







## TOPIC

- 1. 2019 revision to Design Act (which will be in force on April 1, 2021)
   令和元年改正意匠法(令和3年4月1日施行)
- 2. Myanmar to Launch Soft-opening Period for Trademark Applications from October 1 ミャンマー、10月1日よりSoft-Opening期間開始



# 2019 revision to Design Act (which will be in force on April 1, 2021) 令和元年改正意匠法(令和3年4月1日施行)

On July 28, 2020, "Ordinance that designates date of enforcement of part of the act on the partial revision of the patent act and other acts" was published. As a result, the part of the 2019 revision to the Design Act which part had not been in force on April 1, 2020 was designated as being in force in April 1, 2021.

The part of the 2019 revision to the Design Act which part will be in force in April 1, 2021 is as follows.

**Revised Items** 2019(R1).5.17 2020(R2).4.1 2021(R3).4.1 Expansion of the scope of protection (graphic images, building exterior and interior designs) •Enhancement of the related design system • Change in the duration of design rights In force •Clarification of the level of creativity •Introduction of partial design for a set of articles •Expansion of indirect infringement acts •Review of the damage presumption methods • Introduction of collective application for multiple designs Scheduled t •Reconsideration of handling of article classification be in force •Expansion of remediable procedures

From JPO website





INTELLECTUAL PROPERTY LAW FIRM



## (1) Introduction of collective application for multiple designs

At present, it is necessary to prepare a request per design. The revision makes it possible to prepare a request for multiple designs (one design right can be obtained for each design. Examination and registration are made with respect to each design).

## (2) Reconsideration of handling of article classification

In order to avoid delay in obtainment of rights, the revision designates that an application which does not describe classification substantially equal to article classification is not rejected instantly. At present, the "Table for Classification of Articles" defines the classification of articles to be stated on request. The revision eliminates the "Table for Classification of Articles", and provides criteria which set forth the standard to be considered a "single design" in an Ordinance of the Ministry of Economy.

## (3) Expansion of remediable procedures

At present, no remedy for applications etc. after the designated period or the submission period has elapsed is admitted. The revision makes it possible to admit the remedy under predetermined conditions.

令和2年7月28日に、「特許法等の一部を改正する法律の一部の施行期日を定める政令」が公布された。 これにより、令和元年改正意匠法のうち、今年4月1日に施行されていなかった部分の施行期日が令和3年4 月1日と定められた。

令和3年4月1日に施行される改正意匠法は、以下のとおりである。



「特許庁HPより」





INTELLECTUAL PROPERTY LAW FIRM



JAPAN

## (1)複数意匠一括出願の導入

従来は、意匠ごとに願書を作成する必要があったが、改正により、複数の意匠をまとめた願書も作成するこ とができるようになった。(一つの意匠ごとに一つの意匠権が発生。審査や登録については意匠ごとに行 う。)

## (2) 物品区分の扱いの見直し

権利化の遅延につながることから、物品の区分と同程度の区分を記載していない出願について、直ちに拒絶 理由とされないことが規定された。従来は、願書に記載すべき物品の区分を「物品区分表」により定めていた が、改正により、「物品区分表」を廃止して、経済産業省令に「一意匠」の対象となる基準を設けることに なった。

## \_(3) 手続救済規定の拡充

従来は、指定期間経過後や優先期間渡過後の出願等の救済が認められていなかったが、改正により、所定の 条件の下、認められることになった。

## Myanmar to Launch Soft-opening Period for Trademark Applications from October 1 ミャンマー、10月1日よりSoft-Opening期間開始

On August 28, 2020, the Ministry of Commerce of Myanmar issued a decree about the application system under the new trademark law, which is in accordance with transition from the First to Use System having been employed to the First to File System with respect to intellectual properties such as trademarks.

With this decree, reception of trademark applications below will start from October 1.

- Re-application of trademark which has been registered under the system before October 1, 2020.
- Application of trademark based on use in Myanmar

In the case of application based on use, it is necessary to submit evidence of use in Myanmar.

It is expected that the trademark law will be formally in force (Grand-Opening) at about spring of 2021 after the above transition period.









JAPAN

WORLD PATENT & TRADEMARK
INTELLECTUAL PROPERTY LAW FIRM

ミャンマー商業省は2020年8月28日付で商標などの知的財産権に関し、従前の「先使用主義(First to Use System)」から「先願主義(First to File System)」に移行するのにあたり、商標法に基づく登録申請に関する命令を発令した。

今回の発令により、10月1日より以下の商標出願の受付が開始される。

- ・現制度下で登記済の商標の再出願
- ・ミャンマー国内での使用に基づく出願

使用に基づく出願の場合は、ミャンマー国内での使用証拠の提出が必要である。

上記移行期間を経て正式に商標法が施行される(Grand-Opening)のは2021年春頃と見込まれている。







INTELLECTUAL PROPERTY LAW FIRM



ctober 2020 **JAPAN** 



Please contact us if you have any comments or require any information.

Please acknowledge that the purpose of our column is to provide general information on the field of intellectual property, and that the description here does not represent our legal opinion on a specific theme.

## Please visit our facebook pages below.





Below are links to further IP information.

BIO IP Information

バイオ知財情報

Food & Medical Business Support Station

IT IP Information IT知財情報 loT × Al Support Station IoT×AI支援室

Food & Medical Business Support Station 食品×医療支援室 Major & Emerging Economic Powers 諸外国知財情報

TPP I.P. Chapter TPP知財情報



特許業務法人

Jewysletten Esign & trademark

October 2020 JAPAN

## WORLD PATENT & TRADEMARK INTELLECTUAL PROPERTY LAW FIRM

## TOKYO HEAD OFFICE

#### ADDRESS

WORLD TRADE CENTER BLDG. 21F 2-4-1, HAMAMATSU-CHO, MINATO-KU, TOKYO 105-6121, JAPAN

#### **TELEPHONE:**

+81-3-3433-5810 (Main Number)

#### **FACSIMILE:**

+81-3-3433-5281 (Main Number)

#### **WEBSITE:**

http://www.harakenzo.com http://trademark.ip-kenzo.com http://design.ip-kenzo.com http://www.intellelution.com

#### E-MAIL:

iplaw-tky@harakenzo.com



## **OSAKA HEAD OFFICE**

#### ADDRESS

DAIWA MINAMIMORIMACHI BLDG., 2-6, 2-CHOME-KITA, TENJINBASHI, KITA-KU, OSAKA 530-0041, JAPAN

#### TELEPHONE:

+81-6-6351-4384 (Main Number)

## **FACSIMILE:**

+81-6-6351-5664 (Main Number)

## **WEBSITE:**

http://www.harakenzo.com http://trademark.ip-kenzo.com http://design.ip-kenzo.com http://www.intellelution.com

## E-MAIL:

iplaw-osk@harakenzo.com



## OSAKA 2nd OFFICE

#### ADDRESS:

MITSUI SUMITOMO BANK MINAMIMORIMACHI BLDG., 1-29, 2-CHOME, MINAMIMORIMACHI, KITA-KU, OSAKA 530-0054, JAPAN

#### TELEPHONE:

+81-6-6351-4384 (Main Number)

#### **FACSIMILE:**

+81-6-6351-5664 (Main Number)

#### WEBSITE:

http://www.harakenzo.com http://trademark.ip-kenzo.com http://design.ip-kenzo.com http://www.intellelution.com

## E-MAIL:

iplaw-osk@harakenzo.com



## HIROSHIMA OFFICE

#### ADDRESS:

NOMURA REAL ESTATE HIROSHIMA BLDG. 4F 2-23, TATEMACHI, NAKA-KU, HIROSHIMA 730-0032, JAPAN

## **TELEPHONE:**

+81-82-545-3680 (Main Number)

### **FACSIMILE:**

+81-82-243-4130 (Main Number)

### **WEBSITE:**

http://www.harakenzo.com http://trademark.ip-kenzo.com http://design.ip-kenzo.com http://www.intellelution.com

## E-MAIL:

iplaw-hsm@harakenzo.com



## **NAGOYA OFFICE**

#### ADDRESS:

GLOBAL GATE 9F, 4-60-12 HIRAIKE-CHO, NAKAMURA-KU, NAGOYA-SHI, AICHI 453-6109, JAPAN

## **TELEPHONE:**

+81-52-589-2581 (Main Number)

## **FACSIMILE:**

+81-52-589-2582 (Main Number)

## WEBSITE:

http://www.harakenzo.com http://trademark.ip-kenzo.com http://design.ip-kenzo.com http://www.intellelution.com

## E-MAIL:

iplaw-ngy@harakenzo.com

