

JPO's Initiatives for Acceding to the Geneva Act of the Hague Agreement

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**Japan Patent Office
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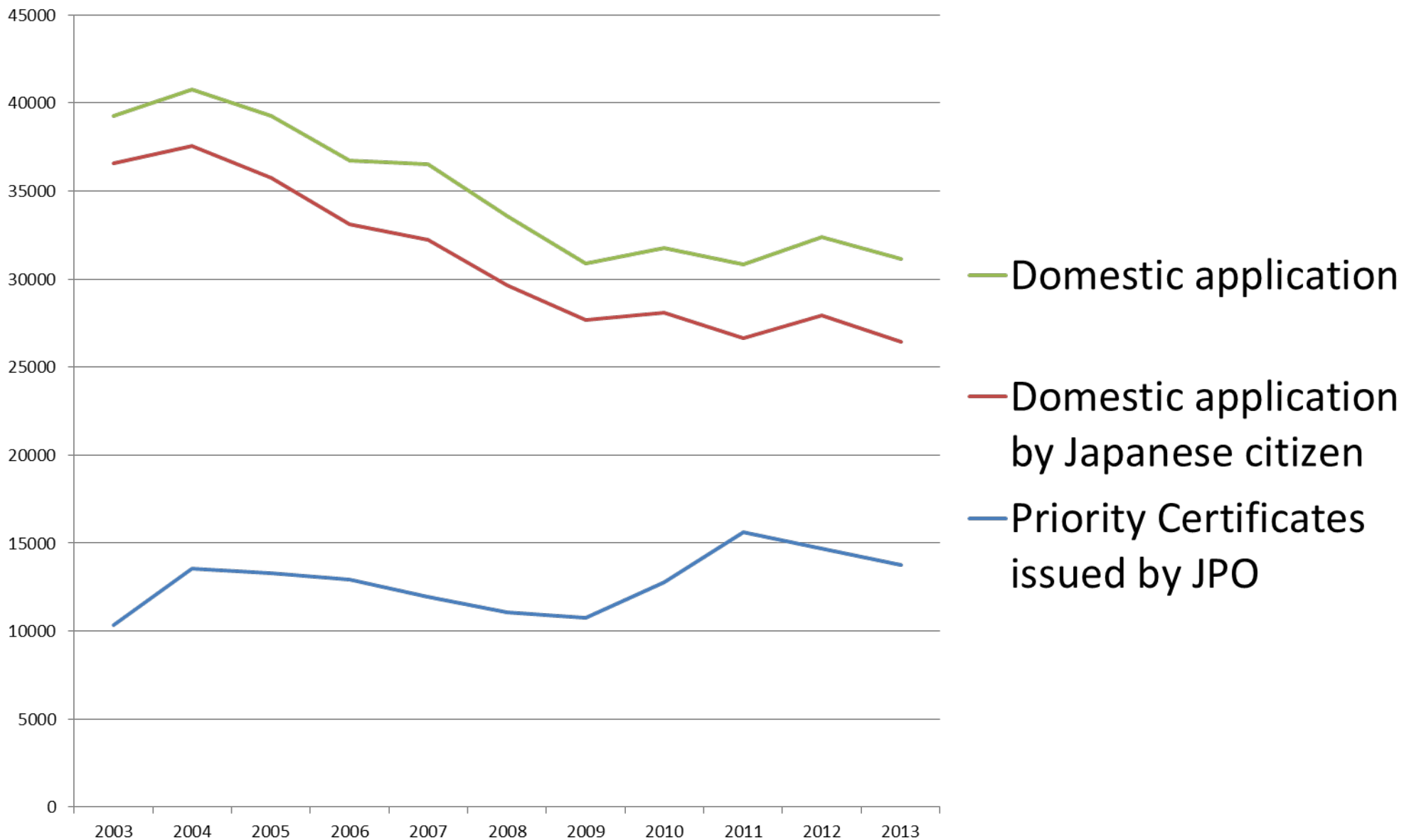
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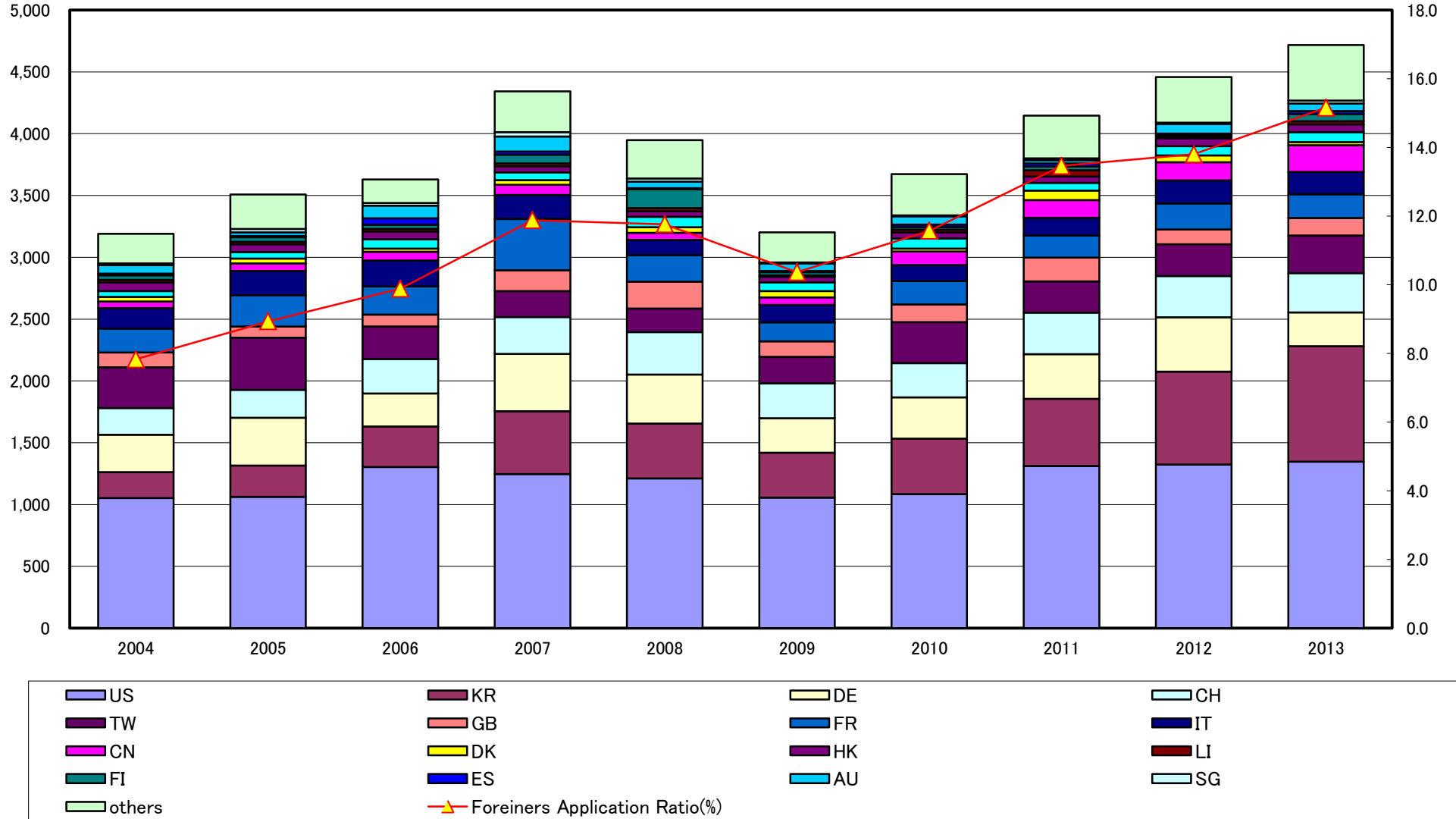
4. What Lies Ahead

1. Background & Statistics



1. Background & Statistics

Design Applications Filed to JPO by Foreigners



1. Background & Statistics

The total number of design applications:

Filed by Japanese to other countries in 2012

1	China	4,805
2	OHIM	3,046
3	United States of America	2,662
4	Republic of Korea	1,470
5	India	547
6	Thailand	374
7	China, Hong Kong SAR	363
8	Russian Federation	303
9	Singapore	287
10	Malaysia	281

Source: WIPO statistics database

Filed by residents of other countries to JPO in 2012

1	United States of America	1,323
2	Republic of Korea	753
3	Germany	438
4	Switzerland	335
5	France	210
6	Italy	187
7	China	146
8	United Kingdom	120
9	Australia	78
10	Netherlands	76

Source: WIPO statistics database



Yellow areas show parties who have contracted to the Geneva Act of the Hague Agreement

*Republic of Korea will become a party to the Geneva Act on July 1, 2014.

2. History

2011.6 ***“Intellectual Property Strategic Program 2011”*** by Intellectual Property Strategy Headquarters
“Consider Japan’s Accession to the Hague Agreement Concerning the International Registration of Industrial Designs, and reach a conclusion.”

2011.12 - 2012.11 Research, analysis, and discussion by the members of the Design System Subcommittee of the Intellectual Property Policy Committee of the Industrial Structure Council (Total of 5 times)

2013.6 ***“Japan Revitalization Strategy”*** by the cabinet
“... the government will finalize a draft that reviews the industrial design protection system corresponding to the Hague Agreement within this fiscal year, and subsequently will submit relevant bills to the Diet in a timely manner, in order to make protection of product designs and such easier on a global level”

2014.2 Final Report by the Intellectual Property Policy Committee of the Industrial Structure Council

2014.3 Relevant bills were submitted to the Diet

2014.4 Diet approves amendments to the Design Act

2014.5 Diet approves accession to the Geneva Act of the Hague Agreement

Opinions of Japanese firms about advantages of the Hague System

(multiple answers allowed)

1	Acquisition of design rights in multiple countries based on one application	84.7%
2	Multiple industrial designs in one application	57.9%
3	Centralized administration of design rights (International Register)	56.5%
4	First office action within six (twelve) months	30.2%
5	One language, no translation required	29.7%
6	No representative required	23.7%
7	Deferment of Publication	18.6%
8	Publication immediately after the registration	7.3%
9	Nothing	0.8%

Source: Survey conducted by the Institute of Intellectual Property

Requests by Japanese firms for the Hague System

(multiple answers allowed)

1	Indirect Filing through JPO	81.1%
2	Self-Designation	66.7%
3	Publication of Design Gazettes by JPO	53.1%
4	Japanese translation of the International Register	46.3%
5	Japanese translation of the International Designs Bulletin	45.5%

Source: Questionnairng conducted by the Institute of Intellectual Property

The Problem?

International Filings

Multiple Applications

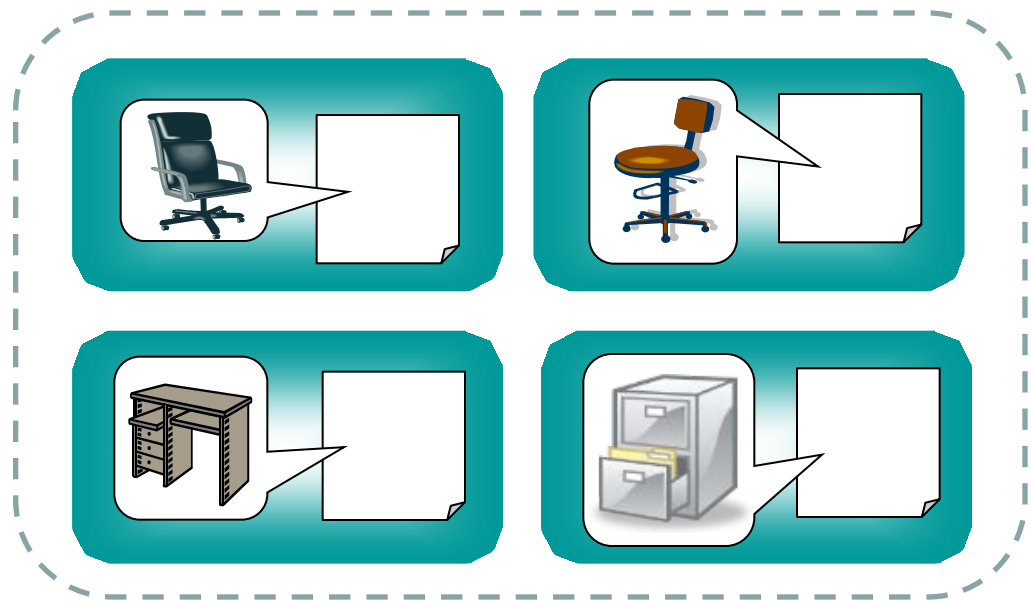
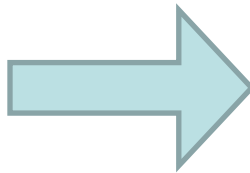
“Subject to such conditions as may be prescribed, an international application may include two or more industrial designs.” (Article 5(4))

Domestic Filings

One application for each design

“An application for design registration shall be filed for each design in accordance with a classification of articles as provided by an Ordinance of the Ministry of Economy, Trade and Industry.” (National Design Law)

Our Solution



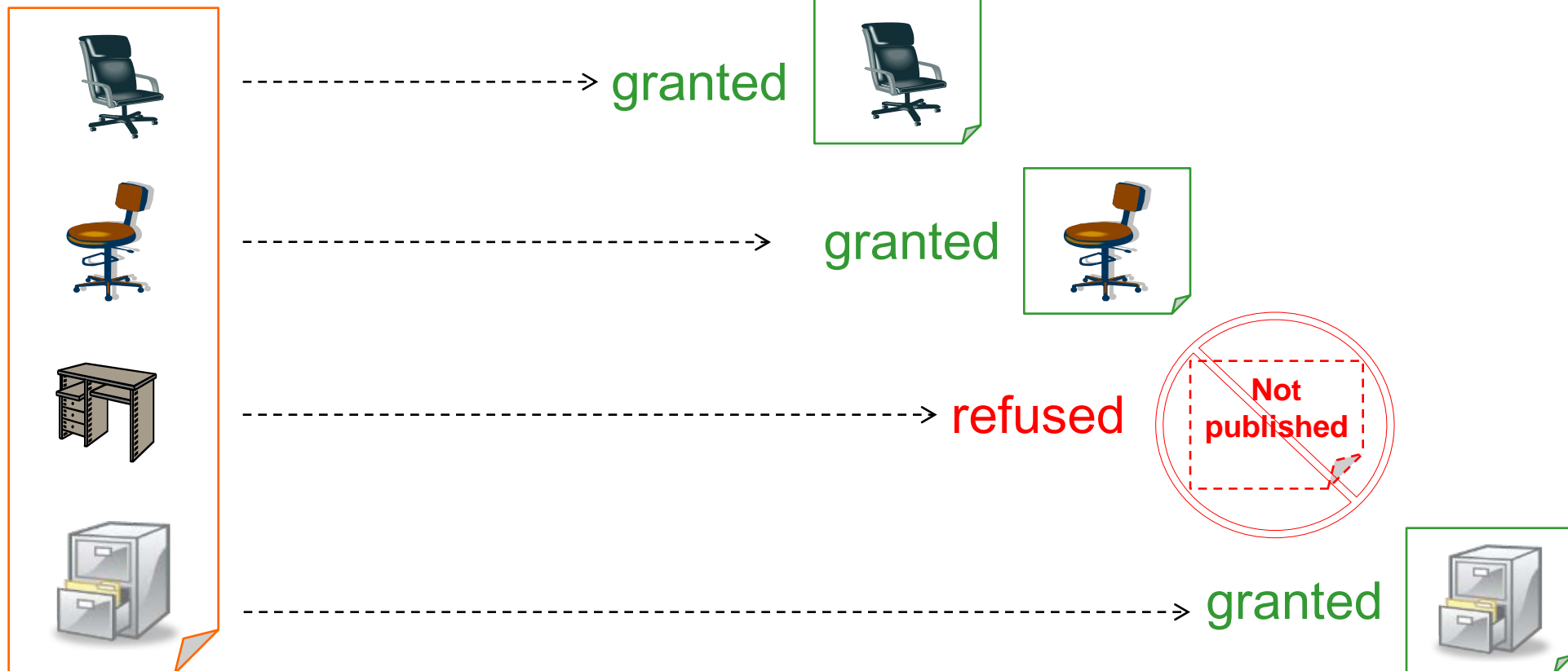
[Essential Point of the Domestic Law]

When an international application includes two or more industrial designs, the international application shall be deemed to be multiple domestic applications.

- The substantive examination of each industrial designs shall be carried out independently.
- Whenever an examiner's decision to grant a design right is given with respect to certain industrial designs, a design right for the subject industrial design shall be established and registered.

International Design Bulletin

Domestic Design Bulletin (published by JPO)



[Essential Point of the Domestic Law]

A Domestic Design Bulletin shall be published with respect to each industrial design for which protection has been granted.

Design Rights based on Domestic Filings

Contents of Domestic Register (JPO)

- 1) Establishment
- 2) Transfer
- 3) Modification due to trust
- 4) Lapse
- 5) Exclusive license
- 6) Right of pledge
- etc.

Design Right sbased on International Registration

Contents of International Register (WIPO)

- 2) Transfer
- 4) Lapse*

Contents of Domestic Register (JPO)

- 1) Establishment
- 3) Modification due to trust
- 5) Exclusive license
- 6) Right of pledge
- etc.

(+ Copy of International Register)

* A lapse that results from the design right expiring shall be registered in the Domestic Register.

- Amendments to ordinances
- Amendments to Design Examination Guidelines
- Deposits of instruments of accession
- Familiarizing the public about the Hague System and the amended Design Act based on the Diet resolution in line with the enactment of the law

Thank you!