PANORAMIC

DESIGNS

Japan



LEXOLOGY

Designs

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Contents

Designs

LEGAL FRAMEWORK

Relevant legislation
Nature of system
Agency
Overlap with other rights

UNREGISTERED DESIGNS

Protection
Use requirements
Exclusions

REGISTERED DESIGNS

Ownership
Scope
Costs
Grace period

PROCEDURES

Application
Examination and appeals
Opposition
Registration time frame
Removal from register

ENFORCEMENT

Grounds for a claim
Procedures
Remedies
Enforcement time frame
Recent cases

OWNERSHIP CHANGES AND RIGHTS TRANSFERS

Assignment and licensing
Licences of right

UPDATE AND TRENDS

Key developments and future prospects

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LEGAL FRAMEWORK

Relevant legislation

What is the relevant legislation?

In Japan, the main legislation regarding designs is the Design Act.

"Design" defined in the Design Act means the shape, pattern or colour of an article (including a part of an article) or any combination thereof, the shape of a building (including a part of a building) or an image (limited to those used for operating a device or those displayed as a result of the device performing its functions, including a part of such image) that evokes an aesthetic impression through visual perception. The scope of protection under the Design Act has been expanded by the amendment that came into effect on 1 April 2020. The scope of protection, which had previously been limited to the designs of articles, was expanded by this amendment, making the designs of images, buildings and interiors newly eligible for protection.

Other relevant legislation include the Unfair Competition Prevention Act, the Copyright Act and the Trademark Act. These acts protect designs from various points of view. For example, the Unfair Competition Prevention Act is positioned as a regulatory statute intended to provide protection against wrongful acts of infringement, including the acts of creating confusion with other's well-known goods or business and imitation of other's goods not indispensable to its function.

Japan is also a member of global treaty of TRIPs.

Law stated - 2 9 2026

Nature of system

Are design rights considered to be distinct or treated as patent rights?

In Japan, design rights are legally distinct from patent rights. The Design Act protects the aesthetic appearance while the Patent Act protects the highly advanced creation of technical ideas utilising the laws of nature.

Law stated - 2 9 2026

Agency

Which agency is responsible for registration and grant of design rights?

Japan Patent Office, located in Tokyo, is responsible for the registration and grant of design rights in Japan.

Law stated - 2 9 2026

Overlap with other rights

Is there any overlap between design rights and other rights?

First, there is some overlap between design rights and copyrights, in respect of applied arts. Under the Copyright Act in Japan, artistic work is included within the scope of protected subject matter. Among the various forms of applied arts, only craftsmanship is expressly recognised in the Copyright Act as qualifying for protection as artistic work. In addition, some judicial decisions have held that certain applied arts may also be protected as copyrighted works when the applied arts possess a degree of aesthetic appeal comparable to that of fine arts, such as paintings or sculptures. Consequently, some categories of applied arts may fall within an area of overlap in which protection is available under both the Design Act and the Copyright Act.

Second, there is also some overlap between design rights and trademark rights. For instance, even if a figure or lettering is intended to produce aesthetic effect, it may still fall within the scope of trademark protection if it simultaneously functions as an indication of source and possesses the capability of distinguishing one's goods or services from those of others. In such cases, the design may potentially be eligible for protection under both the Design Act and the Trademark Act. However, judicial decisions as to whether trademark rights extend to such aesthetically oriented signs have been divided and no uniform standard has yet been firmly established in Japan.

Third, there is some overlap between the protections under the Design Act and the regulations under the Unfair Competition Prevention Act. Because the Unfair Competition Act is positioned as a regulatory statute intended to provide protection against wrongful acts of infringement, including the acts of creating confusion with other's well-known goods or business and imitation of other's goods not indispensable to its function, the designs subject to regulations under the Unfair Competition Prevention Act may include not only unregistered designs but also registered designs. Accordingly, when a design is registered under the Design Act, it may fall under both the protection afforded by the Design Act and the regulatory provisions of the Unfair Competition Prevention Act.

Law stated - 2 9 2026

UNREGISTERED DESIGNS

Protection

What protection and rights are there for unregistered designs?

In Japan, the Design Act grants exclusive rights for designs upon registration and there is no independent system such as the Unregistered EU Design in the European Union. However, unregistered designs may be protected under other legal frameworks.

For instance, if a design qualifies as a creative expression, it may be protected under the Copyright Act. In such cases, copyright arises concurrently with the creation of the design. Further, using a design identical or similar to another's product design that is widely recognised among consumers or imitating the configuration of another's product may constitute an act of unfair competition under the Unfair Competition Prevention Act. These acts can be subject to injunctions and claims for damages. Additionally, designs registered as trademarks may also be protected under the Trademark Act.

Thus, while unregistered design rights do not exist in Japan, unregistered designs are complementarily protected by multiple laws, including the Copyright Act, the Unfair Competition Prevention Act and the Trademark Act.

Law stated - 2 9 2026

Use requirements

How much use is generally required to establish unregistered design rights?

Japan does not have an independent right called "unregistered design right", nor are there any use requirements for the establishment of such a right. Here are the requirements for protecting unregistered designs under laws other than the Design Act.

- Copyright Act: if a design qualifies as "a creative expression of thoughts or emotions", copyright for that design automatically arises upon its creation (Copyright Act, article 2 (1) (i)). No requirements for use or registration are necessary.
- Unfair Competition Prevention Act: regarding another's product design that is widely recognised among consumers (a well-known status), acts such as using a design similar or identical to it, thereby causing confusion with another's product, constitute an act of unfair competition (Unfair Competition Prevention Act, article 2 (1) (i)). In this case, "well-known status" is a requirement for protection. Additionally, acts such as selling products that imitate the configuration of another's product also constitute acts of unfair competition (Unfair Competition Prevention Act, article 2 (1) (iii)).
- Trademark Act: for a design to be protected under the Trademark Act, it must be registered as a trademark. The requirement of using the design as a trademark is not essential for trademark registration itself. However, if a registered trademark is not continuously used, its registration may be cancelled through a non-use cancellation trial.

Law stated - 2 9 2026

Exclusions

What exclusions apply to unregistered design rights?

In certain cases, unregistered designs may not receive protection under the respective laws.

- Copyright Act: if an unregistered design remains a mere idea and is not recognised as a concrete "expression", it is not protected by the Copyright Act. Regarding functional beauty used in mass-produced goods, judicial precedent holds that it is protected when it possesses creative expression – aesthetic characteristics capable of being appreciated as art – separate from the structure necessary to achieve practical purposes (Intellectual Property High Court, 8 December 2021, Reiwa 3 (Ne) No. 10044).
- Unfair Competition Prevention Act: to receive protection under the Unfair Competition Prevention Act, the right holder bears the burden of proof to demonstrate that an act

constitutes unfair competition. Proving the requirement of "well-known status" can be challenging, as it sometimes requires presenting numerous objective pieces of evidence.

- Trademark Act: for a design to be registered as a trademark, it must meet certain requirements. For example, designs lacking "distinctiveness" that cannot distinguish one's goods/services from others' (eg, extremely simple and common designs; designs integrated with product names) or designs that are likely to harm public order or morals cannot be registered as trademarks.

Law stated - 2 9 2026

REGISTERED DESIGNS

Ownership
Who can apply for and own a design?

The person who created the design or their successor who has acquired the right to obtain design registration can file a design application. If multiple individuals jointly created the design, all co-creators must file the application jointly. For designs created by an employee in the course of their duties, if the employing company has acquired or succeeded the right to obtain design registration in advance, that company can file the design application. In this case, the legal entity will own the design right.

Law stated - 2 9 2026

Scope
What may and may not be protected?

In Japan's Design Act, "design" refers to the following (Design Act, article 2 (1)): "The shape, pattern or colour of an article (including a part thereof) or a combination thereof; the shape of a building; or an image that evokes aesthetic appreciation through visual perception."

Due to the 2020 amendment to the Design Act, in addition to conventional designs for articles, designs for buildings, interior designs and image designs have become new objects of protection. This expansion now covers digital designs and spatial designs under design rights.

To obtain design registration, the following main requirements must be met:

- novelty (Design Act, article 3 (1)): the design must not have been publicly known or described in a distributed publication or made publicly available through telecommunication lines, either in Japan or abroad, prior to the filing of the design application; and
- creativity (Design Act, article 3 (2)): it must not be possible for a person with ordinary skill in the art to which the design belongs to easily create the design based on shapes or images publicly known prior to the filing of the design application.

The following designs cannot be registered (Design Act, article 5):

- designs that are likely to disturb public order or morality;
- designs that are likely to cause confusion with articles, buildings or images related to another person's business;
- designs consisting solely of shapes essential to the function of the article or shapes essential to the purpose of the building or designs consisting solely of indications essential to the purpose of the image.

Law stated - 2 9 2026

Costs
What are the costs involved in registration?

The main costs for design registration are as follows:

- application fee: ¥16,000 per application;
- registration fees (annuities): for the first to third year, it costs ¥8,500 per year. For the fourth year onwards (up to 25 years), it costs ¥16,900 per year; and
- in addition to the above, separate patent attorney fees will be incurred if you hire one.

Law stated - 2 9 2026

Grace period
Is there a grace period for filings?

Even if a design has been made public, there is a grace period during which the design may not lose its novelty under certain conditions, known as the "exception to lack of novelty" system (Design Act, article 4).

The exception to lack of novelty system may apply when a design becomes publicly known against the will of the person entitled to obtain design registration, such as through theft or unauthorised disclosure by a third party. This system may also be applicable when the design becomes public due to actions by the design applicant. Examples include the applicant itself presenting the design at an exhibition or publishing it on a website.

If a design application is filed within one year from the date the design was made public due to any of the above reasons and the following procedures are completed, the design will be deemed not to have lost its novelty.

- State at the time of application that the applicant wishes to claim the application of the exception to lack of novelty system.
- Submit documentary evidence proving the above circumstances (eg, certificate of exhibition, evidence of website publication) to the Japan Patent Office within 30 days from the filing date.

This system allows for flexible responses, such as considering filing an application after assessing the reaction to a design's announcement.

Law stated - 2 9 2026

PROCEDURES

Application
What is the application process?

Japanese design registration requires applicants to submit an application and a drawing depicting the design to the Japan Patent Office (JPO) (Design Act, article 6). Applicants can use the online application as well as submit a paper application.

An application should include:

- the name and domicile or residence of the applicant;
- the name and domicile or residence of the creator of the design; and
- an article of the design.

An application for design registration can be filed only by a person who has the right to obtain a design registration. The right to obtain registration originally belongs to the creator of the design but can be transferred.

As the matrix of articles and designs constitutes design registration, an application shall be made for one design per one article to clarify the scope of the application and the right (one application per design doctrine).

The Japanese design system adopts the "first-to-first principle" and the JPO grants design rights to the earlier application when more than two applications of the same or similar design are filed. On the other hand, an applicant may obtain design registration of a design that is similar to the applicant's other design that is under application or already registered (related design). Additionally, an applicant may extract one or more new applications from a single application for design registration, provided that it contains two or more designs (division of application). In such a case, the new application is deemed to have been filed at the time of filing the original application.

Law stated - 2 9 2026

Examination and appeals
How are the examination and appeals procedures conducted?

After the application, the Commissioner of the JPO first examines whether the application satisfies the formal requirements (formality examination). After, the examiner examines whether the application meets the conditions for design registration (substantive examination).

The conditions for design registration include:

- the design is industrially applicable (Design Act, the body of article 3 (1));
-

the design is not publicly known, publicly available and similar to such a design (Design Act, article 3 (1) (i) to (iii)); and

- at the time of filing, a person originally skilled in the art of the design would not have been able to easily create the design based on shapes, patterns or colours that were publicly known (Design Act, article 3 (2)).

When the examiner determines that the application design does not meet the formality requirements or the conditions for design registration, they issue a notification of rejection to the applicant. The applicant amends the application in consideration of the notification; however, if the application still includes the rejection grounds, the examiner will reject it (final rejection).

If the applicant has an objection to the final rejection, they may appeal against the rejection within three months from the date the certified copy of the decision has been served. Further, if the board of trial of the JPO determines that the appeal is not valid and if the applicant does not satisfy the decision, the applicant may bring an action to rescind the JPO's decision to the Intellectual Property High Court (IP High Court).

Law stated - 2 9 2026

Opposition

What are the opposition rules?

The Japanese design system does not have an opposition system, unlike the Japanese patent system, which allows anyone to bring an opposition action within six months from the date the patent is published.

On the other hand, anyone may bring an invalidation trial of design registration (Design Act, article 48). Either party that has an objection to the trial decision may bring an action to rescind the trial decision to the IP High Court.

Law stated - 2 9 2026

Registration time frame

What are the registration time frames?

The examination period is not set in the Design Act, but the JPO reported that the average period from application to registration is around seven months.

If an applicant desires to register earlier than usual, they may use the accelerated examination. The average period from the application of the accelerated examination to the first examination notification is around 2.3 months. An applicant may use the accelerated examination for working-related applications with urgent need for design registration or internationally filed applications.

Law stated - 2 9 2026

Removal from register

What instances does removal from the register occur?

The design registration is removed in the following instances:

- expiration of the duration of design rights (20 years from the date of the registration) (Design Act, article 21);
- where the design right owner descends and has no heirs;
- disclaimer by the design right owner (Design Act, article 36 and Patent Act, article 97 (1));
- non-payment of registration fee (Design Act, article 42, 44 (4)); and
- final decision of invalidation (Design Act, article 49).

Law stated - 2 9 2026

ENFORCEMENT

Grounds for a claim

What are the key causes of action?

It may be appropriate for the right holder to initiate civil litigation against the alleged infringer. In civil proceedings, the available causes of action include a claim for injunctive relief to enjoin further infringing acts, a tort-based claim for damages and a claim for restitution grounded in unjust enrichment. From the perspective of monetary remedies, a tort-based damages claim is generally preferred, as statutory presumptions concerning the calculation of damages may be invoked to the claimant's benefit. However, the right to seek damages in tort is subject to a statute of limitations of three years commencing from the time the claimant becomes aware of both the damage and the identity of the infringer. Even after the tort claim has lapsed under the applicable statute of limitations, a claim for restitution of unjust enrichment may nevertheless remain available. In such circumstances, the claimant may pursue restitutionary relief.

In terms of administrative enforcement, border measures under the Customs Act – specifically, the suspension of importation or exportation – constitute an additional mechanism for rights holders. Goods infringing design rights, as well as goods constituting imitation of product configuration under the Unfair Competition Prevention Act, are classified as prohibited articles for import and export.

Both design right infringement and product-configuration imitation under the Unfair Competition Prevention Act are also subject to criminal penalties.

Law stated - 2 9 2026

Procedures

What enforcement procedures are available?

Through civil litigation, the right holder may seek injunctive relief, damages based on tort and restitution of unjust enrichment. Even when a civil judgment becomes final and binding, if the defendant does not comply voluntarily, compulsory enforcement procedures are available. Specifically, with respect to monetary claims, enforcement may take the form of attachment of claims (such as bank deposits) or real property execution, among other measures. As for injunctive relief, enforcement is generally carried out through indirect compulsory execution. Indirect compulsory execution is a mechanism by which the enforcement court orders the debtor (the defendant) to pay the creditor (the right holder) a certain amount of money deemed appropriate by the court for the period during which the debtor fails to perform the ordered obligation, thereby inducing compliance.

In addition, the right holder may file a petition with the customs authorities seeking suspension of importation or exportation.

Criminal sanctions are imposed through criminal procedures. Although the right holder may file a criminal complaint, and such complaint may be formally accepted by the authorities, this acceptance does not necessarily mean that criminal proceedings will be initiated or that criminal penalties will ultimately be imposed.

Law stated - 2 9 2026

Remedies
What remedies are available?

Civil remedies

As civil remedies, the right holder may seek injunctive relief as well as monetary compensation, either on the basis of tort or unjust enrichment. Among these remedies, Japanese law does not recognise punitive damages. Under Japanese law, the fundamental principle is that compensatory damages are limited to the amount necessary to restore the loss actually incurred as a result of the infringing act. Nevertheless, in the field of intellectual property law, statutory presumptions regarding the calculation of damages are available. These presumptions apply both in cases of design right infringement and in cases involving imitation of product configuration under the Unfair Competition Prevention Act. The relevant provisions include:

1. Lost Profits: a presumption that the amount of damages corresponds to the profits that the right holder would have earned absent the infringing acts (lost profits);
2. Infringer's Profits: a presumption that the amount of damages corresponds to the profits gained by the infringer; and
3. Reasonable Royalties: a presumption that the amount of damages corresponds to the reasonable royalty corresponding to the amount that should have been paid for the use of the infringed design.

With respect to item (1) (Lost Profits), to the extent that the quantity of goods the right holder could have sold is exceeded, item (3) (Reasonable Royalties) may be applied cumulatively.

Further, regarding item (2) (Infringer's Profits), if the statutory presumption is rebutted – taking into account factors such as differences in the nature of business operations between the right holder and the infringer (ie, non-identity of markets), the presence of competing products in the market, the infringer's marketing efforts (brand value and advertising) and the performance characteristics of the infringing products (features other than design) – item (3) (Reasonable Royalties) may also be applied cumulatively, depending on the grounds on which the presumption is overturned.

In addition, with respect to item (3) (Reasonable Royalties), the royalty rate recognised by the court in litigation tends to be higher than the royalty rate that would ordinarily be agreed upon in out-of-court negotiations.

Border measures under the Customs Act

Suspension of importation or exportation may be imposed as a border-control measure pursuant to the Customs Act.

Criminal sanctions

Infringement of design rights constitutes a criminal offence punishable by imprisonment for up to 10 years or a fine of up to ¥10 million, or both.

In cases of indirect infringement, the penalty is imprisonment for up to five years or a fine of up to ¥5 million, or both.

With respect to imitation of product configuration under the Unfair Competition Prevention Act, the relevant offence is punishable by imprisonment for up to five years or a fine of up to ¥5 million, or both.

Law stated - 2 9 2026

Enforcement time frame

What are the time frames for the resolution of enforcement actions for registered and unregistered rights?

The duration required for court proceedings varies on a case-by-case basis. In Japan, the court first examines the existence of infringement and the validity or invalidity of the asserted right. Only if the court concludes that a valid right has been infringed does it proceed to the assessment of damages. The damages phase often requires a substantial amount of time.

With respect to registered rights, recent design infringement cases litigated through the appellate level demonstrate considerable variation in duration. In one case, approximately three years and two months elapsed between the filing of the complaint and the first-instance judgment, followed by approximately eight months from the first-instance judgment to the appellate judgment – amounting to a total of roughly three years and 10 months from filing to the appellate decision. In contrast, in another case, approximately one year was required to reach the first-instance judgment and roughly six months were required to reach the appellate judgment, resulting in a total duration of approximately one and a half years. In the first case, although the design right holder prevailed at first instance, the judgment was

reversed on appeal by the IP High Court. It is inferred that the first-instance proceedings took a significant amount of time because the court examined damages. In the second case, the design right holder lost at both the first-instance and appellate levels.

With respect to unregistered rights, in a case involving imitation of product configuration under the Unfair Competition Prevention Act, approximately nine months were required to reach the first-instance judgment and approximately 10 months to reach the appellate judgment – amounting to a total of roughly one year and seven months from filing to the appellate decision. Because the plaintiff lost at first instance and the court therefore did not examine damages, the first-instance proceedings concluded relatively quickly. Conversely, because the plaintiff prevailed on appeal, the appellate court conducted an examination of damages, which required 10 additional months.

Law stated - 2 9 2026

Recent cases
What key cases from the past 18 months should rights holders be aware of?

Peter Opsvik AS, et al. v Noz Co, Ltd (Supreme Court, 24 April 2026, Case No. 2025 (Jyu) 356)

This case concerned an action alleging copyright infringement brought by Peter Opsvil AS and Stokke AS (collectively, plaintiffs). The plaintiffs alleged that the well-known children's chair, "TRIPP TRAPP," was a copyrightable work authored by Peter Opsvik, that Stokke held an exclusive license therein, and that the manufacture and sale of certain children's chairs by Noz Co, Ltd (defendant) infringed their copyright and exclusive license. The plaintiffs therefore sought relief, including injunctive relief and damages.

The principal issue was whether the TRIPP TRAPP chair qualified as a copyrightable work. Whether aesthetic features embodied in useful articles, such as chairs, are entitled to copyright protection has long been a subject of debate.

In the first-instance judgment, the Tokyo District Court held that a useful article may be protected by copyright where it contains features that are separable from its utilitarian aspects and, standing alone, possess sufficient creativity to be appreciated as an artistic work. The court nevertheless found no infringement because the aesthetic features expressed by the shape of the defendant's chairs were clearly different from those of the TRIPP TRAPP chair. The court further reasoned that the aesthetic appeal of the TRIPP TRAPP chair was inseparable from its utilitarian function and that, even assuming the TRIPP TRAPP chair was copyrightable, infringement would generally be found only where the accused product constituted a substantially identical reproduction.

On appeal, the Intellectual Property High Court likewise found no copyright infringement, although on somewhat different grounds. It held that the shape or design of a useful article is protected by copyright only where the article includes features that can be appreciated independently as objects of aesthetic enjoyment apart from its utilitarian function, or where the article was created exclusively for aesthetic appreciation. Applying this standard, the court concluded that the TRIPP TRAPP chair neither contained such separable aesthetic

features nor had been created solely for aesthetic appreciation, and therefore did not qualify for copyright protection.

The Supreme Court also concluded that the TRIPP TRAPP chair was not protected by copyright. Taking into account the relationship between the Copyright Act and the Design Act, the court articulated the following standard:

> *Where the shape or other design features of a mass-produced useful article, whether considered as a whole or in part, can be conceptually distinguished from elements dictated by functional considerations and can be perceived as a creative expression of thoughts or emotions, the article, in whole or in part, should be regarded as a work within the artistic domain under Article 2(1)(i) of the Copyright Act.*

Applying this standard, the court found that the features claimed by the plaintiffs to be creative were closely related to the chair's utilitarian function as a children's chair and could not be perceived as a creative expression of thoughts or emotions apart from such function.

Accordingly, the Supreme Court denied copyright protection for the TRIPP TRAPP chair.

Hachiman-kasei Co, Ltd v Daiso Industries Co, Ltd (Intellectual Property High Court, 26 June 2025, Case No. 2024 (Wa) 10086)

This case concerned an infringement action brought by Hachiman-kasei Co, Ltd (plaintiff), the holder of a design right for a design whose article of manufacture is designated as a "storage container". The plaintiff alleged that the sale and distribution of certain products by Daiso Industries Co, Ltd (defendant) infringed its design right and accordingly sought injunctive relief and damages.

In the first-instance judgment, the Tokyo District Court held that the design embodied in the defendant's product was similar to the plaintiff's registered design, granted an injunction against the defendant's sale and distribution of the accused product and partially upheld the plaintiff's claim for damages. In contrast, in the appellate judgment, the Intellectual Property High Court found that the plaintiff's design and the defendant's design were not similar and therefore reversed the portions of the first-instance judgment that were unfavourable to Daiso Industries.

Whereas the first-instance court had stated that the difference in the shape of the upper edge of the container body exerted only a limited effect on the aesthetic impression experienced by consumers, the Intellectual Property High Court emphasised that this difference had a significant impact on aesthetic perception. The court reasoned that the plaintiff's design conveyed an overall natural and softly unified impression, while the defendant's design – characterised by a flat, horizontally linear upper edge – appeared partially planar and produced an aesthetic impression distinct from that of the plaintiff's design.

Stasher, Inc v Commissioner of the Japan Patent Office (Intellectual Property High Court, 29 May 2025, Case No. 2024 (Gyo-ke) 10108)

This case concerns an action seeking the revocation of a trial decision that had dismissed a demand for the cancellation of an examiner's decision of refusal. The central issue was

whether the design at issue could be registered as a related design pursuant to article 10(1) of the Design Act. Under article 10(1), an applicant for design registration may obtain registration for a design similar to a single design selected from among the designs pertaining to the applicant's own design applications or registered designs (the principal design), provided that the filing date of the application for such related design is later than the filing date of the principal design and is within ten years from the principal design's filing date.

Stasher filed a design application – claiming priority – for part of an article designated as a "container for packaging". After receiving a notice of reasons for refusal, Stasher attempted to amend the application so as to convert it into an application for a related design, designating as the principal design the design for a "storage container" disclosed in a publication distributed prior to the filing date of the present application. During examination, however, the Japan Patent Office (JPO) issued a notice of reasons for refusal on the ground that the design of the present application was not similar to the purported principal design and therefore, the amendment could not be accepted. The Trial Board for Appeals against Examiner's Decisions of Refusal also concluded that the present design could not be regarded as similar to the principal design.

The Intellectual Property High Court also reached the same conclusion. The Court emphasised that the portion claimed in the present design constitutes only the flange portion of a packaging container, while the principal design covers the entire storage container. Consequently, the two designs differ significantly with respect to their "purpose and function", "position, size, and scope", as well as their overall shapes. On this basis, the Court held that the present design is not similar to the principal design and therefore cannot be registered as a related design under article 10(1) of the Design Act. The Court accordingly dismissed Stasher's claim.

Law stated - 2 9 2026

OWNERSHIP CHANGES AND RIGHTS TRANSFERS

Assignment and licensing

What are the rules surrounding assignment and licensing of design rights?

Design right is assignable, but there are two limitations:

- if the design right is jointly owned, one joint owner may not assign it unless the other joint owners agree with the assignment (Design Act, article 36 and Patent Act, article 73); and
- the owner may not independently assign the related design and its principal design.

Additionally, the Japanese design system primarily consists of three types of licences: a grant licence, a statutory license and a compulsory licence. In particular, with respect to a grant licence, it includes a non-exclusive licence (solo licence) (Design Act, article 28) and an exclusive licence (Design Act, article 27), whose difference is whether to exclude the owner's use (in other words, an exclusive licence does not allow the owner to use the design).

Law stated - 2 9 2026

Licences of right
Are licences of right available?

There are seven types of statutory licences. Among them, non-exclusive licences based on designs by employees and prior use would be more valuable to know.

If employees create designs in the course of their duties, the employing company obtains a non-exclusive and loyalty-free licence (Design Act, article 15 (3) and Patent Act, article 35 (1)).

Additionally, a person who satisfies the following requirements has a non-exclusive and royalty-free licence only to the extent of the design and the purpose for which the work or preparation is intended (Design Act, article 29):

- who created a design identical or similar to the design applied for registration without knowledge of the design application or learned of the design from a person who created a design identical or similar to the design; and
- who has been working the design or a design similar thereto or preparing for the working of the design or a design similar thereto in Japan at the time of the filing of the application for design registration.

Law stated - 2 9 2026

UPDATE AND TRENDS

Key developments and future prospects
What were the key judicial, legislative, regulatory and policy developments of the past year in relation to the protection and enforcement of designs? What are the prospects for future developments?

Developments to date

No legislative amendments concerning design law have been enacted during the past year. The most recent reform in this field occurred in 2023. A principal feature of the 2023 amendment was the expansion of the regulatory scope of the Unfair Competition Prevention Act to include acts involving the imitation of product configurations within virtual environments.

Under the Unfair Competition Prevention Act, the imitation of another party's product configuration, followed by the distribution, sale or other disposition of such imitated products, constitutes an act of unfair competition. Prior to the 2023 amendment, the relevant provisions were premised on acts of imitation occurring in the physical world. The amendment, however, broadened the scope of prohibited conduct to encompass three additional categories: (1) the reproduction in virtual space of configurations of products existing in the physical world; (2) the reproduction in virtual space of configurations of products originating within virtual environments; and (3) the provision in the physical world of imitations of configurations of products originating in virtual environments. This amendment

entered into force in April 2024 and it is foreseeable that disputes implicating these newly regulated forms of conduct may emerge in the near future.

The most substantial legislative development in the field of design law within the past decade was the amendment implemented in 2019. Among the reforms introduced, the recognition of images (including operational and display images), architectural structures and interior designs as protectable subject matter for design registration represented a particularly significant expansion of the scope of design protection. Since the entry into force of these provisions in April 2020, registrations in each category have increased steadily. As of March 2026, a total of 6,338 image designs, 1,762 architectural designs and 1,043 interior designs have been registered. These trends suggest the likelihood of future disputes arising in connection with these categories of design rights, thereby warranting continued scholarly and practical attention.

Prospects for Future Developments

It is noteworthy that the Intellectual Property Strategic Program 2025, adopted by the Government's Intellectual Property Strategy Headquarters in June 2025, highlights the strengthening of design protection within virtual environments. The Program states that, "Given the current state of business and design creation in virtual spaces, the Design System Subcommittee of the Intellectual Property Committee of the Industrial Structure Council will examine the need to review the design system and the direction of institutional measures, taking necessary steps, including the revision of laws."

Discussions to this effect have already commenced within the Subcommittee on Design Systems, which serves as an advisory body concerning the design law regime. In particular, deliberations are under way regarding the scope of protectable image designs. Beyond the operational images and display images that were brought within the ambit of protection by the 2019 amendment to the Design Act, consideration is being given to extending protection to images representing the shapes or other characteristics of virtual objects and related virtual items. As of the time of writing, these discussions have not yet reached the stage of concrete legislative proposals. Nevertheless, the trajectory of these policy developments warrants continued close observation, as future reforms may significantly reshape the scope and structure of design protection in virtual environments.

Further, in a case concerning applied arts, the Supreme Court of Japan held oral arguments on 16 March 2026, with a judgment scheduled for issuance on 24 April 2026. The forthcoming decision is expected to have potential implications for the protection of designs and thus warrants careful attention.

Law stated - 2 9 2026