

JAPAN INTELLECTUAL PROPERTY ASSOCIATION

ASAHI SEIMEI OTEMACHI BLDG.18F
6-1 Otemachi 2-chome
Chiyoda-ku Tokyo, 100-0004, JAPAN



TEL: 81 3 5205 3321
FAX: 81 3 5205 3391
URL: <http://www.jipa.or.jp/>

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We, the Japan Intellectual Property Association “JIPA”, is a non-profit, non-governmental organization, which has 977 members (as of October 03, 2019). It represents industries and users of the intellectual property (IP) system and provides related institutions all around the world with well-timed, suitable opinions on improvement of their IP systems and their utilization.

For further information regarding “JIPA” is available at <http://www.jipa.or.jp/>.

In preparation of Hague Working Group meeting, JIPA would like to make the following statements.

H/LD/WG/8/6 Proposal for amendments to rule 17 of the common regulations

JIPA supports the proposal to amend the standard publication period from 6 months to 12 months.

Summary

It is necessary to file the design application as soon as possible after the design is determined in general. However, in fields where the period from design decision to product release is long, there is a certain risk of filing the design application immediately. Because if international design bulletin will be issued before the new products are announced, the novelty of the new products will be lost, or the sales of the current model due to the hesitant buying will be greatly affected. Hence, we agree to extend to 12 months since we would like to delay the publication of the international design bulletin.

Some designated countries do not allow deferment of the publication of Regulation 16. Therefore, the amendment of the standard publication period from 6 months to 12 months will be quite helpful for applicants as they can keep their applications unpublished for 12 months even in those countries.

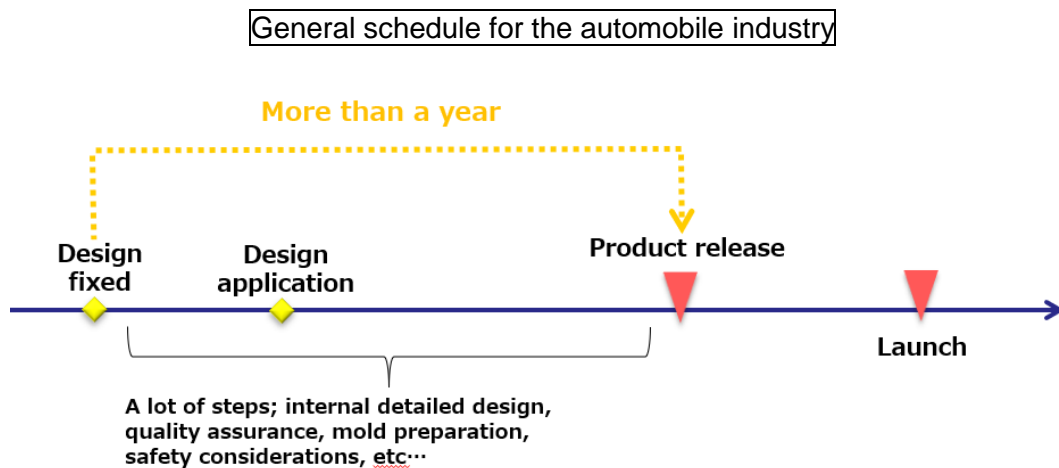
Cases

1.Fields with a long period from design decision to product release

In the fields of product where safety must be strictly guaranteed, such as automobiles, the period from design decision to product release tends to be very long. Because there are a lot of steps required for product release, such as internal detailed design, quality assurance, mold preparation, etc., after design decision, anyway external design must be decided first.

Especially in the case of automobiles, the car must be tested on a public road for safety testing. In such cases, automobile companies must file the design applications before the public road test in order to avoid leaks of the design.

Therefore, if the standard publication period will be changed to 12 months, it is possible to prevent the publication by the bulletin before the product announcement.



2.Industrial fields such as electronic devices

Recently in the fields of the electronic devices such as smartphones and PCs, there have been many product leaks by non product sales companies on SNS and websites, which is unintended revelation for the electronic device companies. In such cases, it is preferred to file the design application as soon as possible after the design is determined to avoid risks of lack of novelty for design right. However, if international designs bulletin will be issued before the new products are announced, the novelty of the new product will be lost, or the sales of the current model due to the hesitant buying will be greatly affected as well as case 1.

Therefore, if the standard publication period will be changed to 12 months, risks caused by such unintended leaks can be reduced more than ever before.

Additional Request

Since there is no means for immediate publication after filing at the moment, we would like to revise it so that we may request immediate publication after filing or international registration.

For applicants who want to acquire rights after application soon (i.e. users who want to acquire rights soon due to the change of product announcements schedule), we hope that it will be revised as immediate publication can be requested even after application in order to enhance applicant's discretion.