

Date	May 24, 2012	Court	Osaka District Court, 26th Civil Division
Case number	2011 (Wa) 9476		
– A case wherein the court found infringement of a design right in relation to an angle adjuster used for a legless chair, etc.			

In this case, the plaintiff alleged that the design rights related to the designs for an angle adjuster used for legless chairs, etc. (the design related to a floating wedge and a partial design related to a swinging arm) are infringed and claimed against the defendant an injunction against the manufacture and sale or otherwise handling of the defendant's product.

The major issues are [i] whether or not the defendant's designs (Design 1 and Designs 2-1 through 2-3) are similar to the plaintiff's designs; and [ii] whether or not the requirements for division of application were violated with respect to the patent application which was subsequently converted into an application for design registration with respect to the plaintiff's registered design.

In this judgment, with respect to Issue [i], the court upheld the claims for an injunction with respect to Design 1 and Designs 2-1 and 2-2 on the grounds that these designs were similar to the plaintiff's designs but dismissed such claims with respect to Design 2-3 on the grounds that Design 2-3 could not be found to be similar to the plaintiff's design.

In addition, with respect to Issue [ii], the court held that no violation of the requirements for division of application could be found on the grounds that no matters could be found to have been newly added, etc. as alleged by the defendant.