



WIPO | HAGUE

The International
Design System

■ Practical Guidance to Users for Meeting the Requirements Set by the Offices of Japan and the Republic of Korea

Seminar on the Hague System for the International
Registration of Industrial Designs

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Legal Section, The Hague Registry

**Geneva,
April 9, 2015**

Today's topics

1. Multiple designs application
2. Views
3. Related design
4. Priority claim
5. Exception to lack of novelty

1. Multiple designs application

Japan

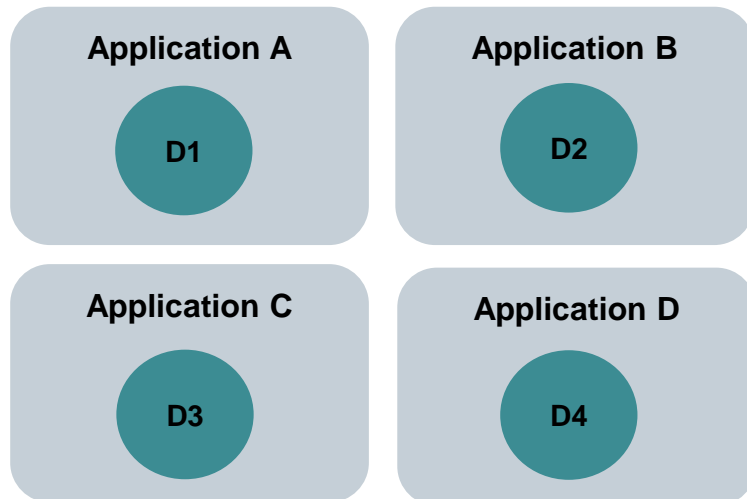
“Only one independent and distinct design may be included in a single application” (Declaration under Article 13 of the 1999 Act)

Republic of Korea

Multiple designs application is accepted (No declaration under Art.13 of the 1999 Act)

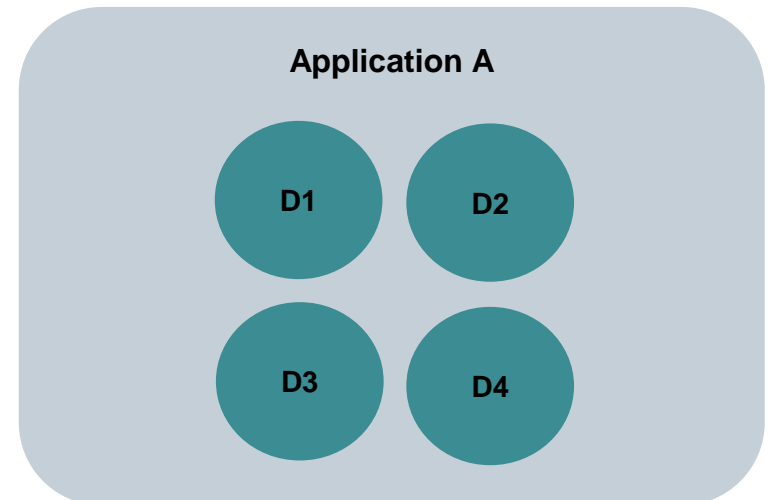
National application: in JP

An application for design registration shall be filed for each design.



National application: in KR

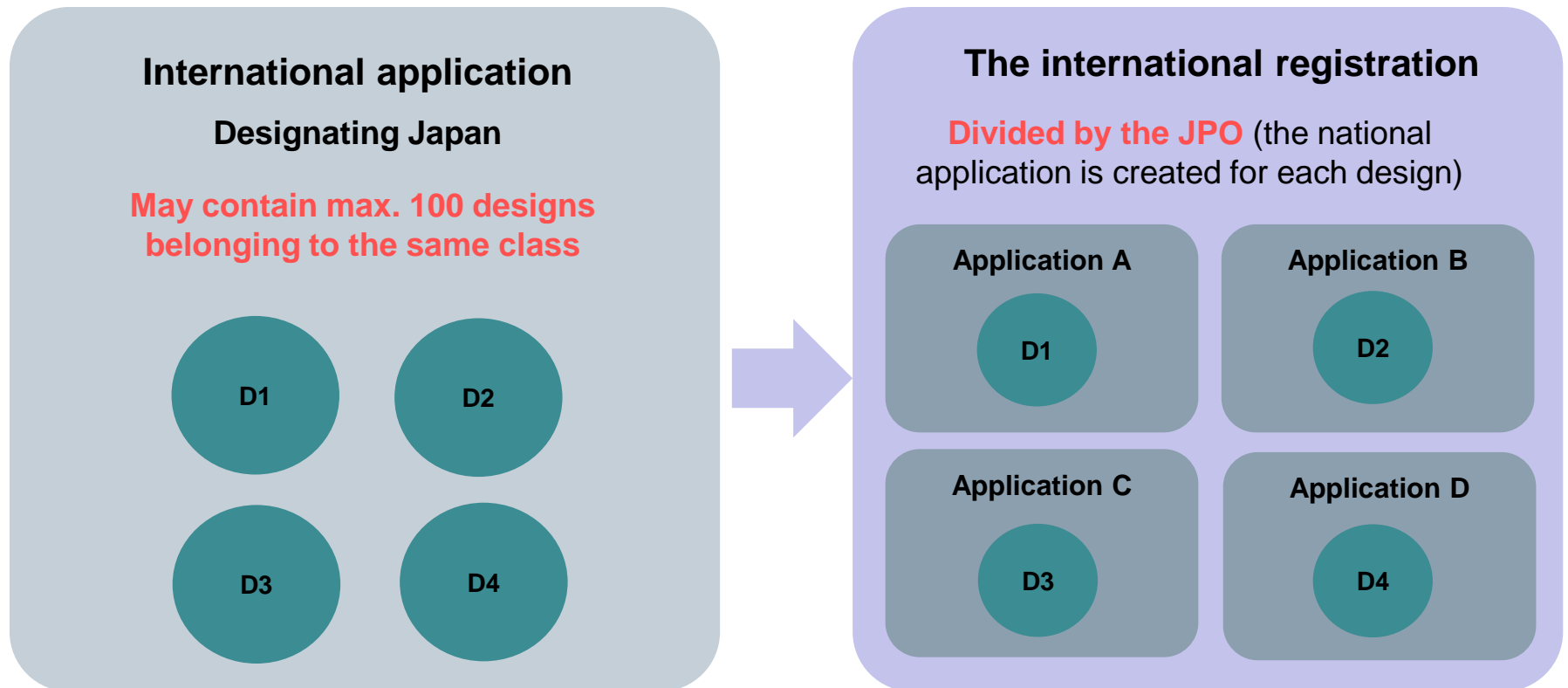
An application containing several designs (max.100 designs) may be filed.



How the declaration under Art. 13 is implemented in JP ?

International application:

According to the revised national law of Japan, **“an international application containing several designs is deemed to be a bundle of several domestic applications filed for each design”**.



How the declaration under Art. 13 is implemented by the JPO ?

- ✓ **No refusal** on the ground of containing multiple designs in the same IR
- ✓ **Notification of refusal or Statement of Grant of Protection prepared for each design** is sent to the IB
- ✓ **National application number** given to each design, which is required for the subsequent procedure before the JPO, **is indicated in the notification of refusal or the Statement of grant of protection**

2. Views

Declaration under Rule 9(3) of the Common Regulations

Japan

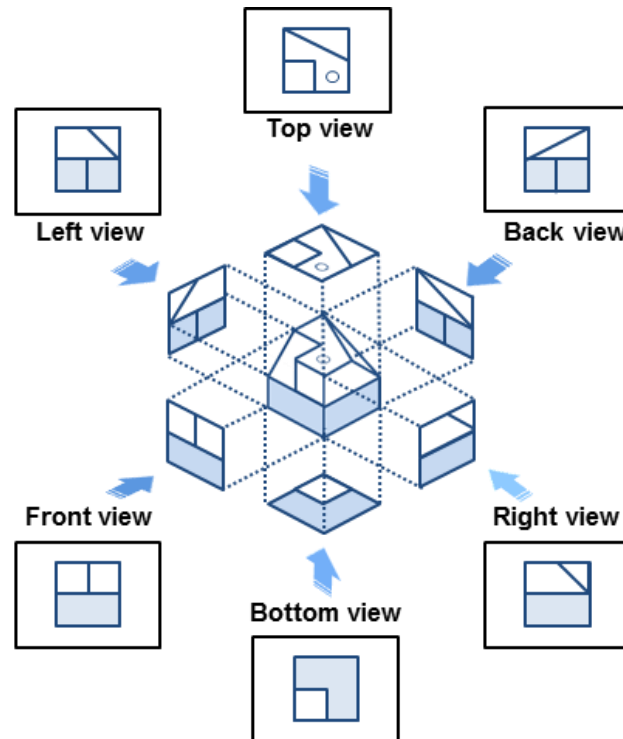
- ✓ **Six views** (a front view, a back view, a top view, a bottom view, a left side view and a right side view) are required
- ✓ Each view shall be made in compliance with the method of **orthographic projection**
- ✓ Only where the product which constitutes the industrial design is **three-dimensional**

Republic of Korea

- ✓ For a design **of typefaces**: views of the given characters, a sample sentence, and typical characters
- ✓ For a design of **a set of articles**: one view of the coordinated whole and corresponding views of each of its components

Views required by the JPO

Submission of **six views** (front, rear, right side, left side, top and bottom views) are mandatory

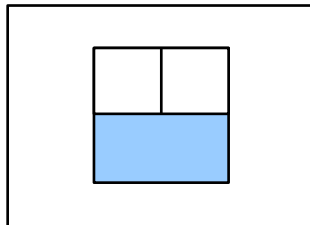


Six views created by the orthographic projection method

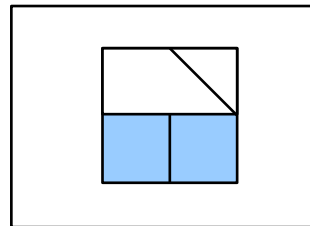
Views required by the JPO

Even if protection of a design in a certain view is not requested, the view must be submitted by means for disclaimer (dotted or broken lines, or coloring)

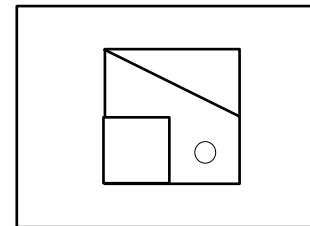
Front view



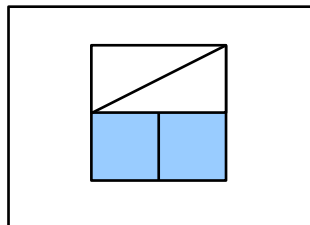
Left view



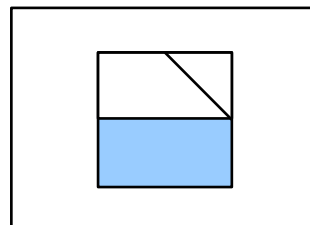
Top view



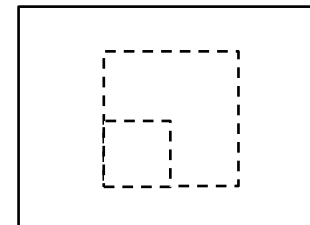
Back view



Right view



Bottom view



Views required by KIPO

Views required for a design of typefaces

views of the given characters

QBCD000
HITBCLOO
OPQRSTU
VWXYZ
abcd0fghij
klmnopqr
stuvwxzyz



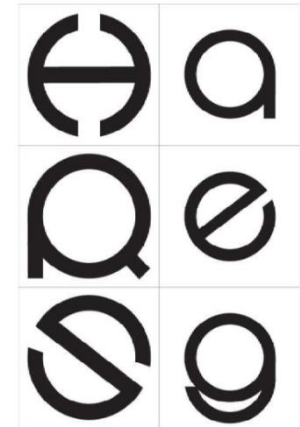
a sample sentence

The quick
brown fox
jumped
over the
lazy dog

The quick brown fox jumped over
the lazy dog



typical characters



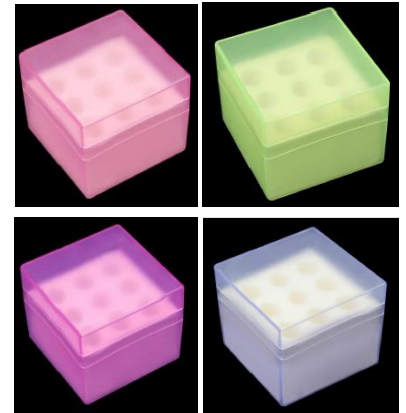
Registration No. : 30-0686789 (Design registration in Republic of Korea)

Views required by KIPO

Views required for a design of a set of articles*

One view of the coordinated whole of the several products

Corresponding views of each of the components



“Set of storage boxes for clearing up small objects”

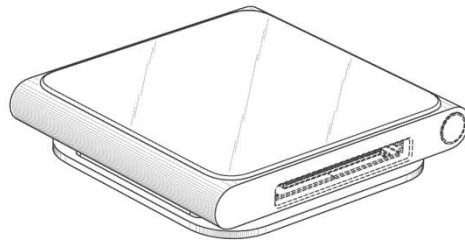
(Registration No. 30-0505701: Design registration in Republic of Korea)

* Under the national law of KR, where a design is constituted by two or more articles which are used together and belong to any of the prescribed 86 categories of set of articles, and where such set of articles is coordinated as a whole, protection may be requested as for one design

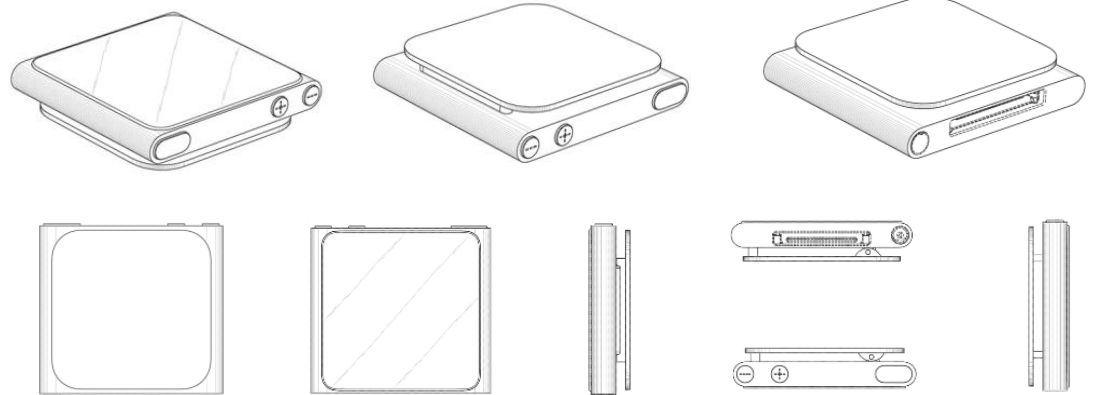
Are rules and practices regarding views in each Office so different from the other?

“Electronic device” (title of invention in the US)

US

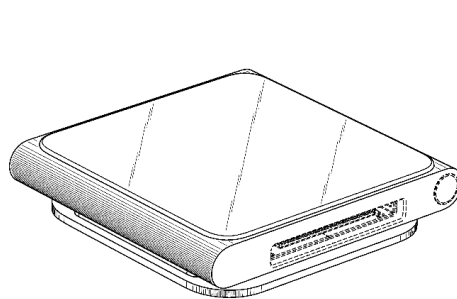


Pat. No. US D638030 S1

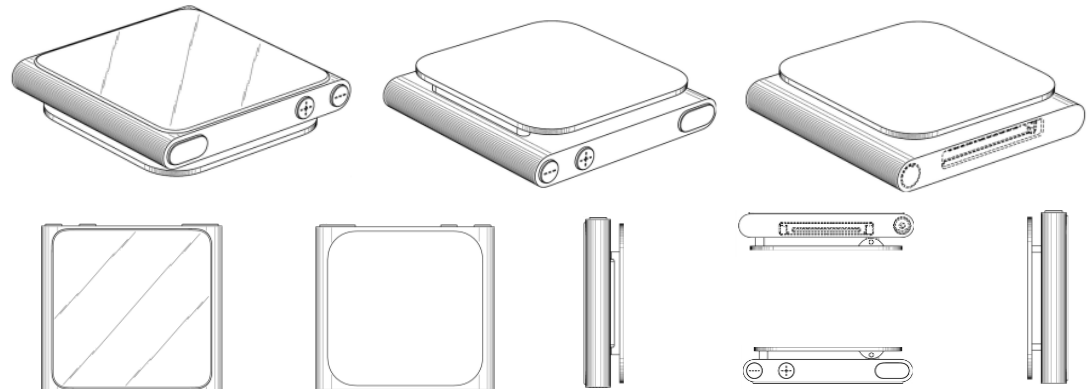


Description: [...] The shade lines in the Figures show contour or transparency and not surface ornamentation. The broken lines in the Figures show portions of the electronic device which form no part of the claimed design.

JP



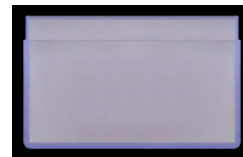
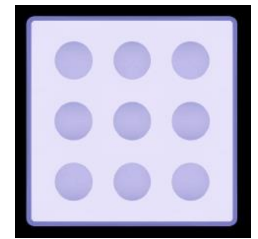
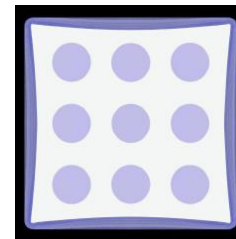
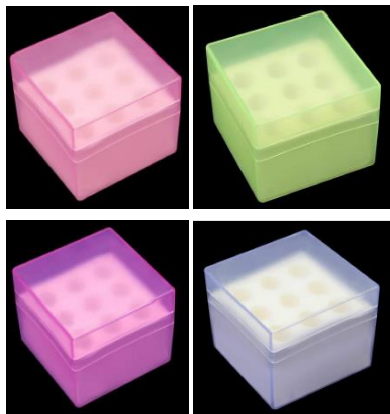
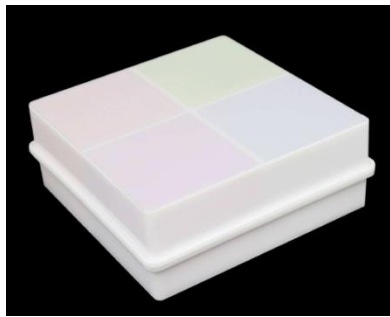
Reg.No.1427809



Description: Parts represented by solid lines are parts for which the design registration as a partial design is sought. The lines shown in each representation by horizontal and parallel lines, vertical and parallel lines and oblique and parallel lines do not show surface ornamentation but show contour of the product.

Considerations regarding views

- ✓ To avoid a refusal on the ground of insufficient disclosure of a design, **the appearance of each product should be fully disclosed**



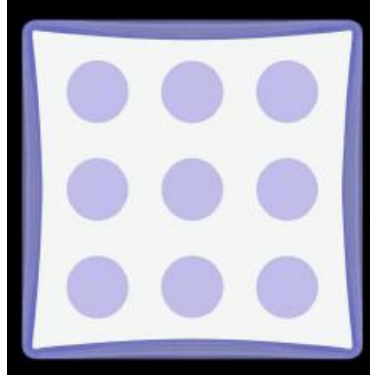
Considerations regarding views

- ✓ To avoid any confusion, the legend of each view should be precisely indicated

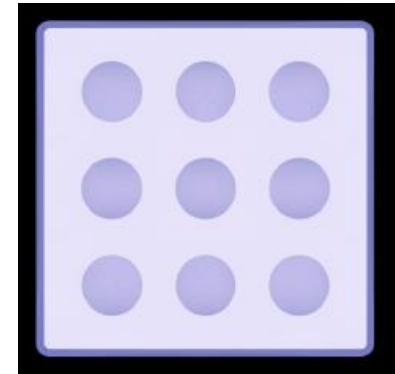
Perspective view



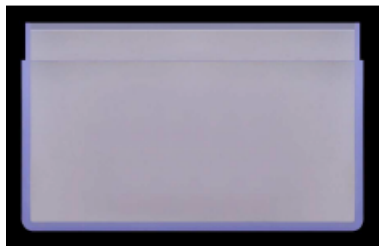
Top view



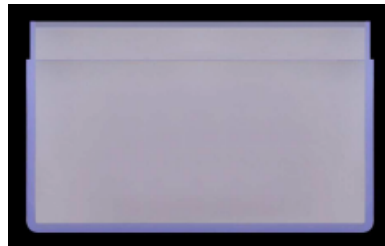
Bottom view



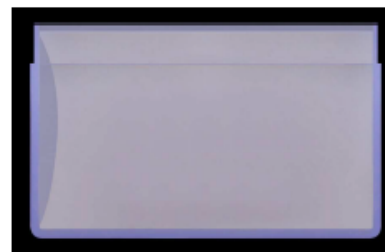
Front view



Rear view



Right side view



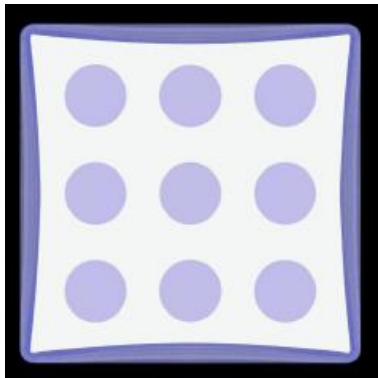
Left side view



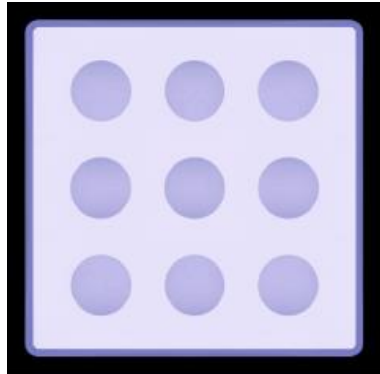
Considerations regarding views

- ✓ If a certain view is omitted, it is recommended to **explain in the description which view is omitted and why it is omitted**

Top view



Bottom view



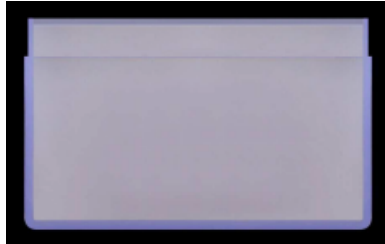
Right side view



Front view



Rear view



Left side view



Description:

“Left side view is omitted because it shows a symmetric image of the right side view.”

3. Related design

You can request protection of a design as a “related design” in the international application designating **JP** and **KR**

Information regarding data entry

The following Contracting Parties have been designated: KR
If you wish some or all of the designs to be recorded as a "Related Design" under the law of these Contracting Parties, provide the required information concerning the principal design.

Relation with a principal design, application or registration

Contracting Party concerned* KR

Related design(s)* 1 design(s) of 1 selected

Reference Type* Select a reference type

Reference*

Principal design

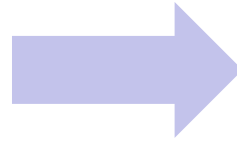
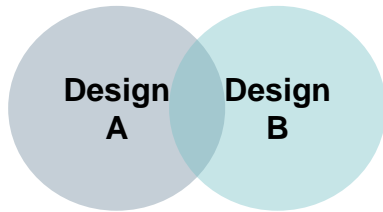
(*) Compulsory field

Save Cancel

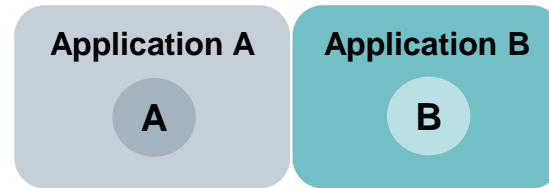
CP	Related design(s)	Reference Type	Reference	Principal design	Actions
No records found					

What is a “related design”?

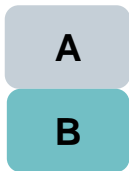
Several similar designs produced based on the same design concept



Protection of several similar are requested by the same applicant

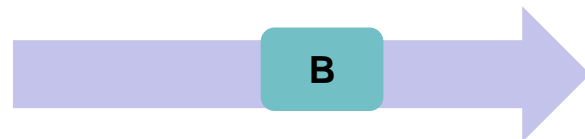
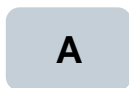
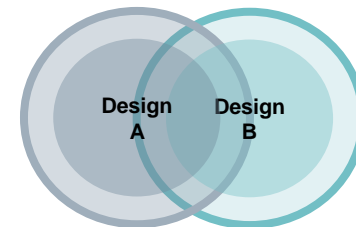


Design B may be also protected as a “Related Design of a Principal design A”



filed on the same day

Principal design

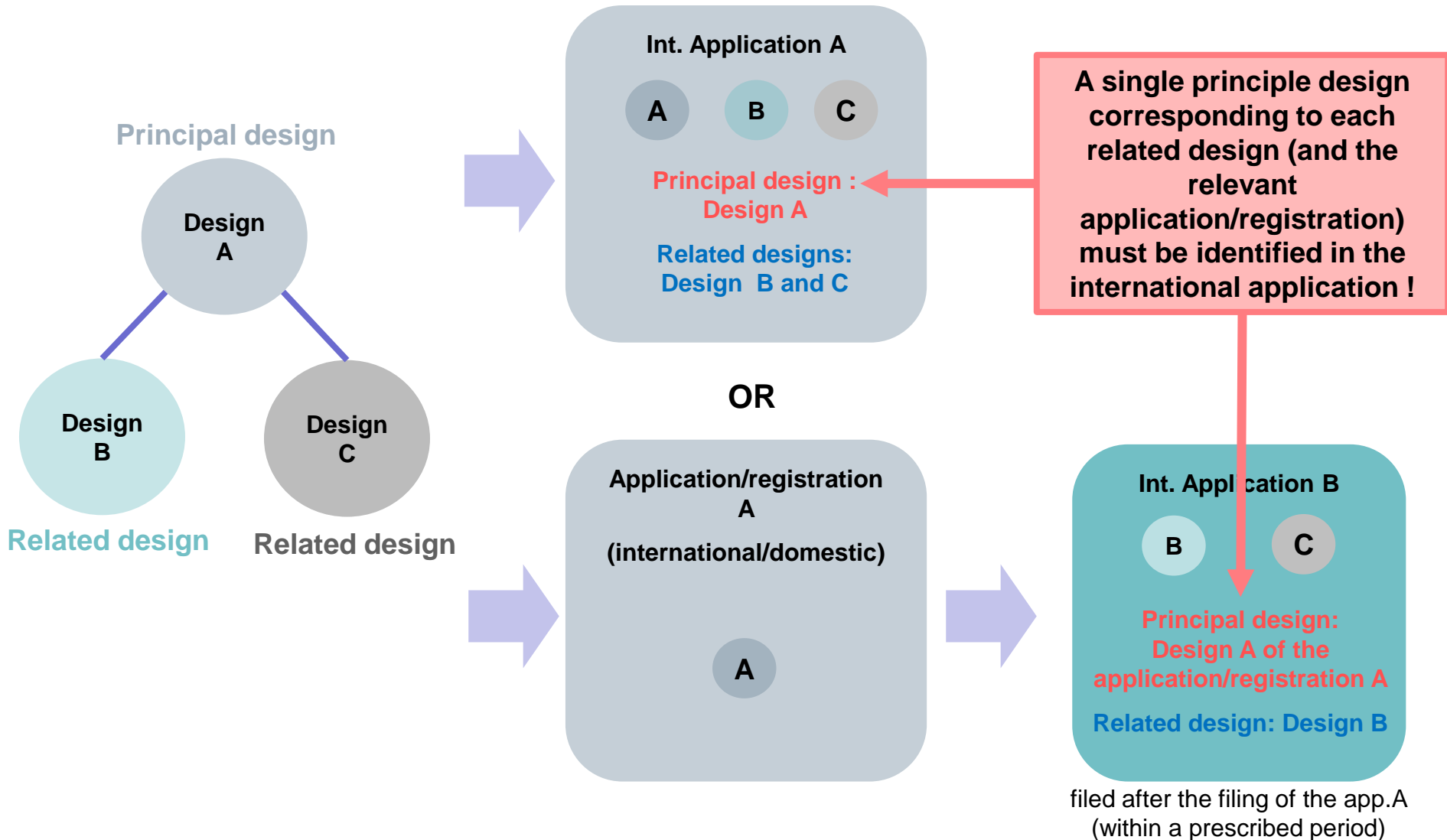


filed after the filing of application A (within a prescribed period)

Related design

Protection of both designs may be granted

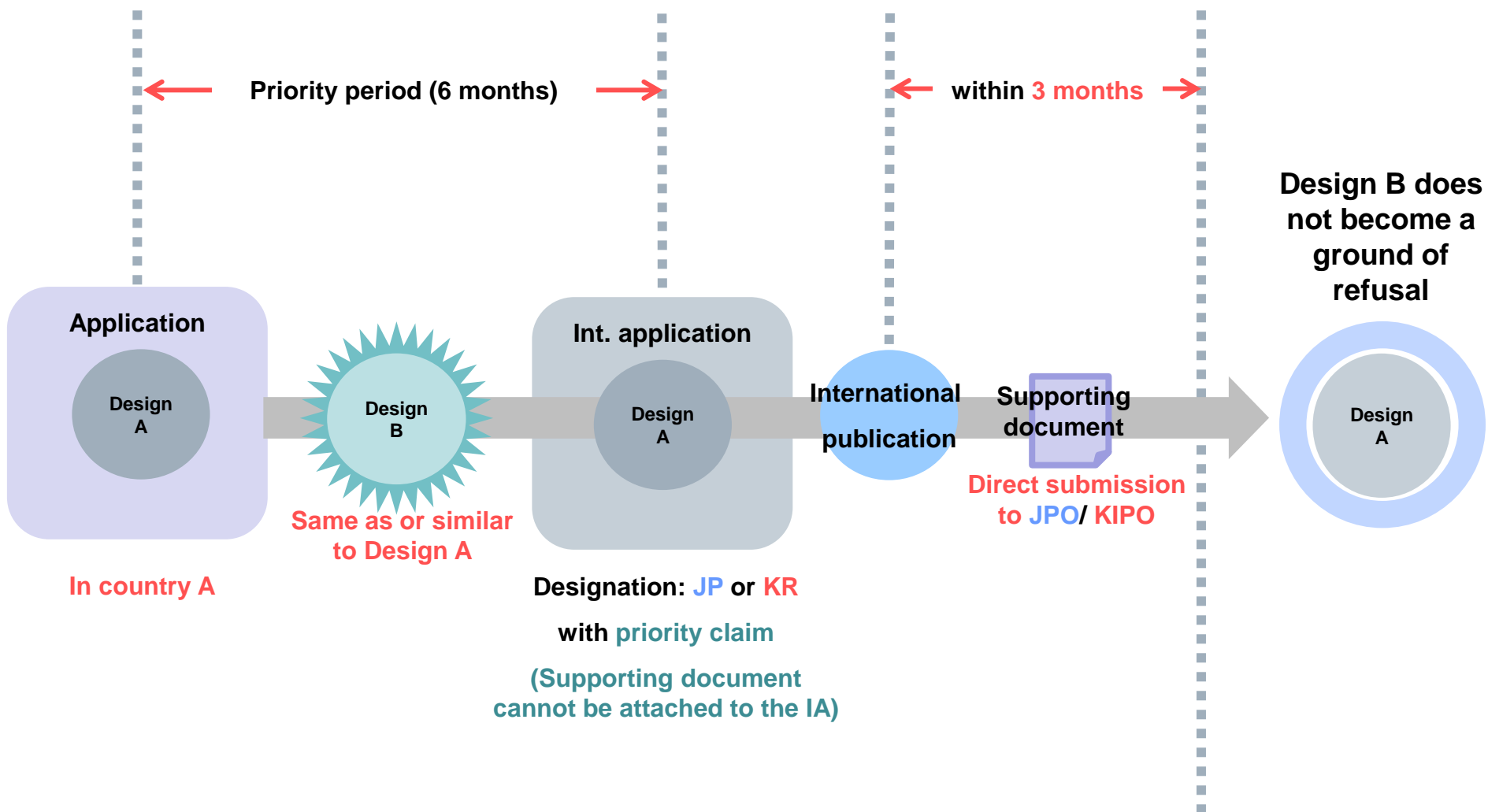
How an international application can be filed for protection of a design as a related design?



4. Priority claim

	Japan	Republic of Korea
Priority claim	may be made in the international application	
Supporting document	must be submitted directly to the Offices within 3 months from the date of publication	

Priority claim for JP and KR



5. Exception to lack of novelty

You can make a declaration to request the application of “**exception to lack of novelty**” when filing an international application designating JP or KR

Declaration concerning exception to lack of novelty

The applicant claims to benefit from exceptional treatments provided for in the applicable laws of the respective designated Contracting Parties concerned, for disclosure of the following industrial designs

Contracting Party concerned* KR

Design(s) 1 design(s) of 1 selected

Supporting document (PDF)

Selection

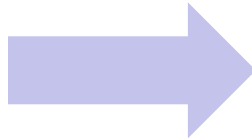
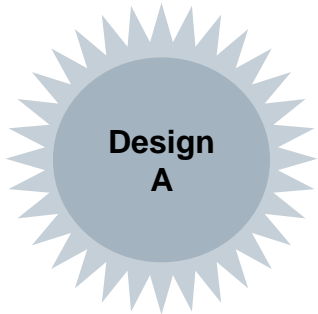
File name	Actions
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Save Cancel

For design(s)	CP	Disclosure Document	Actions

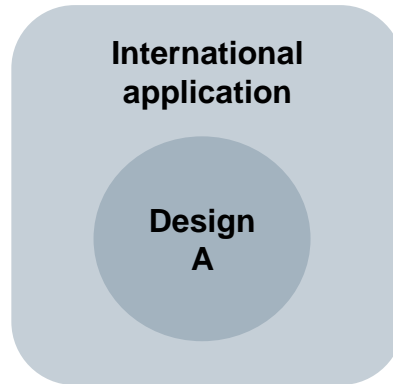
What is “Exception to lack of novelty”?

Disclosure of Design A



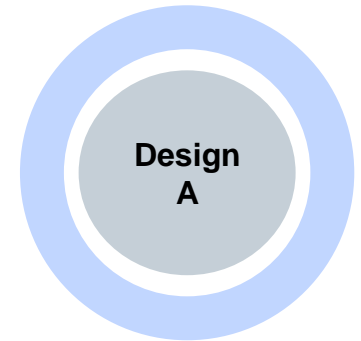
In an exhibition, published materials such as a magazine, catalog, or through the internet media, etc.

Filing of an IA



- Filing within 6 months from the date of disclosure of Design A
- With declaration concerning exception to lack of novelty of Design A

Examination by JPO/KIPO

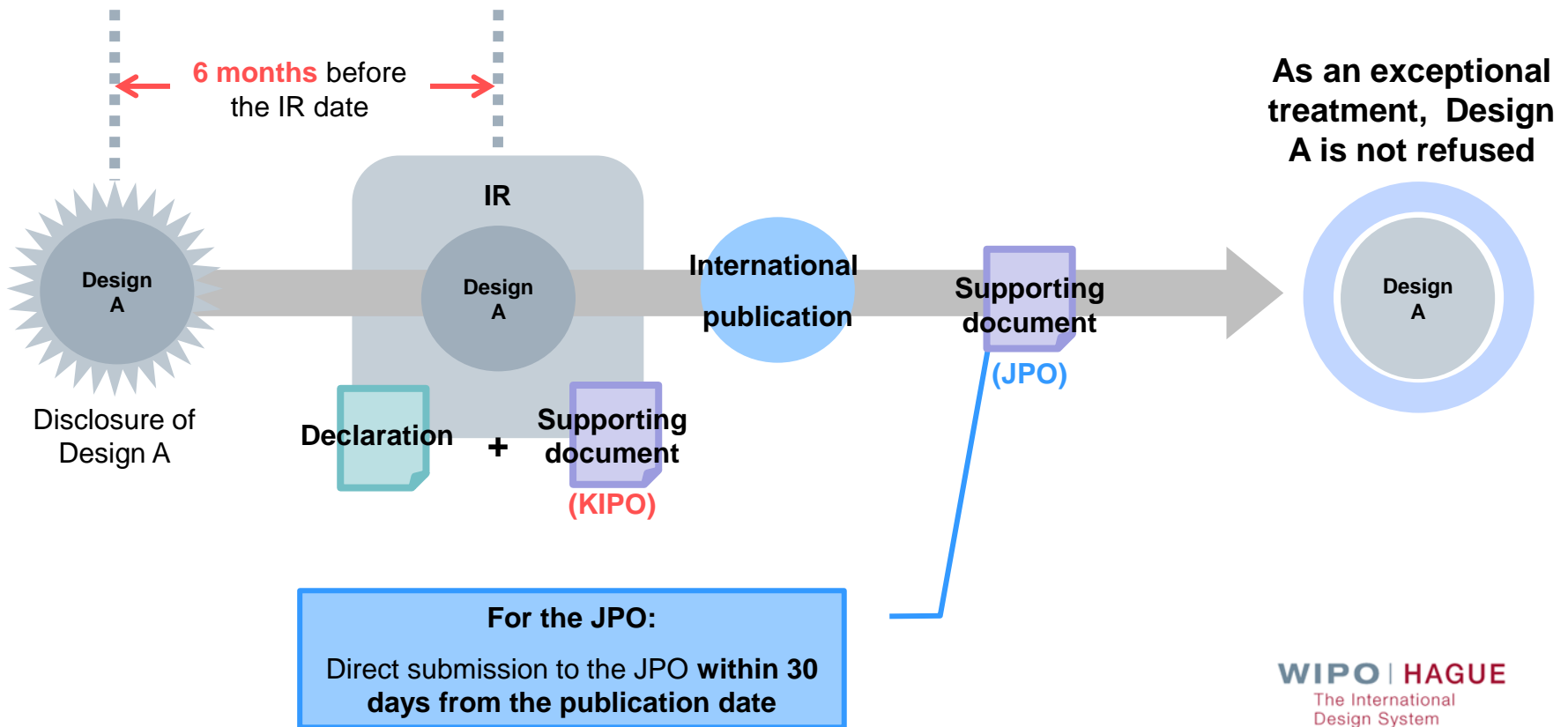


Disclosure of Design A does not become a reason for lack of novelty

Exception to lack of novelty for JP and KR

	Japan	Republic of Korea
Declaration	<ul style="list-style-type: none">- may be made in the international application- may be made directly to the JPO within 30 days from the date of publication	<ol style="list-style-type: none">1. may be made in the international application2. may be also made, for instance, when an applicant submits an 'Opinion' against notification of refusal
Supporting document	must be submitted directly to the JPO within 30 days from the date of publication	<p>In the case 1: must be attached to the international application by using ANNEX II (direct submission to the KIPO within 30 days from the date of the IR is also possible).</p> <p>In the case 2, at the time of making the declaration</p>

Exception to lack of novelty for JP and ROK



Notes concerning exception to lack of novelty

- ✓ Do **NOT** use ANNEX II when declaration is made for **JP**
- ✓ The declaration might **affect the applicant's rights in other jurisdictions** (it is the responsibility of the applicant to ensure that his rights are preserved).

Today's conclusions

- ✓ Don't worry about the declaration under Article 13 made by **JP** (it has no effect)
- ✓ Submit six views with their legends and you are never in trouble
- ✓ Ask yourself about related designs and prior disclosure before filing an international application designating **JP** or **KR**
- ✓ Try to make your international application your first application to avoid having to file a priority documentation later

Thank you!