

November 19, 2014

Mr. Tan Yih San, Chief Executive  
Intellectual Property Office of Singapore  
51 Bras Basah Road #01-01, Manulife Centre  
Singapore 189554

*Via email: Simon\_SEOW@ipos.gov.sg*

**Re: Response to Request for Comments on Guidelines  
on the Registration of Graphical User Interface (GUIs)  
Under the Registered Designs Act**

Dear Mr. Tan:

The American Intellectual Property Law Association (AIPLA) is pleased to have the opportunity to comment on the proposed guidelines of the Intellectual Property Office of Singapore (IPOS) regarding the registration of Graphical User Interface (GUIs) as designs in Singapore under the Registered Designs Act (RDA).

AIPLA is a national bar association with approximately 15,000 members who are primarily lawyers in private and corporate practice, government service, and the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions, and are involved directly or indirectly in the practice of patent, trademark, copyright, and unfair competition law. Our members represent both owners and users of intellectual property.

AIPLA is pleased that IPOS is considering adopting guidelines for this fast growing area of design law. With regard to the specific draft guidelines, AIPLA has the following comments:

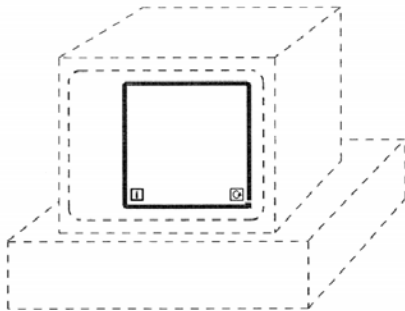
**1. Applicants must indicate the article that the GUI is applied to**

To meet the definition of “design” in Section 2(1) of the RDA, GUIs have to be applied to an article by any industrial process. As such, when filing an application for registration of a design, the article to which the GUI is applied must be indicated in the application (e.g. “Graphical User Interface for electronic devices display”).

**Comments:**

- A. It would be helpful to have clarification on whether the “article” to which the GUI design is applied must be shown in the application. The guidelines refer only to indicating the article in the title. If the article does need to be shown in the application, the guidelines should state that the entire article (see example on left below) must be shown, or, if permissible, that only a portion of the article may be shown (see example on right below).

If the entire article must be shown, the guidelines should state, if permissible, that the article may be shown in broken rather than in solid lines.



**U.S. Patent No. D384,052**



**U.S. Patent No. D709,912**

- B. If the article may be shown in broken lines, it would be helpful if the guidelines stated whether the part of the article that is shown in broken lines is intended to be protected.
- C. It would also be helpful to have clarification on what is meant by “any industrial process,” with examples of a GUI applied by an industrial process and one that is not.

**2. Applicants must file dynamic GUI as a series of static representations of the design**

GUIs may be either static (e.g. non-animated) or dynamic (e.g. animated). A dynamic GUI is to be filed in an application as a series of static representations, where each representation (in the form of a drawing or photograph) shows a freeze-frame of the GUI in action.

**Comments:** It would be helpful to have clarification on a preferred minimum number of representations which may be filed for a single dynamic GUI. For example, could two representations be sufficient?

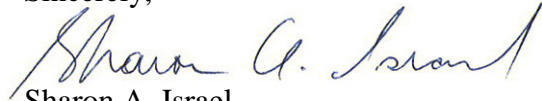
**3. Applicants are allowed to file a maximum of 30 views for each application for registration**

Each application should contain a sufficient number of different views to completely disclose the appearance of the claimed design. A total of up to 30 different views of the GUI may be filed as representations of the design. If more than 30 views of the GUI are filed, the Registry may disregard the additional views. These views must be arranged in consecutive order. The Registry will accept that these views are in the consecutive order as provided by the applicant.

**Comments:** It would be helpful to have clarification on what is meant by “completely disclose the appearance of the claimed design.” It is unclear if this section refers to filing a maximum of 30 different GUI designs in the same application, or 30 views of the same GUI. If it refers to different GUIs, how different can the GUIs be and still be included in the same application? May the same GUI on different articles be included in the same application?

AIPLA appreciates the opportunity to provide these comments in response to your request, and to assist in establishing useful guidelines for registration of GUI. AIPLA looks forward to further dialogue with the IPOS on this and other issues of interest to its members.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon A. Israel". The signature is written in a cursive style with a large initial 'S'.

Sharon A. Israel

President

American Intellectual Property Law Association