
Utility Model Registration Order

(Cabinet Order No. 40 of March 24, 1960)

Final Revision: Cabinet Order No. 370 of December 2, 2011

(Unenforced until Final Revision)

Cabinet Order No. 370 of December 2, 2011 (Unenforced)

The Cabinet shall establish this cabinet ordinance on the basis of the provisions of Article 49, paragraph 2 of the Utility Model Law (Act No. 123 of 1959).

Chapter One. General Provisions (Article 1 and Article 2)

Chapter Two. Utility Model Registry and Closed Utility Model Registry (Article 3 to Article 5)

Chapter Three. Procedures for Registration (Article 6 and Article 7)

Supplementary Provisions

Chapter One. General Provisions

(Matters to be Registered)

Article 1. The following matters shall be registered concerning to a utility model, other than the matters listed in the items of Article 46, paragraph 1 of the Utility Model Law.

- (1) Final and binding trial decisions
- (2) Final and binding retrial decisions

(Application of the Patent Registration Order)

Article 2. The provisions of the Patent Registration Order (Cabinet Order No. 39 of 1960) Article 2 (excluding item 3), Article 3, Article 4(excluding item 2) and Article 5 to Article 8-bis (provisional registration, etc) shall apply mutatis mutandis to

the registration concerning a utility model. In this case, "Article 183, paragraph 1 of the Patent Law" in Article 3, item 3 of the same Order shall read "Article 48, paragraph 1 of the Utility Model Law", "a patent invalidation trial, a trial for invalidation of a registration of extension of term, or a trial for correction" in item 4 of the same Article shall read "a trial for invalidation of a utility model registration", "Article 41, paragraph 1" in Article 4, item 3 of the same Order shall read "the Patent Registration Order Article 41, paragraph 1 as applied mutatis mutandis under Article 7 of the Utility Model Registration Order", "and excluding the correction of the indication of a person who has a right to obtain a patent concerning a patent application regarding a provisional exclusive license or a registered non-exclusive license" shall read "excluding", and "the correction of the indication of a person who has a right to obtain a patent concerning a patent application regarding a provisional exclusive license or a registered non-exclusive license and Article 41, paragraph 1" in Article 5, item 2 of the same Order shall read "and the Patent Registration Order Article 41, paragraph 1 as applied mutatis mutandis under Article 7 of the Utility Model Registration Order".

Chapter Two. Utility Model Registry and Closed Utility Model Registry

(Scope of the Utility Model Registry)

Article 3. The Utility Model Registry shall consist of the Utility Model Registration Registry and the Utility Model Trust Registry.

2. The specification, claims and the drawings for the invention which has received a utility model registration (when the features described in the specification and the claims and the contents of the drawings are described in a file prescribed in Article 3, paragraph 2 of the Act on Special Provisions of procedures, etc., concerning Industrial Property Rights (Act No. 30 of 1990. Hereinafter, referred to as the "Special Provisions Act" in this Article) under the provision of the Special Provisions Act, the recording of the file), excluding the application of the

provisions of paragraph 1 of the following Article, shall be deemed to be a part of the Utility Model Registration Registry.

3. Where the registration of the gist of the trial decision has been made in the Utility Model Registration Registry with regards to the matters listed in the items of Article 1 on the basis of the original of the trial decision, the original (in the case when the contents of the trial decision under the Special Provisions Act are recorded in a file under Article 3, paragraph 2 of the Special Provisions Act, the recording of the file), excluding the application of the provisions of paragraph 1 of the following Article, shall be deemed to be a part of the Utility Model Registration Registry.

(Preparation, etc., of Utility Model Registry)

Article 3-bis. The Utility Model Registration Registry shall be prepared with magnetic tapes, and the method for preparation shall be stipulated by an Ordinance of the Ministry of Economy, Trade and Industry.

2. The Utility Model Trust Registry shall be prepared with the registers, and the format and the method of recording shall be stipulated by an Ordinance of the Ministry of Economy, Trade and Industry.

3. The kinds of annexed documents of the Utility Model Registry shall be stipulated by an Ordinance of the Ministry of Economy, Trade and Industry.

(Closed Utility Model Registry)

Article 4. Where a registration of the extinguishment of the utility model right is made, the Director General of the Patent Office shall move the registration concerning the utility model right in the Utility Model Registration Registry to a Closed Utility Model Registry as stipulated by an Ordinance of the Ministry of Economy, Trade and Industry.

(Application of the Patent Registration Order)

Article 5. The provisions of Article 11 of the Patent Registration Order (Loss) shall apply mutatis mutandis to the Utility Model Registry.

Chapter Three. Procedures for Registration

(Ex officio Registration)

Article 6. The Director General of the Patent Office shall, ex officio make a registration of the following matters.

- (1) The establishment, extinguishment (excluding those by abandonment), or restoration of a utility model right
- (2) Correction of a utility model registration
- (3) a statement that a patent application based on a utility model registration under Article 46-bis, paragraph 1 of the Patent Law (Act No. 121 of 1959) was filed
- (4) Extinguishment of exclusive license, non-exclusive license or pledge due to merger
- (5) Establishment of a non-exclusive license by an arbitration decision under Article 21, paragraph 2 of the Utility Model Law or Article 22, paragraph 3 or paragraph 4 of the Utility Model Law or extinguishment of a non-exclusive license by the revocation of the arbitration decision
- (6) Final and binding trial decision
- (7) Final and binding retrial decision

(Application Mutatis Mutandis to the Patent Registration Order)

Article 7. The provisions of the Patent Registration Order Article 15, Article 17 to Article 21, Article 23 to Article 37, Article 38, paragraph 1 (excluding item 6), paragraph 2, Article 39 to Article 45, Article 46 to Article 55-ter, Article 55-quarter (excluding paragraph 2), and Article 55-quinquies to Article 70 (Procedures for Registration) shall apply mutatis mutandis to the procedures for registration concerning a utility model. In this case, "Article 93, paragraph 2 of the Patent Law" in Article 17 of the same Order shall read "Article 23, paragraph 2 of the Utility Model Law", "Article 15 of the Patent Law" in Article 23, paragraph 2 of the same Order shall read "Article 15 of the Patent Law as applied under Article 2-quinquies, paragraph 2 of the Utility Model Law", "Article 93, paragraph 2 of the Patent Law" in Article 26 of the same Order shall read "Article 23, paragraph 2 of the Utility Model Law", "Article 90, paragraph 1 of the same Law as applied under paragraph 3 of the same Article" shall read "Article 90, paragraph 1 of the Patent Law as applied under Article 23, paragraph 3 of the Utility Model Law", "Article 83, paragraph 2

of the Patent Law, Article 90, paragraph 1 (including the application under Article 92, paragraph 7 of the same Law), or Article 92, paragraph 3 or paragraph 4" in Article 27 of the same Order shall read "Article 21, paragraph 2 of the Utility Model Law, Article 22, paragraph 3 or paragraph 4, or Article 90, paragraph 1 of the Patent Law as applied under Article 21, paragraph 3 or Article 22, paragraph 7 of the same Law", "the patent number (where the purpose of the registration concerns a provisional exclusive license or a provisional non-exclusive license, the indication of the patent application for which the registration of the provisional exclusive license or the provisional non-exclusive license is applied)" in Article 28, item 1 of the same Order shall read "utility model registration number", "Article 73, paragraph 2 of the Patent Law (including the application under Article 77, paragraph 5 of the same Law)" in Article 33, paragraph 2 of the same Order shall read "Article 73, paragraph 2 of the Patent Law as applied under Article 26 of the Utility Model Law (including the application under Article 77, paragraph 5 of the Patent Law as applied under Article 18, paragraph 3 of the Utility Model Law)", "Article 107, paragraph 1 of the Patent Law" in Article 37, paragraph 2 of the same Order shall read "Article 31, paragraph 1 of the Utility Model Law", "the patent number (where the purpose of the registration concerns a provisional exclusive license or a provisional non-exclusive license, the indication of the patent application for which the registration of the provisional exclusive license or the provisional non-exclusive license) is applied" in Article 38, paragraph 1, item 3 of the same Order shall read "utility model registration number", "Article 92, paragraph 3 or paragraph 4 of the Patent Law" in Article 43 of the same Order shall read "Article 22, paragraph 3 or paragraph 4 of the Utility Model Law", "Article 95 of the Patent Law" in Article 46, paragraph 1, item 3 of the same Order shall read "Article 25, paragraph 1 of the Utility Model Law", "Article 93, paragraph 2 of the Patent Law" in Article 54, paragraph 2 of the same Order shall read "Article 23, paragraph 2 of the Utility Model Law", "Article 90, paragraph 1 of the same Law as applied under paragraph 3 of the same Article" shall read

“Article 90, paragraph 1 of the Patent Law as applied under Article 23, paragraph 3 of the Utility Model Law”, “Article 83, paragraph 2 of the Patent Law, Article 90, paragraph 1 (including the application under Article 92, paragraph 7 of the same Law), or Article 92, paragraph 3 or paragraph 4” in paragraph 3 of the same Law shall read “Article 21, paragraph 2 of the Utility Model Law or Article 22, paragraph 3 or paragraph 4, or Article 90, paragraph 1 of the Patent Law as applied under Article 21, paragraph 3 of the same Law, or Article 22, paragraph 7 of the same Law”, and “the Patent Registration Registry or the Patent Provisional License Registry” in Article 67 and Article 69 of the same Order shall read “the Utility Model Registration Registry”.