

JAPAN INTELLECTUAL PROPERTY ASSOCIATION

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14th April, 2011

Mr. Ricardo R. Blancaflor
Director General
Intellectual Property Office of the Philippines
IPO Building,
351 Sen. Gil Puyat Ave., Makati City,
Philippines

Dear Mr. Ricardo R. Blancaflor,

Re: 2nd version of the IRR for Patents, Utility Models, and Industrial Designs

The Japan Intellectual Property Association (JIPA) is a non-governmental organization that was established in 1938, which represents users of intellectual property systems. As an association having around 900 Japanese leading companies, JIPA submits requests and proposals to the relevant authorities and organizations with regard to the establishment of intellectual property systems overseas and improvements in the implementation thereof.

As for recruiting comments "2nd version of the IRR for Patents, Utility Models, and Industrial Designs" on your website, we have examined the draft among JIPA members and submit important issues for IP stakeholders.

Your deeply consideration on these matters will be appreciated.

Yours faithfully,

(Kenichi Osonoe)

Managing Director
Japan Intellectual Property Association
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JAPAN

**Comments on the 2nd version of the IRR
for Patents, Utility Models, and Industrial Designs**

Japan Intellectual Property Association

1. Approval the filing date

(Relevant Rules)

Rule 1504. Filing Date of Industrial Design

(Request)

Concerning the approval the filing date, the letter 'or' should be revised 'and' in the Rule 1504 (b) *A representation of the article embodying the industrial design or a pictorial representation thereof.*

(Reasons)

Depending on articles, one industrial design is used among various items, such as automobiles, model toys, and decorated sweet treats.

Industrial designs should be identified not only '*A representation of the article embodying the industrial design*' but also '*A pictorial representation*', and vice versa. Otherwise this draft rule brings over-protection to applicants.

Therefore, we hope that requirements to approval the filing date need submitting both '*A representation of the article embodying the industrial design*' and '*A pictorial representation*'.

2. Partial design system

(Relevant Rules)

Rule.1515.2. Use of Broken lines in the Design Drawings

(Comment / Confirmation)

We give our approval to this new rule, '*UNCLAIMED ENVIRONMENTAL STRUCTURE IN THE DRAWING DISCLOSURE MAY BE SHOWN ONLY IN BROKEN LINES*', if that means a protection by the partial design system.

3. Photographs as drawings

(Relevant Rules)

Rule 414.13 which will be applied to. Rule 1608

(Request)

We request to accept photographs as formal drawings.

(Reasons)

In many countries, many applications of industrial designs have photographs. If photographs are not accepted as formal drawings, we have to re-make them to line drawings. That imposes applicants high cost. And in the case of colored designs, photographs are the best way to identify their articles. Therefore, we hope this rule is revised.

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