

DRAFT

GUIDELINES FOR REGISTRATION OF DESIGNS RELATING TO GUI & ICON *etc.* Under the Designs Act, 2000 and Designs Rules, 2001

Scope, Status and Use of the Present Guidelines

These Guidelines are intended to provide practical and indicative guidance for consideration and examination of applications relating to designs of Graphical User Interfaces (GUIs), Icons and similar subject matter under the Designs Act, 2000 and the Designs Rules, 2001, as presently in force, having regard to the judgment and directions of the Hon'ble High Court in the relevant proceedings. They are not based upon, and are not intended to give effect to, any proposed amendment to the Designs Act, 2000 or any proposal contained in the Concept Note dated 23.01.2026 of DPIIT or other document relating to such proposed amendments.

The Guidelines are intended to provide clarificatory and practical guidance within the existing statutory framework and to facilitate consistency and uniformity in the examination and processing of applications. They do not create, enlarge, restrict or otherwise modify the scope of registrability or protection available under the Designs Act, 2000.

The examples, illustrations, diagrams, representations and other visual material contained in these Guidelines are illustrative and indicative only and are not exhaustive. They are provided solely to facilitate understanding of the relevant statutory requirements and their practical application. Each application shall be considered on its own facts and circumstances and in accordance with the applicable provisions of the Designs Act, 2000, the Designs Rules, 2001 and the relevant judicial directions.

Illustrations and Examples: Sources and Disclaimer

The examples, illustrations, diagrams and other explanatory material included herein are intended only for academic purpose, training and to facilitate understanding and are illustrative in nature. They are not exhaustive or absolute and shall not be construed as creating, limiting or modifying any requirement, condition or procedure prescribed under the applicable law.

Certain illustrations and examples in the Guidelines have been prepared with the assistance of Artificial Intelligence (AI) tools, and certain images or visual references have been sourced from publicly accessible Internet resources. The inclusion of such material is for instructional and explanatory purposes and shall not be construed as a representation that the underlying material is free from copyright or other intellectual property rights. The rights, if any, of the respective copyright owners or other rights holders remain unaffected. The use of any photograph, product image, GUI, Icon, diagram or other material from an external source is solely for illustrative purposes and shall not be construed as indicating any approval, certification or opinion by the IPO regarding the source, product, undertaking or design depicted therein.

In the event of any inconsistency, discrepancy or conflict between these Guidelines and the Designs Act, 2000 or the Designs Rules, 2001, the provisions of the Act and the Rules shall prevail. These Guidelines shall accordingly be read and used subject to the Designs Act, 2000, the Designs Rules, 2001 and any applicable statutory notification, order or direction having force under the said Act and Rules.

1. Title and Purpose

1.1 Title:

Guidelines for Registration of Designs relating to Graphical User Interface (GUI) & Icon etc., under the Designs Act, 2000

1.2 Purpose:

To provide harmonized guidelines for applicants and Examiners/Controllers regarding filing and processing of designs related to GUI & Icon *etc.*, ensuring legal compliance, transparency, and consistency at the O/o CGPDTM.

2. Statutory/Legal Framework

2.1 Section 2(a): Article

“Article” means any article of manufacture and any substance, artificial, or partly artificial and partly natural and includes any part of an article capable of being made and sold separately.”

2.2 Section 2(d): Design

“design” means only the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device, and does not include any trade mark as defined in clause (v) of sub-section (1) of section 2 of the Trade and Merchandise Marks Act, 1958 or property mark as defined in section 479 of the Indian Penal Code or any artistic work as defined in clause (c) of section 2 of the Copyright Act, 1957.

2.3 Judgement dated 09-03-2026 of Hon’ble High Court at Calcutta in the matter of IPDAID 21/2024, IPDAID/22/2024, IPDAID/1/2025, IPDAID/2/2025 and IPDAID/3/2025

In the above matters the conclusions made by the Hon’ble High Court were as follows:

(25) The Act protects shape, configuration, pattern, ornament and composition of lines or colours. A GUI inherently comprises iconography, layout, colour schemes, composition of lines and ornamentation, and therefore falls within the kind of visual features the Act contemplates. GUIs typically reflect creative choices in arrangement, proportion, spacing, colour palette and icon design. These choices are aesthetic decisions that produce a visual impression capable of being judged by the eye and therefore meet the qualitative requirements for design protection. In summary, there is no *per se* exclusion for GUIs under section 2(d) of the Act. In view of the above, the contention of the Controller that there is no explicit provision under the Act entailing protection of GUI within the scope of section 2(a) and 2(d) of the Act is incorrect and legally untenable.

(26) Nevertheless, there is undoubtedly a lack of clarity in the Designs Office with regard to the registrability of GUIs. This would appear from the different approaches adopted by the Designs Office. It is a matter of record that GUIs have been granted registration in the following cases:

- (a) No. 274917-Siemens; Class 14-02- Monitor with GUI,
- (b) No. 2749178-Siemens; Class 14-02- Monitor with GUI,
- (c) No. 274925-Siemens, Class 14-02- Monitor with GUI,
- (d) No. 284680-Kneevoice; Class- 14-04 Mobile (GUI Shown),
- (e) No. 276736-LG; Class 14-04-Navigation Device for vehicle with GUI.

The importance of registering GUIs is also significant from a business perspective. GUIs are a critical asset in modern day technology, commerce and digital services. There would also be legal certainty more explicit protection reduction in litigation and this approach would align India with international practice. A recent survey conducted by World Intellectual Property Organization (WIPO) has found that 92% of jurisdictions already protect GUIs under designs laws. A similar study conducted by the International Chamber of Commerce also reported that GUI protection is granted in most jurisdictions. This is also based on an expansive definition of 'product' and 'designs' in the European jurisdiction which covers animation, movement, transition and intangible products. Similarly, in the United Kingdom there have been clarifications which cover GUIs in animation and transitions as products eligible for design protection. Similar changes have been made both in Australia, Hong-Kong and United States of America. To this extent, the definitions of design, article, industrial process require clarification and elaboration so that GUIs are recognized as products of industrial design activity. This would also ensure technological neutrality and lead to global integration which is necessary for conformity in terms of the Hague Agreement and The Riyadh Design Law Treaty both of which recognize virtual designs. This would also help Indian designers knowing that they have enforceable legal rights. The existing practice in the Manual published by the Controller contemplates the possibility of using dotted lines dashed lines to differentiate between protectable design elements from portions which are disclaimed. In this background, it is necessary for clarificatory guidance either by Legislature or by the Controller issuing appropriate directions expanding the scope of protectable designs. During the interregnum, there is nothing which prevents GUIs being registrable on a case to case basis after satisfying the requirements under sections 2(a) and 2(d) of the Act when properly identified with an article and keeping in mind that the design elements are not purely function driven.

3. Brief Introduction to the Subject Matter (Non-exhaustive)

For the purpose of these guidelines:

- GUI: A visual interface displayed on a screen through which a user interacts with a device or system.
- Icon: A graphical symbol representing a function, command, or application.
- Screen Display: The visual output shown on a display device at a given time.

GUIs and Icons may be:

- Static (unchanging), or
- Dynamic (involving transitions, sequence, transformation, animation, or interaction *etc.*)

4. Admissibility Criteria for GUIs/Icons etc.

In consistency with the above legal framework the following non-exhaustive eligibility /registrability criteria are required to be fulfilled for design registration in respect of GUI/Icon etc.

4.1 Identification with Article:

The GUI or Icon must be applied to an article, such as a mobile phone, tablet, monitor, wearable device, or other display-enabled article. Standalone GUI or Icon, not associated with any article, shall not be considered registrable.

4.2 Visibility:

Since design protection extends only to the aesthetic features of the article, the GUI/Icon must be visually perceptible during normal use of the article. The fact that a GUI/Icon is visible only when the device is powered on or is non-permanent in nature or is non-tactile shall not, by itself, affect registrability adversely.

4.3 Application of Design on Article:

The generation and display of the GUI/Icon through electronic means and execution of software shall be considered sufficient to meet the requirement of application of GUI/Icon by an industrial process.

4.4 Novelty and Originality:

GUI/Icon *etc.* must be new or original, not previously disclosed and not scandalous or obscene as per provisions under Section 4.

5. Other Formal/Procedural Requirements

Applications for registration of GUIs shall comply with all other requirements of the Act and Rules as applicable to any other design applications.

5.1 Allowable Titles with Class-subclass

5.1.1 In line with the verdict of Hon'ble Calcutta High Court, designs such as GUIs, icons, surface patterns and ornamentation, when presented in isolation (*per se*), shall not be considered registrable, as they do not constitute an "article" within the meaning of Section 2(a) of the Designs Act, 2000. Such designs may be considered for registration only when they are clearly applied to, or embodied in, a specific article.

5.1.2 In the case of GUIs/Icons, where the novelty resides only in the interface, classification may be made under Class 14-04 ("Screen displays and icons"), even where such interface is shown as applied to an article belonging to another class, in view of the inclusive scope of Class 14-04. However, where the novelty resides primarily in the article itself, to which the GUI is applied, classification may be made according to the relevant article class. Further, in cases where both the GUI and the article to which it is applied exhibit independent novelty, the applicant is at liberty, where appropriate, to seek protection through separate applications classified respectively under Class 14-04 and the relevant article class, with each application clearly directed to its respective subject matter.

5.1.3 In the case of surface patterns, ornamentation, or similar designs, once applied to an article, classification shall be determined according to the article to which such design is applied. Accordingly, such designs shall not be classified under Class 32-01 when the article is identifiable and falls within a specific class-subclass. It is further clarified here that that Class 32-01 serves as a generic category and does not override article-based classification in the absence of an express provision (note) similar to that contained in Class 14-04.

5.1.4 Accordingly, the title shall clearly indicate the association of the GUI/Icon with an article. Some such not illustrative and non-exhaustive list of titles with class-subclass is provided below:

Touchscreen with Icons :	14-04
Computer monitor with GUI :	14-04
Mobile Phone with GUI :	14-03
Screen Display on TV :	14-03
Tablet with Icon :	14-02
GUI on Speedometer :	10-04
Activity trackers with GUI :	10-04
Smart Watch with GUI :	10-02

5.2 Non-Allowable Titles (illustrative & non-exhaustive)

GUI/Icon *per-se* (alone, without article/device reference/without any context) not identified with a device such as :

GUI :	14-04
Icon :	14-04
Graphic Symbol :	32-01

5.3 Submission Requirements

5.3.1 Representations - General Requirements

Representations shall comply with Rule 14 of the Designs Rules and must clearly depict the GUI/Icon applied to an article.

Use of Solid Lines/Broken Lines/Pin-points

- ✚ While the GUI/Icon must be depicted through solid lines, portions not forming part of the claimed design (e.g., device frame) may be shown in broken lines. Broken lines shall not be considered part of the design.
- ✚ Alternatively, whole design may be depicted in solid line and the GUI/Icon may be pin-pointed suitably as per the prevailing practice for other designs.
- ✚ Further, if the design of the device is also required to be claimed, then whole representation may be prepared using solid lines.

5.4 Views

A front or perspective view showing the GUI/Icon on the display screen shall ordinarily suffice. Additional views may be provided where necessary, provided all views are consistent and represent the same design.

5.5 Consistency

All representations must be consistent and shall not introduce material variations that would amount to multiple distinct designs.

5.6 Statement of Novelty

A Statement of Novelty must be included to clearly claim the design feature on which registration is sought for. Some non-exhaustive illustrations of novelty statements are as follows:

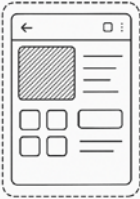
- ✚ Novelty resides in the “surface ornamentation” of the Mobile Phone as illustrated. (Novel GUI/Icon as surface ornamentation)
- ✚ Novelty resides in the “surface pattern” of the Mobile Phone with GUI as illustrated. (Novel GUI/Icon as surface pattern)

- Novelty resides in the “shape configuration and surface ornamentation” of the Mobile Phone with GUI as illustrated. (Novel shape and configuration of mobile phone along with novel surface ornamentation of GUI)
- Novelty resides in the “surface ornamentation” of the Mobile Phone particularly in the portion pin-pointed as A, B.... as illustrated. (Novel GUI/Icon as surface ornamentation)

5.7 Disclaimer Statement(s)

Standard disclaimers in respect of dotted/dashed lines, mode or principle of construction, functionality, numbers, letters, symbols, trademarks *etc.*, (as in practice for other designs) are also to be included as per the requirement on case to case basis.

6. Sample Illustrations (Non-exhaustive) of Design Representations involving GUI/Icon

Type of representation	Illustration	Admissibility
Icons/GUIs <i>per-se</i>		NO
Icon/GUI on Touch Screen		YES
GUI/Icon on Touch Screen or Mobile Phone <i>etc.</i>		YES
Dynamic/Animated/ Sequential/Transformable/ Transitional GUIs/Icons on Touch Screen or Mobile Phone <i>etc.</i>		YES, Provided representation of each frame with GUI is filed as separate designs. For instance, as per this example the applicant is at liberty to file the two designs as follows: XXXXXX-001 and XXXXXX-002 (OR) XXXXXX-001 and YYYYYY-001]

7. Examination and Evaluation Process

Design applications involving GUIs/Icons *etc.* shall be examined and processed as per all relevant provisions of the Designs Act, 2000, including Sections 2, 4, 5, and 35 and the Designs Rules, 2001 like any other design application. Particular attention (non-exhaustive) shall be given to:

- ✚ Proper title
- ✚ Proper Class-subclass
- ✚ Identification of the design with an article
- ✚ Visual appeal and non-functionality
- ✚ Novelty and Originality
[For design applications relating to GUI or similar designs, the Office shall, irrespective of the class-subclass in which the application is filed, conduct an appropriate search under Class 14-04 (“Screen displays and icons”) in addition to the search under class-subclass of the article concerned, wherever such features are disclosed]
- ✚ Consistency of representations
- ✚ Clarity of representations
- ✚ Properly structured statement of novelty

8. Common Grounds for Objection (Illustrative & Non-exhaustive)

Objections may arise on the following grounds:

- ✚ Improper title
- ✚ Improper Class-subclass
- ✚ Design not applied to an article
- ✚ Subject matter being purely functional
- ✚ Lack of novelty or originality
- ✚ Inconsistent representations
- ✚ Unclear representations
- ✚ Improper statement of novelty

9. Scope and Term of Protection

Registered designs relating to GUI and Icons shall enjoy the same scope of protection, rights, and term as applicable to other designs under the Act.

NB:

The above guidelines are directory in nature and intended for procedural guidance. However, in the event of any inconsistency with the prevailing statutory/legal framework, the provisions of the statute shall prevail.

oooooooo **End of Document** oooooooooo