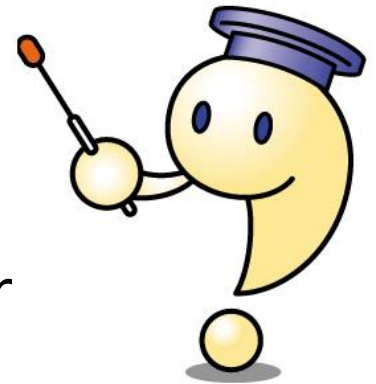




Protection of Technology by Design Right

Tomoya Kurokawa

Japan Patent Attorneys Association
International Activities Center



Functional shape under the design law

Design Law, Article 2(1)

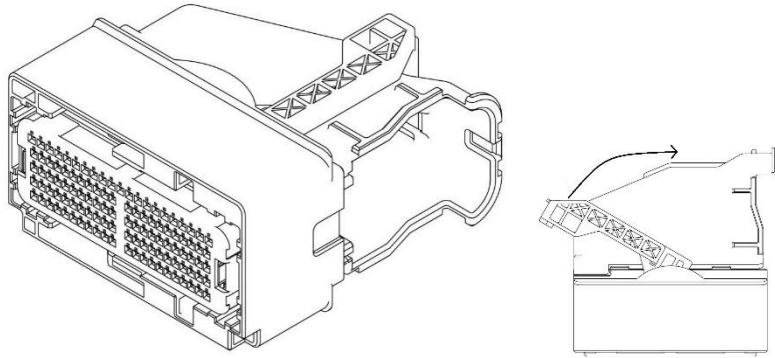
"Design" in this Act shall mean the shape, patterns or colors, or any combination thereof, of an article, which creates an **aesthetic impression** through the eye.

Design Law, Article 5

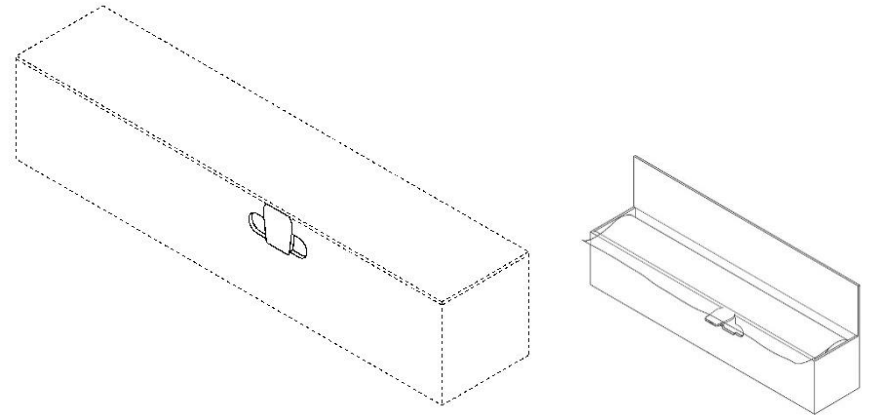
The following designs shall not be registered.

(iii) a design **solely** consisting of a shape that is **indispensable for securing functions** of the article.

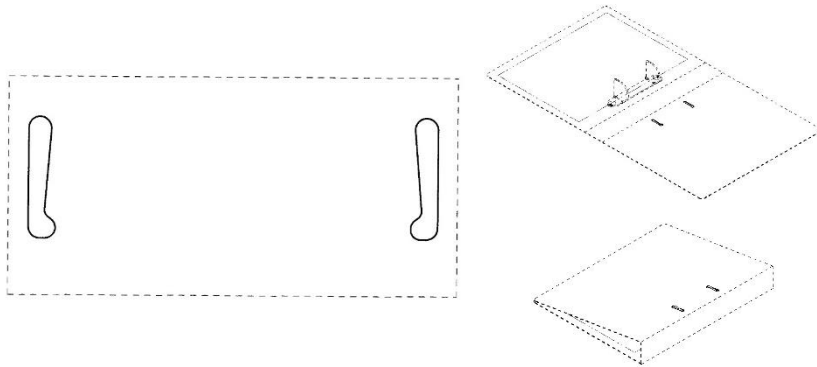
Registered designs for functional shape



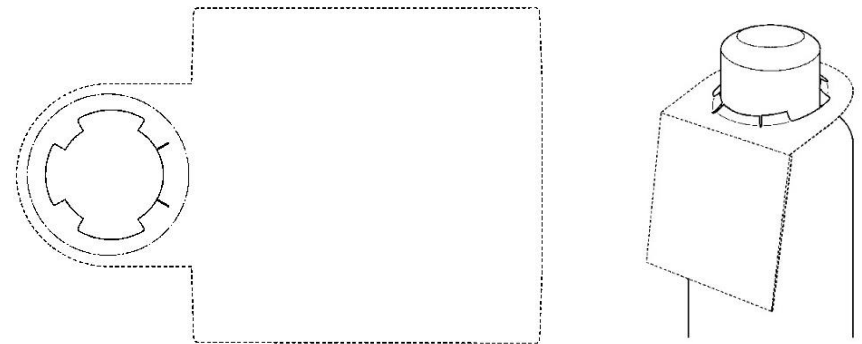
Reg. No. 1565244
Electrical connector



Reg. No. 1226386
Container box (for plastic wrap)

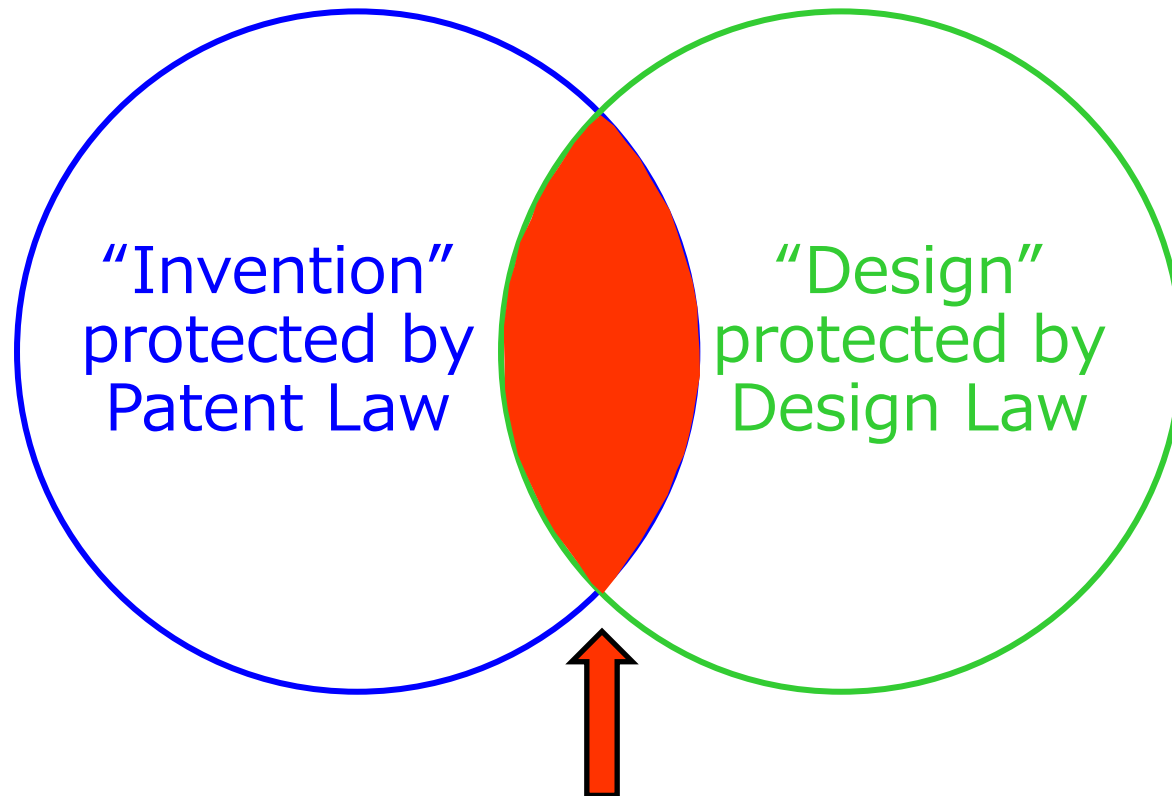


Reg. No. 1156811
Filing cover



Reg. No. 1150294
Pendant label for bottle

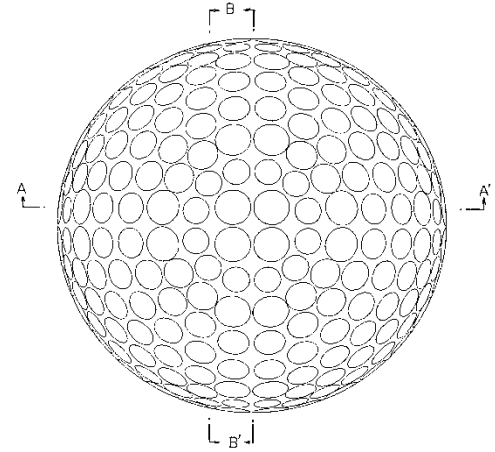
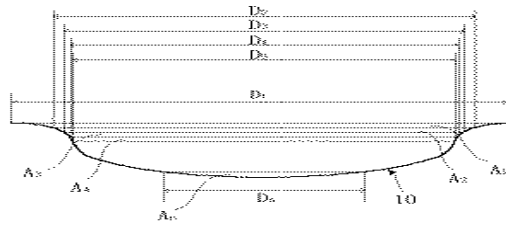
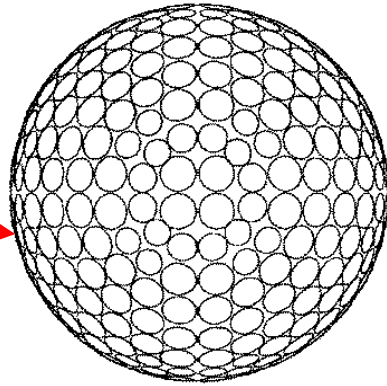
Protection for functional shape



Functional design that does **not** "solely consist of a shape that is **indispensable for securing functions** of the article"

“Golf ball” by Bridgestone Sports

Shape and arrangement of dimples to enable golfers to improve their distance

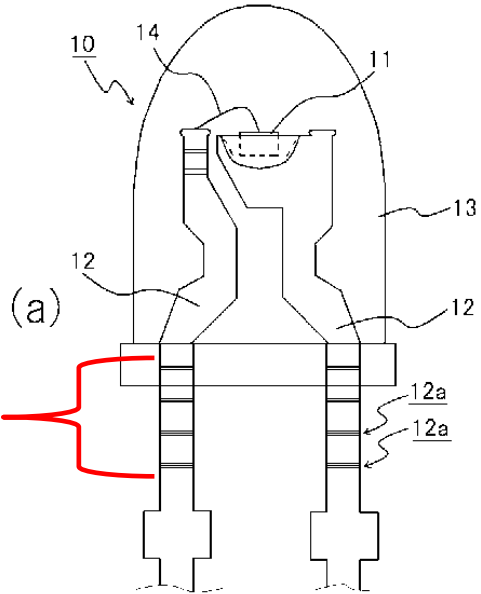


Pat. Reg. No. 3698195
Status: Registered
(Abandoned)

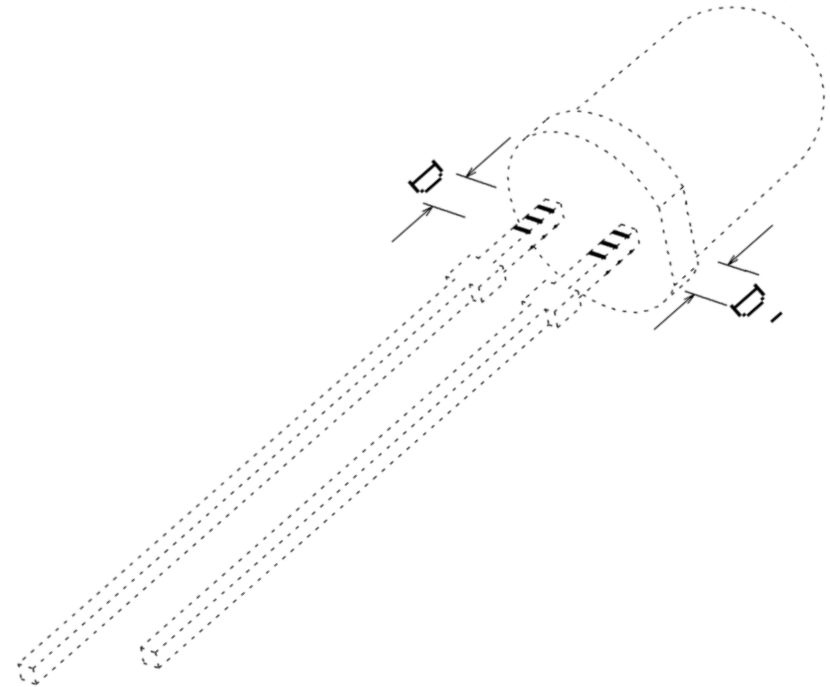
Des. Reg. No. 1144546
Status: Registered
(Abandoned)

“LED” by Nichia

Indentations
for absorbing
rising
solder paste
to protect
device



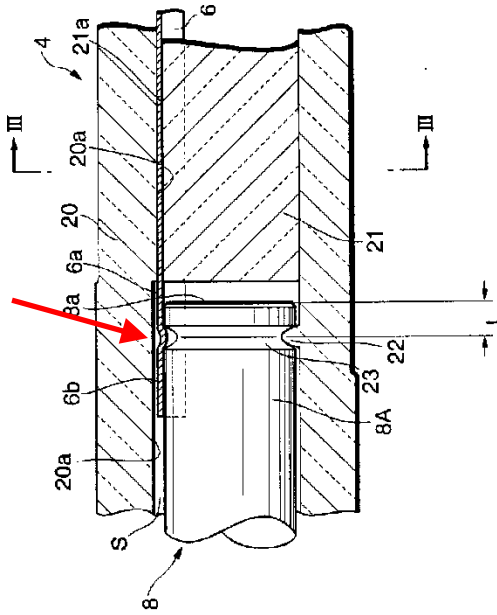
Pat. App. No. 2007-41663
Status: Withdrawn



Des. Reg. No. 1314093
Status: Registered
(Expired)

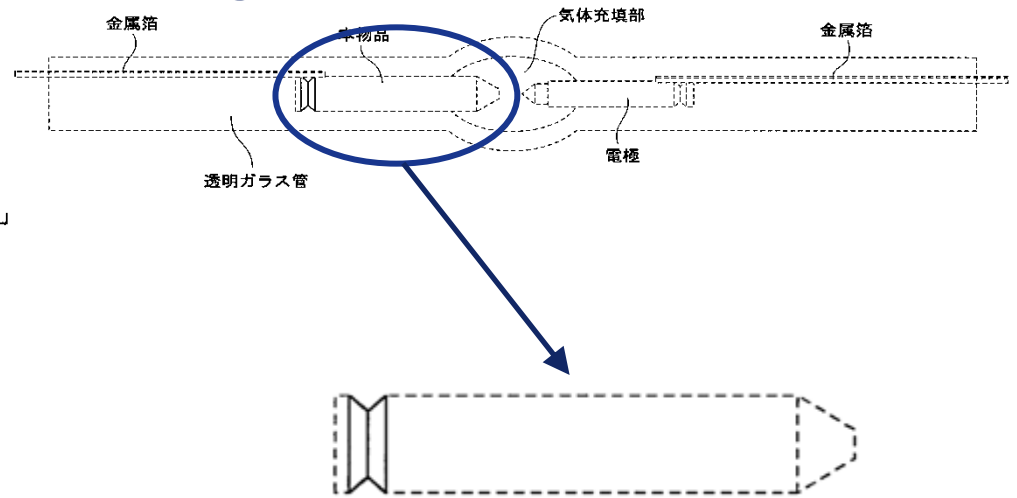
“Target electrode of discharge lamp” by Hamamatsu

Grooves
to extend
lamp life
by
absorbing
heat
expansion
of the
target
electrode



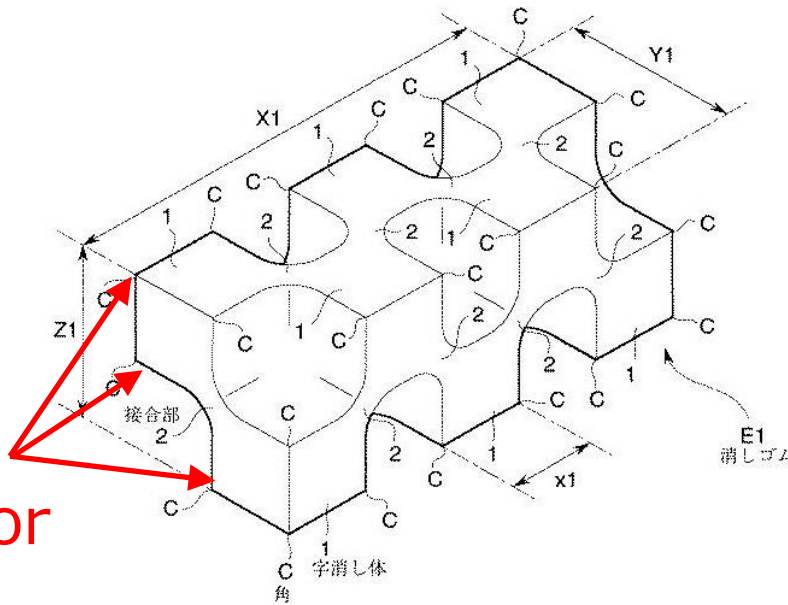
Pat. App. No. 1998-339897
Status: Rejected

Target electrode



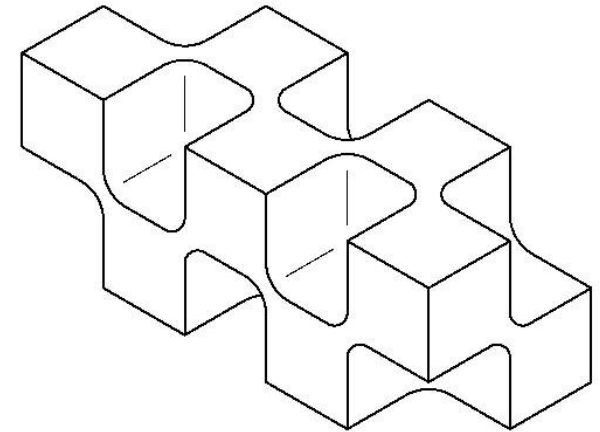
Des. Reg. No. 1082924
Status: Registered
(Abandoned)

“Eraser” by Kokuyo



Many corners for precise erasing of small details

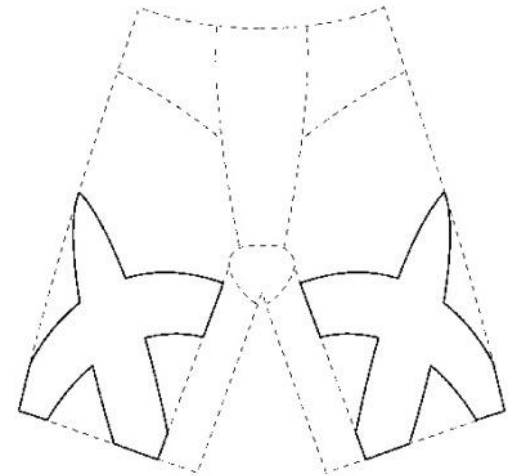
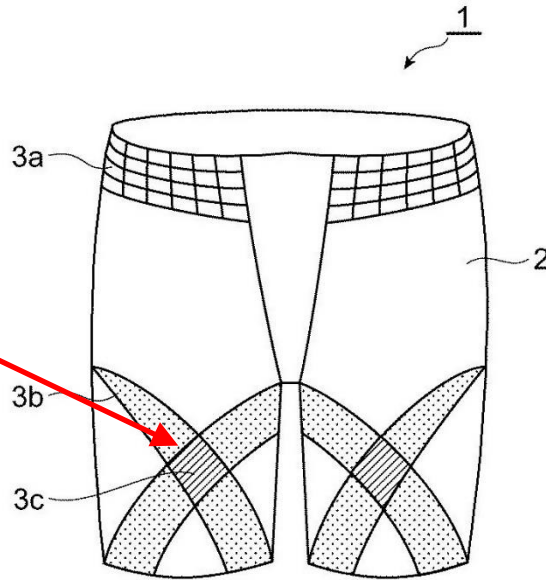
Pat. Reg. No. 4304926
Status: Registered
(Expired)



Des. Reg. No. 1191186
Status: Registered
(Expired)

“Pants” by Wacoal

Tightening parts that stimulate muscles and create a beautiful hip line

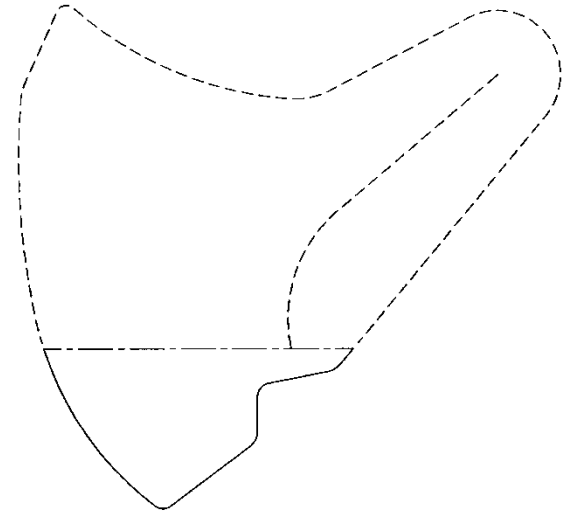
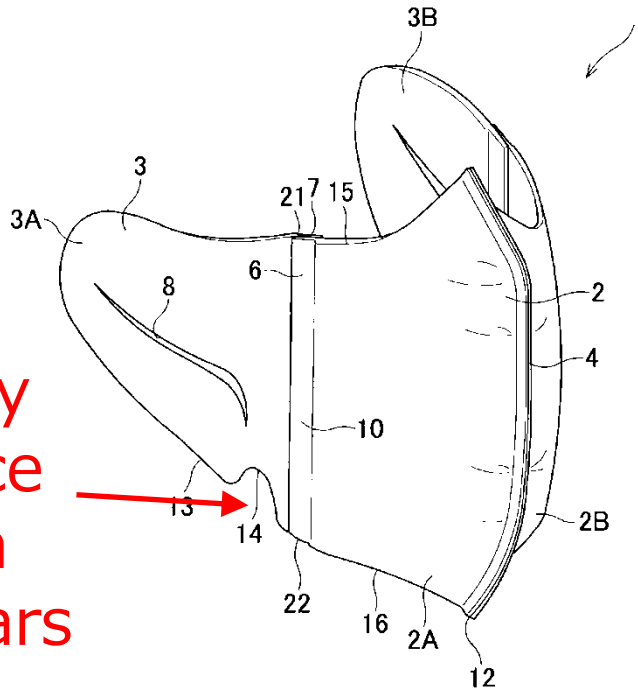


Pat. Reg. No. 4058458
Status: Registered
(Abandoned)

Des. Reg. No. 1278371
Status: Registered
(Expired)

“Mask” by Unicharm

Cutaway
to reduce
tension
on the ears

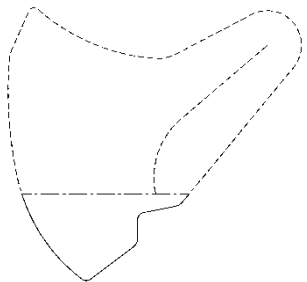


Pat. Reg. No. 5074746
Status: Registered
(Abandoned)

Des. Reg. No. 1286491
Status: Registered
(Expired)

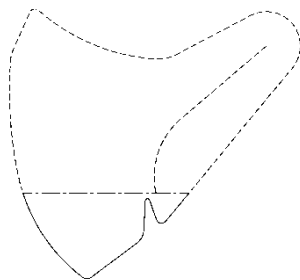
“Mask” by Unicharm

Principal design

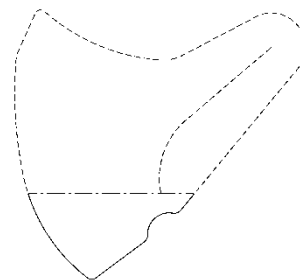


Reg. No. 286491

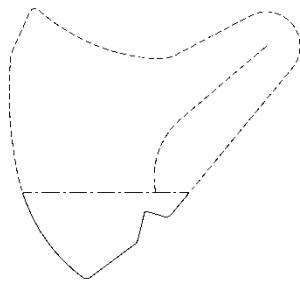
Related design



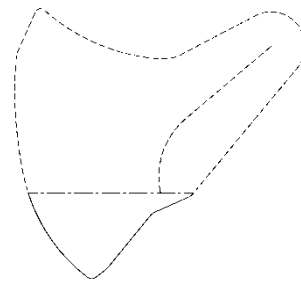
Reg. No. 1286747



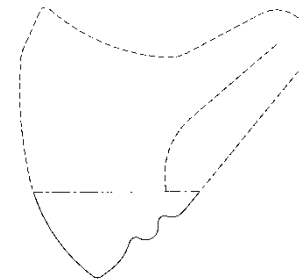
Reg. No. 1286748



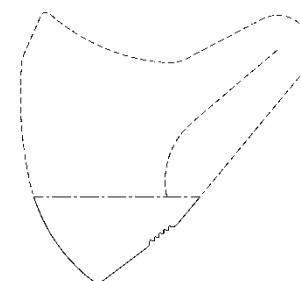
Reg. No. 1286749



Reg. No. 1286750



Reg. No. 1286492



Reg. No. 1291033

Advantages of a design over a patent

✓ Quicker registration

- 6.8 months from filing to registration for design

c.f. 13.8 months for patent (from examination request)

✓ Higher percentage of registration

- 85% for design

c.f. 76% for patent

✓ Longer duration of registered right

- 25 years from filing for design

c.f. 20 years from filing for patent

✓ Easier enforcement

- Pointless technical discussion less likely in litigation

Thank you for your kind attention!



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