

Changes in Japanese Design Law in 2019

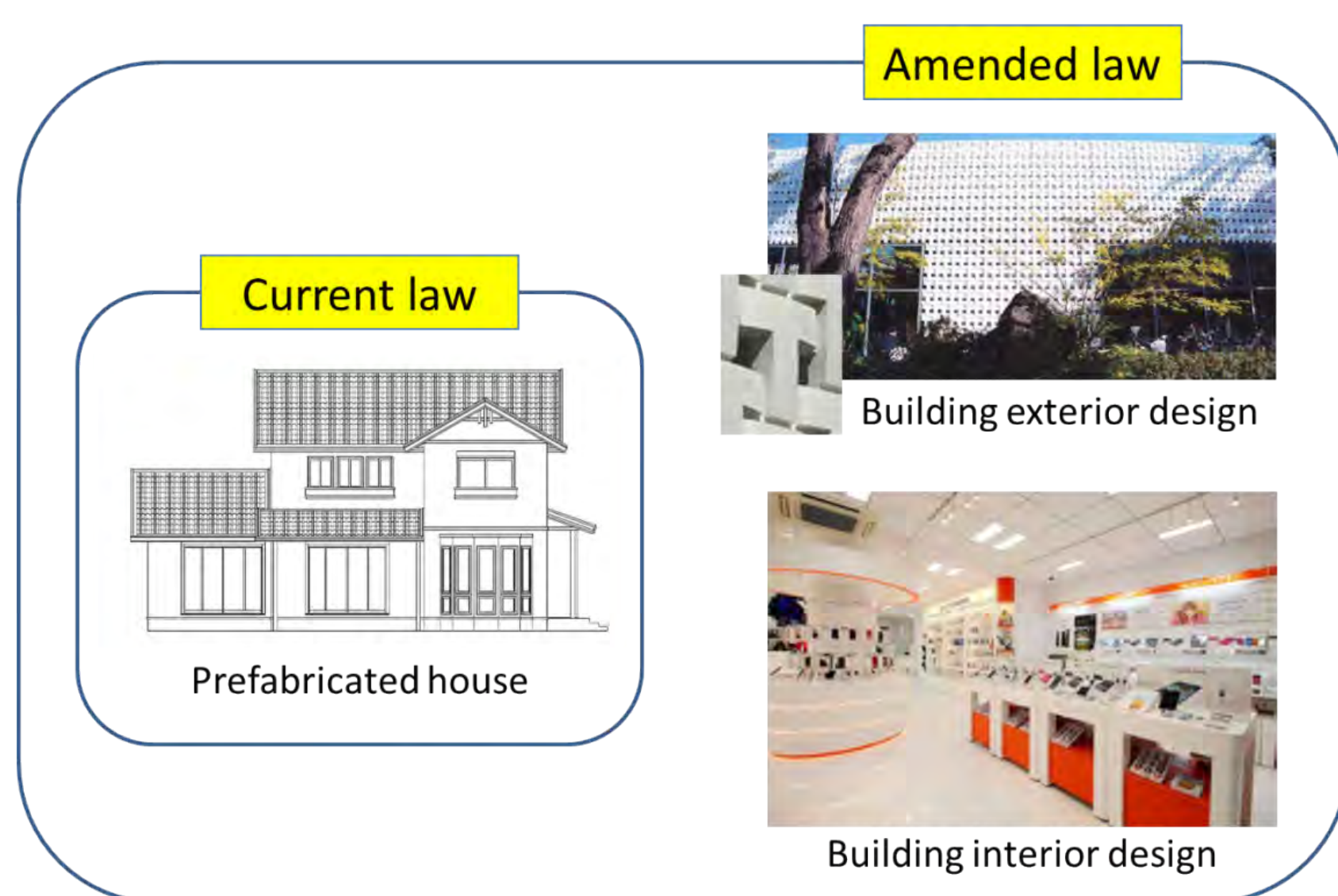
The Japanese Design Law was amended in 2019, and is awaiting enforcement. The main points of the amendments are covered in the following sections, specifically: (1) Enlargement of the Scope of Protection, (2) Enhancement of Related Design System, (3) Extension of Protection Period and (4) Multiple Designs in a Single Application.

(1) Enlargement of the Scope of Protection

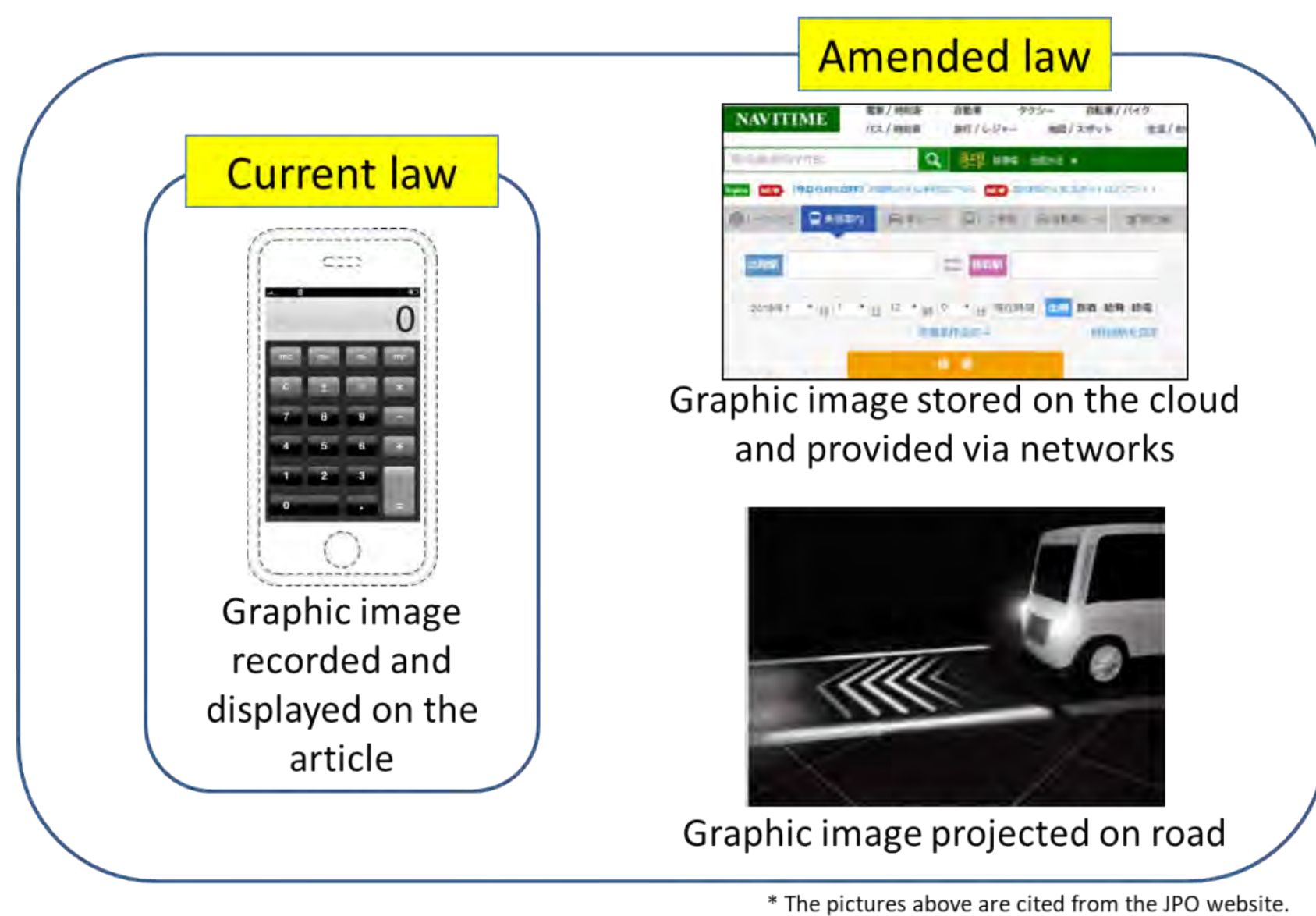
Under the amended law, protectable “design” means the shape, patterns or colors, or any combination thereof, of an article (including a part of an article), **or of a building (including a part of a building), or a graphic image (including a part of a graphic image)**, which creates an aesthetic impression through the eye.

Although protectable “graphic image” is limited to one (i) which is provided for use in the operation of equipment, or (ii) which is shown as a result of performing the function of the equipment, **there are no limitations such as “displayed on the article” or “recorded in the article”** as with the current law.

Examples of protectable designs for buildings



Examples of protectable designs for graphic images



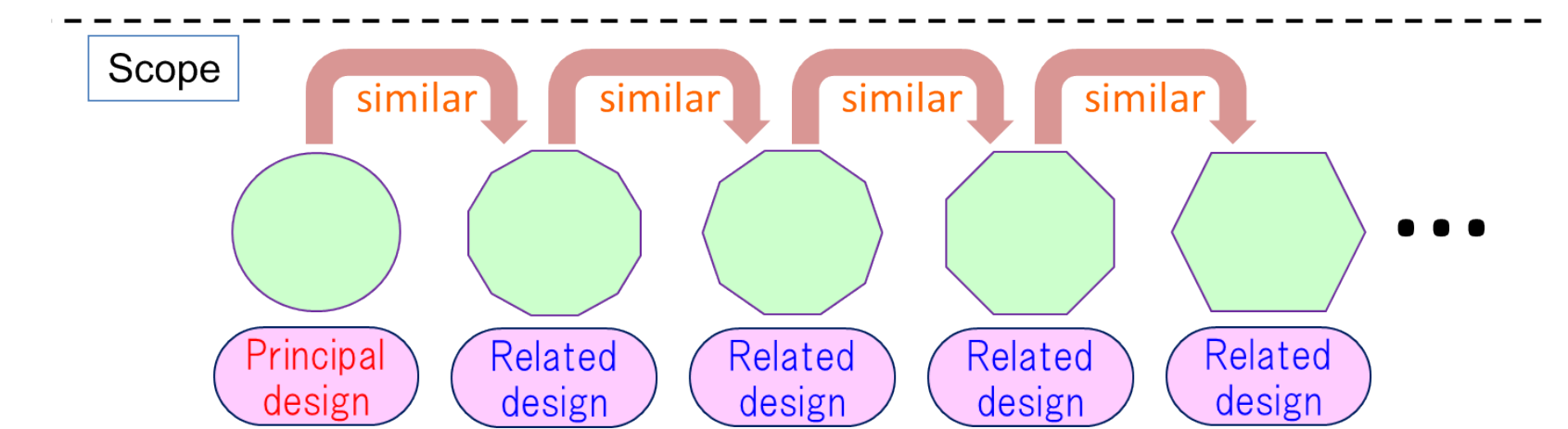
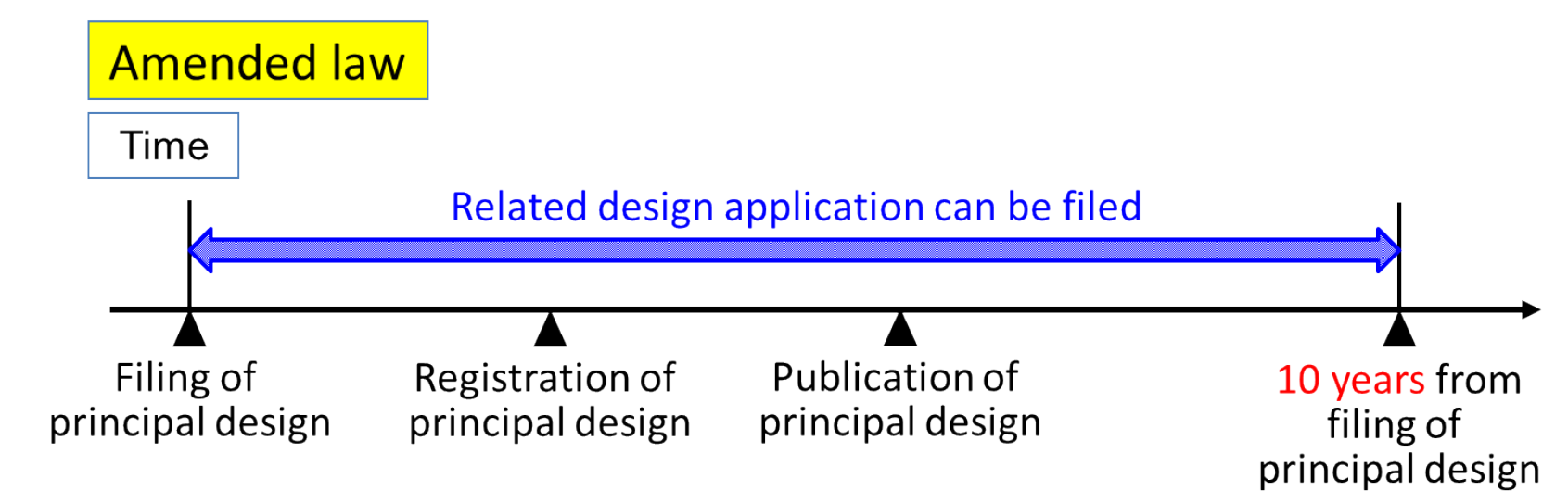
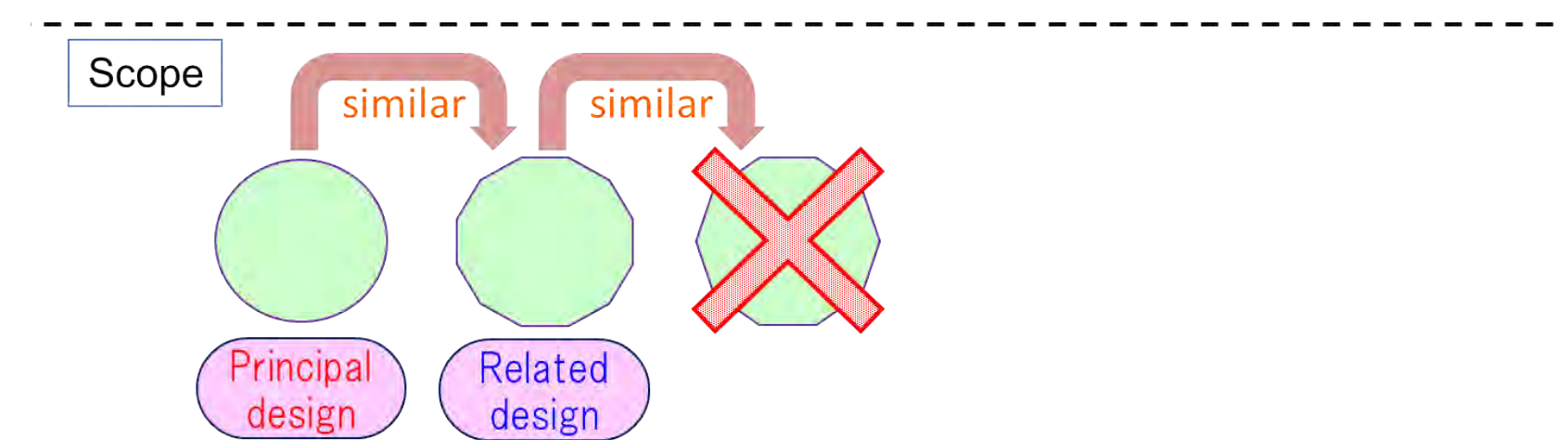
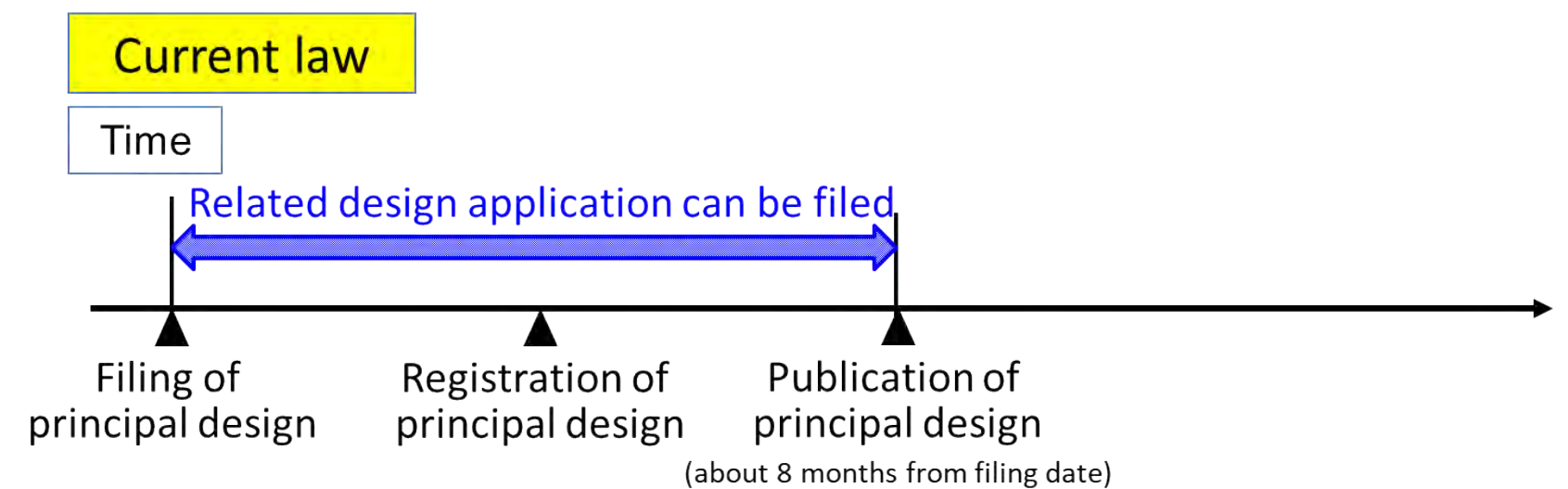
(2) Enhancement of Related Design System

Under the current law, an applicant of a design (“principal design”) may file a design(s) that is similar to the principal design (“related design”) for better protection of a series of designs.

However, the time period for filing a related design is limited to the period up until the publication of the registered principal design. Also, a related design can only be filed for a

design that falls within the similarity scope of the principle design.

The amended law allows the applicant of a principal design to file related design(s) up to 10 years from the filing date of the principal design. Also, a related design is not restricted to one that falls within the similarity scope of the principle design, but can also be filed for one that falls within the similarity scopes of other related designs.



(3) Extension of Protection Period

A registered design right shall expire **25 years from the date of filing the application** under the amended law, instead of 20 years from the date of registration under the current law.

(4) Multiple Designs in a Single Application

Multiple designs can be included in a single application under the amended law.

Date of Enforcement of the Amended Law

- Enlargement of the Scope of Protection
- Enhancement of Related Design System
- Extension of Protection Period
→ Within a year of the date of publication (May 17, 2019)
- Multiple Designs in a Single Application
→ Within two years of the date of publication (May 17, 2019)

Note: A working group for the design examination guidelines under the amended law is now discussing the guidelines, and will finish by the end of the year.