

DESIGN (IP) AS A BUSINESS ASSET:

MONETISATION, LICENSING AND VALUATION OF
DESIGN INTELLECTUAL PROPERTY IN INDIA

APRIL 2026

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Edition I: Published in April, 2026

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Message

Dr Udayant Malhoutra

**Chairman, CII National Committee on Design and
CEO & Managing Director, Dynamatic Technologies Ltd**



In today's innovation-driven economy, design is a core business differentiator, shaping performance, user experience, brand perception, and market value. Leading companies now treat it as a strategic function alongside R&D and manufacturing.

Intellectual property turns design into lasting commercial advantage by protecting ideas, enabling licensing, and strengthening valuations. As India advances its innovation agenda, aligning design with IP is essential—transforming creativity into a strategic, monetizable asset. When design and IP strategy align, protected designs become valuable, monetizable assets that can be licensed and scaled. As India pushes for indigenous innovation and global competitiveness, design IP can no longer be an afterthought. Businesses have the tools—but need a shift in mindset to see design as a commercial, not just creative, function.

CII has prepared this comprehensive publication, *Design as a Business Asset: Monetisation, Licensing and Valuation of Design IP in India*, in close association with S. S. Rana & Co. The report covers the full spectrum of design IP: from identifying and protecting valuable designs, to global filing strategies, licensing models, valuation methodologies, and the role of design IP in business transactions and funding. It also addresses emerging frontiers such as digital designs, AI-generated works, and GUI protection. Across the chapters, it makes a compelling case for treating design as a measurable, commercially actionable asset, not merely a creative output. CII firmly believes that design IP should be central, in a meaningful manner, to India's effort to compete at the global stage.

I hope this publication will serve as a valuable resource for CII members, encouraging them to assess their design IP needs and plan strategically for the future. I congratulate the S. S. Rana & Co. and CII teams for bringing out this important work.

Foreword

Vikrant Rana

Managing Partner, S.S. Rana & Co., New Delhi, India



In today's innovation-driven economy, design has emerged as far more than an aesthetic consideration- it is a critical business asset that shapes consumer perception, drives brand differentiation, and creates tangible commercial value. As Indian businesses increasingly compete in global markets, the strategic management of design intellectual property has become essential to sustaining competitive advantage.

This Report, *Design as a Business Asset: Monetisation, Licensing and Valuation of Design IP in India*, offers a timely exploration of these developments, bringing together legal, commercial, and strategic perspectives to examine how design can be effectively protected, managed, and monetised. By addressing licensing structures, valuation methodologies, and enforcement mechanisms, it serves as a comprehensive guide for entrepreneurs, designers, legal professionals, and policymakers alike.

I commend the Confederation of Indian Industry (CII) and S.S. Rana & Co. for this insightful publication, which will serve as a valuable reference for all those engaged in this dynamic field.

Acknowledgement

S.S. Rana and Co. would like to express its sincere gratitude to all the individuals and institutions whose support, expertise, and encouragement made this publication possible. Design as a Business Asset has been shaped by the collective contribution of legal practitioners, industry leaders, and IP professionals who believe that design deserves a more prominent place in India's commercial and policy conversation.

We are deeply grateful to the Confederation of Indian Industry for their partnership in conceptualising and producing this publication. Provided the institutional framework, industry access, and policy perspective that gave this work its breadth and direction. The leadership and members of the committee, contributed generously of their time and expertise at every stage of this project.

From S.S. Rana and Co. Mr. Vikrant Rana, Managing Partner, Shilpi Saurav Sharan, Managing Associate and Huda Jafri, Associate, worked on the full arc of its creation- from the careful conceptualization of its analytical framework and the mapping of its thematic scope, through the systematic review of legislative texts, judicial pronouncements, regulatory developments, and international best practices.

From CII, Mr. Raghvendra Saha, Senior Advisor; Ms. Nabanita Mukherjee, Director; and Mr. Rajarshi Bhowal, Associate Counsellor – IPR. Their collective inputs were integral to the development of this study.

A Shared Commitment to India's Design Ecosystem

This publication reflects the collective effort of both organisations and the shared belief that design IP, when properly understood and strategically deployed, is a powerful engine of business growth, investor confidence, and international competitiveness. It is hoped that the legal frameworks, practical tools, and strategic guidance presented here will serve as a lasting resource for practitioners, business leaders, policymakers, and the designers whose creative work is the foundation of everything this publication seeks to protect.

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Executive Summary

Design as a Business Asset: Monetisation, Licensing and Valuation of Design IP in India is a joint publication of the Confederation of Indian Industry (CII) and S.S. Rana & Co.. The Report addresses a critical gap in the Indian business landscape. Despite a significant rise in design filings in recent years, many Indian enterprises continue to treat their design portfolios as administrative formalities rather than revenue-generating commercial assets. This publication provides a comprehensive, practitioner-oriented guide to addressing this gap, covering aspects from the fundamentals of registrability to the structuring of complex cross-border transactions.

India's Design Landscape and Regulatory Context

India's design registration ecosystem has expanded considerably in recent years, reflecting growing commercial awareness among businesses. According to data published by the Office of the Controller General of Patents, Designs and Trade Marks, design filings have increased substantially over the past few years, with domestic filings showing particularly strong growth. Globally, data from the World Intellectual Property Organization (WIPO) indicates that India is emerging as a significant jurisdiction in design filings, with one of the faster growth rates among major economies. Against this backdrop, the legal and commercial architecture governing design protection, monetisation, and enforcement is increasingly becoming a strategic priority for businesses, investors, and legal advisers.

Key Themes and Chapter Structure

The Report is structured across eight chapters, each addressing a distinct and interconnected dimension of design IP strategy.

Chapters 1 to 3 establish the legal foundation. They examine the definition of a registrable design under the Designs Act, 2000, the distinction between design, copyright, trademark, and patent protection, the registration process and lifecycle management, and the absolute novelty requirement, which makes pre-filing discipline essential in India.

Chapters 4 and 5 focus on international protection strategy. In the absence of a grace period and with a six-month Paris Convention priority window, Indian businesses operate within a constrained filing timeline when expanding into key jurisdictions such as the European Union, United States, United Kingdom, China, South Korea, and ASEAN markets. The Report outlines a tiered filing framework based on commercial priorities, along with comparative cost considerations across jurisdictions. It also examines the Hague System, noting that while India is not currently a member, the system remains relevant for protection in participating jurisdictions.

Chapter 6 discusses the Design Law Treaty, adopted under the auspices of the World Intellectual Property Organization in Riyadh in 2024. The treaty seeks to harmonise procedural aspects of design protection and introduces provisions such as a grace period framework, simplified formal requirements, and mechanisms for restoring rights, which may influence future legal developments in India and other jurisdictions.

Chapter 7 provides an in-depth analysis of design transactions. It explores licensing and assignment structures, royalty models, monetisation strategies including franchising and direct-to-consumer arrangements, and commonly used valuation approaches such as cost,

market, and income methods. It also examines the role of design IP in fundraising, mergers and acquisitions, and joint ventures, along with key considerations in cross-border transactions and regulatory compliance.

Chapter 8 reviews judicial trends and emerging issues. It discusses the infringement standard of the informed user, the interaction between design and trademark law including passing off actions, and evolving areas such as digital designs, graphical user interface (GUI) protection, and questions relating to the ownership and registrability of AI-generated designs.

Principal Findings and Strategic Themes

Several key themes emerge from the analysis.

First, pre-filing discipline is critical. India's absolute novelty standard means that any public disclosure prior to filing can compromise the ability to secure design protection.

Second, design IP should be treated as a commercial asset. Registered designs can be licensed, assigned, and leveraged in financing and investment contexts, forming an important component of business valuation.

Third, a layered protection strategy is often more effective than reliance on a single form of IP. The combined use of design registrations, trademark protection, and passing off remedies can provide stronger and more flexible protection.

Fourth, evolving international frameworks such as the Design Law Treaty and potential future developments relating to the Hague System may influence the global design protection landscape. Businesses that align their internal processes with emerging international standards will be better positioned to adapt to these changes.

Intended Audience

This publication is intended for in-house legal and IP teams, corporate counsel, business leaders, boards involved in IP strategy, private equity and venture capital investors conducting IP due diligence, IP practitioners advising domestic and international clients, and policymakers engaged in the ongoing development of design law in India.

By combining legal analysis with practical tools such as filing frameworks, valuation approaches, due diligence checklists, and strategic guidance, the Report is designed to serve as a useful resource for both commercial and advisory practice.



Chapter-I: Introduction to Design & Industry Landscape



Introduction

In an era defined by rapid technological advancement and fierce market competition, industrial designs have emerged as one of the most strategically significant, yet often underappreciated, pillars of intellectual property protection. The visual appeal of a product is no longer merely an aesthetic afterthought, it is a core business asset, a market differentiator, and increasingly, a battleground for IP rights.

Designs as a Business Asset: The Changing Times

Historically, industrial design protection was limited to ornamental features of a product, distinct from its functional core. However, with the transformation of consumer behaviour and the rise of the experience economy, the look and feel of a product has become inseparable from its commercial value.

Consider the smartphone industry. Apple's landmark litigation against Samsung underscored a global awakening to the fact that the shape of a device, the curve of its corners, the layout of its icons- elements traditionally considered cosmetic could be worth billions of dollars in market share. Consumers today do not merely buy products; they buy identities, experiences, and aesthetics. Industrial design protection is the legal armour that guards these investments.

In sectors ranging from automotive and fashion to consumer electronics, medical devices, and packaging, companies now proactively build design portfolios as part of their broader IP strategy. The registered design has transitioned from a defensive tool to an offensive weapon in the competitive marketplace.

Designs in the Digital and Technological Age

The digital revolution has dramatically expanded the frontier of design protection. With the proliferation of graphical user interfaces (GUIs), icons, fonts, virtual product displays, and screen-based interactions, design law has been compelled to evolve. Jurisdictions across the world have grappled with extending design protection to digital and virtual embodiments of products.

Designs in India: A Growing Consciousness

In the Indian context, the Designs Act, 2000 governs the registration and protection of industrial designs. While the legislation has served as a foundational framework, there is growing recognition that it requires modernisation to address the realities of digital design, GUI protection, and the needs of a rapidly innovating economy. The proposed amendments to the Designs Act reflect an acknowledgment that design protection must keep pace with industry.

Indian businesses, particularly in sectors such as textiles, handicrafts, automotive components, packaging, and consumer goods have increasingly begun to leverage design registrations as part of their IP strategy. For a nation with rich craft traditions and a booming manufacturing sector, robust design protection is not merely a legal exercise but an economic imperative.

What is a Design?

Among the ten definitions set out in the Designs Act, 2000 (hereinafter referred to as the Act), the definition of a "*design*" is the most elaborate, with several internal elements and distinct

parts. To understand the scope of protection afforded to a design, it is crucial to know whether the creation fulfils the legal criteria for being included in the term "design" as defined in the Act.

Section 2(d) of the Act lays down the definition of a design. The provision has been broken down into its elements, and, for each element, a handbag has been used as an example to aid visual understanding. Section 2(d) says that a design means only –

- the **features of shape** (e.g., the distinct silhouette of a bucket bag), **configuration** (the distinctive aesthetic arrangement of pockets, zippers or straps), **pattern** (a distinct visual checkered print), **ornament** (a unique brooch or semi-precious stones attached to the bag), or **composition of lines or colours** (the green-red-green webbing used by a particular high-end luxury brand);¹
- applied to any **article** (the article in the present case being the handbag to which these design elements are ultimately applied);
- by any **industrial process** or means, whether *manual, mechanical or chemical*; and
- which in the finished article **appeal to and are judged solely by the eye**.

It is fundamental to understand that the protected designs in the above examples are the unique shape, configuration, ornament, or colour composition applied to the bag, and not the handbag itself, which under the Designs Act is simply the article to which the protected designs have been applied.

1.1 Functional versus Aesthetic Appeal

Section 2(d) specifies that once the design is applied to the article, it must “*appeal to and be judged solely by the eye*.” This element underscores the aesthetic appeal that a design must embody, as opposed to a merely functional one.

Below case studies, demonstrate the **Functional versus Aesthetic Appeal** aspect of an article.

In the case of *Microfibres Inc. v. Girdhar & Co.*², the Hon’ble Delhi High Court clarified that design protection under Indian law applies only to features that are aesthetic and appeal to the eye, not those dictated purely by utility. If the shape, pattern, or configuration of an article is driven solely by its function, it cannot qualify as a “design” under the Designs Act.

The Court drew a clear line:

- Aesthetic features → Protectable (visual appeal independent of function)
- Functional features → Not protectable (where form follows function)

Similarly, in *Dart Industries Inc. v. Techno Plast*³, it was reiterated that even if an article has a shape or configuration, it will not qualify for design protection if that form is necessary for its use or performance, unless there is a distinct visual element separable from function.

1.2 Negative Requirements under Section 2(d)

As a second step, Section 2(d) also contains a few negative requirements, which must not apply to a design that is sought to be registered under the Act. A design does not include:

¹The Concept Wardrobe, 'A Complete Guide to Bags' <https://theconceptwardrobe.com/build-a-wardrobe/a-complete-guide-to-bags>

²RFA (OS) NO.25/2006

³FAO (OS) 326/2007

- any mode or principle of construction, or *anything which is in substance a mere mechanical device*;
- any *trade mark* as defined in Section 2 of the Trade and Merchandise Marks Act, 1999;⁴
- any property mark; Name, company logo or serial number indicating ownership;
- or any *artistic work* as defined in Section 2(c) of the Copyright Act, 1957.

Section 2(d) emphasizes the importance of aesthetic appeal by clarifying that a design cannot include anything which is a mere mechanical device. The exclusions relating to trademarks and artistic works reflect the interplay between Design, Copyright and Trademark law, which is dealt with in a later part of this Chapter.

1.3 Prohibition of Registration: Section 4

To understand the true scope of protection afforded to registered designs, Section 2(d) must be read with Section 4, which lists the scenarios in which a design will not be registered. Section 4, titled “*Prohibition of registration of certain designs*,” says that a design shall not be registered if it:

- is not *new or original*; or
- has been *disclosed to the public* anywhere in India or in any other country by publication in tangible form, or by use or in any other way, prior to the filing date or priority date of the application for registration; or
- is *not significantly distinguishable* from known designs or combination of known designs; or
- comprises or contains *scandalous or obscene matter*.

Sub-clauses (a) and (c) read together contain the most fundamental requirement under design law i.e. a design has to be new and original and significantly distinguishable from known designs to be protected. This requirement is referred to as *novelty*. As the Hon’ble Supreme Court noted in ***Bharat Glass Tube Limited v. Gopal Glass Works Limited***⁵:

“In fact, the sole purpose of this Act is protection of the intellectual property right of the original design for a period of ten years or whatever further period is extendable. The object behind this enactment is to benefit the person for his research and labour put in by him to evolve the new and original design... The purpose of the Designs Act is to protect novel designs devised to be applied to... particular articles.”

Section 2(g) defines “*original*” in relation to a design as “*originating from the author of such design and includes the cases which though old in themselves yet are new in their application.*”

The Novelty Requirement in Practice: Jayson Industries v. Crown Craft case

The judicial determination of whether a design is novel and “significantly” distinguishable from known designs necessarily involves case-by-case analysis. The Delhi High Court’s decision in the case of ***Jayson Industries v. Crown Craft (India) Pvt Ltd.***⁶, illustrates this

⁴The Trade and Merchandise Marks Act 1958 was repealed by the Trade Marks Act 1999, s 159. References in the Designs Act 2000, s 2(d) to ‘trade mark’ must accordingly be read as references to marks registered under the Trade Marks Act 1999.

⁵*Bharat Glass Tube Limited v Gopal Glass Works Limited* AIR 2008 SC 2520 (SC) para 6.

⁶*Jayson Industries v Crown Craft (India) Pvt Ltd* 2023: DHC:4343 (Del HC).

vidently. In this case, the Court considered whether the Plaintiff's articles- buckets, mugs and tubs were new and original enough to receive the benefit of a registered design.

In *Jayson Industries case*, the Plaintiff had registered the designs shown below (left column). These are compared with the Defendant's designs (right column), which the Plaintiff alleged amounted to infringement.

Plaintiff's Registered Design vs. Defendant's Design - Bucket



Plaintiff's Design (Bucket)



Defendant's Design (Bucket)

Plaintiff's Registered Design vs. Defendant's Design — Mug



Plaintiff's Design (Mug)



Defendant's Design (Mug)

Plaintiff's Registered Design vs. Defendant's Design — Tub



Plaintiff's Design (Tub)



Defendant's Design (Tub)

At first glance, the Defendant's products bear a clear similarity to the Plaintiff's products. However, equally obvious is the fact that the Plaintiff's products lack novelty or originality, since they merely resemble generic designs for buckets, mugs and tubs which have been

publicly known for a long period of time. To defend itself, the Defendant brought to the Court's notice the relevant Prior Art, evidence that the Plaintiff's designs were already known prior to the date the Plaintiff had its designs registered and could not be deemed new or original. As a result, the Plaintiff's designs were held to be invalid under Section 4(a) for lacking novelty and originality, being mere trade variants of prior art without any substantial differences, and therefore outside the scope of protection granted to registered designs.⁷

A business seeking to get a design registered under the Designs Act, 2000 must conduct proper due diligence to ensure that the design is new and original and differs significantly from designs already registered.

It is equally important to ensure compliance with Section 4(b), which states that registration shall not be granted to a design if it *"has been disclosed to the public... or in any other way prior to the filing date."* The requirement under Section 4(b) has to be read along with Section 19(b) of the Designs Act, 2000, which states that the registration of a design can be cancelled if *"it has been published in India or in any other country prior to the date of registration."*⁸ Businesses engaged in advertising or promotional activities must ensure the valid registration of their design before publishing or disclosing it in any way or form.

2. Distinction from Trademark, Copyright and Patent Law

2.1 Design and Trademark Law

The essence of a design under the Designs Act, 2000 is the application of an aesthetic element to an article. This aesthetic feature must be new and original and could be expressed in the form of a shape, configuration, pattern, ornament or a distinct combination of colours, for example, a unique trapezoid shaped handbag, a new and original geometrical colour combination applied to apparel, or the distinctive perforated clog shape of Crocs shoes. The dividing line between design on one hand and trademark on the other is made clear by the fact that a design under Section 2(d) specifically excludes a trademark as defined under the Trade Marks Act, 1999.

If Design Law asks, *"does this design make the article look new and original?"*, Trademark Law asks a different question: *"does this mark identify the source of the product?"* A trademark is defined under Section 2(zb) of the Trade Marks Act, 1999, as a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others, and may include shape of goods, their packaging and combination of colours. The purpose of a trademark is source identification, as distinct from a design which is meant to supply a novel aesthetic appearance.

However, the dividing line between design and trademark is often unclear. An example of a possible overlap is the protection afforded within Trademark Law to *trade dress*. i.e. the overall visual appearance or get-up of a product. The Delhi High Court in *Colgate Palmolive Company v. Anchor Health And Beauty Care* defined trade dress to include the overall impression that a customer gets as to the source and origin of goods from the visual impression of colour combination, shape of the container, packaging, etc.⁹ It will be noticed that the items under the umbrella term "trade dress" include both colour combination and the shape of the container, two concepts which are also found in the definition of design under Section 2(d). While Section 2(d) of the Designs Act specifically excludes trademarks, the definition of a trademark under

⁷SS Rana & Co, 'Prior Art Sinks Novelty: Jayson's Design Debacle' <https://ssrana.in/articles/prior-art-sinks-novelty-jaysons-design-debacle>

⁸Designs Act 2000, s 19(b).

⁹Colgate Palmolive Company v Anchor Health and Beauty Care 2003 (27) PTC 478 (Del HC).

the Trade Marks Act, 1999 includes the shape of goods, their packaging and colour combination. This is an area of law where clear dividing lines cannot always be drawn.

2.2 Designs and Copyright Law

Design law seeks to protect new and original aesthetic applications to articles. Copyright, on the other hand, covers original literary, artistic, musical or dramatic works. Section 13 of the Copyright Act, 1957 states that copyright shall subsist in:

- (a) original literary, dramatic, musical and artistic works;
- (b) cinematograph films; and
- (c) sound recordings.

Section 2(c)(iii) of the Copyright Act, 1957, defines an artistic work to include “*any other work of artistic craftsmanship,*” which could potentially overlap with the definition of a design. However, Parliament has kept the boundary clearer by clarifying in Section 2(d) that a design shall not include “*any artistic work as defined in section 2(c) of the Copyright Act, 1957.*” Moreover, Section 15(1) of the Copyright Act, 1957 further clarifies that copyright shall not subsist under that Act in any design which is registered under the Designs Act, 2000.

Section 15(2) is also critical: it states that where a design capable of being registered under the Designs Act is *not* so registered, the copyright in that design shall cease as soon as the article to which the design is applied has been reproduced more than **50 times** by an industrial process by the owner of the design or with his license. This makes clear that if registration of a new and original design is not undertaken by the proprietor, the guarantee against infringement will cease to operate once the underlying article has been reproduced more than fifty times.

2.3 Designs and Patent Law

In the intellectual property framework, industrial designs and patents serve as instruments of exclusivity, yet they protect fundamentally different dimensions of a creation. While patents safeguard *how something works*, industrial designs protect *how something looks*. This distinction, though seemingly simple, carries profound legal and commercial significance.

Nature of Protection

A patent protects a technical invention i.e. a new process, product, or method that offers a novel solution to a technical problem. It is concerned with *functionality*. An industrial design, on the other hand, protects the *visual features* of a product i.e. its shape, configuration, pattern, ornamentation, or colour combination, insofar as these are non-functional and appeal to the eye. In essence, a patent protects the *idea behind the invention*; a design protects the *visual expression of the product*.

Industrial designs and patents are complementary tools in the IP arsenal. Patents reward the *science of invention*; designs celebrate the *art of appearance*. Together, they reflect the dual nature of human creativity. For businesses operating in competitive markets, understanding and leveraging both forms of protection is not merely a legal exercise- it is a strategic imperative. A product left protected only functionally remains aesthetically vulnerable, and one protected only visually remains technically exposed. Comprehensive IP protection demands both.

3. Filing Trends (IP India 2020–25): Growth, Domestic versus Foreign, and Sector-wise Comparison

Every year, the Office of the Controller General of Patents, Designs, Trademarks and Geographical Indications publish the Annual IP India Report. On the basis of the Reports issued for the years 2020–21, 2021–22, 2022–23, 2023–24 and 2024–25, the following trends emerge in the Intellectual Property field in India.

From a mere 14,241 applications being filed in 2020–21 (with 9,147 designs finally being registered), to the latest figures for 2024–25 which showcase 43,005 design applications (with 30,349 registered designs) the overall growth over the five years is a robust 202% and 232% for applications and registrations respectively. In an IP ecosystem saturated with trade mark and patent applications, the growing importance of designs is an encouraging symbol of the continuously increasing importance of design protection as a useful tool in IP strategy.

Table 1: Design Application and Registration Trends in India (2020–21 to 2024–25)

Year	Applications Filed			Registrations Granted		
	Domestic	Foreign	Total	Domestic	Foreign	Total
2020–21	10,594	3,647	14,241	6,243	2,904	9,147
2021–22	18,851	3,848	22,699	11,936	3,326	15,262
2022–23	19,245	3,453	22,698	18,170	5,230	23,400
2023–24	26,536	3,853	30,389	25,911	4,759	30,670
2024–25	38,808	4,197	43,005	27,299	3,050	30,349

Source: Annual IP Reports, Office of the Controller General of Patents, Designs, Trade Marks and Geographical Indications, Government of India 2024–25).

3.1 Domestic versus Foreign Filings

While Indian applicants grew from 10,594 filings in 2020–21 to 38,808 in 2024–25, a staggering increase of 266%, foreign filings grew modestly from 3,647 to 4,197, reflecting only a 15% increase over the same period. The same trend is visible with respect to the grant of registrations: the domestic segment grew from 6,243 registrations in 2020–21 to 27,299 registrations in 2024–25, an increase of 337%. This disproportionate domestic growth reveals a rapidly maturing awareness among Indian businesses and designers of the commercial value of design protection.

3.3 Key Sector Insights

Consistent with India’s position as a leading hub for the apparel and textile industry, **Class 02 (Clothing and Haberdashery)** dominated design applications and registrations throughout the five-year period. While it remained virtually unchallenged in 2020–21 and 2021–22, with 1,945 and 3,570 application filings respectively, by 2024–25 it was replaced as the top sector by **Class 24 (Medical and Laboratory Equipment)**, which registered 4,839 applications, a sector that had just 309 design application filings in 2020–21.

Class 24 is a truly dramatic riser. It is absent entirely from Indian filings in 2020–21 and 2021–22. It enters the data in 2022–23 at 1,443 Indian filings, jumps to 2,804 in 2023–24, and reaches

4,839 in 2024–25, becoming the single largest class for Indian applicants. On the registration side, the same trend holds: from 1,185 Indian registrations in 2022–23 to 3,549 in 2024–25.

One constant presence throughout all five years, and registering a four-fold increase, has been **Class 12 (Means for Transport or Hoisting)**, appearing in both Indian and foreign filed and registered data in every single year. Indian filings grew from 781 in 2020–21 to 2,934 in 2024–25. Foreign applicants also maintained steady filings in this class (351 to 309 across the period). This showcases the importance and attention paid by the automobile sector in protecting their designs in India.

Another welcome trend is that new classes for design registration continue to enter the market. Classes 10 (Clocks and Measuring Instruments), 11 (Articles of Adornment), and 13 (Electrical Equipment) only appear in the data from 2022–23 or 2023–24 onwards. The overall journey, from filing 14,241 applications in 2020–21 to 43,005 applications in 2024–25, demonstrates that design law is currently in a highly exciting growth space, and the future for this area holds a lot of promise.

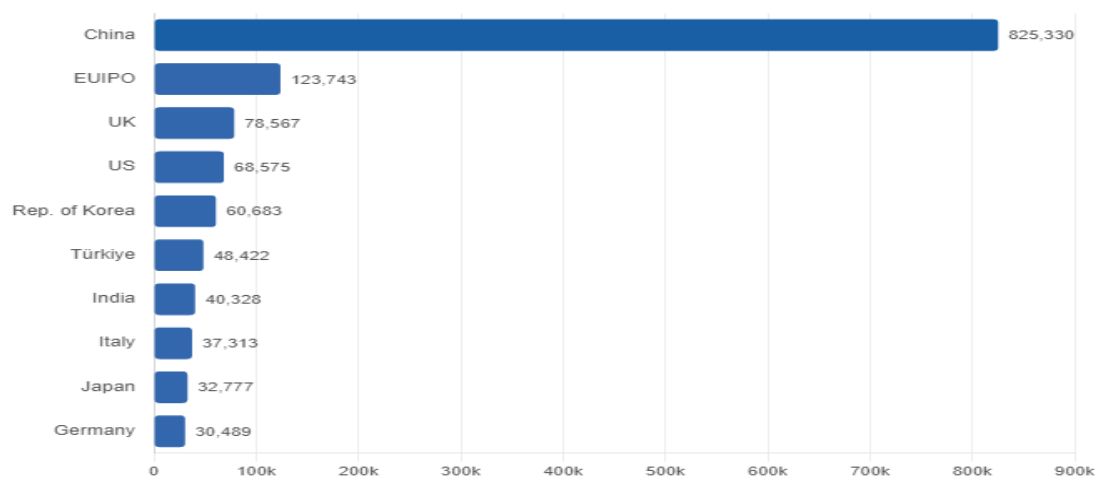
4. India's Global Position: WIPO Data

To give a snapshot of India's position vis-à-vis the global design landscape, one piece of data stands out: in 2024–25, India witnessed 43,005 design applications in total, out of which 38,808 originated domestically while 4,197 were of foreign origin, the largest and most impressive figures that India has managed to reach to date.

As per the latest figures released by the World Intellectual Property Organization (WIPO) for calendar year 2024, 1.22 million design applications were filed globally. Of the total 1.22 million, China accounted for a truly staggering 825,330 design applications, with the European Union IP Office (EUIPO) holding a far trailing second position at 123,743 filings.¹⁰ India, with 40,328 applications recorded under WIPO's 2024 calendar year data, entered the global Top 10 at seventh position, displacing France.¹¹

Note: India's 43,005 figure reflects the 2024–25 financial year per IP India, whereas WIPO's published ranking of 40,328 reflects calendar year 2024 data. The two figures refer to partially overlapping but distinct reporting periods.

Figure 6: Top 10 Countries by Design Applications Filed — 2024 (WIPO Data)



¹⁰WIPO, *World Intellectual Property Indicators 2025: Design Highlights* <<https://www.wipo.int/web-publications/world-intellectual-property-indicators-2025-highlights/en/designs-highlights.html>> accessed April 2026.

¹¹*ibid.*

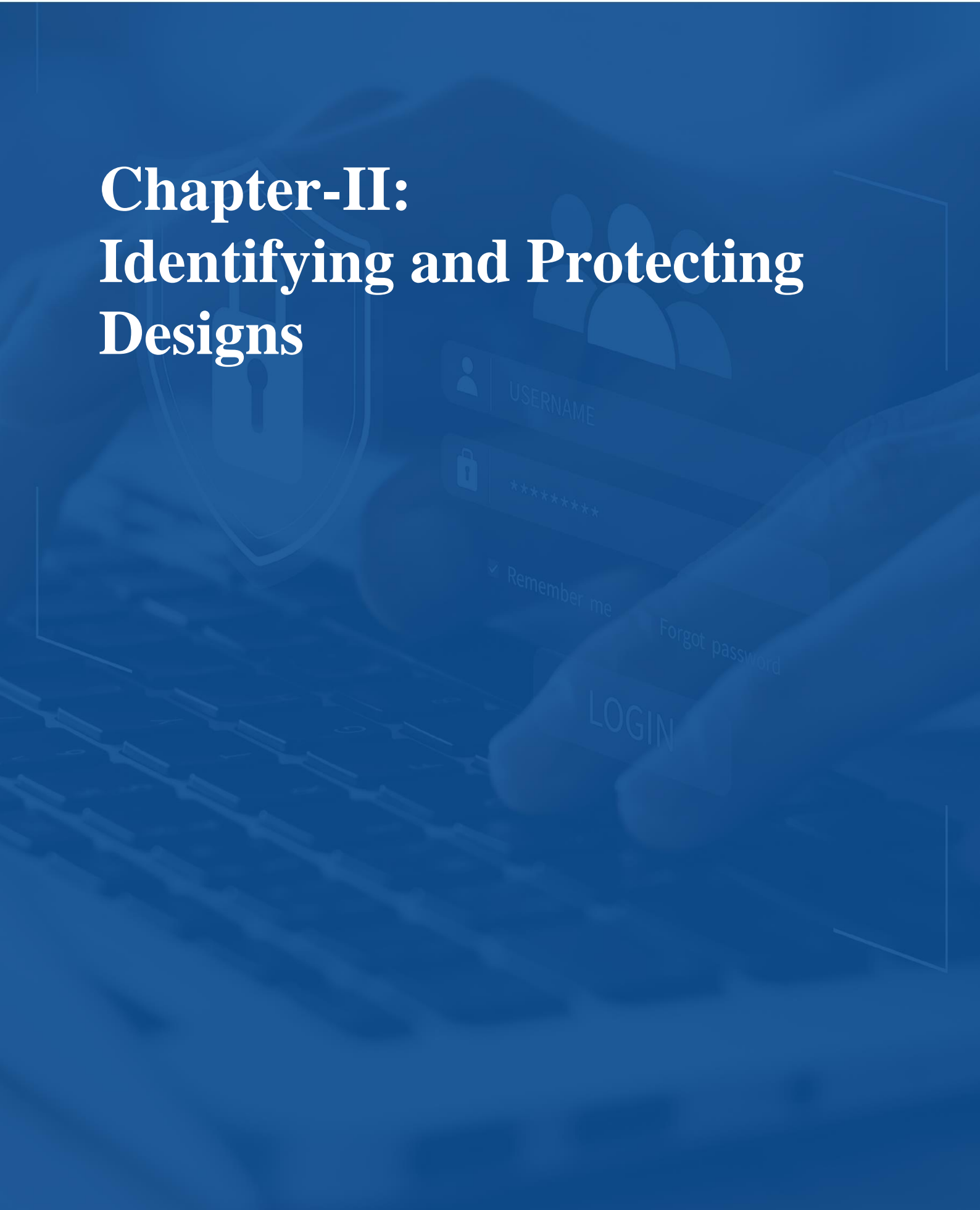


Source: World Intellectual Property Indicators 2025: Design Highlights, WIPO.

As per the latest WIPO figures, while the world registered a modest growth of 2.7% year on year in 2024, India in that same period reported the strongest growth figures of 27.9%.¹²

¹²(n 10).

Chapter-II: Identifying and Protecting Designs



Before a design application is filed, three questions must be answered: which designs are worth protecting, when must they be filed, and how should the application be structured to withstand scrutiny? This chapter works through each in turn.

2.1 Which Designs Are Worth Protecting?

Not every design warrants the cost and administrative burden of registration. The starting point is a straightforward commercial question: does this design give the product a competitive edge that would be damaged if a competitor copied it?

- A design earns its place in a protection programme where it does one or more of the following:
 - makes the product visually distinctive from competing goods; supports a price premium that would be undercut by imitation.
 - builds brand recognition that does not depend on a word-mark; or is
 - difficult to reverse-engineer and therefore worth locking up.

In consumer electronics, luxury goods, footwear, automotive parts, and branded packaging, the design often is the product, it carries as much commercial value as the underlying technology.

An important tool here is a design audit: a structured review of the company's product portfolio that maps each significant design element against its commercial function and asks, for each, whether a competitor copying it would cause real harm. Designs that pass that test should be filed. Designs that would not be commercially missed if copied can be left unregistered.

2.1.1 What the Law Protects?

Section 2(d) of the Designs Act 2000, defines 'design' as features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article, by any industrial process, which in the finished article appeal to and are judged solely by the eye.¹³

Four categories of subject matter fall outside this definition and cannot be protected as designs, regardless of their commercial importance:

- Features dictated entirely by function, if the shape is the only one that achieves the technical result, it is not a design.
- Anything that is in substance a mere mechanical device.
- Trade marks and property marks.
- Artistic works as defined under the Copyright Act 1957, which have their own separate regime.

The functional exclusion is the one that catches businesses most often. A component whose shape is dictated by how it fits, connects, or operates is not registrable, regardless of how distinctive it looks. The test is whether an alternative shape could achieve the same function, if not, the shape is functional and the application will fail.

► *Whirlpool of India Ltd v Videocon Industries Ltd.*

Features whose shape is dictated solely by technical function cannot obtain design protection. The Court applied the alternative-shape test: if no other shape would achieve the same technical result, the feature is functional and unregistrable.¹⁴

► *Videocon Industries Ltd v Whirlpool of India Ltd.*

¹³Designs Act 2000, s 2(d).

¹⁴*Whirlpool of India Ltd v Videocon Industries Ltd* (2000) 48 PTC 298 (Bom HC).

Purely functional elements are disregarded entirely when assessing infringement. The comparison is made on aesthetic features only, assessed as the overall impression on the notional informed user.¹⁵

2.2 When to File: The Novelty Clock

India's novelty standard is absolute.¹⁶ A design that has been disclosed to the public anywhere in the world before the date of the Indian application cannot be registered. There is no grace period, no forgiveness for inadvertent disclosure, and no cure once novelty is lost.

2.2.1 What Counts as Disclosure

Any of the following events, if they occur before filing, will destroy novelty for Indian purposes:

- Displaying the design at a trade fair, exhibition, or product launch.
- Publishing photographs, drawings, or renders in a catalogue, press release, or social media post.
- Sending samples or prototypes to a potential buyer, retailer, or manufacturer, even under an NDA.
- Filing a patent or another IP application that describes or depicts the design.
- Publishing the design in a design journal or any publicly accessible database.

In the aforesaid context, it is pertinent to mention about the exception to novelty requirement as provided under Section 16 of the Design Act, 2000. This provision carves out an important exception to the strict novelty requirement by providing that prior publication of a design shall not defeat a registration application if the design was disclosed without the consent of the proprietor, or if the application is filed within six months of such disclosure. This provision acts as a safeguard for designers who may have had their designs prematurely or inadvertently exposed to the public before formal registration could be secured. In essence, Section 16 ensures that a designer is not penalised for unauthorised disclosures or good-faith exhibition of their work, provided they act promptly in pursuing registration within the stipulated timeframe.

CRITICAL — No Grace Period in India

- India does not provide a grace period for the designer's own prior disclosures: Designs Act 2000, s 4(b).
- Any public disclosure before filing, trade show, press release, sample distribution, social media, destroys novelty permanently.
- However, certain confidential disclosures or disclosures made in circumstances involving breach of good faith, including first confidential orders for textile designs, may not be treated as “publication” under Section 16, provided registration is subsequently obtained..
- The working rule: file before you show it to anyone outside the company.
- If disclosure has already occurred, assess whether a grace-period jurisdiction (EU: 12 months; US: 12 months; UK: 12 months) can still be filed before those windows close.

¹⁵*Videcon Industries Ltd v Whirlpool of India Ltd 2009 (39) PTC 339 (Bom HC).*

¹⁶*Designs Act 2000, s 4.*

2.2.2 Filing Before International Disclosure

Where international protection is needed, file the Indian application first. This locks in a priority date under Article 4 of the Paris Convention,¹⁷ giving six months to file in other Convention countries while claiming the Indian date for novelty purposes in each of them. That six-month window is the time to assess which markets justify the cost of registration before committing to the full portfolio.

Filing Event	Action Required	Risk of Delay
Design finalised internally	Begin application preparation immediately	Low- no public exposure yet
Trade show or exhibition planned	File at least 4–6 weeks before the event	Showing the design before filing destroys novelty in India
Online listing or press release	File before the content goes live	Publication constitutes worldwide public disclosure
Samples sent to buyer or manufacturer	File before samples leave the company's control	Physical possession by a third party may constitute disclosure
Foreign priority application already filed	File Indian application within 6 months (Paris Convention, art 4(C)(1))	Missing the window forfeits the priority date; intervening events become prior art

2.3 Novelty and Originality: The Legal Test

For a design to be registrable, it must be new or original, not previously published anywhere, and significantly distinguishable from known designs or combinations of known designs.¹⁸

2.3.1 'New or Original'

The Supreme Court confirmed in *Bharat Glass Tube Ltd v Gopal Glass Works Ltd*.¹⁹, that 'original' does not mean unprecedented, it means the design originated with the author. A design that draws on earlier work but makes identifiable visual choices that are the author's own will qualify, provided it is not a copy. The test is closer to copyright originality than patent novelty.

► *Reckitt Benckiser (India) Ltd v Wyeth Ltd*.

The court distinguished 'new' (not previously known to the public) from 'original' (originating with the author), and held that incremental modifications, if visually distinct from prior art, can satisfy the originality requirement under s 4.²⁰

2.3.2 Significantly Distinguishable

A design that is merely a minor variation of an existing design will not pass this test. The comparison is made through the eyes of the informed user, someone familiar with the product category who is capable of noticing visual differences.²¹ Cosmetic tweaks that the informed

¹⁷Paris Convention for the Protection of Industrial Property (Paris, 20 March 1883, as revised at Stockholm 14 July 1967) 828 UNTS 305, art 4(C)(1). India acceded 7 December 1998.

¹⁹*Bharat Glass Tube Ltd v Gopal Glass Works Ltd* (2008) 10 SCC 657 (SC).

²⁰*Reckitt Benckiser (India) Ltd v Wyeth Ltd* 2013 (53) PTC 1 (Del HC).

²¹*Tobu Enterprises Pvt Ltd v Megasoftware India Ltd*, CS(OS) 391/2011 (Del HC); *Green Lane Products Ltd v PMS International Group plc* [2008] EWCA Civ 358, [2008] FSR 28.

user would not notice as distinct do not cross the threshold. The design must present a visually different overall impression.

2.3.3 What Cannot Be Protected

Keep these exclusions in mind before filing. Attempting to register any of the following will draw an objection that is difficult and costly to overcome:

- Shapes or features dictated entirely by their technical function.
- Features that are not visible in the finished article during normal use (internal components, concealed surfaces).
- Designs that consist exclusively of trade marks or property marks.
- Scandalous or obscene designs.

2.4 Building a Filing Programme: Variants and Product Lines

2.4.1 Sets and Variants

Rule 11 of the Designs Rules 2001 allows a single application to cover two or more articles belonging to the same Locarno class, provided they form part of a set.²² Use this for product families, a cutlery set, a range of containers, a suite of furniture components. For variants of the same article (different colour ways, alternative proportions, seasonal updates), file separate applications. Cancellation of one must not take down the others.

2.4.2 Filing Updates as the Product Evolves

A design registration covers the design as filed, not future iterations. When the product is updated, a new application is needed. The most common portfolio gap is a business that registered its original design but continued to update the product without filing the changes. The registered design then protects something the company no longer sells, while the commercial product is unprotected.

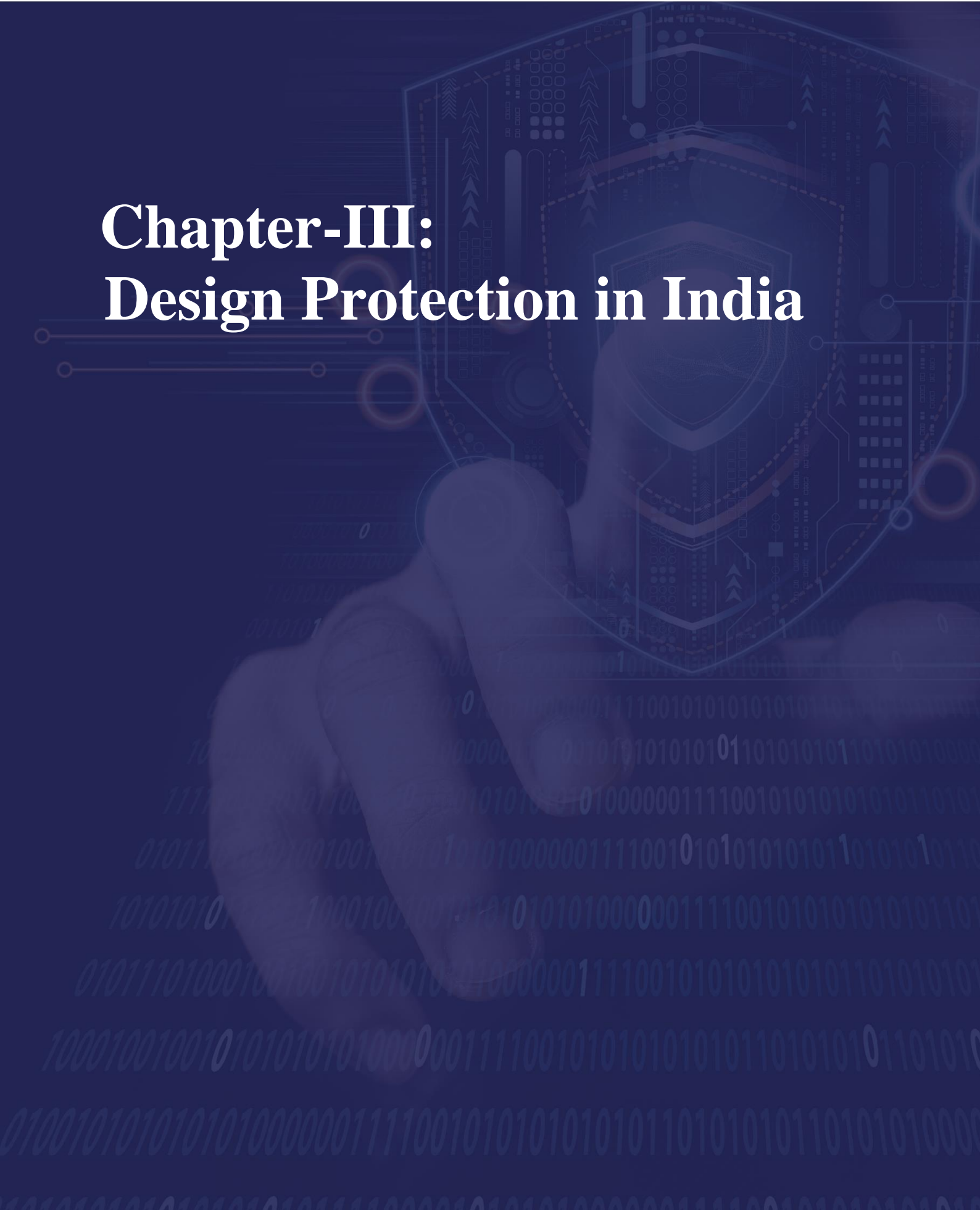
2.4.3 Getting the Locarno Class Right

India follows the Locarno Classification for Industrial Designs, currently in its 15th edition, which comprises of 32 main classes and numerous subclasses and is periodically updated by WIPO. Filing in the wrong class is generally a procedural defect that can be corrected during prosecution, but if not properly addressed, it may limit the scope of protection or create vulnerabilities if the registration is later challenged. Therefore, the correct class should be identified at the time of filing, not after.

NOTE: The Locarno Classification contains 32 main classes in total. The table above covers the classes most commonly used in Indian design filings; consult the full class and subclass tables for every application. Class 14-04 (screens and display panels) is the subclass used in India for GUI and icon designs, though its availability for purely screen-based designs remains contested.

²²Locarno Agreement Establishing an International Classification for Industrial Design., <https://www.wipo.int/classifications/locarno/en/>

Chapter-III: Design Protection in India



This Chapter covers the registration process, the scope and term of the right once granted, how design protection interacts with copyright, trademarks, and patents, and what must be done to keep a design registration alive over its 15-year maximum term.

3.1 The Legal Framework

Design protection in India is governed by the Designs Act, 2000 (No. 16 of 2000) and the Designs Rules, 2001 (as amended). The Act replaced the Patents and Designs Act, 1911 and brought the Indian regime broadly in line with the TRIPS Agreement. Administration is vested in the Controller General of Patents, Designs and Trade Marks (CGPDTM), who acts as the Controller of Designs through the Designs Wing of the Indian Patent Office, headquartered in Kolkata.

Provision	What It Does
s 2(d)	Defines 'design', aesthetic features judged solely by the eye
s 4	Sets the conditions for registrability: new, original, significantly distinguishable, not functional, not previously published
s 5	Sets out the application requirements and procedure
s 6	This provision states for Registration to be in respect of particular article
s 9	Provides for Certificate of Registration
s 11	Duration: 10 years initial term, extendable by 5 years (maximum 15 years total)
s 12	Restoration of a lapsed registration within 1 year of lapse on showing 'sufficient cause'
s 19	Cancellation proceedings, any interested person may petition the Controller
s 22	Piracy of a registered design and available remedies

3.2 The Registration Process

An unregistered design has no protection under the Designs Act. Registration is not optional; it is the gateway to all statutory rights. Applications are filed online at ipindia.gov.in or physically at the Design Wing, Patent Office, Kolkata.

3.2.1 What the Application Must Contain

The application must include:

- Form 1 (specifying the applicant's details, article description, Locarno class, and Statement of Novelty).
- Representations showing all required views (Designs Rules 2001, r 14);²³ a certified copy of the priority application if Convention priority is claimed; a power of attorney if filed through a patent agent; and
- The prescribed fee set out in the First Schedule to the Designs Rules 2001 (as amended).

3.2.2 Examination

The examiner reviews the application against the statutory requirements, adequacy of representations, correctness of the Statement of Novelty, appropriate classification, and raises formal objections where the application falls short. Any objection must be answered within three months of the examination report, extendable by a further three months on payment of the prescribed fee. No response means the application is treated as withdrawn.

3.2.3 Registration and Publication

On acceptance, the Controller issues a Certificate of Registration.²⁴ The design is published in the Patents Office Journal, publication constitutes constructive notice to third parties. The registered design is then searchable in the Design Register at ipindiaonline.gov.in

Design Registration Process

<p>STEP 1: Prior Art Search Search IP India Design Register, WIPO Global Design Database, and Locarno 15th edn databases before filing</p>
<p>STEP 2: Prepare Representations and Statement of Novelty Minimum 6 orthographic views plus isometric view; Statement of Novelty must identify specific distinguishing visual features (Designs Rules 2001, r 14)</p>
<p>STEP 3: File Application- Form 1, Representations, Fee Online via IP India portal or physically at Design Wing, Patent Office, Kolkata</p>
<p>STEP 4: Examination by Design Office Typically, 1-4 months; Office may raise objections on representations, novelty, or classification- no prior art search is conducted</p>
<p>STEP 5: Respond to Any Objections Response due within 3 months of examination report; extendable by 3 months on payment of the prescribed fee</p>
<p>STEP 6: Certificate of Registration Issued Design published in Patents Office Journal- constructive notice runs from publication date</p>
<p>STEP 7: Renewal at Year 10 Apply for the 5-year extension under Section 11(2) of the Act, before the initial 10-year term expires, no reminder is sent by the Office</p>

3.3 Scope and Term of the Right

3.3.1 What Registration Gives You

Section 11 of the Act confers copyright in the registered design, the exclusive right to apply the design or any fraudulent or obvious imitation of it to any article in the class for which it is registered.²⁵ That right is infringed by anyone who, without license: applies the design or an obvious imitation to any article in the registered class; imports any such article for sale; or publishes, exposes, or offers for sale any such article.²⁶

²⁴Designs Act 2000, s 9(1).

²⁶Designs Act 2000, s 22(1)(a)–(b).

Infringement is assessed by comparing the registered design with the allegedly infringing article through the eyes of the notional informed user, someone familiar enough with the product category to notice visual differences.²⁷ The question is whether the two produce the same overall impression. Minor differences that the informed user would regard as insignificant do not avoid infringement.

► *Castrol India Ltd v Tide Water Oil Co.*, - Infringement under Section 22 of the Act is assessed by comparing the registered design and the allegedly infringing article as a whole, from the perspective of the notional informed user familiar with the product category. The court confirmed that the 'obvious imitation' standard does not require identical copying, the question is the overall visual impression.²⁸

► *Zippo Manufacturing Co v Anil Moolchandani*- An interlocutory injunction was granted on the basis that the three-dimensional design elements of the claimant's lighter were distinctively registered and the defendant's product produced the same overall impression on the informed user.²⁹

3.3.2 Term

The initial term is 10 years from the date of registration.³⁰ A single five-year extension is available on application and payment of the prescribed fee before the initial term expires, giving a maximum total term of 15 years. There is no further extension. After 15 years the design is in the public domain³¹.

Term at a Glance — Designs Act 2000 Initial term: 10 years from date of registration (Section 11(1)).

- Extension: 5 years on application and payment of fee before expiry of the initial term (s 10(2)).
- Maximum total term: 15 years.
- Lapsed design: restoration possible under Section 12 within 1 year of lapse on showing 'sufficient cause'.
- After 15 years: the design enters the public domain. No further protection is available under the Designs Act.

3.4 How Design Protection Interacts with Other IP Rights

3.4.1 Design and Copyright- The Section 15 Bar

Section 15 of the Copyright Act 1957 cuts off copyright in any design that is capable of being registered under the Designs Act 2000 once it has been applied industrially to more than 50 articles.³² The consequence is stark: a business that has manufactured 50 or more articles incorporating a registrable design, but has not registered it, loses its copyright protection and has no design protection either. The window in which both might be available closes quickly once production begins.

► *Microfibers Inc v Girdhar & Co.*, The Division Bench held that s 15 of the Copyright Act 1957 extinguishes copyright in a design capable of registration under the Designs Act once it has been applied industrially to more than 50 articles. The court drew a clear line between an

²⁸*Castrol India Ltd v Tide Water Oil Co (India) Ltd* 2014 (57) PTC 1 (Cal HC).

²⁹*Zippo Manufacturing Co v Anil Moolchandani* 2012 (52) PTC 398 (Del HC).

³⁰*Designs Act 2000, ss 10(1)–(2). Current fees: First Schedule, Designs Rules 2001 (as amended 2019).*

³¹ *Section 12 of Design Act, 2000*

³²*Copyright Act 1957, ss 15(1)–(2).*

'artistic work' (protected by copyright) and an 'applied design' (subject to the Designs Act regime), holding that the two cannot coexist for the same design.³³

3.4.2 Design and Trade Marks

A design element that also functions as a source identifier, a distinctive bottle shape, a unique product silhouette, can be registered simultaneously as a three-dimensional trade mark. The two rights are not mutually exclusive. The trade mark survives the expiry of the design registration and provides indefinite protection, subject to renewal. However, the Trade Marks Act 1999, s 9(3)³⁴, will block registration of any shape that results exclusively from the nature of the goods, is necessary to obtain a technical result, or gives the goods their substantial value. Where parallel protection is available, pursue it early, do not wait for the design registration to approach expiry.

Zippo Manufacturing Co v Anil Moolchandani, an interlocutory injunction was granted on the basis that the three-dimensional design elements of the claimant's lighter were distinctively registered and the defendant's product produced the same overall impression on the informed user.³⁵

3.4.3 Design and Patents

Where a design also incorporates a novel, inventive technical solution, a patent and a design registration can coexist and should be pursued simultaneously. The patent protects the technical solution; the design registration protects the visual expression of it. Keep the two applications separate in drafting, design applications must not include technical or functional language, which will invite an objection that the claimed features are functional rather than aesthetic.

IP Right	What It Protects	Term	Key Limitation for Designs
Design Registration	Visual and aesthetic features of an article	15 years max	Does not protect function; no grace period in India
Copyright (s 15 bar)	Original artistic expression	Life of author + 60 years	Cut off once design applied to 50+ articles industrially (Copyright Act 1957, s 15)
Trade Mark (3D mark)	Shape or appearance as source identifier	Renewable indefinitely	Functional shapes excluded (Trade Marks Act 1999, s 9(3))
Patent	Inventive technical solution	20 years	Must satisfy inventive step; purely aesthetic features not patentable

³³*Microfibers Inc v Girdhar & Co* 2006 (32) PTC 1 (Del HC, DB).

³⁴*Trade Marks Act 1999, s 9(3)*. See *Gorbatschow Wodka KG v John Distilleries Ltd* 2011 (47) PTC 100 (Bom HC).

³⁵*Zippo Manufacturing Co v Anil Moolchandani* 2012 (52) PTC 398 (Del HC).

3.5 Keeping the Registration Alive: Renewal, Lapse, and Cancellation

3.5.1 Renewal

The renewal application and fee must be submitted before expiry, not on expiry, not shortly after. A missed deadline may lead to lapse. Maintain a docketing system with alerts at 12 months, 6 months, 3 months, and 1 month before expiry.

3.5.2 Restoration After Lapse

If a registration has lapsed for non-payment of the renewal fee, restoration is possible under Section 12 of the Act within one year of the date of lapse, subject to payment of the prescribed fee and showing 'sufficient cause' for the failure to renew.³⁶ The Controller has discretion to refuse restoration. If restoration is granted, any third party who commercially exploited the design in good faith during the lapse period retains the right to continue that exploitation, the registration is restored, but it does not retroactively extinguish good-faith intervening use.

3.5.3 Cancellation

Any person with a commercial interest in the outcome can petition the Controller to cancel a design registration under Section 19.³⁷ The grounds are: the design was not new or original at the date of registration; it had been previously published in India or elsewhere; it is not a 'design' within the meaning of Section 2(d); or it is not registrable under Section 4. Cancellation petitions are the standard defensive weapon in design infringement proceedings. When a defendant is sued for infringement, the first response is almost always a counter-petition to cancel the registration.

► *Reckitt & Colman of India Ltd v Kiwi TTK Ltd.*, Prior publication as a ground of cancellation under Section 19 requires documentary evidence of actual prior use or publication, bare assertion is insufficient. The burden lies on the person alleging prior publication, and the standard of proof requires credible, contemporaneous documentary evidence.³⁸

Portfolio Management Checklist

- Maintain a design register with registration numbers, filing dates, publication dates, 10-year expiry dates, and renewal deadlines.
- Set docketing alerts at 12 months, 6 months, 3 months, and 1 month before the expiry of the initial 10-year term.
- Review the portfolio annually, designs no longer in commercial use can be allowed to lapse to reduce costs.
- Record all assignments, licences, and security interests against the Design Register with CGPDTM (Designs Rules 2001)
- Monitor the IP India Design Journal for third-party registrations in your product classes.
- File a fresh application for every material redesign as the existing registration will not cover it.

³⁶*Designs Act 2000, s 12; Designs Rules 2001, r 18.*

³⁷*Designs Act 2000, s 19(1).*

³⁸*Reckitt & Colman of India Ltd v Kiwi TTK Ltd 1996 PTC (16) 393 (Del HC).*

3.6 Do's and Don'ts

DO'S	DON'TS
File before any public disclosure, there is no grace period in India (s 4).	Do not include functional or technical language in the Statement of Novelty, it turns an aesthetic protection into a functional one and exposes the registration to cancellation.
File at least 6 orthographic views plus an isometric view.	Do not rely on copyright alone for designs applied industrially, Section 15 of the Copyright Act 1957, cuts it off at 50 articles.
Write the Statement of Novelty to name the specific visual features that distinguish the design, not a general reference to the drawings.	Do not leave non-claimed features unclaimed without dotted-line disclaimers in the representations.
Claim Convention priority within 6 months of the first filing in a Paris Convention country.	Do not file after a public disclosure, novelty is destroyed and no cure is available.
Set renewal alerts, the Design Office sends no reminders; a missed renewal leads to lapses.	Do not allow registrations to lapse through missed renewals, restoration under Section 12 is discretionary and not guaranteed.
Record assignments and licenses against the Design Register.	Do not assume that a registration in one Locarno class covers related products in other classes.
Pursue parallel trade mark registration for any design element that also functions as a source identifier.	Do not rely on the existing registration to cover a redesigned product, file fresh.
Monitor the IP India Design Journal for conflicting third-party registrations in your classes.	



Chapter-IV: Global Design Protection – Filing Strategy

An Indian design registration protects the design in India. It does nothing to stop a competitor selling an identical product in Frankfurt, Chicago, or Shanghai. For any business exporting or competing internationally, the Indian filing is only the first step. This Chapter sets out the key jurisdictions, their material differences, and a practical framework for deciding where and when to file.

4.1 Why International Registration Matters

Design piracy does not respect borders. Products are copied in one country and sold in another. Without a registration in the market where the copying or sale occurs, there is typically no statutory design right to enforce. Trade mark law and passing off may provide some ancillary protection, but they are slower, more expensive, and require the claimant to establish reputation in the relevant market, a far higher bar than proving registration.

The decision on where to file must be primarily driven by three questions: Where is the product sold, or likely to be sold, in the next three to five years? Where is it manufactured, including by third parties? Where does imitation risk run highest?

For most Indian exporters, the EU, US, UK, China, and UAE cover the minimum viable filing footprint. Everything beyond that is calibrated to the specific business.

4.2 The Key Jurisdictions

4.2.1 European Union- Community Design

The EU operates a unified design protection system under Council Regulation (EC) No 6/2002.³⁹ A single Registered Community Design (RCD) filed with EUIPO in Alicante gives protection across all 27 EU Member States.. The EU also has the provision of Unregistered Community Design (UCD)⁴⁰, under which three years of protection arise automatically from the date the design is first made available to the public within the EU, with no registration required. The UCD is useful for fast-moving or seasonal product lines where the commercial life is short and formal registration may not be cost-effective.

The EU provides a 12-month grace period for the designer's own prior disclosures, significantly more permissive than India. The infringement test is the overall impression on the informed user, with credit given for the degree of design freedom available in the sector. Where the designer had little freedom (highly functional product, tight technical constraints), even small differences may distinguish the designs.

4.2.2 United States- Design Patents

The US protects industrial designs as design patents under 35 USC §§ 171–173,⁴¹ granted for 15 years from the date of the grant, with no maintenance fees. The USPTO examines applications substantively. The key commercial reason to file in the US is the damages regime: under 35 USC § 289,⁴² the owner of an infringed design patent can recover the infringer's entire profit from the sale of the infringing article as the measure of damages.

► *Samsung Electronics Co Ltd v Apple Inc.*- The Supreme Court of the United States in this case held that the 'article of manufacture' for calculating the infringer's entire profit under 35 USC § 289 need not be the end product sold to consumers, it may be a component. The practical

³⁹Council Regulation (EC) No 6/2002 on Community Designs [2002] OJ L3/1. <https://euiipo.europa.eu/ohimportal/en/registered-community-design>

⁴⁰ <https://www.euiipo.europa.eu/en/help-centre/design/faq-unregistered-community-designs>

⁴¹35 USC §§ 171–173. Patent Law Treaties Implementation Act 2012 (extended design patent term to 15 years).

<https://www.uspto.gov/patents/basics/types-patent-applications/design-patents>

⁴²35 USC § 289.

effect is that damages in US design patent cases are now subject to apportionment arguments, but the potential recovery remains far higher than in most other jurisdictions.⁴³

► *Gorham Manufacturing Co v White*- The foundational US infringement test: a design patent is infringed if, in the eye of an ordinary observer, the two designs are substantially the same, such that the observer would be induced to purchase one supposing it to be the other. This 'ordinary observer' test remains the applicable standard in US district courts.⁴⁴

4.2.3 United Kingdom

Post-Brexit, the UK operates its own design regime under the Registered Designs Act 1949 (as amended),⁴⁵ administered by UKIPO. A UK Registered Design gives up to 25 years of protection, renewed in five-year periods⁴⁶. A UK Supplementary Unregistered Design right, introduced post-Brexit, provides three years of automatic protection equivalent to the EU UCD⁴⁷. The UK remains a primary market and enforcement forum for Indian exporters, particularly in fashion, consumer goods, and engineering components.

4.2.4 China

China protects industrial designs as design patents under its Patent Law (as amended 2020),⁴⁸ administered by CNIPA, for a term of 15 years. The 2020 amendment raised the statutory damages ceiling to CNY 5 million⁴⁹. The Courts in China now regularly grant injunctions and substantial damages in design infringement cases. China is a critical filing jurisdiction for any business with a manufacturing base in China or sales in China, it is also the source of a significant proportion of design piracy targeted at Indian and Western brands.

4.2.5 South Korea

South Korea's Design Protection Act⁵⁰ provides a 20-year term and a 12-month grace period. The Korean system is particularly sophisticated: it allows registration of related designs (variant families linked to a principal design), partial designs, and set designs. The secret design system, which defers publication for up to three years, is useful for businesses that need to protect a design before the product launches but do not want to alert competitors through publication.

4.3 Jurisdiction Comparison

Jurisdiction	Legislation	Max Term	Grace Period	Key Feature
India	Designs Act 2000	15 years	None	Strict novelty; Locarno classification
EU (27 states)	Reg (EC) 6/2002; EUIPO	25 years	12 months	Single filing; UCD also available

⁴³*Samsung Electronics Co Ltd v Apple Inc* 580 US 53 (2016) (USSC).

⁴⁴*Gorham Manufacturing Co v White* 81 US 511 (1872) (USSC).

⁴⁵Registered Designs Act 1949 (UK), as amended by Intellectual Property Act 2014 and Designs and International Trade Marks (Amendment etc) (EU Exit) Regulations 2019 (SI 2019/638). <https://www.gov.uk/topic/intellectual-property/designs>

⁴⁶<https://www.gov.uk/government/publications/uk-design-protection-review-with-policy-considerations/executive-summary-uk-design-protection-review>

⁴⁷<https://www.euro-ip.com/content/uploads/2021/07/Unregistered-Design-Rights.pdf>

⁴⁸Patent Law of the People's Republic of China (as amended 17 October 2020, effective 1 June 2021). <https://english.cnipa.gov.cn>

⁴⁹https://english.cnipa.gov.cn/art/2020/11/3/art_1347_154539.html

⁵⁰Design Protection Act 2004 (Republic of Korea, Act No 7289, as amended 2023). <https://www.kipo.go.kr/en>

Jurisdiction	Legislation	Max Term	Grace Period	Key Feature
United States	35 USC §§ 171–173; USPTO	15 years	12 months	Full profit damages (35 USC § 289)
United Kingdom	Registered Designs Act 1949; UKIPO	25 years	12 months	Post-Brexit standalone; supplementary UDR
China	Patent Law 2020; CNIPA	15 years	6 months (exhibitions)	Partial design; GUI; high statutory damages
South Korea	Design Protection Act; KIPO	20 years	12 months	Related/partial/secret design system
Singapore	Registered Designs Act Cap 266; IPOS	25 years (Please note that the 25-year protection relates to designs originally registered in the UK before enactment of Singapore's Registered Designs Act 2000)	12 months	Hague member; strong enforcement
Japan	Design Act; JPO	25 years	12 months	Interior design and set design protection

4.4 Enforcement Comparison

Factor	EU (RCD)	US (Design Patent)	China	India
Infringement Test	Overall impression on informed user (Reg 6/2002, art 10)	Ordinary observer substantially similar (Gorham v White, 81 US 511 (1872))	Overall visual impression (Patent Law 2020, art 23)	Overall impression on informed user (Designs Act 2000, s 22)

Factor	EU (RCD)	US (Design Patent)	China	India
Functional Elements	Protected if not solely dictated by function (art 8(1))	Ornamental features only (35 USC § 171)	Not protected if purely functional	Excluded if purely functional (s 2(d))
Partial Design Coverage	Available, a portion of a product (art 3(a))	Limited, through claim scope drafting	Available (Patent Law 2020 amendment)	Not expressly provided; contested
GUI / Screen Design	Available, Class 32 Locarno	Available, article of manufacture	Available (post-2020 amendment)	Contested, Class 14-04 Locarno
Key Remedy	Injunction + profits or royalties (EU Enforcement Directive 2004/48/EC)	Infringer's entire profit (35 USC § 289) Samsung v Apple 580 US 53 (2016)	Injunction + statutory damages up to CNY 5M	Account of profits or actual damages (s 22)

4.5 A Framework for Filing Decisions

The most common mistake in international design strategy is filing everywhere indiscriminately or nowhere at all. A tiered approach, matching the depth of protection to the commercial exposure, produces better results at lower cost.

Tier	When to Apply It	Typical Markets	Filing Route
Tier 1- Core	Current revenue, high copy risk	EU, US, UK, China, India	Direct national filings or EUIPO RCD; USPTO; UKIPO; CNIPA; IP India
Tier 2- Growth	Significant near-term export opportunity	South Korea, Japan, Singapore, UAE, Australia	National filings; Hague System where applicable
Tier 3- Manufacturing Hubs	Third-party manufacturing risk; need to block export of copies	Vietnam, Indonesia, Bangladesh, Turkey	National filings; Hague where available
Tier 4- Watch	Emerging markets; monitor before committing to cost of registration	Brazil, Mexico, South Africa, GCC states	Case-by-case; register when evidence of entry justifies it

4.5.1 Using the Paris Convention Priority Window

File in India first. That gives six months to file in all other Paris Convention countries with the Indian date as the effective priority date for novelty purposes.⁵¹ Use those six months to decide which markets make the Tier 1 and Tier 2 cut. The window cannot be extended, and missing it means subsequent filings must stand on their own novelty — which may already be compromised by the Indian publication.

Priority Window- Practical Calendar

- Day 0: File in India (or the intended first-filing country)- the Paris Convention priority clock starts.
- By Month 3: Identify Tier 1 and Tier 2 markets; instruct local agents to prepare filings.
- By Month 5: File in all Tier 1 jurisdictions claiming Indian priority; file Hague application if applicable.
- Month 6- Hard Deadline: All priority filings must be in. The Paris Convention priority period for designs is 6 months and cannot be extended (Paris Convention, art 4(C)(1)).
- Month 6 onwards: File in Tier 2 markets without priority, checking that novelty has not been destroyed by the Indian publication in those jurisdictions.
- Ongoing: Maintain renewal deadlines across every registered jurisdiction- these vary and no central reminder is issued.

4.6 Indicative Costs

Jurisdiction	Filing and Prosecution (USD)	Maximum Term Lifecycle Cost (USD)
EU (EUIPO)	350 – 900	750 – 1,800 (including 4 renewals)
United States	1,500 – 3,000	1,500 – 3,000 (no maintenance fees)
United Kingdom	300 – 700	650 – 1,500 (including renewals)
China (CNIPA)	500 – 1,200	500 – 1,400
South Korea (KIPO)	400 – 900	800 – 1,800
Japan (JPO)	600 – 1,200	1,200 – 2,500
Singapore (IPOS)	300 – 600	600 – 1,400
Hague (10 designations)	1,500 – 2,500	3,000 – 5,000 (central renewals)

Figures are indicative only, based on typical official and professional fees as at 2024–25. Use the WIPO Fee Calculator for Hague System projections: <https://www.wipo.int/hague/en/fees/>

4.7 Do's and Don'ts

DO'S	DON'TS
File in India first, this establishes the Paris Convention priority date (art 4(C)(1)) and gives 6 months to assess the international filing programme before committing.	Do not assume the Indian registration extends internationally, it does not protect the design outside India.
Use the 6-month priority window deliberately, identify Tier 1 markets by Month 3 and have local agents briefed and ready.	Do not miss the 6-month Paris Convention priority deadline, it cannot be extended for designs, and the loss cannot be cured.
Consider the Hague System for any programme involving five or more non-India jurisdictions (see Chapter 5).	Do not file everywhere as a default, prioritize by commercial exposure and copy risk; unfocused filing wastes budget.
Use local agents in each target jurisdiction who know that office's examination practice, generic representations that work in India may fail in the US.	Do not use identical representations across all jurisdictions without checking local requirements, the US in particular requires broken-line notation for unclaimed features.
Maintain a centralized filing matrix, registration numbers, expiry dates, and renewal deadlines for every jurisdiction.	Do not ignore renewal deadlines in foreign jurisdictions, renewal intervals and deadlines differ significantly between countries.
Consider customs recordal in key markets to enable interception of infringing goods at the border.	Do not overlook EU UCD and UK supplementary UDR as zero-cost first-mover tools while formal registration is pending.

Chapter-V: International Systems & Treaties



The international design protection landscape rests on three foundations: the Paris Convention, the TRIPS Agreement, and the Hague System. Understanding what each does, and does not provide shapes every multi-jurisdiction filing decision, particularly for Indian businesses, which face a structural disadvantage because India is not yet a member of the Hague System.

5.1 The Paris Convention (1883)

The Paris Convention for the Protection of Industrial Property (Paris, 20 March 1883, as revised at Stockholm 14 July 1967) 828 UNTS 305,⁵² is the foundational multilateral instrument for industrial property, including designs. India acceded on December 7, 1998. As of August 2025, 181 states are contracting parties/ signatories to the Convention⁵³.

5.1.1 National Treatment (Article 2)

Under the provisions on **national treatment**, the Convention provides that each Contracting State must grant the **same** protection to nationals of other Contracting States that it grants to its own nationals. Nationals of non-Contracting States are also entitled to national treatment under the Convention if they are domiciled or have a real and effective industrial or commercial establishment in a Contracting State. This implies that an Indian company filing a design application in the US, EU, or China gets the same examination, the same fees, and the same rights as a local applicant. No surcharges, no additional requirements, no discriminatory treatment, the Convention makes this a legal obligation.

5.1.2 Priority Rights (Article 4)

Article 4(C)(1) of the Convention gives a six-month priority window for designs from the date of the first filing in any Convention country⁵⁴. File in India today, and for the next six months any application filed in any other Convention country can claim today's date as its effective priority date. That means disclosures, third-party filings, and public uses that occur after today's Indian filing cannot be used as prior art against those subsequent applications. The window is the commercial breathing space in which to assess which foreign markets justify the cost of registration before committing.

How Priority Window Works

Priority period for designs: 6 months from first filing date. This contrasts with 12 months for patents: Paris Convention, Article 4(C)(1).

- Priority must be claimed in the subsequent application, it does not arise automatically.
- A certified copy of the priority application must be filed with the subsequent office within the time it specifies.
- Practical use- India to EU: file the Indian application, then file the RCD at EUIPO within 6 months claiming the Indian priority date.
- The 6-month period cannot be extended. Miss it and subsequent filings must stand on their own novelty.
- Multiple country applications can each claim the same Indian priority date, provided all are filed within the 6-month window.

5.1.3 Independence of Rights (Article 4bis)

⁵²Paris Convention for the Protection of Industrial Property (Paris, 20 March 1883, as revised at Stockholm 14 July 1967) 828 UNTS 305.

<https://www.wipo.int/treaties/en/ip/paris/>

⁵³ https://www.wipo.int/wipolex/en/treaties/ShowResults?search_what=C&treaty_id=2

⁵⁴ <https://www.wipo.int/wipolex/en/text/288514>

Article 4bis(1) makes clear that registrations obtained in different Convention countries are legally independent of each other.⁵⁵ Hence, a design that has been cancelled in India does not affect the validity of the same design registered in the EU. A design that lapses in the US for non-payment of prosecution fees does not prejudice the Chinese registration. Each jurisdiction's registration lives or dies under the law of that jurisdiction, managed by the rules of that office.

5.2 The TRIPS Agreement (1994)

5.2.1 What TRIPS Requires on Industrial Designs

The Agreement on Trade-Related Aspects of Intellectual Property Rights⁵⁶, sets minimum substantive standards for design protection that all 166 WTO members⁵⁷, including India, must adhere to.⁵⁸ Article 25(1) requires protection for independently created designs that are new or original⁵⁹. A design can be treated as not new or original only if it does not significantly differ from known designs or combinations of known designs, which is precisely the standard India has adopted under Section 4 of the Designs Act 2000.

5.2.2 Scope of the Required Right (Article 26)

Article 26(1) of TRIPS⁶⁰ requires members to give the design owner the right to prevent third parties from making, selling, or importing articles bearing a copy of the protected design without consent.⁶¹ Narrow exceptions are permitted, but only where they do not unreasonably conflict with normal exploitation of the design and do not unreasonably prejudice the owner's legitimate interests. India's Section 22 of the Design Act gives effect to this obligation.

5.2.3 Enforcement (Articles 41–61)

Part III of TRIPS (Articles 41–61) mandates minimum enforcement standards across all member states.⁶² For designs, the mandatory requirements include civil judicial procedures, provisional measures (interim injunctions and Anton Piller / John Doe orders), border measures for seizure of infringing goods at Customs, and criminal procedures for commercial-scale wilful infringement.

5.3 The Hague System for International Registration of Industrial Designs

5.3.1 What the Hague System Does

The Hague System, administered by WIPO under the Geneva Act of the Hague Agreement (1999) 2282 UNTS 1,⁶³ allows a single international application, one language, one set of WIPO fees, one filing, to obtain design protection in multiple member states simultaneously. The Hague System **currently has 82 members covering 99 countries**. When filing an international application under the Hague System, applicants can designate as few or as many

⁵⁵Paris Convention 828 UNTS 305, art 4bis(1).

⁵⁶(Marrakesh, 15 April 1994) 1869 UNTS 299

⁵⁷https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm (166 member countries as on August 30, 2024)

⁵⁸Agreement on Trade-Related Aspects of Intellectual Property Rights (Marrakesh, 15 April 1994) 1869 UNTS 299, art 25(1).

⁵⁹https://www.wto.org/english/tratop_e/trips_e/trips_e.htm

⁶⁰https://www.wto.org/english/docs_e/legal_e/27-trips.pdf

⁶¹TRIPS Agreement 1869 UNTS 299, art 26(1).

⁶²TRIPS Agreement 1869 UNTS 299, arts 41–61.

⁶³<https://www.wipo.int/documents/d/treaties/docs-en-hague.pdf>

of those contracting parties as desired⁶⁴. Instead of filing separately in each country, instructing local agents in each, and managing separate prosecution and renewal processes in each, the applicant deals with WIPO and, where necessary, the individual national offices that raise refusals.

5.3.2 How It Works

Hague System Application Workflow

<p>STEP 1: Prepare the International Application (Form DM/1) Identify the contracting parties to be designated; prepare representations meeting Hague formal requirements; choose language (English, French, or Spanish)</p>
<p>STEP 2: File with WIPO International Bureau via eHague Single set of fees paid to WIPO; no local agents needed at filing stage. eHague: https://www.wipo.int/hague/en/filing/</p>
<p>STEP 3: WIPO Formal Review- International Registration Issued WIPO checks formal compliance only, no substantive examination. International Registration published in International Designs Bulletin within approximately 1 month</p>
<p>STEP 4: Transmission to Designated Contracting Parties Each designated office examines the application under its own national law and must notify any refusal within its prescribed refusal period (typically 6–12 months)</p>
<p>STEP 5: National Examination and Prosecution Where Needed If a national office refuses, appoint local agent to respond. No refusal = protection deemed granted for the term provided under that office's law</p>
<p>STEP 6: Central Renewal Through WIPO A single renewal application and fee covers all designations simultaneously; renewable in 5-year periods up to the maximum term in each jurisdiction</p>

5.4 India Is Not a Hague Member - What That Means in Practice

India has not acceded to the Hague System- neither the 1960 Act nor the 1999 Geneva Act.⁶⁵ DPIIT has identified Hague accession as a medium-term reform priority under the National IPR Policy 2016,⁶⁶ but no accession instrument has been filed with WIPO as at the date of this publication.

The practical consequences are:

- Indian applicants cannot designate India in a Hague application. India must always be filed separately, directly with the Indian Design Office.
- Foreign applicants cannot obtain Indian design protection through the Hague route. A direct Indian filing is the only option.
- Indian businesses building a multi-jurisdiction portfolio lose the cost and management efficiencies that Hague membership would provide for their international filings, they can use Hague for non-India jurisdictions but must run a parallel Indian filing alongside it.

⁶⁴ [https://www.wipo.int/en/web/hague-](https://www.wipo.int/en/web/hague-system#:~:text=The%20Hague%20System%20currently%20has,those%20contracting%20parties%20as%20desired.)

[system#:~:text=The%20Hague%20System%20currently%20has,those%20contracting%20parties%20as%20desired.](https://www.wipo.int/en/web/hague-system#:~:text=The%20Hague%20System%20currently%20has,those%20contracting%20parties%20as%20desired.)

⁶⁵WIPO, 'Contracting Parties – Hague Agreement' (2024) <https://www.wipo.int/hague/en/members/>

⁶⁶Department for Promotion of Industry and Internal Trade, National Intellectual Property Rights Policy (Government of India 2016), Objective 1. CGPDTM Annual Report 2023–24, <https://ipindia.gov.in/annual-reports.htm>

Chapter-VI: Design Law Treaty (DLT)



The Design Law Treaty (DLT), also called the Riyadh Design Law Treaty (RDLT), is an international legal instrument adopted on 22 November 2024 by the World Intellectual Property Organization (WIPO) in Riyadh.). The DLT establishes a harmonised procedural framework governing the registration and protection of industrial designs across participating states, materially reducing the administrative burden and financial cost of securing design rights in multiple jurisdictions simultaneously⁶⁷.

For Indian enterprises, whether manufacturing handwoven textiles in Surat, artisan jewellery in Jaipur, consumer electronics in Chennai, or fintech applications in Bengaluru, the DLT represents a significant structural improvement in the accessibility of international design protection. This chapter sets out the treaty's operative provisions, their practical implications for distinct Indian industry sectors, and the governance practices that businesses should adopt without delay.

1. The Systemic Deficiencies DLT Addresses

Prior to the DLT, an Indian enterprise seeking design protection across multiple export markets- the European Union, the United Kingdom, the United States, and Japan, for example was required to navigate entirely distinct procedural regimes in each jurisdiction: divergent documentation requirements, incompatible filing formats, disparate official fee structures, and varying timelines. The cumulative compliance cost was substantial, and the risk of inadvertent rights loss through procedural non-compliance was considerable.

The DLT resolves this systemic fragmentation by establishing a common procedural baseline binding on all contracting parties. The result is a materially simplified, lower-cost pathway to multi-jurisdictional design protection one calibrated to benefit rights holders of all sizes, including small and medium enterprises.

2. The Five Operative Changes of Decisive Commercial Significance

2.1 The Grace Period: Safeguarding Rights Through Market Testing

Among the DLT's most commercially significant provisions is the mandatory grace period established under **Article 7 of the DLT**⁶⁸. It provides a mandatory 12-Month Grace Period for Disclosure. The DLT establishes an international standard of a 12-month grace period for novelty so that disclosures by a designer or assignee or by a third party (including leaks or abuse) in the 12 months prior to filing will not prevent the obtaining of industrial design rights (Article 7).

Previously, public exhibition of a design, for instance at a trade fair, in a press release, or through a product launch could constitute prior disclosure, sufficient to destroy novelty and extinguish design registration rights in certain jurisdictions including India. The DLT eliminates this hazard across all contracting states, enabling enterprises to exhibit, test market reception, and solicit trade orders before incurring registration costs.

2.2 Multiple-Design Applications: Portfolio Efficiency at Scale

The DLT provides for the consolidation of multiple designs into a single application, provided that the designs belong to the same class under the **Locarno Classification**⁶⁹ (established by the **Locarno Agreement Establishing an International Classification for Industrial**

⁶⁷ <https://www.wipo.int/en/web/treaties/ip/rdlt/index>

⁶⁸ <http://wipo.int/wipolex/en/text/593353>

⁶⁹ <https://locpub.wipo.int/enfr/>

Designs, 1968). For enterprises that bring seasonal collections or product families to market, this provision substantially reduces per-design filing costs and administrative overhead. A collection of eight textile prints, for instance, may be the subject of a single consolidated application rather than eight discrete filings representing a proportionate reduction in both official fees and professional costs.

2.3 Streamlined Formal Requirements: Reducing Regulatory Friction

The DLT establishes a ceiling on the formal requirements that contracting parties may impose as a condition of filing. Pursuant to **Article 4 of the DLT**⁷⁰, national offices are restricted to requesting: the applicant's identity and contact particulars; a reproduction of the design; and an indication of the relevant product type. Physical samples, notarized documentation, and other burdensome ancillary requirements are no longer permissible preconditions for acceptance of an application.

This streamlining is particularly consequential for Indian exporters, who previously encountered material procedural divergence and associated cost and delay, while filing across multiple jurisdictions.

2.4 Rights Restoration Mechanisms: Protecting Against Procedural Lapses

Under **Article 14 of the DLT** provides for relief in respect of time limits. As per this, every contracting party is obligated to provide applicants with at least one avenue for rights restoration in the event of a missed deadline, whether through an extension mechanism, continued processing, or reinstatement of rights. This provision is of particular value to enterprises managing design portfolios across numerous jurisdictions, where deadline management complexity is elevated.

In plain terms, an honest administrative slip does not automatically cost you your rights- there must be a mechanism to fix it.

3. India's Position Within the DLT Framework

As of the date of this publication, India has not yet acceded to the DLT. Design registration in India remains governed by the **Designs Act, 2000** (as amended) and the **Designs Rules, 2001**, administered by the Office of the Controller General of Patents, Designs and Trade Marks (CGPDTM) under the DPIIT. Legislative reform to align Indian design law with the DLT's harmonised standards is anticipated; the DPIIT⁷¹ has signalled its intention to amend the Designs Act, 2000 in this direction.

The strategic implication for Indian enterprises is clear: India's principal export markets- the EU, the UK⁷² that are DLT contracting parties or jurisdictions with substantially aligned frameworks. Adopting DLT-compliant practices now will ensure operational readiness and protect commercial interests in those markets irrespective of India's accession timeline.

4. Sector-Specific Implications for Indian Industry

4.1 Textiles, Apparel, and Handloom

This sector may derive significant benefit from the DLT's grace period provision. Indian textile exporters have historically encountered a structurally inequitable situation: public exhibition

⁷⁰ [wipo.int/wipolex/en/text/593353](https://www.wipo.int/wipolex/en/text/593353)

⁷¹ <https://www.dpiit.gov.in/static/uploads/2026/01/791a71ebde47d93b67560f7394be2fec.pdf>

⁷² https://www.wipo.int/wipolex/en/treaties/ShowResults?search_what=C&treaty_id=19852

of new collections at international trade fairs- a commercial necessity for order generation could, under the pre-DLT regime, inadvertently extinguish design registration rights in certain jurisdictions due to prior disclosure.

The DLT's Article 7 grace period resolves this conflict decisively. Enterprises may exhibit collections, secure trade orders, and assess commercial viability before committing to registration expenditure, without jeopardising the validity of subsequent applications.

- **Action:** Establish a systematic disclosure log recording the date, venue, and scope of all public exhibitions of new designs. From the date of first public disclosure, activate a twelve-month countdown for filing in priority export markets.
- **Action:** Deploy multiple-design applications to consolidate seasonal collections under a single filing, materially reducing per-design registration cost.

4.2 Jewellery, Handicrafts, and Home Décor

Artisan enterprises and design houses in this sector routinely generate extensive design portfolios across each production season. The prohibitive cost and administrative complexity of international registration have historically resulted in the majority of such designs remaining unprotected- a commercially untenable position as Indian craft products gain global market penetration.

Multiple-design applications restructure the economics of design protection for this sector. Enterprises should also ensure that design ownership is unambiguously established through written agreements with contracted artisans and designers, as rights may not vest in the commissioning entity absent explicit contractual assignment.

- **Note on Traditional Designs:** Where designs incorporate traditional motifs or techniques, complementary protection frameworks, including Geographical Indications under the Geographical Indications of Goods (Registration and Protection) Act, 1999- may be relevant and should be assessed with specialist counsel.

4.3 Consumer Electronics and Manufactured Products

The visual character of a manufactured product in its form factor, the spatial configuration of its controls, the distinctive geometry of a component constitutes protectable industrial design IP under both Indian law (Designs Act, 2000, Section 2(d)) and the laws of major export markets. For Indian manufacturers operating in globally competitive markets, registered design rights provide a legally enforceable mechanism to restrain imitation and defend market position.

The DLT reduces the cost of securing this protection across the EU, and the United Kingdom simultaneously. The strategic imperative is to file broadly and early, prior to product launch wherever possible.

4.4 Technology, Applications, and Fintech

India's digital economy is substantially built upon the distinctiveness of interface design: the visual architecture of an application, the flow of a user journey, the recognisable iconography that users associate with a platform and brand. The DLT's explicit recognition of GUI and digital designs as registrable subject matter creates a meaningful enforcement mechanism for enterprises whose competitive advantage inheres in their product's visual experience.

A competitor deploying a materially similar interface in an export market represents a direct commercial threat. Registered design rights, obtained cost-effectively through the DLT framework, confer the legal standing to seek injunctive relief and damages in such circumstances.

4.5 Packaging and Branded Goods

The three-dimensional configuration of packaging, the shape of a bottle, the structural design of a container, the distinctive visual layout of branded packaging is protectable as an industrial design. For FMCG enterprises and consumer goods companies pursuing export growth, design registration of packaging constitutes a cost-efficient mechanism for protecting a material brand asset against imitation in target markets.

5. Guidance for Smaller Enterprises and Artisan Clusters

The DLT's procedural simplifications are expressly designed to benefit smaller enterprises, not solely large corporates. For Indian SMEs and artisan-led businesses, the following phased approach is recommended:

- **Establish priority through domestic filing:** Filing in India under the Designs Act, 2000 and Designs Rules, 2001 is cost-effective and establishes a priority date that may be relied upon for international filings within six months under the Paris Convention for the Protection of Industrial Property, 1883 (to which India is a signatory).
- **Engage industry associations:** Trade bodies such as CII provide IP guidance and, in certain cases, facilitated collective filing arrangements for members.
- **Maintain comprehensive documentation:** Detailed records of creation dates and first disclosure events constitute valuable evidentiary material in the event of a copying or priority dispute, irrespective of formal registration status.
- **Assess the Hague System:** The Hague System (Geneva Act, 1999) enables a single international application to secure design protection across numerous contracting parties simultaneously. For enterprises with defined export market priorities, this mechanism may deliver material cost savings relative to individual national filings.

6. Strategic Outlook

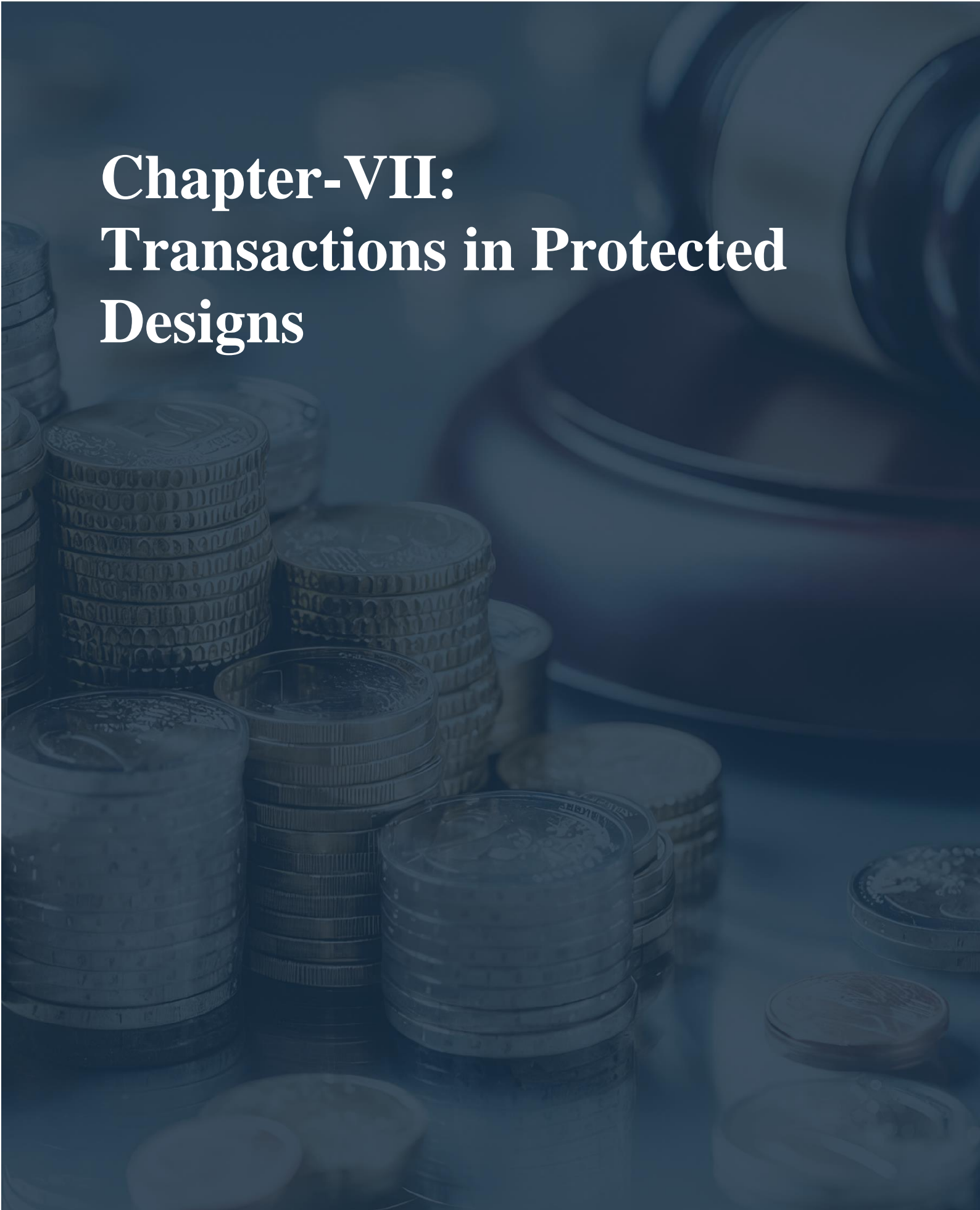
India's design economy is expanding with considerable momentum. Across sectors- from the craft clusters of Rajasthan to the technology campuses of Hyderabad, Indian enterprises are increasingly competing on the strength of their visual and aesthetic output, not solely on cost or production capacity. Design has become a primary vector of competitive differentiation. The DLT arrives at a decisive moment in this trajectory. It materially reduces the cost of protecting Indian designs in global markets, resolves a structurally inequitable problem with pre-launch disclosure, and creates an administratively coherent framework for managing design IP across dozens of jurisdictions simultaneously.

Enterprises that adopt the governance practices in advance of India's accession will be materially better positioned: with registered design rights in key markets, clean and documented ownership chains, and institutional processes that preserve and enforce the commercial value of what they create.

Design has always been central to what India produces. The Design Law Treaty is the legislative instrument to protect it comprehensively, systematically, and globally.



Chapter-VII: Transactions in Protected Designs



Design registrations are not just legal shields, they are commercial assets. This chapter delves into the full lifecycle of design transactions: from licensing a registered design to a manufacturer, to structuring a design IP portfolio for a Series B fundraise, to conducting due diligence before acquiring a brand.

Overview of Commercialisation and the Transaction Landscape

India's design economy has grown considerably since the enactment of the Designs Act, 2000, which replaced the erstwhile Patents and Designs Act of 1911. Today, businesses across sectors, including fashion, consumer electronics, furniture, packaging, automotive components, and software UI are actively commercialising their registered designs. Yet many Indian companies treat design registration as a defensive formality rather than as the foundation of a revenue-generating asset.

The transaction landscape broadly divides into two categories:

- i. Voluntary transactions- These are the transactions, where the rights holder chooses to commercialise or transfer rights (licensing, assignment, franchising, JV structuring, collateral for funding)
- ii. Involuntary or triggered transactions- These are the transactions, where transactions arise from corporate restructuring, insolvency, M&A, or enforcement settlements

The Indian Design Commercialisation Ecosystem

Understanding who the players are helps structure better deals:

Stakeholder	Typical Role in Transactions	Common Transaction Type
Startups & D2C brands	Rights holder seeking monetisation or investor validation	Licensing to manufacturers, pledging for funding
Traditional manufacturers (MSMEs)	Acquirer or licensee of design rights	Assignment, exclusive licence
Export houses & OEM suppliers	Seeking IP protection before foreign deals	Licensing, registered user arrangements
Retail chains & platforms	Platform distribution agreements with IP clauses	Sub-licensing, white-label arrangements
Private equity & VCs	IP as part of investment thesis	Valuation, security interest, warranties
Law firms & IP consultants	Advisory and structuring	Due diligence, contract drafting

The Designs Act, 2000, does not use the word 'license' in the same way the Patents Act does, but Sections 30 and 31 of the Design Act enables the registered proprietor to assign or transmit design rights, and general contract law fills in the licensing framework.

2. Licensing Structures, Assignments and Key Contractual Clauses

2.1 The Licence vs. Assignment Distinction

This is the single most important decision in any design transaction. Getting it wrong can have irreversible consequences.

Feature	Licence	Assignment
Ownership transfer	No- licensor retains title	Yes- assignee becomes new proprietor
Can it be reversed?	Yes, subject to the terms in the contract	No (except via re-assignment)
Registered at Design Office?	Registered user provisions apply	Must be recorded under Section 30 of Designs Act
Ongoing control	Licensor can retain quality controls	Assignee has full control post-transfer
Revenue model	Royalty-based or upfront fee	Typically lump sum or milestone payments
Risk	Lower for licensor	Higher — no recourse if assignee misuses

Key Rule: All assignments of registered designs must be recorded with the Controller of Designs under Section 30 of the Designs Act. In this context, Section 30(5) of the Design Act, 2000, a document of which no entry has been made in the register cannot be admitted in evidence in any court in proof of the title to copyright in a design.

2.2 Licensing Structures

Exclusive License

In this the licensee is the only party permitted to use the design, even the licensor is excluded if the agreement so states. This commands the highest royalty rates and is appropriate when the licensee is investing significantly in manufacturing setup, or marketing.

Non-Exclusive License

The licensor can grant identical rights to multiple licensees. Common in industrial designs, packaging, and components where the design owner wants broad market penetration without being tied to one partner.

Sole License

The licensor agrees not to grant licences to anyone else, but retains the right to use the design itself. A middle ground often preferred when the licensee doesn't want competition, but the licensor wants to maintain in-house usage.

Sub-Licensing

A licensee passes rights downstream to a sub-licensee. Platforms, franchisors, and distributors often need sub-licensing rights.

2.3 Key Contractual Clauses- What Every Design Licence Must Contain

Clause	What It Should Say	Why It Matters
Scope of use	Specific article(s), class(es), geography, channels (online/offline)	Prevents scope creep; limits disputes
Term and renewal	Fixed term with renewal conditions; notice periods	Avoids perpetual licences that are hard to exit
Quality control	Licensor's right to inspect, approve samples, set standards	Protects design integrity and brand value
Royalty and audit rights	Rate, basis (net sales/units), payment schedule, licensee's obligation to maintain records	Core commercial term.
Sub-licensing	Permitted/not permitted; if permitted, conditions and licensor's approval rights	Prevents unauthorised downstream use
IP ownership	All improvements, modifications belong to licensor unless otherwise agreed	Avoids losing rights to a licensee's derivative works
Infringement response	Who sues infringers, who bears cost, how proceeds are shared	Design infringement is expensive to litigate
Termination triggers	Breach, insolvency, change of control, non-use, assignment without consent	Exit mechanisms are critical
Governing law & dispute resolution	Indian law + arbitration clause (specify seat, rules)	Avoids costly court battles; ICC/SIAC for cross-border

3. Royalty Models and Monetisation Strategies

3.1 Royalty Structures

There is no legally mandated royalty rate for designs in India. Rates are commercially negotiated. Here are the common models:

Royalty Model	How It Works
Percentage of net sales	Royalty = agreed % × licensee's net revenue from articles using the design
Per-unit royalty	Fixed amount per unit manufactured or sold
Upfront lump sum	One-time payment for the right to use the design for the term
Hybrid model	Upfront minimum guarantee + running royalty
Milestone-based	Payment triggered by sales volumes or revenue thresholds

3.2 Monetization Channels

Franchising

Design-intensive businesses- particularly in retail, hospitality, and food & beverage frequently bundle design rights within franchise agreements. The franchise model monetizes the design as part of a broader trade dress and brand package. Key considerations:

- i. Ensure the franchise agreement clearly identifies which designs are licensed (with registration numbers);
- ii. Include strict quality control obligations particularly for 3D designs that define the 'look and feel' of a store;
- iii. Provide for design updates: what happens when the franchisor refreshes its design aesthetic;
- iv. Franchise fee structures should separate the design royalty from other brand fees for tax and accounting clarity;

Direct-to-Consumer (D2C) Brands

Indian D2C brands, particularly in apparel, home décor, jewellery, and personal care have significant design portfolios that are underutilised commercially. Monetization paths include:

- v. Licensing designs to offline retailers or wholesale partners on a non-exclusive basis while retaining D2C exclusivity
- vi. White-labelling designs to private label customers, structured as a combination of design licence + manufacturing agreement
- vii. Collaborative design licensing with complementary brands (cross-licensing arrangements)
- viii. Creating tiered design collections- 'signature' designs remain exclusive; 'core' designs are licensed broadly

4. Valuation Approaches: Cost, Market and Income Methods

Design IP valuation in India is still a developing field. The Judiciary, the Income Tax department (for transfer pricing), SEBI (for disclosure purposes), and investors all look at design IP value differently. Here are the three core approaches:

4.1 Cost Approach

The cost approach calculates what it would be the cost to recreate or replace the design asset. It includes:

- i. Direct costs: designer fees, prototyping, CAD modelling, material trials
- ii. Indirect costs: management time, project overhead
- iii. Registration and prosecution costs (including foreign filings)
- iv. Opportunity cost of time-to-market

4.2 Market Approach

The market approach looks at comparable transactions i.e. what similar design rights have sold or been licensed for in the market. Challenges in India:

- i. Design transactions are not publicly disclosed;
- ii. The Design Office does not publish royalty rates;
- iii. Comparable data must often be sourced from industry reports, M&A databases and expert

4.3 Income Approach

The income approach (also called the discounted cash flow or DCF method) is the most sophisticated and most commonly used in high-value transactions. It calculates the present value of future income streams attributable to the design IP.



Steps:

1. Identify the revenue stream directly attributable to the design (not all revenue- only the increment from design)
2. Apply a 'royalty relief' rate (what you'd pay a third party to use a comparable design) to that revenue
3. Project this over the remaining useful life of the design (registration term: 10 years in India, extendable)
4. Discount back to present value using a risk-adjusted discount rate (typically 12–20% for Indian design assets)
5. Deduct tax and maintenance costs

5. Role of Design IP in Funding, M&A, JVs and Strategic Partnerships

5.1 Fundraising: Design IP as an Asset

Investors, particularly in D2C, consumer goods, and fashion are increasingly sophisticated about design IP. Here's how design assets feature in funding rounds:

Seed and Series A

At early stages, registered designs signal seriousness and defensibility. Investors want to see at least core product designs registered in India. It is suggested that the clear ownership rights are shown and no pending disputes or cancellation proceedings are there against the design IP.

Series B and Beyond

At growth stages, design IP is quantified and included in the IP valuation that supports the pre-money valuation. Private equity investors often require- a formal IP audit by an independent IP attorney.

Design IP as Security / Collateral

Under the SARFAESI Act and the Transfer of Property Act, IP assets including registered designs can be pledged as security for loans. The IBBI (Insolvency and Bankruptcy Board of India) has begun recognising IP as an identifiable asset in insolvency proceedings.

5.2 Mergers & Acquisitions

The Key aspects of design IP in M&A:

M&A Stage	Design IP Consideration	Action Required
Term sheet / LOI	Identify if design IP is material to deal value	Initial IP schedule- list all registrations
Due diligence	Verify ownership, validity, freedom to operate	Conduct full IP audit
SPA negotiation	Reps & warranties on design IP; indemnities for undisclosed IP claims	Specific IP reps- not just generic ownership reps
Post-closing	Record change of proprietor at Design Office	File form for recordal application within 3 months
Integration	Align design strategy; decide on re-filing in new entity name	Create an IP integration plan

5.3 Joint Ventures

JVs involving design IP are structurally complex because both parties may contribute designs, and new designs will emerge from the collaboration. Key structuring questions:

- i. Who owns designs created jointly during the JV- the JV entity, or the party that contributed the underlying design?
- ii. What happens to JV-created designs on dissolution of the JV?
- iii. Are designs contributed to the JV licensed or assigned?
- iv. Grant-back clauses: if a JV partner improves a contributed design, does the original owner get a licence back?

It is advisable to create a Joint IP Ownership Agreement as a schedule to the JV Agreement, which clearly specifies that JV-created designs are owned by the JV entity, with each party getting a non-exclusive royalty-free license on termination.

5.4 Strategic Partnerships

OEM arrangements are extremely common in the Indian manufacturing sector- particularly in the MSME sector. In these arrangements, one party (the design owner) provides designs, and another manufactures and sells under its own brand. In such cases, following steps shall be taken to protect IP:

- i. Specify in the agreement that the design owner retains all IP, and the manufacturer gets only a limited manufacturing license;
- ii. Prohibit the manufacturer from filing design registrations that are similar or identical to the licensed designs;
- iii. Include post-termination obligations- destruction of moulds, tooling, and samples etc;

6. Due Diligence, Ownership Verification and Common Risks

6.1 The Due Diligence Checklist

Whether you are acquiring a business, investing in a company, or entering a significant licence deal, the following due diligence steps are non-negotiable:

Step 1: Registry Search

Search the Indian Designs Office database (ipindiaonline.gov.in) for:

- iv. All registered designs in the target entity's name
- v. Pending applications
- vi. Any cancellation or revocation proceedings
- vii. Encumbrances or registered licences

Step 2: Chain of Title

Verify the complete ownership history:

- i. Was the design originally created by an employee, contractor, or third-party designer?
- ii. Is there a valid written assignment from the creator to the company?
- iii. Have all assignments been recorded at the Design Office?
- iv. Are there any co-ownership claims?

Step 3: Freedom to Operate (FTO)

Check whether the design, or designs substantially similar to it, are registered by third parties. A design registration does not insulate claims of novelty conflict or prior art and prior registered design can be used to challenge design.

Step 4: Validity Assessment

The Designs Act has specific grounds on which a registration can be cancelled (Section 19). Check:

- i. Was the design novel and original at the date of registration?
- ii. Was it published anywhere (including online) before the priority date without a valid convention claim?
- iii. Is the design purely functional (and therefore not protectable)?
- iv. Is it scandalous or contrary to public order?

6.2 Common Risks and How to Manage Them

Risk	Consequence	Mitigation
Design not in company name (in founder's personal name)	Acquirer/investor doesn't own the IP	Require assignment before deal closes; withhold consideration
Design lapsed due to non-renewal	Design is in public domain; no infringement remedy	Check renewal status + pay renewal before signing
Third-party infringement proceedings pending	Design may be cancelled post-acquisition	Obtain indemnity; escrow part of consideration
Employee or contractor ownership dispute	Creator may claim co-ownership or sole ownership	Review employment contracts; obtain confirmatory assignments
Prior art / novelty challenge	Registration may be vulnerable to cancellation	Commission FTO search; obtain IP counsel opinion
Unlicensed sub-licensing by licensee	You may be liable to sub-licensee; breach of exclusive	Audit licensee; add sub-licensing restrictions + audit rights

7. Cross-Border Considerations and Regulatory Aspects

7.1 Foreign Exchange and Regulatory Compliance

Cross-border design transactions trigger FEMA and RBI compliance requirements that many Indian businesses overlook:

Transaction Type	FEMA / RBI Requirement	Relevant Regulation
Indian company receiving royalty	Royalty is eligible for repatriation; no RBI approval needed for standard royalty rates	FEMA, 1999; RBI Master Direction on Current Account Transactions

Transaction Type	FEMA / RBI Requirement	Relevant Regulation
from foreign licensee		
Indian company paying royalty to foreign licensor	Automatic route for royalty payments (no sectoral cap currently for pure technology/IP agreements); AD bank remittance	FEMA Current Account Rules; Form 15CA/CB for TDS
Assignment of design from foreign entity to Indian company	Treated as capital account transaction; report to RBI	FDI Policy; FEMA (Transfer or Issue of Security by a Person Resident Outside India)
Pledging Indian design rights to foreign lender	Requires RBI approval as ECB security or special dispensation	RBI Master Direction on External Commercial Borrowings

8. Structuring Transactions and Risk Mitigation Strategies

8.1 Choosing the Right Transaction Structure

The structure of a design transaction should follow the commercial objective, tax efficiency, and risk appetite. Here is a decision framework:

Objective	Recommended Structure	Key Consideration
Monetise design while retaining ownership	Exclusive or non-exclusive licence; consider registered user recording	Duration, territory, royalty floor, quality control
Exit / full monetisation	Full assignment; negotiate earn-out if design is growing	Record at Design Office; tax on capital gains
Manufacturing partnership	Non-exclusive manufacturing licence; strict field-of-use restriction	Post-termination obligations; mould/tooling ownership
Franchising	Licence as part of franchise agreement; bundle with trade mark and know-how	Franchisee disclosure; design updates over franchise term
Investment / fundraising	Ensure all IP in company name; IP holding entity consideration	Clean chain of title before investor due diligence
JV / co-development	JV IP Agreement; define ownership of jointly created designs	Grant-back clauses; dissolution provisions
Cross-border deal	Structure via holding entity in DTAA-favourable	Transfer pricing; FEMA compliance; Hague filing

Objective	Recommended Structure	Key Consideration
	jurisdiction if material royalties involved	

8.3 Risk Mitigation: Practical Steps

Representations and Warranties in Design Transactions

Whether you are selling or buying, negotiate these specific representations:

- i. 'The registered designs are validly subsisting, not lapsed, and no cancellation proceedings are pending'
- ii. 'The design was novel and original at the date of application'
- iii. 'The seller is the sole legal and beneficial owner with full right to assign'
- iv. 'No employee, contractor, or third party has a claim to the design'
- v. 'The design does not infringe any third-party rights'

Indemnities

The seller/licensor should indemnify the buyer/licensee for:

- i. Pre-closing IP infringement claims
- ii. Cancellation of the design registration due to pre-existing prior art
- iii. Third-party ownership claims arising from undisclosed employment or contractor arrangements

9. Do's and Don'ts

The key lessons from this chapter:

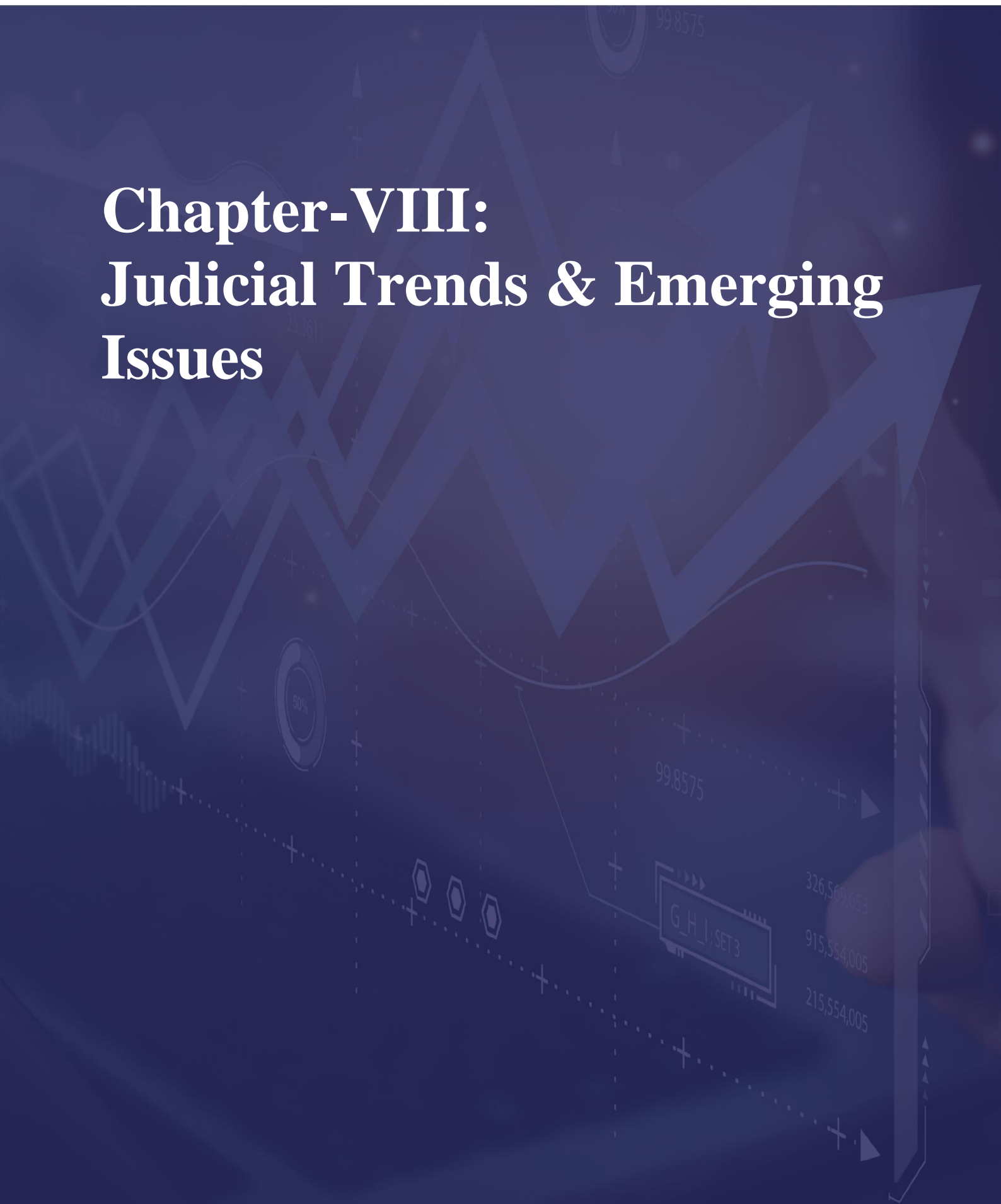
✓ DO	✗ DON'T
Register your designs before publicly disclosing them, novelty is destroyed by prior publication.	Don't assume registration automatically prevents copying, enforce actively; monitor the market.
Ensure all design IP created by employees and contractors is formally assigned to the company by written agreement.	Don't let a licensee sub-licence without your express written consent in the agreement.
Record every assignment and registered user arrangement at the Design Office- unrecorded transactions don't bind third parties.	Don't leave design IP in a founder's personal name when raising capital or entering significant transactions.
Include a minimum guaranteed royalty in every exclusive licence agreement.	Don't neglect to specify field of use and territory in your licence- gaps will be filled against you.
Conduct a full IP audit (registry search, chain of title, validity assessment) before signing any M&A or significant licensing deal.	Don't accept a valuation of design IP based purely on cost- it understates the commercial value of strong designs.
Renew your design registrations on time- 10+5 years in India; set calendar reminders.	Don't pay royalties to a foreign entity without checking TDS obligations under Section 195 - penalties apply.

File foreign design applications early-particularly in China, the US, and the EU if your products are exported.	Don't sign an OEM agreement without restricting the manufacturer from filing similar designs independently.
In cross-border royalty arrangements, obtain a Tax Residency Certificate from the foreign licensor to claim DTAA benefits.	Don't structure cross-border design IP arrangements without transfer pricing documentation.
Create a separate IP holding entity if your design portfolio is material to business value.	Don't confuse copyright in a design drawing with design registration, the protections and durations are different.
Build quality control provisions into every licence, particularly for designs embodied in physical products.	Don't rely on a handshake deal for any design transaction- oral licences are enforceable in theory but impossible to prove.

Design IP is a commercial asset and not just a certificate on the wall. Indian businesses that actively commercialize their designs through well-structured licences, assignments, and strategic partnerships can generate significant revenue, attract better investors, and build defensible market positions.

The legal framework exists; what's missing for most businesses is the commercial discipline to document transactions properly, conduct rigorous due diligence, and think strategically about design IP as a balance sheet asset.

Chapter-VIII: Judicial Trends & Emerging Issues



The Indian judiciary has been active in shaping how the Designs Act, 2000 operates in practice. This chapter explains the positions Courts have consistently held, examines how design protection overlaps with trade mark and passing off rights, and confronts the genuinely unsettled questions, such as, AI-generated designs, digital interfaces, metaverse products that are now reaching courts without clear statutory answers.

All case references in this chapter have been included as authority for the propositions they support. They should be independently verified with a qualified IP attorney before reliance in contentious proceedings, as judicial positions may have evolved.

1. The Indian Judiciary's Approach in Design Cases

1.1 The Standard of the 'Informed User'

The central question in a design infringement case is not whether an expert can identify differences between two designs. The operative test is whether an ordinary purchaser of that class of goods, examining both designs with reasonable attention but no specialist knowledge, would consider one to be an imitation of the other. Indian courts have consistently applied this 'informed user' or 'judge by eye' standard, drawing on the language of **Section 22 of the Designs Act, 2000**⁷³.

The Supreme Court authoritatively affirmed this standard in *Bharat Glass Tube Ltd v Gopal Glass Works Ltd*⁷⁴, holding that the comparison must be made through the eyes of an ordinary purchaser exercising reasonable attention rather than through expert or technical analysis. The Hon'ble Calcutta High Court applied the same principle in *Castrol India Ltd v Tide Water Oil Co (I) Ltd*⁷⁵, confirming that the standard is the visual impression of an ordinary buyer, not a side-by-side technical evaluation.

What this means in practice

- Courts compare the overall visual impression of the two designs, not individual features in isolation.
- Minor differences in dimensions or details that the average buyer would not notice do not save a design from an infringement finding.
- The comparison is conducted without placing the two designs side by side, because a buyer in the market does not typically have both products simultaneously before them. This 'imperfect recollection' test was applied in *Whirlpool of India Ltd v Videocon Industries Ltd*⁷⁶ (2014) Bombay HC.
- The article to which the design is applied matters: the same design applied to a chair and a table may be judged differently depending on whether buyers typically compare those product categories.

1.2 Novelty and Prior Publication

Indian courts have taken a firm position on novelty: if a design has been published anywhere in the world before the priority date, the registration is vulnerable to cancellation. The statutory

⁷³Section 22, Designs Act, 2000. The provision confers a right of action on the registered proprietor against any person who applies the registered design or any fraudulent or obvious imitation to any article for sale, hire, or export.

⁷⁴*Bharat Glass Tube Ltd v Gopal Glass Works Ltd* (2008) 10 SCC 657

⁷⁵*Castrol India Ltd v Tide Water Oil Co (I) Ltd* (1996) Calcutta High Court. The Court applied the visual comparison standard, holding that infringement is assessed through the eyes of an ordinary purchaser exercising reasonable care, not an expert.

⁷⁶*Whirlpool of India Ltd v Videocon Industries Ltd* (2014) Bombay High Court

basis is **Section 4(b) of the Designs Act, 2000**⁷⁷, which prohibits registration of any design that has been disclosed to the public prior to the filing date, whether by publication in tangible form, by use, or in any other way.

‘Published’ in this context includes trade catalogues, exhibitions, online listings, and commercial distribution of samples to potential buyers.

Key judicial positions on novelty

- **Limited commercial disclosure may constitute publication-** The proposition that even a restricted commercial disclosure, including showing samples to a distributor may destroy novelty is supported by English authorities that Indian courts have applied by persuasive analogy.⁷⁸
- **The statutory test for registrability-** A design shall not be registered if it is not new or original, has been disclosed to the public prior to the filing date, or is not significantly distinguishable from known designs or combinations of known designs per Section 4, Designs Act, 2000.⁷⁹
- **Functional necessity is not the same as novelty.** A design dictated entirely by the function of the article, where the maker had no aesthetic choice is not protectable under the Designs Act, regardless of novelty. The Supreme Court confirmed this in *Bharat Glass Tube Ltd v Gopal Glass Works Ltd*⁸⁰, holding that a design must appeal to and be judged solely by the eye. This requirement is also embedded in the statutory definition of ‘design’ in **Section 2(d), Designs Act, 2000**⁸¹.

1.3 Injunctions in Design Cases: When Courts Grant Relief

Interim injunctions are the practically most important remedy in design disputes because they can restrain the defendant’s product immediately while the case proceeds. Courts in India apply the standard three-part test: prima facie case, balance of convenience, and irreparable harm.

In design cases, courts have developed the following consistent patterns:

- A registered design gives the plaintiff a strong prima facie case. Courts generally accept registration as evidence of validity unless the defendant demonstrates an obvious cancellation ground on the face of the record, as confirmed in *Smithkline Beecham Consumer Healthcare Ltd v Hindustan Lever Ltd*⁸² and *Pentel Kabushiki Kaisha v Arora Stationers*⁸³.
- Where the defendant is producing goods at scale that embody an allegedly infringing design, courts have found ‘irreparable harm’ without requiring detailed evidence of actual sales loss.
- Where both parties have registered designs in a similar field, courts tend to be cautious about interim injunctions and prefer to let the full trial resolve the validity dispute.

1.4 Key Judicial Positions

⁷⁷Section 4, Designs Act, 2000. A design shall not be registered if it (a) is not new or original; (b) has been disclosed to the public anywhere in India or in any other country by publication in tangible form or by use or in any other way prior to the filing date; or (c) is not significantly distinguishable from known designs or combinations of known designs.

⁷⁸The proposition that limited commercial disclosure including showing samples to a distributor may constitute prior publication for the purposes of Section 4(b) is supported by English authority (*Amp Incorporated v Utilux Pty Ltd* [1972] RPC 103; *Plix Products Ltd v Frank M Winstone (Merchants) Ltd* [1986] FSR 63) which Indian courts have applied by persuasive analogy.

⁸⁰*Bharat Glass Tube Ltd v Gopal Glass Works Ltd* (2008) 10 SCC 657

⁸¹Section 4(b), Designs Act, 2000 read with Section 2(d), which defines ‘design’ as features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article, whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye. Purely functional features by definition do not appeal to and are not judged solely by the eye.

⁸²*Smithkline Beecham Consumer Healthcare Ltd v Hindustan Lever Ltd* (2001) Delhi High Court

⁸³*Pentel Kabushiki Kaisha v Arora Stationers* (1991) Delhi High Court

The following table sets out the established positions that the Indian courts have consistently taken across design disputes, together with the statutory and case authority underpinning each position.

Legal question	What Indian courts have consistently held	Authority & practical effect
Can a design registration be challenged in an infringement suit?	Yes. The defendant may raise cancellation grounds as a defence without first filing a separate cancellation petition.	Sections 19 and 22(3), Designs Act, 2000. Every infringement plaintiff must expect their registration to be scrutinised for validity in the same proceedings.
Does ownership of copyright in a drawing protect the manufactured article?	Not automatically. Copyright protection interacts with the Designs Act through Section 15 of the Copyright Act, 1957. <i>Note: the trigger is industrial reproduction beyond 50 articles, not registration alone.</i>	Section 15(2), Copyright Act, 1957; Microfibres Inc v Girdhar & Co (2009) Delhi HC (DB). Businesses cannot use copyright to extend protection after the 50-article threshold is crossed, whether or not the design is registered.
What is the effect of prior registration abroad on an Indian design?	A prior foreign registration does not automatically invalidate an Indian registration, but is relevant evidence of prior publication if the foreign application was publicly available before the Indian priority date.	Section 4(b), Designs Act, 2000. Filing dates are critical. Use the Paris Convention priority route to file in India within six months of a foreign filing.
Can an unregistered design be protected under the Designs Act?	No. The Designs Act protects only registered designs. An unregistered design has no statutory remedy under the Act; passing off and copyright may offer alternative routes.	Sections 5 and 11, Designs Act, 2000. Relying on 'prior use' without registration confers no rights under the Act.
Who bears the burden of proof?	In infringement proceedings, the plaintiff must prove that the defendant's design is a fraudulent or obvious imitation. In cancellation proceedings, the petitioner must prove the ground of cancellation.	Sections 19 and 22, Designs Act, 2000. Both sides carry an evidentiary burden. Courts do not simply defer to the registration.

2. Overlap with Trade Mark Law and Passing Off

One of the most practically important and frequently misunderstood areas of design law is how it interacts with trade mark protection and the common law action of passing off. For Indian

businesses, understanding this overlap can make the difference between effective, layered protection and a legal dead end.

2.1 Why the Overlap Exists?

A product's shape, surface pattern, or distinctive appearance can simultaneously qualify for protection under three different legal frameworks:

- **A registered design** under the Designs Act, 2000.
- **A registered trade mark** in the shape-of-goods category under the Trade Marks Act, 1999.⁸⁴
- **Passing off** if the shape has acquired distinctiveness as a source identifier in the market.
-

Each route carries different requirements, different durations of protection, and different remedies. Businesses that understand all three options are better placed to build durable protection strategies.

2.2 Design Registration vs Trade Mark for Shape

Feature	Registered design	Trade mark (shape / 3D mark)
Statute	Designs Act, 2000	Trade Marks Act, 1999
What is protected	The visual appearance of an article, shape, configuration, pattern, ornamentation, lines, colours	A sign that distinguishes goods or services of one trader, including shape of goods or packaging
Duration	15 years (10 + 5 with renewal)	10 years, rights renewable in every 10 years
Key requirement	Novelty and originality at date of application	Distinctiveness (inherent or acquired through use)
Functional shapes	Not protectable if purely functional (Section 2(d), Designs Act, 2000; Bharat Glass Tube (2008))	Not registrable if shape gives substantial technical value (Section 9(3), Trade Marks Act, 1999)
Infringement test	Fraudulent or obvious imitation; comparison of visual appearance (Section 22, Designs Act, 2000)	Likelihood of confusion in the market

2.3 What Businesses Should Do: The Overlap Strategy

- **File design registration immediately**- before any public disclosure for maximum protection during the product's commercial peak.
- **Simultaneously file a 3D shape trade mark application** if the design is likely to become a source identifier in the market.

⁸⁴Trade Marks Act, 1999, Section 2(1)(zb) defines 'trade mark' as a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others, and may include shape of goods, their packaging, and combination of colours. Section 9(3) prohibits registration of marks consisting exclusively of a shape that results from the nature of the goods themselves, is necessary to obtain a technical result, or gives substantial value to the goods.

- **Keep records of use from day one-** dated photographs, invoices, advertisements to build evidence.
- **Do not let the design registration lapse** without reviewing whether shape trade mark protection has been established.
- **If a competitor copies your product get-up** without copying a specific registered design, consider a passing off action even without registration.

3. Emerging Issues

The Designs Act, 2000 was drafted before smartphones were ubiquitous, before AI could generate product designs, and before the metaverse existed as a commercial concept. Owing to these recent technological advancements, the statute has gaps, and Indian courts are only beginning to encounter these issues.

3.1 Digital Designs and Designs Applied to Digital Articles

The core problem

The Designs Act protects designs applied to ‘articles’. An ‘article’ is defined in **Section 2(a) of the Designs Act, 2000**⁸⁵, as any article of manufacture, including any part capable of being made and sold separately. The Act was drafted with physical goods in mind. This creates an immediate problem for digital products:

- A purely digital file, such as a downloadable icon set, a digital art print, an NFT is not an ‘article of manufacture’ in the statutory sense.
- A design displayed on a screen as part of a software interface may not qualify as a ‘design applied to an article’ if the article is software rather than a physical product.
- The line between a GUI (which has some registration pathways) and a purely aesthetic digital creation (which has none under the Designs Act) is not yet clearly drawn by Indian courts.

The Ministry of Commerce and Industry has periodically reviewed the Designs Act for amendment, including to address digital and technological developments. No comprehensive amendment had been enacted as at on the present date. Monitor the IP India website and official gazette for notifications.

3.2 Graphical User Interfaces (GUIs)

The Indian technology and product companies faced a systemic barrier: the Office of Designs consistently rejected applications to register graphical user interfaces (GUIs) as industrial designs. That position was judicially repudiated on March 09, 2026, when Hon’ble Justice Ravi Krishan Kapur of the Calcutta High Court (Intellectual Property Division) delivered a landmark judgment in a consolidated batch of five appeals,⁸⁶ holding unequivocally that GUIs are eligible for design registration under the Act, subject to case-specific satisfaction of the criteria in Sections 2(a) and 2(d).

⁸⁵Section 2(a), Designs Act, 2000. ‘Article’ means any article of manufacture and any substance, artificial, or partly artificial and partly natural; and includes any part of an article capable of being made and sold separately. The definition contemplates physical articles of manufacture and does not extend to purely digital or virtual products.

⁸⁶NEC Corporation vs. The Controller of Patents and Designs; ERBE Elektromedizin GmbH vs. The Controller of Patents and Designs; Abiomed Inc. vs. The Assistant Controller of Patents and Designs; TVS Motor Company Limited vs. The Assistant Controller of Patents and Designs — consolidated batch, decided 9 March 2026 by Hon’ble Justice Ravi Krishan Kapur, Calcutta High Court (Intellectual Property Division).

The Court's Holdings: Five Objections Dismantled

The Court systematically addressed each ground of refusal. On the question of 'article', it rejected the narrow interpretation that an article must be physically tangible, holding that the expression 'article of manufacture' in Section 2(a) must be interpreted liberally and purposively.

On the industrial process question, the Court characterised the Controller's position as a 'glaring mistake', holding that the word 'any' preceding 'industrial process' in Section 2(d) was deliberate and that the enumeration of manual, mechanical, and chemical processes was merely illustrative, not exhaustive. On permanence, the Court held that Section 2(d) contained no requirement of permanent visibility.

On the 'judged solely by the eye' requirement, the Court held that the aesthetic choices in arrangement, spacing, colour palette, iconography, and layout are visually assessable and do not lose their design character merely because the GUI also performs a function.

On dual protection, the Court that Sections 15(1) and 15(2) of the Copyright Act, 1957⁸⁷, and Section 2(d) of the Designs Act operate together to make the two regimes mutually exclusive. Relying on *Cryogas Equipment (P) Ltd. vs. Inox India Ltd.*⁸⁸, the Court held that a GUI industrially applied to an article differs in legal character from a standard artistic work, removing the basis for the dual protection objection.

Current Status and What It Means in Practice

The judgment establishes that there is no per se bar on GUI design registration in India. The definitions of 'article' and 'design' must be interpreted broadly and purposively; each application will be assessed on its own merits according to whether the specific GUI possesses ornamental or aesthetic elements independent of pure function.

The Court also repudiated the Controller's blanket refusal to consider foreign judicial decisions, affirming their persuasive value in line with the Supreme Court's ruling in *Forasol vs. ONGC*⁸⁹.

3.3 AI-Generated Designs

Artificial intelligence tools, including generative design software, image-generation platforms, and CAD-integrated AI are now capable of producing product designs, surface patterns, packaging layouts, and furniture forms with minimal human input. This raises two questions that Indian law has not yet resolved:

- Can an AI-generated design be registered under the Designs Act, 2000?
- If it can be registered, who is the owner- the person who directed the AI, the company that owns the tool, or no one?

⁸⁷Section 15(2), Copyright Act, 1957: copyright in a design capable of registration under the Designs Act ceases when the design has been applied industrially to more than fifty articles. Section 15(1) provides that copyright ceases upon registration of the design. The Calcutta High Court relied on these provisions to hold that the design and copyright regimes are mutually exclusive by statutory design, and GUI registration does not create impermissible dual protection.

⁸⁸*Cryogas Equipment (P) Ltd. vs. Inox India Ltd.*

⁸⁹*Forasol vs. ONGC* — Supreme Court of India. The Court held that foreign judicial decisions are of persuasive value and should not be summarily disregarded by lower courts or tribunals. Applied by the Calcutta High Court to repudiate the Controller's blanket refusal to consider foreign decisions on GUI registrability.

What the Designs Act currently requires

The Designs Act, 2000 requires that the applicant for a design be the ‘proprietor’ of the design (**Section 5⁹⁰**). The proprietor is typically either the creator or an assignee. The Act does not contemplate a non-human creator.

3.4 What Legislative Reform Could Look Like

India has signalled interest in updating its IP laws to address digital and technological realities. The following reforms are being discussed in policy circles and in industry submissions to the government:

- Explicit inclusion of GUI and screen-based designs within the registrable subject matter of the Designs Act.
- Recognition of virtual and digital articles as registrable design articles.
- Clarification of ownership rules for AI-generated or AI-assisted designs.
- Alignment with the Hague System for international design registration (India is not currently a contracting party).
- Extension of the protection term or creation of a separate short-term protection regime for fast-moving design industries such as fashion.

Businesses that engage with the government consultation process, through industry bodies, such as CII can help shape these reforms in commercially sensible directions.

4. Do’s and Don’ts

✓ Do	✗ Don’t
Apply the ‘informed user’ standard when assessing infringement risk- look at overall visual impression, not feature-by-feature differences (Bharat Glass Tube (2008); Castrol India (1996)).	Don’t assume minor technical differences will save you in infringement proceedings, courts look at overall visual impression.
Run design registration, shape trade mark, and passing off strategies together. These protections are complementary, not alternatives.	Don’t let your design registration lapse and assume copyright will fill the gap. Section 15(2) Copyright Act removes copyright protection once more than 50 articles have been industrially reproduced (Microfibres (2009)).
Keep dated records of commercial use from the day you launch a design. Sales invoices, advertising, press coverage to build goodwill evidence for passing off (Cadila Healthcare (2001); Laxmikant Patel (2002)).	Don’t claim passing off without evidence of goodwill, consumer surveys, sales data, and market reputation evidence are essential.
File a shape trade mark application before your design registration expires, if the shape has become a market identifier.	Don’t apply for design registration for a purely AI-generated output with no human creative involvement- a false declaration of authorship creates legal risk.

⁹⁰Section 5, Designs Act, 2000. Any person claiming to be the proprietor of any new or original design, not previously published in India or elsewhere, may apply for registration of the design. The Act does not contemplate a non-human proprietor and is silent on AI-generated works.

✓ Do	✗ Don't
Document your creative process when using AI tools - prompt selection, curation, editorial decisions to establish human authorship under Section 2(d)(vi) Copyright Act, 1957.	Don't assume your physical product design registration protects the virtual or NFT version of the same product, it almost certainly does not.
Explicitly address virtual, metaverse, and digital use rights in all design licences. The default position is unclear.	Don't ignore the trade mark route for product shapes. Design registrations expire; trade marks do not, if renewed.
Check what Locarno class your design is registered in before claiming protection for a virtual product physical article classes do not extend to virtual goods.	Don't delay in filing suit when you discover infringement delay weakens injunction applications and signals that the harm is not truly urgent.
Monitor the IP India website for amendments to the Designs Act that address digital and AI issues- the law could change.	Don't rely on a single IP right. The most resilient protection strategies layer copyright, design registration, trade marks, and contracts.

CONCLUSION

This report has traversed the full lifecycle of industrial design as an intellectual property right, from the statutory definition under the Designs Act, 2000 and the nuances of novelty and originality, through filing trends and global protection strategies, to the commercialisation of design IP through licences, assignments, valuations, and strategic transactions. The concluding picture that emerges is clear and consequential: design is no longer a peripheral IP right. It is a front-line commercial asset, a litigation battleground, and in the digital age it is an increasingly contested frontier of law and technology.

Design Has Come of Age as a Commercial Asset

The filing data in the Report demonstrates the rapidly maturing understanding of design's commercial value. It reflects a fundamental change in how Indian industry perceives its visual identity, product differentiation, and market position. In sectors as diverse as medical equipment, apparel, automotive components, and consumer electronics, design registration has moved from a reactive afterthought to a proactive business strategy.

Protection Must Be Layered, Not Siloed

One of the most consistent themes across this Report is that design protection works best when it operates as part of a coordinated IP strategy rather than in isolation. The overlap between design law, trade mark law, copyright, and patent protection examined in this Report are not merely an academic curiosity. It is a strategic opportunity that sophisticated businesses are already exploiting.

Transactions Require Commercial Discipline

This report addressed the commercialisation of design IP in detail. The conclusion is that the legal framework for design licensing, assignment, and valuation is well-developed, but most Indian businesses are not yet using it effectively. Design is frequently left in founder's personal name, especially in case of MSME, licences are granted without minimum royalty guarantees or quality control provisions, assignments are not recorded at the Design Office, and valuations are conducted on cost-basis methodology that systematically undervalues commercially significant designs.

Perhaps the most significant development in Indian design law in recent years has come not from Parliament but from the Courts. The landmark Calcutta High Court judgment of March 2026 holding that graphical user interfaces (GUIs) are eligible for design registration under the Designs Act resolved a question that the statute left unanswered and that the Design Office had consistently answered wrongly.

The implications extend well beyond GUI registration. The judgment signals that Indian courts are prepared to interpret the Designs Act broadly and in alignment with international norms, rather than applying narrow textual readings that frustrate legitimate commercial interests.

Future Challenges

The Designs Act, 2000 was drafted for a world of physical articles, manual processes, and paper filings. It does not contemplate AI-generated designs, virtual goods, NFTs, or digital-only products. New challenges to be met for becoming a strong global player include: explicit inclusion of GUI and screen-based designs within the Act's scope; recognition of digital and virtual articles as registrable subject matter; clarification of ownership rules for AI-assisted designs; introduction of a grace period for pre-filing disclosure; and India's accession to the Hague System.

The Road Ahead: What Businesses Must Do Now

The central argument of this report is that design IP, treated strategically, is a source of durable competitive advantage, revenue generation, and enterprise value. Treated reactively or ignored entirely, it is a source of litigation risk, valuation discount, and lost market position.

For businesses at every stage of maturity, the priorities are consistent: register before you disclose; document every transaction with written agreements recorded at the Design Office; build a layered protection strategy that combines design registration with trade marks, patents, and copyright; conduct rigorous IP due diligence before any significant transaction; and file internationally in the jurisdictions that matter to your business, without delay.

Design law in India is in one of its most dynamic phases. Filing volumes are at record highs, the judiciary is clarifying the boundaries of protection in commercially important areas, and legislative reform is on the horizon. The businesses and advisers that engage with this evolving landscape with rigour, creativity, and strategic intent will be the ones that build the most valuable and defensible design portfolios in the years ahead.

LIST OF ABBREVIATIONS

Abbreviation	Full Form
AD Bank	Authorised Dealer Bank (Reserve Bank of India designation)
ASEAN	Association of Southeast Asian Nations
CAD	Computer-Aided Design
CGPDTM	Controller General of Patents, Designs and Trade Marks (Office of)
CII	Confederation of Indian Industry
CNIPA	China National Intellectual Property Administration
D2C	Direct-to-Consumer
DCF	Discounted Cash Flow
DLT	Design Law Treaty (also referred to as the Riyadh Design Law Treaty — RDLT)
DPIIT	Department for Promotion of Industry and Internal Trade, Government of India
DTAA	Double Taxation Avoidance Agreement
ECB	External Commercial Borrowing
EU	European Union
EUIPO	European Union Intellectual Property Office
FEMA	Foreign Exchange Management Act, 1999
FMCG	Fast-Moving Consumer Goods
FTO	Freedom to Operate
GCC	Gulf Cooperation Council
GUI	Graphical User Interface
Hague System	International Design Registration System administered by WIPO under the Geneva Act of the Hague Agreement (1999)
IBBI	Insolvency and Bankruptcy Board of India
ICC	International Chamber of Commerce
IP	Intellectual Property
IP India	Intellectual Property India (Office of the CGPDTM, Government of India)
IPOS	Intellectual Property Office of Singapore

IPR	Intellectual Property Rights
JV	Joint Venture
KIPO	Korean Intellectual Property Office
LOI	Letter of Intent
Locarno Classification	International Classification for Industrial Designs established under the Locarno Agreement (1968), currently in its 15th Edition
M&A	Mergers and Acquisitions
MNC	Multinational Corporation
MSME	Micro, Small and Medium Enterprise
NDA	Non-Disclosure Agreement
NFT	Non-Fungible Token
OEM	Original Equipment Manufacturer
Paris Convention	Paris Convention for the Protection of Industrial Property (1883, as revised at Stockholm 1967)
PE	Private Equity
R&D	Research and Development
RBI	Reserve Bank of India
RCD	Registered Community Design (European Union)
RDLT	Riyadh Design Law Treaty
SARFAESI Act	Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
SEBI	Securities and Exchange Board of India
SIAC	Singapore International Arbitration Centre
SME	Small and Medium Enterprise
SPA	Share Purchase Agreement
TDS	Tax Deducted at Source
TRIPS Agreement	Agreement on Trade-Related Aspects of Intellectual Property Rights (Marrakesh, 1994)
UCD	Unregistered Community Design (European Union)
UDR	Unregistered Design Right (United Kingdom)

UK	United Kingdom
UKIPO	United Kingdom Intellectual Property Office
US / USA	United States of America
USPTO	United States Patent and Trademark Office
VC	Venture Capital
WIPO	World Intellectual Property Organization
WTO	World Trade Organization





Confederation of Indian Industry

The Confederation of Indian Industry (CII) works to create and sustain an environment conducive to the development of India, partnering Industry, Government and civil society through advisory and consultative processes.

For 130 years, CII has been engaged in shaping India's development journey and works proactively on transforming Indian Industry's engagement in national development. CII charts change by working closely with the Government on policy issues, interfacing with thought leaders, and enhancing efficiency, competitiveness and business opportunities for industry through a range of specialised services and strategic global linkages. It also provides a platform for consensus-building and networking on key issues.

In the journey of India's economic resurgence, CII facilitates the multifaceted contributions of the Indian Industry, charting a path towards a prosperous and sustainable future. With this backdrop, CII has identified "Accelerating Competitiveness: Globalisation, Inclusivity, Sustainability, Trust" as its theme for 2025-26, prioritising five key pillars. During the year, CII will align its initiatives to drive strategic action aimed at enhancing India's competitiveness by promoting global engagement, inclusive growth, sustainable practices, and a foundation of trust.

With 70 offices, including 12 Centres of Excellence, in India, and 9 overseas offices in Australia, Egypt, Germany, Indonesia, Singapore, UAE, UK, and USA, as well as institutional partnerships with about 250 counterpart organisations in almost 100 countries, CII serves as a reference point for Indian industry and the international business community.



S. S. Rana & Co., established on September 1, 1989, is a premier full-service law firm in India, renowned for its specialized expertise in Intellectual Property Law, Corporate & Commercial Laws, and Litigation, Arbitration & Dispute Resolution. The founding partners bring over 55 years of combined experience in IP litigation, having successfully represented several globally recognized brands in trademark infringement and passing-off matters before courts across India. The Firm has developed a strong global presence and serves as a single-window legal solutions provider for national and multinational corporations. S. S. Rana & Co. advises clients on IP filings, prosecution, enforcement, portfolio management, and complex legal issues across India and the SAARC region, including Bangladesh, Nepal, Pakistan, Bhutan, Sri Lanka, Maldives, Myanmar, Mongolia, and Afghanistan. Additionally, the Firm assists Indian and international clients with global IP filings and prosecution across multiple jurisdictions.

Recognized as one of the best IP and corporate law firms in India, S. S. Rana & Co. has consistently been ranked and acknowledged by leading legal research and industry platforms such as The Legal 500, India Business Law Journal, World Trademark Review 1000, and Managing IP. Headquartered in New Delhi, the Firm operates through regional offices in Chennai, Noida, Mumbai, Bengaluru, and Kolkata, along with associate offices across the Indian subcontinent. With a diverse client base comprising Fortune 500 companies, multinational corporations, domestic enterprises, start-ups, and grassroots innovators, S. S. Rana & Co. delivers strategic, business-focused legal solutions to clients in India and worldwide.