

Design Protection for Applied Art in Japan: Lessons from the TRIPP TRAPP Case

1. Background – The TRIPP TRAPP Chair and the Difference in Legal Treatment

The TRIPP TRAPP children's chair, designed by Norwegian designer Peter Opsvik, has been recognized as a masterpiece of modern furniture design and exhibited in world-renowned museums, such as MoMA and the Pompidou Center.

In Europe, courts have acknowledged that the TRIPP TRAPP chair can be protected under copyright law as a work of applied art — as seen, for example, in a judgment of the District Court of Gelderland (the Netherlands, June 30, 2025) confirming that designs may receive copyright protection when they represent the author's own intellectual creation.

By contrast, in Japan, the recent IP High Court reached a different conclusion. In IP High Court Judgment of September 25, 2024 (Case No. Reiwa 5 (Ne) 10111), the court denied copyright protection for the same product, reasoning that the chair's artistic features could not be separated from its practical function.

2. Legal Background – Definition of “Work” and the Scope of Copyright Protection in Japan

Under Article 2(1)(i) of the Japanese Copyright Act, “A work” means a creatively produced expression of thoughts or sentiments that falls within the literary, academic, artistic, or musical domain.

Furthermore, Article 2(2) of the Act provides that:

As used in this Act, an “artistic work” includes a work of artistic craftsmanship.

The Act does not clearly specify whether applied art falls within the definition of a “work,” and this issue has been further examined in court decisions. In recent judicial decisions, Japanese courts have generally applied the so-called “separability doctrine” when determining whether applied art can be protected by copyright. Under this approach, a work of applied art can be protected by copyright only when its artistic elements can be appreciated independently of its utilitarian function.

In the 2024 IP High Court decision concerning the TRIPP TRAPP chair, the court examined the chair's distinctive design features: (1) the seat and footrest boards are fixed horizontally between a pair of side panels; (2) the side and leg panels form an approximately 66-degree acute angle when viewed from the side, creating an almost L-shaped structure; and (3) the seat and footrest boards are directly fitted and fixed into the inner sides of the panels without additional connecting components.

The court found that each of these features had been selected from among several possible design options in order to realize the practical functions of a height-adjustable children's chair. It further held that the overall configuration achieved by these features primarily served the functional purpose of the chair and that the artistic aspects could not be appreciated separately from its utilitarian character. Accordingly, the chair was not recognized as a copyright-protectable work, even though it might evoke a sense of aesthetic appeal as a creative chair design.

3. Comparative Perspective – Different Approaches to Applied Art

The TRIPP TRAPP case highlights the contrasting legal approaches to applied art in Japan and Europe. While European law tends to allow cumulative protection under both copyright and design regimes, Japan adopts a more cautious approach, partly because the term of copyright protection is considerably long and extending such protection to industrial designs could lead to excessive exclusivity. This distinction reflects Japan's policy of encouraging design registration as the primary means of protecting industrial designs.

4. Practical Implication – Recommendations for Design Protection in Japan

In practice, copyright protection for applied art remains limited in Japan. To ensure effective and enforceable protection, companies and designers are strongly encouraged to file design applications under the Japanese Design Act, which provides a clear and predictable registration system for industrial designs, such as furniture and consumer goods. Design registration continues to be the most reliable and business-oriented means of securing rights for creative designs in the Japanese market.

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