

# **Partial Revision of the Japanese Design Law**

An article by ITOH International Patent Office (in PDF format)

May 22, 2019

The revised Japanese Design Law was promulgated on May 17, 2019.

An outline of the revision is as follows:

## **1. Outline of the Partial Revision of the Japanese Design Law**

### **1.1. Expansion of the Scope of Protection**

Currently, images that are not recorded in or displayed on articles (Examples 1 and 2), and exterior and interior designs of buildings (Example 3) are outside the protection. However, under the revised law, these designs will also be protected.

[Example 1: An image provided through a cloud service]



[Example 2: An image projected on the road]



[From “Outline of a bill for partially revising the Japanese Utility Patent Law and other laws” May 17, 2019” published by the Ministry of Economy, Trade and Industry in May 2019]

[Example 3: An interior design of a store]



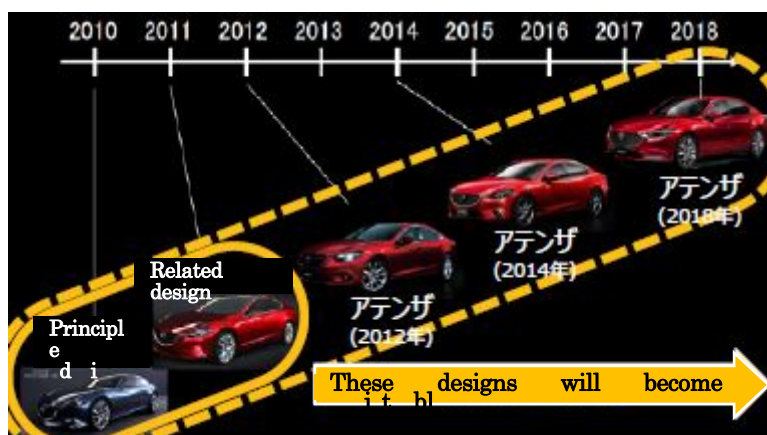
[From “Outline of a bill for partially revising the Japanese Utility Patent Law and other laws” May 17, 2019” published by the Ministry of Economy, Trade and Industry in May 2019]

## 1.2. Review of the Related Design System\*

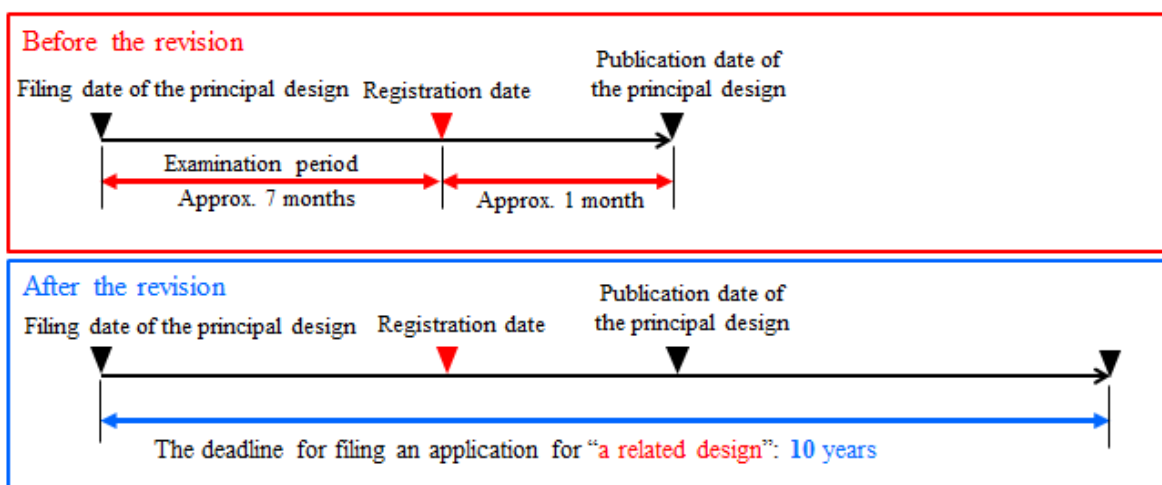
1.2.1. The deadline for filing an application for “a related design” will be extended from “until the publication date of the registration of the principal design (approximately 8 months from the filing date of the principal design)” to “10 years from the filing date of the principal design.”

1.2.2. Only “designs similar to the principal design” are currently registrable, but “designs similar only to a related design” will also become registrable.

*\*Related design system is a Japanese design practice which allows two or more similar designs to be registered coexistently, provided that the designs are filed by the same applicant and one of the designs is designated as the principal design when the others are filed as its related designs.*



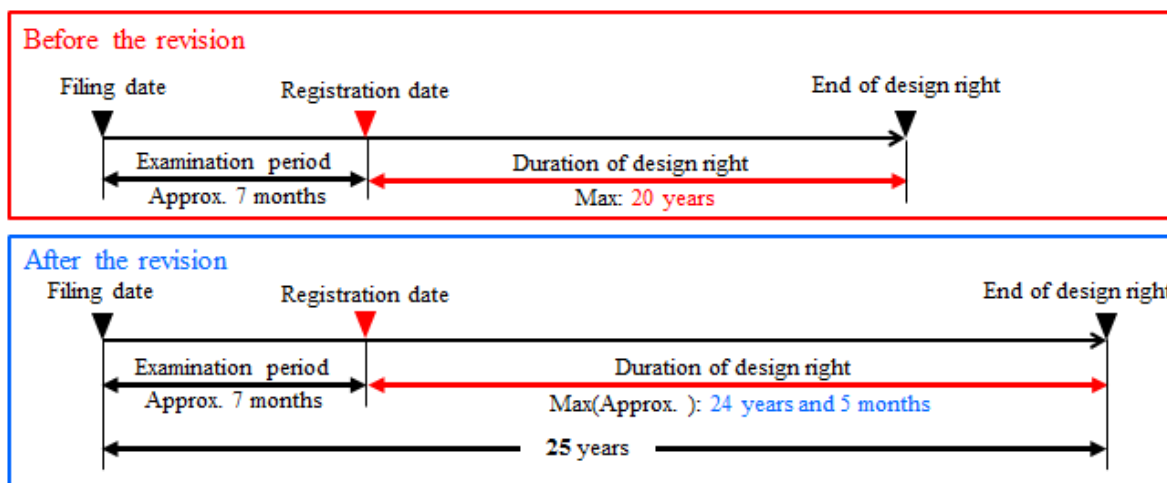
[From “Outline of a bill for partially revising the Japanese Utility Patent Law and other laws” May 17, 2019” published by the Ministry of Economy, Trade and Industry in May 2019]



[Prepared by ITOH International Patent Office]

### 1.3. Change in Duration of Design Right

Presently, a registered design expires “20 years from the registration date.” However, under the revised provisions, a registered design expires “25 years from the filing date of the application.” Generally, examination of a design application in the JPO is completed within 7 months from its filing date, and therefore the duration of a design right will be extended in most applications.



[Prepared by ITOH International Patent Office]

### 1.4. Simplification of the procedures for filing design applications

1.4.1. An application claiming multiple designs will become permissible. 1.4.2. Classification of articles will be abolished to allow flexible indication of articles.

### 1.5. Expansion of the Scope of Indirect infringement\*

The following act will become deemed to constitute indirect infringement of a design right: the act of manufacturing, importing, etc. of an infringing product with the infringing product in the form of being divided into components to avoid direct infringement. At the same time, a subjective factor has been newly introduced that requires the infringer must have performed the infringing acts “knowing that the product is used for the working of the design.”

*\* Indirect infringement, which is similar to the “contributory infringement” stipulated in 35 U.S.C. § 271(c), is a system in which preliminary and assistive actions that are highly likely to induce infringement are deemed to be infringement.*

## 2. Effective Date

The revised Japanese Design Law will be enforced by May 17, 2020. We will advise you the definitive effective date as soon as it is decided.