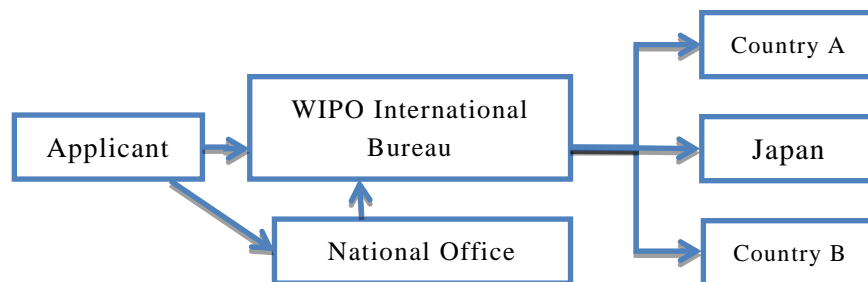


Revision of Design Law in 2015

Japan joined in Geneva Act of the Hague Agreement on February 13, 2015, which will become effective on May 13, 2015.

[1] Advantages of Geneva Act

- Design Applications in a plurality of countries can be made in a bundle. In accordance with the classification specified in Locarno Agreement, an application comprising maximum one hundred designs is possible.
- Design right in a plurality of countries can be integrally managed (through WIPO bureau).
- Acquirement of design right in Japan will be facilitated for the applicant in contracting states.



[2] Background of Japan's Joining Geneva Act

- Response to increase in the number of foreign design applications by Japanese companies.
- In harmony with the other major countries' joining in the Geneva Act.

[3] How International Design Registration Application will be handled in Japan (National Phase)

(1) An international application designating Japan and internationally published will be treated as an International Design Registration Application (§ 60-6(1)).

Lack of six-side views per one design at the time of the international application is not viewed as informalities.

However, such an application may be rejected due to incapability for specifying the design (rejection under § 3(1), main paragraph).

Thus, we recommend preparing six-side views when Japan is designated in an international application.

(2) An international application including a plurality of designs will be treated as a design registration application filed for each of the designs covered by the international registration (§ 60-6(2)).

Thus, the presence of a plurality of designs is not viewed as informalities.

However, a design application including a plurality of designs may be rejected during substantive examination (§ 7).

If the Examiner judges that an application includes a plurality of designs, a divisional application for a part of the designs can be filed (§ 10-2).

(3) It is possible to file an application with a request for exception to lack of novelty.

Specifically, the request for exception to lack of novelty can be filed in the JPO within a predetermined period (30 days) after an international publication (§ 60-7). The request may be filed in the WIPO bureau in filing an international application.

(4) An application claiming a priority is possible.

The priority request is to be filed in the WIPO bureau in filing an international application (Geneva Act 4(1), 6(1)).

Priority certificate should be filed in the JPO within a predetermined period (three months) after an international publication (§ 60-10).

(5) Partial design and related design are applicable (§ 60-8 etc.).

However, secret design is not applicable (§ 60-9).

(6) Remedy in Japan for International Publication

The owner of design registration may claim an indemnity to a third party who exercised an internationally published design before the design is registered (§ 60-12).

(7) The Japan Patent Office conducts a substantive examination (§ 16, 17). When the International Design Registration Application has any ground for rejection, the notice of the rejection will be sent to the applicant via the WIPO bureau (Geneve Act 12).

The notice is made in English, with a translation in Japanese.

The application number will be notified to the applicant.

In response, a written opinion and/or amendment may be filed (Geneva Act 12(3)(b)).

(8) When the applicant is a non-Japanese, Japanese patent agent will be a representative.

(9) Once a rejection has become final and binding or a design application is withdrawn, request for refund of fee can be made within six months (§ 60-22).