Exploring Construction of Partial Design System: Based on the Fourth Amendment to the Patent Law of the People's Republic of China

Huilun Lin[1,2,*], Xueying Feng[1], Fangying Ji[1], Yuhe Ran[3]

[1]Xihua University, Chengdu, Sichuan 610031, China

[2]Beijing Lingzhuan Intellectual Property Agency Co., Ltd, Beijing 100088, China

[3]Beijing Baoying (Chengdu) Law Firm, Chengdu 610095, China

*corresponding author

Keywords: Partial design, design, patent right

Abstract: The partial design system has received more and more attention in the background of the development of a design. The fourth amendment to the Patent Law of PRC formally clarifies the partial design system, conforms to the requirements that China's economic development process and the design system are geared to international standards. This paper takes the normative analysis method and the value analysis method as the main research methods, clarifies the current situation of China's partial design system and analyzes the shortcomings of the system, helps construct the partial design system from the basic definition of norms, patent grant conditions, infringement judgment and other aspects. In the infringement treatment method, the judgment principle, judgment standard and judgment subject are examined, and the content of the system is improved by clarifying the connotation of "local part", protecting from multiple angles and recognizing the relative independent value, so as to promote the increasing protection of partial design of China.

1. Introduction

As a kind of industrial application-oriented design, a design is an important object of the patent right. The fourth amendment to the Patent Law of the People's Republic of China was formally implemented on June 1, 2021. Compared with the Patent Law before the amendment, the premise of "a whole or a local part of a product" is added based on the original expressions of "the shape and pattern of a product or their combination", "the combination of color, shape and pattern", and "aesthetic feeling" in Article 2.4 of the Amendment. This also means that the legal status of a partial design is finally recognized, and a partial design can be directly protected by the Patent Law of PRC. However, with the partial design itself, its judgment rules, infringement treatment and other issues have different judgment standards and interpretations due to the lack of clear stipulation of laws and regulations, which becomes the emerging hot spots of a theory in the field of the Patent Law and judicial practice.

2. The Connotation of a Partial Design

Industrial products are iterated rapidly. In addition to the function of a product, a design is also getting more and more attention from producers and consumers. Optimizing a design of a product, making the design unique, novel and aesthetic, and even enhancing the product's practical performance have become an indispensable part of the process of winning the core competitiveness of a market. In the process of applying for a patent for a design, it is necessary to meet the requirements of novelty and have obvious difference from existing designs and no conflict with prior legal rights, etc. From the perspective of design costs, compared to inventions and utility models, a design is often easier to obtain the favor of an applicant. The overall innovation difficulty of a design is increased. The improved innovation examples of a partial design emerge, and the designer's rights

awareness is increasingly enhanced. Under this background, a partial design system is born.

2.1. The Concept and Characteristics

For the Patent Law before the fourth amendment, the illustration of a design by the Patent Law, Implementing Regulations of the Patent Law and other relevant legal provisions does not affirm the patentability of a partial design based on a product, which, to a certain extent, also hinders the development of innovative design, combats the enthusiasm of a designer, and even lays a hidden danger for frequent infringements of the partial design. In this regard, the fourth amendment of the Patent Law is timely repaired to clarify the legal basis for the partial design system. The so-called partial design refers to the innovative design for a local part of a product. For example, a windshield wiper of a car and a handle of an umbrella belong to the protection scope of a partial design system under the premise of being in line with the requirements of the grant of patent rights.

The characteristics of a partial design are sorted out, which can also help understand the concept.

According to the provisions on a design in Article 2.4 before the fourth amendment to the Patent Law, the characteristics of design can be interpreted as the exterior attached to the product, aesthetics, industrial applicability, novelty, uniqueness, legitimacy and other aspects. [1] Based on a design, the characteristics of the partial design system can focus on the following two aspects.

2.1.1. The Protection Only for a Local Part of a Product

A partial design is a patent protection system that is added to the overall design of a product, and has a longer history of development in Europe, America, Japan and Korea than that in China. The reason why the word “a local part” is chosen instead of “a part” in the Patent Law is that, from the semantics of the word itself, “a local part” is relative to “the whole body” and “an overall body” and has a narrower scope of application, a stronger pertinence and a clearer directionality compared with “part”. If any part of the appearance of a product can be used as a protection object of the Patent Law, the too broad scope of the relevant claims will cause the burden of infringement comparison, and a partial design system itself may also have the risk of abuse. From the semantic point of view alone, the expression of “a local part” is more accurate.

The judgment of “a local part” can be considered an important content of a partial design. There is no general theory on how to define “a local part” of a partial design. From the legislative experience of other countries, the definition of “a local part” is not the same. According to the legislative questions and answers (hereinafter referred to as “Legislative Questions and Answers”) concerning the partial design protection system in the revised draft of the Patent Law contained in the official website of the China National Intellectual Property Administration, the “local part” shall meet at least two requirements: First, the “local part” shall occupy a certain physical space; Second, the “local part” to be protected shall be relatively complete and independent.

In addition, usually, the local part shall also be an inseparable part of the whole body. This "inseparability" has two dimensions: First, in terms of structure, the “local part” cannot be divided, cannot be used separately, and cannot be sold separately. Typical examples are a handle of a water glass, an armrest of a cart, a support part of a sofa, etc.; Second, in terms of use, if a product is a combination of several different components, the components, as “local parts”, shall also meet the requirements that they cannot be used and sold separately.

2.1.2. The Close Relationship with the Overall Design

There is an inextricable connection between partial design and overall design. First, the “whole body” and the “local part” are interdependent. “Local part” is a local part attached to the overall design of a product. There may be several local parts in the whole body. If the overall design of the product does not exist, the partial design cannot be discussed. The difference of “local part” may also affect the overall design. Second, both the partial design and the overall design use an industrial product as a carrier. Third, in terms of patent granting conditions and infringement comparison rules, there is a considerable degree of similarity between the two. Even for a long period of time before the supporting rules of partial design is not perfected, the legal rules of the overall design will provide important reference value for the partial design in the system and practice.

"Local part" and "the whole body" are relative terms, which also reveal the close relationship between the partial design and the overall design from another perspective. Taking parts and components such as screws that can be detached from a product as an example, from the point of view of a consumer as a terminal, it is obvious that the product assembled with screws is regarded as a "complete product". The product's design can become an object of granting a patent right. Parts and components belong to the "local parts" attached to a "complete product". However, from the perspective of manufacturers of parts and components and product assembly enterprises as terminals, parts and components that can be separated from the main body of the product can be sold and used as a complete product. That is, the parts and components become a "complete product", and can apply for patent protection directly with its design, without the application of a partial design system. The author believes that according to Part I, Chapter III of the Amendment Draft of Guidelines for Patent Examination (Draft for Comment) (hereinafter referred to as the Guideline (Draft for Comment)) released in 2021, no matter whether it can correspond to the "local part" of a classification number, it can partially apply a partial design, which only requires the parts and components to correspond to their own classification numbers, rather than the classification numbers corresponding to the products that the "local parts" of the parts and components give. Thus, for the issue of patent application for the design of parts and components that can be separated from the main body of the product, there shall be two protection paths for the overall design or the partial design of an applied product. If an applicant chooses the latter, it means that the whole assembled product as a whole rather than parts and components themselves is used as a carrier of the design, which can also be regarded as a special breakthrough of the principle of inseparability of "local part".

2.2. Analysis of the Patentability of the Partial Design and the Conditions for Granting Patents

A design belongs to the subject of a patent right. However, compared with inventions and utility models, the nature of a design is worth considering. If "the dichotomy of idea and expression" is used as the classification standard, the design is the expressions of the product in the above-mentioned shape, pattern, color, etc., and shall belong to the protection scope of the intellectual property law. According to "the dichotomy of intellectual outcomes and business markers" as the classification standard, the design is an intellectual achievement, but not a commercial mark. Based on "the dichotomy of utility and non-utility" as the classification standard, because the design shall be attached to an industrial product for presentation, it cannot be classified as a pure art. [2] To sum up, it is reasonable to use the patent system to manage and protect a design.

However, it is worth noting that in terms of the conditions for granting a patent, the focus is on the novelty, inventive step and practicality of an invention. The same is true for a utility model, but the requirements for an inventive step for a utility model are slightly looser than those for an invention. From the essence of the first two, an invention and a utility model both aim to establish a technical solution that applies scientific laws and can be implemented stably and repeatedly. The patent system seems to have a more obvious tendency to protect the practical functions of industrial products while the design system focuses on protecting the design of the product's external shape, pattern, color, etc. In Article 23 of the Patent Law of PRC, the conditions for granting a patent for a design are explained. This article analyzes the partial design as follows:

2.2.1. Novelty

Novelty is a substantive condition for granting a design patent. In the Trips Agreement, novelty is stated in "required protection" of its Article 25 as "members shall provide protection for new or original independently created industrial designs. Members may specify that industrial designs are not new or original if they are not significantly different from known designs or combinations of features of known designs." Article 23.1 of the Patent Law of PRC regulates the requirement that a design shall have novelty. If a partial design is to be protected by the Patent Law, it shall also meet the specifications that shall not belong to an existing design and shall not conflict with the application.

From the perspective of time, China takes the filing date of a design patent as a time standard, that is, the existing design refers to the design known to the public at home and abroad before the filing date (or a priority date if there is priority). In order to obtain patent protection for a partial design, an

applicant shall not be available at filing an application for the same design and recording it in the published patent documents after the filing date. From a geographical point of view, there are two standards of "absolute novelty" and "relative novelty". The former requires that the design applied for patent protection shall have novelty in the world, while the latter only requires novelty within a specific area, and the specific area is usually domestic. In 2008, when China carried out the third amendment to the Patent Law, the standard of absolute novelty was clarified.

Affected by the characteristics of the partial design itself, there may be two effects in the novelty examination: First, absolute novelty requires that a patent including a partial design does not belong to the existing design at home and abroad and does not have a conflicting application. This also means that the threshold for patent authorization is further raised. If a partial design wants to obtain patent protection, it shall be noted that the local part itself and the overall visual effect of a product shall not be identical or substantially the same as the existing design; Second, during the actual examination, the existence of the partial design system also has an impact on the novelty of the later-applied design. This is because although the partial design is aimed at the local part of a product, it shall use an overall industrial product as a carrier. The partial design in the existing design will also show the overall design of the product, including the overall structure and a pattern of a product and other design elements, which may constitute an existing design or a conflicting application for the present application. This shall be taken seriously in design patent applications.

2.2.2. Inventive Step

Like the novelty standard, the standard for an inventive step also reflects the legitimacy of the patent system. Some scholars believe that a design is not more important than technology but pursues the artistic effect of design, which is expressed as "aesthetic feeling" in Article 2(4) of the Patent Law. Design-related artistic skills often belong to the field of public knowledge, and even if they are applied to industrial products, it is not appropriate to use technical criteria of an inventive step for evaluation. [3] The standard of an inventive step for a design was formally established in the third amendment to the Patent Law in 2008. The author believes that when evaluating an inventive step of a partial design, it shall be based on the characteristics of the design itself. It is not required that an inventive step of the partial design is the same as that of the invention patent, but shall focus on two obvious differences: first, the partial design for which a patent is applied shall be significantly different from the existing design; second, the partial design for which a patent is applied shall be significantly different from the combination of existing design features.

The term "distinct difference" in the law includes two meanings: First, the design required to apply for a patent is different from the existing design; Second, the above-mentioned differences shall reach a significant degree. In Part IV, Chapter V of the Guidelines for Patent Examination (2010), the circumstances that do not have obvious differences are specified in detail as no obvious difference is available from the existing design, a transfer method has motivation in the existing design, there is no difference or subtle difference in the design features of the two, as well as a combination method of design features has motivation in the existing design and the corresponding design part has no difference or the difference is subtle, which are specified as three situations that the involved patent does not possess "distinct difference".

Based on the consideration of the characteristics of the partial design itself, different from the judgment of the innovation of the overall design, the following contents shall also be mainly considered in the identification of the innovation of the partial design:

First of all, it is necessary to reasonably judge the product category to which the partial design belongs, make comparisons under the premise of the same or similar categories, clarify the protection scope of the partial design, judge the subject of judgment of an inventive step and the contents of the existing design for comparison, and judge the desired design features required by the comparison. In addition, in an actual comparison process, the requirements are more detailed than a comparison process of whether the overall design is the same or similar to the existing design. It is necessary to compare whether the overall design features are the same or similar, whether the difference is very subtle or is a conventional design, whether the difference is a repeated arrangement of design units,

and whether the difference is a simple color element change. Special attention shall be paid to the relationship between the local part to be protected and the overall product design, which can be reflected in the position of the partial design in a product as a whole, a proportion of the partial design compared with the overall appearance of the product, etc. This kind of examination trend that the local part is placed in the product as a whole, and that focuses on examining the relationship between the partial design and the overall product design, is described in Part IV, Chapter V of the Guidelines for Patent Examination (Draft for Comments).

When the design system is improving day by day today, the partial design system as a supplement shall pay more attention to the grasp of an inventive step. In a limited design space, the partial design shall not stop at the commonplace simple repetition of a geometric shape and a pattern in an existing design or a product but shall be substantively innovated on the interdependent elements such as the structure, shape, pattern, color, etc. of this part of the product, paying attention to the visual experience, attaching priority to the influence of the partial design on the overall appearance of a product in terms of the position, proportion, design unit, etc. based on the overall product, and making the partial design reach a certain height of an inventive step.

To sum up, if a partial design wants to obtain patent protection, the requirements for an inventive step will be increased. While it can effectively avoid repeated authorization and improve the quality of the partial design, the standard for an inventive step can also further limit the unlimited expansion in the application of the partial design system.

2.2.3. Comparability

Comparability is a special requirement in the conditions for granting a partial design with a patent. In the legislative questions and answers, the comparability is reflected in the requirement that the partial design shall occupy a certain physical space. If the partial design is only a non-closed outline of a surface of a product, it cannot constitute a partial design. In Part I, Chapter III of the Guidelines (Draft for Comments), the comparability is also reflected in the section of "situations where a patent right of a design is not granted". Specifically, the partial design in a product as a whole shall meet the requirements that a region in which the product is located is relatively closed and the design occupies the physical space, so as to form a design module and facilitate comparison with the existing design.

2.2.4. It Shall not Conflict with Prior Rights.

Prior rights include copyrights, trademark rights, and the right to use the packaging and decoration specific to well-known commodities. The partial design for which the patent is applied cannot conflict with the legal rights of others before the filing date. This standard can not only protect the prior legal rights, but also effectively avoid the infringement caused by the applicant using an industrial product as a carrier to arbitrarily apply other people's works, trademarks, etc. to partial designs, and encourage individuals and units to actively innovate.

2.3. The Extraterritorial Legislation of a Partial Design

2.3.1. The United States of America

In order to protect a design, the United States of America adopts the legislative model of a patent law as a main and multiple laws. In 1842, the patent law of a design was incorporated into the US Patent Law. In addition, the US Copyright Law and Trademark Law could also play a role in protecting a design. [4] In the Zahn case in the United States in 1976, the Patent Litigation Court of United States made a judgment that the partial design on a product could obtain a design patent on the appeal request of the applicant Mr. Zahn in the 1980s. Therefore, the partial design system was formally established in the United States. Article 1502 of the Guidelines for Patent Examination of US clarifies that a design includes a partial design of an industrial product.

2.3.2. Japan

From the perspective of Japan's legislative evolution of a design, Japan has protected a design since the Japanese Craftsmanship Regulations was established in 1888, but the development of its

partial design system is slightly shorter than that of the United States. In 1998, Japan introduced the partial design system from the United States, thereby broadening the scope of protection in the field of a design. [5] In Japan's Design Law revised in 1998, it was clarified that the components of an article also belong to the article under the law. Japan's Amendment to Design Law which took effect in April 2020 once again emphasized the need for the protection of a partial design. Even the graphical user interface (GUI), the design of the interior and exterior of a building, and movable features of tangible objects such as an automobile can be applied for a design.

2.3.3. EU

In order to protect a design, the EU adopted the Directive on Legal Protection of Design promulgated by the European Parliament and the Council in 1998, and stipulated in Article 3 of Protection Regulations of Community Design adopted in December 2001 that "a design refers to the whole or part of the appearance of a product consisting of the lines, contours, colors, shapes, surface structures and/or decorations of the product", which is undoubtedly the legal protection of a partial design in the EU.

3. Thinking on Strengthening the Protection of a Partial Design

In order to strengthen the protection of a partial design, two aspects shall also be considered. First, there is still a lack of infringement precedents of a partial design in practice. When dealing with infringement cases of a partial design, appropriate handling rules shall be sorted out; Second, the improvement of the construction of a partial design system shall be accelerated at the theoretical level.

3.1. Infringement Treatment

3.1.1. The Principle of "Overall Observation and Comprehensive Judgment"

The patent infringement judgment standards for a design have important reference value for a partial design, which is related to the fact that a partial design shall still be attached to an industrial product itself, and the law for specific infringement judgment standards for a partial design has not yet issued. The basic principle of "overall observation and comprehensive judgment" is stipulated in Article 11.1 of the Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law in Trial of Patent Infringement Disputes. As an important basis for the judgment of design infringement, it shall be applied under the conditions that the involved patent belongs to the same or similar categories of products. The scope of authorization and the scope of remedies for a partial design shall be reasonably divided. Judging whether products are of the same or similar categories is another legal issue. The so-called "same or similar" categories of products means that the products are the same or similar in use. Part IV, Chapter V of Guidelines (Draft for Comment) have special provisions for judging the same or similar categories of partial designs. The same category of a product requires the use and partial use of the product to be the same. The similar categories of products also require that the use and partial use of the products shall be comprehensively considered.

On the basis of satisfying the above conditions, the "overall observation and comprehensive judgment" shall still focus on the "locality", the core feature of the partial design. In a process of "overall observation", it is not appropriate to only compare the overall appearance of industrial products, but shall start from a local part to examine the shape, pattern, color and other design elements of the partial design itself, and more importantly, examine the position, proportion, and scope of the partial design in an overall design of a product and its impact on the overall visual effect of the product. Otherwise, there is a risk of weakening the relatively independent value of the partial design system.

3.1.2. "Confusion" Standard

Although the "confusion" standard occupies the mainstream in the judgment of design infringement, there has always been a debate on the selection between the "confusion" standard and the "innovation" standard at the theoretical level. [6] This is because if "confusion" standard is used

as the criterion for judging design infringement, it will go against the value pursuit of the Patent Law to encourage inventions and creations and stimulate the improvement of innovation capabilities. In dealing with an infringement case of a partial design, the application of the "confusion" standard also faces considerable difficulties: if the partial design involved illegally uses the partial design achievements of others with prior rights, but when higher ability requirements are put forward for the judgment subject since the partial design is mainly aimed at industrial products, judging whether the two are the same or similar based on "confusion" standard increases the difficulty of practical operation because the infringement judgment rules are not yet perfect. Therefore, it may be considered to properly incorporate the "innovation" standard in the "confusion" standard when reconstructing the standard, so as to help improve the quality of partial design patents.

3.1.3. Positioning of "General Consumers"

In Article 10 of the Interpretation on Several Issues Concerning the Application of Law in Trial of Patent Infringement Disputes, "a general consumer" is regarded as the subject of design infringement judgment, which means that the court shall use the general knowledge area and general attention criteria of the general consumer to judge. The "general consumer" standard has been subject to various questions from the beginning that differences in the cognitive ability of the judging subjects are easy to cause different judgments in the same case, judgment subjects for designs of professional products are different from the general public, and general consumers are divided into buyers and users, etc. [7] The author believes that when judging whether a partial design is infringed, the subject of "a general consumer" shall not be judged to be equal to any ordinary public, but a "person" in the abstract sense. As the subject of judgment, the "person" shall have an understanding of the basic knowledge of a design, be able to judge the shape, pattern, color and other design elements of the partial design and the impact of the partial design on the overall visual effect of a product, but cannot detect the details in changes. In this way, a relatively accurate judgment can be made, which not only improves the quality and efficiency of the judgment, but also conforms to the actual trial.

3.2. Improvement of the Partial Design System

3.2.1. Further Clarification of the Definition of "A Local Part"

How to characterize "a local part" in a partial design will obviously become a major problem that plagues the development of the partial design system. The interpretation of the existing regulations only requires that the "local part" of the applied design is inseparable in a whole product, occupies a certain physical space, and is relatively complete and independent. So, can any part of an industrial product that satisfies the above conditions be the subject of a patent right? As you can imagine, the answer is no. Because there are countless divisions of "a local part", it means that the scope of protection of a partial design is unreasonably expanded, resulting in an unreasonable inclination of the partial design system to the patentee. "A local part" is a part of an industrial product. To further clarify its definition, we can consider the size, proportion, location, and degree of influence on the overall appearance of the "local part" in the overall design of an industrial product to intensify the examination for novelty and an inventive step of a partial design.

3.2.2. Multi-angle Protection Path

The pursuit of "aesthetic feeling" for a design distinguishes the design from inventions and utility models that pursue practical functions. To a certain extent, a design also has attributes similar to the works under the Copyright Law. The number of distinguishing features of a design will also make it difficult for the court to choose whether to approach the "all elements rule" in the Patent Law or the "substantial similarity rule" in the Copyright Law when comparing infringements. [8] Multiple rights such as copyright and design patent can exist on the same object because the interests of the objects are different. For example, the application of design works to industrial products generates new interests. But from the point of view of the object, multiple rights are not equal to repeated protection. [9] Then, is it possible to jump out of the patent system and try to consider a multi-angle protection path in the partial design system? For a partial design that is difficult to be protected by a patent, if it

can be protected from the perspective of the Copyright Law, the patentee can also be protected. However, corresponding to which type of work, how to judge the protection period, expiration of a partial design patent and copyright protection and other issues need to be further discussed specifically.

3.2.3. Recognition of Relative Independent Value

In the process of infringement judgment, how to judge the independence of the partial design needs to be studied. In this regard, Japan has two main theories: One is the "independence theory", which fully recognizes the independence of a partial design. In the judgment of infringement, only comparison between local parts is required. Since the design of a local part is seen as a completely independent design entity, there is no need to consider the relationship between the design of the local part and the overall appearance of the product; The second is "the theory of essential parts", that is, the partial design is identified as a part of the overall appearance of a product. In the infringement comparison, it is necessary to combine the position, size, proportion of a local part in the overall product, its impact on the overall appearance of the product, and other factors. [10] The author believes that it is more appropriate to adopt the "the theory of essential parts". The partial design and the overall design both take a product as a carrier. The independent value of the partial design shall exist relatively, so as to maximize the accuracy of the judgment and control the scope of protection of a partial design.

To help recognize the relatively independent value of a partial design, the following aspects can be considered: First of all, the protection boundary of a partial design shall be judged from the level of convenience for practical operation. With reference to extraterritorial common practices, it is possible to consider using solid lines and dotted lines to clearly indicate the parts that need patent protection and other parts, and clarify the scope of claims; Second, in the examination for an inventive step, the same attention shall be paid to the partial design itself and the impact of the partial design on the overall visual effect of a product; third, in the process of "overall observation and comprehensive judgment" of the infringement comparison, the "the theory of essential parts" should be used to make a decision.

4. Conclusion

The partial design system is a major highlight of the Fourth Amendment to the Patent Law. Under the influence of the "the theory of essential parts", there are many connections between a partial design and an overall product design. In the case of the partial design alone, the protected local part of the product shall also meet the requirements of occupying a substantial physical space and being relatively complete and independent. Under the current system, to obtain patent protection, the partial design shall have comparability and do not conflict with prior rights on the basis of meeting novelty and an inventive step. In the process of infringement cases, a comprehensive judgment of the overall visual effect of the design is taken as the basis of identifying design as being the same or similar. At the same time, from the design elements of the local design and the relationship between the local design and the overall design, the "local" characteristics shall be firmly grasped, and a boundary between "confusion" standard and "innovation" standard shall be reasonably determined to accurately position the "general consumers" as the main body of infringement judgment. Of course, as a major breakthrough to the original system of a design, the supporting provisions of the partial design system are not yet sound, and there is also a lack of a considerable amount of partial design precedents for reference in practice. We shall clarify the definition of the "local part", enrich the protection path, and recognize the relatively independent value of the partial design, which are all directions for improvement of the partial design system. It can be expected that the partial design system to be improved in the future helps further enhance the legal construction of the patent law, meet the actual application needs of individuals and units, optimize patent layout solutions, protect the core design achievements, reduce the cost of patent protection for applicants, stimulate the public's enthusiasm for innovation, and effectively balance the interests between the patentnee and the public.

References

[1] Cao Xinming. Research on Increasing Patent Protection of Partial Design of China. Intellectual Property, 2018, (4):4-5.

[2] Guo He. Separation of Design and Patent Law. Intellectual Property, 2015, (4): 10-12.

[3] Zhang Aiguo. Review and Reset of Requirements of Inventive Step for Design Protection in China. Studies in Law and Business, 2014, (3): 109-110.

[4] Peng Xuelong, Zhao Xiaodong. Comparison of Design Protection and Legislative Modelsand Its Enlightenment to China. World Intellectual Property, 2007, (6): 76-77.

[5] Fan Xiaoyu. Reform of Japan's Design System and Its Enlightenment under the Design Management Concept. Intellectual Property, 2019, (10): 89-90.

[6] Hu Chonghan. Analysis of Practical Difficulties in Trial of Design Patent Infringement. Intellectual Property, 2012, (6): 36.

[7] Hu Chonghan. Reflection and Amendment of the Standard of "General Consumers" for Design Infringement Judgment. Law Science Magazine, 2013, (12): 55-57.

[8] Cui Guobin. Theory of Selection in Intellectual Property Rights Confirmation Mode. Chinese and Foreign Law, 2014, (2): 428-429.

[9] Zhu Nan. Analysis of Design Patent Right and Copyright Protection from the Difference between Right Target and Right Object. Northern Legal Science, 2016, (5): 63-64.

[10] Guan Yuying. Several Issues in Protection of Partial Design. Intellectual Property, 2018, (4): 23-24.