

Utilizing “Related Designs” for Securing the Scope of Design Protections

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Similarities are examined through the following steps

- a) Examining the similarities of the subject goods
- b) Identifying the commonalities and difference of the designs
- c) Evaluating the **significances** of the commonalities and differences
- d) Evaluating the similarities of overall designs

Examiner's opinions are same as ours in steps a) and b). Therefore, step c) is most important.

In Step d), if overall designs provide the same or similar impressions to the consumers or purchasers, the designs are considered similar.

Similarity Scope Changes, as Uniqueness and Typicality Change

The significances of commonalities and differences are evaluated as follows (Argued in responding to the office actions as well)

- a) More fundamental overall structure has higher significance.
- b) Larger portion has higher significance.
- c) The portion more often seen in use has higher significance.
- e) **Unique** or creative design portion has higher significance.
- d) **Typical** design has less significance
- e) Design indispensable for achieving the object of the product has no significance.

What shall we do for securing the scope of protection?

Utilizing Related Designs for Confirming and Securing the Scope of Protections

Similar designs can be filed as “related designs,” provided that the similar design is filed

- after the main design is filed, and
- before the main design is published. (Art. 10, Design Law)

If they are not considered similar, an office action is issued (Art. 17)

Registration serves to prove the similar scope.