

TOPICS



Revised Design Act - Report on Applications for Designs under Newly Expanded Scope of Protection – Part II

改正意匠法に基づく新たな保護対象についての意匠登録出願状況-その2

Revised Copyright Act Partly Came into Effect on October 1

改正著作権法-10月1日施行分



Revised Design Act - Report on Applications for Designs under Newly Expanded Scope of Protection – Part II

改正意匠法に基づく新たな保護対象についての意匠登録出願状況-その2

On October 8, the JPO published on their website a report on the state of applications for designs that fall under the newly expanded scope of protection, as set forth under Japan's revised Design Act (which came into effect on April 1, 2020). This report provides the number of applications for images, buildings, and interiors (categories which were newly made subject to protection) as follows. (Representing information available as of October 1).

Number of Design Registration Applications

Images: 450

Buildings: 204

Interiors: 132

(Source: JPO website)

On the other hand, the number of applications for images, buildings, and interiors as of July 1 is as follows.

Number of Design Registration Applications

Images: 239

Buildings: 133

Interiors: 98

(Source: JPO website)

Comparison of the number of applications as of October 1 with the number of applications as of July 1 shows as follows.

Number of Design Registration Applications from July 2 to October 1

Images: 211

Buildings: 71

Interiors: 34

The above results show that the design registration applications have been filed steadily during three months from July 2, although the increase rate of the applications during that period is a bit slower than that during three months from April 1 to July 1.

10月8日に特許庁HPに、改正意匠法(令和2年4月1日施行)に基づく新たな保護対象について出願状況が公表された。これによると、新たな保護対象となった「画像」、「建築物」、「内装」の意匠について、出願件数は以下のとおりである(10月1日時点で取得可能なものに限る)。

	画像	建築物	内装
意匠登録出願件数	450	204	132

特許庁HPより

これを7月1日時点の出願数と比較すると、

7月1日時点の出願数

	画像	建築物	内装
意匠登録出願件数	239	133	98

特許庁HPより

7月2日から10月1日までの出願数

- ・画像:211
- ・建築物:71
- ・内装:34

となり、7月2日からの3か月間の出願の増加スピードは、4月1日からの3か月間と比較して、やや鈍化しているものの、順調に出願されているようだ。

Revised Copyright Act Partly Came into Effect on October 1 改正著作権法-10月1日施行分

The Revised Copyright Act passed the 201th Ordinary Diet session on June 5, and was promulgated as Law No. 48 of 2020 on June 12.

Among the revisions, the following have come into effect on October 1.

Countermeasure against leech sites

- Establishment and operation of leech sites shall be the subject of criminal penalties.
- Pasting hyperlinks of infringing contents at leech sites etc. is considered as infringement of copyrights etc., and shall be the subject of civil and criminal liabilities.

Expansion of scope of restriction of rights related to accidentally being taken in photos

- The scope of restriction or rights will be expanded, such as inclusion of live streams and screen shots.

Improvement in provision on restriction of rights related to administrative procedures

- Copy of documents etc. was admitted in patent examination procedures etc. under the Copyright Act before the revisions. Copy of documents etc. is now admitted not only in patent examination procedures etc. but also in examination of geographical indication and plant varieties under the Plant Variety Protection and Seed Act, and the ordinance of the cabinet can add similar procedures.

Introduction of counter system related to rights of using works

- Licensees have rights of using works etc. by agreement of copyright holders etc. In order to enable licensees to continue to use the works when the copyrights are transferred to other persons, this system is introduced to enable the licensees to counter the assignees.

The revisions other than the above will come into effect on January 1, 2021.

改正著作権法は令和2年6月5日の第201回通常国会において成立し、同年6月12日に令和2年法律第48号として交付された。

本法律の改正事項のうち、10月1日について施行された内容は以下である。

・リーチサイト対策

- リーチサイト等を運営する行為等を刑事罰の対象とする。
- リーチサイト等において侵害コンテンツへのリンクを掲載する行為等を、著作権等を侵害する行為とみなし、民事上・刑事上の責任を問い得る様にする。

・写り込みに係る権利制限規定の対象範囲の拡大

- 生配信やスクリーンショットを対象に含める等、対象範囲の拡大を行う。

・行政手続きに係る権利制限規定の整備

- 現行法で対象とされている特許審査手続等に加えて、種苗法・地位的表示

の審査等に関する手続きを規定すると共に、これらに類する手続きを政令で定めることが出来る事とする。

・著作物を利用する権利に関する対抗制度の導入

-著作権者等から許諾を受けて著作物等を利用する権利について、その「著作権等を譲り受けた者その他の第三者」に対抗することができることとする。

上記以外の内容は、令和3年1月1日施行される。

*参照HP

文化庁HP「令和2年通常国会 著作権法改正について」



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.

Below are links to further IP information.

BIO IP Information <hr/> バイオ知財情報	IT IP Information <hr/> IT知財情報	IoT × AI Support Station <hr/> IoT×AI支援室
Food & Medical Business Support Station <hr/> 食品×医療支援室	Major & Emerging Economic Powers <hr/> 諸外国知財情報	TPP I.P. Chapter <hr/> TPP知財情報

Please visit our facebook pages below.

Our Legal Strategy Department on Facebook 法務戦略部Facebook

Our Legal Strategy Departments based in Osaka and Tokyo provide information on trademark applications, design applications, combating counterfeit goods etc. via Facebook. Please view our Facebook page for more details.

大阪・東京に拠点を置く法務戦略部のFacebookにて、商標出願・模倣品対策・意匠出願などの知財に関する情報を発信しております。ぜひご覧下さい。

[More information](#) [詳細はこちらへ](#)

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Our Hiroshima Office on Facebook 広島事務所Facebook

Our Hiroshima Office's Facebook page provides useful services for Hiroshima prefecture and the rest of the Chugoku and Shikoku regions, with constant IP information updates. Please find us on Facebook.

広島事務所のFacebookにて、広島県を含む、中四国地域の皆様に有用と思われる知財情報を随時発信しております。ぜひご覧下さい。

[More information](#) [詳細はこちらへ](#)

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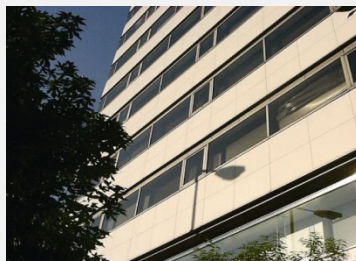
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