
Design Registration Order

Enforcement Regulations

(Ordinance of the Ministry of International Trade and Industry
No. 35 of March 30, 1960)

Final Revision: Ordinance of the Ministry of Economy, Trade and
Industry No. 72 of December 28, 2011

(Unenforced until Final Revision)

Ordinance of the Ministry of Economy, Trade and Industry No. 72 of December 28, 2011 (Unenforced)

The Design Registration Order Enforcement Regulations shall be established as follows on the basis of Article 10 of the Patent Registration Order (Cabinet Order No. 39 of 1960) as applied mutatis mutandis under Article 5 of the Design Registration Order (Cabinet Order No. 41 of 1960) and for the purpose of implementing the Design Registration Order.

(Method of Preparation of Design Register)

Article 1. The preparation of the Design Register is performed through the operation of a Computer, and the method for changing characters to symbols or the method of recording on magnetic tapes, is prescribed by the Director General of the Patent Office.

(Format, etc., of Design Register)

Article 1-bis. The design register shall be such that a document stating the matters recorded in the design register can be prepared in accordance with Format 1.

2. The register for a request for a retrial against a trial decision for final rejection concerning a design application shall be

prepared in accordance with Format 2, and the design trust register shall be prepared in accordance with Format 3.

3. A list prepared in accordance with Format 4 shall be attached to the register for a request for a retrial against a trial decision for final rejection concerning a design application and the design trust register.

(Annexed Documents)

Article 2. The annexed documents of Article 3-bis, paragraph 3 of the Design Registration Order (Cabinet Order No. 41 of 1960) shall be the registration registry.

2. The registration registry shall be prepared in accordance with Format 5.

(Recording of Design Register)

Article 3. The design register shall separately record the registration number recording section, the indication section, the related design registration number recording section, the registration fees recording section, Section A, Section B, Section C, and Section D.

2. The registration number shall be recorded in the registration number recording section.
3. The indication section shall record the extinguishment of the design right and matters relating to and a final and binding trial decision of a design registration invalidation trial or a final and binding trial decision of a retrial against a final and binding decision of a design registration invalidation trial, in addition to the indication of the design right.
4. The related design registration number recording section shall record the registration numbers of the design rights of all the related designs, in case of the design register for a design right of a principal design, and shall record the registration numbers of the design rights of all the other related designs in case of the design register for a design right of a related design.
5. The registration fees recording section shall record the registration fees, the date of their payment, and matters relating to the ratio of the share of a person other than the State when the design right is co-owned by the State and the person other than the State and when the share of the person is specified, under

Article 42, paragraph 3 of the Design Law (Act No. 123 of 1959), or a refund of the registration fees.

6. Section A shall record matters relating to the establishment of a design right, the transfer thereof, the restriction on disposition thereof, and a change with regards to the design right by trust.
7. Section B shall record matters relating to an exclusive license and a pledge thereon.
8. Section C shall record matters relating to a non-exclusive license and a pledge thereon.
9. Section D shall record matters relating to a pledge on a design right.

(Method for Registration of Establishment of Design Right)

Article 4. Where the registration of the establishment of a design right is made, the registration number shall be recorded in the registration number recording section, the filing date of the design registration application, the number of the design registration application, the statement that the Examiner's final decision or trial decision was made, its date and the class of the article under the provisions of Article 6 of the Design Law Enforcement Regulations (Ordinance of the Ministry of International Trade and Industry No. 12 of 1960) shall be recorded in the indication section, and the name and domicile or address of the design right holder shall be recorded in Section A.

2. Where a registration of the establishment of a design right concerning a partial design is made, in addition to the matters to be recorded under the provision of the preceding paragraph, the statement that the design right is a design right concerning a partial design shall be recorded in the indication section.

(Method for Registration of Establishment of Design Right of Related Design)

Article 5. Where the establishment of a design right of a related design is registered, in addition to the matters to be recorded under the provision of the preceding Article, the date of registration of the design right of its principal design, the registration number thereof, and the statement that the design

right is the design right of the related design shall be recorded in the indication section.

2. Where a registration for the establishment of a design right of a related design has been made, the registration number thereof shall be recorded in the related design registration number recording section of the design register of the design right of the principal design.
3. In the case of the preceding paragraph, where there are design rights of other related designs for the design right of the principal design concerning the related design, the registration number shall be recorded in the related design registration number recording sections of the registers of the design rights of all the other related designs.

(Method for Registration in the case when Design Right of the Principal Design was Extinguished)

Article 5-bis. Where the cancellation of the design right of the principal design due to the extinguishment thereof has been registered, the reason and the date shall be recorded in the indication section of the recording of the design rights of all the related designs.

(Method for Registration in the case when One of Design Rights of Related Designs was Extinguished)

Article 5-ter. Where the cancellation of a design right of a related design due to the extinguishment thereof has been registered, the cancellation mark shall be recorded in the number recorded in the related design registration number recording section of the register of the design right of the principal design.

2. In the case of the preceding paragraph, where there are design rights of other related designs for the design right of the principal design concerning the related design, the cancellation mark shall be recorded in the numbers recorded in the related design registration number recording sections of the registers of the design rights of all other related designs.

(Application Mutatis Mutandis of the Patent Registration Order Enforcement Regulations)

Article 6. The provisions of Article 1, paragraph 1 of the Patent Registration Order Enforcement Regulations (Ordinance of the

Ministry of International Trade and Industry No. 33 of 1960) (Order of Registration) shall apply mutatis mutandis to the registration concerning a design.

2. The provisions of Article 1-ter, paragraph 4 and paragraph 5, Article 2, paragraph 2 and paragraph 3, Article 3, Article 4, paragraph 1 and paragraph 2, Article 5, paragraph 1, Article 8, and Article 9 of the Patent Registration Order Enforcement Regulations (Registers Relating to Registration) shall apply mutatis mutandis to the registration concerning a design.
3. The provisions of Article 10 (excluding paragraph 5), Article 10-bis (excluding paragraph 4) and Article 10-ter to Article 13-ter (Procedures of Application) of the Patent Registration Order Enforcement Regulations shall apply mutatis mutandis to the procedures of an application for the registration concerning a design.
4. The provisions (Procedures for Registration) of Article 14 (excluding paragraph 3), Article 15 (excluding paragraph 2), Article 16 to Article 19, Article 20 to Article 23, Article 24, paragraph 1, Article 25, Article 26, paragraph 1, Article 27, paragraph 2, Article 28, paragraph 2 and paragraph 3, Article 32, Article 34, paragraph 1, Article 35, Article 36, Article 37, Article 38, Article 39 (excluding paragraph 2 and paragraph 5), Article 40, Article 43, paragraph 1, Article 45, paragraph 1, Article 46 to Article 50, Article 51, paragraph 1, Article 52 (excluding paragraph 4 to paragraph 7), Article 53, Article 54, Article 55, paragraph 1 and paragraph 2, Article 56, paragraph 1, Article 57, Article 58, paragraph 2 and paragraph 3, and Article 59 to Article 61 of the Patent Registration Order Enforcement Regulations shall apply mutatis mutandis to the procedures for the registration concerning a design.