

QUESTIONNAIRE ON GRAPHICAL USER INTERFACE (GUI), ICON AND
TYPEFACE/TYPE FONT DESIGNS^{1,2}

prepared by the Secretariat

1. At the thirty-fifth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), held in Geneva from April 25 to 27, 2016, an exchange of views took place on the proposal by the Delegations of the United States of America, Japan and Israel, contained in document SCT/35/6 and entitled “Industrial Design and Emerging Technologies: Similarities and Differences in the Protection of New Technological Designs”. The Chair of SCT/35 requested the Secretariat to prepare a questionnaire, based on that document, to be addressed to all Member States of WIPO. He further requested the Secretariat to prepare a document containing the replies to that questionnaire, to be presented at the thirty-sixth session of the SCT, which will be held in Geneva from October 17 to 19, 2016.
2. The present *Questionnaire on Graphical User Interface (GUI), Icon and Typeface/Type Font Designs* was prepared by the Secretariat. The questionnaire is divided in four sections covering the range of issues discussed in document SCT/35/6. The purpose of the questionnaire is to collect information regarding the practice of Member States of WIPO in relation to the protection of graphical user interface, icon and typeface/type font designs.
3. So as to enable the Secretariat to prepare the requested document containing the replies of the Member States of WIPO to be discussed at the thirty-sixth session of the SCT, the completed questionnaire should be returned to WIPO by August 12, 2016, to the following addresses: e-mail: sct.forum@wipo.int; surface mail: World Intellectual Property Organization (WIPO), 34, chemin des Colombettes, 1211 Geneva 20, Switzerland; or via facsimile: +41 22 338 87 45.

¹ GUI and icon designs are identified as illustrative examples of “new technological designs” in document SCT/35/6.

² The terms “type font”, “font”, “type face” or other related terms may possess varied definitions and understandings from jurisdiction to jurisdiction. This questionnaire uses the term “typefaces/type fonts” broadly to refer to type fonts, typefaces or related designs and contexts which may be considered analogous to type fonts or typefaces regardless of whether the type font or typeface is created and utilized on computer display screens via electronic means (however, please note that the term does not refer to the computer program itself) or utilizes traditional mechanical printing mechanisms.

BACKGROUND INFORMATION

Your name:
Job title:
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Country: Japan
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I. SYSTEMS OF PROTECTION

QUESTION 1 - Does your jurisdiction provide protection for:

GUIs	Icons	Typefaces/ Type fonts ³
NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>	NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
Any comment: Regarding typefaces / type fonts, No in general. If those have creativities, the Copyright Act would provide some protections. It is difficult, however, to recognize such creativities over typefaces / type fonts under our practice.		

³ Respondents are encouraged to treat this category broadly and to especially identify particulars relating to treatment of typefaces/type fonts, particularly when treatment, requirements, or applicability varies dependent on whether the typeface / type font is by electronic means, such as by computer programs, or traditional printing methods, wherever applicable in the questionnaire.

Please answer question 2 if GUIs, icons or typefaces/type fonts are protected in your jurisdiction.

QUESTION 2 - Protection for GUIs, icons, typefaces/type fonts is provided in your jurisdiction under one or several of the following laws:

Please tick the appropriate box(es)

	GUIs	Icons	Typefaces/ Type fonts
Design patent law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Registered industrial design law	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Unregistered industrial design law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copyright law	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trademark law	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Unfair competition law	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other – <i>Please specify</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Any comment:

QUESTION 3 – To the extent that GUIs, icons or typefaces/type fonts may be eligible for overlapping protection in your jurisdiction via multiple intellectual property rights, such as copyright and a design right (including design patent, registered design or unregistered design), what is the extent of such overlapping rights?

Please tick the appropriate box(es)

	GUIs	Icons	Typefaces/ Type fonts
Full copyright and design overlap	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Full copyright and design overlap but reduced term of copyright	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copyright overlap only for designs that possess a level of artistic creativity that is of a certain level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Copyright protection excluded where the product is intended for production in more than a specific amount of units	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – <i>Please specify</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any comment:			

II. APPLICATION FOR A DESIGN PATENT/INDUSTRIAL DESIGN REGISTRATION

Please answer the following questions if GUIs, icons or typefaces/type fonts are protected in your jurisdiction by a design patent or an industrial design registration.

QUESTION 4 - How may a GUI, icon, typeface/type font be represented in an application for a design patent/industrial design registration in your jurisdiction?

Please tick the appropriate box(es)

	GUIs	Icons	Typefaces/ Type fonts
Photographs (black and white)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Photographs (color)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Drawings, including technical drawings	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other graphic representations – <i>Please specify</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Any other format which enables the applicant to accurately represent the design (e.g., video type file) – <i>Please specify</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any comment:			

QUESTION 5 - Are additional or special requirements applicable to a GUI and/or icon which is animated (moving images design, transformation, transition, change of colors, or any other animation)?

GUIs	Icons
NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
Any comment:	

Please answer question 6 if, in your jurisdiction, there are additional or special requirements applicable to a GUI and/or icon which is animated. If not, please proceed to question 7 and subsequent questions.

QUESTION 6 - What are the additional or special requirements applicable to a GUI and/or icon which is animated?

Please tick the appropriate box(es)

	GUIs	Icons
Series of static images showing a sequence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Video type file	<input type="checkbox"/>	<input type="checkbox"/>
Description	<input type="checkbox"/>	<input type="checkbox"/>
Statement of novelty	<input type="checkbox"/>	<input type="checkbox"/>
Other requirement(s) – <i>Please specify</i>	<input type="checkbox"/>	<input type="checkbox"/>
Any comment:		

QUESTION 7 - Can a GUI and/or icon be patented/registered *as such* (i.e., independently of the product that incorporates it or in relation to which it is to be used, e.g., smartphone, tablet computer, computer screen)?

GUIs	Icons
NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/>	NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/>
Any comment:	

Please answer question 8 if, in your jurisdiction, a GUI and/or icon can be patented/registered as such. If not, please proceed to question 9 and subsequent questions.

QUESTION 8 – If a GUI and/or icon can be patented/registered as such in your jurisdiction, how must it be represented in an application for a design patent/industrial design registration?

Please tick the appropriate box(es)

	GUIs	Icons
Representation of the GUI or icon alone, without the product that incorporates it or in relation to which it is to be used	<input type="checkbox"/>	<input type="checkbox"/>
Representation of the GUI or icon in solid lines + the product that incorporates it or in relation to which it is to be used in dotted or broken lines	<input type="checkbox"/>	<input type="checkbox"/>
Representation of the GUI or icon in solid lines + the product that incorporates it or in relation to which it is to be used in solid lines + a description disclaiming the product	<input type="checkbox"/>	<input type="checkbox"/>
Other form(s) of representation – <i>Please specify</i>	<input type="checkbox"/>	<input type="checkbox"/>
Any comment:		

QUESTION 9 - Must letters, numerals, words or symbols⁴ contained in a GUI and/or icon be disclaimed?

GUIs	Icons
<p>NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/></p> <p><i>If YES, please specify how the letters, numerals, words or symbols must be disclaimed</i></p>	<p>NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/></p> <p><i>If YES, please specify how the letters, numerals, words or symbols must be disclaimed</i></p>
<p>Any comment:</p>	

⁴ Such as representative symbols for communication (e.g., telephone and mail symbols).
See document SCT/35/6, page 6.

QUESTION 10 - Is a GUI and/or icon excluded from protection if it appears only temporarily when a program is loaded?

GUIs	Icons
NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/>	NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/>
Any comment:	

QUESTION 11 - Can typefaces/type fonts be registered as a set?

NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/>
Any comment:

QUESTION 12 - With respect to typefaces/type fonts, are there any requirements to provide representation for the entire series of characters (such as the whole alphabet) or for an illustrative group of the entire series of characters in the typeface/type font?

NO YES N/A

Any comment:

III. EXAMINATION OF THE APPLICATION

QUESTION 13 – To the extent that your IP office carries out a substantive examination of an application for a design patent/an industrial design registration, what eligibility criteria are examined with respect to GUIs, icons or typefaces/type fonts?

Please tick the appropriate box(es)

	GUIs	Icons	Typefaces/ Type fonts
Novelty	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Originality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Individual character	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Creative difficulty	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Non-obviousness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public order / morality	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other(s) – <i>Please specify</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Any comment:

QUESTION 14 - Are the eligibility criteria for GUIs, icons or typefaces/type fonts different from those applied to other industrial designs?

GUIs	Icons	Typefaces/ Type fonts
NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> <i>If YES, please specify</i>	NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/> <i>If YES, please specify</i>	NO <input type="checkbox"/> YES <input type="checkbox"/> N/A <input checked="" type="checkbox"/> <i>If YES, please specify</i>
Any comment:		

QUESTION 15 - Do you have any further remarks on the examination of GUIs, icons or typefaces/type fonts carried out by your IP office?

Remarks:

IV. SCOPE AND DURATION OF PROTECTION

QUESTION 16 - Is the scope of protection of GUI, icon or typeface/type font designs limited by the classification of the industrial design?

GUIs	Icons	Typefaces/ Type fonts
NO <input type="checkbox"/> YES <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	NO <input type="checkbox"/> YES <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	NO <input type="checkbox"/> YES <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

Any comment:

The scope of protection of GUI and icon are limited within the range of identical and similar products

QUESTION 17 - Is a GUI and/or icon protected in relation to one product (e.g., a smartphone) also protected against its use in relation to another product (e.g., the display of a car)?

GUIs	Icons
NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/>	NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> N/A <input type="checkbox"/>

Any comment:

QUESTION 18 - Is the duration of protection of GUI, icon or typeface/type font designs the same as the duration of protection of other industrial designs?

GUIs	Icons	Typefaces/ Type fonts
NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> <i>If NO, please specify</i>	NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> <i>If NO, please specify</i>	NO <input type="checkbox"/> YES <input type="checkbox"/> N/A <input checked="" type="checkbox"/> <i>If NO, please specify</i>
Any comment:		

[End of Questionnaire]