

**3D TRADEMARKS AND INDUSTRIAL DESIGNS
MULTI-PROTECTION OF INNOVATIONS
CUMULATIVE, NON-EXCLUSIVE RIGHTS**

**3D商標及び工業意匠の
累積的イノベーションの多重保護、
非独占的な権利
LEGAL ASPECTS**

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desde 1924

ISERN PATENTES Y MARCAS
Abogados y Agentes de la Propiedad Industrial e Intelectual

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TRADEMARK: DEFINITION AND CHARACTERISTICS

商標の定義と特徴

The trademark, besides of having the usual marketing requirements, also has to be capable of: 商標は、通常のマーケティング要素に加えて、以下の機能も備えている必要があります。

To distinguish/individualize a product in the market: to differentiate the product from the others of analogue nature. 市場で製品を区別/個別化すること：製品を他のものと区別する為。

To identify the Company which markets / distributes the product. 製品を販売/配布する会社を特定する為。

I. LEGAL CONCEPT: TRADEMARK

Article 4 REGULATION (EU) 2017/1001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 June 2017 on the European Union trade mark

欧州連合商標に関する2017年6月14日付欧州議会及び理事会規則第4条法令 (EU)2017/1001

An EU trade mark may consist of any signs, in particular words, including personal names, or designs, letters, numerals, colours, the shape of goods or of the packaging of goods, or sounds, provided that such signs are capable of: EU商標は次にあげることが可能な何らかの記号、特に個人の名称を含む語、又は意匠、文字、数字、色、商品もしくは包装の形状又は、音により構成されている。

- (a) distinguishing the goods or services of one undertaking from those of other undertakings; and 企業の商品またはサービスを他企業の商品またはサービスと識別する。
- (b) being represented on the Register of European Union trade marks ('the Register'), in a manner which enables the competent authorities and the public to determine the clear and precise subject matter of the protection afforded to its proprietor. 欧州共同体登録簿に表示されているため、権限を有する当局及び公衆がその所有者に付与される保護の明確、かつ正確な主題を判断することが出来る態様でEU商標登録簿に表示される。

I. LEGAL CONCEPT: TRADEMARK

法的概念：商標

Your trade mark is the symbol your customers use to pick you out. It distinguishes you from your competitors. You can protect and build upon your trade mark if you register it.

商標は消費者に選んでもらえるために使うシンボルです。それは競争相手から区別し登録することにより商標を保護しその上にビジネスを構築させる事ができます。

In some countries, you can also get protection even if your trade mark is not registered, as long as it is used. However, you are well advised to register it in order to obtain the best protection.

国によっては商標が登録されていなくても、使用されていれば保護を受けることができるが、最高の保護を得るために登録することを進めます。

The only condition imposed on a registered trade mark is that it must be clearly defined; otherwise neither you nor your competitors will be certain of what it covers.

登録商標に課せられる唯一の条件は、それが明確に定義されなければならないということ。でなければ、権利者も競争相手もそれが何を保護するのか確信が持てない。

One trademark has to pass two exams for being registered: 1つの商標が登録されるために2つの審査に合格する必要があります。

- The absolute grounds: not incur in any of the legal prohibition.絶対的拒絶理由の審査：法的に登録を禁止する商標に該当しないかどうか。
- The relative grounds: not collide with other prior marks.相対的拒絶理由の審査：他の先行商標と衝突しないかどうか。

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I. LEGAL CONCEPT: TRADEMARK :ABSOLUTE GROUNDS: LEGAL PROHIBITIONS FOR THE REGISTRATION OF TRADEMARKS 絶対的根拠：商標登録の法的禁止

When you create a trademark, it is necessary to take into Account the Absolute grounds established in the art 7 of the REGULATION (EU) 2017/1001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 June 2017 on the European Union trade mark 商標を作成する際、EU商標の欧州議会/理事会の規定2017/1001第7条で確率された絶対的根拠を考慮する必要がある。

Article 7 Absolute grounds for refusal



1.The following shall not be registered:

- (a) signs which do not conform to the requirements of Article 4;第4条の要件に適合していない記号 i.e. **the first chapter of EL QUIJOTE**
- (b) trade marks which are devoid of any distinctive character; 識別性を欠く商標 i.e. **TABLE in class 20 for “tables”**
- (c) trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service, or other characteristics of the goods or service; 商標であって、商品の種類、品質、数量、用途、価格、原産地、生産時期、サービスの提供時期又は商品又はサービスのその他の特徴を示すために取引上使用する事が出来る記号又は表示のみによって構成されているもの i.e. **“bood tables” in class 20 for “tables”**
- d) trade marks which consist exclusively of signs or indications which have become customary in the current language or in the bona fide and established practices of the trade;商品であって、通用語において又は構成であり、かつ確執した商慣習において、常用されるようになっている記号又は表示のみによって構成されているもの i.e. **“burguer”**
- e) signs which consist exclusively of:
 - (i) the shape, or another characteristic, which results from the nature of the goods themselves; 商品そのものの性質から生じる形状又はその他の特徴
 - (ii) the shape, or another characteristic, of goods which is necessary to obtain a technical result; 技術的成果を得るために必要な商品の形状又はそのほかの特徴
 - (iii) the shape, or another characteristic, which gives substantial value to the goods; 商品に本質的価値を与える形状又はその他の特徴

I. LEGAL CONCEPT: TRADEMARK :ABSOLUTE GROUNDS: LEGAL PROHIBITIONS FOR THE REGISTRATION OF TRADEMARKS

- (f) trade marks which are contrary to public policy or to accepted principles of morality; 16.6.2017 L 154/8 Official Journal of the European Union EN i.e. **EUTM 18054227 “MARIHUANA”cl 30,32,34**
- (g) trade marks which are of such a nature as to deceive the public, for instance as to the nature, quality or geographical origin of the goods or service;i.e. **from Italy**
- (h) trade marks which have not been authorised by the competent authorities and are to be refused pursuant to Article 6ter of the Paris Convention for the Protection of Industrial Property ('Paris Convention'); **i.e. “CHAMPAGNE”**
- (i) trade marks which include badges, emblems or escutcheons other than those covered by Article 6ter of the Paris Convention and which are of particular public interest, unless the consent of the competent authority to their registration has been given;
- (j) trade marks which are excluded from registration, pursuant to Union legislation or national law or to international agreements to which the Union or the Member State concerned is party, providing for protection of designations of origin and geographical indications;
- (k) trade marks which are excluded from registration pursuant to Union legislation or international agreements to which the Union is party, providing for protection of traditional terms for wine;
- (l) trade marks which are excluded from registration pursuant to Union legislation or international agreements to which the Union is party, providing for protection of traditional specialities guaranteed;
- (m) trade marks which consist of, or reproduce in their essential elements, an earlier plant variety denomination registered in accordance with Union legislation or national law, or international agreements to which the Union or the Member State concerned is a party, providing for protection of plant variety rights, and which are in respect of plant varieties of the same or closely related species.

I. LEGAL CONCEPT: TRADEMARK :ABSOLUTE GROUNDS: LEGAL PROHIBITIONS FOR THE REGISTRATION OF TRADEMARKS EXCEPTIONS

Exceptions:例外

- * When the trademark has acquired distinctive character for the goods or services for which registration is sought in consequence of the use made of said mark. 当該商標の使用結果として登録が求められる商品又はサービスに特有の識別性を獲得したとき。
- When from the combination of the absolute grounds results a distinctive sign
絶対的拒絶との組み合わせで識別性があると判断したもの



Trademark composed by Words of
Common use

一般的に使用する言葉で構成された商標



Trademark with one meaning totally

different of the covered good

保護された商品とは異なる意味を持つ商標



I. LEGAL CONCEPT: TRADEMARK :RELATIVE GROUNDS:OTHER PRIOR RIGHTS

Relative Grounds: are those referred to earlier trademarks 相対的根拠：先行商標で言及されているもの

Article 6. Earlier trademarks 第6条 先行商標

1. The following signs shall not be registered as trademarks: 以下の標識

a) Those which are identical to an earlier trademark and claim identical goods or services.

b) Those which by being identical or similar to an earlier trademark and by claiming identical or similar goods or services may give rise to a likelihood of confusion on the part of the public; the likelihood of confusion includes the likelihood of association with the earlier trademark.

I. LEGAL CONCEPT: TRADEMARK :RELATIVE GROUNDS:OTHER PRIOR RIGHTS

The general rule is: two trademark should be consider incompatible when they cover identical/similar products with an identical or similar

denomination: 2つの商標が同一または類似名称でありさらに、同一または類似の商品をカバーする場合相互性がないと判断される必要があります。

Example:

SAMSUNG

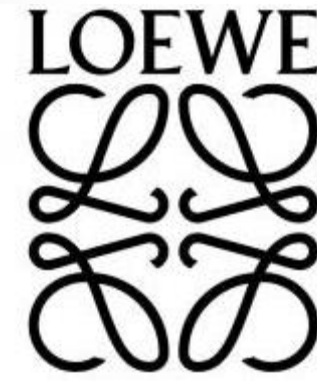
SAMSING

Televisions

televisions

I. LEGAL CONCEPT: TRADEMARK :RELATIVE GROUNDS:OTHER PRIOR RIGHTS

Two trademark should be consider incompatible when they cover identical/similar products with an identical or similar denomination, At least they have to coincide in the same market field: 2つの商標が同一または類似名称でありさらに、同一または類似の商品をカバーする場合相互性がないと判断される必要があります。少なくとも、同じ分野で一致している必要があります。



Handbags and perfumes vs televisions and electronics

I. LEGAL CONCEPT: TRADEMARK :CLASSIFICATION OF PRODUCTS AND SERVICES

The International Agreement named Nice Classification, classifies all the products and services in the market in 45 classes. ニース分類と名付けられた国際協定は、市場に出回るすべての商品と役務を45のクラスに分類しています。

From the class 1 to the 34: are included all the products and from the 35 to the 45 all the services, 区分1-34までは、すべての商品が含まれ、35-45はすべての役務が含まれます。

This classification is updated each 2 years and each country adapts its content in its Internal rules. この分類は2年ごとに更新され、各国はその内容を国内規定に適合させます。

I. LEGAL CONCEPT: TRADEMARK :CLASSIFICATION OF PRODUCTS AND SERVICES

The International classification is ruled by the WIPO (World International Property Organization) and it is detailed in its webpage 国際分類はWIPO国際事務局によって管理されており、その詳細はホームページを閲覧できます。

http://web2.wipo.int/classifications/nice/nicepub/en/fr/edition-20160101/taxonomy/class-5/?pagination=no&lang=en&mode=flat&explanatory_notes=show&basic_numbers=show

For example: the pharmaceutical products are included in class 5 and the cosmetics in class 3 例えば医薬品は区分5に含まれ、化粧品は区分3に含まれます。

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I. LEGAL CONCEPT: TRADEMARK :TYPOLOGY OF TRADEMARKS







<u>TERRITORIAL POINT OF VIEW</u>	
NATIONAL TRADEMARK: 国内商標	When the trademark is filed directly in the interested National Office. 関心ある国の庁に直接出願。
EUTM:	When the trademark is filed before the EUIPO (European Office of the IP). These marks cover the whole EU. 欧州連合知財庁に商標出願した場合。商標はEU全体でカバーされる。
INTERNATIONAL TRADEMARKS: 国際商標	When based on a national registration different abroad extensions are filed before the WIPO (International Office of the IP) 国内登録に基づき、WIPO (国際事務局) へ希望する様々な諸外国へ出願。
FOREIGN TRADEMARK: 外国商標	When the trademark is filed directly in the National Office of a foreign country. 希望する諸外国の庁へ直接出願。

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I. LEGAL CONCEPT: TRADEMARK :TYPOLOGY OF TRADEMARKS

商標の種類

<u>NATURE POINT OF VIEW</u>	
VERBAL MARKS: 言語商標	“BIODRAMINA”; “IPHONE”
FIGURATIVE : 図形商標	 
GRAPHIC: グラフィック	  
TRIDIMENSIONAL: 3D	

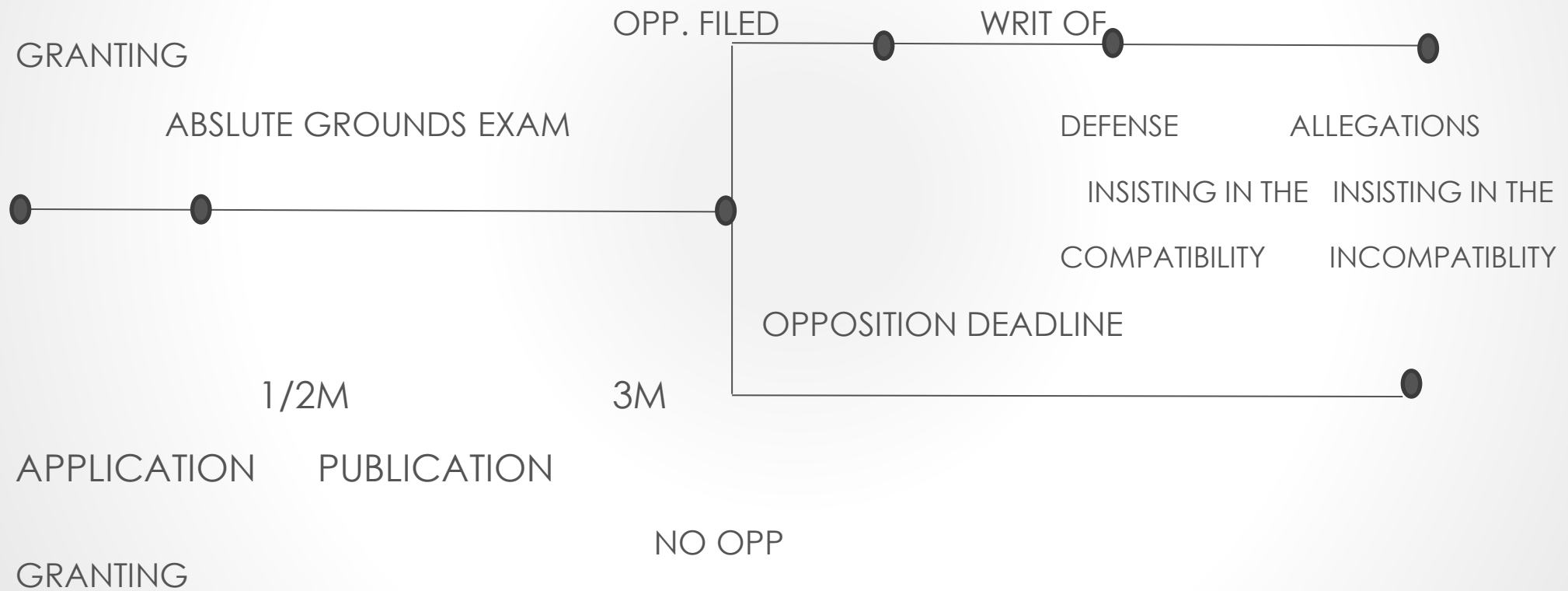
I. LEGAL CONCEPT: TRADEMARK :OTHER TYPE OF TRADEMARKS: LEGAL CHANGES

After studying the basic tools to protect the industrial projects, now we are going to comment the new type of trademarks ruled in the REGULATION (EU) 2017/1001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 June 2017 on the European Union trade mark: 法令で規定されている新しいタイプの商標

- . Sound trademarks: onomatopoeia 音
- . Olfactory trademarks : 匂い
- . Taste trademarks 味
- . Hologram trademarks: the vird of VISA card. ホログラム
- . Movement trademarks: 動き

I. LEGAL CONCEPT: TRADEMARK :OTHER TYPE OF TRADEMARKS: LEGAL CHANGES. REGISTRATION PROCESS

商標の登録までのプロセス



II.- INDUSTRIAL DESIGNS: DEFINITION AND CHARACTERISTICS

- In the Intellectual Property field, the legal concept of Industrial Design is 知的財産分野では、工業意匠の法的概念は次の通りです。: **COUNCIL REGULATION (EC) No 6/2002 of 12 December 2001 on Community designs**

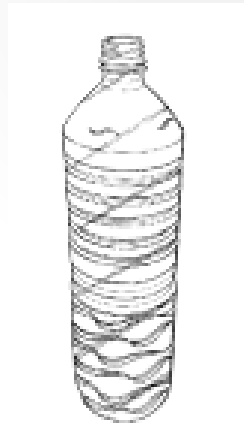
‘The appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colors, shape, texture and/or materials of the product itself and/or its ornamentation’, (Art 3 Design Regulation). 意匠とは、製品の全体又は、一部の外観であって、その製品自体及び/又はそれにかかわる装飾、特に線、輪郭、色、形状、織り方及び/又は素材の特徴から生じるものをいう。

II.- INDUSTRIAL DESIGN: TYPE OF INDUSTRIAL DESIGNS

An industrial design can be presented as:

a) Tridimensional design, the shape of the product:

工業意匠は製品の形状である3Dデザインとして提示することができます。



II.- INDUSTRIAL DESIGN: TYPE OF INDUSTRIAL DESIGNS 工業意匠の種類

b) Bidimensional design, ornaments, lines, contours, colors, shape of the product 二次元意匠、装飾品、線、輪郭、色、商品の形状



c) A combination of elements such as the mentioned ones:

上記要素の組み合わせ



II.- INDUSTRIAL DESIGN: PARTICULARITIES 特殊性

An Industrial design is in force and, has the correspondent legal effects, during 25 years from the application date (the owner has to renew it each 5 years during this period).

意匠は出願日から25年間法的効力があります。（権利者はこの期間中、5年ごとに更新手続きを行う必要がある）

The industrial design will cover those territories which have been detailed in its application: national, UE or a foreign country.

工業意匠は、申請書内に記載された地域（自国、欧州共同体または、諸外国）を対象に保護する。

II.- INDUSTRIAL DESIGN: PARTICULARITIES 特殊性

Once you file the Design, since it covers the appearance of a product, you have to show all the possible views and angles of the design and the possible versions that the competitors can replicate: 商品の外観を保護する為、意匠登録後に第三者が複製できる可能性がある意匠の角度やバージョンを表示する必要がある。



it covers the form of the product in the market

市場に実在する商品の形状を保護している。

二重登録：企業戦略

DOUBLE REGISTRATION: COMPANY STRATEGY

it cover the distinctive logotype or word that allows the consumer to identify the product

消費者が製品を特定出来る様、識別性あるロゴ/文字を保護



EU DESIGN Núm. 002077115-0009



EU TRADEMARK No. 7426661



EU TRADEMARK No. 5057179

Owner: THE PROCTER & GAMBLE COMPANY



EU DESIGN Núm. 001543125-0011



EU TRADEMARK Núm 6572382



EU TRADEMARK Núm 6580476



EU TRADEMARK Núm 6580666

Owner: THE PROCTER & GAMBLE COMPANY

WHICH KIND OF PROTECTION DO YOU THINK THESE PRODUCTS HAVE

下記製品にはどのような保護があるか。



WHICH KIND OF PROTECTION DO YOU THINK THESE PRODUCTS HAVE

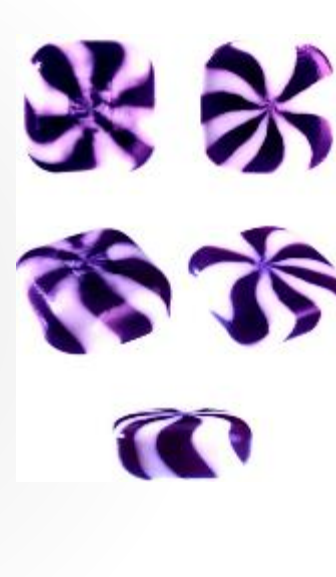
下記製品にはどのような保護があるか。



EU Design No. 002405696 – 0060



EU TM18332537



EUTM 03095651

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WHICH KIND OF PROTECTION DO YOU THINK THESE PRODUCTS HAVE

下記製品にはどのような保護があるか



WHICH KIND OF PROTECTION DO YOU THINK THESE PRODUCTS HAVE

下記製品にはどのような保護があるか



EU Design No.000006689
000011028



EUTM 012610961

EUTM 000143933

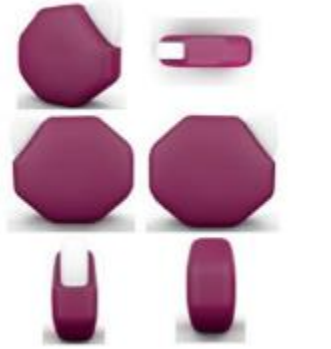


EU Design

Exceptions: when the intensive use of the product converts it in a trademark
例外：製品の使用頻度により、商標として転換された。



EUTM 031203



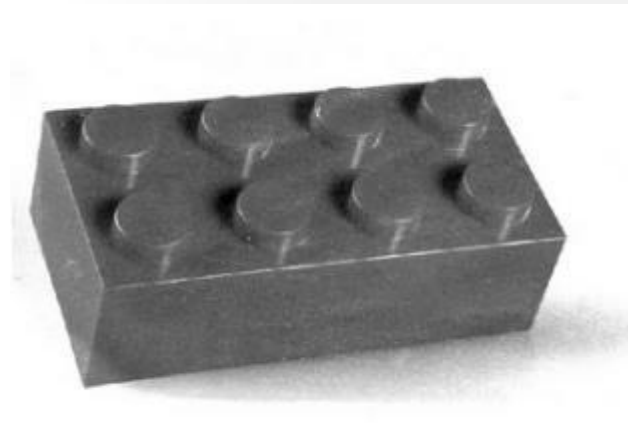
EUTM 3630714



EUTM 8577298



EUTM 0151985



EUTM 4938635

Exceptions: when the intensive use of the product converts it in a trademark

例外：製品の使用頻度により、商標として機能する。

It is pretty clear that, all these products, after their intensive use in the market and their advertising they became a trademark. 市場での頻繁使用と広告の結果、商標となったもの。

With their visualization the consumer can identify the product, the owner and the quality of the product or services it is marketing. i.e. 商品の形状により消費者は商品、権利者と商品品質若しくは役務を特定する事が可能。



So the industrial design, which identifies the chocolate shape in this case, has become a distinctive sign for the consumer. And every time the consumer sees a rabbit in the chocolate shops, he is able to figure it out that the LINDT trademark and company are behind the product. 従い、この場合のチョコレートの形状を認識する工業意匠は、消費者にとり識別性がありいかなる時も市場でウサギのチョコレートを見た際、Lindt商標と当ブランド企業が背景にあることを認識する。

¿In real life ... What can we
protect?
実社会における保護

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A new product: ¿what can we protect?

UNIVERSAL DE DESARROLLOS ELECTRÓNICOS S.A.



HENKEL AG & CO KGAA



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CIRSA 

EUTM No. 011224458



International Registration nº
721998

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HENKEL AG & CO KGAA



CIRSA 

EUTM núm. 011224458



EU Design núm. 000293410-0001
"furniture for slots"



IR 728081

EU DESING 000195185-001
"office equipment"



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EU Desing núm.
001919556-0001
"slot video screens"

HENKEL AG & CO KGAA

EU Design 000596061-0004



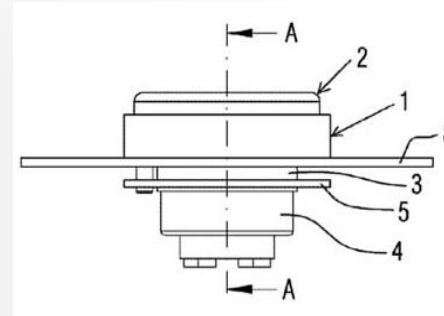
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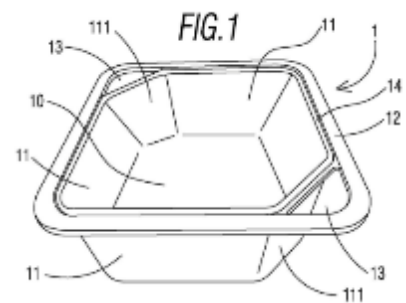
Utility modeln. U201030319 (ES1072280)
por "switch- push botton"



INDUSTRIAL IRIS, S.A.



INDUSTRIAL IRIS, S.A.

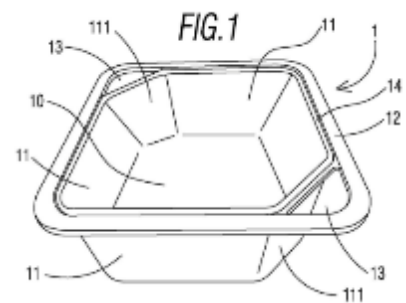


Utility model num. U201230071
(ES1076194) for covering "container with top
for cooking foodstuff"



Community design núm. 001995473-0002 r
"utensils and containers for cooking"

INDUSTRIAL IRIS, S.A.



Utility model núm. U201230071
(ES1076194) "container with top for cooking
foodstuf"



EU Design núm. 001995473-0002 "utensils
and containers for cooking"



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INDUSTRIAL IRIS, S.A.

This container design became very famous in Spain and it has been protected through an Industrial design. Its owner has 25 years for marketing it in exclusively 当意匠はスペインで非常に有名となり、工業意匠で保護されており、権利者は25年独占販売の権利を保持しています。



DIFFERENCES BETWEEN THE LEGAL PROTECTION OF A 3D TRADEMARK AND AN INDUSTRIAL DESIGN

3D TRADEMARK	INDUSTRIAL DESIGN
<p>The 3D trademark covers the distinctive character of the sign in front of other signs preexistent in the same market area. 3D商標は同市場にすでに先在する商標マークとの識別性を保護する。</p>	<p>The Industrial designs cover ‘The appearance of the whole or a part of a product resulting from the features’ The industrial design requires novelty and singular character 工業意匠は特徴際立つ外観の全体もしくは一部を保護。新規性と特有性が求められる。</p>
<p>The trademarks require distinctive character 商標は識別性を要する。</p>	<p>The industrial designs require novelty 新規性を要する。</p>
<p>Trademarks have no time limit they can be renewed endlessly 商標は更新して永久的に有効。</p>	<p>The industrial designs have legal effects for a maximum of 25 years from the application. 申請から最長25年有効。</p>

3D TRADEMARK OR INDUSTRIAL DESIGN

3D商標か工業意匠か

Nowadays, the companies have different legal tools to cover their creations or new projects.

近年、企業は独自製品又は、新規プロジェクトを保護するために様々な法的ツールを持っています。

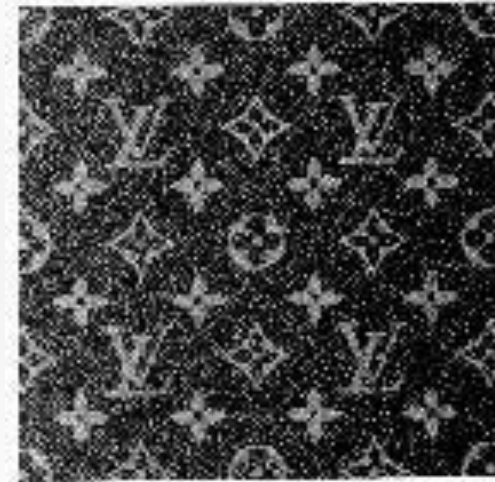
Depending on the character of these new projects (continuity in the market, importance of the Project, etc) the companies will prefer the 3D trademark (which is renewed endlessly) or the Industrial Design (which covers the appearance of the product in the market).

新規プロジェクトの特徴に応じ、企業は3D商標もしくは工業意匠を選択可能。

PROTECTION OF BAGS



EU Design 001957200-0001
LOUIS VUITTON MALLETIER

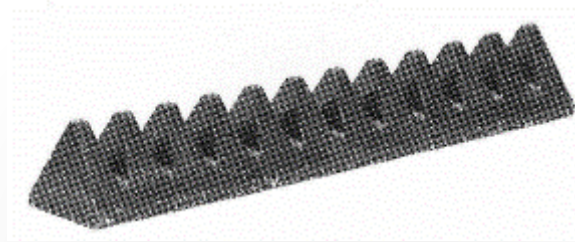


EU Trademark No.
15602

Protection of Chocolates



EUTM 0031203



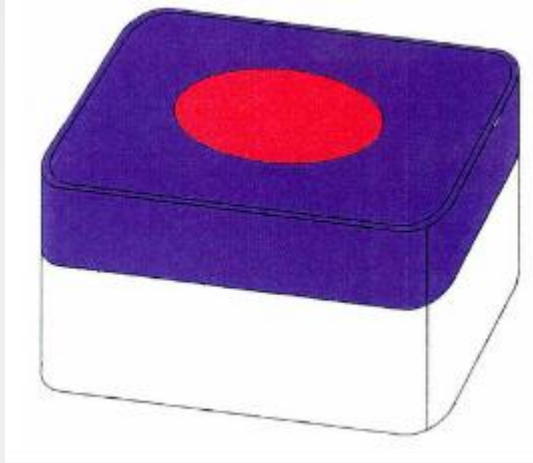
EUTM 0031237



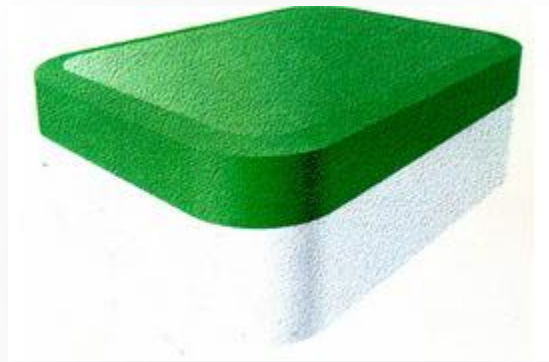
EUTM 00505461

These marks can be renewed forever, so it has been a clever decision to cover the chocolate products as 3D trademark. Kraft Foods Schewiz Holding GmbH 上記商標は永久に更新可能なため、製品を3D商標として保護する事は賢明な決断。

Soaps Protection



EUTM 0011403000



EUTM 00840090

These marks can be renewed forever, so it has been a clever decision to cover the chocolate products as 3D trademark. 先述と同様の理由で、3D商標登録で保護。Henkel AG & Co. KGaA

RISKS OF 3D TRADEMARKS

The risk of filing a shape as 3D trademark is that it has to keep the distinctive character required by law to be a trademark.

形状を3D商標として申請するリスクは、法令で定められている商標であるための識別性を維持しなければならないことである。

A lot of companies tend to file as 3D trademarks the shape of their products since, if the trademark is granted, they can have an endless protection.

多くの企業は、商標が付与された場合、無限の保護を得ることが出来るため製品の形状を3D商標として登録する傾向にある。

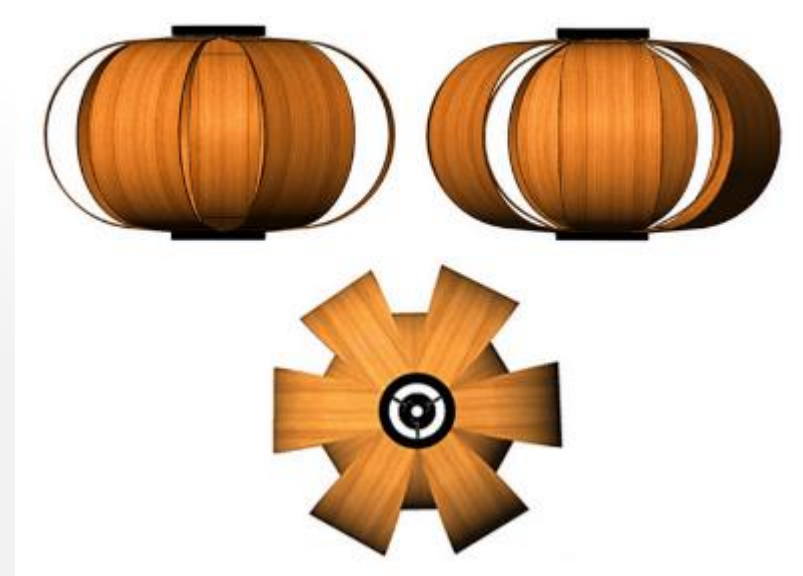
This granting depends on the examiner, who will have to evaluate if the filed trademark accomplishes with the two main requirements:

付与は出願商標が下記二つの主要条件を満たしているかどうか審査官の評価による。

- A) Distinctive character 識別性
- B) Identify the origin of the product 製品の製造元を特定

RISKS OF 3D TRADEMARKS

The case of the EUTM 18271785 is an example: it was refused because the examiner considered that the Intended mark lacks of distinctive character. (main requirement of The trademark)EUTM 18271785ケースが拒否されたのは、審査官が当マークには識別性が欠けていると判断したからである。



The examiner considered that this mark could not be “per se” a distinctive sign, since the consumer could not identify the company origin form the visualization of the graphic from another similar one 審査官が、消費者が別の類似したグラフィックと比較して、当案件のグラフィックが識別性に欠け製造元を特定できないと判断したからである。

CONFLICT BETWEEN 3D TRADEMARK AND INDUSTRIAL DESIGN

Since the international, community and National laws allow the registration of 3D trademarks and industrial designs, these two type of registration start to be object of conflict in the different markets. 国際/地域/国内法では3D商標と意匠の登録を許可するようになってから、これら2種類の登録法は各市場で対立の対象になり始めています。

The examiner has to evaluate if the consumer could be misled to think that both signs come from the same Company or the products have the same quality, etc. 審査官は、消費者がこれら2商標が同じ企業に由来するもしくは、同一の品質を有していると誤解するかどうか、評価する必要がある。

So the recent resolutions have become into a detailed analysis of the confronted shapes and their differences. そのため、直近の決議では、双方の違いや芸上の詳細を分析することが求められる。

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CASE LAW: EUIPO CANCELLATION NO. 26903 C (NULLITY) DECEMBER 17TH 2019

Agua-Mancha, S.L., against Marqués de Murrieta, S.A,

Agua-Mancha, S.L., 対 Marqués de Murrieta, S.A,

15 192 123 based on the EU Design 1 681 545-0001 The applicant filed a cancellation action to declare the invalidation against all products included in class 33 of the European Union mark 申請者は EU 共同体商標の 33 区分に含まれるすべての商品に対する無効訴訟を提起しました。



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The fact that both rights consist of bottles with edges verticals and a space dedicated to a label is not enough for the existence of similarity between the earlier design and the contested mark three-dimensional. 双方の主張する権利がボトルの縦縁とラベル専用のスペースであるという事は、先行意匠と争われている3D商標との類似性を主張するのに不十分である。

There are different features in both rights as detailed above. Therefore, with all of the above, the overall impression caused by the design above and the contested EUTM is very different.

上記詳述したように双方の権利には異なる機能があります。従い、デザインによる総体的な印象とEUTMの主張は大きく異なります。

The consumer will have a very different overall impression when he compares the confronted signs: 消費者にとり、双方商標を比較すると総体的印象が大きく異なります。

CASE LAW: EUIPO CANCELLATION NO. 26903 C (NULLITY) DECEMBER 17TH 2019



In view of the foregoing, it is concluded that the contested trademark is moving away clearly from the previous design. Shows differences in characteristics of the earlier design that are not subject to any technical necessity that forces the author to adopt a certain form and size. 以上より、争われている商標は先行意匠と比較して明らかに違いと結論付けられました。先行意匠とは異なる特徴を示しており、作者に特定のフォームとサイズを採用させるような技術的な必要性はありません。

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Thank you for your attention ご視聴有難うございました。

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