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News

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The Bill for the Act of Partial Revision of the Patent Act in Japan

The Bill for the Act of Partial Revision of the Patent Act was approved by the Cabinet on March 11, 2019. It passed the ordinary session of the Diet on May 10, 2019 and was published on May 17, 2019. The New Act will become effective within one year from May 17, 2019.

The Revision Act includes major changes of Design Law as follows.

Expansion of the scope of designs subject to protection

The scope of designs subject to protection is expanded to cover graphic images that are not recorded or shown on articles as well as exterior designs of buildings. The protection also expands to interior designs of buildings etc. (stores, offices and other facilities) if they create a unified aesthetic impression.

Under the current law, the subject matter of the design protection should be tangible and movable objects. The subject matter which is not movable, such as land and any fixtures thereto (what is called real estate), is not subject to design protection. However, the subject matter that becomes real estate when used, but is industrially mass produced and treated as movables when sold, such as a gate or a prefabricated bungalow, is found to be protectable. For example, the interior design of Apple store (registered as “rooms” in USA) is protected under the current design law as “assemble room” in Japan.

Related Design System

The Related Design System allows to register a design similar to the design for which the applicant has filed an application or a design similar to the design for which the applicant has made a registration (principal design). Under the current system, the applicant has to file the similar design before the publication date of the principal design. The Bill allows to file the similar design (not only similar design to principal design, but also the one similar only to the related design) for 10 years from the filing date.

Duration

The term of the design right will become 25 years from the filing date from 20 years from the registration date.

If you have any questions, please feel free to contact us.