

Study on Protection of “The Displayed Images” under Japanese Design Law*

Design Committee

(Abstract)

With the rapid progress of IT (Information Technology), protection by intellectual property rights has been expanding from tangible thing (hardware) to intangible thing (software). As far as the Japanese Patent Law and Trademark Law are concerned, the amended Laws are to come into force, focusing protection of computer programs. As to the Japanese Design Law, on the other hand, the [“Guidelines on treatment of delineation on liquid crystal displays (version dealing with the partial design registration system)”] were made public on February 20, 2002. According to the Guidelines, protection of “the displayed images” on display screen, including GUI (Graphical User Interface), was realized under the partial design registration system. The Design Committee discuss, in this article, an outline of the Guidelines, problems concerning protection of “the displayed images” under the Japanese Design Law currently and an ideal of protection of “the displayed images” in the future.

Contents

1. Introduction
2. Outline of the “Guidelines on Treatment of Delineation on Liquid Crystal Displays”
 - 2.1 Guidelines Issued in 1993
 - 2.2 Guidelines Issued in 2002
3. Problems in the Current Design Registration System Concerning Protection of “The Displayed Images” and Measures for Practical Business Affairs
 - 3.1 Problems in the Guidelines Issued in 2002
 - 3.2 Problems in the Current Design Registration System
 - 3.3 Relationship with the Copyright Law, Unfair Competition Prevention Law and Patent Law
4. Matters to be Discussed in the Future

1. Introduction

With the rapid progress of IT, companies have spent a great deal of effort in not only the

development of hardware, but also the development of software. As you can see in mobile phones or mobile data terminals, “the displayed images” constitutes an important factor, coupled with functions or design of products, which induces customers to purchase them. “The displayed images”, created as a result of a huge amount of money spent for the development and as a result of investment of human resources, proves to be extremely valuable to companies. Therefore, definite and appropriate protection of “the displayed images” will surely help the progress of the IT industry in Japan.

The Design Committee has studied an outline of the [“Guidelines on treatment of delineation on liquid crystal displays (version dealing with the partial design registration system)”] for protection of “the displayed images” (hereinafter referred to as the [Guidelines issued in 2002]), problems arising where the Guidelines are applied under the current legal system and measures for practical business affairs, and ideal of appropriate protection of “the displayed images” in the future, and make a report in this article.

* “CHIZAI KANRI” (Intellectual Property Management) Vol.52, No.10, pp.1525-1534 (2002)

2. Outline of the “Guidelines on Treatment of Delineation on Liquid Crystal Displays”

The Guidelines are formed according to an idea that “delineation shown on a liquid crystal display screen of an article” should be interpreted as “pattern” or “combination of pattern and color” of an article among components of a design (shape, pattern or color or any combination thereof) under paragraph 1, Article 2 of the Design Law, and should be protected accordingly. The Japanese Patent Office made public the “Guidelines on treatment of delineation on liquid crystal displays” on March 31, 1993 (hereinafter referred to as the [Guidelines issued in 1993]). Thereafter, the partial design registration system came into force on January 1, 1999, and the Japanese Patent Office made public the [Guidelines issued in 2002] on February 20, 2002.

First of all, the Design Committee is going to explain the main point of the two “Guidelines on treatment of delineation on liquid crystal displays” made public by the Patent Office in 1993 and 2002.

2.1 Guidelines Issued in 1993

The Guidelines explain requirements of protection based on two cases, i.e., (1) treatment of “the displayed images” of an article that has a display such as liquid crystal display, and (2) treatment of “the displayed images” of a “liquid crystal display board”. As delineation shown on a display screen only are not articles, in both cases, those delineation will be refused under the Design Law. For example, the picture shown on TV screen or various data shown on computer apply to those delineation.

- (1) Treatment of “the displayed images” of an article that has a display such as a liquid crystal display

The Guidelines explain how to prepare a filing form and drawing of an article that has a liquid crystal display on which delineation are shown upon energization. As examples of articles, the wristwatch and remote controller are given.

- 1) In “the displayed images” of an article that has a display such as a liquid crystal display, if delineation shown on a display satisfy all of

the following three requirements, such delineation are accepted as a component of the design.

- i Such delineation are indispensable from the viewpoint of successful existence of the article.
- ii Such delineation are shown by a function served by the article itself.
- iii If such delineation are subject to change, construction of such change is fixed and specified.

Details of the above three requirements are explained in the [Guidelines issued in 2002], which will be discussed later.

2) If the article becomes useless unless delineation are shown on a display, such delineation should be described in the necessary drawings. As examples of such necessary drawings, drawings of a table clock and thermometer upon energization are given.

3) If delineation shown on a display are accepted as a component of the design and the applicant wants to obtain a registration for the design together with such delineation, such delineation should be described in the necessary drawings. As examples of such necessary drawings, drawings of the vacuum-cleaner that has a liquid crystal display are given.

4) The Guidelines clearly state that, if delineation shown on a display are not described in the “necessary drawings” and the place of such display is not clear, the applicant should mention it in the “explanation of the design” or make clear the place by using a “reference drawing to show energized state”.

Design Registration No.: 1076797
Article to which the design is applied: Wireless telephone

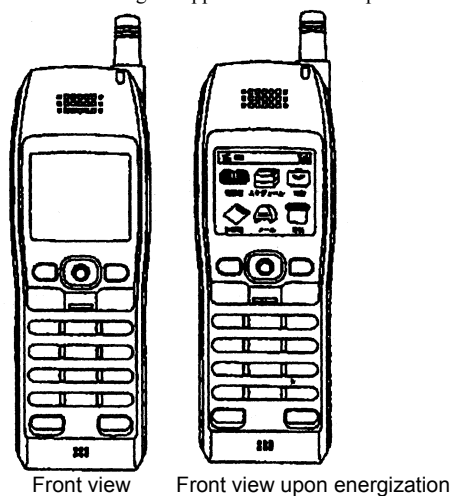


Figure 1 Registration Example (other drawings are omitted)

(2) Treatment of “the displayed images” of a “liquid crystal display board”

Examples given here are a “liquid crystal display board”, as parts, which are intended for use by incorporating such board in a display of various articles. This “liquid crystal display board” itself cannot show delineation unless it is incorporated in a display and unless it is energized. However, if such parts have pixels that are created by supposing delineation shown upon energization, the Guidelines clearly state such parts should be protected under the Design Law. According to the Guidelines, as to construction of pixels, outlines of all pixels should be described in the basic set of six drawings (front view), and each of delineation shown upon energization should be described as a reference drawing. As examples of the above, a “liquid crystal display board for a watch” and “liquid crystal display board for automobile” are given.

As an example that does not satisfy the above requirement, a dot-matrix liquid crystal display board is given. A dot-matrix liquid crystal display board is not accepted as an element of the design because, on such board, pixels are not fixed as construction corresponding to delineation shown upon energization and construction cannot be specified.

2.2 Guidelines Issued in 2002

Three requirements for “delineation shown on a liquid crystal display of an article” to be accepted as an element of a design are as follows.

1st requirement: Delineation shown on a liquid crystal display of an article are indispensable from the viewpoint of successful existence of the article.

2nd requirement: Delineation shown on a liquid crystal display of an article is shown by a function (display function) served by the article itself.

3rd requirement: If delineation shown on a liquid crystal display of an article are subject to change, construction of such change is fixed and specified.

If only the above three requirements are satisfied, “the displayed images” can be registered as “the partial design”. As to preparation of drawings, only “the displayed images” con-

sisting of an article should be drawn in solid lines and other part should be drawn in broken lines, like drawings for an application for “the partial design” in Japan, and drawings so prepared should be submitted.

Design Registration No.: 1135950

Article to which the design is applied: Wireless telephone

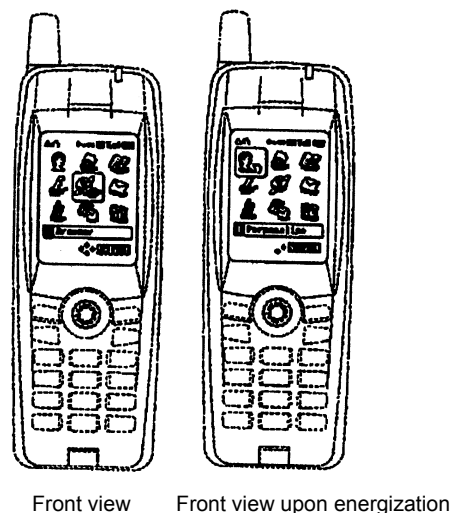


Figure 2 Registration Example Satisfying Three Requirements (other drawings are omitted)

[1st requirement]

It is stated that the followings are applicable to [“the displayed images” that is indispensable from the viewpoint of successful existence of the article]. Article itself that has a liquid crystal display, and displays that summarize the pictures for performing each function shown on such displays (including initial menu display picture showing each function of a mobile phone) or delineation (including icon, remained battery, level gauge).

On the other hand, as examples of “the displayed images” that do not satisfy the 1st requirement, “delineation that functions only as a background shown in the overall display” and “delineation shown on a liquid crystal display of the display device for general-purpose (including monitor receiver and personal computer with display)” are clearly given. These examples are not accepted as indispensable from the viewpoint of original functions of the article and are recognized as those not specifying the display device and creation of the display contents apart from the article, and that’s why they are not

elements to form a design.

This view comes from an idea that, if “delineation shown on a liquid crystal display of an article” are interpreted as “pattern” or “combination of pattern and color” of the article, delineation shown on the display device for general purpose are not created on the basis of a sense of unity with such display device. According to this idea, for example, delineation installed from general-purpose software that is downloaded from commercial package software or the Internet and the picture on web site are deemed to be those not satisfying this requirement.

[2nd requirement]

“The displayed images” that is “shown by a function served by the article itself” can be interpreted as follows. “Such displayed images is shown by a display function of its own, not subject to signals from outside the article”. If such article shows delineation on a liquid crystal display by remote control and such delineation shown by remote control are displayed upon energization and by users’ simple operation, “the displayed images” is treated as the one that is shown by a function served by the article itself. Delineation shown on a liquid crystal display of an air conditioner by remote control is given as examples that satisfy this requirement.

As no example is given in the [Guidelines issued in 2002] that does not satisfy this requirement, it is not clear how simple “users’ operation” must be. However, it can be assumed that delineation shown by data transmitted from other device (for example, video deck operational-screen display shown on TV screen) may be examples that do not satisfy this requirement.

[3rd requirement]

The Guidelines make clear that, in the case where “delineation shown on a liquid crystal display of an article” are subject to change, in order that such delineation are accepted as elements consisting of the design, construction thereof must be fixed and specified, and construction prior to the change of such delineation must be related to construction after the change, from the viewpoint of construction.

As an example that satisfies this requirement, an icon shown on a mobile phone, part of

which is drastically changed according to users’ choice, is given.

On the other hand, although construction of the change is fixed and specified, if construction prior to the change is not related to construction after the change, it is not applicable to a principle of “Unity of Design” under Article 7 of the Japanese Design Law. Therefore, such drawing cannot be included in one application. The Guidelines explain that a liquid crystal display of a mobile phone, which shifts from one to completely different one by users’ operation (hereinafter referred to as “layered display”), is an example that does not satisfy this requirement.

Therefore, if it is desirable to obtain a right of “layered display” that satisfies the 1st and 2nd requirements, it is necessary to file a separate design application therefor.

3. Problems in the Current Design Registration System Concerning Protection of “The Displayed Images” and Measures for Practical Business Affairs

3.1 Problems in the Guidelines Issued in 2002

The Guidelines were made public by the Japanese Patent Office by taking into consideration the fact that protection of “the displayed images” was necessary in Japan and on the assumption that the Design Law currently would not be amended. Viewed in this light, an aim of the Guidelines seems to be entirely appropriate. However, the Design Committee is going to point out that there are some problems in the Guidelines from the viewpoint of practical business affairs.

[1st requirement]

First of all, as to the 1st requirement, the interpretation of “from the viewpoint of successful existence of the article” will be questionable. In other words, when a brand-new function is incorporated in an article, is such function deemed to be “indispensable from the viewpoint of successful existence of the article”?

The meaning of “from the viewpoint of successful existence of the article” varies according to the times. As far as mobile phones are concerned, for example, they have functions

of a telephone, mailing, web site browsing and music playing. Functions that have been already known to the public will not be questionable. However, if it is necessary to make a relative decision in judging applicability of “from the viewpoint of successful existence of the article”, there is the possibility that it is decided that “the displayed images” in connection with a brand-new function does not satisfy the requirement of “from the viewpoint of successful existence of the article”. If it is so interpreted, an aim of the Japanese Design Law, i.e., “to encourage the creation of designs by promoting their protection and utilization so as to contribute to the progress of industry” might not be accomplished, which is an important concern.

If an applicant does not know whether the design satisfies the three requirements or not, the Guidelines suggest that such applicant should mention, in the “explanation of the design” of the filing form, that the design satisfies the three requirements for being accepted to be a component of the design, if necessary. Therefore, in order to reduce those efforts, such applicant had better follow this method.

[2nd requirement]

As to the 2nd requirement, the meaning of “not subject to signals from outside the article” will be questionable. As aforementioned, video deck operational-screen display shown on TV screen will not be accepted as the one satisfying the 2nd requirement. By the way, the operational-screen display of the video side on a “TV set combined with video function” might be possibly accepted as the one satisfying the 2nd requirement, because it is “not subject to signals from outside the article”. The Design Committee worries about the possibility that some design might be protected and some might not, according to construction of the article, even if the operational-screen display of the video is the same, and the possibility that the scope of a design right might vary according to construction of the article.

[3rd requirement]

As to the 3rd requirement, there is no problem theoretically, because an applicant specifies a design for which such applicant wants to obtain registration as a matter of course. However, when the Design Committee was

asked about protection of the design as to “moving images on one display” and “layered display”, opinions divided. Most members agreed that “moving images on one display” should be treated as one design, and some suggested “layered display serially changing” might be treated as one application. On the other hand, some suggested a scope should be limited according to the current Guidelines because of difficulty of investigation and difficulty in deciding a scope of the right.

Under the current design registration system, the scope mentioned in the Guidelines seems to be a limit due to difficulty of investigation and difficulty in deciding a scope of the right. However, if a scope of one application is narrow, design users like us must file a lot of design applications to protect movement of the display picture, thus applicants must spend a lot more money. The Design Committee believes it is necessary to expand a scope of one application and to discuss a possible method of filing an application for moving images based on the necessity of protection of the design creation.

3.2 Problems in the Current Design Registration System

(1) Requirement for an item to be an “article”

There seems to be two matters in the requirement for an item to be an article. One is “interpretation of a right between articles” and the other is “interpretation of a right between an article and non-article”.

1) Interpretation of a right between articles

As the Japanese Design Law protects “design of a shape in an article”, it is a matter of similarity between an article to which the design is applied and an allegedly infringing article in order to decide whether exercise of the design right is possible or not. For example, supposing “delineation shown on a liquid crystal display of an article” is a registered design for an automatic ticket machine and if the same is misappropriated to ATM. An automatic ticket machine and ATM will be decided dissimilar due to the difference in use or function. Therefore, in spite of the fact that one has a registered design for “the displayed images” of an automatic ticket machine, he cannot exercise his right against “the displayed images” of ATM.

Acceptance of exercise of a right beyond

“the requirement for an item to be an article” so as to solve problems as the above seems to be difficult under the Japanese Design Law currently, from the viewpoint of infringement of design rights or examination at the Japanese Patent Office, because, if the Design Laws accepts exercise of a design right beyond similar article, a toy car that appropriates the same design for an automobile is subject to exercise of the design right for such automobile, which is not approved under the Design Law currently, and as a result thereof the balance in the light of laws and markets will not be kept.

Measures for practical business affairs that can be adopted are to file a design application for “the displayed images” of an automatic ticket machine as a part, and at the same time to file another design application for “the same displayed images” of ATM. By this method the applicant will be able to acquire rights both in an automatic ticket machine and in ATM as well.

2) Interpretation of a right between an article and non-article

Updated program may be provided from web site to articles such as mobile data terminals. As to a new display recorded in such updated program, a right therein may be acquired by filing a design application for such display in the state recorded in such article. However, if a third party provides software recording the same display as the above from web site and if delineation shown on such display recorded in the article are the same as the above, the design right for such part cannot be exercised against the display recorded in such software, because the Japanese Design Law does not accept software as satisfying the requirement for an article.

As long as exercise of a design right is limited to a scope of an “article” under the design registration system, it is apparent that “delineation shown on a liquid crystal display of an article” might not be protected appropriately.

As relationship between “design” and “article” forms the basis of an idea of the Design Law, cautious treatment will be necessary. However, though there is some difference in the effect of a design right, almost all the members of the Design Committee agree that a “scope of an article” should be expanded according to the times.

The Design Committee thinks that now is the time when it should be reviewed once again

whether the purpose of the Design Law mentioned in Article 1 thereof can be achieved under the current design registration system, based on the changes in the time and circumstances.

(2) Examination at the Japanese Patent Office

As far as examination is concerned, the Design Committee thinks there are two matters. One is “relationship between publicly known reference materials and a copyright” and the other is “determination of similarity of the partial design”.

1) Relationship between publicly known reference materials and a copyright

The Japanese Patent Office carries out a substantive examination regarding all applications, therefore, the Design Committee considers whether the Japanese Patent Office is able to carry out an examination regarding an application for “delineation shown on a liquid crystal display of an article” or not.

In the case of an examination of such design application, all the displays shown on an article will be treated as publicly known reference materials. Therefore, the Japanese Patent Office must actually collect such reference materials and use them as examination materials.

In order to do this, it is necessary to collect publicly known information by printing or otherwise all display pictures of mobile phones, ATMs or automatic ticket machines, thereby making database, though it is highly questionable whether it is possible or not.

Cooperation from design users in providing the Patent Office with data will be also indispensable to the collection of publicly known reference materials regarding “the displayed images”. However, suppose “the displayed images” is copyrighted, companies’ acts to process “the displayed images” independently into data or to store “the displayed images” as search materials by printing the same will theoretically constitute a copyright infringing act. Therefore, under the present conditions, companies cannot positively cooperate in collecting examination materials.

The Japanese Patent Office cannot make public examination materials due to a copyright of individual materials. However, companies, if they start a business without conducting design search, will run considerable risk. Therefore, it will be necessary to make public exami-

nation materials possessed by the Japanese Patent Office after a matter of copyright is settled.

2) Determination of similarity of “the partial design”

According to the Examination Guidelines, the use or function of the parts to be compared must be identical or similar to each other in order to determine whether such two parts are similar or not (71.4.2.2.1 of the Examination Guidelines). In connection with dotted lines and solid lines in design drawings, a position, size or scope of the claim will be taken into consideration. Accordingly, if two or more design applications for similar pattern are filed regarding an icon of a mobile phone, those design might be treated as dissimilar designs in the case where such icon performs different functions, or a position, size or scope thereof is different.

This is not only a matter regarding “the partial design” of delineation shown on a liquid crystal display, but also a general matter regarding determination of similarity of “the partial design”. The Design Committee thinks the Japanese Patent Office should revise criterion for judgment of similarity in accordance with the purpose of the Design Law.

(3) The party against which the right is exercised

A person who manufactures or sells an article concerned is the party against which the design right is exercised. For example, as to the design right of “the displayed images” of a mobile phone, the party must be a person who manufactures or sells such mobile phone. However, if “the displayed images” of allegedly infringing article is distributed on the Internet or otherwise and installed on a mobile phone, it will be questionable who will be the party against which the design right is exercised. As far as “the displayed images” of a mobile phone is concerned, who is an infringer of the design right concerned, a manufacturer or seller of such mobile phone, or provider of “the displayed images” software? Supposing such manufacturer or seller has not pre-installed “such displayed images” on the mobile phone, but a third party distributes software recording “the same displayed images” for improvement of function, it is totally unjustifiable to exercise the design right against such manufacturer or seller of the mobile phone.

In this case an owner of the design right must be able to exercise his right against the third party who distributes software, otherwise protection of “the displayed images” will not be legally effective. Article 38 of the Japanese Design Law prescribes “acts deemed to be infringement”. According to the provisions therein, “acts deemed to be infringement” are applicable to “things to be used exclusively for the manufacture of the article to which the registered design or a design similar thereto has been applied”, therefore, the Design Committee supposes a software provider who manufactures such software that is provided for the use as a part of function of the article cannot be an infringer.

The Design Committee also thinks it is necessary to make clear, upon consultation, as a matter of practical business affairs, the scope of duties and responsibilities assumed by the parties concerned at the time of conclusion of entrustment agreement if creation of “the displayed images” is entrusted to a third party.

(4) Basic display construction and standardization of an icon

Whether protection of an icon by an absolutely exclusive right is appropriate or not has been discussed in Japan from the viewpoint of exclusive possession and standardization. However, under the circumstances where “delineation shown on a liquid crystal display” may be protected by the design right as “the partial design”, protection of an icon as a part of an article is now available.

Basic display construction, such as the window concerned will be closed if a square part at the upper right-hand corner of such window is clicked, must be available to everybody. In addition, an icon used for the operation of machines must be standardized or made public domain to prevent users from being confused.

On the other hand, it is important for companies to acquire de facto standard. As the standardization of patent is actually carried out after acquisition of the patent right, one cannot assert that granting an absolutely exclusive right to an icon is problematic. The Design Committee thinks the creation of a design prior to standardization deserves protection.

Whether an absolutely exclusive right should be granted to basic display construction

or an icon or not should be determined on the basis of balance of influence exerted on the society. As an icon already standardized will be rejected due to lack of novelty, there will be few problems from the viewpoint of practical business affairs. However, the Design Committee thinks it will be necessary to discuss whether the determination of “creativity” can be dealt with under the current Examination Guidelines or not.

Also requirement for an item to be an article, as aforementioned, will be more conspicuous in the case of an icon.

3.3 Relationship with the Copyright Law, Unfair Competition Prevention Law and Patent Law

There are the Copyright Law, Unfair Competition Prevention Law and Patent Law, apart from the Design Law, which protect “the displayed images”. The Copyright Law protects creative expressions, the Unfair Competition Prevention Law controls unfair competition, and the Patent Law protects ideas.

If “the displayed images” is accepted as an invention, it will be protected by the Patent Law on condition that the requirements of novelty and others are satisfied, though the Patent Law focuses protection of “ideas” realizing “expressions”, rather than “expressions” themselves. Although it seems extremely difficult to distinguish between expressions and ideas, as a matter of fact, “visual aesthetic sense” that is protected by the Design Law is not protected by the Patent Law.

Whether “the displayed images” is protected by the Copyright Law or Unfair Competition Prevention Law or not, there are some judicial precedents as below.

Judgement 1: In re Sekisankun (handed down on March 30, 2000 by the Osaka District Court)

In this case it was disputed whether the displayed objects of application software on screen for construction estimate infringed copyright or not. The court denied infringement of copyright because a common part of allegedly infringing product and the plaintiff’s creative product was not applicable to copyright, but the court did not directly deny the requirement of such works because the displayed objects was in writing.

Judgement 2: In re Cybozu (handed down on September 5, 2002 by the Tokyo District Court)

In this case it was disputed whether individual and whole displayed objects of business software, such as personal menu or schedule, constituted infringement of copyright or not. The court denied infringement of copyright because a common part of allegedly infringing product and the plaintiff’s creative product was not applicable to copyright, but the court stated that the visual image shown on screen in business software, and choice or arrangement of the displayed objects, if their creativity was approved, would be applicable by the Copyright Law as “works”.

Judgement 3: In re Space Invader (handed down on September 27, 1982 by the Tokyo District Court)

The court accepted visual image of invader and construction of change of visual image as showing characters of the goods, and compensation for damage was awarded under the Unfair Competition Prevention Law.

The Design Committee considers protection of “the displayed images” under the Copyright Law or the Unfair Competition Prevention Law was not necessarily denied by the courts.

Secondly, the Design Committee think about the relationship between the Design Law currently, and the Copyright Law and Unfair Competition Prevention Law.

As far as the relationship of the Design Law and Copyright Law is concerned, Article 26 of the Design Law prescribes that “when ... conflicts with another person’s copyright taking effect prior to the filing date of the design application concerned, ... shall not commercially work the registered design”. However, as the provisions do not mention how to handle his own “works” or how to treat a copyright after the design right expires, the Design Committee considers the double protection under the Design Law and Copyright Law is theoretically possible. On the other hand, as far as the relationship between the Design Law and Unfair Competition Prevention Law is concerned, Article 2, paragraph 1, subparagraph 3 of the Unfair Competition Prevention Law prescribes that “the act of selling, distributing, displaying for the purpose of sell or distribute, exporting or importing goods which imitated the configuration (ex-

cluding a configuration which is commonly used for goods of the same kind (or, in the case where it is not the same kind of goods, goods which has an identical or similar function and utility of those of such other person) as that of such other person) of another person's goods (excluding goods for which three years have elapsed from the date selling thereof first commenced)" is "unfair competition". Under the circumstances where, in Japan, the period from filing a design application up to being registered is twelve months on the average, the double protection under the Design Law and Unfair Competition Prevention Law will be possible within three years from the first selling date.

As the above, the double protection is permitted according to the relationship between the Design Law currently and Copyright Law, or Unfair Competition Prevention Law. Therefore, it seems theoretically not problematical to grant to "the displayed images" an absolutely exclusive right, such as the design right, if necessary, even if it is protected by a relatively exclusive right. However, an absolutely exclusive right must be granted after social influence is fully considered.

4. Matters to be Discussed in the Future

The Design Committee make a proposal, in discussing protection of a design, including "the displayed images", for realization of "effective protection" as the biggest task. Protection that design users seek for is not only acquisition of a design right but also an appropriate protection of the article and appropriate protection of "the creativity".

Proof of access, as in infringement of a copyright, is not necessary for an absolutely exclusive right. In addition, unlike non-formality system where a creator cannot easily believe his creative product is really protected by the Copyright Law, protection is made clear by registration, which is advantageous to such creator. However, now that an absolutely exclusive right is granted, appropriate protection that makes up the cost and labor spent must be given to such creator, otherwise the system itself

might become a mere name due to lack of significance of the right.

Purpose of protection of "the displayed images" is to encourage the creation of "the displayed images" so as to contribute to the progress of the IT industry. The IT industry will be realized when tangible areas and intangible areas come together. The reason why the aforementioned problems occur is because "the displayed images", derived from intangible areas, which was permitted on the assumption that the Design Law would not be revised, was interpreted by using an idea of tangible areas.

In order to realize "effective protection" of "the displayed images" under the Design Law, it is necessary to fully consider social environment, industrial tendency and the needs of protection companies seek for. It is also necessary to think about the influence on society or design creation when "the displayed images" is protected by the design right (absolutely exclusive right).

Based on the above facts, it will be necessary to revise the Japanese Design Law currently, at the next stage, so as to contribute to the progress of the IT industry. As "the displayed images" is indispensable to IT society, it is apparently necessary to enhance protection of "the displayed images" under the design registration system.

As aforementioned, there are quite a few problems in the application of the Guidelines under the Design Law currently, from the viewpoint of "realization of effective protection", such as influence on the scope of right due to limitation of articles, obstacle to collection of publicly known reference materials due to legal restriction and a harmful influence on expansion of the protected object due to difficulty in interpreting a scope of right.

The Design Committee has made a proposal for improvement of the Design Law, such as early protection and acquisition of right and enhancement of protection. The Design Committee will try to realize "effective protection" regarding an object currently already protected, maintaining the above policy in the future, and will continue to discuss expansion of an object to be protected under the Design Law.

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