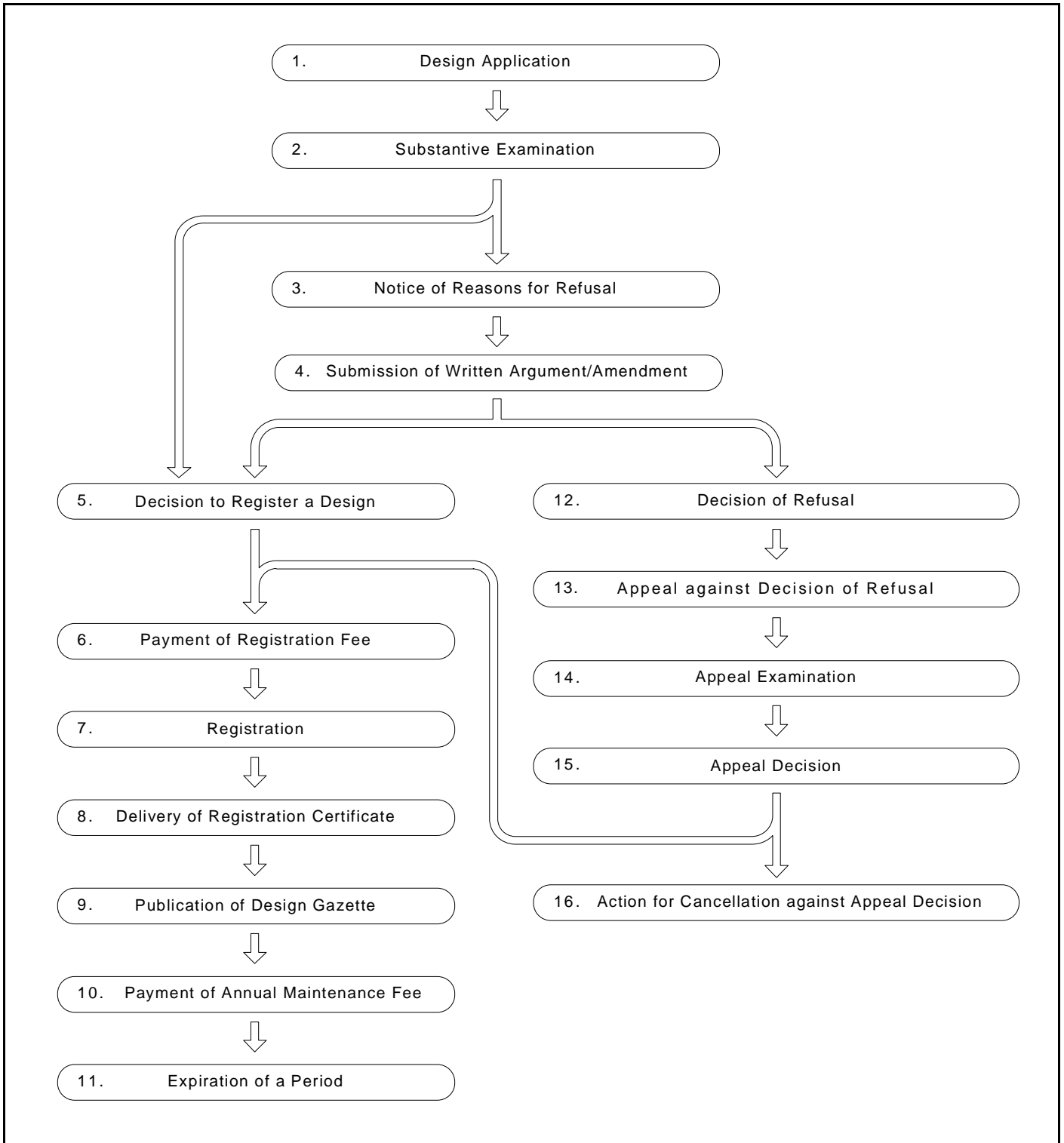


# ○ Design Grant Procedure ○



## 1. Design Application

A design right cannot be obtained unless it is applied for, or you submit necessary documents to Japan Patent Office(JPO).

It usually takes about 1 month for us to prepare an application document.

Official Fee: JPY 16,000  
Attorney Fee: JPY 100,000 -

## 2. Substantive Examination

An examination will be carried out by an examiner of the JPO, who will decide whether or not the claimed design should be registered.

## 3. Notice of Reasons for Refusal

If the examiner finds reasons for refusal, a notification of this result will be sent to the applicant.

## 4. Submission of Written Argument/Amendment

An applicant who has received the notice of reasons for refusal shall be given an opportunity to submit either a written argument claiming that the design differs from the prior art to which the notice of reasons for refusal refers, or an amendment of the claims in the case that this would nullify the reasons for refusal, within a period of 60 days.

Official Fee: JPY 0  
Attorney Fee: JPY 100,000 - 200,000

## 5. Decision to Register a Design

If the examiner doesn't find any reason for refusal, a decision to register a design as a result of the examination, will be sent to the applicant.

Attorney Fee: JPY 100,000

## 6. Payment of Registration Fee

You should pay the patent fee for 1 years within the period of 30 days from the date of receipt of the decision to register. If you fail to pay the fee within such a period, the design right doesn't take effect.

Official Fee: JPY 8,500  
Attorney Fee: JPY 10,000

## 7. Registration

The design right will come into effect as it is entered in the Design Register. After that, the owner of a design may require the third parties who use the design which is same as or similar to the registered design without permission to discontinue or may claim damages.

## 8. Delivery of Registration Certificate

After a design is registered, a certificate of design will be sent to the applicant.

## 9. Publication of Design Gazette

A design gazette shall be published containing the contents of the right of design registration in order to inform the public of its establishment.

## 10. Payment of Annual Maintenance Fee

Since annual maintenance fees for the 1st year should already be paid as seen in "6. Payment of Patent Fee", Annual maintenance fee for the 2nd and subsequent years must be paid to JPO before the expiration of the year preceding the anniversary of the day of publication of the registered design application. If you fail to pay the annual maintenance fee, the design right will be extinguished upon the expiration of the term which arrives after the expiration date. For example, if you fail to pay the annual maintenance fee for the 2nd year, the design right would take effect only for one year. Payment can still be made, together with a 100% surcharge for late payment, before the expiration of six months from the anniversary of the publication date.

Official Fee  
2nd-3rd year: JPY 8,500 (annually)  
4-10th year: JPY 16,900 (annually)  
11-20th year: JPY 33,800 (annually)  
Attorney Fee: JPY 10,000 (each payment procedure )



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## 11. Expiration of a Period

The design right will come into effect through its registration, and expire 20 years from the filing date.

## 12. Decision of Refusal

If the examiner judges that the reasons for refusal have not been eliminated, a decision of refusal will be made.

## 13. Appeal against Decision of Refusal

The applicant who is dissatisfied with the decision of refusal may appeal against the decision of refusal within a period of 3 months.

Official Fee: JPY 55,000  
Attorney Fee: JPY 180,000 -

## 14. Appeal Examination

A notification of reasons for refusal may be sent to the applicant during the appeal examination.  
Please refer to "4. Submission of Written Argument / Amendment" for the procedure.

## 15. Appeal Decision

When it is judged as a result of appeal examination that the reasons for refusal was solved, "an appeal decision to register a design" is performed. Please refer to the steps from "5. Decision to Register a Design" for subsequent procedure.  
On the other hand, when the appeal examiners judge that the reasons cannot be canceled and the design cannot be registered, an appeal decision of refusal is performed.

## 16. Action for Cancellation against Appeal Decision

An applicant who is dissatisfied with an appeal decision of refusal of an appeal against decision of refusal may appeal to the Tokyo High Court within a period of 30 days.  
An applicant who is dissatisfied with an appeal decision of refusal by the Tokyo High Court may appeal to the Supreme Court.

### [Notes]

- The above is a summary of Design Grant Procedure. Please contact us for details.
- Attorney Fee in the above table should be only used as a guide. Please contact us for more information.
- Trial for invalidation, which is the procedure to extinguish the design right, may be requested by the third parties during the term of the design.

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