



DESIGN INNOVATION & PROTECTION IN INDIA

*A legal and strategic guide to the
Indian design protection framework*

FOREWORD

Design is an important part of commercial identity and product strategy for any business, especially in sectors such as consumer electronics, automobiles, medical devices, fashion, packaging, furniture and digital technology. The appearance of a product can influence market recognition, consumer preference and the overall value of a business. Protecting that appearance is also an important part of product development, intellectual property planning and commercial strategy.

India has a well-established statutory framework for the protection of industrial designs under the Designs Act, 2000 and the Designs Rules, 2001. The law protects qualifying visual features of an article, including its shape, configuration, pattern, ornament and composition of lines or colours. The scope of design law is also developing in response to changes in technology. Recent judicial developments in India, including the Calcutta High Court's 2026 decision on the registrability of graphical user interfaces, reflect this changing landscape and establish how the statutory concepts are being applied to modern forms of design.

This publication has been prepared as a practical legal guide to the Indian design protection framework. It traces the development of design law in India, explains the principal statutory requirements for registration, examines filing and classification practice, and considers ownership, validity, enforcement and the interaction of design protection with other intellectual property rights. It also addresses the international framework and the growing importance of digital and interface-based designs.

The objective is to provide businesses, designers, technology companies, in-house counsel and intellectual property professionals with a clear understanding of the legal principles that shape design protection in India and the practical considerations that arise when those rights are created, registered, commercialised and enforced.

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1. Understanding Industrial Design Protection

Industrial design protects the visual appearance of a product and covers those features that contribute to the way an article looks rather than the technical idea or function behind it. This may include its external form, configuration, surface pattern, ornamentation, composition of lines or colours, or a combination of these visual elements.

In India, industrial designs are protected through registration under the Designs Act, 2000, read with the Designs Rules, 2001, as amended. Registration gives the proprietor an exclusive statutory right over the design as applied to the article for which protection has been granted.

Design protection has been associated with physical products such as consumer goods, automobiles, furniture, textiles, packaging, appliances, medical devices and industrial equipment. The scope of commercially significant design has expanded with the growth of digital products, where graphical user interfaces, screen displays, icons and other visual features may form an important part of the product's identity and user experience.

Why Design Rights Matter

- A registered design gives the proprietor a defined statutory right that can be enforced against unauthorised copying or imitation of the protected visual features.
- Shape, configuration, surface treatment, packaging and other visual features can influence consumer preference and may eventually become associated with a product line or business.
- Registration is commercially valuable when a business launches a new product, enters into manufacturing or distribution arrangements, licenses its designs or needs to respond to competing products that reproduce the appearance of its own product.
- A structured design portfolio can help protect the visual features that carry continuing commercial value across different products and markets.

Design Protection in Numbers

Financial Year	Applications Filed	Designs Registered
2020-21	14,242	9,147
2021-22	22,699	15,262
2022-23	22,698	23,400
2023-24	30,389	30,670
2024-25	43,005	30,349

Domestic applicants account for a significant share of this activity as out of the 43,005 applications filed during 2024-25, 38,808 were of Indian origin and 4,197 were of foreign origin, which means that Indian applicants represented approximately 90% of the total filings during the year. Of the 30,349 designs registered during 2024-25, 27,299 were of Indian origin and 3,050 were of foreign origin. At the end of the reporting year, 167,747 registered designs were in force in India.

Design Law Within the India IP Framework

Right	Subject Matter	Relevance
Design	Visual features of an article judged by the eye	Product shape, configuration, patterns, ornamentation, packaging, interfaces where statutory requirements are met
Patent	Technical inventions	Functional innovations, mechanisms, manufacturing processes, technical product improvements
Copyright	Original artistic and literary works	Drawings, graphics, artwork and software, subject to the special copyright-design overlap under Section 15 of the Copyright Act

Trade mark / passing off	Source identifiers and goodwill	Product names, logos, trade dress and, in appropriate cases, distinctive product shape or get-up
Confidentiality/contracts	Undisclosed information and contractual rights	Pre-launch design files, prototypes, commissioned work, ownership, disclosure controls and licensing

2. Evolution and Statutory Framework of Indian Design Law

The protection of industrial designs in India developed alongside the country's early legislation on inventions, with the first structured protection for patterns and designs being introduced through the Patterns and Designs Protection Act, 1872, which extended the earlier framework relating to inventions to include new and original patterns and designs applied to articles of manufacture. The law was consolidated through the Inventions and Designs Act, 1888, which dealt with inventions and designs under a more organised statutory framework and contained separate provisions relating to the protection of designs.

A more comprehensive regime was introduced through the Patents and Designs Act, 1911, which governed both patents and industrial designs and remained the principal legislation for design protection in India for most of the twentieth century. When the Patents Act, 1970 introduced a separate statutory framework for patents, the patent provisions of the 1911 legislation were repealed, but the provisions governing designs continued to remain in force, leaving industrial design protection under the older legislation for several more decades.

India became a Member of the World Trade Organization in 1995 and assumed obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPS, which requires Member States to provide protection for independently created industrial designs that are new or original and to confer minimum rights against unauthorised commercial copying. The Designs Act, 2000 was subsequently enacted to consolidate and modernise

Indian design law and to bring the domestic framework in line with India's international obligations, replacing the remaining design provisions of the Patents and Designs Act, 1911.

The Designs Act, 2000 came into force on May 11, 2001 and continues to form the principal legislation governing the registration, protection, ownership, cancellation and enforcement of industrial designs in India. It is supplemented by the Designs Rules, 2001, which prescribe the procedural requirements relating to applications, representations, classification, examination, forms, fees and other matters connected with the administration of registered designs, and the Rules have been amended from time to time, including through amendments made in 2008, 2014 and 2021.

Current Legal Framework

Instrument	Role
Designs Act, 2000	Defines article, design and proprietor; governs registration, term, cancellation, piracy, assignments and appeals.
Designs Rules, 2001	Prescribe filing formalities, representations, classification, examination procedure, forms, fees and procedural requirements.
Designs (Amendment) Rules, 2008	Introduced procedural amendments and revised the rules in specified respects.
Designs (Amendment) Rules, 2014	Among other changes, introduced differential fee treatment and entity-related procedural changes.
Designs (Amendment) Rules, 2021	Aligned the classification schedule with the current Locarno Classification and made further procedural and fee-related amendments.

3. What Qualifies as a Registrable Design

Registration under the Designs Act, 2000 depends on both the nature of the visual features for which protection is sought and the novelty of the design. The subject matter must first fall within the statutory definition of a “design” under Section 2(d) and must also satisfy the conditions for registration prescribed under Section 4.

What Qualifies for Design Protection?

- **Visual features of an article:** A registrable design may consist of features of shape, configuration, pattern, ornament or composition of lines or colours applied to an article in two-dimensional or three-dimensional form, or in a combination of both.
- **A design applied to an identifiable article:** The visual features must be associated with an article rather than existing only as an abstract idea or concept, and protection may extend to the complete article as well as to a part that is capable of being made and sold separately.
- **A new or original design:** The design must be new or original at the relevant filing or priority date, and originality may also arise where an existing visual feature is applied to an article in a new manner, subject to the other requirements of the Act.
- **A design that has not been previously disclosed:** The design should not have been disclosed to the public in India or elsewhere through publication, use or any other form of public availability before the filing or priority date, since earlier disclosure may destroy the novelty required for registration.
- **A design significantly distinguishable from known designs:** The overall visual appearance should be sufficiently different from designs already known to the public and should not merely reproduce or make minor changes to an existing design or a combination of known design features.
- **Features capable of visual appreciation:** The protected features must form part of the appearance of the finished article and must appeal to and be judged solely by the eye, keeping design protection focused on visual character rather than technical performance.

- **Visual features that are not merely mechanical:** A functional product may contain registrable design features where its appearance includes visual choices that are not dictated entirely by the technical or mechanical operation of the article.

What Does Not Qualify for Design Protection?

- **A design that is not new or original:** A design that reproduces visual features already known or fails to satisfy the statutory requirement of novelty or originality cannot be registered.
- **A design that has already been published or disclosed:** Earlier availability through product sales, catalogues, websites, exhibitions, advertisements, online marketplaces or other public disclosures may prevent registration if the material reveals the design before the relevant filing or priority date.
- **Minor variations of known designs:** A design that is not significantly distinguishable from an existing design or a combination of known design features does not qualify merely because small changes have been introduced.
- **A mode or principle of construction:** Design law does not protect the manner in which an article is constructed, assembled or technically arranged, since these aspects relate to the method of construction rather than the visual appearance of the finished article.
- **A mere mechanical device:** Features that are in substance only the mechanical means by which a product operates fall outside the statutory definition of a design, even where the mechanism results in a particular physical form.
- **Features dictated entirely by technical function:** Design protection does not extend to an appearance that arises solely from the technical requirements of the product, although a functional article may still contain separate visual features capable of registration.
- **Trade marks, property marks and artistic works:** Section 2(d) expressly excludes trade marks and property marks, as well as artistic works as defined under the Copyright Act, 1957, from the statutory definition of a design.

- **Visual material with no sufficient connection to an article:** An abstract pattern, graphic or visual concept cannot be registered independently under the Designs Act unless it is applied to or associated with an article in the manner required by the statute.
- **Scandalous or obscene matter:** Section 4 prohibits registration of designs containing scandalous or obscene matter.

4. International Framework and Treaty Position

Industrial design protection is territorial in nature, which means that a design registered in India does not automatically receive protection in other countries, and a foreign design registration does not by itself create rights in India. International treaties provide common standards, priority rights, classification systems and, in some jurisdictions, international filing mechanisms that allow businesses to coordinate protection across several markets.

India's Position under the International Design Framework

International Instrument	India's Position	Significance for Design Protection
Paris Convention for the Protection of Industrial Property	India acceded to the Paris Convention in 1998, and the Convention entered into force for India on December 7, 1998	The Convention recognises industrial designs as a form of industrial property and enables an applicant who has made a qualifying first application in one Convention country to claim priority when filing for the same design in another Convention country within the prescribed period.
TRIPS Agreement	India is bound by the TRIPS Agreement as a Member of the World Trade Organization.	Articles 25 and 26 establish minimum international standards for industrial design protection, including protection for independently created designs that are new or original and rights against specified forms of

		unauthorised commercial copying.
Locarno Agreement	India acceded to the Locarno Agreement in 2019, and it entered into force for India on September 7, 2019.	The Agreement establishes the International Classification for Industrial Designs used for classifying design applications, which has been incorporated into Indian practice under the Designs Rules, 2001, as amended.
Hague Agreement/Hague System	India is not currently a Contracting Party to the Hague System.	An international design application filed through the Hague System cannot presently designate India, which means that protection in India must be obtained through a separate application before the Indian Designs Office, with convention priority claimed where available.
Riyadh Design Law Treaty, 2024	India signed the Final Act of the diplomatic conference at which the Treaty was adopted, but India is not presently listed by WIPO as a signatory or Contracting Party to the Treaty. The Treaty itself has not yet entered into force.	The Treaty seeks to harmonise and simplify procedural requirements for design registration, and India's ongoing design-law reform proposals include consideration of accession to the Treaty.

5. Locarno Classification and Practice in India

The Locarno Classification is an international classification system used for the registration of industrial designs and was established under the Locarno Agreement of 1968. It organises articles into classes and subclasses according to the type of product in which the design is incorporated, providing a common system that assists design offices and applicants in filing, examination, publication and searching of registered designs.

The Classification consists of a list of classes and subclasses, explanatory notes and an alphabetical list of goods indicating the class and subclass in which individual products are placed. Its function is administrative, and classification does not determine the nature or scope of design protection or establish that a particular design is legally registrable, which continues to depend upon the applicable national law.

Adoption of the Locarno Classification in India

India acceded to the Locarno Agreement on June 7, 2019, and the Agreement entered into force for India on September 7, 2019. The Indian classification framework was amended through the Designs (Amendment) Rules, 2021, which substituted Rule 10(1) of the Designs Rules, 2001 and requires articles to be classified according to the current edition of the International Classification for Industrial Designs (Locarno Classification) published by WIPO.

The amended Rule clarifies that classification under the Locarno system does not by itself make a design registrable, since registration remains subject to the requirements of the Designs Act, including the statutory meanings of an “article” under Section 2(a) and a “design” under Section 2(d). Where doubt arises regarding the appropriate class for an article, the Controller may determine the classification in consultation with the applicant where required.

As of September 2026, the 15th edition of the Locarno Classification, which came into force on January 1, 2025, is the current edition. WIPO has published the 16th edition in advance, but that edition will come into force on January 1, 2027.

Locarno Classification at a Glance

1  Foodstuffs	2  Articles of clothing and haberdashery	3  Travel goods, cases, parasols and personal belongings	4  Brushware
5  Textile piece goods and artificial or natural sheet material	6  Furnishing	7  Household goods	8  Tools and hardware
9  Packaging and containers for the transport or handling of goods	10  Clocks, watches, measuring, checking and signalling instruments	11  Articles of adornment	12  Means of transport or hoisting
13  Equipment for production, distribution or transformation of electricity	14  Recording, telecommunication or data processing equipment	15  Machines not elsewhere specified	16  Photographic, cinematographic and optical apparatus
17  Musical instruments	18  Printing and office machinery	19  Stationery, office equipment, artists' and teaching materials	20  Sales and advertising equipment and signs
21  Games, toys, tents and sports goods	22  Arms, pyrotechnic articles and articles for hunting, fishing and pest killing	23  Fluid distribution, sanitary, heating, ventilation and air-conditioning equipment	24  Medical and laboratory equipment
25  Building units and construction elements	26  Lighting apparatus	27  Tobacco and smokers' supplies	28  Pharmaceutical and cosmetic products, toilet articles and apparatus
29  Fire-safety, accident-prevention and life-saving equipment	30  Articles for the care and handling of animals	31  Machines and appliances for preparing food or drink	32  Graphic symbols and logos, surface patterns, ornamentation and arrangements of interiors and exteriors

Practice in India

An Indian design application must identify the article in respect of which registration is sought and place it in the appropriate Locarno class and subclass, with the classification being selected by reference to the nature and intended use of the article rather than merely the visual feature appearing on it. Accurate identification of the article is important because the application, representations and classification should describe the same subject matter and enable the Designs Office to examine and record the design correctly.

The Locarno system contains detailed subclasses within each of the 32 principal classes, which allow an article to be identified more precisely according to its nature and use. For example, Class 6 covers furnishing and contains separate subclasses for seats, beds, tables, storage furniture and other furnishing products, whereas Class 9 covers packaging and containers and contains subclasses for bottles, boxes, bags, containers and closing devices.

A product with an unusual or multiple purpose may require closer consideration of the class that most accurately corresponds to the article, and the Controller may determine the appropriate classification where the classification is uncertain. The selected class assists administration and searching of designs, but the protection ultimately depends upon the design registered under the Designs Act and cannot be enlarged merely by choosing a particular Locarno class.

6. Design Registration Process in India

An application for registration of a design in India is governed by Sections 5 to 7 of the Designs Act, 2000 and the corresponding provisions of the Designs Rules, 2001.

Pre-filing Review

The applicant must identify the visual features for which protection is required, confirm the article to which the design is applied and conduct a search of existing designs to identify potential novelty or prior-publication issues before filing.

Classification and preparation

The article must be classified under the appropriate Locarno class and subclass, and representations must be prepared showing the design clearly from the views necessary to disclose its visual appearance, along with an appropriate statement of novelty.

Filing the Application

An application may be filed by any person claiming to be the proprietor of a new or original design and is filed in Form 1 with the prescribed fee. A design can be registered in only one class through a particular application, which means that separate applications are required where protection for the same design is sought in different classes.

The application must be filed along with the representations showing the design through drawings, photographs or other permitted visual representations, with the different views being prepared consistently so that the features claimed for protection can be clearly understood. A statement of novelty must be included to identify the features in which novelty is claimed, and appropriate disclaimers may be used where words, letters, numerals, trade marks or other matter shown in the representations are not intended to form part of the design protection.

Ordinary and Reciprocity Applications

An applicant may file an ordinary Indian application without relying upon an earlier foreign application, or may file a reciprocity application where an earlier application for the same design has been made in a qualifying convention country, group of countries or inter-governmental organisation. A reciprocity application must be filed in India within six months from the date of the first qualifying application, and the prescribed priority documentation must be submitted in accordance with the Designs Rules.

Where the Indian applicant is different from the applicant named in the earlier foreign application, the documentation establishing the transfer of rights should also support the applicant's entitlement to claim the earlier priority.

Examination of the Application

Every application is referred for examination before registration, and the Designs Office considers compliance with both the formal requirements of the Rules and the substantive requirements of the Act. Examination may address the identification of the article, Locarno classification, adequacy and consistency of the representations, novelty and originality, earlier publication, significant distinguishability and the exclusions contained in the statutory definition of a design.

Where the examiner finds the application capable of registration and the Controller accepts the examination report, the design may proceed directly to registration, whereas any objection or requirement for amendment is communicated to the applicant through a statement of objections.

Response to Objections and Hearing

Under Rule 18 of the Designs Rules, an applicant who receives objections must remove them or apply for a hearing within three months from the date on which the objections are officially communicated, failing which the application may be treated as withdrawn. The application must ordinarily be put in order for registration within six months from the filing date, with the Rules permitting an extension of up to three additional months where the prescribed requirements for extension are satisfied.

The applicant may respond through legal submissions, amendments to the application or representations, or other material addressing the objections raised during examination, and a hearing may be held where the objections remain unresolved or the Controller considers a hearing necessary. After considering the response and any hearing submissions, the Controller may accept the design for registration or refuse the application, with a refusal being subject to the appellate remedy provided under the Designs Act.

Registration and Publication

Once the application complies with the Designs Act and Rules, the design is registered and entered in the Register of Designs, and the registration number ordinarily corresponds with the application number. For an ordinary application, registration takes effect from the date of filing in India, whereas a reciprocity application receives the benefit of the applicable priority framework under the Act.

The registered design is subsequently published in the official journal together with the prescribed particulars and one or more representations showing the design, after which the registration forms part of the publicly accessible design record.

Term of Protection

Registration initially provides protection for 10 years, and the proprietor may extend the term once for a further 5 years by making the prescribed application and paying the applicable fee before expiry of the initial period, giving a registered design a maximum term of 15 years under the Designs Act.

7. Ownership, Assignments, Licences and Commercial Transactions

Section 2(j) of the Designs Act, 2000 recognises the author as the proprietor in the ordinary course, but where a design is created for another person for good consideration, the person for whom it is created may be treated as the proprietor, and rights may also pass through assignment, acquisition or other lawful transfer.

Employee and Commissioned Designs

Commercial designs are often developed by employees, consultants, industrial designers, advertising agencies, product-development firms and UI/UX studios, which makes clear contractual ownership important before a design application is filed. Employment agreements and commissioning arrangements should address ownership of the final design, source files, iterations and other material required for filing or future commercial use, especially where several individuals or external agencies have contributed to the development of the same product.

Where a business relies on an external designer or agency, payment for the work should not be treated as a complete substitute for clear intellectual property terms, since the agreement should establish who owns the design, who has the right to seek registration and whether any rights remain with the creator after delivery of the work.

Assignments and Transfer of Design Rights

A registered design may be assigned or transferred to another person, and Section 30 of the Designs Act provides for the registration of assignments, transmissions and other interests in the Register of Designs. An assignment, mortgage, licence or other interest in a registered design must be recorded in writing through an instrument setting out the terms and conditions governing the rights and obligations of the parties.

An application to register the title or interest created by such an instrument is required to be filed with the Controller within 6 months from the date of execution, with a further period of up to 6 months being available where the prescribed extension is allowed. Once the particulars are entered in the register, the instrument takes effect from the date of its execution.

A registered proprietor may assign the design, grant licences or otherwise deal with the right, subject to the Designs Act and any interests already recorded in the register. Accurate recordal of changes in ownership is important because the register provides the formal record of the proprietor and other recognised interests in the design.

Licensing of Registered Designs

Licensing allows the proprietor to authorise another person to use the registered design without transferring ownership of the right itself, which can be useful in manufacturing, distribution, merchandising, collaboration and technology arrangements where different parties participate in bringing the product to market.

A licence should clearly define the design or registrations covered, the permitted use, territory, duration and commercial terms, together with responsibility for maintaining the registration and dealing with infringement or enforcement. Where new designs, modifications or product variations may arise during the relationship, the agreement should also address ownership and filing responsibility for those later developments.

Designs in Commercial Transactions

Registered designs can form valuable assets in acquisitions, investments, licensing programmes, joint ventures and other commercial transactions, and a review of the design portfolio should extend beyond confirming that

registration certificates exist. The scope of the registered representations, current ownership, renewal status, chain of title, existing licences, earlier disclosures and any pending cancellation or enforcement proceedings can all affect the commercial value of the rights being transferred or relied upon.

Where the design forms part of a larger product or brand portfolio, the transaction may also involve related patents, trade marks, copyright, drawings, technical material and confidential information, which should be reviewed together so that ownership and use rights remain consistent across the complete product.

8. Validity, Objections, Cancellation and Rectification

Registration of a design creates statutory rights in favour of the registered proprietor, but the grant of registration does not prevent its validity from being challenged at a later stage. The Designs Act, 2000 provides different mechanisms for dealing with objections before registration, cancellation of an existing registration, challenges to validity during enforcement proceedings and correction of entries in the Register of Designs, with each mechanism serving a different purpose.

Objections during Examination

Before a design is registered, the Designs Office examines the application for compliance with the Designs Act and the Designs Rules, including the requirements relating to novelty, originality, prior publication, classification, representations and the statutory definition of a design. Where an objection is raised during examination, the applicant may respond through written submissions or amendments and may seek a hearing before the Controller if the objection cannot be resolved through the written response.

Unlike trade mark registration, the Indian design registration procedure does not contain a separate pre-registration opposition stage through which third parties can oppose an application before it is registered. A third party seeking to challenge the validity of a design after registration may use the cancellation procedure provided under Section 19 of the Designs Act.

Cancellation of a Registered Design

Section 19 permits any person interested to file a petition before the Controller seeking cancellation of a registered design at any time after its registration. The grounds for cancellation reflect many of the conditions that the design was required to satisfy when registration was originally granted and allow the validity of the registration to be reconsidered on the basis of earlier rights, prior disclosure or failure to meet the requirements of the Act.

Grounds for Cancellation under Section 19

- Previous registration in India: The same design had already been registered in India before the registration being challenged.
- Prior publication: The design had been published in India or in another country before the date of registration.
- Lack of novelty or originality: The registered design was not new or original when protection was obtained.
- Not registrable under the Designs Act: The design fails to satisfy one or more of the statutory conditions required for registration.
- Does not qualify as a “design” under Section 2(d): The subject matter falls outside the statutory definition of a design, including where it consists of excluded subject matter such as a mode or principle of construction or a mere mechanical device.

Prior publication often matters in cancellation proceedings because material outside the Indian Designs Register may affect a registration's validity, including earlier foreign registrations, product catalogues, websites, commercial publications, sales material, and other evidence showing the design had already entered the public domain. The earlier material must disclose the design with sufficient clarity to establish that the visual features relied upon were available before the relevant date.

The Supreme Court’s decision in *Bharat Glass Tube Ltd. vs Gopal Glass Works Ltd.* remains an important authority on this aspect of design validity, since the Court examined the nature of the earlier material relied upon and emphasised that prior publication must establish an identifiable disclosure of the design rather than merely show the existence of material connected with a similar product.

Cancellation Procedure

A petition for cancellation is filed before the Controller in Form 8 along with a statement setting out the petitioner's interest and the facts on which the challenge is based. Where the registered proprietor contests the petition, a counter-statement may be filed, followed by evidence from the parties by way of affidavits and a hearing before the Controller in accordance with Rule 29 of the Designs Rules.

After considering the pleadings, evidence and submissions of the parties, the Controller may allow or dismiss the cancellation petition, and an order passed under Section 19 may be appealed before the High Court. The Controller also has the power under Section 19 to refer a cancellation petition to the High Court for decision.

Validity as a Defence to Design Piracy

The validity of a registered design can also arise directly in proceedings for piracy under Section 22 of the Designs Act, since every ground on which a registration may be cancelled under Section 19 is available to the defendant as a ground of defence in such proceedings.

Where a Section 19 cancellation ground is raised as a defence in a suit for piracy, Section 22 provides for the proceedings to be transferred to the High Court for decision. This connection between cancellation and enforcement means that a registered proprietor considering action against an alleged imitation should assess the strength of the registration, including possible prior publication and other validity issues, alongside the question of copying.

Rectification of the Register

Rectification under Section 31 serves a different purpose from cancellation and allows an aggrieved person to seek correction of the Register of Designs where an entry has been omitted, entered without sufficient cause, wrongly remains on the register, or contains an error or defect. The Controller may make, remove or vary the relevant entry as required, but the rectification power under Section 31 cannot be used as a substitute for cancellation of a design under Section 19.

An application for rectification is made in Form 17 and is advertised, after which an interested party may file an opposition within the period prescribed

under the Designs Rules. Rule 40 presently allows a notice of opposition to rectification to be filed within three months from advertisement of the application, with the subsequent evidence and hearing procedure substantially following the procedure applicable to cancellation proceedings.

The distinction between cancellation and rectification is important in maintaining the accuracy of the design register, since cancellation addresses the continued legal validity of the registration itself, whereas rectification addresses entries and particulars recorded in the Register without independently providing a mechanism for cancelling a design.

9. Design Piracy, Enforcement and Legal Remedies

A registered design gives its proprietor the exclusive right to apply the design to articles in the class in which it is registered during the subsistence of the registration, and Section 22 of the Designs Act, 2000 provides the statutory framework for taking action against the unauthorised commercial use of that design. Protection extends not only to an exact reproduction of the registered design but also to a fraudulent or obvious imitation, allowing the proprietor to act where the essential visual features of the protected design have been copied even though minor alterations have been introduced.

What Constitutes Piracy of a Registered Design?

During the subsistence of a registered design, the following acts may amount to piracy when carried out without the licence or written consent of the registered proprietor:

- **Unauthorised application of the design:** Applying, or causing to be applied, the registered design or a fraudulent or obvious imitation of it to an article in the class in which the design is registered for the purpose of sale, including acts undertaken to enable the design to be so applied.
- **Importation for sale:** Importing an article for the purpose of sale where the registered design, or a fraudulent or obvious imitation of it, has been applied without the consent of the registered proprietor.
- **Publication or exposure for sale:** Publishing or exposing for sale an article bearing the registered design or its fraudulent or obvious

imitation, where the person knows that the design has been applied without the proprietor's consent.

Protection under Section 22 operates in relation to a registered design, and the statutory right continues only during the period for which copyright in the design subsists under the Designs Act.

Fraudulent or Obvious Imitation

An infringing design does not have to reproduce every detail of the registered design in an identical manner, since Section 22 expressly extends protection to a “fraudulent or obvious imitation” of the registered design. The comparison is based on the visual features protected by the registration, and minor differences in detailing, ornamentation, colour or individual elements may not be sufficient where the competing article retains the principal visual characteristics of the registered design.

Indian courts have applied this principle by comparing the registered representations with the allegedly infringing article and considering the visual effect created by the designs as a whole. The protection remains limited to the design actually registered, which makes the representations and statement of novelty filed with the application important documents when the scope of protection is later examined.

The Bombay High Court's decisions in *Whirlpool of India Ltd. vs Videocon Industries Ltd.* provide an important example of this approach, where the Court considered the shape and configuration of competing washing machines and examined whether the differences introduced into the defendant's product were sufficient to distinguish it from the registered design. The Court also confirmed that an infringement action under Section 22 can be maintained against a person who holds a separate design registration where the use of the impugned design amounts to piracy of the earlier registered design.

Legal Remedies under Section 22

A registered proprietor whose design has been pirated may proceed under either of the statutory remedies provided under Section 22(2):

Remedy	Protection Available
Statutory monetary recovery	The proprietor may recover a sum not exceeding INR 25,000 for each contravention, subject to an aggregate limit of INR 50,000 in respect of any one registered design, recoverable as a contract debt.
Suit for damages and injunction	The proprietor may institute a suit seeking damages for the contravention and an injunction restraining further piracy of the registered design.

The two remedies operate as alternatives under the statutory framework, with the registered proprietor being entitled to elect the remedy appropriate to the circumstances of the infringement. Where continuing manufacture, importation or sale of an infringing product threatens the commercial value of the design, injunctive relief can be an important part of the enforcement strategy alongside a claim for damages.

Court and Validity Challenges

Proceedings for relief under Section 22 cannot be instituted before a court below the level of a District Judge, although the appropriate forum will also depend upon the applicable rules governing territorial and pecuniary jurisdiction.

The defendant is entitled to rely upon any of the grounds available for cancellation of a registered design under Section 19 as a defence to the infringement claim, including prior registration, prior publication, lack of novelty or originality, non-registrability and failure of the subject matter to satisfy the statutory definition of a design. Where such a cancellation ground is raised as a defence under Section 22(3), the Act provides for the suit or proceeding to be transferred to the High Court for decision.

This connection between infringement and validity makes a review of the registration important before enforcement proceedings are commenced, since a design owner may be required to defend the validity of the registration at the same time as establishing piracy by the competing product.

Preparing for Design Enforcement

Effective enforcement depends significantly on the quality of the registration and the records maintained throughout the commercial life of the design, with

the registered representations, statement of novelty and registration certificate forming the starting point for establishing the protected visual features. Product photographs, launch records, evidence relating to the competing product, details of manufacture or sale, market material and documents establishing ownership can also assist in demonstrating the nature and extent of the alleged piracy.

A well-prepared design registration can serve not only as a filing record but also as the foundation of an enforcement strategy, particularly where the representations clearly identify the visual features that distinguish the protected design and allow a direct comparison with the allegedly infringing article.

10. Designs and Other Intellectual Property Rights

A commercially valuable product may involve several intellectual property rights because its appearance, technical features, creative material and market identity can each attract a different form of protection. Design registration protects the qualifying visual appearance of an article, but the same product may also incorporate copyright-protected artwork or drawings, patented technical features, or shapes and trade dress that function as indicators of commercial origin, making it useful to consider these rights together when developing an intellectual property strategy.

Designs and Copyright

The relationship between design protection and copyright is governed by Section 15 of the Copyright Act, 1957, which creates a specific boundary between copyright protection for artistic works and statutory protection for industrial designs.

Under Section 15(1), copyright under the Copyright Act does not subsist in a design that has been registered under the Designs Act, which means that once the industrial design is registered, protection for that design is governed by the Designs Act and continues for the statutory term available under that legislation.

Section 15(2) deals with designs that are capable of registration under the Designs Act but have not been registered, and provides that copyright in such

a design ceases once an article to which the design has been applied is reproduced more than fifty times through an industrial process by the copyright owner or with the owner's licence. This provision is especially relevant to businesses that create drawings, patterns, surface artwork, packaging graphics or other artistic material and subsequently use those works for the commercial manufacture of products, since reliance on copyright alone may not continue once the work becomes an industrially applied design and the statutory reproduction threshold is crossed.

The Delhi High Court considered this distinction in *Microfibres Inc. vs Girdhar & Co.*, where it explained that an original artistic work and the industrial design derived from that work can retain separate legal identities. Copyright may continue in the original artistic work, whereas the design created from that work and applied to articles through an industrial process is subject to Section 15 and the Designs Act.

The Supreme Court revisited the copyright-design interface in *Cryogas Equipment Private Limited vs Inox India Limited* in 2025 and explained that the nature of the work must first be considered to determine whether it remains a purely artistic work or has become a design derived from an artistic work and subjected to industrial application. Where the subject matter does not qualify for copyright protection as an artistic work, its functional character may also need to be considered before determining whether it is capable of protection under the Designs Act.

For businesses developing commercially manufactured products from drawings, illustrations, graphics or other creative material, design and copyright protection should be considered before mass production begins so that the appropriate form of protection is not lost through industrial reproduction.

Designs, Trade Marks and Passing Off

Design law and trade mark law can apply to the appearance of the same product, although the two rights protect different commercial interests. A registered design protects new or original visual features of an article for the limited statutory period provided under the Designs Act, whereas trade mark law protects signs that distinguish the goods or services of one business from those of another and may include the shape of goods, packaging or other

elements of trade dress where the requirements of the Trade Marks Act, 1999 are satisfied.

A newly introduced product shape may initially qualify for design protection because of its visual features and novelty, and continued use in the market may subsequently result in that shape or overall get-up becoming associated by consumers with a particular commercial source. Trade mark protection or passing off may become available in such circumstances only where the appearance independently satisfies the legal requirements applicable to those rights, including distinctiveness in the case of trade mark protection and goodwill, misrepresentation and damage in an action for passing off.

The relationship between registered design rights and passing off was considered by the Delhi High Court in *Carlsberg Breweries A/S vs Som Distilleries and Breweries Ltd.* in 2018, where the Court held that a claim for infringement of a registered design and a claim for passing off may be joined in the same suit where the procedural requirements for joinder are satisfied.

The decision also recognised that the two causes of action remain legally distinct, since design infringement is based on the statutory rights arising from registration, whereas passing off protects the goodwill associated with the appearance or trade dress of a product against misrepresentation.

Businesses with distinctive product shapes, packaging or overall get-up may consequently use design registration during the period in which the appearance qualifies for statutory design protection and may also develop trade mark or passing-off rights where the same features acquire an independent source-identifying function in the market.

Designs and Patents

Designs and patents protect different aspects of innovation, and both forms of protection can exist in relation to the same commercial product where their respective statutory requirements are satisfied. Patent law protects technical inventions and functional developments, whereas design law protects the visual features of an article, including its shape, configuration, pattern, ornament or composition of lines or colours.

A medical device, consumer appliance, automobile component or electronic product may contain a patentable mechanism or technical improvement and also possess an external appearance capable of design registration, allowing

the functional innovation and the visual design to be protected separately. A design registration cannot be used to secure exclusive rights over the technical principle by which the product operates, just as a patent directed to the technical invention does not by itself protect the commercial appearance of the finished product.

The distinction becomes especially relevant during product development because technical and visual features are often developed together but may require separate filing strategies. Patent and design teams should coordinate applications before the product is publicly disclosed, since photographs, prototypes, exhibitions, online launches and other disclosures of the finished product can affect the novelty of the design even where a patent application covering the underlying technology has already been filed.

11. Graphical User Interfaces, Icons and Digital Designs

Graphical user interfaces, icons, screen layouts and other digital visual features have become an important part of modern product design across consumer electronics, automobiles, medical devices, smart appliances and other technology-driven products. Although Indian design law developed primarily around physical articles, the Designs Act, 2000 is capable of protecting visual features such as patterns, ornamentation and compositions of lines or colours, which has brought screen-based designs increasingly within the scope of design registration.

Locarno Class 14-04 specifically covers screen displays and icons, including graphical user interfaces, and provides the classification framework for such applications in India. Their inclusion in the Locarno Classification does not by itself make them registrable, since every application must continue to satisfy the requirements of the Designs Act relating to the article, visual appearance, novelty, originality and functionality.

Development of GUI Protection in India

The Indian practice relating to GUI protection remained uncertain for several years because applications were sometimes refused on the basis that a graphical interface appeared only when a device was switched on, lacked permanent visibility, was generated through software rather than a

conventional manufacturing process, or could not independently qualify as an “article” under the Designs Act.

The Calcutta High Court considered these issues in *UST Global (Singapore) Pte. Ltd. vs Controller of Patents and Designs (2023)*, where it set aside the refusal of a GUI application and directed reconsideration of the matter. The decision questioned the restrictive treatment of digital interfaces, but differences in examination practice continued until the issue received more careful consideration in 2026.

On March 9, 2026, the Calcutta High Court decided a group of appeals in *NEC Corporation vs Controller of Patents and Designs*, arising from the refusal of design applications relating to graphical user interfaces and other screen-based visual designs. The Court held that GUIs cannot be excluded from design registration merely because they are digitally generated or displayed only when an electronic product is in operation.

Position clarified by the Court

- A GUI may contain visual features such as layout, icons, colours, lines, patterns and ornamentation that fall within Section 2(d) of the Designs Act.
- The GUI and the article carrying it are distinct, and the associated article may be a display, mobile phone, tablet, automobile dashboard or another electronic product.
- Application of a GUI through software, electronic signals and hardware can satisfy the requirement of an industrial process and is not limited to traditional manufacturing methods.
- A design does not need to remain permanently visible, and a GUI that appears during the normal operation of a product is not excluded merely because it disappears when the device is switched off.
- Class 14-04 supports the classification of GUIs and icons, but substantive registrability continues to depend upon compliance with the Designs Act.
- The refusal orders were set aside and the applications were remanded to the Controller for fresh consideration rather than being automatically granted registration.

The judgment removes several objections that had historically made GUI registration difficult in India and confirms that digital character, software-

based display and temporary visibility do not, by themselves, prevent a graphical interface from qualifying for design protection. GUIs, icons and screen layouts must still satisfy the ordinary requirements of the Designs Act, including novelty, originality, association with an article and the exclusion of features dictated entirely by technical function.

12. Way Forward for Design Protection in India

India's design protection landscape is expanding alongside the growth of domestic manufacturing, technology-led businesses, consumer products and design-driven industries, with design registration increasingly being used as part of a broader intellectual property strategy rather than as a supplementary form of protection. This growth is taking place at a time when the nature of industrial design itself is changing, as commercially valuable designs now extend beyond conventional physical products to graphical interfaces, icons, digital displays, virtual products and other forms of visual experience.

Modernisation of the Designs Act

In January 2026, the Department for Promotion of Industry and Internal Trade released a Concept Note proposing substantial amendments to the Designs Act, 2000, with the stated objective of modernising India's design protection system and aligning it more closely with international practices. The proposals remain under consideration and do not represent the current law, but they indicate the direction in which the Indian design framework may develop.

Proposed Reform	Proposed Development
Virtual designs	Expansion of the definitions of “article” and “design” to accommodate virtual and digital designs more expressly.
Grace period	Introduction of a 12-month grace period for specified disclosures made before filing.
Deferred publication	Option to defer publication of a registered design for a period of up to 30 months.
Multiple designs	Introduction of a mechanism permitting multiple designs to be included in a single application, subject to prescribed conditions.

Division of applications	Ability to divide an application where separate protection is required for designs included in the original filing.
Statutory damages	Introduction of a revised statutory damages framework for infringement of registered designs.
Term of protection	Revision of the existing term of design protection to bring the Indian framework closer to international practice.
International registration	Proposed introduction of provisions enabling participation in the Hague System for the International Registration of Industrial Designs.

Digital and Virtual Design Protection

Digital visual assets are expected to form an increasingly important part of Indian design practice as interfaces become central to automobiles, medical devices, consumer electronics, fintech products, gaming platforms, smart appliances and other connected technologies. The proposed expansion of the statutory definitions of “article” and “design” would provide a clearer legislative basis for these forms of protection and could reduce the uncertainty that has historically surrounded GUI and screen-based applications.

Greater International Integration

India’s proposed accession to the Hague Agreement and Riyadh Design Law Treaty would be especially useful for Indian start-ups, MSMEs, manufacturers and export-oriented businesses seeking protection in several markets, since international filing mechanisms can reduce the administrative complexity involved in managing separate national applications.

Outlook for Design Protection in India

The development of India’s design system is increasingly connected with the wider growth of domestic product development, manufacturing, digital technology and export-oriented businesses, and the sharp increase in filing activity suggests that businesses are placing greater value on protecting the visual elements of their products. WIPO’s 2025 indicators placed India 7th among the world’s largest design offices in 2024, compared with eleventh position in the preceding year, with the Indian office recording one of the

strongest increases in design filing activity among major jurisdictions. For businesses, these developments make early identification of valuable designs, protection before commercial disclosure and coordination of Indian and international portfolios increasingly important components of product and intellectual property strategy.

LexOrbis Design Practice

Area	Our Design Services
Design Filing and Prosecution	Advice on registrability, preparation and filing of Indian design applications, identification of the appropriate article and Locarno classification, preparation and review of representations and statements of novelty, prosecution of applications, responses to examination objections and representation at hearings before the Designs Office.
International and Convention Filings	Coordination of Indian filings with foreign design applications, convention priority claims, review of priority documentation and development of filing strategies for businesses seeking protection in India as part of a wider international portfolio.
GUI and Digital Design Protection	Advice on graphical user interfaces, icons, screen layouts, digital displays and other screen-based visual features, including filing strategy, article identification, classification and representation of digital designs in light of recent Indian judicial developments.
Design Searches and Registrability Review	Searches of existing design records, assessment of novelty and prior publication risks, review of competing designs and advice on the strength and scope of proposed applications before filing.
Design Portfolio Management	Management and review of design portfolios, monitoring of registration and renewal requirements, assessment of commercially important product variations and coordination of protection across product lines and jurisdictions.
Ownership and Commercial Transactions	Advice on proprietorship, employee and commissioned designs, assignments, licences, recordal of rights, chain-of-title review and treatment of registered designs in acquisitions, collaborations, investments and other commercial transactions.
Cancellation and Validity	Advice and representation in cancellation proceedings, assessment of prior registration and prior publication, novelty and originality challenges, rectification of the Register and review

	of validity issues arising before or during enforcement.
Design Enforcement and Litigation	Advice on piracy of registered designs, comparison of competing products, infringement strategy, injunctions and damages, defence of design registrations and representation in design-related disputes before the appropriate courts and authorities.
Design and Other IP Rights	Advice on the relationship between design protection and copyright, trade marks, passing off and patents, including development of coordinated protection strategies for products involving both visual and technical intellectual property.
Due Diligence and Portfolio Review	Review of ownership, registration status, representations, renewals, licences, prior disclosures, pending disputes and related intellectual property rights in connection with transactions, investments and internal portfolio audits.



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