

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

Forty-First Session
Geneva, April 8 to 11, 2019

COMPILATION OF THE RETURNS TO THE SECOND QUESTIONNAIRE ON GRAPHICAL USER INTERFACE (GUI), ICON AND TYPEFACE/TYPE FONT DESIGNS

Document prepared by the Secretariat

INTRODUCTION

1. At the fortieth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), which was held in Geneva from November 12 to 16, 2018, the SCT considered a Draft Questionnaire on Graphical User Interface (GUI), Icon, Typeface/Type Font Designs (documents SCT/40/2 and SCT/40/2 Rev.).
2. The Chair of the fortieth session of the SCT concluded that “the Secretariat was requested to circulate the questionnaire as contained in document SCT/40/2 Rev. to SCT members and Intergovernmental Intellectual Property Organizations with observer status, for returns by January 31, 2019; and compile all returns into a document for consideration by the forty-first session of the SCT, it being understood that, due to the limited time for the preparation of this document, the SCT agreed that this document would be made available not later than March 8, 2019” (document SCT/40/9, paragraph 11).
3. Accordingly, the Secretariat prepared and addressed to all SCT members and Intergovernmental Intellectual Property Organizations with observer status, under Note C. 8821 of December 7, 2018, the *Questionnaire on Graphical User Interface (GUI), Icon and Typeface/Type Font Designs* (hereinafter “the questionnaire”), which is reproduced in Annex II to the present document. In addition, the questionnaire was made available, in Arabic, Chinese, English, French, Russian and Spanish, on the World Intellectual Property Organization (WIPO) website at the following address: <https://www.wipo.int/sct/en/>.

4. At the closing date of the survey (*i.e.*, on January 31, 2019), replies from the following Member States had been received: Brazil, Canada, China, Colombia, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Ireland, Kazakhstan, Lithuania, Mexico, New Zealand, Pakistan, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Singapore, Slovakia, Sweden, Switzerland, United Kingdom, and the United States of America (31). The following Intergovernmental Intellectual Property Organization also replied to the questionnaire: Benelux Organization for Intellectual Property (BOIP) (1).
5. At the forty-first session of the SCT, held in Geneva from April 8 to 11, 2019, the Chair requested the Secretariat to invite members and Intergovernmental Intellectual Property Organizations with observer status to submit additional or revised replies to the questionnaire until July 31, 2019, and finalize document SCT/41/2 for consideration at the forty-second session of the SCT (document SCT/41/9, paragraph 9).
6. By July 31, 2019, new replies were received from: Azerbaijan, Chile, Ecuador, Japan, Kenya, Latvia, Norway and the European Union Intellectual Property Office (EUIPO) (8).
7. At the forty-second session of the SCT, held in Geneva from November 4 to 7, 2019, the Chair concluded that the Secretariat was requested to keep the document open until January 10, 2020, for further or revised replies by delegations (document SCT/42/8, paragraph 9). By January 10, 2020, new replies were received from: Iceland and Thailand (2).
8. At its forty-third session held from November 23 to 26, 2020, the Chair concluded that the Secretariat was requested to re-open the questionnaire until January 29, 2021, for further or revised replies by delegations (document SCT/43/7, paragraph 7). New and updated replies were received from: Algeria, Bahrain, Bosnia and Herzegovina, China, Colombia, Costa Rica, Dominican Republic, Finland, Georgia, Israel, Kazakhstan, Montenegro, Philippines, Poland, Portugal, Russian Federation, Spain, Thailand, Tunisia, Turkey and the European Union Intellectual Property Office (EUIPO) (21). This brings the overall number of returns to 54 .
9. Annex I to the present document compiles the replies to the questionnaire. It reproduces the 39 questions contained in the questionnaire, as well as all corresponding replies in tabulated form. When a Member State or Intergovernmental Intellectual Property Organization gave no reply to a particular question, the corresponding entry is left empty. Comments provided are reproduced as such and *in extenso* under or, whenever possible, in the table reporting the replies to the related question.

10. *The SCT is invited to consider the content of the present document.*

[Annexes follow]

QUESTIONS CONCERNING THE REQUIREMENT FOR A LINK BETWEEN GUI, ICON, TYPEFACE/TYPOGRAPHY DESIGNS AND THE ARTICLE OR PRODUCT

Question 1 - Does your jurisdiction provide protection for:

Responding Party	GUI designs	Icon designs	Typeface/type font designs	Comments
Algeria	Yes	Yes	Yes	
Azerbaijan	Yes	Yes	Yes	
Bahrain	Yes	Yes	Yes	GUI, Icon, typeface/type font designs can be protected under the design's national jurisdiction. Article (1) of the law of Industrial designs and Models No. (6) 2006.
Bosnia and Herzegovina	Yes	Yes	Yes	
Brazil	Yes	Yes	No	
Canada	Yes	Yes	Yes	In Canada, a "design" or "industrial design" means features of shape, configuration, pattern or ornament and any combination of those features that, in a finished article , appeal to and are judged solely by the eye (see s.2 of the Industrial Design Act). A design for a GUI/icon design and typeface / type font designs must be applied to a finished article to be protected.
Chile				Our legislation does not make specific reference to any of these elements. However, they can be protected as two-dimensional designs. In Chile, GUIs, icons and typeface/type fonts can be considered to fall under (the denomination of) industrial designs. The legislation provides that "the term industrial drawing is understood to encompass any disposition, set or combination of figures, lines of colors that are developed on a plane for incorporation into an industrial product for the purposes of ornamentation and that vest that product with a new appearance"
China	Yes	No	No	
Colombia	Yes	Yes	No	
Costa Rica	Yes	Yes	Yes	As stated in answers to a previous questionnaire, there is no specific reference in national law to applications for GUI, icons or fonts. However, provision is made for them as industrial designs.
Croatia		Yes	Yes	
Czech Republic	Yes	Yes	Yes	

Denmark	Yes	Yes	Yes	Our jurisdiction does not provide protection for GUIs in general. The appearance of a GUI can be protected as an industrial design whereas the technical functions of the GUI is covered by patent law. Eg. “The screen display and userface” is protected exclusively, as a “registered industrial design” and as an “unregistered industrial design protection (EU)”, as it appears and not by its technical functions.
Dominican Republic	Yes	Yes	Yes	
Ecuador	No	No	No	Specifically, the jurisdiction does not provide protection for these particular cases. However, they could be covered under certain forms of protection, such as industrial designs, or through other forms, such as copyright.
Estonia	Yes	Yes	Yes	
Finland	Yes	Yes	Yes	
France	Yes	Yes	Yes	
Georgia	Yes	Yes	Yes	
Germany	Yes	Yes	Yes	
Hungary	Yes	Yes	Yes	
Iceland	Yes	Yes	Yes	The Icelandic legislation does not differentiate between design types. Art. 2 of the Icelandic Design Protection Act (DA) No. 46/2001 provides protection for: graphic symbols and typographic typefaces.
Ireland	Yes	Yes	Yes	Ireland does not differentiate between design types. Designs are treated the same irrespective of whether the applicant or anyone else may call them GUI, icon, typeface, normal or any other.
Israel	Yes	Yes	No	The Designs Law, 5777-2017 (in force from 7.8.2018) (hereinafter “The Designs Law”) clarifies that the term “Product” includes Graphic symbols and screen displays, and specifically excludes typefaces. This means that a design of a typeface is not protected under Designs law. The Designs Law amended The Copyright Law, 5768-2007, to incorporate Copyright protection for Typeface. The amendment states that Typeface will be protected as an artistic work for 70 years from publication. The right for derivative work is not applicable for typefaces; however, the right to prevent the copying of a substantial part of the work remains intact. The right for credit is also not applicable for typefaces and the integrity right was limited in a way that the designer’s degree of freedom in designing typefaces shall be taken into account when analyzing infringement of the copyright protected typeface. In addition, the amendment introduced a new

				permitted use in order to protect the end user. The permitted use is for typing and printing even if the font (software containing the typeface) is infringing. A person who makes commercial uses in materials printed in an infringing typeface and know or should have known that the materials are printed in an infringing typeface, will be an indirect Copyright infringer. It should be noted that the font (the software) is protected in accordance with any general principle applying to any other computer program.
Japan ¹	Yes	Yes	No	
Kazakhstan	Yes	Yes	Yes	
Kenya	Yes	Yes	Yes	The Industrial design law in Kenya does not specifically refer to GUI, icons and typeface industrial designs. The law requires an applicant to submit drawings, photographs or other graphic representations of the article embodying the design. In practice, the office registers these types of designs as long as the article/product to which the design is applied to is identified in the application.
Latvia	Yes	Yes	Yes	There are no special provisions. These designs can be registered according to the general provisions of Law on Designs.
Lithuania	Yes	Yes	Yes	
Mexico	Yes	Yes	Yes	Each of them is provided for in article 32 LPI of our jurisdiction: Article 32.- Industrial designs include: I.- Industrial drawings, which are any combination of figures, lines or colors that are incorporated into an industrial product for ornamentation purposes and that give it a peculiar and proper appearance, and GUI, icon and font designs have been protected in Mexico for years.
Montenegro		Yes	Yes	In the Law on legal protection of design ("Official Gazette of Montenegro" No. 80/10, 27/13, 42/16 and 2/17) in the Article 2, paragraph 2 is prescribed that as industrial design can be protected a product which can be industrial or handcraft item, including, inter alia, parts intended to be assembled into a complex product, packing, graphic symbols and typographic typefaces, but excluding computer programs.
New Zealand	No	No	No	New Zealand does not have a law providing specifically for registered design protection for GUI, icons or typeface/type font designs per se.

¹ As the revised Design Act including the GUI design protection provisions was promulgated on 17 May 2019 in Japan (the GUI design protection provisions are scheduled to come into force within a year from the promulgation of the Design Act), when answers to the questions below are different for the existing law and the revised law, Japan provided answers for both the existing law and the revised law.

				The Intellectual Property Office of New Zealand will, however, register designs under the Designs Act 1953 in the form of an image applied to an article as a pattern or ornament applied to the article. If the image corresponds to a static version of an icon or GUI then only to this degree could it be said that a GUI or icon enjoyed protection under the Designs Act 1953. The article to which the image is applied may be an electronic display screen, so it is not necessary for the image to be displayed permanently on the screen. In so far as a GUI or icon or typeface/type design or parts thereof may be considered to be an 'original artistic work', then the design may qualify for protection under the Copyright Act 1994.
Norway	Yes	Yes	Yes	
Pakistan	Yes	Yes	No	The Registered Design Ordinance 2000 does not restrict registration of GUI or Icon Design.
Peru	Yes	Yes	No	Article 113 of Decision 486 of the Andean Community Commission establishes that the particular appearance of a product resulting from any assembly of lines or combination of colors, or from any two-dimensional or three-dimensional external shape, line, contour, configuration, texture or material, shall be considered as an industrial design, without changing the purpose or destination of said product.
Philippines	Yes	Yes		
Poland	Yes	Yes	Yes	
Portugal	Yes	Yes	Yes	
Republic of Korea	Yes	Yes	Yes	
Republic of Moldova	Yes	Yes	Yes	
Romania	Yes	Yes	Yes	There are no special provisions. These designs can be registered according to the general provisions of Design Law.
Russian Federation	Yes	Yes	Yes	There is no exact mention of such object as GUI in the Russian legislation. However, GUI, icon designs and typefaces (type font designs) can be considered as objects falling under the concept of industrial design, which may be protected as solutions of product appearance.
Singapore	Yes	Yes	Yes	The design (GUI, icon, typeface/ type font) should be applied to any article or non-physical product.
Slovakia	Yes	Yes	Yes	
Spain	Yes	Yes	Yes	
Sweden	Yes	Yes	Yes	
Switzerland	Yes	Yes	Yes	
Thailand	Yes	Yes	No	
Tunisia		No		
Turkey	Yes	Yes	Yes	
United Kingdom	Yes	Yes	Yes	
United States of America	Yes	Yes	Yes	

BOIP	Yes	Yes	Yes	However, computer programs are ruled out from the definition of a product (art. 3.1(4) BCIP).
EUIPO	Yes	Yes	Yes	Under the Community Design Regulation, any industrial and handicraft item is considered to be a suitable product subject to a design. Graphical symbols and typographic typefaces are expressly listed in the statutory definition as examples for such products. Icons are covered by the broad notion of graphical symbols. GUIs are also accepted as products, the appearance of which can be a design. However, computer programs as such cannot constitute a suitable product.

Question 2 - In your jurisdiction, is a link between a GUI/icon design and an article required as a prerequisite for registration?

Responding Party	A link between a GUI/icon design and an article is required	Comments
Algeria	No	
Azerbaijan	No	
Bahrain	Yes	The link between a GUI/ icon design and an article required as prerequisite for registration. In which, to limit the scope of the protection and to identify the accurate Locarno Classification.
Bosnia and Herzegovina	No	
Brazil	No	
Canada	Yes	
Chile		For the analysis and description of a GUI or icon, the link between a GUI or icon design and an item is indicated in the description, where the introduction indicates the object in question and the preferred application.
China	Yes	
Colombia	No	
Costa Rica	Yes	The requirement of unity of design is set forth under the law. Because several GUIs have been grouped together as they belong to the same product, the requirement may be applied to icons.
Croatia	No	
Czech Republic	No	
Denmark	No	
Dominican Republic	No	
Ecuador	No	
Estonia	No	
Finland	No	
France	No	
Georgia	No	
Germany	No	
Hungary	No	

Responding Party	A link between a GUI/icon design and an article is required	Comments
Iceland	No	
Ireland	No	
Japan	Yes	for graphic images filed as a part of an article (existing law and revised law)
Japan	No	for graphic image filed as it is (revised law)
Japan	No	Even though it will become possible to file a graphic image as it is after the revised law comes into force, it will still be possible to file a graphic image as a part of an article.
Kazakhstan	No	A link between a GUI/icon design and an article may be reflected in the name of a claimed utility model that contains a reference to the area of its application. A utility model application must contain a description of the utility model. Information about the purpose and area of application of a claimed utility model is provided in the description section under the heading "Purpose and area of application of the utility model."
Kenya	Yes	The Kenyan Law, under Section 87 of the Industrial Property Act, 2001 provides that all industrial design applications must indicate the article/product for which the industrial design is to be applied to.
Latvia	No	
Lithuania	No	
Mexico	Yes	
Montenegro	Yes	Requirements for Design Protection are prescribed in Article 3 of the Law on legal protection of design, which prescribed that a design can be protected if it is new and if it has an individual character. Also in Article 4 is prescribed, a design applied to or contained in a product which constitutes a component of a complex product shall be considered to be new and to possess individual character only if such component of the product, after being incorporated into the complex product, remains visible during normal use of that product and if the visible features of the component part of the product themselves meet the requirements concerning novelty and individual character.
New Zealand		
Norway	No	
Pakistan	Yes	
Peru	Yes	Article 118 of Decision 486 states that the application for registration of an industrial design shall be contained in a form and shall comprise the following: (...) (d) an indication of the type or genus of goods to which the design shall apply and of the class and subclass of such goods.
Philippines	Yes	
Poland	No	
Portugal	No	
Republic of Korea	Yes	
Republic of Moldova	No	
Romania	No	This is depending on how the applicant mentions the title of design in the application. E.g.: "Graphic User Interfaces" or "Graphical User Interface for a display screen or portion thereof", "Graphic user interface for mobile terminals", but the classification is the same - class 14 - 04.

Responding Party	A link between a GUI/icon design and an article is required	Comments
Russian Federation	No	<p>A product containing a GUI design or icon design is not required to be represented in an application filed for its registration. Despite possibility of protection of a graphic image as such, it can be claimed for protection as independent part of a product. In this case the link between a GUI/icon design and an article can be reflected in the indication of a claimed industrial design that contains its application field.</p> <p>According to the Russian legislation, application for industrial design registration should contain description that also contains purpose of its use and application field of the industrial design.</p>
Singapore	Yes	
Slovakia	No	
Spain	No	
Sweden	No	
Switzerland	No	
Thailand	Yes	
Tunisia	No	
Turkey	No	
United Kingdom	No	N/A
United States of America	Yes	<p>“In a design patent application, the subject matter which is claimed is the design embodied in or applied to an article of manufacture (or portion thereof) and <u>not</u> the article itself. Ex parte Cady, 1916 C.D. 62, 232 O.G. 621 (Comm’r Pat. 1916). “[35 U.S.C.] 171 refers, not to the design of an article, but to the design for an article, and is inclusive of ornamental designs of all kinds including surface ornamentation as well as configuration of goods.” In re Zahn, 617 F.2d 261, 204 USPQ 988 (CCPA 1980). The design for an article consists of the visual characteristics embodied in or applied to an article. Since a design is manifested in appearance, the subject matter of a design patent application may relate to the configuration or shape of an article, to the surface ornamentation applied to an article, or to the combination of configuration and surface ornamentation.</p> <p>Design is inseparable from the article to which it is applied and cannot exist alone merely as a scheme of surface ornamentation. It must be a definite, preconceived thing, capable of reproduction and not merely the chance result of a method.” MPEP §1502</p> <p>“Computer-generated icons, such as full screen displays and individual icons, are 2-dimensional images which alone are surface ornamentation. See, e.g., Ex parte Strijland, 26 USPQ2d 1259 (Bd. Pat. App. & Int. 1992) (computer-generated icon alone is merely surface ornamentation). The USPTO considers designs for computer-generated icons embodied in articles of manufacture to be statutory subject matter eligible for design patent protection under 35 U.S.C. 171. Thus, if an application claims a computer-generated icon shown on a computer screen, monitor, other display panel, or a portion thereof, the claim complies with the “article of manufacture” requirement of 35 U.S.C. 171. Since a patentable design is inseparable from the object to which it is applied and cannot exist alone merely as a scheme of surface ornamentation, a computer-generated icon must be embodied in a computer screen, monitor, other display panel, or portion thereof,</p>

Responding Party	A link between a GUI/icon design and an article is required	Comments
		to satisfy 35 U.S.C. 171. See MPEP § 1502.” MPEP § 1504.01(a)(l)(A)).
BOIP	Yes	
EUIPO	No	EUIPO understands in this context that a “link” is the association by way of the representation of the design of a GUI or icon design to an article. Although the representation of the GUI or icon design does not need to show the article into which that GUI or icon design will be incorporated, in accordance with Article 36(2) CDR, an application for a registered Community design must contain the indication of products in which the design is intended to be incorporated. In the case of GUIs that product indication could be “graphical user interface”. For the purpose of this questionnaire, EUIPO considers that “link to an article” does not refer to the indication of products. EUIPO has provided additional clarifications in the comments to questions 3 to 12 even though the requirement of a link is not a prerequisite for registration before it.

(a) Requirement for a link

Question 3 - In your jurisdiction, for which type of designs is a link with an article required?

Responding Party	Computer-generated animated designs	GUI designs	Icon designs	Typeface/type font designs	Other
Algeria					
Azerbaijan					
Bahrain	Yes	Yes	Yes	Yes	Yes
Bosnia and Herzegovina					
Brazil					
Canada	Yes	Yes	Yes	Yes	Yes
Chile					
China		Yes			
Colombia					
Costa Rica		Yes	Yes		
Croatia					
Czech Republic					
Denmark					
Dominican Republic					
Ecuador					
Estonia					
Finland					
France					
Georgia					
Germany					
Hungary					

Responding Party	Computer-generated animated designs	GUI designs	Icon designs	Typeface/type font designs	Other
Iceland					
Ireland					
Israel	Yes	Yes	Yes		
Japan*	Yes	Yes	Yes		
Kazakhstan					
Kenya		Yes	Yes	Yes	
Latvia					
Lithuania					
Mexico		Yes	Yes		
Montenegro			Yes	Yes	
New Zealand					
Norway					
Pakistan	Yes	Yes	Yes		
Peru					Yes
Philippines	Yes	Yes	Yes		
Poland					
Portugal					
Republic of Korea	Yes	Yes	Yes		
Republic of Moldova					
Romania					
Russian Federation					
Singapore	Yes	Yes	Yes	Yes	
Slovakia					
Spain					
Sweden					
Switzerland					
Thailand		Yes	Yes		
Tunisia					
Turkey					
United Kingdom					
United States of America					Yes All designs.
BOIP	Yes	Yes	Yes	Yes	Yes
EUIPO					

COMMENTS:

Bahrain

According to the law of Industrial designs and Models No. (6) 2006 in Bahrain, the link between designs and article is required without any exceptions for certain designs

Canada

In Canada, all designs must be applied to a finished article. See s.2 of the *Industrial Design Act*. "design" or "industrial design" means features of shape, configuration, pattern or ornament and any combination of those features that, **in a finished article**, appeal to and are judged solely by the eye". See also s. 20(1) of the *Industrial Design Regulations*: "[...] An application must be limited to one design **applied to a single finished article** [...]".

Chile

For all types, the applicant must indicate the preferred application.

Israel

Typeface/ type font designs are not protected under The Designs Law.

Japan

* For graphic images filed as a part of an article (existing law and revised law).

A link between the graphic image and the article will be required when a graphic image is filed as a part of an article even after the revised law comes into force. It should be noted that when a graphic image is filed as it is, a link between the graphic image and the article will not be required.

Kenya

Refer to comment under paragraph 2, above. The Office does not have any experience with respect to computer generated animated designs.

Pakistan

As mentioned above, the law is silent, any aesthetic design applied to an article may be registered under Registered Design Ordinance 2000.

Peru

Article 113 of Decision 486 of the Andean Community Commission establishes that the particular appearance of a product resulting from any assembly of lines or combination of colors, or from any two-dimensional or three-dimensional external shape, line, contour, configuration, texture or material, shall be considered as an industrial design, without changing the purpose or destination of said product.

Likewise, Article 118 of Decision 486 states that the application for registration of an industrial design shall be contained in a form and shall comprise the following: (...) (d) an indication of the type or genus of goods to which the design shall apply and of the class and subclass of such goods.

Singapore

All designs are required to be applied to any article or non-physical product. Definition of design: Design means features of shape, configuration, colors, pattern or ornament applied to any article or non-physical product that give that article or non-physical product its appearance.

Thailand

All types of design must indicate a link between a design and the article including GUIs and icons.

United Kingdom

N/A

United States of America

All design patent applications are examined pursuant 35 U.S.C. 171 and must be directed to “new, original and ornamental designs for an article of manufacture.” As described previously, the subject matter which is claimed is the design embodied in or applied to an article of manufacture (or portion thereof) and not the article itself. See MPEP § 1502.

With regard to type fonts, the following may be noted: “Traditionally, type fonts have been generated by solid blocks from which each letter or symbol was produced. Consequently, the USPTO has historically granted design patents drawn to type fonts. USPTO personnel should not reject claims for type fonts under 35 U.S.C. 171 for failure to comply with the ‘article of manufacture’ requirement on the basis that more modern methods of typesetting, including computer-generation, do not require solid printing blocks.” MPEP §1504.01(a) III (Treatment of Type Fonts).

BOIP

A design right can only be claimed for a product (within the Locarno classification).

Question 4 - For which reason is such a link required in your jurisdiction?

Responding Party	Facilitating searches by examining Offices	Facilitating Freedom to Operate (FTO) searches by users	Facilitating searches by applicants	Limiting the scope of design rights	Other
Algeria					
Azerbaijan					
Bahrain	Yes	Yes	Yes		
Bosnia and Herzegovina					
Brazil					
Canada	Yes		Yes	Yes	
Chile					
China	Yes			Yes	
Colombia					
Costa Rica	Yes				
Croatia					
Czech Republic					
Denmark					
Dominican Republic					
Ecuador					
Estonia					
Finland					

Responding Party	Facilitating searches by examining Offices	Facilitating Freedom to Operate (FTO) searches by users	Facilitating searches by applicants	Limiting the scope of design rights	Other
France					
Georgia					
Germany					
Hungary					
Iceland					
Ireland					
Israel	Yes	Yes	Yes	Yes	Yes*
Japan*					Yes
Kazakhstan					
Kenya	Yes	Yes	Yes	Yes	
Latvia					
Lithuania					
Mexico				Yes	
Montenegro					Yes*
New Zealand					
Norway					
Pakistan				Yes	
Peru	Yes		Yes		
Philippines	Yes		Yes		
Poland					
Portugal					
Republic of Korea					
Republic of Moldova					
Romania					
Russian Federation					
Singapore				Yes	
Slovakia					
Spain					
Sweden					
Switzerland					
Thailand	Yes	Yes	Yes	Yes	
Tunisia					
Turkey					
United Kingdom					
United States of America					Yes
BOIP				Yes	
EUIPO					

COMMENTS:

Chile

It is indicated as a reference. Although it is not specifically established in the legislation, this is done if the description is required to determine the field of application and to classify it in terms of the product in which it is included or used.

Costa Rica

The unity of design requirement is enshrined in law and serves as a guide for examining Offices when conducting searches.

Israel

* Statutory requirement setting forth what qualifies as a “design” (Article 1):

“Design” *means the appearance of a product or part of a product*, composed of one or more visual characteristic of the product or of part of the product, as the case may be, including outline, color, shape, decoration, texture or the material from which they are made.

“Product” including a set of articles, packaging, graphic symbol, screen display, excluding typeface and computer program.

Limiting the scope of design rights: Under the Patents and Designs Ordinance, the scope of design rights was limited for goods included in the class for which the design was registered (The Patents and Designs Ordinance 1924, Article 37). According to The Designs Law this is no longer a limitation. The scope of the protection conferred by a registered design right includes any design which produces on the informed user an overall impression that does not differ from the overall impression produced by the registered design (The Designs Law, Article 37). It is assumed that the article to which the link is required will assist the courts in assessing the overall impression.

Japan

* For graphic images filed as a part of an article (existing law and revised law). This is because under the existing law, design that is the subject of protection is limited to articles and graphic images will be protected as a part of an article. In addition, in receiving protection as a graphic image for use in operation of articles, the graphic image has to be a graphic image for performing functions of the article. When graphic images are filed as it is, it will become possible to register them without requiring its link to the article after the revised law comes into force. However, its specific requirements are still under consideration.

Kenya

The Industrial design law limits protection to special appearances of products.

Mexico

When performing the background examination, we assign a classification that depends on the title of the application, its figures and the attached claim, to determine whether there is congruence. We look for this title in the recently used version 12 of the Locarno classification. This classification enables us to achieve greater success and accuracy in our searches.

Montenegro

It is prescribed by the Law on legal protection of industrial design. See answer to question 2.

Republic of Korea

Screen design (include GUI) is registrable only if it is claimed as a partial design of an article.

United Kingdom

N/A

United States of America

This requirement that the design patent application be directed to “designs for an article of manufacture” is a statutory requirement setting forth that which is eligible for protection by design patents in the United States. 35 U.S.C. 171; MPEP § 1502.

BOIP

A design is defined as the new appearance of a product. So without a product indication, no design right can be granted.

Question 5 - In your jurisdiction, a GUI design:

Responding Party	Must be embodied in a physical article to be protected	Can apply to a virtual article	Comments
Algeria			
Azerbaijan			
Bahrain	No	Yes	Attached photocopy for a drawing(s) or a design(s) "presenting the GUI design" is required for online design applications according to Article 5(1) of the national implementing regulation No. (1) 2012 for the Law of Industrial designs and Models No. (6) 2006 .
Bosnia and Herzegovina			
Brazil			
Canada	Yes	No	A design application can be filed showing either the design applied to a physical article or the design in isolation. The application must clearly indicate the finished article to which the design is applied.
Chile			Applications for registration of GUIs may be submitted showing the design applied to a physical item or the design in isolation. The GUI's description must also mention its application.
China	Yes	No	
Colombia			
Costa Rica	Yes	Yes	It is understood that a GUI will always, by its nature, be linked to an article.
Croatia			
Czech Republic			
Denmark			
Dominican Republic			
Ecuador			
Estonia			
Finland			
France			

Responding Party	Must be embodied in a physical article to be protected	Can apply to a virtual article	Comments
Georgia			
Germany			
Hungary			
Iceland			
Ireland			
Israel	No	Yes	
Japan	Yes	No	for graphic images filed as a part of an article (existing law and revised law)
Japan	No	Yes	for graphic image filed as it is (revised law) Since it will become possible to protect a graphic image itself after the revised law comes into force, it will be possible to protect virtual articles that are not embodied in an article (e.g., Internet application).
Kazakhstan			
Kenya	Yes		The law defines "product" to mean anything that is made by hand, tool or machine and it is not clear whether this definition would apply to a virtual article/product.
Latvia			
Lithuania			
Mexico	Yes	Yes	
Montenegro			The Law on legal protection of industrial design has not an article which prescribe how we can protect GUI.
New Zealand			
Norway			
Pakistan	Yes	No	
Peru			
Philippines	Yes		
Poland			
Portugal			
Republic of Korea	Yes	No	
Republic of Moldova			
Romania			
Russian Federation			
Singapore	No	Yes	Where a GUI contains features of shape, configuration, colours, pattern or ornament and such GUI is applied to an article or non-physical product so as to give that article or non-physical product its appearance, an applicant may seek registration of the GUI as a design under the Registered Designs Act.
Slovakia			
Spain			

Responding Party	Must be embodied in a physical article to be protected	Can apply to a virtual article	Comments
Sweden			
Switzerland	No	Yes	
Thailand	Yes	Yes	The GUI design has to file as a pattern of a product or a pattern of a display screen.
Tunisia			
Turkey			
United Kingdom			N/A
United States of America			The United States of America currently lacks jurisprudence in relation to whether design patents can be successfully enforced in relation to use in virtual spaces. Complaints based on accused infringement of design rights in the virtual space have been initiated in federal district court, however, known cases have concluded without resolution of this issue. See e.g., Bayerische Motoren Werke AG (BMW) et al. v. Turbosquid, Inc., New Jersey District Court (2016). (Case filed May 3, 2016, and terminated on August 11, 2016).
BOIP	No	Yes	See Locarno class 14.04
EUIPO			As regards question 5b), it should be noted that the statutory definition of a design or product respectively does not explicitly cover a virtual article. Given that graphical symbols constitute products by law, by extension an article represented virtually only may be considered a design as well. There is, however, no established case law for such an interpretation.

COMMENTS:

Question 6 - In your jurisdiction, do functional aspects of the article displaying the GUI/icon design play a role in assessing the link between such design and the article?

Responding Party	Functional aspects of the article play a role in assessing the link	If yes, what role?
Algeria		
Azerbaijan		
Bahrain	No	
Bosnia and Herzegovina		
Brazil		
Canada	No	
Chile	No Only the formal aspects are considered.	
China	Yes	Limiting the scope of designs.
Colombia		
Costa Rica	No	
Croatia		
Czech Republic		
Denmark		
Dominican Republic		
Ecuador		
Estonia		
Finland		
France		
Georgia		
Germany		
Hungary		
Iceland		
Ireland		
Israel	No	
Japan*	Yes	When the GUI is provided for use in the operation of an article, the functional aspects of an article are used to assess what kind of function the graphic image enables the article to perform. On the other hand, for display images(except the abovementioned GUI), the functional aspects of an article are used to assess whether the graphic image is a graphic image for making necessary indications for performing the functions of the article.
Kazakhstan		
Kenya	No	
Latvia		
Lithuania		
Mexico	No	
Montenegro	Yes	
New Zealand		
Norway		
Pakistan	No	
Peru	No	
Philippines	No	

Responding Party	Functional aspects of the article play a role in assessing the link	If yes, what role?
Poland		
Portugal		
Republic of Korea	No	
Republic of Moldova		
Romania		
Russian Federation		
Singapore	No	
Slovakia		
Spain		
Sweden		
Switzerland	No	
Thailand	Yes	To limit the scope of design rights
Tunisia		
Turkey		
United Kingdom		
United States of America	No	
BOIP	No	
EUIPO		

COMMENTS:

Japan

* For graphic images filed as a part of an article (existing law and revised law).

Kenya

The law prohibits protection of functional aspects of industrial designs, such as anything in the industrial design for obtaining a technical result or methods or principles of manufacture or construction.

Mexico

In the registration of industrial designs and industrial drawings in Mexico, form and appearance are protected, as illustrated, described and claimed. According to article 31(3) of the LPI: "The protection conferred to an industrial design shall not include elements or characteristics dictated solely by technical considerations or by the performance of a technical function, and that do not incorporate any arbitrary contribution of the designer; nor those elements or characteristics whose exact reproduction would be necessary to allow the product incorporating the design to be mechanically assembled or connected to another product of which it constitutes an integral part; this limitation shall not apply to products in which the design is in a form intended to allow the assembly or multiple connection of the products or their connection within a modular system". Hence, the law clearly and precisely provides for it.

Montenegro

A complex product shall mean a product which is composed of multiple components which can be replaced, and which permit disassembly and reassembly of the product. This is prescribed in Article 2, paragraph 3 of the Law on legal protection of industrial design.

Peru

Article 130 of Decision 486 states that the protection conferred on an industrial design shall not extend to the elements or characteristics of the design dictated entirely by considerations of a technical nature or by the performance of a technical function, which do not incorporate any arbitrary contribution by the designer.

The protection conferred on an industrial design shall not include those elements or characteristics whose exact reproduction would be necessary to allow the product incorporating the design to be mechanically assembled or connected to another product of which it forms a part. This limitation shall not apply to products in which the design is in a form intended to allow the assembly or multiple connection of the products, or their connection within a modular system.

United Kingdom

N/A

Question 7 - In your jurisdiction, if a link between a GUI, icon, typeface/type font design and an article is required, but not provided in the design application, can it still be provided during prosecution?

Responding Party	A link can still be provided during prosecution	If yes, who is empowered to provide it?	
		The applicant	The Office
Algeria			
Azerbaijan			
Bahrain	Yes	Yes	
Bosnia and Herzegovina			
Brazil			
Canada	Yes	Yes	
Chile	Yes It may be provided during processing.		
China	No		
Colombia			
Costa Rica	Yes	Yes	
Croatia			
Czech Republic			
Denmark			
Dominican Republic			
Ecuador			
Estonia			
Finland			
France			
Georgia			
Germany			
Hungary			

Responding Party	A link can still be provided during prosecution	If yes, who is empowered to provide it?	
		The applicant	The Office
Iceland			
Ireland			
Israel	Yes	Yes	
Japan*	No		
Kazakhstan			
Kenya	Yes	Yes	
Latvia			
Lithuania			
Mexico	Yes	Yes	
Montenegro	No		
New Zealand			
Norway			
Pakistan	Yes	Yes	
Peru	Yes		
Philippines	Yes	Yes	
Poland			
Portugal			
Republic of Korea	Yes	Yes	
Republic of Moldova			
Romania			
Russian Federation			
Singapore	Yes	Yes	
Slovakia			
Spain			
Sweden			
Switzerland			
Thailand	No		
Tunisia			
Turkey			
United Kingdom			
United States of America	Yes	Yes	Yes
BOIP	Yes	Yes	
EUIPO			

COMMENTS:

Bahrain

During the prosecution, the applicant can provide related documents to prove his/her rights. However, if the link of (GUI designs and an article) is required by the IP Office, then the design application will be cancelled if not fulfilling these requirements.

Costa Rica

The applicant may do so by submitting a request to the Office.

Israel

As explained in the comments for question 2, the link requirement has two implications: Definition of a design as applied to a product; and classification.

Where the application does not constitute a design as defined (*i.e.* the product is not provided in the design application), Regulation 28 of The Designs Regulations, 5779 – 2019 (hereinafter: "The Designs Regulations"), is applied:

Notice on deficiencies

(a) Notice of deficiencies under section 29 of the Law shall be in writing and shall include:

...

(2) The reasons why the subject of the application *does not constitute a design as defined in section 1 of the Law* or that its visual characteristics are not eligible for protection pursuant to section 10 of the Law;

According to Regulations 30 and 16, the applicant may, within three months from the date of the notice on deficiencies, remedy the deficiencies by amending the application. However, where the competent authority has decided that the requested amendment changes material details of the design, it shall refuse to amend the design.

Where the application does not specify the class, Regulation 22 is applied:

Deficiencies in the form of the application

(a) Where an application has been filed and found to be deficient with one or more of the following, the competent authority shall notify the applicant in writing, as soon as possible after the furnishing of the confirmation of filing pursuant to Regulation 20, of the deficiencies that were found:....

(6) The applicant *did not specify the class or subclass* in which the registration was requested;

(b) The applicant may, within three months of the notification of the competent authority as stated in sub-regulation (a), remedy the deficiencies for which notice has been given pursuant to subregulation (a).

Japan

* For graphic images filed as a part of an article (existing law and revised law).

Kenya

If the industrial design application does not disclose the article or the article disclosed is not clear, the office invites the applicant to correct the application.

Mexico

The institute issues a requirement requesting that the design link be specified.

Montenegro

In Article 24, paragraph 3 of the Law on legal protection of industrial design is prescribed that an application which has been granted a filing date may not subsequently be replaced by an extension of the design whose protection is sought.

Peru

Article 118 of Decision 486 states that the application for registration of an industrial design shall be contained in a form and shall comprise the following: (...) (d) an indication of the type or genus of goods to which the design shall apply and of the class and subclass of such goods.

Likewise, Article 120 of the Decision mentions that if, following the examination of the form, it is found that the application does not contain the requirements referred to in the preceding paragraph, the competent national office shall notify the applicant to complete said requirements within a period of thirty days following the date of notification. At the request of a party, such time limit may be extended once for an equal period without loss of priority. If, on expiration of the prescribed period, the applicant does not complete the indicated requirements, the application shall be considered abandoned and shall lose its priority. Without prejudice to the foregoing, the competent national office shall keep the application confidential.

United Kingdom

N/A

United States of America

It depends on the meaning intended by “not provided. If the link is not provided at all, the application seems fatally deficient under 35 U.S.C. 171.

On the other hand, if the originally filed drawing does not depict, e.g., a computer-generated icon embodied in a computer screen, monitor, other display panel, or a portion thereof, but the disclosure as a whole suggests or describes the claimed subject matter as a computer-generated icon embodied in a computer screen, monitor, other display panel, or portion thereof, the drawing may be amended to overcome a rejection under 35 U.S.C. 171. MPEP 1504.01(a)(I)(B)(B).

In general, amendments to the written description, drawings and/or claim will ordinarily be entered if properly filed and supported by the original disclosure. But the addition or inclusion of any new matter (matter not supported by the original disclosure) is not permitted and will be required to be canceled from the written description, drawings and/or claims. MPEP § 1504.01(a)(I)(B)(B)(1)(b).

Amendments may be made through applicant filings with the Office. See 37 CFR 1.121; MPEP § 714. While the Office also is permitted to make an amendment (an Examiner’s Amendment) in the interest of expediting prosecution and reducing cycle time, authorization from the applicant or attorney/agent of record is required if the changes made in the examiner’s amendment are substantive. 37 CFR 1.121(g) and MPEP § 714 (II)(E).

BOIP

Applicant will be requested to clarify his application if unclear.

EUIPO

Case law shows that the product to which the design is actually applied/ in which the design is intended to be incorporated or to which it is intended to be applied, is to be taken into account, in so far it makes clear the nature of the product. (Judgement of 18 March 2010, T-9/07, ‘Metal rappers’).

Question 8 - In your jurisdiction, if a link between a GUI/icon design and an article is required, how can/must the GUI/icon design be represented in the application?

Responding Party	Representation of the GUI or icon design alone + an indication in words of the article	Representation of the GUI or icon design + the article in dotted or broken lines	Representation of the GUI or icon design + the article in dotted or broken lines + an indication in words of the article	Representation of the GUI or icon design + the article in solid lines	Representation of the GUI or icon design + the article in solid lines + an indication in words of the article	Other
Algeria						
Azerbaijan						
Bahrain			Yes			
Bosnia and Herzegovina						
Brazil						
Canada	Yes		Yes		Yes	
Chile						Yes*
China					Yes	
Colombia						
Costa Rica		Yes				
Croatia						
Czech Republic						
Denmark						
Dominican Republic						
Ecuador						
Estonia						
Finland						
France						
Georgia						
Germany						
Hungary						
Iceland						
Ireland						
Israel		Yes	Yes	Yes	Yes	Yes*
Japan*			Yes		Yes	
Kazakhstan						
Kenya			Yes		Yes	
Latvia						
Lithuania						
Mexico			Yes			
Montenegro						
New Zealand						
Norway						
Pakistan			Yes	Yes		
Peru		Yes		Yes		
Philippines		Yes		Yes		
Poland						
Portugal						
Republic of Korea			Yes			

Responding Party	Representation of the GUI or icon design alone + an indication in words of the article	Representation of the GUI or icon design + the article in dotted or broken lines	Representation of the GUI or icon design + the article in dotted or broken lines + an indication in words of the article	Representation of the GUI or icon design + the article in solid lines	Representation of the GUI or icon design + the article in solid lines + an indication in words of the article	Other
Republic of Moldova						
Romania						
Russian Federation						
Singapore			Yes			
Slovakia						
Spain						
Sweden						
Switzerland						
Thailand					Yes	
Tunisia						
Turkey						
United Kingdom						
United States of America						Yes*
BOIP	Yes	Yes	Yes			Yes
EUIPO						

COMMENTS:

Chile

The figures represent the design of the GUI or the icon in the article, where the article is drawn with a dotted or broken line, and also mentioned in the description of the application.

Costa Rica

Because that is sufficient to indicate that it requires a screen.

Israel

* According to The Designs Regulations, Regulation 14(n), if the design product is an animated graphic symbol or an animated screen display, the applicant shall indicate this as a verbal description, and shall file a sequence of images reflecting the progress of the animation. According to the ILPO's examination guidelines (link below for a Hebrew version), the verbal description is as follows: "The Designed subject is an animated screen display/animated icon. The design lies in the snapshots sequence".

<http://www.justice.gov.il/Units/RashamHaptentim/Units/midgamim/Documents/7.docx>

Dotted or broken lines indicate that those parts of the product are not part of the design whose registration is requested. Dotted or broken lines are permitted if they do not impair the ability to receive an impression of the design or to discern the details of the design, and provided that they appear in the same manner in every projection in which the design is described in that application (The Designs Regulations, Regulation 14(h)).

Using solid lines means that the article is part of the registered design and the design is protected as a whole.

Japan

* For graphic images filed as a part of an article (existing law and revised law). With regard to the answer to the first check box, if it is a graphic image for use in operations and will be displayed on another article that is used with the article to the design registration in an integrated manner, “representation of the GUI or icon design + an indication in words of the article” may be approved (only under the existing law).

Kenya

See also the answer given in paragraph 12 below.

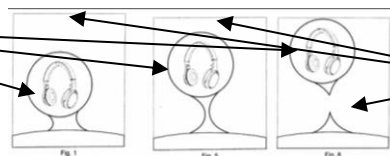
Mexico

Next we will add a graphic example to define each one of these elements, in Concession No. 48214, titled "INDUSTRIAL DRAWING OF GRAPHIC USER INTERFACE FOR THE MANAGEMENT OF WIRELESS DEVICES", file MX/f/2016/001519. It shows a GUI in figures, the article in dotted lines and the indication in words of the title.

Gaceta:	Ejemplar:	Sección:
29 Patentes, Registros de Modelos de Utilidad y de Diseños Industriales	Noviembre de 2016	Registros de Diseños Industriales: Modelos y Dibujos Industriales
Oficina, No de Patente y Tipo de documento	MX 48214 B	
Tipo de documento	Diseño industrial	
Fecha de concesión	04/11/2016	
Número de solicitud	Mx/f/2016/001519	
Fecha de presentación	12/02/2015	
Inventor(es)	NAGANAGOUNDI REBECCA DEVE ELLEN PRESCOT 9168, US	A JAMES DEANE [US]; LUCARIA [US]; MARY- assachusetts, 01701-
Titular	BOSE CORPORA	1-9168, US
Agente	SERGIO LUIS G ALVARO OBREG	St. San Angel, 01000,
Prioridad (es)	US29/499,175 14-04	
Locarno	14-04	
Título	DIBUJO INDUSTRIAL DE UN DISPOSITIVO INALAMBRICO PARA LA GESTIÓN DE	
Fecha de Puesta en Circulación	2016-12-14	

Title:
indication in
words of the
article

Representation of
GUI



Article in dotted
line

Montenegro

The representation of GUI/icons is not precisely determined how such a design should be presented. In the Rule book on the procedure for recognition, changes and renew the validity of the industrial design ("Official Gazette of Montenegro" No. 12/2012) the articles which describe how different types of industrial design could be represented are Articles 6,7,8,9 and 10.

United Kingdom

N/A

United States of America

All of the answers are potential manners in which the GUI/icon can be represented except for the first option - "representation of the GUI or icon design alone + an indication in words of the article." While the application will be rejected in the first option, the application may be curable through amendment, depending on the disclosure as a whole.

In an instance in which the drawing does not depict a computer-generated icon embodied in a computer screen, monitor, other display panel, or a portion thereof, in either solid or broken lines (i.e., the first option of the questionnaire), the application may be amended or corrected to comply with 35 U.S.C. 171, if the disclosure as a whole suggests or describes the claimed subject matter as a computer-generated icon embodied in a computer screen, monitor, other display panel, or portion thereof. However, if the disclosure as a whole does not suggest or describe the claimed subject matter as a computer-generated icon embodied in a computer screen, monitor, other display panel, or portion thereof, the application may be fatally defective such that rejection cannot be overcome and any new matter will have to be cancelled.
MPEP § 1504.01(I)(B).

BOIP

Any depiction making clear that the article is disclaimed and protection is only sought for the GUI. Also see EU Convergence Program 6.

EUIPO

Representation of the GUI or icon and an indication of product (which can be graphical user interface).

Question 9 - If a link between a GUI/icon design and an article is required in your jurisdiction and your Office is an examining Office, does your Office search for any design with a similar or identical appearance, regardless of the articles to which it applies?

Responding Party	The Office searches for any design with a similar or identical appearance, regardless of the articles to which it applies	Please explain
Algeria		
Azerbaijan		
Bahrain	Yes	For design applications, the Bahrain's Office search for any design with a similar or identical appearance. For example: a design that is similar or identical to other designs or a well-known trademark. Article 3 of the national law of Industrial designs and Models No. (6) 2006, despite of the articles to which it applies.
Bosnia and Herzegovina		
Brazil		
Canada	No	When conducting a search of the prior art, the Office will look at designs applied to the same article or articles sharing an analogous function.
Chile		The practice in an examining Office is that the examiner performs the search according to the classifier of the drawing, in this case the GUI or icon, but also performs searches with the classifier of the article where this icon or GUI is going to be used.
China	No	
Colombia		
Costa Rica	Yes	In our jurisdiction, a substantive examination is carried out to assess the requirements of novelty, originality and independence. The latter is understood to relate to a creation that is not a copy or based on a design by another person. The former two can be found in any area.
Croatia		
Czech Republic		
Denmark		
Dominican Republic		
Ecuador		
Estonia		
Finland		
France		
Georgia		
Germany		
Hungary		
Iceland		
Ireland		
Israel	Yes	Article 7(a) of The Design Law: "A design shall be deemed of an Individual character if the overall impression it creates for the informed user differs from the overall impression created for such a user by another design that was made public prior to the relevant date. For this purpose, designs

Responding Party	The Office searches for any design with a similar or identical appearance, regardless of the articles to which it applies	Please explain
		concerning all classes of products will be taken into account".
Japan	Yes	For graphic images filed as a part of an article (existing law and revised law). It is necessary to search designs of GUI etc. of different articles in order to assess creativity, which is one of requirement for registration.
Kazakhstan		
Kenya	No	The search is limited to the article identified in the application.
Latvia		
Lithuania		
Mexico	Yes	The search for prior art is based on Locarno, but is supplemented with terms for similar products.
Montenegro	No	We have a very small number of nationally submitted applications for registration of industrial designs and the protection of GUI is not precisely prescribed by the Law.
New Zealand		
Norway		
Pakistan	Yes	Yes, Designs Office-IPO-Pakistan is an examination office. Search is conducted for any other article with the same GUI applied to it because the classification up till now is based on material not the article. Moreover, under section 3(2) of Registered Design Ordinance 2000, an explanation note id provided which states that Designs are not new or original if they do not significantly differ from known designs or combination of design features.
Peru	Yes	In accordance with Article 124 of Decision 486, the competent national office shall examine whether the subject matter of the application is consistent with the provisions of Articles 113 and 116, whether the industrial design is manifestly devoid of novelty and, in the case of oppositions to registration, shall analyze novelty based on a prior right in force or on the lack of novelty of the industrial design.
Philippines		Not applicable
Poland		
Portugal		
Republic of Korea	Yes	In order to protect the wide range of the design right for all kinds of information appliances without disclaiming any product, the applicants are allowed to choose 'display panel' for the article of GUI/icon design. The examiner searches not only the article where the GUI/icon design is embedded, but also search prior arts regardless of the articles.
Republic of Moldova		
Romania		
Russian Federation		
Singapore	No	Only formalities examination is required. However, the Registrar may refuse an application for

Responding Party	The Office searches for any design with a similar or identical appearance, regardless of the articles to which it applies	Please explain
		registration of design if, on the face of the application, the design is not new.
Slovakia		
Sweden		
Spain		
Switzerland		
Thailand	Yes	For graphic images filed as a pattern for a display screen, GUI/icon design, it is necessary to search designs with a similar or identical appearance in order to assess novelty, which is the requirement for registration.
Tunisia		
Turkey		
United Kingdom	N/A	
United States of America	Yes	In determining whether the design claimed in an application is considered novel, a prior art reference in nonanalogous art may be used to defeat novelty. Anticipation does not require that the claimed design and the prior art be from analogous arts. In re Glavas, 230 F.2d 447, 450, 109 USPQ 50, 52 (CCPA 1956). "It is true that the use to which an article is to be put has no bearing on its patentability as a design and that if the prior art discloses any article of substantially the same appearance as that of an applicant, it is immaterial what the use of such article is. Accordingly, so far as anticipation by a single prior art disclosure is concerned, there can be no question as to nonanalogous art in design cases." Id. (internal quotation marks omitted). MPEP § 1504.02.
BOIP	N/A	BOIP is not an examining office.
EUIPO		

Question 10 - If a design is represented within an article which is disclaimed (e.g., broken lines), what is the effect of the article on the scope of protection of the design?

Responding Party	The scope of protection is limited only to the specific type of article that was disclaimed	The scope of protection is limited to articles that fall within the same classification	The scope of protection is limited to: other	Is there an exception for GUI/icon designs?
Algeria				
Azerbaijan				
Bahrain	Yes			No
Bosnia and Herzegovina				
Brazil				
Canada		Yes	Yes	No
Chile				

Responding Party	The scope of protection is limited only to the specific type of article that was disclaimed	The scope of protection is limited to articles that fall within the same classification	The scope of protection is limited to: other	Is there an exception for GUI/icon designs?
China				
Colombia				
Costa Rica	Yes			Yes
Croatia				
Czech Republic				
Denmark				
Dominican Republic				
Ecuador				
Estonia				
Finland				
France				
Georgia				
Germany				
Hungary				
Iceland				
Ireland				
Israel			Yes	
Japan*			Yes	No
Kazakhstan				
Kenya	Yes			No
Latvia				
Lithuania				
Mexico				
Montenegro				Yes
New Zealand				
Norway				
Pakistan		Yes		No
Peru				
Philippines	Yes			
Poland				
Portugal				
Republic of Korea		Yes		Yes
Republic of Moldova				
Romania				
Russian Federation				
Singapore	Yes			No
Slovakia				
Spain				
Sweden				
Switzerland	Yes			No
Thailand				
Tunisia				
Turkey				
United Kingdom				
United States of America			Yes*	No**
BOIP	Yes			No
EUIPO			Yes	No

COMMENTS:

Canada

Protection will be granted for the portion of the design in solid lines and extends to the same article or analogous articles.

Chile

Make known the field in which the design will be used; this is only as a reference for the examination. It is understood that the article does not fall within the scope of protection for the industrial design.

Colombia

The study, publication and protection focuses solely on the design of the GUI or icon, since the representation of the article in dotted lines is not accepted during the formal examination.

Costa Rica

The scope of protection is not limited to the article featuring in the application. For example, in the case of Classification 14-04, the scope extends to any screen or electronic projection (irrespective, for example, of whether it is part of a telephone or a video projector).

Israel

The scope of the protection conferred by a registered design right includes any design which produces on the informed user an overall impression that does not differ from the overall impression produced by the registered design (The Designs Law, Article 37). It is assumed that the article to which the link is required will assist the courts in assessing the overall impression. However, since the Design Law entered into force in August 2018, there is no case law for such an interpretation.

Japan

* For graphic images filed as a part of an article (existing law and revised law).

Mexico

Mexican practice requires a claim that limits protection to the product to which the design applies.

Montenegro

In the Rule book on the procedure for recognition, changes and renew the validity of the industrial design ("Official Gazette of Montenegro" No. 12/2012) in Article 7 is prescribed graphical representation of industrial design.

Peru

It is understood that the article is not within the scope of industrial design protection.

Republic of Korea

KIPO uses a special article for screen design, 'Display panel'. If the applicant wants to protect the screen design more than one article, the applicant can entitle the indication of product as "Display panel in which screen design (GUI or icon) is indicated". And for these cases, the scope of protection of the GUI/icon design is not limited by the article, such as mobile phone, computer, home appliance, etc.

Thailand

The representation of a design must be displayed with solid line and cannot be displayed with broken lines or dots.

United Kingdom

No effect – it has been disclaimed.

United States of America

* Disclaimed structure is not part of the claimed design and thus not limiting on the scope of the claim. Structure that is not part of the claimed design, but is considered necessary to show the environment in which the design is associated, may be represented in the drawing by broken lines. This includes any portion of an article in which the design is embodied, or applied to, that is not considered part of the claimed design. See *In re Zahn*, 617 F.2d 261, 204 USPQ 988 (CCPA 1980); MPEP § 1503.02 (III).

** GUI/icon designs are treated in the same manner.

EUIPO

The disclaimed article does not form part of the subject-matter of protection. However, it may support the interpretation of the design as shown in the representation. The same applies for GUI/icon designs. Furthermore, the product indication under Article 36(6) CDR does not affect the scope of protection.

Question 11 - If a design is represented within an article which appears in solid lines, the scope of the design patent/design registration would be considered to cover:

Responding Party	Only the design	Both the design and the article	Other
Algeria			
Azerbaijan			
Bahrain	Yes		
Bosnia and Herzegovina			
Brazil			
Canada		Yes	
Chile			
China		Yes	
Colombia			
Costa Rica		Yes	
Croatia			
Czech Republic			
Denmark			
Dominican Republic			

Responding Party	Only the design	Both the design and the article	Other
Ecuador			
Estonia			
Finland			
France			
Georgia			
Germany			
Hungary			
Iceland			
Ireland			
Israel		Yes	
Japan		Yes	
Kazakhstan			
Kenya			The article embodying the design
Latvia			
Lithuania			
Mexico		Yes	
Montenegro			Yes
New Zealand			
Norway			
Pakistan	Yes		
Peru		Yes	
Philippines		Yes	
Poland			
Portugal			
Republic of Korea		Yes	
Republic of Moldova			
Romania			
Russian Federation			
Singapore		Yes	
Slovakia			
Spain			
Sweden			
Switzerland	Yes		
Thailand			Yes*
Tunisia			
Turkey			
United Kingdom		Yes	
United States of America			
BOIP		Yes	
EUIPO		Yes	

COMMENTS:

Bahrain

Only the design according to Article 3(c) of national implementing regulation No. (1) 2012 for the Law of Industrial designs and Models No. (6) 2006.

Chile

The description must indicate the product for which protection is sought, and there must be a concordance between what is described and what is represented in the figures. If the figures represent on one plane the article in a continuous line with the design, it can be understood that the protection is for everything (together). Depending on the figures, it can be considered that what is to be protected is everything, which may entail considering the protection of two types of right: the design (article) and the drawing (GUI or icon).

Colombia

In Colombia, we apply the rules of technical drawing for the representation of lines: the continuous drawing for seen edges and contours and the dotted drawing for hidden edges and hidden contours (Paragraph 1.2.4.1 Title X of the Single Circular).

Israel

The registered design is protected as a whole.

Japan

It is inseparable when both the design and the article are drawn in solid lines.

Mexico

If the design to be protected includes an icon on a display screen, showing the product in solid lines, as in the example of a granted registration, both designs are protected.

	Gaceta:	Ejemplar:	Sección:
104	Patentes, Registros de Modelos de Utilidad y de Diseños Industriales	Diciembre de 2013	Registros de Diseños Industriales: Modelos y Dibujos Industriales
	Oficina, No de Patente y Tipo de documento	MX 40593 B	
	Tipo de documento	Diseño Industrial	
	Fecha de concesión	11/12/2013	
	Número de solicitud	MX/r/2012/002159	
	Fecha de presentación	13/07/2012	
	Inventor(es)	LEE, JAE-MYOUNG [KR]; Seocho-Gu, Seúl, 1593-7, KR	
	Titular	SAMSUNG ELECTRONICS CO., LTD.* [KR]; Suwon-si, Gyeonggi-do, 443-742, KR	
	Agente	HERIBERTO RAÚL LÓPEZ PADILLA; Leibnitz No. 117 PH 1, Col. Col. Anzures, 11590, Distrito Federal, MEXICO	
	Locarno	14-04	
	Título	DIBUJO INDUSTRIAL DE ICONO PARA UNA PANTALLA DE DESPLIEGUE.	
Fecha de Puesta en Circulación	2014-01-29		

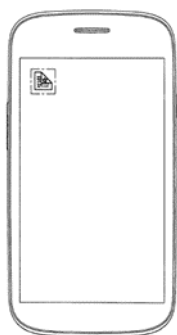


FIG. 2



FIG. 3

Montenegro

In the Rule book on the procedure for recognition, changes and renew the validity of the industrial design in Article 7 is prescribed that graphic representation in the original or in a reproduced copy of the original design is performed using accessories for drawing or electronically so that the lines are solid (continuous) and the design features are clear visible, notwithstanding with this the graphic representation of the design may contain dashed lines, if such lines indicate visible parts of the design for which no protection is sought in the said procedure.

Pakistan

It protects only design appearing in identical manner on the represented article but protection does not involve the article as such.

Thailand

* The scope of the design patent registration would be considered to cover the form or composition of lines or colors and it has to be used with such article.

United States of America

Solid lines in the design representations indicate the subject matter considered to be the claimed design. Any subject matter shown in solid lines is considered part of the design and would be considered in determining the scope of the design. MPEP 1503.01 (III).

Question 12 - If a design is represented within an article which is disclaimed (e.g., broken lines) and the identification of the article(s) in relation to which the industrial design is to be used is required, what is the purpose of that identification?

Responding Party	Purpose of the identification of the article(s)	Comments
Algeria		
Azerbaijan		
Bahrain	The purpose of this identification is to represent only the new designs within an article which is disclaimed.	New and distinctive designs only apply for the design protection, and it is also applies to new designs within article which is disclaimed. Also, for new changes in part of article's designs .
Bosnia and Herzegovina		
Brazil		

Responding Party	Purpose of the identification of the article(s)	Comments
Canada		An application must always contain the name of the finished article to which the design is applied in order to limit the scope of the design and to assess novelty. A design application may be filed showing the design in isolation, however, the application must identify a finished article.
Chile	Indicate the preferred field of application of the design. For the purposes of analysis, the classification of the article is considered in searches in addition to the classification associated with the design of the GUI or icon.	
China		
Colombia		
Costa Rica		The identification of the article is fundamental for establishing the technical field to which it belongs and the respective classification.
Croatia		
Czech Republic		
Denmark		
Dominican Republic		
Ecuador		
Estonia		
Finland		
France		
Georgia		
Germany		
Hungary		
Iceland		
Ireland		
Israel	The identification of an article has two purposes: definition of design; aid in searches for prior designs.	
Japan	When the GUI is provided for use in the operation of an article, the functional aspects of an article are used to assess what kind of function the graphic image enables the article to perform. On the other hand, for display images, the functional aspects of an article are used to assess whether the graphic image is a graphic image for making necessary indications for performing the functions of the article.	
Kazakhstan		
Kenya	The broken lines serves as a disclaimer to features of the article that are not new or are common in the trade.	
Latvia		
Lithuania		

Responding Party	Purpose of the identification of the article(s)	Comments
Mexico		Mexican practice requires that the industrial design specifies the product to which the design applies.
Montenegro		See answer to question 11
New Zealand		
Norway		
Pakistan		According to our Design Law, identification is not necessary, only representation is important.
Peru		
Philippines		
Poland		
Portugal		
Republic of Korea	To judge the grant of industrial applicability and use of the article.	
Republic of Moldova		
Romania		
Russian Federation		
Singapore	The rights conferred by registration is linked to any article in respect of which the design is registered and to which that design, or a design not substantially different from that design, has been applied.	
Slovakia		
Spain		
Sweden		
Switzerland		
Thailand		The representation of a design must be displayed with solid lines and cannot be displayed with broken lines or dots.
Tunisia		
Turkey		
United Kingdom		? We are not sure what the question is referring to. If classification, it aids searching.
United States of America		Inclusion of the article is required, even if the article is illustrated as disclaimed through the use of broken lines, to demonstrate that the design claimed is an ornamental design for an article of manufacture and proper subject matter for protection in a U.S. design patent. 35 U.S.C 171.
BOIP		Protection is for the article, the design is the element for which protection is sought.
EUIPO		

(b) No requirement for a link

Question 13 - In your jurisdiction, why is no link between a GUI/ icon design and an article required?

Responding Party	Because of the nature of new technological designs, which may be used in different articles/environments	Other
Algeria	Yes	
Azerbaijan	Yes	
Bahrain		
Bosnia and Herzegovina		There are no special requirements for the protection of GUI/icon designs in BA. Design protection shall be granted for any designs which are new and have individual character. Design protection is not attached to a class of goods as trademark protection; therefore, the product category for which the design is applied for is irrelevant when examining the scope of protection.
Brazil		The link is optional, either indicated in words or by representing the article in broken lines.
Canada		
Chile		Not applicable.
China		
Colombia	Yes	
Costa Rica		
Croatia	Yes	
Czech Republic	Yes	
Denmark		
Dominican Republic	Yes	
Ecuador		Ecuadorian law does not establish regulations on the issue.
Estonia	Yes	
Finland		A design registration is never restricted to a specific product. The design is protected as such, regardless of what product it is linked to.
France	Yes	
Georgia	Yes	
Germany	Yes	The representation shall only show the design without any other articles. In Germany the GUI can be protected as such (as a "virtual design").
Hungary		There are no special requirements for the protection of GUI/icon designs in the Hungarian legislation. According to Article 1(1) of Act No. XLVIII of 2001 on the legal protection of design (hereinafter referred to as: Hungarian Design Act), design protection shall be granted for any designs which are new and have individual character. Design protection is not attached to a class of goods as trademark protection; therefore, the product category for which the design is applied for is irrelevant when examining the scope of protection.
Iceland		There is no legislative requirement for a link between a product and a design.

Responding Party	Because of the nature of new technological designs, which may be used in different articles/environments	Other
Ireland		Because there is no legislative requirement for designs to have a link with the article.
Israel		
Japan*		Since it became possible to provide protection to a graphic image itself by adding “graphic images” to the definition of a design.
Kazakhstan		The legislation of the Republic of Kazakhstan does not provide for a link between a design and an article.
Kenya		
Latvia	Yes	
Lithuania	Yes	Design must be presented in the neutral background without any additional elements which are out of scope of protection. Therefore, other parts, if used, should be marked as not protected: blurred, marked with broken lines, etc.
Mexico		
Montenegro		
New Zealand		
Norway	Yes	
Pakistan		According to our Design Law, link is an important aspect.
Peru		
Philippines		Not applicable
Poland	Yes	
Portugal	Yes	
Republic of Korea		
Republic of Moldova	Yes	
Romania	Yes	
Russian Federation	Yes	
Singapore		
Slovakia	Yes	
Spain	Yes	
Sweden	Yes	
Switzerland	Yes	
Thailand		
Tunisia	Yes	
Turkey	Yes	
United Kingdom		
United States of America	N/A	
BOIP		
EUIPO		GUI/icon designs are protectable as graphical symbols which can be applied to any product. Furthermore, protection can be sought for part of a design. GUI/icon designs can be part of any article.

COMMENTS:

Denmark

N/A

Japan

* For graphic image filed as a graphic image itself (revised law)

France

The Office's examination does not focus on the use of designs.

Mexico

Not applicable.

Sweden

GUIs and icons are classified in 14-04 Locarno.

United Kingdom

The Registered Designs Act allows for both 2D and 3D protection. Therefore, the GUI/Icon is seen as a design in its own right. It can be applied to anything providing the appearance remains the same.

Russian Federation

The link between a GUI/ icon design and an article can be indicated verbally, or by depicted broken lines in the image(s), or by depiction together of a GUI/ icon design and an article.

Question 14 - If no link is required in your jurisdiction and your Office is an examining Office, does your Office search for any design with a similar or identical appearance, regardless of the articles to which it applies?

Responding Party	The Office searches for any design with a similar or identical appearance, regardless of the articles to which it applies	Please explain
Algeria	Yes	
Azerbaijan	Yes	The similitude is determined by determining the similitude of the substantive characteristics of the claimed industrial design.
Bahrain		
Bosnia and Herzegovina	No	BAIPO does not carry out an ex officio search for novelty/individual character of designs, examines novelty/individual character only based on an invalidity request.
Brazil	Yes	The search is conducted after the design registration, but only by request of the owner. The search is limited to the 14-04 class of the Locarno Classification.

Responding Party	The Office searches for any design with a similar or identical appearance, regardless of the articles to which it applies	Please explain
Canada		
Chile		Not applicable.
China		
Colombia	Yes	Where there is no link between the GUI design or icon and the article, the office conducts the examination and extends the search to other designs with a similar or identical appearance. The study, publication and protection applies only to the GUI design or icon.
Costa Rica		
Croatia	No	
Czech Republic	Yes	
Denmark	No	
Dominican Republic	Yes	The Office performs preliminary searches of international databases in the class and subclass in which these types of designs generally fall, such as 32-00, as well as free Internet searches throughout the examination.
Ecuador	No	The Ecuadorian Office has not yet received a GUI/icon design application in the form of an industrial design.
Estonia	No	In Estonia, industrial designs are registered by formal registration system. The Office controls only the formal requirements - reproduction, adherence to deadlines, application and does not examine the industrial design as to its novelty, individual character, industrial applicability or the right of a person to file an application. The rights of the owner of the registered industrial design may be contested in court.
Finland	No	For practical reasons the Office does searches only for the classes in which the design has been classified. A search conducted in all classes would be too time consuming.
France		
Georgia	Yes	The Office searches in its databases for any design with a identical appearance, regardless of the articles to which it applies.
Germany		
Hungary	Yes	Our Office conducts the search in case of GUI/icon designs similar to any other design. The design is searched for as a graphic symbol.
Iceland	No	N/A, the Icelandic Intellectual Property Office does not carry out a substantive examination.
Ireland	No	Novelty searches are not conducted by the Irish Office.
Israel		
Japan*	Yes	It is necessary to search designs of GUI etc. of different articles in order to assess creativity, which is one of requirement for registration.
Kazakhstan	Yes	
Kenya		
Latvia	No	Our Office is not an examining office.
Lithuania	No	
Mexico		
Montenegro		
New Zealand		

Responding Party	The Office searches for any design with a similar or identical appearance, regardless of the articles to which it applies	Please explain
Norway	No	Not applicable. We are not an examining office.
Pakistan		
Peru		
Philippines		Not applicable
Poland		
Portugal	No	
Republic of Korea		
Republic of Moldova	Yes	The search is done in the databases (for registered designs) according to the class-subclasses which are indicated in the application (Locarno Classification). The search is not made for unregistered designs, publicly known designs.
Romania	Yes	The search is conducted in class 14-04.
Russian Federation	Yes	Information search is conducted in accordance with classes and subclasses of the Locarno Classification. The search is conducted within classes 14-02 and 32-00 of the Locarno Classification. In case of indication of a product in the application, containing GUI designs/icon design, the additional search is conducted for the class that the product belongs to.
Singapore		
Slovakia	No	The different indication of the product and the different Locarno classification.
Spain	No	The Spanish Patent and Trademark Office (OEPM) does not perform substantive examinations and, therefore, it does not perform searches.
Sweden		
Switzerland	No	The IPI is no examining office.
Thailand		
Tunisia	No	No examination for novelty.
Turkey	Yes	
United Kingdom	No	In the UK novelty searching ceased in 2006.
United States of America	N/A	
BOIP		
EUIPO	No	The EUIPO does not carry out an ex officio search for novelty/individual character of designs. Its examination is limited to two grounds for non-registrability: whether the design corresponds to the definition set out in Article 3(1) CDR or if it is contrary to public policy or to accepted principles of morality (Article 9 CDR). The EUIPO examines novelty/individual character only based on an invalidity request.

COMMENTS:

Denmark

Please note that our Office does not search for earlier rights, since we do not test if the industrial design is new and possesses individual character.

Germany

The German Patent and Trade Mark Office is not an examining office.

Japan

* For graphic image filed as a graphic image itself (revised law)

Mexico

Not applicable.

Poland

The Polish Patent Office is not an examining Office.

Sweden

The Swedish Patent Office is a non-examining office.

Question 15 - If no link is required in your jurisdiction, how do users conduct Freedom to Operate (FTO) searches?

Responding Party	Freedom to Operate (FTO) searches
Algeria	
Azerbaijan	
Bahrain	
Bosnia and Herzegovina	Earlier rights searches can be carried out via DesignView. GUIs and Icons would be classified under 14-04 and typefaces in 18-03.
Brazil	The search must be conducted in the Brazilian design registers database: https://gru.inpi.gov.br/pePI/jsp/desenhos/DesenhoSearchAvancado.jsp . In the GUI/icon case, the search must focus on, but might not be limited to, the 14-04 class of the Locarno Classification.
Canada	
Chile	Not applicable.
China	
Colombia	All GUI designs have been classified under classes 14.04 and 32 with a view to enabling users to identify them quickly.
Costa Rica	
Croatia	In the same manner as for the other designs upon the name of the product and/or appearance and/or owner and/or designer and/or Locarno classification, (sub)class.
Czech Republic	Using on-line database - https://www.upv.cz/en/client-services/online-databases/industrialdesign-databases/national-database.html .
Denmark	

Responding Party	Freedom to Operate (FTO) searches
Dominican Republic	Users can search in the various classes of product within different countries' free databases, similarly to a free Internet search. They can also utilize our main Office's paid preliminary search service.
Ecuador	The Organic Code of the Social Economy of Knowledge, Creativity and Innovation and Decision No. 486 of the Andean Community do not contain special provisions for graphical user interface (GUI), icon or typeface/type font designs. There has not yet been a search for the mentioned subjects. However, if there were such a search request, it would be conducted on the basis of what the applicant requests to be searched.
Estonia	Users can conduct searches by using databases on our Office's website: https://www.epa.ee/en/databases/industrial-designs-databases or hire a patent attorney for professional help.
Finland	GUIs/icons are classified in class 14-04 and therefore users would probably search for prior designs in class 14.04. Users are of course free to search for prior designs also in other classes. We do not have information of how users conduct searches.
France	Users have the possibility of searching among the designs designating graphical interfaces or icons, provided for in Class 14 of the Locarno Classification.
Georgia	Users can conduct search according to the Locarno Classification or with the indication of the product, or use image search in the internet, with programs like TinEye. Users also can ask Sakpatenti to provide search in its database. However, information regarding design applications is open after publication.
Germany	This question should be answered by the user organizations. German Patent and Trade Mark Office does not conduct FTO searches.
Hungary	The users have to search in the databases for two Locarno classification classes, namely 32-00, 14-04.
Iceland	Users could use the International Classification for Industrial design to conduct an FTO search.
Ireland	That is a matter for users.
Israel	
Japan	We are planning to create a new classification etc. for searching graphic image designs and assigning them to the registered designs, in time with the revision of the Design Act.
Kazakhstan	The search for GUI designs/graphic symbols can be conducted in the same manner as searches for other types of industrial designs, that is, by image and by class according to the Locarno classification.
Kenya	
Latvia	Users can conduct searches by using databases on our Office's website: https://www.lrpv.gov.lv/en/industrial-designs/databases or hire a patent attorney for professional help.
Lithuania	Searches may be conducted by the indication of the product or Locarno Class.
Mexico	
Montenegro	
New Zealand	
Norway	We have a Locarno class for GUIs; LOC 14-04. They may perform searches in that class.
Pakistan	
Peru	
Philippines	Not applicable.
Poland	Users can conduct searches using Locarno Classification.
Portugal	The FTO searches have to be conducted by the users on their own. Designs registered/filed in Portugal can be searched at the Office website or in the Industrial Property Bulletin, free of charge.
Republic of Korea	
Republic of Moldova	The users can do searches according by the class-subclasses (Locarno Classification) that correspond to GUI/ icon.
Romania	This concept (FTO) is specific to patent domain.

Responding Party	Freedom to Operate (FTO) searches
	<p>In Romania, the design protection is through by design registration based on which a certificate of registration is granted.</p> <p>According to Romanian Design Law our Office conducting, upon request a documentary search on published designs. Relevant services are: anteriority documentary search concerning the novelty of an industrial design, documentary search for preventing infringement of a design, documentary search for monitoring the competition. There is an internal decision that established the charges for these services.</p> <p>These types of documentary searches could be done as well by the user itself, design attorneys or by the enforcement entities in the relevant databases on our website www.osim.ro free of charge.</p>
Russian Federation	<p>Users should conduct Freedom to Operate (FTO) searches by their own, as the Office does not provide with these services.</p> <p>Along with that, the Office provides with the service of thematic patent search for industrial designs with using foreign commercial patent information databases upon request.</p>
Singapore	
Slovakia	<p>Users do searches by the Locarno classification and the indication of the product.</p>
Spain	<p>In general, there are serious limitations to design searches that have not been properly addressed. That creates problems for offices and users because it is difficult to determine the state of the art of a design. The problem is greater still in the case of designs not linked to an object.</p>
Sweden	
Switzerland	<p>The IPI does not conduct FTO searches. Therefore, we do not know how users can conduct such searches.</p>
Thailand	
Tunisia	<p>A declaration system is used.</p>
Turkey	<p>Users may conduct searches in the registered design databases, available online on the official websites of Offices. Generally, searches for GUI/ icon designs may be conducted in the same manner as for other designs, that is:</p> <ul style="list-style-type: none"> - by the class of the Locarno Classification for Industrial Designs, namely: class 14.02 Interfaces for computers; class 14.04 Interfaces for a display screen; class 14.04 Icons; class 18.03 Typefaces/Type fonts; - by the indication of the product; - by the indication of the owner/designer/applicant.
United Kingdom	<p>Earlier rights searches can be carried out via DesignView. GUIs and Icons would be classified under 14-04 and typefaces in 18-03.</p>
United States of America	N/A
BOIP	
EUIPO	<p>GUIs and Icons are classified in Class 14-04 of the Locarno Classification and can be searched in that class. Typographic typefaces are all classified in class 18-03.</p>

COMMENTS:

Denmark

N/A

Mexico

Not applicable.

Slovakia

14.02 Interfaces for computers
14.04 Interfaces for a display screen
14.04 Icons
18.03 Typefaces/Type fonts

Sweden

GUIs and icons are classified in 14-04 Locarno.

Question 16 - If no link is required in your jurisdiction, is the indication of an article:

Responding Party	Optional	Mandatory	What is the effect of such indication?
Algeria	Yes		
Azerbaijan	Yes		An article is not considered as a substantive characteristic in respect of a claimed industrial design.
Bahrain			
Bosnia and Herzegovina		Yes	The examiner can understand better the environment where the design is used and for purpose of proper classification.
Brazil	Yes		The indication of an article (in words or represented in broken lines) might influence the search scope.
Canada			
Chile			Not applicable.
China			
Colombia	Yes		
Costa Rica			
Croatia		Yes	The indication of the product shall clearly distinguish the nature of the product and enable the classification of each product in one class pursuant to the Locarno Agreement Establishing an International Classification for Industrial Designs.
Czech Republic		Yes	Identification of the product shall have no influence to the scope of protection resulting from the industrial design in itself.
Denmark	Yes		The indication of the design could simply be "graphic interface" or the purpose of the design could be specified by indicating the article, e.g. "computer interface". In theory, the indication of the article is only a matter of form, but if the article is indicated it might, potentially, influence our decision when assessing possible infringements.
Dominican Republic		Yes	Only for the purpose of providing initial guidance for the type of product for which protection is claimed.
Ecuador	Yes		N/A
Estonia	Yes		It can be used for illustrating purposes or when seeking a protection for the product as a whole, provided that only the parts that remain visible during the normal use of the product are protected.
Finland	Yes		No effect, only informational value.
France	Yes		
Georgia		Yes	Indicating the article helps understand better the environment where the design is used and does not affect the scope of protection.
Germany		Yes	The indication of an article (product indication) is important for the classification of designs.

Responding Party	Optional	Mandatory	What is the effect of such indication?
Hungary		Yes	According to Article 36(2) of the Hungarian Design Act, the design application shall contain a request for the grant of the design protection, the representation of the design, the denomination of the product embodying the design and, where necessary, other relevant documents. According to Article 47(1a) within the examination as to the formal requirements the Hungarian Intellectual Property Office shall examine the application whether the formal requirements of Article 36(2) have been met. If a design application does not meet the requirements examined under paragraph (1a), the applicant shall be invited, according to the nature of the objection, to rectify the irregularities. A design application shall be refused in whole or in part if it does not meet the examined requirements even after the rectification of the irregularities or the submitting of comments.
Iceland	Yes		
Ireland		Yes	To enable the design to be classified according to Locarno.
Israel			
Japan			
Kazakhstan	Yes		
Kenya			
Latvia	Yes		The indication of article is purely administrative, it aids classification. It does not affect the scope of protection.
Lithuania	Yes		
Mexico			
Montenegro			
New Zealand			
Norway	Yes		They may indicate the product on which the GUI shall be applied but it has no effect on the scope of protection. However, if the article is indicated it might, potentially, have an impact.
Pakistan			
Peru			
Philippines			Not applicable.
Poland	Yes		When the applicant indicates an article, the scope of protection is limited to that article.
Portugal		Yes	Although mandatory under section b) of paragraph 1 of article 283 of the Industrial Property Code, the indication of products or the Locarno Classification does not affect, condition or determine the scope of protection of a Design. Its purpose is purely administrative, namely, to allow research on national databases or on those to which the INPI PT has adhered (for example, DesignView).
Republic of Korea			
Republic of Moldova	Yes		It is presented only for the presentation of the protected object's way of usage.
Romania		Yes	The examiner can understand better the environment where the design is used and for purpose of proper classification.
Russian Federation	Yes		An industrial design can be simply indicated as "graphical interface", "interface" or its purpose of use can be connected with a product, for instance as "interface for mobile device". Indication of a product has meaning for classification of industrial designs. In case of depiction of GUI, icons together with a device, the solution of device appearance also falls within the scope of legal protection.
Singapore			

Responding Party	Optional	Mandatory	What is the effect of such indication?
Slovakia		Yes	
Spain		Yes	
Sweden		Yes	A GUI is given the article indication "GUI" and classified in 14-04 Locarno.
Switzerland			Not applicable.
Thailand			
Tunisia	Yes		
Turkey	Yes		Indicating the article is only a matter of form or has illustrative/administrative purposes aiding classification or has no effect at all and indicating the article helps understand better the environment where the design is used and does not affect the scope of protection.
United Kingdom		Yes	The indication of article is purely administrative, it aids classification. It does not affect the scope of protection.
United States of America	N/A	N/A	
BOIP			
EUIPO		Yes	As stated above under question 2, the EUIPO understands that the "link to an article" is to be distinguished from the indication of product. On the other hand, if this question aims to determine whether an indication of product is necessary, we note that, the product indication is one of the compulsory requirements when filing an application for a registered Community design. The product indication must correspond to the graphic representation, therefore, unless the article itself also forms part of the design, the product indication should be for Graphical user interfaces [computer screen layout] or Icons [for computers]. If, on the other hand, the article is part of the design, the product indication should be for the article itself (e.g. computers) and the graphic user interface or icon. The product indication does not affect the scope of protection of the design as such (see Art. 36(6) CDR).

COMMENTS:

Colombia

There is no requirement to indicate the article but if the applicant includes it, that information is acknowledged as such.

Hungary

The appearance of the product is protected by design protection, however, protection is not clearly independent from the product. On the other hand the protection is not limited to the product defined in the design application. There is no such connection between the product and the design protection as between trademarks and the class of goods or services.

Japan

Although the filing procedures for graphic image itself which will become registrable after the revised law comes into force are under consideration, the Design Act provides that applicants have to state the "usage of the graphic image" in the application.

Mexico

Not applicable.

Spain

The scope of protection is not determined by the indicated product or by its class, as provided for in Article 2 of the Locarno Agreement: (1) Subject to the requirements prescribed by this Agreement, the international classification shall be solely of an administrative character. Nevertheless, each country may attribute to it the legal scope which it considers appropriate. In particular, the international classification shall not bind the countries of the Special Union as regards the nature and scope of the protection afforded to the design in those countries. That is confirmed in Article 3.2 of the Regulations for the Implementation of the Legal Protection of Industrial Designs Act.

In that regard, under Article 45 of the Legal Protection of Industrial Designs Act of July 7, 2003 (Act No. 20/2003), registration of the design confers upon its author the exclusive right to its use and prohibition of its use by third parties without the author's consent. For that purpose, use is understood as the manufacture, supply, marketing, import and export, or use of a product that incorporates the design, as well as the storage of said product for any of the aforementioned purposes.

Thus, protection is focused on use of the design rather than on the product in which it is used.

Question 17 - Can a patent design/design registration be obtained for a GUI/icon design *per se* if it is represented alone (without any article such as a screen or a device)?

Responding Party	Patent design/design registration obtained <i>per se</i>	If yes, does the patent design/design registration cover use of the claimed GUI/icon design in any article/environment?
Algeria	Yes	Yes
Azerbaijan	Yes	Yes
Bahrain		
Bosnia and Herzegovina	Yes	Yes
Brazil	Yes	Yes
Canada		
Chile	Not applicable.	
China	No	
Colombia	Yes	Yes
Costa Rica	No	
Croatia	Yes	Yes
Czech Republic	Yes	Yes
Denmark	Yes	Yes
Dominican Republic	Yes	Yes
Ecuador	Yes	Yes
Estonia	Yes	N/A
Finland	Yes	Yes
France	Yes	Yes
Georgia	Yes	Yes
Germany	Yes	Yes
Hungary	Yes	Yes
Iceland	Yes	
Ireland	Yes	Yes
Israel		
Japan	No	The matter is under consideration.

Responding Party	Patent design/design registration obtained <i>per se</i>	If yes, does the patent design/design registration cover use of the claimed GUI/icon design in any article/environment?
	for graphic images filed as a part of an article (existing law and revised law) Yes for graphic image filed as it is (revised law)	
Kazakhstan	Yes	Yes
Kenya	No	
Latvia	Yes	Yes
Lithuania	Yes	Yes
Mexico	No	
Montenegro		
New Zealand		
Norway	Yes	Yes
Pakistan	No	
Peru		
Philippines	Not applicable.	
Poland	Yes	Yes
Portugal	Yes	Yes
Republic of Korea		
Republic of Moldova	Yes	Yes
Romania	Yes	Yes
Russian Federation	Yes	Yes
Singapore	No	
Slovakia	Yes	No
Spain	Yes	Yes
Sweden	Yes	Yes
Switzerland	Yes	Yes
Thailand		
Tunisia	Yes	
Turkey	Yes	Yes
United Kingdom	Yes	Yes
United States of America	N/A	
BOIP		
EUIPO	Yes	Yes

COMMENTS:

Azerbaijan

Without infringing upon the rights of the right holders to the previously registered articles.

Colombia

Since the protection applies to the GUI design or icon, registration covers any article or environment containing it. As they are two-dimensional designs, the link between the GUI or icon is indicated in words in the title. The representation in dotted lines is not mandatory because it has only an illustrative function: to show the location of the GUI or icon within the product. However, for study, publication and protection, the GUI or icon must be presented free from any external element.

Costa Rica

The Office will always request representation of a screen or a device in a broken line.

Denmark

Please note the GUI/icon is protected exclusively, as a “registered industrial design” as it appears. If the proportions of the design (and thereby the overall impression of the design) change due to the use on different articles the design registration might not cover the use on all articles.

The indication of the product must be coherent with the representation of the design. If the design is indicated as a GUI or an icon the representation of the design must show a GUI or an icon and not a device. If represented with a device, this device must be disclaimed in the representation.

Finland

Covers use in all articles and environments.

Georgia

According to the article 6 of the “Instruction On Design Registration” - information on the classification index does not affect the scope of protection. Therefore, design registration covers its use for every product.

Iceland

The illustration defines the scope of the protection.

Mexico

GUI and icon designs must specify the product for which the design will be used, according to Mexican legal practice.

Gaceta: Patentes, Registros de Modelos de Ejemplar: Octubre de 2014 Utilidad y de Diseños Industriales	Sección: Registros de Diseños Industriales: Modelos y Dibujos Industriales
Oficina, No de Patente y Tipo de documento	MX 42631 B
Tipo de documento	Diseño Industrial
Fecha de concesión	09/10/2014
Número de solicitud	MX/6/2013/001913
Fecha de presentación	03/07/2013
Inventor(es)	KIM MIN HYUNG [KR]; CHANGSOO LEE [KR]; PILLKYOUNG MOON [KR]; GANGNAM-GU, SEUL, 443-742, KR
Titular	SAMSUNG ELECTRONICS CO., LTD. [KP]; SUWON-SI, GYEONGGI-DO, 443-742, KR
Agente	RAFAEL BELTRAN RIVERA; Homero 534 8, Col. Chapultepec Morales, 11570, MIGUEL HIDALGO, Distrito Federal, México
Prioridad (es)	KR30-2013-0000703 04/01/2013
Locarno	14-04
Título	DIBUJO INDUSTRIAL DE ICONO PARA UNA PANTALLA DE VISUALIZACIÓN
Fecha de Puesta en Circulación	2014-12-17
URL Ficha:	http://siga.impi.gob.mx/newSIGA/content/oommon/ficha.jsf?idFicha=5611971

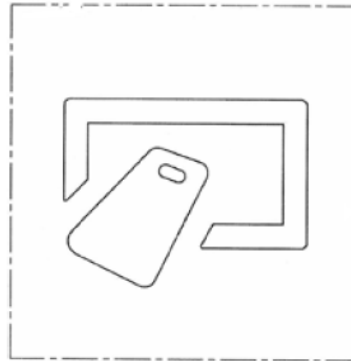


FIG. 2

Portugal

The protection will be granted to that GUI alone.

Romania

Design registration will be linked with the scope of use specified in the application. It is similar with the designs in class 32-00 that could be applied to more products.

Russian Federation

Solutions for GUI, icon are protected as industrial designs and based on its external appearance depicted in the images of a patent certificate.

According to the Russian legislation protection of GUI/icon extends to products with similar purpose of use.

Spain

See response to question 16.

QUESTIONS CONCERNING THE METHODS ALLOWED BY OFFICES FOR THE REPRESENTATION OF ANIMATED DESIGNS

Question 18 - In your jurisdiction, which methods of representation can applicants use to claim protection for animated designs?

Responding Party	Moving images		Static images in electronic format		Static images in paper format	Any additional requirements
	File format (e.g., avi, flv, wmv, wav, mov, mp4):	Maximum size, if any	File format (e.g., pdf):	Maximum size, if any		
Algeria					Yes	
Azerbaijan					Yes	
Bahrain			pdf jpeg			
Bosnia and Herzegovina					Yes	
Brazil			pdf		Yes	The number of variations is limited to 20 in either formats (paper and electronic).
Canada			pdf jpeg tiff gif	21.59cm; margins min.2.5cm; resolution min.300dpi PDF: 60MB; Other file formats: 10MB	Yes	
Chile						
China			jpg tiff	not exceeding 150mmx220mm	Yes	
Colombia			pdf or jpeg	5 MB	Yes	
Costa Rica	mp4		pdf		Yes	
Croatia			jpeg jpg gif png bmp	6189x4016 px	Yes	max. 6 views per one design.
Czech Republic						
Denmark			jpg pdf		Yes	
Dominican Republic			Yes		Yes	
Ecuador	Yes		Yes		Yes	
Estonia			jpg pdf		Yes	
Finland						
France			jpg gif png bmp	Size of the reproduction on photographs or drawings: minimum		

Responding Party	Moving images		Static images in electronic format		Static images in paper format	Any additional requirements
	File format (e.g., avi, flv, wmv, wav, mov, mp4):	Maximum size, if any	File format (e.g., pdf):	Maximum size, if any		
				8 cm and maximum 15 cm*18 cm File size limit per frame: 5 MB and minimum resolution 300 dpi		
Georgia			jpeg	Size Limit per View is 5 MB, Minimum resolution 100 dpi, and Maximum resolution 300 dpi.	Yes	Sizes of Static images in paper format shall not exceed 16X16 cm and shall not be less than 3X3 cm..
Germany			jpeg	2 MB per view	Yes	
Hungary			pdf docx odt tif tiff jpg jpeg png	150 MB/image, the size of the whole submission may not exceed 300 MB	Yes	
Iceland			pdf jpg		Yes	
Ireland			jpeg	4 MB with 17 cm x 24 cm maximum size	Yes	17x24 cm maximum size.
Israel			jpg or tif	Up to 4 MB/ 300 dpi, for each image	Yes	The design representation may be either photographs, drawings or computer simulation, provided that their quality is sufficient, they are clear enough, and their number is concurrent with the description of the design. It is required that a design be represented by a single type of format of representation in each application (The Designs Regulations, Regulation 14(b)). If the design product is an animated graphic symbol or an animated screen display, the

Responding Party	Moving images		Static images in electronic format		Static images in paper format	Any additional requirements
	File format (e.g., avi, flv, wmv, wav, mov, mp4):	Maximum size, if any	File format (e.g., pdf):	Maximum size, if any		
						applicant shall indicate this as a verbal description, and shall file a sequence of images reflecting the progress of the animation (The Designs Regulations, Regulation 14(n)).
Japan			jpeg tiff	1181 x 889 dots 2362 x 1779 dots	Yes	
Kazakhstan						
Kenya					Yes	
Latvia			jpeg, jpg, bmp, tiff, png;	not exceeding 15MB; resolution min.300 DPI	Yes	On paper format the size of each perspective of the image shall not exceed A4 and shall not be less than 9x12 cm.
Lithuania			jpg	2 MB per picture	Yes	The applicant must represent a set of images in such an order that it would reflect the movement/change/progression that applicant is aiming to protect. All images must be represented in 3 copies, which can not be bigger than 200x150 mm.
Mexico			Yes		Yes	
Montenegro			Yes			
New Zealand						
Norway			jpeg, png, tiff, pdf		Yes	
Pakistan					Yes	
Peru					Yes	
Philippines			pdf		Yes	
Poland			any format		Yes	
Portugal			yes		Yes	
Republic of Korea	swf mpeg	*	tiff jpg	300dpi to 400 dpi	Yes	

Responding Party	Moving images		Static images in electronic format		Static images in paper format	Any additional requirements
	File format (e.g., avi, flv, wmv, wav, mov, mp4):	Maximum size, if any	File format (e.g., pdf):	Maximum size, if any		
	wmv animated gif			(300 dpi recommended)		
Republic of Moldova			Yes	Yes	Yes	
Romania			gif	The graphic representations can have minimum dimensions 60 x 60 mm or a multiple thereof, but maximum 180 x 240 mm.	Yes	The graphic representations can have minimum dimensions 60 x 60 mm or a multiple thereof, but maximum 180 x 240 mm.
Russian Federation			Yes		Yes	
Singapore			jpg	The dimensions for each of the views of the design should not exceed 13 cm x 15 cm, and should not be smaller than 3 cm x 3 cm. The total file size of all the images and the attachments submitted should not exceed 100 MB. A total of up to 40 different views of the same GUI may be filed as representations of the design which protection is being sought for. The Registry may, on written request, allow for more than 40 views to be filed.	Yes	
Slovakia			pdf jpeg tiff png gif svg	35 MB	Yes	
Spain			jpeg		Yes	
Sweden			jpeg png		Yes	

Responding Party	Moving images		Static images in electronic format		Static images in paper format	Any additional requirements
	File format (e.g., avi, flv, wmv, wav, mov, mp4):	Maximum size, if any	File format (e.g., pdf):	Maximum size, if any		
			gif			
Switzerland						
Thailand			jpg png	Not exceeding 50 MB per image	Yes	For animated designs that are a series of static images, static images both in electronic and in paper format must be submitted separately one image per one application.
Tunisia					Yes	
Turkey			jpeg			
United Kingdom	*	*	jpeg	Each file 4MB max, 12 images max	Yes**	
United States of America			pdf	100MB		
BOIP			jpg jpeg	Size: minimum 100x100 pixels ; maximum 3000x3000 pixels	Yes*	
EUIPO		20MB	jpg pdf	5000 x 5000 pixels 2 MB	Yes	on separate sheets of paper; reproduced on opaque white paper; size DIN A4 (29.7cm x 21 cm) and the space used for the reproduction shall be no larger than 26.2 cm x 17 cm

COMMENTS:

Azerbaijan

Alternating static images creating animation.

Bahrain

A moving image can be accepted as copy of series static images in digital format.

Canada

If an application is filed in paper form, it must be printed on one side of the page only (e.g. no double-sided printing), on white paper with the following dimensions: between 20 cm and 22 cm

(7.9 in and 8.5 in) by 25 cm and 36 cm (9.8 in and 14 in). The page orientation may be portrait or landscape.

Chile

Chilean legislation does not provide for moving images. We have not received any applications.

Colombia

Although the jurisdiction has not yet regulated the acceptance of animations in Colombia, two-dimensional designs are applicable; digital files with a maximum size of 5 MB in PDF format and in letter size (21.59 x 27.94 cm) are accepted.

Costa Rica

Currently, there is no application for animated designs with the Office but it does receive such applications. For the kind of applications that the Office deals with, whether in electronic or in physical format, a series of static images in PDF format would be requested in both electronic and printed forms.

Czech Republic

We do not register animated industrial designs.

Denmark

As for now we only accept static images as representation of the design. Static images both electronic and in paper format must be submitted separately and each image must not exceed the papersize A4.

Dominican Republic

Although "static images in paper and electronic format" is selected, for processing purposes, filing of paper copies is required by law, with a copy delivered to the applicant upon approval of the registration and publication of the electronic version to facilitate entry into the IPAS system that the Office currently uses. Moving images may be submitted, but they are not involved in processing and may only be treated as supporting materials by an examiner.

Ecuador

Any means of graphic representation of the design would be admissible.

Israel

Corporates or lawyers/ patent attorneys must submit all documents in electronic format. Only non-represented individuals may submit documents in a paper format. In case of a malfunction of the online submission system, all applicants may submit documents in paper format (Regulations 2 and 7 of the Design Regulations).

Mexico

The IMPI protects sequences of interface screens, as long as it is indicated in the application description.

Montenegro

In Article 8 of Rule Book is prescribed that the application may contain photographs of the design or reproduction of such photographs, made electronically by means or procedures.

Norway

We write an annotation to the registration that it concerns an "animated design".

Peru

In accordance with the provisions of Article 119 of Decision 486, the applicant shall submit the graphical and photographic representation of the industrial design. For two-dimensional designs incorporated in a flat material, the representation may be replaced by a sample of the material incorporated in the design.

Republic of Korea

* Moving images are only possible as reference views, maximum size 200Mb, (640X480 pixels are recommended).

Republic of Moldova

Static images in electronic format are related only to the applications with MD designation submitted by Hague System and the applications submitted on-line through e-AGEPI service (<https://e-servicii.agepi.gov.md/en>).

Russian Federation

At present time the Office does not accept files with moving images.

The Office allows representation of images in electronic format.

Black-and-white images should be submitted in TIFF format with use of compression method GROUP-4 at 300 DPI resolution.

Images containing shades of grey color should be represented in TIFF format with use of compression method LZW or in JPEG format with color depth of 8 bits and 300 DPI resolution.

Color images should be represented in TIFF format with use of compression method LZW or in JPEG format with color depth of 24 bits, and within resolution from 300 DPI to 600 DPI.

Compression algorithms should be used without loss of quality.

Document file size should not exceed 6 MB. Recommended document file size with an image is not more than 1 MB.

Images on paper carriers should be represented in the format not exceeded 210 X 297 mm size. Each of images (kind of image) should be submitted on separate sheet of paper.

The minimum size of document margins of sheets containing description should be: upper – 20 mm, bottom margin – 20 mm, the right one – 20 mm, the left one – 20 mm.

Spain

Under Article 4 of Royal Decree No. 1973/2004 of September 27, 2004 by which the Regulations for Implementation of the Legal Protection of Industrial Designs Act were approved, the graphic representation of the design may consist solely of a black and white or color graphic or photographic reproduction.

The reproduction may be on paper (if the application is filed in that format) or electronic (if electronic filing is used). Most applications are submitted electronically, so the images are generally reproduced electronically.

Sweden

We have not yet had any such application.

Switzerland

The IPI does not accept animated designs at all.

United Kingdom

* We cannot accept moving images.

** Unlimited images allowed providing they are no bigger than 4MB per image once scanned.

United States of America

Static representations are accepted in electronic or paper format. The USPTO does not currently accept moving image files. See 37 CFR § 1.84 for the standards for drawings in patent applications before the USPTO.

For example, see 37 CFR § 1.84 (e)-(g):

“(e) Type of paper. Drawings submitted to the Office must be made on paper which is flexible, strong, white, smooth, non-shiny, and durable. All sheets must be reasonably free from cracks, creases, and folds. Only one side of the sheet may be used for the drawing. Each sheet must be reasonably free from erasures and must be free from alterations, overwritings, and interlineations. Photographs must be developed on paper meeting the sheet-size requirements of paragraph (f) of this section and the margin requirements of paragraph (g) of this section. See paragraph (b) of this section for other requirements for photographs.

(f) Size of paper. All drawing sheets in an application must be the same size. One of the shorter sides of the sheet is regarded as its top. The size of the sheets on which drawings are made must be:

(1) 21.0 cm. by 29.7 cm. (DIN size A4), or

(2) 21.6 cm. by 27.9 cm. (8 1/2 by 11 inches).

(g) Margins. The sheets must not contain frames around the sight (i.e., the usable surface), but should have scan target points (i.e., cross-hairs) printed on two catercorner margin corners. Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch), thereby leaving a sight no greater than 17.0 cm. by 26.2 cm. on 21.0 cm. by 29.7 cm. (DIN size A4) drawing sheets, and a sight no greater than 17.6 cm. by 24.4 cm. (6 15/16 by 9 5/8 inches) on 21.6 cm. by 27.9 cm. (8 1/2 by 11 inch) drawing sheets.”

The size limit for electronic filings is 25 MB. <https://www.uspto.gov/patents-application-process/filing-online/legal-framework-efs-web#heading-9>

For additional requirements associated with electronic filings see <https://www.uspto.gov/patents-application-process/applying-online/efs-web-pdf-guidelines>.

BOIP

Paper: minimum 1,5x1,5 cm; maximum 8x8 cm

EUIPO

Moving images can only be considered as an additional technical means of viewing the design and does not replace the conventional static views. Moving images as support to the static images can be represented using the file format obj, stl, x3d up to a maximum size of 20 MB.

Question 19 - Where a choice of different methods of representation is available in your jurisdiction, what method is used the most by applicants?

Responding Party	Moving images	Static images in electronic format	Static images in paper format
Algeria			Yes
Azerbaijan			Yes
Bahrain		Yes	
Bosnia and Herzegovina			Yes
Brazil		Yes	
Canada			Yes
Chile			
China		Yes	
Colombia		Yes	
Costa Rica			
Croatia			Yes
Czech Republic		Yes	
Denmark		Yes	
Dominican Republic		Yes	Yes
Ecuador		Yes	
Estonia		Yes	
Finland			
France			
Georgia		Yes	Yes
Germany		Yes	
Hungary			Yes
Iceland		Yes	
Ireland		Yes	
Israel		Yes	
Japan			Yes
Kazakhstan			
Kenya			Yes
Latvia		Yes	
Lithuania			
Mexico			Yes
Montenegro		Yes	
New Zealand			
Norway		Yes	
Pakistan			Yes
Peru			
Philippines		Yes	Yes
Poland		Yes	Yes
Portugal		Yes	Yes

Responding Party	Moving images	Static images in electronic format	Static images in paper format
Republic of Korea		Yes	
Republic of Moldova		Yes	
Romania		Yes	Yes
Russian Federation		Yes	Yes
Singapore		Yes	
Slovakia			Yes
Spain		Yes	
Sweden			
Switzerland			
Thailand			Yes
Tunisia			Yes
Turkey		Yes	
United Kingdom		Yes	
United States of America		Yes	
BOIP		Yes	
EUIPO		Yes	

COMMENTS:

Bahrain

The most used method of representation is series of static images in electronic format.

Canada

In Canada although 60 percent of applicants still file in paper, the proportion of electronic applications increased over the past years.

Chile

Not applicable.

Colombia

Currently, around 97 per cent of design applications in Colombia are submitted in electronic format and, in the case of designs, static images are generally used.

Costa Rica

There are no precedents.

Czech Republic

Moving images are not accepted.

Dominican Republic

The selected methods are required from the outset of application processing. Applicants usually consult the appropriate staff with questions on submission of the required documentation; if it is not submitted in the required format, the applicant will receive a notice to amend the format, along with staff assistance in case of difficulty.

Ecuador

In relation to industrial design applications submitted in general.

Georgia

It depends on an applicant. However, it has to be mentioned that in 2018, we reduced the fees for applications filed electronically by 20 per cent, in order to encourage applicants to use e-filing system. So after that applicants choose to file applications electronically.

Kenya

The only method available is static images in paper format.

Latvia

Moving images are currently not allowed for technical reasons.

Lithuania

So far, no such an application was filled by an applicant in our bureau.

Mexico

Online representation is only gradually being used in Mexican practice; so paper representation still predominates.

Peru

Not applicable.

Republic of Moldova

Static images in electronic format are related only to the applications with MD designation submitted by Hague System and the applications submitted on-line through e-AGEPI service (<https://e-servicii.agepi.gov.md/en>)

Romania

Moving images is not permitted for the moment due to technical reasons.

Russian Federation

Submission of static images in electronic format is more than half of all submitted applications.

Spain

See response to previous question.

Sweden

N/A as we have not had any such applications yet.

Switzerland

The IPI does not accept animated designs at all.

Thailand

Moving images or the series of static images are not accepted.

United Kingdom

The majority of applications are electronically filed.

United States of America

Static images in electronic format is the most frequently used method by applicants by a large margin.

Question 20 - Are there any additional/special requirements regarding the contents of the application for animated designs?

Responding Party	Additional/special requirements for animated designs	If yes, please specify
Algeria	No	
Azerbaijan	No	
Bahrain	No	
Bosnia and Herzegovina	No	
Brazil	No	
Canada	No	
Chile		
China	Yes	Where the GUI is animated, the applicant shall submit at least one status of the orthographic projection of the view where the GUI is applied to as the front view; for other status, applicants may submit only key views of the GUI to show the changes, but the submitted views shall be able to independently identify the complete changing process of the animation in the animated designs. The labelling of the views of changing status shall be done according to the chronological order of the changing process.
Colombia	No	
Costa Rica	Yes	In the substantive examination, clarity in the representation and reasonable similarity between the video and the series of static images, where both are submitted, will be assessed.

Responding Party	Additional/special requirements for animated designs	If yes, please specify
Croatia	Yes	Short sequence of views used to show a single animated design at different specific moments in time, in a clearly understandable progression. The sequence of snapshots needs to be visually related (must have features in common) and it is the responsibility of the applicant to number the views in such a way so as to give a clear perception of the movement/progression.
Czech Republic		
Denmark	Yes	It has to live up to the requirements of CP6.
Dominican Republic	No	
Ecuador	No	
Estonia	No	
Finland		
France		
Georgia	Yes	For the animated GUIs and/or icons, are required series of static images in electronic format or in paper format, which show changes in the sequence of the animated design at different moments in time.
Germany		
Hungary	No	
Iceland		N/A, animated designs not accepted.
Ireland	No	
Israel	Yes	If the design product is an animated graphic symbol or an animated screen display, the applicant shall indicate this as a verbal description, and shall file a sequence of images reflecting the progress of the animation (The Designs Regulations, Regulation 14(n)). According to the ILPO's examination guidelines, the verbal description is as follows: "The Designed subject is an animated screen display/animated icon. The design lies in the snapshots sequence". http://www.justice.gov.il/Units/RashamHaptentim/Units/midgamim/Documents/7.docx
Japan	Yes	
Kazakhstan		
Kenya	No	
Latvia	Yes	The applicant must represent a set of static images showing a sequence.
Lithuania	No	
Mexico	No	
Montenegro	No	
New Zealand		
Norway	Yes	Series of static images and a written description of the movement. Video files are optional. Short sequence of views used to show a single animated design at different specific moments in time, in a clearly understandable progression. In order to be accepted: The sequence of snapshots needs to be visually related (must have features in common) and it is the responsibility of the applicant to number the views in such a way so as to give a clear perception of the movement/progression.
Pakistan	No	
Peru		
Philippines	No	

Responding Party	Additional/special requirements for animated designs	If yes, please specify
Poland	Yes	Views should be visually related and should be presented in such a way so as to give a clear perception of the movement. Up to 10 views.
Portugal	No	
Republic of Korea	Yes	Each sequence of movement needs to show consistency of the change as an animated design.
Republic of Moldova	No	
Romania	No	
Russian Federation	No	
Singapore	Yes	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. The applicant may provide, in a cover letter or separate document accompanying the application form, an explanatory statement for each representation to clearly describe the elements in the GUI (e.g. how they are activated, how they interact, whether the GUI only appears in an "on" state, whether certain GUI elements subsequently arise from user interaction, etc.). As far as possible, the representations must be filed in consecutive order. At least 2 views should be filed for a single dynamic GUI.
Slovakia	No	
Spain	No	
Sweden	No	
Switzerland		
Thailand	No	
Tunisia	No	
Turkey	No	
United Kingdom	No	N/A
United States of America	Yes	Computer generated icons including images that change in appearance during viewing may be the subject of a design claim. Such a claim may be shown in two or more views. The images are understood as viewed sequentially, no ornamental aspects are attributed to the process or period in which one image changes into another. A descriptive statement must be included in the specification describing the transitional nature of the design and making it clear that the scope of the claim does not include anything that is not shown. Examples of such a descriptive statement are as follows: "The subject matter in this patent includes a process or period in which an image changes into another image. This process or period forms no part of the claimed design;" or "The appearance of the transitional image sequentially transitions between the images shown in Figs. 1-8. The process or period in which one image transitions to another image forms no part of the claimed design;" or "The appearance of the transitional image sequentially transitions between the images shown in Figs. 1-8. No ornamental aspects are associated with the process or period in which one image transitions to another image." MPEP § 1504.01(a)(IV)
BOIP	No	
EUIPO	Yes	

COMMENTS:

Chile

Not applicable.

Canada

It is recommended that a figure reference accompany an animated design application. When included, the figure reference should read as "Figure 1.1 – first frame of the sequence," "Figure 1.2 – second frame of the sequence," etc. to clarify that the images are to be examined as an animated sequence. If there are no figure references and there is no descriptive statement of the sequence, the Office will interpret the order in which the figures appear as defining the sequence of the design for which protection is sought.

Colombia

There are still no regulations in Colombia for accepting animations. For two-dimensional designs, PDF files of no more than 5 MB, US letter size (21.59 x 27.94 cm), are accepted.

Czech Republic

We do not register animated industrial designs.

France

The content of an application for a design registration is subject to the conditions laid down in Convergence Program 6: Convergence on Graphic Representations of Designs. The applicant is requested to provide a description of the sequence and to number the frames in such a way as to allow a clear perception of the movement/progress. Each sequence of the animation is represented separately.

Germany

Not applicable.

Japan

The graphic images are for the same function and they are images that have relevance in form.

Montenegro

In the Law on legal protection of design ("Official Gazette of Montenegro" Nos. 80/10, 27/13, 42/16 and 2/17) in Article 2, paragraph 1 is prescribed that Industrial design shall be the appearance of the whole or a part of a product, resulting from its features, in particular the lines, contours, colors, shape, texture and/or material the product is composed of and its ornamentations. As you can see there is no special provision that prescribed animated design.

Peru

Not applicable.

Portugal

In accordance with the Common Practice (CP6) adopted by Portugal in 2016, in principle, all views of an animated icon and graphical user interface need to be visually related, which means that they must have features in common. It is the applicant's responsibility to order the views in such a way as to give a clear perception of the movement / progression.

Russian Federation

Industrial design application should contain description (mandatory document of an application) with indication in it the numbering sequence of images and description of the represented images.

Switzerland

The IPI does not accept animated designs at all.

Thailand

All designs have to represent one product per one application. All images must represent the design in a consistent manner. It cannot represent the series of static images or other images that are not consistent with each other.

EUIPO

In accordance with the Common Practice (CP6) on the graphic representations of designs (<https://www.tmdn.org/network/graphical-representations>), all views of an animated icon or graphical user interface need to be visually related, which means that they must have features in common. It is the applicant's responsibility to order the views in such a way as to give a clear perception of the movement/progression.

The Office accepts a maximum of 7 views.

Question 21 - Where video files can be used by applicants to represent animated designs in your jurisdiction:

Responding Party	Video files only are accepted	Video files + series of static images are mandatory	Video files are mandatory + series of static images are optional	Video files are optional + series of static images are mandatory	Other
Algeria				Yes	
Azerbaijan				Yes	
Bahrain				Yes	
Bosnia and Herzegovina					Yes
Brazil					Yes Video files are not allowed.
Canada					
Chile					
China					
Colombia					
Costa Rica					Yes Given the lack of precedents, the

Responding Party	Video files only are accepted	Video files + series of static images are mandatory	Video files are mandatory + series of static images are optional	Video files are optional + series of static images are mandatory	Other
					appropriateness of the formats submitted will be assessed in the substantive examination.
Croatia				Yes	
Czech Republic					Yes We do not accept video files.
Denmark					
Dominican Republic				Yes	
Ecuador					Yes
Estonia				Yes	
Finland					
France					
Georgia					
Germany					
Hungary					
Iceland					
Ireland					
Israel					
Japan					
Kazakhstan					
Kenya					
Latvia					
Lithuania					
Mexico				Yes	
Montenegro					
New Zealand					
Norway				Yes	
Pakistan				Yes	
Peru				Yes	
Philippines				Yes	
Poland					
Portugal					Yes
Republic of Korea				Yes	
Republic of Moldova				Yes	
Romania					Yes For the moment due to technical reasons, it is not permitted to receive video files.
Russian Federation					
Singapore					
Slovakia				Yes	
Spain					
Sweden					
Switzerland					
Thailand					

Responding Party	Video files only are accepted	Video files + series of static images are mandatory	Video files are mandatory + series of static images are optional	Video files are optional + series of static images are mandatory	Other
Tunisia					Yes No audio files
Turkey					Static images <i>only</i> are accepted.
United Kingdom					
United States of America					
BOIP					
EUIPO					Yes

COMMENTS:

Bosnia and Herzegovina

For the moment due to technical reasons, it is not permitted to receive video files.

Chile

Not applicable.

Colombia

In Colombia, video files are not accepted. Only PDF and JPG files are allowed.

Croatia

Series of static images are mandatory as they determinate the scope of protection, but the Office will accept video files in application as information.

Denmark

As for now we do not accept video files as the representation of the design.

Ecuador

The online platform allows static images to be uploaded in JPEG format.

Georgia

Video files are not used for application of animated designs. We only accept static images.

Germany

Not applicable.

Iceland

N/A, video files not accepted.

Israel

N/A - video files are not allowed.

Japan

We do not accept video files.

Kenya

Not applicable

Latvia

Video files are not currently acceptable.

Lithuania

According to the law an application for the registration of a design shall contain photographs or graphic representations of a design.

Montenegro

See previous question.

Poland

Video files are not acceptable.

Portugal

Video files cannot be used as a method of representation.

Republic of Moldova

The legislation of the Republic of Moldova does not provide the protection of the videos as industrial design.

Russian Federation

The Russian legal acts do not provide with the opportunity of use of video files for submission of industrial designs including animated designs.

Only static images are published after registration of industrial design.

Spain

Video files are not accepted.

Sweden

We have not yet had any such applications, but we generally recommend an applicant to use one means of representation of the design.

Switzerland

The IPI does not accept animated designs at all.

Thailand

Video files are not accepted.

United Kingdom

N/A

United States of America

The USPTO currently does not accept video files.

BOIP

N/A

EUIPO

Moving images can only be considered as an additional technical means of viewing the design and does not replace the conventional static views. In accordance with the Common Practice (CP6) on the graphic representations of designs (<https://www.tmdn.org/network/graphical-representations>), all views of an animated icon or graphical user interface need to be visually related, which means that they must have features in common. It is the applicant's responsibility to order the views in such a way as to give a clear perception of the movement/progression. The Office accepts a maximum of 7 views.

Question 22 - Where both series of static images and video files are contained in the application, which format determines the scope of protection?

Responding Party	Both formats, treated equally	Video files prevail and static images are treated just as a reference information	Static images prevail and video files are treated just as reference information
Algeria			Yes
Azerbaijan			Yes
Bahrain	Yes		
Bosnia and Herzegovina			
Brazil			
Canada			
Chile			
China			
Colombia			
Costa Rica	Yes		

Responding Party	Both formats, treated equally	Video files prevail and static images are treated just as a reference information	Static images prevail and video files are treated just as reference information
Croatia			Yes
Czech Republic			
Denmark			Yes
Dominican Republic	Yes		
Ecuador			Yes
Estonia			Yes
Finland			
France			
Georgia			
Germany			
Hungary			
Iceland			Yes
Ireland			
Israel			
Japan			
Kazakhstan			
Kenya			
Latvia			
Lithuania			
Mexico			Yes
Montenegro			
New Zealand			
Norway			Yes
Pakistan			Yes
Peru			Yes
Philippines			Yes
Poland			
Portugal			
Republic of Korea			Yes
Republic of Moldova			Yes
Romania			
Russian Federation			
Singapore			
Slovakia			Yes
Spain			
Sweden			
Switzerland			
Thailand			
Tunisia			Yes
Turkey			
United Kingdom			
United States of America			
BOIP			
EUIPO			Yes

COMMENTS:

Brazil

Video files are not allowed in the Brazilian design register application.

Chile

Not applicable.

Colombia

As mentioned above, video files are not accepted in Colombia. Only PDF and JPG files are allowed. Nevertheless, the scope of protection would be provided through the static images.

Costa Rica

Given the lack of precedents, the appropriateness of the formats submitted will be assessed in the substantive examination.

Croatia

Series of static images are mandatory as they determinate the scope of protection, but the Office will accept video files in application as information.

Czech Republic

We do not register animated industrial designs. We do not accept video files.

Dominican Republic

Both formats are treated equally, with static images considered primary since written resources are handled in paper format; however, video file images may be treated as supporting information in case of conflict during processing or nullification after registration.

Ecuador

The online system allows static images to be uploaded in JPEG format.

Georgia

According to our legislation, only static images are required for registration of a design, because the scope of legal protection of a design shall be determined by its image.

Germany

Not applicable.

Iceland

Only static images accepted.

Israel

N/A - video files are not allowed.

Japan

We do not accept video files.

Kazakhstan

In accordance with paragraph 55 of the Rules for the Examination of Industrial Property Applications, the requirements for a set of images of an article are as follows: images of the external appearance of an article must contain visually identifiable information about significant features of the utility model, which define the scope of legal protection for the utility model being requested by the applicant.

Photographs or drawings of articles may be submitted as images, including those executed using computer graphics, reproduction, or other means.

Kenya

Not applicable

Lithuania

Only static images are accepted.

Montenegro

See answer to question 20.

Poland

Video files are not acceptable.

Republic of Moldova

The legislation of the Republic of Moldova does not provide the protection of the videos as industrial design.

Russian Federation

The Russian legislation does not provide for protection for moving images as industrial designs. See the comment to the question 21.

Spain

Video files are not accepted.

Sweden

See q. 18. The generally issue with using two formats is that it can be perceived as two designs rather than one.

Switzerland

The IPI does not accept animated designs at all.

Thailand

Both series of static images and video files are not accepted.

Turkey

Static images *only* are accepted.

United Kingdom

N/A

United States of America

N/A. See answer 21.

BOIP

N/A

EUIPO

Moving images can only be considered as an additional technical means of viewing the design and does not replace the conventional static views.

Question 23 - If animated designs are represented by series of static images or a sequence of drawings or photographs, are there additional requirements regarding the images?

Responding Party	Additional requirements	If yes, is it required that:				
		All images relate to the same function of the article	All images be visually related	All images give a clear perception of the movement/change/progression	The number of images does not exceed a maximum number	Other
Algeria	Yes		Yes			
Azerbaijan	Yes		Yes	Yes	Yes 20 alternating static images. Using over 20 alternating images is possible subject to payment of certain fees.	
Bahrain	Yes	Yes			Yes not more than 50 images	
Bosnia and Herzegovina	Yes	Yes		Yes	Yes	
Brazil	Yes		Yes			
Canada	No					
Chile						
China	Yes	Yes	Yes	Yes		
Colombia	Yes			Yes		Yes
Costa Rica	Yes			Yes		
Croatia	Yes		Yes	Yes	Yes	

Responding Party	Additional requirements	If yes, is it required that:				
		All images relate to the same function of the article	All images be visually related	All images give a clear perception of the movement/change/progression	The number of images does not exceed a maximum number	Other
Czech Republic						
Denmark	Yes		Yes	Yes		Yes
Dominican Republic	Yes		Yes	Yes		
Ecuador	No					
Estonia	No					
Finland						
France	Yes		Yes	Yes	Yes 100	
Georgia	Yes	Yes	Yes	Yes		
Germany	Yes	Yes	Yes	Yes	Yes	
Hungary	No					
Iceland	No					
Ireland	Yes	Yes	Yes	Yes	Yes	
Israel			Yes	Yes		
Japan	Yes					
	for graphic images filed as a part of an article (existing law and revised law)	Yes	Yes	Yes		
	for graphic image filed as it is (revised law)		Yes	Yes		Yes*
Kazakhstan						
Kenya	Yes		Yes			
Latvia	Yes		Yes	Yes		
Lithuania	Yes		Yes	Yes		
Mexico	Yes			Yes		Yes*
Montenegro						
New Zealand						
Norway	Yes		Yes	Yes		
Pakistan	No					
Peru	Yes			Yes		
Philippines	No					
Poland	Yes		Yes	Yes	Yes Up to 10	
Portugal	Yes		Yes	Yes	Yes Max number of views is 7	
Republic of Korea	Yes	Yes	Yes	Yes		
Republic of Moldova	No					
Romania	Yes		Yes	Yes		
Russian Federation	No					

Responding Party	Additional requirements	If yes, is it required that:				
		All images relate to the same function of the article	All images be visually related	All images give a clear perception of the movement/ change/ progression	The number of images does not exceed a maximum number	Other
Singapore	Yes			Yes	Yes	
Slovakia	Yes			Yes		
Spain	Yes			Yes	Yes 7	
Sweden			Yes			
Switzerland						
Thailand						
Tunisia	No					
Turkey	Yes	Yes	Yes	Yes	There is no maximum number	
United Kingdom			Yes	Yes	If filed electronically there is a maximum of 12 images allowed though there is no limit with paper filed applications.	
United States of America						
BOIP		Yes	Yes	Yes		
EUIPO	Yes		Yes	Yes	Yes	

COMMENTS:

Brazil

The Brazilian legislation provides no protection for animated designs. That been said, each frame of the animation might be individually protected as a static image. The static images should therefore be visually related in order to be included in the same application, but the protection provided will not concern the movement that results from the sequence of static images.

Canada

The individual frames do not need to include substantially similar content to one another, as they are not assessed independently from their sequential arrangement.

Chile

Not applicable.

Colombia

In the absence of regulations in Colombia for accepting animations, the regulations for two-dimensional designs apply. Therefore, PDF files of no more than 5 MB, US letter size (21.59 x 27.94 cm), are accepted. Sufficient animation frames must be presented on one (1) US letter size (21.59 x 27.94 cm) sheet in such a way that they can be clearly seen and correspond to the same scene, for example, the movement of a character within the same environment.

Croatia

Maximum number of views is 6.

Czech Republic

We do not register animated industrial designs.

Denmark

It has to live up to CP6.

Georgia

The number of images is not limited. Applicant has to file as many images as possible to give a clear perception of the movement/change.

Iceland

According to Art. 4(1) of the Design Regulation (DR) No. 706/2001 each illustration may only show one design from one point of view. If more than one illustration is submitted of the same design, the illustrations shall be distinguished from each other and marked in alphabetical or numerical order.

Israel

According to The Designs Regulations, Regulation 14(n), if the design product is an animated graphic symbol or an animated screen display, the applicant shall file a sequence of images reflecting the progress of the animation. According to the ILPO's examination guidelines (link below for a Hebrew version), the examiner ensures that the visual description presents and reflects the sequence of the change in time in an understandable and clear manner, and that all images are visually related and have common design features that allow a clear perception of the movement.

ILPO's Examination Guidelines, Chapter 40: Designs, Appendix D,
Section 10: <http://www.justice.gov.il/Units/RashamHaptentim/Units/midgamim/Documents/7.docx>
(Hebrew)

Japan

* All images related to the same function.

Kenya

The office does not have experience with industrial design applications relating to animated designs.

Latvia

The number of images is not limited.

Mexico

* Meet the requirement of unity of design.

Montenegro

See answer to question 20.

Romania

These additional requirements are in accordance with the Common Communication launched in the frame of the EUIPO Convergence Programme.

Singapore

A total of up to 40 different views of the same GUI may be filed as representations of the design which protection is being sought for.

Sweden

Animated designs are not examined differently from a “normal” design, and the requirements are the same.

Switzerland

The IPI does not accept animated designs at all.

Thailand

Series of static images or a sequence of drawings or photographs are not accepted.

United Kingdom

We have signed up to EUIPO’s Convergence Program (CP6) – Convergence on the Graphic Representations of Designs. This requires that, where a design consists of a GUI or sequence, the representations will consist of a: *“Short sequence of views used to show a single animated design at different specific moments in time, in a clearly understandable progression. This applies to an animated icon (design consisting of a sequence) or an animated graphical user interface (design of an interface). In order to be accepted: The sequence of snapshots needs to be visually related (must have features in common) and it is the responsibility of the applicant to number the views in such a way so as to give a clear perception of the movement/progression.”*

United States of America

See answer 20.

BOIP

See CP 6.

EUIPO

According to CP6 (Convergence in graphic representations of designs), the sequence of snapshots needs to be visually related (they must have features in common) and it is the responsibility of the applicant to number the views in such a way so as to give a clear perception of the movement/progression. On another note, the maximum number of views, namely 7, applies to all design applications.

Question 24 - In which format are animated designs granted?

Responding Party	Paper registration/ patent	Electronic (e-grant)	Other	Comments
Algeria	Yes			
Azerbaijan	Yes			
Bahrain		Yes		
Bosnia and Herzegovina	Yes			
Brazil		Yes		
Canada	Yes			
Chile				Not applicable.
China	Yes	Yes		
Colombia		Yes		
Costa Rica	Yes	Yes		
Croatia	Yes			
Czech Republic				We do not register animated industrial designs.
Denmark	Yes			As a general rule we issue paper registrations/grants, but we can issue e-grants if applicants request it.
Dominican Republic	Yes			
Ecuador			Yes	No animated design application has been received to date.
Estonia	Yes			
Finland				
France	Yes	Yes		Electronic grant and issuance of a paper registration certificate.
Georgia	Yes			
Germany		Yes		
Hungary	Yes	Yes		
Iceland				N/A The Icelandic Intellectual Property Office (ISIPO) does not accept animated designs.
Ireland	Yes			
Israel	Yes			An uncertified copy of the paper registration is sent to the applicant via E-mail.
Japan		Yes		
Kazakhstan				In Kazakhstan, a patent for a utility model is issued on paper, regardless of the type of model.
Kenya				The office grants industrial designs registrations in paper form. The office does not have experience in registering animated designs.
Latvia	Yes	Yes		The applicant may choose to receive the registration certificate

Responding Party	Paper registration/ patent	Electronic (e-grant)	Other	Comments
				either electronically or in paper form.
Lithuania	Yes			
Mexico		Yes		
Montenegro				<u>See answer to question 20.</u>
New Zealand				
Norway	Yes	Yes		
Pakistan	Yes			
Peru	Yes			
Philippines	Yes	Yes		
Poland	Yes			
Portugal	Yes	Yes	Yes	The grant of the design is published in the Industrial Property Bulletin (electronic format only).
Republic of Korea	Yes	Yes		
Republic of Moldova	Yes			
Romania	Yes			
Russian Federation	Yes			Animated designs as moving images are not registered by the Office. Industrial designs containing static images are registered in the State Register of industrial designs of the Russian Federation in electronic format. A patent on industrial design is issued on paper carrier and contains static images of the industrial design.
Singapore	Yes	Yes		
Slovakia	Yes			
Spain		Yes		Provided that they are not video files.
Sweden				We have not yet had any such applications.
Switzerland				The IPI does not accept animated designs at all.
Thailand	Yes			All designs are granted in paper registration as one design per one application. So animated designs are granted as many applications of a pattern for a display screen.
Tunisia	Yes			
Turkey		Yes		
United Kingdom				? We are unclear on this question.
United States of America	Yes			Namely an issued U.S. design patent.
BOIP		Yes		
EUIPO		Yes		Since 15/11/2010, registration certificates have been issued only as online e-certificates. Holders of Community design registrations are invited to download the certificate from the day after

Responding Party	Paper registration/ patent	Electronic (e-grant)	Other	Comments
				publication, using the 'eSearch plus' tool on the Office's website. However, this e-certificate shows the static views, not the moving images; the 3D object is provided only for search purposes.

Question 25 - In which format are animated designs published?

Responding Party	Paper publication	Electronic publication	Other	Comments
Algeria	Yes			
Azerbaijan	Yes			
Bahrain	Yes			
Bosnia and Herzegovina	Yes	Yes		
Brazil		Yes		
Canada			Yes	The Office does not actively publish Industrial Design Registrations (e.g. in a Journal or Bulletin), however applications made available to the public are entered in the Canadian Industrial Designs Database. The Office also makes paper copies of applications available to the public, which may be consulted in person via CIPO's Client Service Centre.
Chile				Not applicable.
China	Yes	Yes		
Colombia		Yes		
Costa Rica	Yes			
Croatia		Yes		
Czech Republic				We do not register animated industrial designs.
Denmark		Yes		
Dominican Republic	Yes			Some of the most representative images are selected in the rare cases of movement/change/progression of a claimed animated design.
Ecuador			Yes	No industrial design application has been received to date.
Estonia		Yes		
Finland				
France	Yes			Paper publication of designs in the BOPI (<i>Bulletin Officiel de la Propriété Intellectuelle</i>) and electronic publication of data.
Georgia	Yes	Yes		
Germany		Yes		
Hungary		Yes		
Iceland				N/A, see comments Q. 24.
Ireland	Yes			
Israel		Yes		
Japan		Yes		
Kazakhstan				

Responding Party	Paper publication	Electronic publication	Other	Comments
Kenya				Applications are published in paper format but the office does not have experience in registering animated designs.
Latvia		Yes		Electronic publication - The Official gazette https://www.lrpv.gov.lv/en/vestnesis
Lithuania		Yes		
Mexico		Yes		
Montenegro				See answer to question 20.
New Zealand				
Norway		Yes		
Pakistan				Pakistan does not publish any Industrial Designs.
Peru		Yes		
Philippines		Yes		
Poland		Yes		
Portugal		Yes		
Republic of Korea	Yes	Yes		
Republic of Moldova	Yes	Yes		Electronic publication - The Official Bulletin of Intellectual Property (BOPI) http://agepi.gov.md/en/publication/48
Romania	Yes	Yes		
Russian Federation		Yes		Electronic publication is carried out for all industrial designs containing static images in the Official Bulletin of industrial designs.
Singapore		Yes		
Slovakia		Yes		
Spain		Yes		
Sweden	Yes	Yes		
Switzerland				The IPI does not accept animated designs at all.
Thailand		Yes		All designs are published in electronic publication format as one design per one application on the DIP's website. So animated designs are published as many applications of a pattern for a display screen.
Tunisia	Yes			
Turkey		Yes		
United Kingdom		Yes		
United States of America				As an issued U.S. design patent. The U.S. does not publish design applications prior to grant. See answer 24.
BOIP		Yes		
EUIPO		Yes		All registered Community designs are published in the Community Designs Bulletin, which is published in electronic format only, on the Office's website.

Question 26 - Are there any special publication procedures for animated designs?

Responding Party	Special publication procedures for animated designs	Comments
Algeria	No	
Azerbaijan	No	
Bahrain	No	
Bosnia and Herzegovina	No	
Brazil	No	
Canada	No	
Chile		Not applicable.
China	No	
Colombia	No	
Costa Rica	No	
Croatia	No	
Czech Republic		We do not register animated industrial designs.
Denmark	No	
Dominican Republic	No	
Ecuador	No	
Estonia	No	
Finland		
France	No	
Georgia	No	
Germany	No	
Hungary	No	
Iceland		N/A, see comments Q. 24.
Ireland		
Israel	No	
Japan	No	
Kazakhstan		
Kenya	No	
Latvia	No	
Lithuania	No	
Mexico	No	
Montenegro	No	
New Zealand		
Norway	No	
Pakistan	No	
Peru	No	
Philippines	No	
Poland	No	
Portugal	No	
Republic of Korea	No	
Republic of Moldova	No	
Romania	No	
Russian Federation	No	Only static images are published.
Singapore	No	
Slovakia	No	
Spain	No	
Sweden	No	
Switzerland		The IPI does not accept animated designs at all.
Thailand	No	
Tunisia	No	
Turkey	No	
United Kingdom	No	
United States of America	No	
BOIP	No	

Responding Party	Special publication procedures for animated designs	Comments
EUIPO	No	What is published is the static images, not the moving images.

ADDITIONAL QUESTIONS

Question 27 – (I) In your jurisdiction, are some graphic images excluded from protection under design law?

Responding Party	Some graphic images excluded from protection	If yes, which of the following types of images are excluded from protection:			
		Graphic images representing “contents” that are independent from the function of the article (e.g., a scene of a film or images from a computer/TV game)	Graphic images provided only for decorative purposes (such as a desktop wallpaper)	Graphic images provided only for conveying information	Other
Algeria	No				
Azerbaijan	Yes	Yes			
Bahrain	No				
Bosnia and Herzegovina	No				
Brazil	No				
Canada	Yes				Yes*
Chile					
China	Yes	Yes (1)	Yes (2)	Yes (3)	
Colombia	No				
Costa Rica	Yes				Yes*
Croatia	No				
Czech Republic	No				
Denmark	Yes			Yes	
Dominican Republic	No				
Ecuador	No				
Estonia	No				
Finland	No				
France	Yes				Yes
Georgia	No				
Germany	Yes		Yes	Yes	
Hungary	No				
Iceland	Yes			Yes	
Ireland	No				
Israel	Yes				Yes*
Japan	Yes for graphic images filed as a part of an article (existing law and revised law)	Yes	Yes		Yes*

Responding Party	Some graphic images excluded from protection	If yes, which of the following types of images are excluded from protection:			
		Graphic images representing “contents” that are independent from the function of the article (e.g., a scene of a film or images from a computer/TV game)	Graphic images provided only for decorative purposes (such as a desktop wallpaper)	Graphic images provided only for conveying information	Other
	for graphic image filed as it is (revised law)	Yes	Yes		
Kazakhstan	Yes				Yes*
Kenya	No				
Latvia	Yes				Yes*
Lithuania	Yes	Yes	Yes	Yes	
Mexico	Yes	Yes			
Montenegro					
New Zealand	Yes				Yes*
Norway	Yes				Yes*
Pakistan	No				
Peru	No				
Philippines	No				
Poland	No				
Portugal	Yes			Yes	
Republic of Korea	Yes				
Republic of Moldova	Yes				Yes
Romania	Yes				Yes
Russian Federation	Yes				
Singapore	No				
Slovakia	No				
Spain	No				
Sweden	Yes	Yes			
Switzerland	No				
Thailand	Yes	Yes		Yes	
Tunisia	No				
Turkey	No				
United Kingdom	No				
United States of America					Yes
BOIP	No				
EUIPO	Yes				Yes

Question 27 – (II) If YES, how is the exclusion justified? If yes, how are the graphic images subject to protection defined?

Responding Party	Justification of the exclusion from protection	Definition of the graphic images subject to protection
Algeria		
Azerbaijan		
Bahrain		
Bosnia and Herzegovina		
Brazil		
Canada		
Chile		
China	<p>The protected GUI shall meet the following two conditions:</p> <ol style="list-style-type: none"> 1. It is linked to the implementation of the function of the article; 2. It is linked to human-computer interaction. 	
Colombia		
Costa Rica		
Croatia		
Czech Republic		
Denmark		
Dominican Republic		
Ecuador		
Estonia		
Finland		
France		
Georgia		
Germany		
Hungary		
Iceland		
Ireland		
Israel		
Japan	<p>For graphic images filed as a part of an article (existing law and revised law): Since graphic images representing “contents” or those for ornamental purposes only do not display images required to perform functions of the article they are displayed on, nor are images provided for performing functions of an article, they do not fall under the definition of designs provided under Article 2 of the Design Act.</p>	<p>The graphic images that fall under either (i) or (ii) below.</p> <p>(i) The graphic image displayed on the display part of the article is a graphic image for making necessary indications for performing the functions of the article, and also is a graphic image recorded in the article.</p> <p>(ii) The graphic image on a screen is provided for use in the operation of the article in order to enable the article to perform its functions, and is displayed on the article itself or another article that is used with the article in an integrated manner, and also has been recorded in the article.</p>
	<p>For graphic image filed as it is (revised law): Since graphic images representing “contents” or those provided only for decorative purposes are not provided for use in the operation of a device,</p>	<p>Graphic images (limited to images provided for use in the operation of a device or those displayed as a result of the</p>

Responding Party	Justification of the exclusion from protection	Definition of the graphic images subject to protection
	nor displayed as a result of the device performing its functions, they do not fall under the definition of designs provided under Article 2 of the Design Act.	device performing its functions) are images which create an aesthetic impression through the eye.
Kazakhstan		An examination is performed in order to determine the scope of protection.
Kenya		
Latvia		
Lithuania	The design must be presented in the neutral background without any additional elements which are out of scope of protection.	The design photography or graphic images are a key document that contains information about a registered design and defines the scope of protection.
Mexico	The industrial design must be represented in accordance with the protection requested and can be complemented with at least one reproduction of an "example of use" that shows the independent contents of the design. Elements that do not constitute part of the sought protection are considered to be foreign to the design.	
Montenegro		
New Zealand	Designs Act 1953 section 51.	
Norway		
Pakistan		
Peru		
Philippines		
Poland		
Portugal	Graphic images provided only for conveying information are not considered to be the appearance of all or part of a product resulting from the characteristics of, in particular, lines, contours, colors, shape, texture or materials of the product itself and its ornamentation.	They have to meet the criteria for being considered designs under Article 173 of the Industrial Property Code.
Republic of Korea	It is excluded where the designs are the part of well-known copyright works/trademark/design under the Article 33(2) or 34(3) of Design Protection Act, or where the contents that is liable to contravene the public order or morality under 34(2) of the same law.	
Republic of Moldova		
Romania	The legal provisions of Design Law.	
Russian Federation		
Singapore		
Slovakia		
Spain		
Sweden		
Switzerland		
Thailand	Any image that is considered to be contrary to public morality or order would be excluded. Moreover, the designs aimed at the following characteristics cannot be registered. -Aimed for its use or improvement,	The graphic images are defined as a pattern of a product.

Responding Party	Justification of the exclusion from protection	Definition of the graphic images subject to protection
	-Methods or basic concepts such as organizing of items, computer software, or IC -Layout of ideas such as organization of book pages -Designs which cannot be seen with the naked eye.	
Tunisia		
Turkey		
United Kingdom		
United States of America		
BOIP		
EUIPO		

COMMENTS:

Brazil

Contents which are independent from the function of the article might be subject to other intellectual property rights (e.g., copyrights) and must be authorized by the content owner. Graphic images that convey information using text or words are not allowed and must be amended by excluding words and text.

Canada

* In Canada, a design is not registrable if it is contrary to public morality or order (ref. para 7(e) of the *Industrial Design Act*). Consequently any image that is considered to be contrary to public morality or order would be excluded. See s.13.03.02 of the Industrial Design Office Practice Manual (IDOP): [...] the Office "considers whether an application is "contrary to public morality" on a case-by-case basis, taking into account generally accepted mores of the time".

China

Scenario (1) is a case where the content image is not the design itself.
Scenario (2) is a case where there is no human-computer interaction.
Scenario (3) is a case where there is no human-computer interaction.

The Examination Guidelines explicitly excludes the following subject matter from protection: game interfaces and images displayed on display devices not related to human-computer interaction, e.g. electronic screen wallpapers, startup and power-off images, graphic and text layout of website pages not related to human-computer interaction.

Costa Rica

Images that are contrary to public order, morals or common decency and those that, as set forth in national regulations, describe exclusively the function of an article, such as hidden mechanisms or process diagrams, are excluded. Protection is not provided either for whatever part of the design is obscured by broken lines, in the case of line drawings, or as a result of fading or an obvious loss of contrast, in the case of photographs.
Graphic images are determined by the presentation of unbroken lines.

Croatia

An industrial design shall not subsist in a design that is contrary to public interests or accepted principles of morality. Also, if the design constitutes an unauthorized use of any of the items listed in Article 6^{ter} of the Paris Convention for the Protection of Industrial Property (hereinafter referred to as the Paris Convention), or of badges, emblems and escutcheons other than those covered by the said Article of the Paris Convention, which are of particular interest to the Republic of Croatia, will not be registered.

Denmark

As a part of our examination of applications we assess whether or not a design is against public order or morality.

Graphic images containing information are not excluded per se. If the images represent a characteristic type font it might be recognized as a design. Images containing plain text/information do not represent “a design” hence they are excluded from registration. The text might be covered by copyright law.

Dominican Republic

Applications have not yet been submitted for protecting this type of product, so if any image(s) appeared to impinge on the rights of third parties, we would first request documentation from the original creator of said images granting their usage rights. This document would be considered part of the environment of the design configuration. Likewise, if a generic design in the public domain were included, it would be considered part of the environment, and no one could claim the rights to it for third party use in other designs.

France

Exclusions are provided for by legislative provisions that apply to all designs, namely: articles L511-1 to L511-8, article L512-2 and article L512-4. For example, designs of graphic interfaces or icons contrary to public policy and/or morality are excluded from protection as designs.

Iceland

A design is not registered if it is against public policy and morality or if it includes government signs or other internationally recognized signs used without authorization, as indicated in Article 3 of the Icelandic Design Protection Act (DA) nr. 46/2001. Graphic images subjected to protection are defined by disclaimers.

Israel

* According to The Designs Law a design is defined as “the appearance of a **product** or part of a product, composed of one or more visual characteristic of the product or of part of the product, as the case may be, including outline, color, shape, decoration, texture or the material from which they are made”.

Therefore, graphic images are excluded from protection under design law if they are embodied in a product that is not deemed to be a product under the law.

It is noted that according to the previous law (The Patents and Designs Ordinance), where the function of an article was solely intended to carry the graphic image, it was not regarded as “**an article of manufacture**”, and therefore the design embodied to it was not eligible for protection as a registered design.

However, since the Design Law entered into force in August 2018, there is still no case law on this aspect of the definition of “a product”.

Graphic images may be protected under copyright law.

In addition, as a general rule, designs that are contrary to public order or those that are not registrable under other substantive or formal legal requirements are excluded from protection.

Japan

* The graphic images that do not fall under (i) nor (ii) below.

(i) The graphic image displayed on the display part of the article is a graphic image for making necessary indications for performing the functions of the article, and also is a graphic image recorded in the article.

(ii) The graphic image on a screen is provided for use in the operation of the article in order to enable the article to perform its functions, and is displayed on the article itself or another article that is used with the article in an integrated manner, and also has been recorded in the article.

Kazakhstan

* In accordance with Article 8(2) of the Republic of Kazakhstan Patent Law, the following designs are not recognized as utility models:

- 1) those that are determined exclusively by the technical function of the articles;
- 2) architectural objects (other than small-scale architectural forms), industrial, hydraulic engineering, and other permanent structures;
- 3) objects with an unstable form that are made of liquid, gaseous, loose, or similar materials;
- 4) articles that are counter to the public interest and the principles of humanity and morality.

Designs that can cause confusion include designs that reproduce or include elements which are identical to or give a general impression that would result in confusion:

- with state seals, flags, and other state symbols and emblems;
- with the abbreviated or full names of international and intergovernmental organizations, their seals, flags, symbols, and emblems;
- with official inspection, warranty, or assay stamps, seals, awards, and other marks of distinction;
- elements are included in the design of the external appearance of an article with the approval of the relevant competent authority;
- with elements that may not undergo state registration in the Republic of Kazakhstan as trademarks in accordance with an international treaty, because the elements are protected in one of the states that are parties to the international treaty as a designation that allows for the identification of articles as originating from its territory (produced within the boundaries of a geographical area of this state) and that have a special quality, reputation, or other characteristics that are defined by their origin, if the utility model is intended for the packaging or labelling of articles not originating from the territory of the given geographical area;
- with official names or images of especially valuable cultural heritage objects of the peoples of the Republic of Kazakhstan or of global cultural or natural heritage objects, or with images of cultural assets, if a patent is being requested in the name of persons who are not their owners, without the consent of the owners or persons authorized by the owners to register such designs as utility models;
- with trademarks of other persons that are protected in the Republic of Kazakhstan that are known as of the date an application is filed, including protection in accordance with an international treaty of the Republic of Kazakhstan, with respect to goods that are the same as the article in question;

- with trademarks of other persons recognized in accordance with the Republic of Kazakhstan Law on Trademarks, Service Marks, and Designations of Origin of Goods, as generally known trademarks in the Republic of Kazakhstan with respect to goods that are the same as the article in question;
- with well-known names, pseudonyms, or designations derived from them, portraits or facsimiles of persons well-known in the Republic of Kazakhstan as of the date the application is filed, without the consent of these persons or their heirs.

Latvia

Designs excluded from protection are:

- designs of graphic images or icons contrary to public policy and/or morality are excluded from protection.

Mexico

Mexican practice allows the description of the application to present the figures in terms of "example of use" representation of the design.

Montenegro

In the Rule Book in Article 8 is prescribed that the applicant cannot attach photocopies of photos to view the design. The photo of the design is displayed on a neutral and monochrome background. The photo cannot be retouched (ink, ink, or correction fluid).

New Zealand

* Contrary to law or morality, and reserved images, e.g the image of the flag of a nation or the logos of an international organization or a registered trademark.

Norway

* A design is not registrable if it is contrary to public morality or order.

Republic of Moldova

LAW on the Protection of Industrial Designs No. 161-XVI of July 12, 2007

Article 11. Unprotectable industrial designs

(4) No industrial design shall be protected if it infringes public order or accepted moral standards.

<https://wipolex.wipo.int/en/text/421794>

Romania

The following categories of graphic representations are excluded from protection:

- those that do not a neutral background;
- technical drawings presenting the product in cross-section, schematically or in rupture plane with dimensions, with explanatory texts or legends;
- graphic representations that cannot be reproduced by typographic methods;
- those that not completely render the design that is the subject of the application for registration.

Russian Federation

According to the Russian legislation industrial designs containing the following graphic images are excluded from the scope of protection:

- reproducing or imitating official symbols, names and distinctive signs or their recognizable elements (without the relevant consent on its exploitation);
- contrary to public interests, principles of humanity and morality;
- able to mislead a consumer, including about producer, or about place of its manufacture, or about a product, in particular solutions that are identical or produce the same overall impression or containing the following elements:
 - the signs identical or confusingly similar to the official names and images of particularly valuable objects of the cultural heritage of the peoples of the Russian Federation or objects of world cultural or natural heritage, and also with images of cultural values stored in special, general, and reserve collections if registration is sought in the name of persons who are not their owners, without the consent of their owners or of the persons authorized by the owners for the registration of such signs as designs;
 - the signs that are or contain elements that are protected in one of the States party of international treaty of the Russian Federation as signs identifying wines or spirits as originating from its territory (or produced within the boundaries of a geographical object of this state) and have a particular quality, reputation, or other characteristics that are mainly determined by its origin, if the industrial design shall be used for the product intended for packaging or marking of wines or spirits that not originating from the territory of the geographical object concerned;
 - known trademarks on the filing date of industrial design application of other persons applied for registration with respect to similar goods with an earlier priority, unless the application for official registration has been withdrawn or has been deemed withdrawn;
 - known trademarks on the filing date of industrial design application of other persons protected in the Russian territory, including by virtue of an international treaty of the Russian Federation with respect to similar item of goods and (or) goods, for which the product serves as, in particular, a container, packaging, emblem, label with earlier priority;
 - trademarks of other persons duly recognized as well-known marks in the Russian Federation with respect to similar goods, for which the product serves as, in particular, a container, packaging, emblem, label with earlier priority;
 - protected appellation of origin except for the case when the legal protection is claimed by a person who has the rights on such appellation of origin and if an industrial design refers to a product (item of goods) or a product served as, in particular, a container, packaging, emblem, label of item of goods for individualization of which appellation of origin registered;
 - the signs identical or confusingly similar to a trade name or commercial name protected in the Russian Federation (or individual elements of such trade name or commercial name), or to the names of selection attainment registered in the State Register of Protected Selection Attainment, rights to similar goods for which served as, in particular, a container, packaging, emblem, label;
 - a title of work of science, literature, or art, a character or quotation from such a work, a work of art or a fragment thereof known in the Russian Federation on filing date of the application for official registration of an industrial design, without the consent of the right holder, if the rights to the respective work arose earlier than the priority date of the design to be registered;

- a name, a pseudonym or their derivatives, a portrait or facsimile of a person known in the Russian Federation on the filing date of the application without the consent of this person or his heir.

Sweden

We are unsure about the meaning of:

- graphic images provided only for decorative purposes (such as a desktop wallpaper)
- graphic images provided only for conveying information

Contents that are not part of the design, we generally advise applicants to leave out of the graphical representation of the design.

United Kingdom

Only computer software is excluded.

United States of America

In the United States, there are not per se exclusions relating to graphic images. However, if a claimed design fails to satisfy the requirements of 35 U.S.C. 171 – namely if the claimed subject matter is not a design for an article of manufacture – the application will be rejected.

A picture (or a scene from a movie) standing alone is not patentable under 35 U.S.C. 171. The factor which distinguishes statutory design subject matter from mere picture or ornamentation, per se (i.e., abstract design), is the embodiment of the design in an article of manufacture.

Consistent with 35 U.S.C. 171, case law and USPTO practice, the design must be shown as applied to or embodied in an article of manufacture. MPEP § 1504.01.

EUIPO

Only those that are contrary to public order or principles of morality would be refused (Article 47 CDR).

Question 28 - In your jurisdiction, are certain kinds of GUI/icon designs excluded from design protection?

Responding Party	Certain kinds of GUI/icon designs are excluded from design protection	If yes, please specify
Algeria	No	
Azerbaijan	No	
Bahrain	No	
Bosnia and Herzegovina	No	
Brazil	No	
Canada	No	
Chile		
China	Yes	Game interfaces and images displayed on display devices not related to human-computer interaction, e.g. electronic screen wallpapers, startup and power-off images, graphic and text layout of website pages not related to human-computer interaction.

Responding Party	Certain kinds of GUI/icon designs are excluded from design protection	If yes, please specify
Colombia	Yes	Designs that include a distinctive sign or which are contrary to morals or public order are excluded from protection, as are those, the appearance of which is dictated by technical considerations.
Costa Rica	Yes	Those that contravene public order, morals or common decency.
Croatia	No	
Czech Republic	No	
Denmark		
Dominican Republic	Yes	Those that breach any of numerals 4-6 of Article 55 (repealed and replaced by Article 6 of Law 424-06 of DR-CAFTA) regarding materials excluded from protection for industrial designs.
Ecuador	No	
Estonia	Yes	<p>Legal protection is not granted to an industrial design which:</p> <ol style="list-style-type: none"> 1) derives solely from the technical function of the product, unless the industrial design allows specific assembly or connection of products within a modular system or parts of products; 2) is contrary to good practice; 3) is unstable; 4) is a layout design of integrated circuits; 5) is a spare part or component which is not visible upon normal use when assembled in the product. <p>Industrial Design Protection Act § 9 https://www.riigiteataja.ee/en/eli/521012015002/consolide</p>
Finland	Yes	Animated designs would be problematic and might not be accepted. See comments above question 18
France	Yes	See answer to Question 27
Georgia	No	
Germany	No	
Hungary	No	
Iceland	No	
Ireland	Yes	When the design is contrary to public policy or accepted principles of morality. Where the design constitutes an infringement of a copyright mark, or where it contains protected State emblems (<i>6ter</i>) or other protected elements.
Israel	No	
Japan	Yes	<p>For graphic images filed as a part of an article (existing law and revised law): Designs composed only of shapes essential for securing the functions of an article shall not be registered as a design.</p> <p>For graphic image filed as a graphic image itself (revised law): Designs solely consisting of an indication that is indispensable for the usage of graphic images shall not be registered.</p>
Kazakhstan	Yes	
Kenya	No	
Latvia	Yes	Designs contrary to public policy and/or morality are excluded from protection.
Lithuania	No	
Mexico		
Montenegro		
New Zealand	Yes	Same as for graphic images above.
Norway	No	
Pakistan	No	

Responding Party	Certain kinds of GUI/icon designs are excluded from design protection	If yes, please specify
Peru		
Philippines	No	
Poland	No	
Portugal	No	
Republic of Korea	No	
Republic of Moldova	Yes	LAW on the Protection of Industrial Designs No. 161-XVI of July 12, 2007 - Article 11. Unprotectable industrial designs (4) No industrial design shall be protected if it infringes public order or accepted moral standards. https://wipolex.wipo.int/en/text/421794
Romania	Yes	Designs excluded from protection are: - does not correspond to the definition, - contrary to public order or morality, - determined exclusively by a technical function.
Russian Federation	No	
Singapore	No	
Slovakia	No	
Spain	No	
Sweden	No	
Switzerland	Yes	GUI/icon designs are excluded if they are unlawful.
Thailand	Yes	Same as graphic images, Question 27
Tunisia	No	
Turkey	No	
United Kingdom	No	
United States of America	No	
BOIP	No	
EUIPO	No	

COMMENTS:

Brazil

Icons that are also trademarks cannot be protected through design registration.

Chile

Designs whose commercial exploitation must necessarily be prevented in order to protect public order, State security, morals and decency are not protectable.

Croatia

An industrial design shall not subsist in a design that is contrary to public interests or accepted principles of morality. Also, if the design constitutes an unauthorized use of any of the items listed in Article 6^{ter} of the Paris Convention for the Protection of Industrial Property (hereinafter referred to as the Paris Convention), or of badges, emblems and escutcheons other than those covered by the said Article of the Paris Convention, which are of particular interest to the Republic of Croatia, will not be registered.

Denmark

N/A

Israel

GUI/icon designs are not excluded per se as a subject matter, however they need to comply with the general eligibility criteria as described in the comments to question 27.

Kazakhstan

In accordance with Article 8(2) of the Republic of Kazakhstan Patent Law, the following designs are not recognized as utility models:

- 1) those that are determined exclusively by the technical function of the articles;
- 2) architectural objects (other than small-scale architectural forms), industrial, hydraulic engineering, and other permanent structures;
- 3) objects with an unstable form that are made of liquid, gaseous, loose, or similar materials;
- 4) articles that are counter to the public interest and the principles of humanity and morality.

Designs that can cause confusion include designs that reproduce or include elements which are identical to or give a general impression that would result in confusion:

- with state seals, flags, and other state symbols and emblems;
- with the abbreviated or full names of international and intergovernmental organizations, their seals, flags, symbols, and emblems;
- with official inspection, warranty, or assay stamps, seals, awards, and other marks of distinction;
- elements are included in the design of the external appearance of an article with the approval of the relevant competent authority;
- with elements that may not undergo state registration in the Republic of Kazakhstan as trademarks in accordance with an international treaty, because the elements are protected in one of the states that are parties to the international treaty as a designation that allows for the identification of articles as originating from its territory (produced within the boundaries of a geographical area of this state) and that have a special quality, reputation, or other characteristics that are defined by their origin, if the utility model is intended for the packaging or labelling of articles not originating from the territory of the given geographical area;
- with official names or images of especially valuable cultural heritage objects of the peoples of the Republic of Kazakhstan or of global cultural or natural heritage objects, or with images of cultural assets, if a patent is being requested in the name of persons who are not their owners, without the consent of the owners or persons authorized by the owners to register such designs as utility models;
- with trademarks of other persons that are protected in the Republic of Kazakhstan that are known as of the date an application is filed, including protection in accordance with

an international treaty of the Republic of Kazakhstan, with respect to goods that are the same as the article in question;

- with trademarks of other persons recognized in accordance with the Republic of Kazakhstan Law on Trademarks, Service Marks, and Designations of Origin of Goods, as generally known trademarks in the Republic of Kazakhstan with respect to goods that are the same as the article in question;
- with well-known names, pseudonyms, or designations derived from them, portraits or facsimiles of persons well-known in the Republic of Kazakhstan as of the date the application is filed, without the consent of these persons or their heirs.

Montenegro

See answer to question 5.

Peru

Article 116 of Decision 486 states that industrial designs whose commercial exploitation in the territory of the Member Country in which registration is sought must necessarily be prevented in order to protect morals or public order shall not be registrable. To this end, the commercial exploitation of an industrial design shall not be considered contrary to morality or public order solely owing to the existence of a legal or administrative provision prohibiting or regulating such exploitation.

Russian Federation

The Russian legislation does not contain exclusions for certain kinds of GUI/icon designs.

United Kingdom

The only time an objection would be raised would be if the GUI/icon were contrary to public policy and morality or if it contained a protected emblem.

Question 29 - In your jurisdiction, can a *part of a GUI design (i.e., some elements only of the GUI design)* be protected?

Responding Party	A part of a GUI design can be protected	If yes, how?	If yes, can a part of a GUI design be protected if it appears only under certain circumstances?
Algeria	No		
Azerbaijan	No		
Bahrain	Yes	Under certain circumstances, a specific part of a GUI design within article of GUI design can be protected. In which, the applicant has to indicates the article in dotted or broken lines + an indication in words of the article is needed.	Yes
Bosnia and Herzegovina	Yes	By representing the exact part of the GUI design or representing the GUI design with disclaimer and clear indication of the product "Part of –"	Yes
Brazil	Yes	The application must represent only the claimed part of the GUI design in solid lines. Optionally, an additional image of the complete GUI design can be shown in broken lines. In both images	Yes

Responding Party	A part of a GUI design can be protected	If yes, how?	If yes, can a part of a GUI design be protected if it appears only under certain circumstances?
		the claimed part of the GUI design must be shown in solid lines.	
Canada	Yes		Yes
Chile			
China	No		
Colombia	No		
Costa Rica	No		
Croatia	Yes	By representing the exact part of the GUI design or representing the GUI design with disclaimer and clear indication of the product "Part of -"	Yes
Czech Republic	Yes	Representation contains only a part of a GUI or a disclaimer can be used.	Yes
Denmark	Yes	A part of a GUI can be protected for instance by using visual disclaimers in accordance with CP 6.	Yes
Dominican Republic	Yes	The applicant shows clearly, with a disclaimer, the part(s) for which protection is sought and indicates this clearly within the static filed images.	Yes
Ecuador	No		
Estonia	No		
Finland	Yes		Yes
France	Yes	The non-protection claim must comply with Convergence Program 6: Convergence in the Graphic Representations of Designs.	Yes
Georgia	Yes		Yes
Germany	Yes	With representations that only show this part or with a graphical disclaimer.	Yes
Hungary		<p>If the mentioned part of the GUI design satisfies the requirements defined in Article 1 of the Hungarian Design Act.</p> <p>(1) Design protection shall be granted for any designs which are new and have individual character.</p> <p>(2) Design shall mean the appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colors, shape, texture or materials of the product itself or its ornamentation.</p> <p>(3) Product shall mean any industrial or handicraft item. Products shall include <i>inter alia</i> packaging, get-up, graphic symbols, typographic typefaces and parts intended to be assembled into a complex product. Computer programs shall not be regarded as products.</p> <p>(4) Complex product shall mean a product which is composed of multiple components which can be replaced permitting disassembly and reassembly of the product.</p>	Yes
Iceland			No
Ireland	Yes	By the part being clearly identified and where it meets the requirements for registration.	No
Israel	Yes	The applicant has to indicate the part of design sought for protection in solid lines and the part	No

Responding Party	A part of a GUI design can be protected	If yes, how?	If yes, can a part of a GUI design be protected if it appears only under certain circumstances?
		not claimed for protection in broken or dotted lines, or with shadow, as for other partial designs.	
Japan	Yes	Through specifying the part seeking design registration by using solid lines and broken lines to distinguish that part, in the same way as for partial design of articles.	Yes
Kazakhstan	Yes		
Kenya	No		
Latvia	Yes		Yes
Lithuania	Yes	Provided that other parts of GUI design are marked as not protected, a part of GUI design can be protected.	No
Mexico	Yes	Showing in the figures by means of continuous lines the portion of the design requested for protection and by means of dotted lines what is excluded from protection.	
Montenegro			
New Zealand			
Norway	Yes		Yes
Pakistan	Yes		Yes
Peru			
Philippines	Yes		Yes
Poland	Yes	Visual disclaimers should be used.	Yes
Portugal	Yes	Using visual disclaimers in the graphic representations to exclude features from protection.	Yes
Republic of Korea	Yes	Representation of the claimed GUI or icon + disclaimed area in broken lines + the article in broken lines.	Yes It is desirable to describe the certain circumstance or the function in Description of the Design where the design is transformative.
Republic of Moldova	Yes		Yes
Romania	Yes	According to the design definition.	
Russian Federation	Yes		
Singapore	Yes	The parts for which protection is sought are to be identified in solid lines. The parts for which protection is not claimed are to be indicated by means of broken or stippled lines, or shaded portions, and these disclaimed portions are to be indicated in Form D3 accordingly.	Yes
Slovakia	Yes	A part of a GUI design can be protected by using a visual disclaimer.	No
Spain	Yes		Yes
Sweden	Yes	If the part is represented graphically we believe it can be protected.	Yes

Responding Party	A part of a GUI design can be protected	If yes, how?	If yes, can a part of a GUI design be protected if it appears only under certain circumstances?
Switzerland	Yes	- By representing the article around the GUI or icon design, that is not part of the protection, by dotted or broken lines. - By representing the GUI or icon design, that is part of the protection, in an isolated manner.	
Thailand	No		
Tunisia	No		
Turkey	Yes		Yes
United Kingdom	Yes	We allow both visual and verbal disclaimers. For example, broken lines may be used to denote areas for which protection are not sought.	Yes
United States of America	Yes	As previously described, structure that is not part of the claimed design, but is considered necessary to show the environment in which the design is associated, may be represented in the drawing by broken lines. This applies to GUI designs just like any other type of design. MPEP 1503.02 (III).	Yes*
BOIP	Yes	By disclaiming the other elements.	Yes
EUIPO	Yes		Yes

COMMENTS:

Canada

Any part of the representation that is shown in solid line will be considered to be part of the design. Parts of the GUI disclaimed by a written statement or by the use of drawing techniques such as of dotted or broken lines, boundary line, contrasting colour tones, or blurring are considered not to form part of the design (ref. 8.06.02 of the IDOP).

Chile

If allowed, the rest of the GUI must follow on a broken line.

Colombia

Our jurisdiction clearly differentiates between PART and SECTION. If the claimed subject matter is a section of a GUI or icon, it is not accepted. The design must be represented in its entirety.

Georgia

According to Article 3 of the Design law of Georgia - as a design, may be protected appearance of the whole product or its part in compliance with the applicant's request.

Iceland

The illustration defines the scope of the protection.

Israel

A part of a GUI design which appears only under certain circumstances may be protected as a separate registered design right. Protecting such parts in one registered design right would mean protecting the function of the application/ icon.

Kazakhstan

An independent part of an article is understood to mean a separate part thereof which is visible in the process of the article's normal operation, and specifically articles that comprise a set (suite) of articles, drawings, icons, or logos applied to the surface of an article.

Latvia

- A part of a GUI can be protected for instance by using visual disclaimers in accordance with CP 6.
- A part of a GUI design can be protected like any other design, no matter if it appears only under certain circumstances.

Montenegro

See answer to previous question.

Norway

The part which is excluded, may be drawn in dotted lines.

Portugal

A part of a GUI design can be protected if it appears only under certain circumstances, as long as those circumstances are considered to be "normal usage" of said product.

Russian Federation

Parts of a GUI design are protected in conformity with common rules for industrial design protection. Claimed for registration part of a GUI design should be depicted by full lines in the images.

Depiction of a device in which GUI used can be additionally represented by broken lines.

Spain

Under Article 2.1 (a) of the Legal Protection of Industrial Designs Act, design is defined as the appearance of the whole or part of a product. Although it requires that the design be visible in use, it does not need to be permanently visible.

Switzerland

A part of a GUI design can be protected just like any other design, no matter if it appears only under certain circumstances.

United States of America

* Computer generated icons including images that change in appearance during viewing may be the subject of a design claim. MPEP 1504.01(a)(IV)

EUIPO

Article 3(a) allows for part of a design.

In accordance with the Common Practice (CP6) on the graphic representations of designs (<https://www.tmdn.org/network/graphical-representations>), visual disclaimers indicate that protection is not being sought, and registration has not been granted, for certain features of the design shown in the representation. Thus, they indicate what is not intended to be protected. This can be achieved:

- by excluding with broken lines, blurring or colour shading the features of the design for which protection is not sought; or
- by including the features of the design for which protection is sought within a boundary, thus making it clear that no protection is sought for what falls outside the boundary.

Question 30 - In your jurisdiction, is protection provided to non-permanent designs?

Responding Party	Protection is provided to non-permanent designs	If yes, is the non-permanent design deemed to be embodied in, or tied, to an article?	If yes, what is the article?
Algeria	No		
Azerbaijan	No		
Bahrain	No	No	
Bosnia and Herzegovina	No		
Brazil	Yes	No	
Canada	Yes	Yes	
Chile			
China	Yes	Yes	
Colombia	Yes	Yes	The article is the specific product to which the design applies.
Costa Rica	Yes	Yes	Electronic devices as they relate to animated designs.
Croatia	No		
Czech Republic	Yes	No	
Denmark	Yes	No	
Dominican Republic	Yes	Yes	The support medium that is not part of the design and allows the non-permanent design to be displayed during use.
Ecuador	No		
Estonia	No		
Finland	Yes	No	
France	Yes	No	
Georgia	Yes	Yes	
Germany	Yes	No	
Hungary	Yes	Yes	Clothes, lampshade, hosiery, graphic symbols etc.
Iceland	No	No	
Ireland	No		
Israel	Yes	Yes	The article to which the design is applied to and is visible on.
Japan	Yes	Yes	For graphic images filed as a part of an article (existing law and revised law): Examples include the design of a lampshade which is not apparent unless the lamp is lighted, the design of inflated articles, such as toy balloons, water toys, air mattresses, a laser

Responding Party	Protection is provided to non-permanent designs	If yes, is the non-permanent design deemed to be embodied in, or tied, to an article?	If yes, what is the article?
			<p>keyboard (limited to cases where it is projected on articles) and a projection of a speedometer or radio control panel onto a windshield of a car.</p> <p>For graphic image filed as a graphic image itself (revised law): Examples include the design of a lampshade which is not apparent unless the lamp is lighted, the design of inflated articles, such as toy balloons, water toys, air mattresses, a laser keyboard and a projection of a speedometer or radio control panel onto a windshield of a car.</p>
Kazakhstan	No		
Kenya	No		
Latvia	No		
Lithuania	No		
Mexico	Yes	Yes	The product is defined in the claim of the application for registration.
Montenegro			
New Zealand	Yes	Yes	Whatever the design is applied to and is visible on under some circumstances.
Norway	Yes	No	They get protection for what they show in the pictures. We don't ask if it is permanent or what article it is applied to.
Pakistan	No		
Peru	Yes	Yes	
Philippines	No		
Poland	Yes	No	
Portugal	No		
Republic of Korea	<p>Yes</p> <p>Among the examples : the design of a woman's hosiery which is not apparent unless it is in place on her legs, the design of inflated articles, such as toy balloons, air mattresses, which are not apparent in the absence of the compressed air which gives them form and a</p>	Yes	Like the example of the projection of a speedometer or radio control panel onto a windshield of a car, If the projected (tied) article or the display part of the article can be specified, it is eligible for the design protection.

Responding Party	Protection is provided to non-permanent designs	If yes, is the non-permanent design deemed to be embodied in, or tied, to an article?	If yes, what is the article?
	projection of a speedometer or radio control panel onto a windshield of a car.		
Republic of Moldova	Yes	No	
Romania	Yes		
Russian Federation	Yes	Yes	
Singapore	Yes	Yes	The article would be based on the function of the design. E.g. If the design is an inflated toy balloon, the article name will be "toy balloon".
Slovakia	Yes	Yes	e.g., in the design of a lampshade is the article a lampshade.
Spain	Yes	No	See response to previous question.
Sweden	Yes	Yes	It will [be] decided based on the product indication.
Switzerland	Yes	Yes	For instance a balloon or a mattress.
Thailand	No		
Tunisia	No		
Turkey	Yes	No	
United Kingdom	Yes	No	
United States of America	Yes	Yes	
BOIP	Yes	Yes	
EUIPO	Yes	No	

COMMENTS:

Bahrain

There is no indication or a definition in the Jurisdiction related to a non-permanent design. If there are designs that clearly presented and fulfill the requirements of national designs law, then it can be registered.

Brazil

Regarding the examples in footnote 14: water design in a fountain or the design of a lampshade which is not apparent unless the lamp is lighted are not subject to protection under current legislation, since the object of design registration protection must be subject to industrial manufacturing.

Canada

A non-permanent design is protected as long as it is applied to a finished article. The non-permanent elements will be considered to represent features of the article in use.

Chile

Not applicable.

China

A protected non-permanent design must have a fixed shape, be visually identifiable or be identifiable to naked eyes, does not require a specific tool to distinguish the shape, pattern or color of the article, and be able to clearly express its status in the application.

Denmark

A non-permanent design is not excluded *per se*, but the registration of the design is dependent on a reproducible representation of the product. The representation of the design defines the design and the registration only covers the design as it appears in the registration.

Dominican Republic

The examples and the contribution of the United States of America in the footnote show that despite these designs not being permanent, at the time the articles (fountain, hosiery, inflatables, laser projections, etc.) enter into use, their designs assume an invariable configuration and appearance whose purpose is to be appreciated throughout the articles' use.

Georgia

According to the Article 3 of the Design law of Georgia – as a design may be protected the appearance of the whole product or its part, if may be expressed from the features, including lines, contours, colors, shape, texture and/or material or decoration of the product. The article must be the one to which the non-permanent design is incorporated or for which it is applied.

Hungary

This does not apply to GUIs, as a GUI can be protected without being tied to an article.

Iceland

The illustration defines the scope of the protection. Registration of a non-permanent design is not excluded *per se*.

Japan

In Japan, out of the non-permanent designs, those other than solid matters such as electricity, water, etc., including a fountain that cannot maintain its shape out of the examples indicated in footnote 14, are considered that do not fall under the definition of designs provided under the Design Act.

Montenegro

There are no special provision in the Law concerning this matter.

Romania

Could be treated as snapshots.

Russian Federation

Any products changing their shape in the course of the use referred to non-permanent designs, including a water design in a fountain, design of inflatable products and so on can be protected as industrial designs.

Legal protection is defined by combination of substantial features depicted in images of an industrial design submitted for its registration.

Regarding GUI/icons an object of protection is GUI or icon used by the end user.

Sweden

One product can be shown in alternate positions.

United Kingdom

We would protect a single design which is shown in an alternate configuration, for example, a light which randomly changes color through a set sequence.

United States of America

The non-permanent design may be deemed to be embodied in, or tied, to an article.

“We do not see that the dependence of the existence of a design on something outside itself is a reason for holding it is not a design ‘for an article of manufacture.’” See *In re Hruby*, 373 F.2d 997, 1001, 153 USPQ 61, 66 (CCPA 1967) (design of water fountain patentable design for an article of manufacture). The dependence of a computer-generated icon on a central processing unit and computer program for its existence itself is not a reason for holding that the design is not for an article of manufacture. MPEP § 1504.01(a)(I).

EUIPO

In principle yes, but not all the examples provided in footnote 14 would be acceptable. All representations must be clear, precise and enable third parties and competent authorities to understand the scope of protection. Reference is made to the answer of related question 5b): the statutory definition of a design or product respectively does not explicitly cover a virtual or non-permanent article. Given that graphical symbols constitute products by law, by extension, a non-permanent article which can be visually represented may be considered a design as well. There is, however, no established case law for such an interpretation.

Question 31 (I) - In your jurisdiction, is an indication of the class required in a design application?

Responding Party	Indication of the class is required in a design application	If yes, which classification system is applied in your Office?		If yes, the class is:	
		The Locarno classification	The domestic classification	Indicated by the applicant	Assigned by the Office
Algeria	No				
Azerbaijan	Yes	Yes		Yes	
Bahrain	Yes	Yes		Yes	
Bosnia and Herzegovina	Yes	Yes		Yes	Yes
Brazil	Yes	Yes		Yes	Yes

Responding Party	Indication of the class is required in a design application	If yes, which classification system is applied in your Office?		If yes, the class is:	
		The Locarno classification	The domestic classification	Indicated by the applicant	Assigned by the Office
Canada	No				
Chile					
China	Yes	Yes			Yes
Colombia	Yes	Yes		Yes	Yes
Costa Rica	Yes	Yes		Yes	
Croatia	Yes	Yes		Yes	Yes
Czech Republic	Yes	Yes			Yes
Denmark	Yes	Yes		Yes	
Dominican Republic	Yes	Yes		Yes	
Ecuador	Yes	Yes		Yes	Yes
Estonia	Yes	Yes		Yes	
Finland	Yes	Yes		Yes	Yes
France	Yes	Yes			Yes
Georgia	Yes	Yes		Yes	Yes
Germany	Yes	Yes		Yes	Yes
Hungary	No				
Iceland	No				
Ireland	Yes	Yes		Yes	
Israel	Yes		Yes	Yes	Yes
Japan	No				
Kazakhstan	Yes	Yes		Yes	Yes
Kenya	No				
Latvia	Yes	Yes		Yes	Yes
Lithuania	Yes	Yes		Yes	
Mexico	No				
Montenegro		Yes		Yes	Yes
New Zealand	Yes	Yes			Yes
Norway	Yes	Yes			Yes
Pakistan	Yes		Yes	Yes	
Peru	No	Yes			Yes
Philippines	Yes	Yes			Yes
Poland	No				
Portugal	Yes	Yes		Yes	
Republic of Korea	Yes	Yes		Yes	
Republic of Moldova	Yes	Yes		Yes	
Romania	Yes	Yes And the Design Class launched in the frame of the EUIPO Convergence Program.			Yes
Russian Federation	Yes	Yes		Yes	Yes
Singapore	Yes		Yes	Yes	
Slovakia	Yes	Yes			Yes
Spain	No				
Sweden	Yes	Yes		Yes	
Switzerland	No				

Responding Party	Indication of the class is required in a design application	If yes, which classification system is applied in your Office?		If yes, the class is:	
		The Locarno classification	The domestic classification	Indicated by the applicant	Assigned by the Office
Thailand	Yes		Yes		Yes
Tunisia	Yes (description of the item)	Yes		Yes	
Turkey	Yes	Yes		Yes	Yes
United Kingdom	No				
United States of America	Yes	Yes	Yes		Yes
BOIP	Yes	Yes			Yes
EUIPO	No	Yes		Yes	

Question 31 (II) - If the Office assigns the class, can the applicant challenge or appeal the classification? - Is there an exception for GUI/icon designs?

Responding Party	The applicant can challenge or appeal the classification	There is an exception for GUI/icon designs
Algeria		
Azerbaijan		
Bahrain	Yes	No
Bosnia and Herzegovina	Yes	Yes
Brazil	Yes	No
Canada	No	No
Chile	Yes	
China	Yes	Yes
Colombia	Yes	No
Costa Rica		No
Croatia	Yes	No
Czech Republic	Yes	No
Denmark	Yes	No
Dominican Republic		No
Ecuador	Yes	No
Estonia		No
Finland	Yes	No
France	Yes	No
Georgia	Yes	No
Germany	Yes	No
Hungary	Yes	No
Iceland	Yes	No
Ireland		No
Israel	Yes	No
Japan	No	No
Kazakhstan	Yes	No
Kenya		
Latvia	Yes	No
Lithuania	Yes	No
Mexico	Yes	No
Montenegro	Yes	
New Zealand	No*	
Norway	No	No

Responding Party	The applicant can challenge or appeal the classification	There is an exception for GUI/icon designs
Pakistan		No
Peru	Yes	No
Philippines	Yes	No
Poland	No	No
Portugal		No
Republic of Korea		No
Republic of Moldova	Yes	No
Romania	Yes	No
Russian Federation	Yes	No
Singapore		No
Slovakia	No	No
Spain	Yes	No
Sweden		No
Switzerland	Yes	No
Thailand	Yes	No
Tunisia	No	No
Turkey	Yes	No
United Kingdom	Yes	No
United States of America	No	No
BOIP	Yes	No
EUIPO	Yes	No

COMMENTS:

Brazil

The class must be indicated by the user but might be changed or complemented by the Office.

Canada

The applicant can provide information on what they believe to be the correct classification but it is the Office that makes the final determination of the relevant classification.

Chile

The applicant is not obliged to indicate the classification of the design, but the office must deliver a classification and the applicant accepts on publication of the application. The classification can be appealed. It could also be for a GUI or icon.

China

A GUI is assigned two classification symbols: one is 14.04, the other is the symbol for the article.

Colombia

Although it is not mandatory for the applicant to indicate the class to which the design application belongs, Colombian designs are classified according to the Locarno classification system and the class must be included either by the applicant or by the Office.

Costa Rica

It is indicated that there are no exceptions for GUI designs and icons as the Locarno classification system has a specific paragraph in (14-04).

Denmark

The applicants indicate the class, but if we disagree we ask the applicant to change the classification and we suggest another class. If the applicant refuses to change the class we reject the classification and the applicant can appeal our decision.

Dominican Republic

The applicant typically indicates the classification, but if the examiner notes a problem in the classification, the applicant is advised or required to correct it within the time period established by law for the class and subclass into which the claimed design is believed to fall. If no correction is received, the applicant would be asked to duly clarify the classification until it is satisfactory (this has not yet happened).

Georgia

According to the "Instruction on Design Registration" - The scope of legal protection of a design shall be determined by its appearance and the class of the classification has no influence on the scope of protection, its reference serves only for administrative purposes.

Iceland

Applicants must specify the product which registration is sought for and the Office assigns the class according to the Locarno Classification which the applicant can challenge.

Israel

Although Israel is not a member of the Locarno Agreement, The Design Law specifies that the list of classifications will be determined, if possible, pursuant to the Locarno Agreement. The design Regulations adopted the Locarno Classification except Class 32 (Graphic symbols and logos, surface patterns, ornamentation).

According to Article 19(a)(3)(b), the applicant indicates the class and sub-class in which the registration is requested, and according to Regulation 39 of The Design Regulations, the Office makes the final determination of the class and the sub-class of the design.

New Zealand

But they can comment if they think the classes assigned are not appropriate.

Kenya

There is no requirement for applicants to indicate the classification of the product/article in the application form, the office assigns the class according to the Locarno classification.

Latvia

The class may not be specified in the application. Classification is an expert responsibility.

Poland

Office assigns Locarno classification before registration.

Portugal

The class indicated by the applicant is subject to approval by the Office, especially, if the examiner finds that the one indicated does not fit with the product shown in the graphic representations. In those situations, the Office will issue a notification asking the applicant to change the class and/or accept the one suggested by the Office.

Romania

There may be a correspondence between the Office and the applicant on this issue.

Russian Federation

An applicant should specify the class of Locarno Classification to which the design referred in his opinion in the application submitted to the Office.

The end decision about classification is made by the Office.

An applicant can request change in the indication of class. In case of refusal about the change, classification of the product made by the Office is accepted, but it can be appealed.

Spain

Although the applicant is not required to indicate the class, the grant announcement must contain the class and subclasses to which the products indicated in the application belong. The Locarno Classification is used (Article 21 of the Legal Protection of Industrial Designs Act).

Sweden

The applicant is required to state the Locarno class in their application. However, if not class has been indicated by the applicant or if it appears to be wrong, the examiner will notify the applicant, who will be able to respond/change.

United Kingdom

The applicant can suggest classification if they so wish. If they disagree with the classification the Office has assigned they can notify us but the final decision lies with us.

United States of America

A domestic classification is assigned by the Office to promote efficient access to industrial designs that have been granted patent.

U.S. Design patents issued after May 6, 1997, are assigned a Locarno International Classification for Industrial Designs in addition to the U.S. classification. Dual classification is provided to improve access to U.S. Design patents in foreign search files that are based on the Locarno International Classification system, which is administered by the World Intellectual Property Office (WIPO).

<https://www.uspto.gov/patent/laws-and-regulations/examination-policy/seven-classification-design-patents#Locarno International Classification of Designs>

EUIPO

Pursuant to Article 36(2) CDR, an application for a Community design must indicate the products in which the design is intended to be incorporated or to which it is intended to be applied. Pursuant also to Article 1(1)(d) CDIR and Article 3(3) CDIR, the indication of products must be worded in such a way as to indicate clearly the nature of the products and to enable each product to be classified in only one class of the Locarno Classification, preferably using the terms appearing in the list of products set out therein. However, under Article 1(2)(c) CDIR an indication of the Locarno classification is not mandatory. As regards the applicant's possibility to challenge or appeal the given classification, the applicant can request a correction of the classification and if this is refused, a decision will be issued to that effect and such decision can be appealed to the Boards of Appeal.

Question 32 - Where GUIs are applied to an article, how are they examined in terms of weight given to the visual features where:

Responding Party	The GUI is the same or similar but applied to different articles in the prior art base	The article is the same but shown in active/resting state in the prior art base vs. active/resting state in the application	The article and GUI in the prior art base is the same or similar to one or more but not all of the representations provided showing different stages of the GUI
Algeria	Yes		
Azerbaijan		Yes	
Bahrain	Yes		Yes
Bosnia and Herzegovina			
Brazil			
Canada			
Chile			
China			
Colombia			
Costa Rica	Yes	Yes	Yes
Croatia			
Czech Republic	Yes		
Denmark			
Dominican Republic			
Ecuador			
Estonia			
Finland			
France			
Georgia	Yes	Yes	Yes
Germany			
Hungary	Yes		
Iceland			
Ireland			
Israel	Yes	Yes	Yes
Japan			
Kazakhstan			
Kenya			Yes
Latvia			
Lithuania			
Mexico	Yes		

Responding Party	The GUI is the same or similar but applied to different articles in the prior art base	The article is the same but shown in active/resting state in the prior art base vs. active/resting state in the application	The article and GUI in the prior art base is the same or similar to one or more but not all of the representations provided showing different stages of the GUI
Montenegro			
New Zealand			
Norway			
Pakistan			Yes
Peru			
Philippines			
Poland	Yes		Yes
Portugal	Yes		
Republic of Korea			Yes
Republic of Moldova	Yes		
Romania			
Russian Federation			
Singapore	Yes		
Slovakia			Yes
Spain			
Sweden			
Switzerland			
Thailand			
Tunisia			
Turkey			
United Kingdom			
United States of America			
BOIP			
EUIPO			

COMMENTS:

Brazil

In all cases stated above, the examination relies only on the appearance of the GUI in its active state, excluding the visual features of the article where it is applied, or its resting state.

Canada

- 1) If the GUI is the same or similar but it is applied to a different article that is not analogous, then the design is registrable.
- 2) If it is the same article or analogous to the prior art, the Office will examine what is shown in the representation regardless of the active/resting state. If the design is substantially different then it is registrable.
- 3) If the GUI design is the same or similar to one or more, but not all, of the representations in the prior art, the Office will determine whether what we can see is "substantially" similar to the prior art. If it is, then the design is not registrable.

Chile

In practice, the design is considered in relation to the prior art and it is possible to raise the objection of lack of novelty even in the case of different products.

China

Factors to be considered in examination include:

1. Categories of the articles;
2. Whether the GUIs are the same or similar;
3. Reaching a comprehensive judgement after holistic observation.

Colombia

As there is no requirement in Colombia for the GUI to be linked with an article, the examination of the GUI is conducted irrespective of the article to which it applies.

Costa Rica

Which of the above actions are taken during the substantive examination will depend on the application and the state of the art.

Croatia

It is not examined in the registration procedure at the Office.

Denmark

Our Office does not search for earlier rights.

Ecuador

No application for this type of design has been received to date.

Estonia

In Estonia, the Office controls only formal requirements of the application; no substantive examination will be done.

Finland

The article does not affect the examination. The GUI is examined alone, regardless of what article it might be linked to. The article is not considered to be part of a GUI/icon design.

Germany

Not applicable.

Iceland

No prior art searches.

Ireland

During the examination of design applications the Irish Office does not search prior art.

Israel

Article 7 of The Design Law specifies that in determining whether a design has an individual character, designs concerning all classes of products will be taken into account.

Japan

The visual features of the GUI and the article are determined by taking into consideration of how they affect the similarity judgment by consumers of the article. That is to say, we are unable to uniformly answer the weight given to them because the weight is relatively assessed in accordance with the individual visual features for each case.

Latvia

The Office controls only formal requirements of the application; no substantive examination.

Lithuania

No examination relating to novelty and individual character is conducted by examiner. It is the matter of Appeal which is processed by the Appeals Division.

Mexico

The design is valued relative to the prior art, as objection can be made as to lack of novelty even in the case of different products.

Montenegro

See answer to question 5.

Norway

We look at the overall impression that designs give. We only consider the visual features and do not reflect on whether it is an active or resting stage. So possibly the same GUI can be applied to different articles, and not constitute an infringement if the totality of the designs give a different overall impression.

Republic of Korea

Examination of similarity between animated screen design vs static screen design: If the static appearance of animated screen design is dominated by the aesthetics of the whole, and there is no specificity of the animation, two designs are similar. And if there is specificity of the animation, two designs are not similar.

Romania

Since the registration is not linked with an article, the examination is done as for the other types of designs. A design shall be deemed to be new if no identical design was rendered available to the public prior to the date of filing the application for registration or, if priority was claimed, before the priority date. The designs shall be deemed to be identical if their characteristic features differ only in immaterial details.

Russian Federation

All applications for industrial design registration are gone through the same examination on compliance with the requirements of novelty and originality regardless it is GUI design or design of other products.

Examination of industrial design is carried out on the basis of combination of its substantial features depicted in the images.

Decision about patentability of an industrial design is made separately for each design and depends on results of the examination.

Spain

The Office does not perform substantive examinations.

Sweden

We are unable to answer this question.

Switzerland

Not applicable.

Thailand

All design patents are examined for satisfaction of the requirements of novelty in the same manner. There is no exception for GUI/icon designs.

United Kingdom

N/A

United States of America

All U.S. design patents are examined for satisfaction of the requirements of novelty and non-obviousness in the same manner whether the design is in relation to a GUI type design or another type of design. See MPEP §§ 1504.02 and 1504.03.

BOIP

N/A

EUIPO

It depends on the circumstances of each case which weight is to be given to the article in the comparison of the conflicting designs. Answers as indicated above cannot be given in the abstract. In general, it can be stated that differences in the article do not exclude a similar overall impression of two designs which include a GUI as a part. It is irrelevant, as such, whether a GUI is in an active or a resting state. The Office does not perform an ex officio examination, and such matters would only be examined in inter partes proceedings, and would depend on the prior art relied upon by the invalidity applicant.

Question 33 - Does your legislation allow for GUIs to be considered in their active state?

Responding Party	GUIs can be considered in their active state	If no, is the Office practice to consider them in their active state?
Algeria	No	No
Azerbaijan	Yes	
Bahrain	Yes	Yes
Bosnia and Herzegovina	Yes	
Brazil	Yes	
Canada	Yes	No
Chile		
China	Yes	
Colombia	Yes	
Costa Rica	Yes	
Croatia	Yes	
Czech Republic	Yes	
Denmark	Yes	
Dominican Republic	No	No
Ecuador	No	No
Estonia		
Finland	Yes	No
France	No	No
Georgia	Yes	
Germany	Yes	
Hungary	Yes	
Iceland	No	No
Ireland		
Israel		
Japan	Yes	
Kazakhstan	No	No
Kenya		
Latvia	N/A	
Lithuania	No	No
Mexico	No	No
Montenegro		
New Zealand		
Norway	Yes	
Pakistan	No	No
Peru		
Philippines		No
Poland	Yes	
Portugal	No	Yes
Republic of Korea	No	No
Republic of Moldova	No	No
Romania	No	Yes

Responding Party	GUIs can be considered in their active state	If no, is the Office practice to consider them in their active state?
Russian Federation		
Singapore	Yes	
Slovakia	Yes	
Spain		
Sweden	No	No
Switzerland		
Thailand		
Tunisia		
Turkey	Yes	
United Kingdom		
United States of America	N/A	N/A
BOIP	Yes	
EUIPO	Yes	

COMMENTS:

Chile

Not applicable.

Dominican Republic

Although the legislation does not allow for GUIs to be considered in their active state, as stated previously, static images that are examined on paper must also be received in electronic format (CD, DVD, USB, etc.) for entry into internal databases. While information from video files cannot be stored in the same way, the examiner may choose to use them for visualization purposes and to compare and contrast with sequences of static images.

Estonia

Not applicable.

Iceland

The illustration defines the scope of the protection.

Ireland

There is no mention of GUIs in Irish Design legislation.

Kenya

The law is silent on this matter.

Montenegro

See answer to question 5.

Romania

There is no special provision in this sense.

Russian Federation

Examination of industrial design is carried out on the basis of combination of its substantial features depicted in the images.

Spain

The Office does not perform substantive examinations.

Switzerland

The question does not seem clear. It is up to the applicant to file the design in an active or a passive state.

Thailand

There is no special legislation, mentioning the state of design (an active or a passive state). The legislation allows the GUIs that have been filed as a pattern of a display screen.

United Kingdom

If the question refers to the sequence of events of a design we will allow this as long as the full sequence, start to finish, is clearly shown. We will not protect any form of computer software.

Question 34 - In your jurisdiction, are the infringement criteria the same for GUI/icon designs as for other types of designs?

Responding Party	Same infringement criteria as for other types of designs	If no, how are they different?
Algeria	Yes	
Azerbaijan	Yes	
Bahrain	Yes	
Bosnia and Herzegovina	Yes	
Brazil	Yes	
Canada	Yes	
Chile		
China	Yes	
Colombia	Yes	
Costa Rica	Yes	
Croatia	Yes	
Czech Republic	Yes	
Denmark	Yes	
Dominican Republic	Yes	
Ecuador	Yes	
Estonia	Yes	
Finland	Yes	
France		
Georgia	Yes	
Germany	Yes	

Responding Party	Same infringement criteria as for other types of designs	If no, how are they different?
Hungary	Yes	
Iceland	Yes	
Ireland	Yes	
Israel	Yes	
Japan	Yes for graphic images filed as a part of an article (existing law and revised law) No for graphic image filed as it is (revised law)	In addition to general infringement acts (manufacturing, assigning, using, etc.), act of providing designs through an electric telecommunication line and assigning or leasing recording medium with graphic images recorded or devices that have built-in graphic images, constitute infringement.
Kazakhstan	Yes	
Kenya	Yes	
Latvia	Yes	
Lithuania	Yes	
Mexico	Yes	
Montenegro		
New Zealand		
Norway	Yes	
Pakistan	Yes	
Peru	Yes	
Philippines	Yes	
Poland	Yes	
Portugal	Yes	
Republic of Korea	Yes	
Republic of Moldova	Yes	
Romania	Yes	
Russian Federation	Yes	
Singapore	Yes	
Slovakia	Yes	
Spain	Yes	
Sweden	Yes	
Switzerland		
Thailand	Yes	
Tunisia	Yes	
Turkey	Yes	
United Kingdom	Yes	
United States of America	Yes	
BOIP		
EUIPO	Yes	

COMMENTS:

Chile

There is no specific indication for infringements of GUI and icon infringements.

Ireland

All design types are treated the same.

Montenegro

Determining infringements of intellectual property rights is not within the competence of the Ministry of Economic Development.

Switzerland

Not applicable, because the IPI is not an examining office.

United Kingdom

Yes, but ultimately this would be for the Courts to determine.

BOIP

Presumably yes. We are not aware of any case law.

Question 35 - In your jurisdiction, which of the following acts constitute infringement of design rights?

Responding Party	Creation of software for displaying a protected GUI	Reproduction of software for displaying a protected GUI	Transfer of software for displaying a protected GUI	Upload of software for displaying a protected GUI	Installation of a protected GUI or icon design – In such case, under what circumstances?	Use of a protected GUI or icon design – In such case, under what circumstances?	Placement of a protected GUI or icon design on a physical article or vice-versa – In such case, under what circumstances?
Algeria		Yes					
Azerbaijan						Yes	Yes
Bahrain	Yes	Yes	Yes	Yes			Yes
Bosnia and Herzegovina					Yes	Yes	Yes
Brazil						Yes	Yes
Canada							
Chile							
China							
Colombia	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Costa Rica					Yes	Yes	Yes
Croatia					Yes	Yes	Yes
Czech Republic						Yes	Yes
Denmark							
Dominican Republic	Yes		Yes			Yes	Yes
Ecuador	Yes			Yes	Yes	Yes	Yes
Estonia	Yes	Yes	Yes	Yes			
Finland							
France							
Georgia						Yes	Yes
Germany							
Hungary							
Iceland							
Ireland							

Responding Party	Creation of software for displaying a protected GUI	Reproduction of software for displaying a protected GUI	Transfer of software for displaying a protected GUI	Upload of software for displaying a protected GUI	Installation of a protected GUI or icon design – In such case, under what circumstances?	Use of a protected GUI or icon design – In such case, under what circumstances?	Placement of a protected GUI or icon design on a physical article or vice-versa – In such case, under what circumstances?
Israel						Yes	Yes
Japan					Yes*		
for graphic images filed as a part of an article (existing law and revised law)							
for graphic image filed as it is (revised law)	Yes	Yes	Yes				
Kazakhstan							
Kenya							Yes
Latvia	Yes	Yes	Yes	Yes			
Lithuania					Yes	Yes	Yes
Mexico		Yes					
Montenegro							
New Zealand							
Norway							
Pakistan							Yes
Peru							
Philippines		Yes		Yes			Yes
Poland						Yes	Yes
Portugal		Yes			Yes	Yes	
Republic of Korea							
Republic of Moldova						Yes	Yes
Romania							
Russian Federation							
Singapore						Yes	
Slovakia						Yes*	
Spain						Yes	Yes
Sweden						Yes	Yes
Switzerland							
Thailand						Yes	Yes
Tunisia							
Turkey						Yes	Yes
United Kingdom							
United States of America							
BOIP							
EUIPO							

COMMENTS:

Azerbaijan

Any type of unauthorized good.

Bahrain

The placement of a protected GUI/icon design on physical article or vice-versa. It depends on the circumstance. For example, if there is bad intention to use the GUI/icon designs as marks or vice-versa using famous trademarks as GUI/ icons designs.

Brazil

In both cases (the use of a protected GUI/icon design and the placement of a protected GUI/icon design on a physical environment or *vice-versa*), infringement criteria is the commercial purpose of such activity. The article 42 of the Brazilian Industrial Property Law states that: "Art. 42: The patent confers on its owner the right to prevent a third party, without his consent, from producing, using, offering for sale, selling or importing for these purposes: I – product subject to patent; (...)".

Canada

Design protection allows the proprietor of the design to make, import for the purpose of trade or business, or sell, rent, or offer or expose for sale or rent, any article in respect of which the design is registered and to which the design or a design not differing substantially therefrom has been applied (i.e. you cannot make or sell a display screen with a protected GUI etc.).

Chile

The same criteria apply to infringements of all designs.

China

Criteria for asserting infringement of designs:

1. The articles embodying the GUIs belong to the same or similar categories;
2. The GUIs are the same or similar;
3. Reaching a comprehensive judgement after holistic observation.

Colombia

The holder of the registration shall be entitled to take action against any third party who, without his or her consent, manufactures, imports, offers, introduces into the market or commercially uses products that incorporate or reproduce the registration. Registration also confers the right to take action against anyone who produces or markets an article, the design of which presents only minor differences.

Costa Rica

The Office focuses on the act of using or installing a GUI or icon, not on the creation of devices that are external to or independent from the GUI or icon.

Croatia

If installed/used/placed without owner's consent/approval/agreement/licence.

Denmark

N/A

Finland

These questions concern issues handled by the Market Court and the Office does not have a stand on them.

Germany

Infringements of design rights have to be pursued primarily under civil law. The holder of the registered design can sue for design infringement in the regional courts.

Hungary

According to Article 22 of the Hungarian Design Act where the subject matter of a design application or design protection has been taken unlawfully from the design of another person, the injured party or his successor in title may claim a statement to the effect that he is entitled wholly or partly to the design protection and may claim damages under the rules of civil liability. According to Article 23(1) any person who unlawfully exploits a protected design commits infringement of design protection.

Iceland

Infringement requirements are the same for all designs, including GUI's that might be accepted for registration. Infringement, according to Article 5 of the Icelandic Design Protection Act No. 46/2001 is production, use, marketing, offering for sale or lease, import or export of a product whose total appearance is identical or similar to the registered design. As no application for a GUI has been filed in Iceland, we are not in a position to answer this question.

Ireland

It is not possible to accurately answer this question as what acts may constitute the infringement of any design is a matter for the courts and is decided on the particular circumstances of the case.

Israel

The circumstances in which the use of a registered design, including a GUI or icon design, are set in Article 37 of The Design Law:

"Rights of proprietor of registered design

(a) Registration of a design pursuant to the provisions of this Chapter grants the proprietor of the registered design an exclusive right to perform all of the acts enumerated below, with respect to the registered design and any other design which creates for the informed user a general impression that does not differ from the general impression created by the registered

design, and if the design product is a set of articles – with respect to each of the articles in the set (hereinafter referred to in this Article as “exploitation of registered design”):

(1) manufacture, sale or lease, including a bid or position for sale or lease of a registered design product, in a commercial manner, the distribution of such product on a commercial scale or its import into Israel not for personal use, except importing to Israel a product manufactured abroad with the permission of the proprietor of the design, or anyone on his behalf; (2) possession of a registered design product for the purpose of performing any of the acts enumerated in paragraph (1).

(b) When determining whether a design creates for an informed user a general impression not differing from the general impression the registered design creates for him, as stated in subsection (a), It shall take into account, inter alia, the various options available for designing designs with respect to products from the field to which the registered design product belongs”.

The act of placement of a protected GUI or icon design on a physical article may be regarded as an act of manufacturing an article and constitute an infringement.

Japan

* It is difficult to provide a criterion for infringement for such case because judicial decisions have not been made for such a case. However, the act of installing a graphic image on the article to the registered design may be regarded as an act of manufacturing an article and constitute an infringement.

When the abovementioned act is conducted as a business, it will constitute an infringement under both the existing law and the revised law.

Kazakhstan

Article 15 of the Republic of Kazakhstan Patent Law

Any person using protected industrial property in violation of the Republic of Kazakhstan Patent Law is considered to be infringing upon the exclusive right of the patent holder (infringing on the patent).

The unauthorized manufacture, application, import, storage, offering for sale, sale, and other introduction into public circulation of a product created with the use of protected industrial property, as well as the application of a protected method or introduction into public circulation of a product manufactured directly using a protected method, are recognized as an infringement of the exclusive right of the patent holder (an infringement of the patent). A new product is considered to have been obtained by a protected method in the absence of evidence to the contrary.

Kenya

Registration of industrial designs in general confers upon the registered owner the right to prevent third parties from performing any of the following acts:

- (a) reproducing the industrial design in the manufacture of a product;
 - (b) importing, offering for sale and selling a product reproducing the protected industrial design;
- or
- (c) stocking of such a product for the purposes of offering it for sale or selling it.

Lithuania

If a protected Design is used for personal purposes only, it is not considered to be an act of infringement of design rights. If the protected Design is used for commercial purposes by the third parties, it may constitute infringement of design rights.

Montenegro

See answer to question 5.

Norway

What acts may constitute the infringement of any design is a matter for the courts to determine.

Pakistan

It is very early to ascertain the infringement proceedings, the Office is waiting for any case law to be established in this regard.

Portugal

In accordance with Article 319 of the Industrial Property Code, we would consider infringement of design rights, any act that constitutes:

- The reproduction or imitation of a registered design or of any of its characteristic parts;
- Exploitation of a registered design belonging to others;
- Import or distribution designs obtained by any of the methods mentioned in the previous paragraphs.

Republic of Korea

Where an act engaging in producing, transferring, leasing, exporting, or importing any product used only for producing a product which has embedded the screen design, associated with a registered design or any similar design or engaging in offering the sale or rental of such article shall be deemed infringement of the relevant design right or exclusive license. Use of protected GUI or placement of a protected GUI on a physical article can constitute infringement where the article falls within a range of similarity to that of the registered GUI.

Romania

Article 30 of Romanian Design Law provides the exclusive rights of the design holder –
“Throughout the period of validity of design registration, the holder has the exclusive right to use the design and to prevent any third party not having his consent from using it. The right holder has the right to prohibit third parties from performing, without his permission, the following acts: reproducing, manufacturing, marketing or offering for sale, putting on the market, importing, exporting or using a product having the design incorporated or applied thereto or storing such a product for the above-mentioned purposes.”

The acts which constitute an infringement for any type of designs can be established by a judicial expert within an infringement trial.

Russian Federation

The use of industrial design shall include in particular:

import into the territory of the Russian Federation, manufacturing, exploitation, offer for sale, sale, other introduction into civil circulation or the storage for such purposes of a product that incorporates industrial design.

Singapore

Computer programs (ie. "software") are not registrable in Singapore (section 7(1) of the Registered Designs Act). Software per se therefore cannot form the subject matter of design protection, or in turn, give rise to any cause of action for infringement. Use of a protected GUI or icon design may be infringing if it falls within the circumstances provided in sections 30(1) - (2) of the Registered Designs Act.

The registration of a design under the Registered Designs Act gives to the registered owner the following exclusive rights:

(a) to make in Singapore, or import into Singapore, for sale or hire, or for use for the purpose of trade or business —

(i) any article in respect of which the design is registered and to which that design, or a design not substantially different from that design, has been applied; or

(ii) any device for projecting a non-physical product (being a non-physical product in respect of which the design is registered and to which that design, or a design not substantially different from that design, has been applied);

(b) to sell, hire, or offer or expose for sale or hire, in Singapore —

(i) any article or non-physical product in respect of which the design is registered and to which that design, or a design not substantially different from that design, has been applied; or

(ii) any device for projecting a non-physical product mentioned in sub-paragraph (i).

The right in a registered design is infringed by any person who, without the consent of the registered owner and while the registration is in force

(a) does anything which by virtue of subsection (1) is the exclusive right of the registered owner;

(b) makes anything for enabling any article referred to in subsection (1) to be made in Singapore or elsewhere;

(c) does anything in relation to a kit that would constitute an infringement of the design if it had been done in relation to the assembled article; or

(d) makes anything for enabling a kit to be made or assembled, in Singapore or elsewhere, if the assembled article would be an article referred to in subsection (1).

Given the above, placement of a protected GUI or icon design (or vice-versa) would generally not be infringing because protection is restricted to the article or non-physical product in respect of which the GUI or icon design is registered. Using the example in footnote 18, the GUI/icon design registered in respect of an electronic device will not be infringed if applied to furniture (because that is not the article in respect of which the design is registered).

Slovakia

* Use of a GUI or icon in electronic devices.

Spain

Under Article 45 of the Legal Protection of Industrial Designs Act of July 7, 2003 (Act No. 20/2003), registration of the design confers upon its author the exclusive right to its use and prohibition of its use by third parties without the author's consent. For that purpose, use is understood as the manufacture, supply, marketing, import and export, or use of a product that incorporates the design, as well as the storage of said product for any of the aforementioned purposes.

As indicated, it is the design itself that is protected, regardless of the product to which it is applied or whether that is indicated in the design application.

In addition, Article 47 of the Act states that the scope of protection extends to any design that does not create a different overall impression on the informed user, duly taking into account the margin of freedom available to the author when making the design.

However, there is no specific jurisprudence to clarify those aspects. These responses are therefore given simply as an opinion.

Sweden

The same infringement rules apply to all designs.

Switzerland

Not applicable.

Thailand

The same criteria apply to infringements of all designs.

United Kingdom

For the Courts to determine.

United States of America

Chapter 28 of Title 35 of the United States Code sets forth United States law with regard to patent infringement including U.S. design patents.

In particular, 35 U.S.C. 271 sets forth that, "[e]xcept as otherwise provided in this title, whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States any patented invention during the term of the patent therefor, infringes the patent".

BOIP

As a non-examining office, BOIP cannot answer this question.

EUIPO

In the EU, Community designs are enforced by national courts. Thus EU Member States are better placed to answer these questions.

Question 36 - In your jurisdiction, can a *single design registration* cover use of the design in a physical environment and in a virtual or computer environment?

Responding Party	The registration covers use in a physical and virtual or computer environment	Comments
Algeria	Yes	
Azerbaijan	Yes	
Bahrain	Yes	
Bosnia and Herzegovina	Yes	
Brazil	Yes	
Canada	No	In Canada, "an application must be limited to one design applied to a single finished article ...". In other words a single design registration covers the use of the design only in a physical environment.
Chile		In practice, the preferred field of application is indicated.
China	No	
Colombia	Yes	
Costa Rica	Yes	In our jurisdiction, drawings or designs are protected. That is why a third party requires permission for use, irrespective of the environment.
Croatia	Yes	
Czech Republic	Yes	
Denmark	Yes	A design registration can cover use in both environments if the appearance of the design is the same. If the overall impression of the design vary the registration does not cover use of the design in both environments.
Dominican Republic	Yes	Yes, our legislation establishes the following in numerals 1) and 2), respectively, of Article 59 of Law 20-00 (repealed and replaced by Article 7 of Law 424-06 on DR-CAFTA): "1) The protection of an industrial design confers upon its holder the right to exclude third persons from the exploitation of the industrial design. By virtue of this, and the limits set forth in this law, the holder has the right to act against any person who, without his or her authorization, manufactures, sells, offers for sale or utilizes, or imports or warehouses for any of these purposes, a product which reproduces or incorporates the protected industrial design, or the appearance of which gives a general impression identical to the protected industrial design. 2) Performance of one of the actions referred to in numeral 1) is not considered legal solely because the design reproduced or incorporated is applied to a type or kind of product different from those indicated in the registration of the protected design".
Ecuador	Yes	
Estonia	Yes	
Finland	Yes	
France		

Responding Party	The registration covers use in a physical and virtual or computer environment	Comments
Georgia	Yes	
Germany		
Hungary	Yes	
Iceland	Yes	Given that the appearance of the design is the same in both environments. The illustration defines the scope of the protection.
Ireland	Yes	
Israel	Yes	If the design in the physical environment is identical to or, differs in only immaterial differences with the computer environment (see Article 37 of The Design Law, quoted in the comments for question 35).
Japan	No	
Kazakhstan	Yes	
Kenya		Refer to the comment under paragraph 35.
Latvia	Yes	
Lithuania		Not specified in the law.
Mexico	No	
Montenegro		There are no provisions in the Law which prescribe this situation.
New Zealand	No	Several registrations for the design applied to different articles would be required.
Norway	Yes	
Pakistan	Yes	
Peru		
Philippines	Yes	
Poland	Yes	
Portugal	Yes	
Republic of Korea	No	
Republic of Moldova	Yes	
Romania	Yes	
Russian Federation	Yes	Registration of industrial design covers use of the design in the both environments under condition that the external appearance of the design is identical.
Singapore	Yes	Yes, although protection in a “ <i>virtual or computer environment</i> ” is limited to designs that are applied to non-physical products under Singapore law. Section 2(1) of the Registered Designs Act defines a non-physical product as “ <i>any thing that does not have a physical form, is produced by the projection of a design on a surface or into a medium (including air) and has an intrinsic utilitarian function that is not merely to portray the appearance of the thing or to convey information</i> ”. Using a keyboard design as an example, a single application can be made for that design to cover an article (ie. a physical keyboard) as well as a non-physical product (ie. virtual keyboard that is projected on a surface or into a medium). The same classification (ie. for keyboards) would be used whether or not the design is applied to a physical article or a non-physical product.
Slovakia	Yes	

Responding Party	The registration covers use in a physical and virtual or computer environment	Comments
Spain	Yes	As indicated, under Article 45 of the Act, the use by third parties of the design itself without the author's consent is prohibited. Although some examples of what is deemed to be use are given, it can relate to any product or medium, physical or digital, in which the said design is used.
Sweden	Yes	
Switzerland	No	
Thailand	Yes	
Tunisia	No	
Turkey	Yes	
United Kingdom		This would depend on whether the design in the physical environment is identical to or, differs in only immaterial differences with the computer environment.
United States of America	Yes	Potentially, yes.
BOIP	No	
EUIPO		Neither the product indication nor the classification affects the scope of protection of a Community design as such (Article 36(6) CDR). A registered Community design confers on its holder the exclusive right to use the relevant design in all types of products, and not only in the product indicated in the application for registration (21/09/2017, C-361/15 P & C-405/15 P, Shower Drains, EU:C:2017:720, § 93). Furthermore, please see answers to questions 5 and 30.

Question 37 - In your jurisdiction, is there a distinction in the infringement criteria, depending on the particular virtual/electronic environment in which the design is used?

Responding Party	Distinction in the infringement criteria depending on the particular virtual/electronic environment	If yes, how are the environments delineated?	If yes, would a single design registration be capable of protecting the design in each of these varied environments?
Algeria	No		
Azerbaijan	No		
Bahrain	No		
Bosnia and Herzegovina	No		
Brazil	No		
Canada	No		
Chile	No		
China	No		
Colombia	No		
Costa Rica	No		
Croatia	No		

Responding Party	Distinction in the infringement criteria depending on the particular virtual/ electronic environment	If yes, how are the environments delineated?	If yes, would a single design registration be capable of protecting the design in each of these varied environments?
Czech Republic	No		
Denmark	No		
Dominican Republic	No		Yes
Ecuador	No		
Estonia	No		
Finland	No		
France			
Georgia	No		
Germany			
Hungary	No		
Iceland			
Ireland	No		
Israel	No		
Japan	No		
Kazakhstan	No		
Kenya			
Latvia	No		
Lithuania			
Mexico	No		
Montenegro			
New Zealand	No		
Norway	No		
Pakistan	No		
Peru			
Philippines			
Poland	No		
Portugal	No		
Republic of Korea	No		
Republic of Moldova	No		
Romania	No		
Russian Federation	No		
Singapore	No		
Slovakia	No		
Spain	No		
Sweden	No		
Switzerland			
Thailand	No		
Tunisia	No		
Turkey	No		
United Kingdom			
United States of America	No		
BOIP	No		
EUIPO			

COMMENTS:

Iceland

We are not in a position to comment on this as no design infringement case has been filed in our jurisdiction involving an electronic environment.

Kenya

Refer to the comment under paragraph 35.

Israel

If the product indication refers to a particular product or virtual/electronic environment, it may affect the court's interpretation of the general impression created by the registered design. However, since the Design Law entered into force in August 2018, there is no case law for such an interpretation.

Lithuania

Not specified in the law.

Montenegro

Determining infringements of intellectual property rights is not within the competence of the Ministry of Economic Development.

Switzerland

Not applicable, because the IPI is not an examining office.

EUIPO

In the EU, Community designs are enforced by national courts. Thus EU Member States are better placed to answer these questions.

Question 38 (I) - In what format does your Office provide documents for priority claim purposes?

Responding Party	Paper format	Electronic format	Both	Can the documents be certified?	If yes, how are they certified?
Algeria	Yes			Yes	
Azerbaijan	Yes			No	
Bahrain		Yes		Yes	Official stamp of IP Office only. For official government stamps, the applicant has to proceeds for it.
Bosnia and Herzegovina	Yes			Yes	The documents are signed and stamped by the Office.
Brazil			Yes	Yes	The Office provides the official documents and may provide certified copies of the documents by request of the owner. The Office does not provide documents in electronic format for priority claim

Responding Party	Paper format	Electronic format	Both	Can the documents be certified?	If yes, how are they certified?
					purposes at this time, since very few countries accept priority documents in such format.
Canada	Yes			Yes	
Chile	Yes, if requested	Yes, if applied online			
China			Yes	Yes	1. To affix a stamp of the Examining Office; 2. To exchange through DAS.
Colombia			Yes	Yes	The documents are signed by the Ad Hoc Secretary, notarized and certified by apostille. For electronic documents, Colombia uses the WIPO Digital Access Service (DAS).
Costa Rica			Yes	Yes	
Croatia	Yes				
Czech Republic	Yes			Yes	Priority document is printed on special paper, signed and stamped by official stamp.
Denmark	Yes			Yes	The documents are signed by an employee of the office.
Dominican Republic	Yes			Yes	Yes, the Office prepares a certificate or priority document with signatures and valid official seals to ensure that the authorities and officials of WIPO member countries recognize the document's authenticity.
Ecuador	Yes			Yes	The certifying officer gives a justification and signs and stamps the document and any copies.
Estonia			Yes	No	
Finland			Yes	Yes	By signature.
France	Yes			No	
Georgia			Yes	Yes	
Germany	Yes			Yes	
Hungary			Yes	Yes	Electronic documents shall be certified with advanced electronic signature or electronic stamp of the Hungarian Intellectual Property Office.
Iceland			Yes	Yes	The documents are signed and stamped by the Office.
Ireland	Yes			Yes	By the signature and seal of the controller.
Israel			Yes	Yes	By affixing a stamp or a seal and Office ribbon or by exchanging through WIPO Digital Access Service (DAS)
Japan	Yes*			Yes	JPO Commissioner's signature and notarized seal will be affixed to the documents.
Kazakhstan			Yes	Yes	With the signature of the director of the Kazakhstan patent office.

Responding Party	Paper format	Electronic format	Both	Can the documents be certified?	If yes, how are they certified?
Kenya	Yes			Yes	The paper format is certified and sealed.
Latvia	Yes			Yes	
Lithuania	Yes			Yes	The copies of the priority documents contain signs of officials and stamp of the department.
Mexico	Yes			Yes	Through documents that include a legal agreement paragraph and signature of the certifier.
Montenegro	Yes			Yes	
New Zealand			Yes	Yes	Autocertification from online case management facility.
Norway			Yes	Yes	
Pakistan	Yes			Yes	
Peru	Yes			Yes	
Philippines			Yes	Yes	
Poland			Yes	Yes	The document is signed by an authorized person.
Portugal			Yes	Yes	The paper format is certified with white seal, green ribbon and red seal. The electronic format is certified by the means of the Office's digital signature.
Republic of Korea			Yes	Yes	Provided a true copy describe with issue number, application number, filing date and applicant.
Republic of Moldova	Yes			Yes	It should be applied the signature of the Office's Head and the stamp of the Office that certified the priority documents.
Romania	Yes			Yes	The priority document will be released in original, signed and stamped.
Russian Federation	Yes			Yes	
Singapore			Yes	Yes	
Slovakia	Yes			Yes	The documents for priority claim purposes are certified by the stamp of the Industrial Property Office of the Slovak Republic.
Spain			Yes	Yes	
Sweden			Yes	No	
Switzerland	Yes			Yes	They are certified by the IPI and by the Federal Chancellery.
Thailand	Yes			Yes	Priority document is printed on special paper, signed and stamped by official stamp.
Tunisia	Yes				
Turkey		Yes		Yes	By electronic signature or electronic stamp.
United Kingdom	Yes			Yes	
United States of America			Yes	Yes	Records available from the USPTO may be certified as true copies by the Patent and Trademark Copy

Responding Party	Paper format	Electronic format	Both	Can the documents be certified?	If yes, how are they certified?
					Fulfillment Branch. Certified copies are authenticated by the USPTO ribbon and seal with the signature of an authorized certifying officer.
BOIP			Yes	Yes	A paper certified copy can be obtained.
EUIPO			Yes	Yes	

Question 38 (II) - Are there any particulars for priority claims concerning animated designs?

Responding Party	Particulars for priority claims concerning animated designs	Please specify
Algeria	No	
Azerbaijan	No	
Bahrain	No	
Bosnia and Herzegovina	No	
Brazil	No	
Canada	No	
Chile	Not applicable	
China	No	
Colombia	No	
Costa Rica		
Croatia	No	
Czech Republic		We do not register animated industrial designs.
Denmark	No	
Dominican Republic	No	
Ecuador	No	
Estonia	No	
Finland	No	
France	No	
Georgia	No	
Germany	No	
Hungary	No	
Iceland	No	
Ireland	No	
Israel	No	
Japan	No	
Kazakhstan		
Kenya	No	
Latvia	No	
Lithuania	No	
Mexico	No	
Montenegro	No	
New Zealand		
Norway	No	
Pakistan	Yes	For claiming priority, priority document should be certified from the commissioner of the Office of first filing.
Peru	No	
Philippines	No	

Responding Party	Particulars for priority claims concerning animated designs	Please specify
Poland	No	
Portugal	No	
Republic of Korea	No	
Republic of Moldova	No	
Romania	No	
Russian Federation	No	
Singapore	No	
Slovakia	No	
Spain	No	
Sweden	No	
Switzerland		
Thailand	No	
Tunisia		
Turkey	No	
United Kingdom	No	
United States of America	No	
BOIP	No	
EUIPO	No	

COMMENTS:

Canada

The client may submit a request for certified documents to CIPO's Client Service Centre and pay the appropriate fee. For more details on how to request copies (certified and uncertified) please visit CIPO's Client Service Centre.

Costa Rica

The Office certifies electronic and paper documents. With regard to the last question in this section, there have been no prior instances.

Denmark

As a general rule we use paper format, but in some cases we use electronic format when requested by the applicant.

Georgia

The documents for priority claim have to be certified with the signature of the responsible person.

Japan

* The electronic exchange of priority documents using WIPO's Digital Access Service (DAS) is scheduled to start on 1 January 2020.

Latvia

The Office may provide certified copies of the documents by request of the owner. The Office does not provide documents in electronic format for priority claim purposes.

Montenegro

In accordance with Articles 29 and 30 of the Law on legal protection of industrial design is prescribed that the right of priority is proved by submitting a certificate of priority issued by the competent authority and the translation of that certificate into the Montenegrin language.

Romania

Our Office can also provide the original document scanned by email but it was not the case by now.

Russian Federation

Documents on paper carriers should be certified and seal affixed.

Switzerland

Not applicable.

United Kingdom

Priority documents are provided in paper format only and presented with a ribbon and seal.

EUIPO

Subject to Article 73 CDIR, the Office shall provide certified or uncertified extracts from the Register on request, on payment of a fee. Requests for an extract from the Register of Community designs may be submitted using the online form, which can be found on the Office's website at <https://euipo.europa.eu/ohimportal/en/forms-and-filings>, or any equivalent request. In the case of an application for multiple designs, certified copies of the application will only be available for those designs that have been accorded a filing date.

Question 39 (I) - What format of documents does your Office accept for priority claim purposes?

Responding Party	Paper format	Electronic format	Both	Does your Office require certification of priority documents?
Algeria	Yes			Yes
Azerbaijan	Yes			No
Bahrain		Yes		No
Bosnia and Herzegovina				
Brazil			Yes	No
Canada			Yes	No
Chile				Duly certified paper or electronic format.
China			Yes	Yes
Colombia			Yes	Yes
Costa Rica			Yes	Yes
Croatia			Yes	Yes
Czech Republic			Yes	No
Denmark			Yes	No
Dominican Republic	Yes			Yes

Responding Party	Paper format	Electronic format	Both	Does your Office require certification of priority documents?
Ecuador			Yes	Yes
Estonia			Yes	Yes
Finland			Yes	No
France			Yes	Yes
Georgia			Yes	Yes
Germany	Yes			No
Hungary			Yes	Yes
Iceland			Yes	No
Ireland			Yes	No
Israel			Yes	Yes
Japan	Yes*			Yes
Kazakhstan			Yes	Yes
Kenya	Yes			Yes
Latvia			Yes	Yes
Lithuania	Yes			Yes
Mexico			Yes	Yes
Montenegro	Yes			Yes
New Zealand		Yes		Yes
Norway			Yes	No
Pakistan	Yes			Yes
Peru	Yes			Yes
Philippines			Yes	Yes
Poland	Yes			Yes
Portugal			Yes	Yes
Republic of Korea			Yes	Yes
Republic of Moldova			Yes	Yes
Romania	Yes			Yes The priority document will be released in original, signed and stamped.
Russian Federation	Yes			Yes
Singapore			Yes	Yes
Slovakia	Yes			Yes
Spain			Yes	No
Sweden			Yes	No
Switzerland	Yes	Yes	Yes	No
Thailand	Yes			Yes
Tunisia				
Turkey			Yes	Yes
United Kingdom			Yes	No
United States of America			Yes*	Yes
BOIP			Yes	No
EUIPO			Yes	No

Question 39 (II) - Are there any particulars for priority claims concerning animated designs?

Responding Party	Particulars for priority claims concerning animated designs	If yes, please specify
Algeria	No	
Azerbaijan	No	
Bahrain	No	
Bosnia and Herzegovina		
Brazil	No	
Canada	No	
Chile	Not applicable.	
China	No	
Colombia	No	
Costa Rica	No	
Croatia	No	
Czech Republic		We do not register animated industrial designs.
Denmark	No	
Dominican Republic	No	
Ecuador	No	
Estonia	No	
Finland	No	
France	No	
Georgia	No	
Germany	No	
Hungary	No	
Iceland	No	
Ireland	No	
Israel	No	
Japan	No	
Kazakhstan		
Kenya	No	
Latvia	No	
Lithuania	No	
Mexico	No	
Montenegro	No	
New Zealand		
Norway	No	
Pakistan	No	
Peru	No	
Philippines	No	
Poland	No	
Portugal	No	
Republic of Korea	No	
Republic of Moldova	No	
Romania	No	
Russian Federation	No	
Singapore	No	
Slovakia	No	
Spain	No	
Sweden	No	
Switzerland		
Thailand	No	
Tunisia		
Turkey	No	
United Kingdom	No	

Responding Party	Particulars for priority claims concerning animated designs	If yes, please specify
United States of America	No	
BOIP	No	
EUIPO	No	

COMMENTS:

Bahrain

The IP Office requires only official certification of priority documents.

Canada

Certified priority documents may be required if a review of the priority claim is necessary for the novelty assessment.

Colombia

The submission of priority documents in paper format is allowed, provided that they are certified copies of the priority documents, or in electronic format, by using the DAS system.

Denmark

We can require certification of the documents according to the Danish legislation, but we usually do not.

Estonia

The Office requires original documents.

Ireland

Certification of priority documents may only be requested if there is any question as to the legal standing of the priority claimed.

Israel

The Design Regulations, Regulation 17(d):

The applicant shall file the copy of the prior application in one of the following ways:

- (1) With regard to an earlier application for which the competent authority has given its approval – by electronic mail as received by the applicant from the competent authority, provided that the Commissioner is satisfied that the document is reliable;
- (2) With regard to an earlier application for which the competent authority has given its approval, in paper – by electronic message constituting a computerized scan of the copy of the application in paper, as received by the applicant from the competent authority;
- (3) Reference to the depositing of a copy of the prior application with the World Intellectual Property Organization (WIPO).

Corporates or lawyers/ patent attorneys must submit all documents in electronic format. Only non-represented individuals may submit documents in a paper format. In case of a malfunction of the online submission system, all applicants may submit documents in paper format (Regulations 2 and 7 of the Design Regulations).

Japan

* The electronic exchange of priority documents using WIPO's Digital Access Service (DAS) is scheduled to start on 1 January 2020.

Portugal

Article 13.º PROOF OF PRIORITY RIGHT

1 - The National Industrial Property Institute **may require** anyone invoking a priority right to, within two months of the order, submit an authenticated copy of the first application, a certificate of the date of its submission and, if necessary, a Portuguese translation.

Russian Federation

The Office accepts documents with priority claim in electronic format, if authenticity of these documents can be checked on the website of the Office to which the application was initially filed.

Spain

Under Article 24.3 of the Legal Protection of Industrial Designs Act, the priority document should always be a certified copy from the office of origin. Under paragraph 4 of the same article, however, the priority document (certified copy and translation) is not requested where it is not relevant to determining the validity of the design or the previous application is in our possession or in the WIPO Digital Access Service (DAS). In the meantime, the applicant may provide an uncertified copy if he or she wishes.

Switzerland

Not applicable.

United States of America

* The USPTO accepts paper format and electronic format if through certain designated mechanisms. Electronic format is acceptable when retrieved by the USPTO in accordance with a priority document exchange program. The USPTO will attempt electronic retrieval of foreign applications to which priority is claimed in a U.S. design application via the WIPO DAS Exchange where possible.

<https://www.uspto.gov/patents-getting-started/international-protection/electronic-priority-document-exchange-pdx>

[Annex II follows]

QUESTIONNAIRE ON GRAPHICAL USER INTERFACE (GUI), ICON AND
TYPEFACE/TYPE FONT DESIGNS

considered by the SCT at its fortieth session

1. At the fortieth session of the *Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications* (SCT), held in Geneva from November 12 to 16, 2018, the SCT considered document SCT/40/2, entitled “*Graphical User Interface (GUI), Icon, Typeface/Type Font Designs: Draft Questionnaire*”, as well as a revised version of the draft questionnaire (document SCT/40/2 Rev.). The SCT requested the Secretariat to “circulate the questionnaire as contained in document SCT/40/2 Rev. to SCT members and Intergovernmental Intellectual Property Organizations with observer status, for returns by January 31, 2019; and compile all returns into a document for consideration by the forty-first session of the SCT, it being understood that, due to the limited time for the preparation of this document, the SCT agreed that this document would be made available not later than March 8, 2019” (see document SCT/40/9, paragraph 11).
2. The present *Questionnaire on Graphical User Interface (GUI), Icon, Typeface/Type Font Designs* aims at collecting information regarding, in particular, (1) the requirement for a link between GUI, Icon, Typeface/Type Font Designs and the article or product and (2) the methods allowed by offices for the representation of animated designs.
3. So as to enable the Secretariat to prepare the requested document compiling the replies of SCT members and the aforementioned Organizations, the completed questionnaire should be returned to WIPO **by January 31, 2019**, by e-mail to: sct.forum@wipo.int; or by surface mail to the World Intellectual Property Organization (WIPO), 34, chemin des Colombettes, 1211 Geneva 20, Switzerland; or by facsimile: +41 22 338 87 45.

QUESTIONS CONCERNING THE REQUIREMENT FOR A LINK BETWEEN GUI, ICON, TYPEFACE/TYPE FONT DESIGNS AND THE ARTICLE OR PRODUCT²

1. Does your jurisdiction provide protection for:
GUI designs <input type="checkbox"/> YES <input type="checkbox"/> NO
Icon designs <input type="checkbox"/> YES <input type="checkbox"/> NO
Typeface/type font designs <input type="checkbox"/> YES <input type="checkbox"/> NO
Comments, if any:

2. In your jurisdiction, is a link³ between a GUI/icon design and an article required as a prerequisite for registration?
<input type="checkbox"/> YES <input type="checkbox"/> NO
If NO , please proceed to question 13 and the subsequent questions
Comments, if any:

(a) Requirement for a link

3. In your jurisdiction, for which type of designs is a link with an article required?
<input type="checkbox"/> computer-generated animated designs
<input type="checkbox"/> GUI designs
<input type="checkbox"/> icon designs
<input type="checkbox"/> typeface/type font designs
<input type="checkbox"/> other – Please specify
Comments, if any:

4. For which reason is such a link required in your jurisdiction?⁴
<input type="checkbox"/> facilitating searches by examining Offices
<input type="checkbox"/> facilitating Freedom to Operate (FTO) searches by users

² For the sake of simplicity, only the term “article” will be used hereafter in the present questionnaire, it being understood that it covers also the term “product”, where applicable.

³ For the purpose of this questionnaire, the term “link” refers to the fact that a GUI or icon design should be associated with an article.

⁴ See the contributions of Chile, INTA (p. 1-3), IPO (p. 4) and JTA.

4. For which reason is such a link required in your jurisdiction?⁴

- facilitating searches by applicants
- limiting the scope of design rights
- other - Please specify

Comments, if any:

5. In your jurisdiction, a GUI design:

a) must be embodied in a physical article to be protected

YES NO

b) can apply to a virtual article?

YES NO

Comments, if any:

6. In your jurisdiction, do functional aspects⁵ of the article displaying the GUI/icon design play a role in assessing the link between such design and the article?

YES NO

If YES, what role?

Comments, if any:

7. In your jurisdiction, if a link between a GUI, icon, typeface/type font design and an article is required, but not provided in the design application, can it still be provided during prosecution?

YES NO

If YES, who is empowered to provide it?

- the applicant
- the Office

Comments, if any:

⁵ For the purpose of this questionnaire, the terms "functional aspects" refer to the manner in which the article works.

7. In your jurisdiction, if a link between a GUI, icon, typeface/type font design and an article is required, but not provided in the design application, can it still be provided during prosecution?

8. In your jurisdiction, if a link between a GUI/icon design and an article is required, how can/must the GUI/icon design be represented in the application?

- representation of the GUI or icon design alone + an indication in words of the article
- representation of the GUI or icon design + the article in dotted or broken lines
- representation of the GUI or icon design + the article in dotted or broken lines + an indication in words of the article
- representation of the GUI or icon design + the article in solid lines
- representation of the GUI or icon design + the article in solid lines + an indication in words of the article
- other – Please specify

Comments, if any:

9. If a link between a GUI/icon design and an article is required in your jurisdiction and your Office is an examining Office, does your Office search for any design with a similar or identical appearance, regardless of the articles to which it applies?

YES NO

Please explain

Comments, if any:

10. If a design is represented within an article which is disclaimed (e.g., broken lines), what is the effect of the article on the scope of protection of the design?

The scope of protection is limited:

- only to the specific type of article that was disclaimed
- to articles that fall within the same classification
- other – Please specify

Is there an exception for GUI/icon designs?

YES NO

Comments, if any:

10. If a design is represented within an article which is disclaimed (e.g., broken lines), what is the effect of the article on the scope of protection of the design?

11. If a design is represented within an article which appears in solid lines, the scope of the design patent/design registration would be considered to cover:⁶

- only the design
- both the design and the article
- other – Please specify

Comments, if any:

12. If a design is represented within an article which is disclaimed (e.g., broken lines) and the identification of the article(s) in relation to which the industrial design is to be used is required, what is the purpose of that identification?

Comments, if any:

⁶ See the contributions of INTA (p. 1-2) and IPO (p. 3-4).

(b) No requirement for a link

13. In your jurisdiction, why is no link between a GUI/ icon design and an article required?⁷

- because of the nature of new technological designs, which may be used in different articles/environments
 other - Please specify

Comments, if any:

14. If no link is required in your jurisdiction and your Office is an examining Office, does your Office search for any design with a similar or identical appearance, regardless of the articles to which it applies?⁸

YES NO

Please explain

Comments, if any:

15. If no link is required in your jurisdiction, how do users conduct Freedom to Operate (FTO) searches?⁹

Comments, if any:

16. If no link is required in your jurisdiction, is the indication of an article:

- optional?
 mandatory?

What is the effect of such indication? Please specify

Comments, if any:

⁷ See the contributions of Hungary, ICC (p. 2), INTA (p. 3) and IPO (p. 4).

⁸ See the contribution of JTA (p. 7).

⁹ *Idem.*

17. Can a patent design/design registration be obtained for a GUI/icon design *per se* if it is represented alone (without any article such as a screen or a device)?

YES NO

If **YES**, does the patent design/design registration cover use of the claimed GUI/icon design in any article/environment?

YES NO

Comments, if any:

QUESTIONS CONCERNING THE METHODS ALLOWED BY OFFICES FOR THE REPRESENTATION OF ANIMATED DESIGNS

18. In your jurisdiction, which methods of representation can applicants use to claim protection for animated designs?

Moving images¹⁰

Please specify the file format (e.g., avi, flv, wmv, wav, mov, mp4):
Please specify the maximum size, if any:

Static images in electronic format

Please specify the file format (e.g., pdf):
Please specify the maximum size, if any:

Static images in paper format

Please specify any additional requirements:

Comments, if any:

19. Where a choice of different methods of representation is available in your jurisdiction, what method is used the most by applicants?

Moving images

Static images in electronic format

Static images in paper format

Comments, if any:

¹⁰ The term "images" is used as a synonym of the term "views".

19. Where a choice of different methods of representation is available in your jurisdiction, what method is used the most by applicants?

20. Are there any additional/special requirements regarding the contents of the application for animated designs?

YES NO

If YES, please specify

Comments, if any:

21. Where video files can be used by applicants to represent animated designs in your jurisdiction:

- video files *only* are accepted
- video files + series of static images are mandatory
- video files are mandatory + series of static images are optional
- video files are optional + series of static images are mandatory
- other - Please specify

Comments, if any:

22. Where both series of static images and video files are contained in the application, which format determines the scope of protection?

- both formats, treated equally
- video files prevail and static images are treated just as a reference information - Please specify
- static images prevail and video files are treated just as reference information – Please specify

Comments, if any:

23. If animated designs are represented by series of static images or a sequence of drawings or photographs, are there additional requirements regarding the images?¹¹

YES NO

¹¹ See the contributions of United States of America (p. 3-4), EUIPO (p. 3-5), ICC (p. 3-4), INTA (p. 4), JPAA (p. 4-7), and JTA (p. 9).

23. If animated designs are represented by series of static images or a sequence of drawings or photographs, are there additional requirements regarding the images?¹¹

If **YES**, is it required that:

- all images relate to the same function of the article
- all images be visually related
- all images give a clear perception of the movement/change/progression
- the number of images does not exceed a maximum number – Please specify
- other – Please specify

Comments, if any:

24. In which format are animated designs granted?

- paper registration/patent
- electronic (e-grant)
- other

Comments, if any:

25. In which format are animated designs published?

- paper publication
- electronic publication
- other

Comments, if any:

26. Are there any special publication procedures for animated designs?

- YES NO

Comments, if any:

ADDITIONAL QUESTIONS

27. In your jurisdiction, are some graphic images excluded from protection under design law?¹²

YES NO

If YES, which of the following types of images are excluded from protection:

- graphic images representing “contents” that are independent from the function of the article (e.g., a scene of a film or images from a computer/TV game)
- graphic images provided only for decorative purposes (such as a desktop wallpaper)
- graphic images provided only for conveying information
- other – Please specify

If YES, how is the exclusion justified? Please specify

If YES, how are the graphic images subject to protection defined? Please specify

Comments, if any:

28. In your jurisdiction, are certain kinds of GUI/icon designs excluded from design protection?¹³

YES NO

If YES, please specify

Comments, if any:

29. In your jurisdiction, can a part of a GUI design (i.e., some elements only of the GUI design) be protected?

YES NO

If YES, how?

If YES, can a part of a GUI design be protected if it appears only under certain circumstances¹⁴

YES NO

Comments, if any:

¹² See the contribution of JTA (p. 5).

¹³ See the contribution of JTA (p. 6).

¹⁴ e.g., in a navigation application: “icons alert” popping up in case of traffic jam, accident, etc.

29. In your jurisdiction, can a part of a GUI design (i.e., some elements only of the GUI design) be protected?

30. In your jurisdiction, is protection provided to non-permanent designs?¹⁵

YES NO

If YES, is the non-permanent design deemed to be embodied in, or tied, to an article?

YES NO

If YES, what is the article?

Comments, if any:

31. In your jurisdiction, is an indication of the class required in a design application?

YES NO

If YES, which classification system is applied in your Office?

- the Locarno classification
 the domestic classification

If YES, the class is:

- indicated by the applicant
 assigned by the Office

If the Office assigns the class, can the applicant challenge or appeal the classification?

YES NO

Is there an exception for GUI/icon designs?

YES NO

Comments, if any:

¹⁵ The following are examples of non-permanent designs: the design of a lampshade which is not apparent unless the lamp is lighted, the design of a woman's hosiery which is not apparent unless it is in place on her legs, the design of inflated articles, such as toy balloons, water toys, air mattresses, which are not apparent in the absence of the compressed air which gives them form, a water design in a fountain, a laser keyboard and a projection of a speedometer or radio control panel onto a windshield of a car. See the contribution of the United States of America referring to Hruby, 373 F.2d 997, 153 USPQ 61 (CCPA 1967) (p. 6).

31. In your jurisdiction, is an indication of the class required in a design application?

32. Where GUIs are applied to an article, how are they examined in terms of weight given to the visual features where:

- the GUI is the same or similar but applied to different articles in the prior art base
- the article is the same but shown in active/resting state¹⁶ in the prior art base vs. active/resting state in the application
- the article and GUI in the prior art base is the same or similar to one or more but not all of the representations provided showing different stages of the GUI

Comments, if any:

33. Does your legislation allow for GUIs to be considered in their active state?

YES NO

If NO, is the Office practice to consider them in their active state?

YES NO

Comments, if any:

34. In your jurisdiction, are the infringement criteria the same for GUI/icon designs as for other types of designs?

YES NO

If NO, how are they different?

Comments, if any:

35. In your jurisdiction, which of the following acts constitute infringement of design rights?

- creation of software for displaying a protected GUI
- reproduction of software for displaying a protected GUI

¹⁶ For the purpose of this questionnaire, the terms "resting state" refer to the appearance of the article before interaction with the user e.g., the user turning on, waking, or otherwise interacting with the device that contains the GUI design. The terms "active state" refer to the design as it appears after interaction or during use with the user.

35. In your jurisdiction, which of the following acts constitute infringement of design rights?

- transfer of software for displaying a protected GUI
- upload of software for displaying a protected GUI
- installation of a protected GUI or icon design¹⁷ – In such case, under what circumstances?
- use of a protected GUI or icon design¹⁸ – In such case, under what circumstances?
- placement of a protected GUI or icon design on a physical article or *vice-versa* – In such case, under what circumstances?¹⁹

Comments, if any:

36. In your jurisdiction, can a *single design registration* cover use of the design in a physical environment *and* in a virtual or computer environment?²⁰

- YES NO

Comments, if any:

37. In your jurisdiction, is there a distinction in the infringement criteria, depending on the particular virtual/electronic environment²¹ in which the design is used?

- YES NO

If YES, how are the environments delineated?

If YES, would a single design registration be capable of protecting the design in each of these varied environments?

- YES NO

Comments, if any:

¹⁷ See the contribution of IPO referring to indirect infringement doctrines, such as induced infringement (p. 3), and the contribution of JTA (p. 8).

¹⁸ See the contribution of IPO referring to indirect infringement doctrines, such as induced infringement (p. 3), and the contribution of JTA (p. 8).

¹⁹ For example, if a GUI/icon design, protected in the context of an electronic device, is placed on a table top as surface ornamentation and sold as contemporary furniture, would that constitute infringement? What about the reverse, *i.e.*, if a design on the top of an end table is used as a GUI/icon design for a furniture store app, would that constitute infringement?

²⁰ See the examples mentioned in the contribution of the United States of America (p. 6).

²¹ *e.g.*, computer game, virtual reality world, Internet application.

38. In what format does your Office provide documents for priority claim purposes?

- paper format
- electronic format
- both

Can the documents be certified?

- YES NO

If YES, how are they certified?

Are there any particulars for priority claims concerning animated designs?

- YES NO

Please specify

Comments, if any:

39. What format of documents does your Office accept for priority claim purposes?

- paper format
- electronic format
- both

Does your Office require certification of priority documents?

- YES NO

Are there any particulars for priority claims concerning animated designs?

- YES NO

If YES, please specify

Comments, if any:

[End of Annex II and of document]