In addition, as shown in Reference Material A, the start positions of the inclined

surfaces of the Registered Design are formed at a constant distance D1 from the boundary, and the distance D1 occupies half of a distance D2 from an end part of the edge part to the boundary. Namely, the start positions of the inclined surfaces in the Registered Design exist at position deviated from the boundary by the length of half of the width of the whole rounded edge parts, and those can no longer be said "the boundary vicinity."

If these positions are at "the boundary vicinity," also in design example 3, a distance D3 from the boundary between the edge part and the flat part to the start positions of the inclined surfaces is generally similar to D1, so that it can be said that the inclined surfaces in design example 3 also fit within "the boundary vicinity." Therefore, it can be said that creative features do not exist in the fact that the inclined surfaces fit within "the boundary vicinity" itself.

Also, in Fig. 6 and Fig. 7 of Reference Material B publicly known before the application of the Registered Design was filed, there is disclosed a wooden protection fence formed with a bottom surface of a notch (a recessed part) for installing a deformable bracket 18 and fixing metal fittings 21 in accordance with a boundary point(a contact between a flat surface and a curved surface) between an edge part formed in an arc-shape

and a flat part.

In Reference Material B, the notch is formed in accordance with the boundary, so that side surfaces of the notch (corresponding to the inclined surfaces of the Registered Design) have semicircular shapes similar to those of the Registered Design.

Therefore, it can be said that the notch with a semicircular cross section formed in accordance with the boundary between the edge part formed in the arc-shape and the flat part is a well-known or publicly known configuration, so that the configuration cannot be a basis for denying that the Registered Design could be easily created based on cited designs 1 to 7. Furthermore, in the point of view of ease of creation, the said judgment is not influenced by the fact that articles to which the Registered Design and the design of the Reference Material B are applied are different.

(3) Conclusion

As described above, concerning the form starting the inclined surfaces of the guide surfaces in accordance with the boundary point(the contact between the flat surface and the curved surface) between the flat part of a slat body and the edge part formed in the arc-shape, creation contents thereof are easy.

2. The demandee made a statement about the object and statement of the reply as described in the written reply for the trial case during an oral proceeding, and in addition, submitted Reference Material a with an oral proceedings statement brief dated December 8, 2015, and made statement as described in the brief.

* Statement brief

The demandee refers to the demandee's allegation in the written reply for the trial case dated February 25, 2015, in the oral proceedings statement brief.

In addition, the demandee makes a rebuttal statement to the allegation in the statement brief of the demandant dated November 24, 2015, as follows.

(1) Rebuttal of the demandee

The demandant’s allegation that "concerning the form starting the inclined surfaces of the guide surfaces in accordance with the boundary point(the contact between the flat surface and the curved surface) between the flat part of a slat body and the edge part formed in the arc-shape, the reason why creation contents thereof are easy" cannot be

accepted, for the following detail reasons.

A. Regarding the demandant's allegation related to the design examples

The demandant, in relation to design examples 1 to 3 which the demandee illustrated for proving that it cannot be said that "the configuration like the relevant part of the Registered Design is inevitably obtained even if the guide surfaces shown in the basic constitutions of cited designs 1 and 2 are formed on the publicly known slats that are rounded in the edge parts", recognizes that "a large technical problem arises in terms of function in either case, so that it is not realistic at all and hard to be assumed for a person skilled in the art to create the design of the form like design examples 1 to 3 from cited designs 1 and 2."

Also, based on the accreditation, the demandant alleges "design examples 1 to 3 cannot be a basis for denying that 'the configuration like as the relevant part of the Registered Design is inevitably obtained by forming guide surfaces shown in the basic constitutions of cited designs 1 and 2 on the publicly known slats rounded at the edge parts.'"

Namely, we think the demandant concludes that the form of the Registered Design

is configured only by the inevitable configuration (including the form starting the guide surfaces so as to fit on the boundary vicinity between the flat part of the slat body and the edge part formed in the arc-shape), and is a design easily creased because all forms other than the Registered Design are not realistic and are hard to be assumed.

However, the demandee alleges that design examples 1 to 3 are just examples that various forms are possible, the act of selectively organizing the form of the Registered Design as a whole, among various possible forms including the design examples 1 to 3, should be said to be a creative act, and it cannot be said that a person skilled in the art could easily create it.

The demandant's recognition that all of design examples 1 to 3 are not realistic and are hard to be assumed, which is the assumption of the demandant’s conclusion, cannot be affirmed, so that we will make a rebuttal statement while taking design examples 1 and 2 as examples, as follows.

First, when producing Reference Material A which is a example of the state of use of design examples 1 to 3 of the statement brief, the demandant ignores respective A-A

sectional views of design examples 1 to 3 which the demandee submitted in the written reply of the trial case, and a list of perspective views, front views, top views, A-A sectional views, and examples of the state of use of the Registered Design and design examples 1 to 3, is attached as Reference Material a. In Reference Material a, the boundary position (x) between the flat part and the arc-shaped edge part is specified in comparison with the sectional view which the demandee submitted at the time of application in the Registered Design, and in comparison with respective sectional views of design examples 1 to 3 which the demandee attached to the said written reply of the trial case in design examples 1 to 3.

Also, although the demandant produces the example of the state of use by assuming that the size of a central holding part is constant, in Reference Material A of the statement brief, the size of the central holding part is not necessarily constant.

The demandant indicates [a figure of the state of use of design example 1 of the demandant], and alleges that design example 1 is not realistic since the slats are brought into a misalignment state from the following points.

(A) With the guide surfaces being formed deeply, the slat is easily moved in a fore-and-aft direction.

(B) An interval between the end parts of the inclined surfaces on the edge part is large, so that a horizontal string is deviated in a lateral direction along the inclined surfaces.

However, design example 1, which the demandee indicates in the written reply, is a form shown in the figure of [design example 1 of the demandee and the example of the state of use thereof]. The state of use is assumed to be as shown in the figure.

In the case of the form of the example of the state of use in the figure, since a dimension ratio between the holding part/guide surfaces and the vertical string/rise-and-fall cord and the like is small, the demerits mentioned by the demandant such as (A), (B) could be avoided. Hence, the demandant's recognition that design example 1 is an unrealistic form cannot be approved.

Furthermore, even in the case of the form and the state of use of design example 1 indicated by the demandant, in the slat material having thickness such as the Registered Design, during rising/falling, stable rising/falling is enabled by the own weight of the slat itself, so that it is hard to think that the slats are misaligned. Also, the horizontal strings are provided so as to engage with the central holding part while putting the slat therebetween,

so that the possibility of the lateral deviation is small, and it cannot be said that design example 1 is unrealistic as a form.

The demandant indicates [a figure of the state of use of design example 2 produced by the demandant], and alleges that design example 2 is not realistic, because the slats are brought into the misalignment state from the following points.

(C) The inclination angle of the inclined surfaces is small, so that the horizontal string is easily deviated in a lateral direction along the inclined surfaces.

However, as described in design example 1, in the slat material having thickness such as the Registered Design, during rising/falling, stable rising/falling is enabled by the own weight of the slat itself, so that it is hard to think that the slats are misaligned. Also, the horizontal strings are provided so as to engage with the central holding part while putting the slat therebetween, so that the possibility of the lateral deviation is small.

Also, in Figs. 10 and 15 of cited design 2 of which the demandant is the applicant, as described above, guide surfaces with generally the same inclination angle as that of design example 2 are provided, and the demandant's allegation that the form of design example 2 is especially not realistic due to the inclination angle of the guide surfaces of

design example 2, cannot be approved.

Furthermore, the demandee, in the figure of [design example 2 of the demandee and the example of the state of use thereof], thinks that use like a example of the state of use on the right side can be assumed, and that in the example of the state of use, since the rise-and-fall cord inserted in the horizontal string is kept in a shape stored in the holding part, the demerit such as (C) is not generated. Hence, the demandant's recognition that design example 2 is unrealistic cannot be approved.

As described above, we will believe that the demandant's recognition that the design examples are not realistic and are hard to be assumed is different from the actual situation.

Therefore, the demandant's allegation that "design examples cannot be a basis for denying that 'the form like the relevant part of the Registered Design is inevitably obtained by forming guide surfaces shown in the basic constitutions of cited designs 1 and 2 on the publicly known slats rounded at the edge parts,'" and the configuration of the Registered Design is configured only by the inevitable form and is a design easily creased, is not

approved.

Also, the aim of the description that "there is no objection in the constitutions of the Registered Design and the cited designs/peripheral designs of the demandant. However, specific angles of the inclined surfaces of the relevant part in a front view of the Registered Design of the specific constitution are not particularly specified as features of the Registered Design" which is mentioned in the written reply of the trial case by the demandee, is as follows.

The demandee also recognizes that the relevant part of the Registered Design appears as the semicircular inclined surfaces, and this is the basis of the impression of the Registered Design.

Although the demandant, in the written demand for trial, specifies the angle of the inclined surface of the relevant part of the Registered Design as 55 degrees in the specification of the specific form of the Registered Design, the demandee thinks that the impression of the Registered Design is not changed even if this angle is changed, for example, by 1 degree.

Hence, the demandee described that the specific angle that the inclination angle of

the Registered Design is 55 degrees should not specified as a feature of the Registered Design.

Naturally, we think that the inclined surfaces of "semi-oval shapes (half capsule shapes)," "rocket-shapes," and "generally triangular shapes that are rounded" are different from the Registered Design in their impression.

Also, the shapes of the inclined surfaces of the relevant part are decided by which position the inclined surfaces start from, the inclination angle of the inclined surfaces, and these two elements.

Namely, primary parts of the Registered Design are that it is formed so as to start the guide surfaces that is the relevant part, from the boundary vicinity between the flat part of the slat body and the edge part formed in the arc-shape (so as to fit the guide surface within the boundary vicinity between the edge part formed in the arc-shape of the slat and the flat part of the slat), and the shapes of the inclined surfaces become semicircular.

B. Regarding the demandant's allegation related to "creation ease of a form from which a guide surface starts, in accordance with a boundary point between a flat part of a slat body

and an edge part formed in an arc-shape"

Next, concerning the validity of "creation ease of a form from which a guide surface starts, in accordance with a boundary point between a flat part of a slat body and an edge part formed in an arc-shape," the opinion of the demandee is stated as follows.

The demandant alleges, in the statement brief, that "if a person skilled in the art intends to form notches by considering ease of assembly while avoiding the demerits indicated about design examples 1 to 3 to prevent the movement in a fore-and-aft direction or a lateral deviation of the slats, angles of inclined surfaces (and the depth of recessed holding parts) are inevitably decided according to a relationship between the width of the slats and the size of horizontal strings."

In design examples 1 to 3, the demerits alleged by the demandant are as follows.

*Design example 1

(A) With the guide surfaces being formed deeply, the slat is easily moved in a fore-and-aft direction.

(B) An interval between the end parts of the inclined surfaces on the edge part is

large, so that a horizontal string is deviated in a lateral direction along the inclined surfaces.

*Design example 2

(C) The inclination angle of the inclined surfaces is small, so that the horizontal string is easily deviated in a lateral direction along the inclined surfaces.

*Design example 3

(D) Since the notch exists at a position close to the edge part as a whole, the horizontal string catches on the notch when the slat is inserted in the horizontal string.

(E) The inclination angle of the inclined surfaces is small, so that the caught horizontal string is becomes hard to come off.

(F) The inclination angle of the inclined surfaces is small, and it does not play the role as a guide surface.

However, among various possible forms, the act of avoiding a lots of the demerits such as (A) to (F) and forming the notch while preventing the movement in a fore-and-aft direction or a lateral deviation of the slats and considering ease of assembly can be said to be an excellent advanced creative act.

Also, in the statement brief, the demandant alleges that "therefore, if a person skilled in the art in a field of the article just shows ordinary creative ability to form the holding guide surfaces at the notches indicated in the respective basic constitutions (C) and (D) of cited designs 1 and 2, on the publicly known rounded slats, the shapes of the holding guide surfaces inevitably become two symmetric semicircular shapes indicated by the specific constitution (a) of the relevant part of the Registered Design, and simultaneously, the inclined surfaces of the relevant part are formed so as to fit within the boundary vicinity between the flat part of a slat body and the edge part formed in the arc-shape."

However, we believe that the design for which a person skilled in the art shows ordinary creative ability is a design sufficiently equipped with creativity. Article 3(2) of the Design Act is applied in a design which could be easily created by a person skilled in the art, based on the publicly known configuration. Even if the created design is based on the publicly known configuration, it should not be applied for the design for which a person skilled in the art shows ordinary creative ability.

C. Regarding the additional remark of the demandant

The demandant alleges that since the start position of the inclined surface of the

Registered Design exists at a position deviated from the boundary between the edge part and the flat part by the length of half of the width of the whole rounded edge parts, the start point of the Registered Design can no longer be said to be "the boundary vicinity."

Checking that in [the figure showing respective positions of the Registered Design of the demandee], it cannot be said that the start position (y) of the inclined surfaces of the Registered Design exists at a position deviated from the boundary (x) between the edge part and the flat part by the length of half of the width of the whole rounded edge part.

Also, the demandant alleges that, in design example 3, the deviation width between (y) and (x) is generally the same as the deviation width between (y) and (x) of the Registered Design.

Checking that in [the figure showing respective positions of design example 3 of the demandee], it cannot be said that the deviation width between (y) and (x) of design example 3 is generally the same as that of the Registered Design.

Therefore, it is thought that the allegation comparing the Registered Design and design example 3 is not established.

Furthermore, the demandant, while alleging that "therefore, if a person skilled in the art in a field of the article just shows ordinary creative ability to form the holding guide surfaces at the notches indicated in the respective basic constitutions (C) and (D) of cited designs 1 and 2, on the publicly known rounded slats, the shapes of the holding guide surfaces inevitably become two symmetric semicircular shapes indicated as the specific constitution (a) of the relevant part of the Registered Design, and simultaneously, the inclined surfaces of the relevant part are formed so as to fit within the boundary vicinity between the flat part of a slat body and the edge part formed in the arc-shape," alleges that the start point of the inclined surfaces of the Registered Design cannot be said to be "the boundary vicinity," in the additional remark, so that the demandant's allegation seems contradictory.

Also, it is still unchanged that, in designs of slats, a configuration like the Registered Design has not appeared anywhere in the designs cited by the demandant.

If the configuration of the Registered Design is inevitable and the creation is easy as the demandant alleges, why had a design of slats showing the form like that of the

Registered Design not existed until the Registered Design was filed?

We believe the fact that such a form had not appeared at all until the Registered Design was filed, even while the slats rounded in the arc-shape at the edge parts of cited design 7 indicated by the demandant have existed since over eighteen years ago and similarly, the slats provided with the notches of cited design 2 indicated by the demandant have existed since over four years ago, could be reasons for affirming the creativity of the Registered Design.

(2) Conclusion

As described above, the demandant’s statement "concerning the form starting the guide surfaces in accordance with the boundary point(the contact between the flat surface and the curved surface) between the flat part of a slat body and the edge part formed in the arc-shape, the reason why creation contents thereof are easy" cannot be recognized.

Also, it cannot be said that the form of the Registered Design, " the guide surfaces that is the relevant part start from the boundary vicinity between the flat part of the slat body and the edge part formed in the arc-shape, and the shapes of the inclined surfaces become semicircular," could be easily created by a person skilled in the art, and we believe

that the Registered Design is a design sufficiently equipped with creativity.

No. 5 Judgment by the body

1. The Registered Design

The Registered Design relates to an application for design registration dated May 1, 2013, and is a design of Design Registration No. 1492562 with which an establishment of the design right was registered on February 14, 2014. The article to the design is "Slat for blinds," and the configuration is described in the application and attached drawings. "One part for which the design registration is requested as partial designs is expressed by solid lines, and the other part are expressed by dashed lines" (hereinafter, in the Registered Design, the part for which the design registration is requested as partial designs is referred to as the "Design Part") (Evidence A No. 2, refer to Appendix 1).

Namely, in the configuration,

(1) (1-1) the whole is a thick flat band shape, is a horizontally long rectangle and long in a right-and-left direction in a front view, and (1-2) an edge on an upper side is formed in a semi-perfect arc-shape,

(2) the Design part is right and left guide surface parts at a notch on the right side in a front view, of the notches provided at two places on the upper side,

(3) the guide surfaces parts are formed as inclined surfaces forming an inverted V-shape symmetric across a holding part, an angle thereof is 55 degrees, and,

(4) The lower ends of the inclined surfaces which are the guide surfaces are positioned somewhat below a position changing from a slat flat surface to a semi-perfect arc-shape at an edge, and

(5) at that time, the guide surfaces appear as two symmetric semicircular shapes which have arcs on the outer side, in a top view.

2. Determination of the ease of creation of the Registered Design

According to the allegation of the demandant and the rebuttal of the demandee, we will examine whether or not the Registered Design could be easily created by a person of ordinary skill in the art of the design (hereinafter, referred to as "a person skilled in the art"), as follows.

(1) It is a widely known configuration in the field of the article to make the whole shape of

a slat become a flat band shape, a horizontally long rectangle and long in a right-and-left direction in a front view without requiring the presentation of evidence.

(2) It is a widely known form, as shown in cited designs 3 to 7, to form the slat to be thick with a generally semi-perfect arc-shape at an upper edge.

(3) It is an extremely normal and ordinary form to provide a notch on the upper side of the slat, as shown in cited designs 1 and 2, and to provide a notch on the upper side of the thick slat, as shown in cited designs 3 to 5.

(4) The form in which, in a front view, inclined surfaces form an inverted V-shape symmetric across a holding part of the notch to be guide surfaces, is the same form as in cited design 1 and cited design 2, and it is acknowledged as a publicly known form.

(5) Also, it is expressed in the peripheral design 3 that an inclination angle of the V-shaped notch regarded as a kind of a generally inverted V-shape is made be about 55 degrees so as to lock a ladder cord, and a form in which an inclination angle of the guide surfaces is made to be about 30 degrees is expressed in cited design 1, so that it can be acknowledged as a publicly known form in the field of the article that the angle of such an inclined surface for leading the ladder cord and the like is made to be about 30 to 55 degrees.

(6) As described above, it can be easily conceived by a person skilled in the art to use the

form in which the guide surface parts are made to be the inclined surfaces forming the inverted V-shape, which is shown in cited designs 1 and 2, for the notch on the upper side of the thick slat shaped in the semi-perfect arc-shape at the edge of the upper side, which is shown in cited designs 3 to 5, and it is a publicly known form in the field of the article to make the inclination angle of the guide surfaces become 55 degrees, so that it can acknowledged that the creation of the Registered Design was easy.

(7) Also, concerning a form in which a position of a guide surface lower end is generally matched with a position changing from a flat fore-and-aft surface of the slat to a semi-perfect arc-shape of the edge, in the creation of a design, if there is no technical restriction, it can be acknowledged as extremely normal means performed for shaping process in the design of an industrial product and the like to simplify the whole shape by roughly matching a plurality of shape-change-points (for example, in Fig. 6 of Reference Material B attached to the statement brief and submitted by the demandant, in wood 15B with an arc-shape at an upper end, a case in which a shape-change-point changing a shape from a flat side surface to an arc-shape at an upper end and a shape-change-point that is a bottom surface (a lower end) of a recessed part for installing a bracket 18 are matched, is expressed (refer to Appendix 5).), so that it can be said that this case is similar to such extremely

normal means, and it cannot be acknowledged that there is difficulty in the creation of the design in the application, including the form roughly matching the position of the guide surface lower end with the position changing from the flat fore-and-aft surface of the slat to the semi-perfect arc-shape of the edge.

(Note by the body: Appendix 5 is an excerpt from Reference Material B "Japanese Unexamined Patent Application Publication No. 2003-313837".)

3. Regarding other allegation contents of the demandee

Although the demandee alleges, that

(1) "in the cited designs which the demandant mentioned as evidence, the following structure does not appear anywhere. Namely, a structure in which at a notch holding a rise-and-fall cord and the like, the inclined surfaces are a pair of holding guide surfaces for guiding to a central recessed holding part, and are formed as two symmetric semicircular surfaces having arcs on the outer side in a top view does not appear anywhere in the cited designs. It can be said that the relevant part of the Registered Design is a novel form not conventionally existing" (Page 8, lines 1 to 7 of the written reply), and

(2) "it is still unchanged that, in designs of slats, a configuration like the Registered Design

has not appeared anywhere in the designs cited by the demandant" (Page 10, lines 9 to 11 of the demandee statement brief),

as the recognition above, in the case that the notch is provided on the thick slat rounded at the edge part and the guide surface inclined at 55 degrees which fits the inclined surface lower end somewhat below the position changing from the flat surface to the semi-perfect arc-shape of the edge, on the notch, if drawing according to the "orthographic projection method" under the provisions of Ordinance for Enforcement of the Design Act Form No. 6 Note 8, it is obvious that the guide surfaces "become semicircular" in a top view.

No. 6 Conclusion

As described above, it can be acknowledged that the Registered Design was registered in violation of Article 3(2) of the Design Act, and therefore its registration should be invalidated under the provisions of Article 48(1)(i) of the Design Act.

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

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

April 27, 2016

Chief administrative judge: HONDA, Seiichi

Administrative judge: TACHIBANA, Takao

Administrative judge: KARIMA, Hironobu

Appendix 1
Evidence A No. 2

(19) [Publication country] Japan Patent Office (JP)
(45) [Publication date] Heisei 26 (2014) March 17 (2014.3.17)
(12) [Kind of official gazette] Design Gazette (S)
(11) [Registration number] D1492562
(24) [Registration date] Heisei 26 (2014) February 14 (2014.2.14)
(54) [Description of the article to the design] Slat for blinds
[Partial design]
(52) [Japanese Design Classification] C1-59
(51) [International Design Classification (reference)] 06-10, 08-06, 08-07, 08-08, 08-99, 25-02
(21) [Application number] Japanese Design Application No. 2013-9843 (D2013-9843)
(22) [Filing date] Heisei 25 (2013) May 1 (2013.5.1)
(72) [Creator]
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[Address or residence] in TACHIKAWA BLINDS CORP. 3-1-12 Mita, Minato-ku, Tokyo
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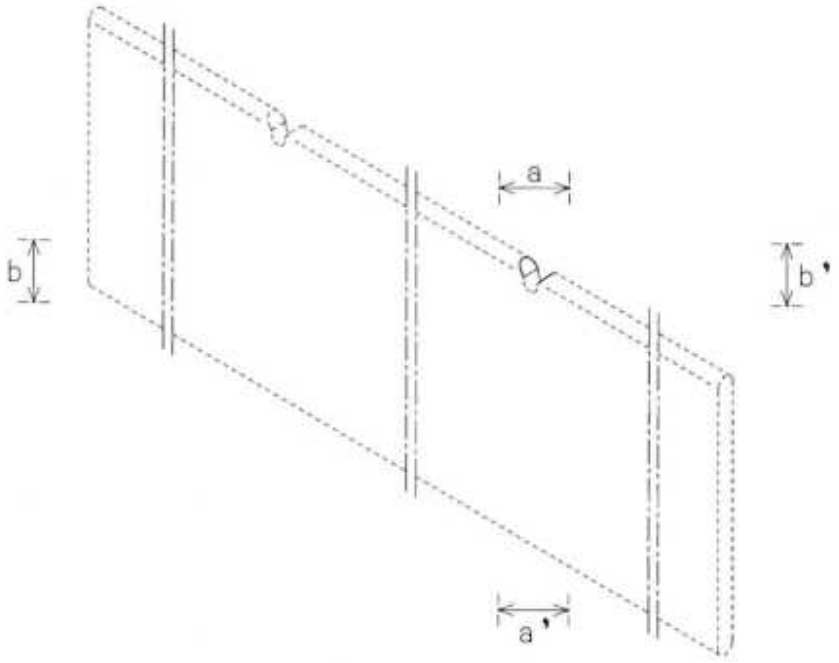
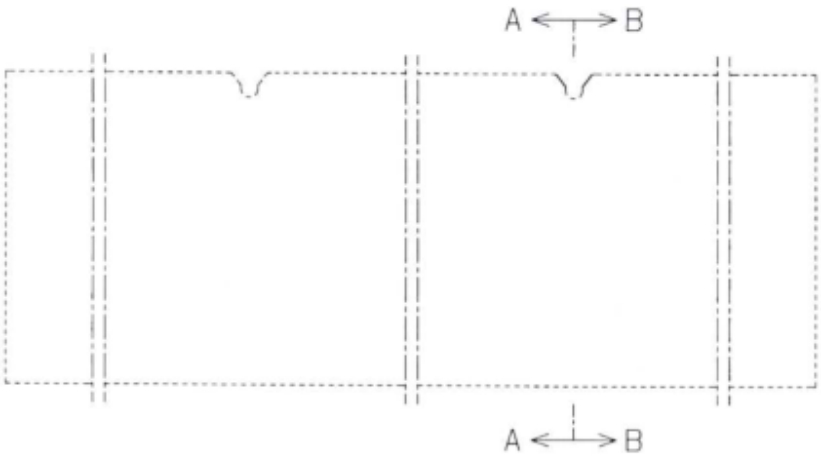
(74) [Representative]
[Identification Number] 100105957
[Patent Attorney]
[Name] ONDA, Makoto
(74) [Representative]
[Identification Number] 100068755
[Patent Attorney]
[Name] ONDA, Hironori

[Examiner] KIMURA, Kyoko
(56) [Reference] Design registration 984574 Design registration 1465235
(55) [Explanation of the article to which the design is applied] The article to the design is a slat for blinds. In the design in the application, the part for which the design registration is requested is a pair of holding guide surfaces in a notch which stores a vertical string, a rise-and-fall cord and the like, and has unity of function and design.
(55) [Explanation of the design] Since a rear view appears symmetrically with a front view, it is omitted. Since a left side view appears identically to a right side view, it is omitted. The line which appears in the perspective view from the front, top and right side and which broke off is for expressing the shape on the surface of a solid. One part for which the design registration is requested as a partial design is expressed as the solid line while the other part is expressed as the dashed line. In a front view, some parts are omitted due to middle area, each middle omitted part of a both-the-right-and-left-ends part is about 15.5 cm on Drawings, and the middle omitted part of a central part is about 27.5 cm on Drawings.
[Drawings]
[Perspective View from Front, Top and Right-Side]

(2) Design registration 1492562



[Front View]

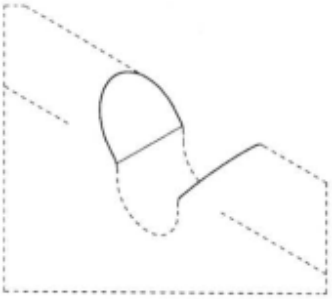


[Top View]

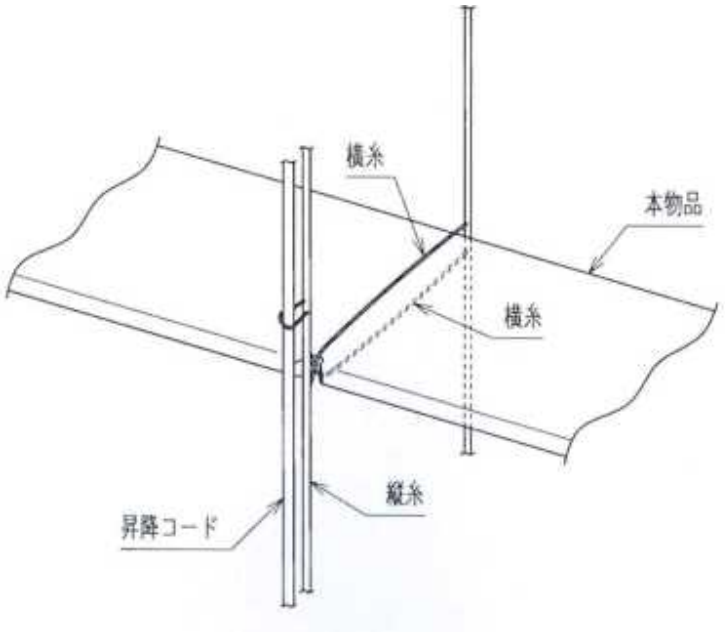
[Right-Side View]

(3) Design registration 1492562

[a-a', b-b' Partial Enlarged View]



[Reference View 1 Showing The State of Use]



横糸　Horizontal string

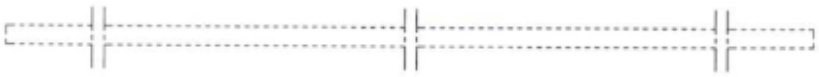
本物品　　The article

縦糸　Vertical string

昇降コード　Rise-and-fall cord

(4) Design registration 1492562

[Bottom view]

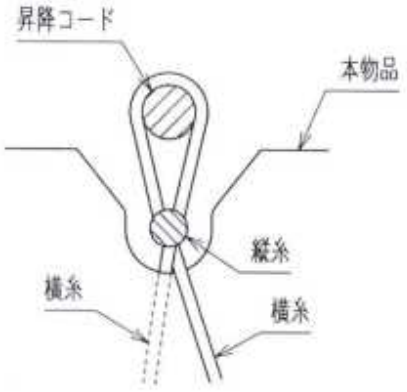


[A-A Enlarged Sectional View]

[B-B Enlarged Sectional View]

(5) Design registration 1492562

[Reference View 2 Showing The State of Use]



昇降コード　Rise-and-fall cord

本物品　　The article

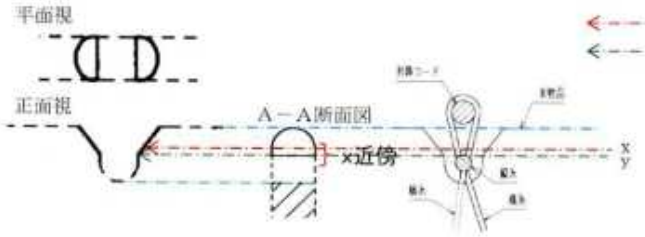
縦糸　Vertical string

横糸　Horizontal string

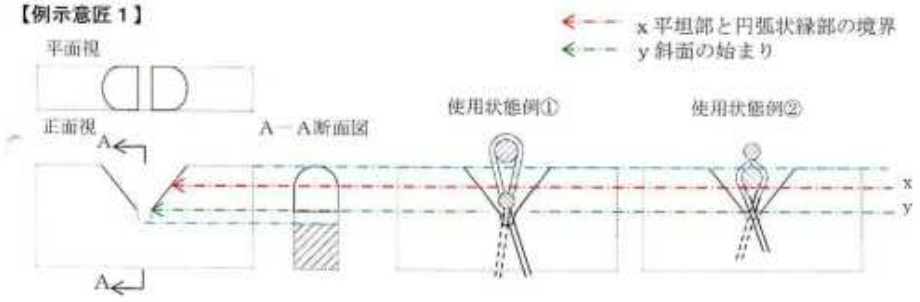
Appendix 2

参考資料イ

【本件登録意匠】



【例示意匠１】



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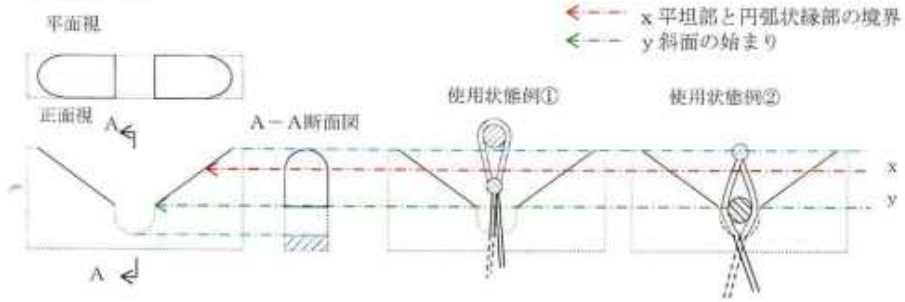

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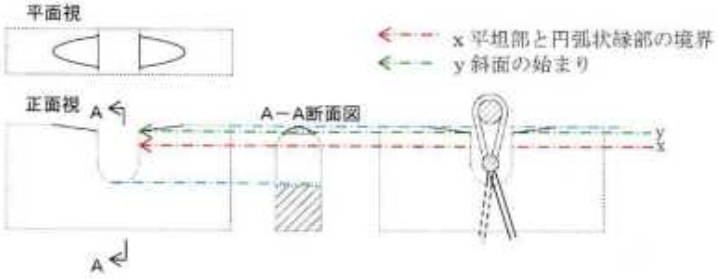


参考資料イ　Reference Material a

【本件登録意匠】　[Registered Design]

平面視　　Top View

正面視　　Front View

Ａ－Ａ断面図　　A-A Sectional View

昇降コード　Rise-and-fall cord

本物品　　The article

縦糸　Vertical string

横糸　Horizontal string

ｘ平坦部と円弧状縁部の境界　　x Boundary between a flat part and an arc-shaped edge part

ｙ斜面の始まり　　y Start of inclined surfaces

【例示意匠１】　　[design example 1]

使用状態例①　　example (1) of the state of use

使用状態例②　　example (2) of the state of use

【例示意匠２】　　[design example 2]

【例示意匠３】　　[design example 3]

Appendix 3
Reference Material 2
*List of representative drawings of the cited designs/peripheral designs
The Registered Design
Design Registration No. 1492562
[Filing date] Heisei 25 (2013) May 1 (2013.5.1)

Cited design 1 (Evidence A No. 3)
Design Registration No. 1465235
*Basic constitution
(I) A pair of holding parts for guiding a rise-and-fall cord and the like to a central recessed holding part, at a notch, and
(II) In a front view, inclined surfaces are respectively formed to form an inverted V-shape.

*Specific constitution
(i) A top view is not shown and is unclear
(ii) An angle of each inclined surface is about 30 degrees in cited design 1, and about 35 degrees in cited design 2.

Cited design 2 (Evidence A No. 4)
Japanese Unexamined Patent Application Publication No. 2011-252265
[Fig. 10]
A notch
[Fig. 15]
*Edge parts in a transverse direction of a slat material are formed so as to be rounded on a top surface/bottom surfaces side.
*A notch for inserting a ladder cord (cited designs 3 and 4), and a rope (cited design 5) is formed on the edge part.
Cited design 3 (Evidence A No. 5)
Fig. 9

Cited design 4 (Evidence A No. 6)
Fig. 5
Fig. 9

Cited design 5 (Evidence A No. 7)
Fig. 1
Fig. 5
Fig. 7

Cited design 6 (Evidence A No. 8)
Japanese Unexamined Patent Application Publication No. 2011-26804
[Fig. 1]
[Fig. 2]

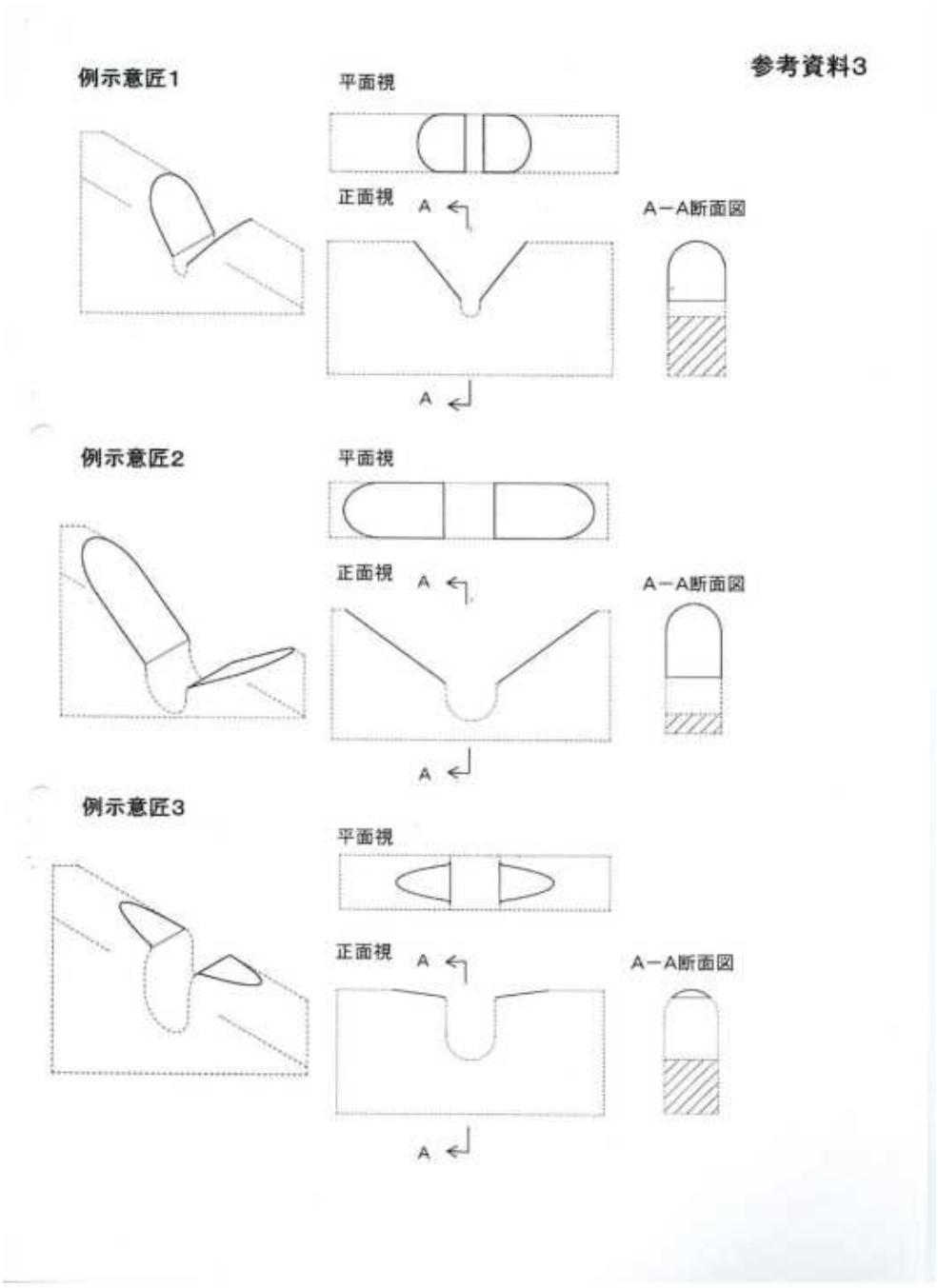
Cited design 7 (Evidence A No. 9)
Japanese Unexamined Patent Application Publication No. H09-328975
[Fig. 2]
*On the slat material, there are provided a triangular (an inverted V-shaped) notch (peripheral designs 1 and 3) for locking a vertical direction cord (peripheral design 1)/a ladder cord (peripheral designs 2 and 3), and a trapezoidal notch (peripheral design 2).

Peripheral design 1 (Evidence A No. 10)
Japanese Utility Model Publication No. H03-35034
Fig. 2

Peripheral design 2 (Evidence A No. 11)
Japanese Utility Model Publication No. H08-8233
[Fig. 1]
Peripheral design 3 (Evidence A No. 11)
Japanese Utility Model Publication No. H08-8233

[Fig. 6]

別紙第４　　Appendix 4



参考資料３　Reference Material 3

例示意匠１　Design example 1

平面視　　Top View

正面視　　Front View

Ａ－Ａ断面図　　A-A Sectional View

例示意匠２　Design example 2

例示意匠３　Design example 3

(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2003－313837
（P2003－313837A）
(43)公開日　平成15年11月6日(2003.11.6)

(51)Int.Cl.'	識別記号	FI		テーマコード'(参考)
E01F 15/00	101	E01F 15/00	101	2D101

審査請求　未請求　請求項の数9　ＯＬ　（全 10 頁）

(21)出願番号　特願2002－122895(P2002－122895)
(22)出願日　平成14年4月24日(2002.4.24)

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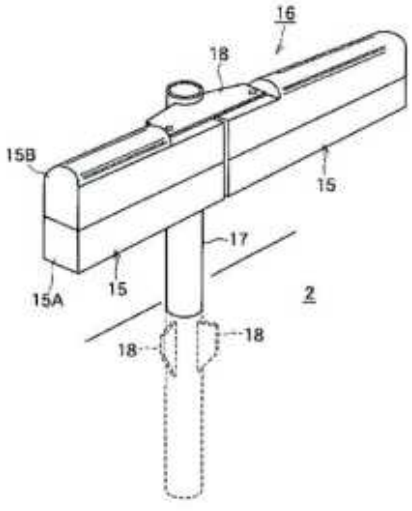
(74)代理人　100083806
弁理士　三好　秀和　（外８名）

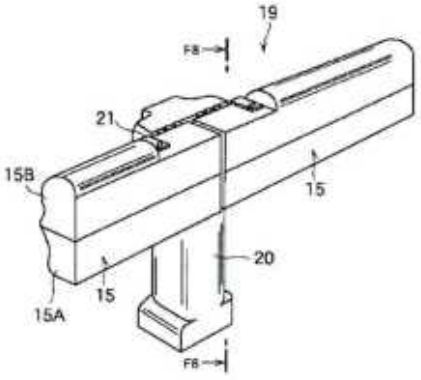
Ｆターム(参考)　2D101 CA06 DA00 DA01 EA02 FA13 FA27 FB02 FB14 GA17

(54)【発明の名称】　木製防護柵

【図６】



【図７】



別紙第５　　Appendix 5

参考資料Ｂ　Reference Material B

（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 applications (A)

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Ｆターム（参考）　F-term (reference)

（５４）【発明の名称】木製防護柵　(54) [Title of the invention] WOODEN PROTECTIVE FENCE

【図６】　[Fig. 6]

【図７】　[Fig. 7]