AIPLA
American Intellectual Property Law Association

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Prof. (Dr.) Unnat P. Pandit
Controller General of Patents, Designs and Trade Marks
Office of the Controller General of Patents, Designs and Trade Marks
Bouddhik Sampada Bhawan, Plot No. 32
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Via email: controllerdesign.ipo@nic.in; cgoffice.in@gov.in

Re: AIPLA Comments on the Draft Guidelines for Registration of Designs Relating to GUI & Icon etc. under the Designs Act, 2000 and Designs Rules, 2001

Dear Professor Pandit:

AIPLA appreciates the opportunity to provide comments on the Draft Guidelines for Registration of Designs Relating to Graphical User Interfaces ("GUIs") and Icons ("Draft Guidelines"). AIPLA welcomes the Controller General's efforts to clarify the examination of design applications relating to GUIs and icons, including the Draft Guidelines' recognition that GUIs and icons may be static or dynamic and may involve transitions, sequences, transformations, animation, or interaction.

Founded in 1897, AIPLA is a national bar association of approximately 6,500 members who are engaged in private or corporate practice, in government service, and in the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent (utility and design), trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property. Our mission includes helping to establish and maintain fair and effective laws and policies that stimulate and reward invention while also balancing the public's interest in healthy competition, reasonable costs, and basic fairness.

AIPLA recognizes that the Draft Guidelines are a thoughtful and serious proposal to adapt India's design protection framework to recent changes in technology by moving to accommodate virtual and dynamic designs, as suggested in AIPLA's comments on the January 2026 Concept Note proposing amendments to the Designs Act, 2000. In those comments, AIPLA strongly supported modernizing the definitions of "design" and "article" to expressly enable protection of virtual designs, independent of any physical carrier, including "animated, transitional, and movement-

based design features" and nonphysical subject matter such as "GUIs, icons, holographic projections, and augmented reality graphical user interfaces."[1]

AIPLA therefore welcomes the Draft Guidelines' express recognition of GUIs and dynamic designs as a meaningful development toward providing greater certainty for contemporary digital designs. AIPLA recognizes that the Draft Guidelines operate within the Designs Act, 2000, as presently in force and require a GUI or icon to be associated with an article. Within that existing framework, AIPLA recommends that the Guidelines distinguish between the requirement that a GUI or icon be associated with an article and the requirement that the article be depicted in the representations. In particular, the Guidelines should not require the article itself to be depicted in the representations where the title, statement of novelty, or other application materials expressly identify the article with which the GUI or icon is associated. At the same time, AIPLA continues to support amendment of the Designs Act to permit protection of virtual designs independent of a physical carrier.

I. Association with an Article Should Not Require Depiction of the Article

Sections 4.1 and 6 of the Draft Guidelines provide that a GUI or icon must be applied to an article and that a standalone GUI or icon not associated with an article is not registrable. Section 5.1.1 further provides that GUIs and icons presented per se "do not constitute an 'article' within the meaning of Section 2(a) of the Designs Act, 2000" and are registrable only when applied to or embodied in a specific article.

AIPLA recognizes this limitation for purposes of the Draft Guidelines but respectfully recommends distinguishing between the requirement that a GUI or icon be associated with an article and the requirement that the article be depicted in the representations. Section 5.3.1 currently requires representations to depict the GUI or icon applied to an article. AIPLA recommends that an applicant instead be permitted to depict the GUI or icon without depicting a display screen or other article, provided the title, statement of novelty, or other application materials expressly identify the article with which the GUI or icon is associated.

As AIPLA previously explained in comments to the United States Patent and Trademark Office ("USPTO"), advances in display technologies have "untethered computer-generated images from discrete, tangible display panels."[2] AIPLA further explained that when the display of a computer-generated image is not dependent on a display panel, the associated article should not be required to be illustrated. That approach recognizes the required association with an article without unnecessarily limiting how the design itself may be represented.

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[1] AIPLA, *Comments on the Concept Note on Proposed Amendments to the Designs Act, 2000*, available at https://www.aipla.org/docs/default-source/advocacy/aipla-comments-to-dpiit-re-designs-act-amendment.pdf.

[2] AIPLA, *Comments on the Request for Information on the Article of Manufacture Requirement* (Feb. 4, 2021), available at https://www.aipla.org/docs/default-source/news/aipla-comments-on-request-re-article-of-manufacture-020421-final-(002).pdf.

AIPLA reiterated that position in its comments on the USPTO's 2026 Supplemental Guidance, supporting removal of the requirement to depict a display panel and observing that requiring illustration of a physical display panel is "an antiquated practice which has outlived its initial purpose and should be updated to meet the technological advancements and realities of the day."[3]

The same considerations apply here. Where the title, statement of novelty, or other application materials sufficiently identify the article associated with the GUI or icon, an applicant should not be required to depict a display screen or other article merely to establish that association. Applicants should remain free to depict the article, including in broken lines where appropriate, but should not be required to do so where the article forms no part of the design for which protection is sought.

AIPLA therefore recommends revising Section 5.3.1 accordingly.

II. The Draft Guidelines Should Accommodate Designs Not Displayed on Conventional Display Screens

Eliminating a mandatory depiction requirement would also better accommodate emerging display technologies.

AIPLA has previously advocated for protection of computer-generated designs displayed other than on conventional display panels. AIPLA therefore welcomed the USPTO's recognition in its 2026 Supplemental Guidance that "analogous digital designs – e.g., projections, holograms or other virtual and augmented reality designs of interfaces or icons for computer systems that are not necessarily displayed on a conventional display screen – are also protectable."[4]

AIPLA recommends comparable flexibility in the Draft Guidelines. Where the GUI or icon is properly associated with an article as required under the existing Designs Act, the Guidelines should not require that association to be shown through depiction of a conventional display screen or physical device. This would better accommodate designs presented through projections, holograms, virtual or augmented reality, or other emerging technologies, without altering the existing statutory requirement that the GUI or icon be associated with an article.

III. Dynamic Designs

AIPLA welcomes the Draft Guidelines' express recognition of dynamic, animated, sequential, transformable, and transitional GUIs and icons. AIPLA recommends, however, clarifying the statement that representations of "each frame with GUI" must be filed as "separate designs." In particular, the Guidelines should clarify whether multiple representations depicting successive frames of a transition, sequence, transformation, or animation may collectively define a single

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[3] AIPLA, *Comments on the USPTO's 2026 Supplemental Guidance for Examination of Design Patent Applications Related to Computer-Generated Interfaces and Icons*, available at https://www.aipla.org/docs/default-source/adr-neutrals/aipla-comments-to-uspto-on-2026-supplemental-gui-guidance.pdf.

[4] *Id.*

dynamic design, rather than each frame constituting a separate design. To the extent that "separate designs" means that each frame is treated as an independent design rather than successive frames collectively defining a single dynamic design, such treatment may not adequately capture visual characteristics residing in the transition or movement between frames.

IV. Conclusion

Within the existing statutory framework, AIPLA respectfully recommends that the Draft Guidelines (1) distinguish between the requirement that a GUI or icon be associated with an article and the requirement that the article be depicted in the representations, permitting applicants to omit the article where the title, statement of novelty, or other application materials adequately identify it; (2) accommodate computer-generated designs that are not displayed on conventional display screens, including designs presented through emerging display technologies; and (3) clarify whether successive frames of a dynamic, animated, sequential, transformable, or transitional GUI or icon may collectively define a single dynamic design and the scope of protection afforded to such designs. These revisions would provide applicants greater flexibility and better account for technological advancements, while AIPLA's previously supported amendments to the Designs Act would provide the broader statutory framework necessary to expressly protect virtual designs independent of a physical carrier.

We thank you in advance for considering these views and stand ready to discuss any questions you may have.

Very truly yours,



Salvatore Anastasi
President
American Intellectual Property Law Association