



JAPAN PATENT ATTORNEYS ASSOCIATION

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August 8, 2018

Ms. Wang Binying
Deputy Director General
WORLD INTELLECTUAL PROPERTY ORGANIZATION
34, chemin des Colombettes
1211 Geneva 20, Switzerland
(sct.forum@wipo.int)

Re: Circular C.8776 (Deadline: August 20, 2018)

Dear Ms. Wang Binying,

The Japan Patent Attorneys Association (JPAA) was established in May 1922 under the Patent Attorneys Act, and it is the sole professional bar association of patent attorneys in Japan. At present, the JPAA has more than 11,300 members practicing in intellectual property law throughout Japan. Our members practice in all areas of intellectual property law, including patent, design and trademark law, as well as copyright and unfair competition law.

In response to the request dated June 11, 2018, regarding (1) the requirement for a link between GUIs, Icons, Typeface/Type Font Designs and the article or product and (2) the methods allowed by offices for the representation of animated designs", JPAA would like to submit further inputs concerning the two topics.

Further inputs concerning the two topics - JPAA

1. The requirements for a link between GUIs, Icons, Typeface/Type Font Designs and the article or product

As answered in the Questionnaire issued in 2016, GUIs and/or Icons can be registered in relation to articles or products in Japan.

In this regard, Article 2 of "Design Act" provides:

- (1) "Design" in this Act shall mean the shape, patterns or colors, or any combination thereof, ***of an article*** (including a part of an article, the same shall apply hereinafter except in Article 8), which creates an aesthetic impression through the eye.
- (2) The shape, patterns or colors, or any combination thereof, of a part of an article as used in the preceding paragraph shall include those in a graphic image on a screen that is provided ***for use in the operation of the article***



(limited to the operations carried out in order to enable the article to perform its functions) and is displayed on the article itself or another article that is used with the article in an integrated manner,

and “Examination Guidelines for Design” provides:

In order for a graphic image on a screen included in the design in the application for design registration to constitute a design subject to protection under the Design Act, the graphic image must comply with either (1) or (2) below.

*(1) The graphic image displayed on the display part of the article is found to be the shape, patterns or colors, or any combination thereof, of **a part of the article** as provided in Article 2(1) of the Design Act.*

(2) The graphic image on a screen included in the design constitutes a graphic image as provided in Article 2(2) of the Design Act.

*In addition, in order to comply with either (1) or (2) above, the graphic image displayed on the display part of the article needs to be a graphic image that has been **recorded in the article**.*

As examples of GUI and icon applications, we are providing some accepted designs as shown below:

(1) Registration No. 1597305

Article or Product: Computer with menu function



[Reference view showing usage status]



(2) Registration No. 1595750,

Article or Product: Computer with acoustic adjustment function of electronic musical instrument

[Front view]

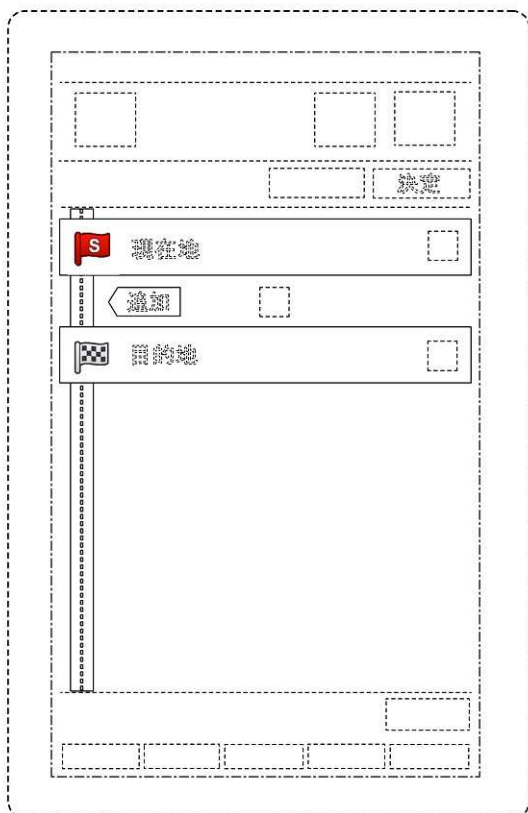
[Reference view for explaining the display]



- (3) Registration No. 1594796
Article or Product: Computer with route guidance function

[Front view]

[Enlarged view of current location icon]



Meanwhile, the GUI application mentioned below was refused for the reason that the graphic images applied for were deemed not to be provided for use in the



operation of the article:

(1) Application No. 2015-5576

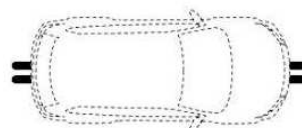
Article or Product: Automobile with imaging device

Explanation of Article: The article is composed of an automobile equipped with an imaging device, and each image emitted from the imaging device is displayed on a display device such as the road surface around the automobile, a parking spot, the ground-level view of an exhibition hall and so on which are used as a unit with the automobile.

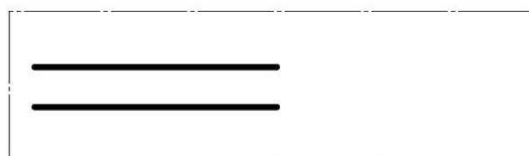
[Picture image 1]



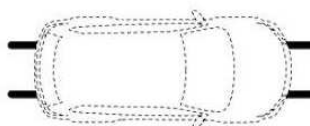
[Reference view showing usage status 1]



[Picture image 2]



[Reference view showing usage status 2]



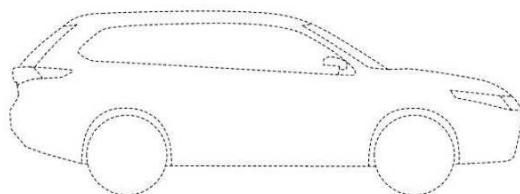
[Picture image 16]



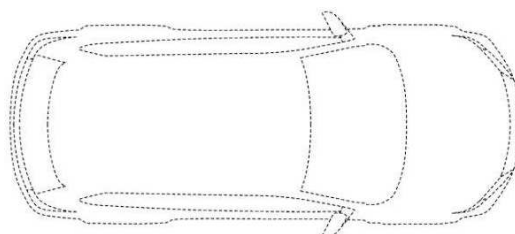
[Reference view showing usage status 16]



[Front view]



[Plain view]



2. The methods allowed by offices for the representation of animated designs

As answered in the previous Questionnaire, series of static images shown in a sequence are required. Video type files are not acceptable.

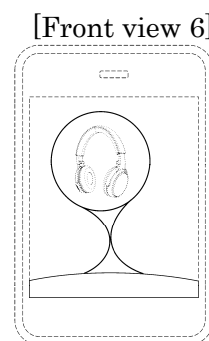
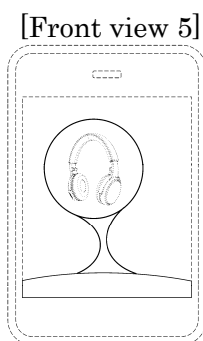
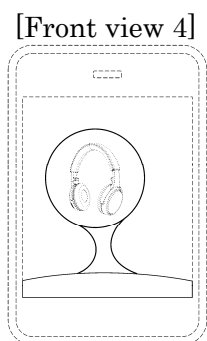
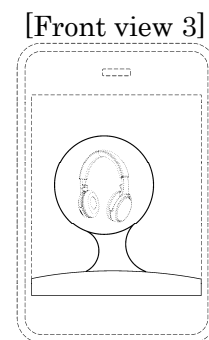
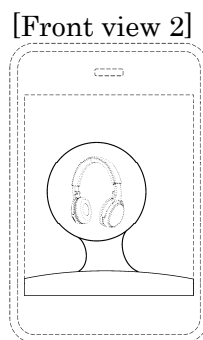
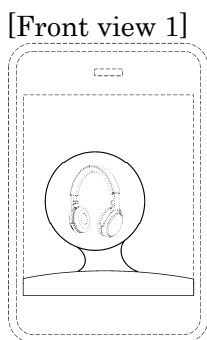


Furthermore, GUIs and/or Icons which are animated should meet the following requirements:

- (1) Animated GUIs and/or Icons should be graphic images for making necessary indications for performing the same function of the article, or graphic images provided for use in the operation carried out in order to enable the article to perform the same function.
- (2) The graphic images before and after the animation motions should be related to each other morphologically.

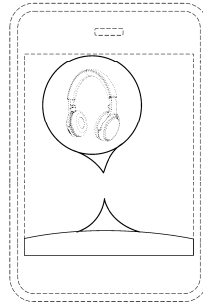
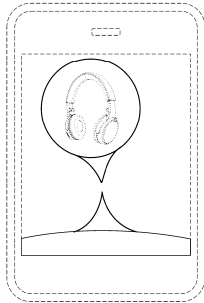
As examples of animated designs of GUIs and/or Icons, we are providing some accepted designs as shown below:

- (1) Registration No. 1532359
Article or Product: Handheld terminal



[Front view 7]

[Front view 8]



(2) Registration No. 1539476

Article or Product: Monitoring machine for oil reservoir tank

[Front view]



[After change 1]



[After change 2]



[After change 3]



[After change 4]



[After change 5]





Page 7 of 7
August 8, 2018

[After change 6]



JPAA appreciates the opportunity to submit comments on Circular C. 8776, and would be pleased to answer any questions about these comments.

Yours sincerely,

A handwritten signature in black ink, reading 'K. Watanabe'.

Keisuke WATANABE
President
Japan Patent Attorneys Association