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भारत सरकार/Government of India

वाणिज्य एवम उद्योग मंत्रालय/Ministry of Commerce & Industry

औद्योग संवर्धन और आंतरिक व्यापार विभाग/Department for Promotion of Industry and Internal Trade

(आई.पी. आर-प्रतिलिप्याधिकार, अभिकल्प और सीआईपीएम अनुभाग/ IPR - Copyrights, Design and CIPAM Section)

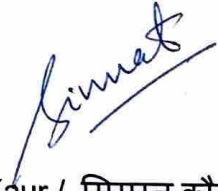
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Date: 23rd January, 2026

Notification

A Concept Note outlining the proposed amendments to the Designs Act, 2000 has been prepared and is hereby placed in public domain for inviting suggestions, inputs, and comments from all stakeholders. The Concept Note provides a broad overview of the proposed key amendments for stakeholder inputs enabling further deliberations and detailed development.

The comments/suggestions, if any, may be provided to this Department on email id “[ipr7- dipp@gov.in](mailto:ipr7-dipp@gov.in)” within 30 days from the date of publication of this notification.



Simrat Kaur / सिमरत कौर

Director / निदेशक

To: All Stakeholders

CONCEPT NOTE

PROPOSED AMENDMENT TO THE DESIGNS ACT, 2000



**DEPARTMENT FOR PROMOTION OF
INDUSTRY AND INTERNAL TRADE
MINISTRY OF COMMERCE & INDUSTRY,
GOVERNMENT OF INDIA**

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Introduction

According to the WIPO World Intellectual Property Indicators Report of 2025, an estimated 1.22 million design applications were filed worldwide in the year 2024, marking a 2.6% rise over the previous year. As a part of this global expansion, Indian Design Office emerged as the fastest growing office, with 43.2% increase in filings in a year. Notably, India registered the highest growth rate among the top 20 jurisdictions. We received 12,160 applications for design registration in the year 2024 alone, and moved from 11th to 7th position globally, securing a place among top 10 design offices. This sharp rise reflects structural shifts in the country's innovation ecosystem, fuelled by manufacturing expansion, emergence of product led startups/MSMEs and growth of design intensive sectors like fashion and clothing, automobiles, packaging, electronics, jewellery etc. Also, it is pertinent to note that domestic applicants accounted for about 90% of total design filings in 2024-25. This is incidental to various initiatives like Make in India, Startup India, and the increasing recognition of design as a strategic asset by local businesses.

Last year, the Hon'ble Prime Minister articulated his vision of ***“Design in India, Design for the World”***. Aligned with this vision, India aims to use design as a key driver of competitiveness and global market leadership. The objective is to make India a hub of original designs and creativity. Businesses in India have grown to realize the importance of aesthetically appealing original designs, and how they help in enhancing consumer experience, adding to the overall product value and strengthening the brand identity. Securing statutory protection by registering them amplifies their value as assets by offering exclusivity, legal certainty and protection against unauthorized use and imitation.

In this context, a robust, balanced, and forward-looking legal framework for design protection is critical. Such a framework would better incentivise domestic designers and align Indian design law with international best practices.

The Design Act 2000 was drafted and implemented in a markedly different industrial and technological environment. Design protection, at that point in time, was closely linked to physical goods and traditional processes of manufacturing and designing. Today, innovation is predominantly digital and technology driven. Modern designs exist entirely or partly in virtual form. Graphical user interfaces, icons, animated designs, screen-based designs are fundamental to consumer experience. Metaverse represents the new era reality in which products, interactions, and consumer experiences increasingly exist in virtual environments. This shift has altered the dynamics of design law. Scope of protection should now extend beyond physical form to virtual and immersive designs. The current legal framework does not adequately address these developments. This creates uncertainty for businesses and limits the law's ability to keep pace with contemporary innovation. Accordingly, amendments to the Designs Act are necessary to ensure its continued relevance and effectiveness.

Also, India signed the Final Act of the Riyadh Design Law Treaty (“DLT”) in 2024. The DLT aims to simplify design registration by reducing documentation requirements and relaxing procedural

formalities. This supports the idea of advancing ease of doing business goals through a more efficient and user-friendly design registration system. It is proposed to accede to this Treaty, and amend the law to meet treaty obligations.

Accession to the Hague Agreement Concerning the International Registration of Industrial Designs, Geneva Act of 1999 (“Hague Agreement”) is also proposed. It will enable Indian designers and businesses to secure design protection in multiple jurisdictions through a single international application. This will reduce costs, process complexities and administrative burden benefitting startups, MSMEs and export-oriented industries in India. It will also enable foreign businesses to designate India under an international application and seek protection here along with other designated countries.

In light of the above, internal discussions and stakeholder consultations were undertaken to capture industry input, on the need for amendments to Designs Act, 2000 (“Act”). Based on consultations undertaken so far, the following key considerations emerge for further deliberation:

- Extending design protection to virtual designs by making material changes to the definition of ‘article’ and ‘design’.
- Introduction of full grace period of 12 months
- Introduction of the option of deferring publication of design for up-to 30 months.
- Introduction of timeline relief provision in alignment with Designs Law Treaty.
- Statutory Damages.
- Revision to term of protection.
- Introduction of multiple designs filings (in a single application).
- Option for division of applications.
- Introduction of a Chapter on international registrations, enabling filings under Hague.
- Other misc. changes aligned with DLT and Hague Agreement

Key proposals for amendment to the Act, which are to be fleshed out further, are presented in *broad outline* in this concept note for the purpose of consultation with stakeholders with a view to receive their inputs on the core concepts.

1. Virtual Designs Protection

Last few years have seen rapid advancements in technology transforming the way consumers interact with products and services. Graphical user interfaces (“GUIs”), icons, animated characters, and immersive virtual environments are nowadays a core part of consumer experience across sectors like technology, fintech, gaming, e-commerce, healthcare, and digital services. These visual elements embody significant aesthetic value.

Globally, there is strong recognition of the creative and commercial value of GUIs. A WIPO survey¹ shows that over 95% of responding jurisdictions provide some or the other form of intellectual property protection for GUIs. Notably, 92% percentage of these countries protect GUIs under their industrial design laws. This reflects a broad international consensus that GUIs carry independent aesthetic value.

World is increasingly moving to protect not just GUIs but other forms of virtual designs including icons, animated designs etc. EU has recently implemented major design law reforms to extend protection to new types of designs. The definitions of “product” and “design” have been updated to expressly cover animation, movement and transition, as well as intangible products such as projections of light and spatial arrangements, in order to ensure that technological advancements are properly recognized under the new EU Design framework.

UK has also published a consultation paper on September 4, 2025 proposing amendments to the definition of ‘design’ under its Registered Designs Act to clarify that a design can contain an animation or transition and also amend the definition of ‘product’ to clarify that 2D designs such as GUIs and animations are considered products in law. In 2023, IP Australia sought views on proposals to expand protection to include virtual designs. The consultation paper² says that *“excluding virtual designs from protection is inconsistent with the approach taken in some other countries, which may result in a disadvantage to Australian designers and international applicants seeking protection in Australia.... Allowing visual features to be considered in their active state will provide a modern and flexible designs system that will support further innovation in the designs sector”*. As per the outcome of this consultation published by Australia, “stakeholders broadly supported protecting virtual designs” and IP Australia “intends to proceed with the proposal to protect virtual designs, including user interfaces, and product elements only visible when the product is in use”.

In December, 2025, the Government of Hong Kong launched a three-month public consultation on the review of the registered designs regime. As per the consultation paper³, *“the evolving concept of industrial design calls for a review of whether the current statutory definitions of design and article are capable of affording sufficient legal protection to modern designs so as to support the development of design industry in the digital and knowledge-based economy.”*

In India, the Designs Rules, 2001 were amended in 2021 to align with the Locarno Classification, which expressly includes GUIs, icons, and other virtual designs under Classes 14-04 and 32.

¹ See https://www.wipo.int/edocs/mdocs/set/en/set_is_id_ge_25/set_is_id_ge_25_p5.pdf

² Available at https://consultation.ipaustralia.gov.au/policy/enhancing-australian-design-protection/user_uploads/designs-consultation---protect-virtual-designs.pdf , Also see https://consultation.ipaustralia.gov.au/policy/enhancing-australian-design-protection/?_gl=1*tjojkt*_ga*MjExMzE0NDk2OC4xNzY2ODM4Mjk5*_ga_GMT4KC15KS*cze3NjgwMzU0ODckbzMkZzAkDDE3NjgwMzU0OTkkajQ4JGwwJGgw , last accessed on January 16, 2025.

³ Available at https://www.ipd.gov.hk/filemanager/ipd/en/content_272/Review%20of%20the%20Hong%20Kong%20Registered%20Designs%20Regime%20Regime%20Consultation%20Paper_Eng.pdf , last accessed on January 16, 2025.

However, despite this classification update, the substantive legal framework under the Designs Act, 2000 continues to be anchored in physical products. The definitions of “article” and “design” have traditionally been interpreted with reference to tangible objects and visual features applied to such objects. This results in uncertainty regarding the protection of GUIs and other virtual designs.

Stakeholders have also advocated the ideas of providing protection to GUIs and other virtual designs under Designs Act, in consultations with DPIIT.

To address this gap, it is proposed to clarify and modernise the definitions of “design” and “article” to expressly enable protection of virtual designs, independent of any physical carrier. The definition of “design” may be expanded by broadening the scope as well as meaning of “industrial process” and by expressly including animation, movement, and transition, thereby clarifying that design protection extends beyond static visual features to dynamic visual effects that are central to contemporary digital and screen-based designs.

In parallel, the definition of “article” may be revised to expressly cover items in physical or *non-physical form*, including GUIs, icons, graphic symbols, typefaces, augmented reality graphical user interfaces, and other virtual products provided under Locarno classification, clarifying that a design may subsist regardless of whether it is embodied in a tangible object or materialises in a purely digital or virtual environment. These amendments would help explicitly decoupling design protection from the requirement of physical embodiment, enabling protection for designs in virtual, augmented, and immersive digital environments. Corresponding amendments can be considered to be made to other provisions of the Design Act, including the infringement related provision, to give effect to protection of virtual designs.

Expanding the scope of protectable designs in this manner would allow protection of digital aesthetics that satisfy the core requirements of design protection including novelty and visual appeal, while continuing to exclude purely functional features. This approach would ensure that the Designs Act remains technologically neutral, responsive to innovation, and aligned with evolving global design practices.

2. Design-Copyright Interface

Over the years, Design-copyright interface has remained a subject matter of conflicting interpretations leading to frequent litigation and low predictability for businesses.

A design that is registered under the Act is expressly excluded from copyright protection, under Section 15(1) of the Copyright Act, 1957. However, ambiguity often arises in relation to works that are capable of being registered as designs but which have not been so registered and are applied to articles through an industrial process. Section 15(2) says that copyright in such a design shall cease as soon as any article to which the design has been applied has been reproduced more than fifty times by an industrial process.

To reduce conflict and clarify the legal boundaries, it is proposed to consider amending Section 15(2) of the Copyright Act, 1957 in a way that it allows copyright protection for designs that are registrable under the Designs Act, 2000 but remain unregistered, however, restricts the duration of such copyright protection to 15 years only. Permitting the continued copyright protection but aligning the term of protection with commercial lifespan of designs, would help reconcile the two statutes. This would help prevent any attempts to claim long term copyright monopolies over the subject matter which is more appropriately regulated under design law.

3. Full Grace Period

It is proposed to introduce a full grace period of 12 months, consistent with Article 7 of DLT, to reflect today's commercial realities. Many jurisdictions around the world including the United States, United Kingdom, Canada, Japan, South Korea and Australia already provide a 12-month grace period in designs. Also, it is pertinent to note most of the countries provide a full grace period and not an exhibition like exception. Section 21 of Indian Designs Act is, however, very limited in scope. It offers a 6 months grace period in cases where the disclosure is made at exhibitions notified by Central Government. Such restrictive scope undermines the very objective of the grace period. Today, designs are commonly disclosed through online launches, investor presentations, pilot sales, crowdfunding platforms, academic publications, and digital marketplaces. A much broader grace period provision is needed to accommodate such disclosures.

A blanket grace period of 12 months without any pre-conditions, and regardless of the manner of disclosure, would align with globally accepted practices. It would benefit those who accidentally disclose their designs before applying for registration, or who lack knowledge about the legal implications of pre-filing disclosures. This would be particularly beneficial for MSMEs, startups, first time entrepreneurs, rural enterprises and individuals who often lose design rights, owing to the lack of awareness about novelty requirements.

Grace period also reduces upfront costs by giving small businesses the choice to advertise their products first and check the market response, before incurring costs on design registration. This flexibility helps them make informed and strategic IP investments.

Full grace period of 12 months would help lower market entry barriers, while mandating filing of the applications within a reasonably defined time frame. It would help strike a fair balance between the strict novelty requirements for design registration and practical business needs of the modern world.

4. Deferment of Publication

Currently, the Designs Act, 2000 does not provide the option of deferred publication to applicants. Designs are published immediately upon registration. Applicants often wish to keep their designs confidential until their product is ready for launch. This is particularly important for industries where early disclosure of designs could compromise commercial strategy, reveal their strategic intent, or expose products to copying before market entry. According to Nasscom's written

submission to DPIIT dated December 18, 2025, *“In industries like consumer electronics and software, design finalisation often occurs months before a product's market launch, and early publication gives counterfeiters a roadmap to produce copies. Therefore, flexibility provided by deferred publication is essential for maintaining commercial secrecy, managing strategic product roadmaps, and preventing third-party copies from hitting the market before the official Indian product launch.”* As per INTA’s submission to DPIIT dated December 13, 2025, *“It should be possible to defer publication of a design application for a period of not less than 12 months from the date of application.”*

It is proposed to introduce a mechanism for deferred publication of registered designs at the request of the applicant. It allows applicants to maintain confidentiality during the critical pre-launch phase of a product. The availability of deferred publication would be especially beneficial for businesses with long or capital-intensive development cycles. In many cases, publicly disclosing designs before finalizing tooling, mould development, regulatory approvals, distribution and retail channel arrangements, and market testing can impact commercial value of the product. By way of delaying publication, applicants can assess market viability before committing to full disclosure.

Deferred publication also serves as a risk-mitigation tool by reducing the likelihood of design piracy before launch and allowing businesses to avoid premature enforcement actions. By postponing the point at which infringement liability and enforcement considerations arise, applicants can conserve legal resources and pursue enforcement in a more targeted, evidence-based manner. In this way, deferred publication transforms design registration from a purely procedural formality into a flexible, market-responsive business instrument.

Introducing a deferment option would align India’s design protection regime with widely followed international standards. Article 10 of the DLT recognizes deferred publication as a key procedural safeguard and provides for a minimum deferment period of six months without prescribing an upper limit. The contracting parties do have an option not to provide for deferment, by way of taking a reservation under DLT. Hague Agreement also permits applicants to request deferred publication for up to 30 months from the international registration date or, where priority is claimed, from the priority date. Many jurisdictions, including the European Union, Japan, United Kingdom, South Korea, and others, already provide for deferred publication of designs, however, the duration of maximum deferment period varies. While the EU allows a deferment period of 30 months, the UK provides 12 months, and Japan and Korea offer the option to defer publication for up to 3 years.

Under the Hague system, the deferment of publication is determined by the shortest period among the designated countries. For instance, if the UK is designated, publication must occur within 12 months from the filing date, as the UK allows a maximum deferment of 12 months. Therefore, to encourage filings and the designation of India under the Hague system, it is practical to adopt a deferment period of 30 months, which corresponds to the maximum allowed under the Hague Agreement.

Taking into account global standards, Hague Agreement requirements, industry practices where the period from prototype development to commercial launch can be lengthy, and stakeholder feedback, it is proposed to allow a maximum deferment period of 30 months for publication. Incorporating deferred publication option into Indian design law would enhance confidentiality, reduce the risk of copying, encourage timely filings, and improve the overall effectiveness of the design registration system.

At the same time, it is important to balance the rights of design owners with those of third parties. Applicants who decide not to proceed with publication would need to surrender their design registration at least one month before the expiry of the deferment period. Pending application can be withdrawn during the deferment period. In such cases the design will not be published and the related documents will remain confidential. Notably, the request for deferment would need to be made at the time of filing, on the prescribed form along with the prescribed fee.

To maintain fairness, an innocent infringer defense can be incorporated under law. This would apply if a registered design is infringed during the deferment period when the design is not publicly available and the third party is unaware of its protection. In such cases, the defendant can show that they had no knowledge, and no reasonable way to know, that the design was registered.

If successfully invoked, the defense limits remedies for the design owner. The infringer would not be liable for damages or an account of profits for actions taken before the design was published or before the infringer was notified of registration. However, courts may still grant injunctive relief to prevent future infringement once the infringer becomes aware of the design, ensuring protection is enforced prospectively rather than retrospectively.

5. Statutory Damages

Remedies represent the practical end of a right and stronger remedies translate to stronger protection. The Designs Act does not provide criminal remedies for infringement, and enforcement often faces challenges. In order to strengthen enforcement, reasonable statutory damages are proposed for willful infringement to provide some meaningful compensation when it is difficult to prove actual damages.

The court may, as it considers just, having regard to the nature and gravity of the infringement and the scale of business of the infringer, grant statutory damages within the range of a minimum prescribed amount provided under the statute and a maximum up to 50 lakhs for first instance of infringement, in cases where proving actual damages is difficult or impractical. It would provide a predictable as well as effective remedy, and strengthen deterrence by increasing the cost of infringement. Enhanced bands for repeat offenders are also proposed to be considered to be prescribed in the statute.

6. Term of Protection

Currently, the design protection is granted for 10 years initially, which can be renewed for a further period of 5 years upon filing a renewal request. It is proposed to adopt a “5+5+5” term of protection in order to align India’s law with Article 17 of the Hague Agreement. Under the proposed system, an initial term of 5 years shall be granted for both national as well as Hague applications, with the option of two successive renewals of 5 years each. This would offer flexibility to design owners to extend protection only where the designs continue to be commercially relevant. The objective is to help strike a balance between design innovation incentives and competitive access. Such a system of granting renewal in blocks allows designs which are no longer of any value to design owners to lapse and fall into public domain sooner, while simultaneously protecting those where continued protection is desired by the design owners. This staged mechanism where legal protection doesn’t last longer than economically necessary minimizes deadweight loss and reduces barriers to competition.

7. Multiple Designs in single application

It is proposed to allow filing of multiple designs falling in the same class under a single design application. It would reduce filing costs and administrative effort for applicants. Many products are developed with several design variants. Requiring separate applications for each variant increases cost and paperwork. A single application covering multiple designs would simplify filing and examination, and make the system more accessible for startups, MSMEs, and individual designers. It would also allow examiners to assess related designs together, improving consistency and processing efficiency.

This approach would align with DLT and also bring Indian practice closer to international systems such as the EU, UK, and the Hague System. It would improve procedural efficiency and consistency in examination. Indian and foreign applicants will be able to manage their design portfolios easily.

8. Division of Applications

The introduction of divisional applications in the Designs Act in line with Article 9 of DLT would provide applicants with greater procedural flexibility. Divisional applications allow an applicant to split a pending design application into one or more separate applications, when multiple distinct designs are claimed in a single filing or when objections arise during examination. This would help prevent blocking of an entire application due to issues with one design, thereby safeguarding the rights of the applicant over other valid designs. Incorporating divisional applications explicitly into the law would align India with international best practices, and enhance administrative efficiency for the Design Office. It would offer designers a practical tool to manage complex set of filings while reducing the risk of losing valuable design rights.

9. Introduction of a Chapter on International registrations under Hague

It is proposed to become a part of the Hague System of designs and introduce a dedicated Chapter in the Designs Act to implement the provisions of the Hague Agreement.

The Hague Agreement creates an easier and simpler mechanism for registering designs in multiple countries. Notably, it does not harmonize the substantive aspects of design protection among contracting parties. Same is left to the domestic laws of member countries. Over time, Hague System has evolved and adapted to meet the growing needs of businesses and designers worldwide. From just 11 signatories in 1925, its membership has swelled and reached 100 economies after a century with 2 million designs having been registered under the Hague System so far.⁴

Accession to the Hague System would allow Indian businesses / designers to seek design protection in several countries by way of filing a single application through WIPO. It would also help foreign designers to seek protection in India by designating India under their international application with WIPO. Since Hague Agreement provides a familiar, easier and globally accepted route for design filing to foreign businesses, acceding to it would integrate India more into international design ecosystem and contribute to cross border trade in design intensive sectors like fashion, GUIs, packaging, electronics etc.

10. Accession to Riyadh Design Law Treaty

DLT provides a closed list of indications / elements that must be submitted with an application (Article 4 and 6); allows including multiple designs in a single application (Article 4); offers a broad 12 months grace period (Article 7) with the option to contracting parties to take a reservation if they choose not to offer such grace period; and gives the option to Applicants to defer publication of their designs for atleast 6 months from the filing date (Article 10, Rule 6). It also provides time relief measures to applicants who miss deadlines despite exercising due care (Article 14 and 15); and simplifies the procedure for requesting the renewal of a design registration (Article 13) or license / assignment recordal (Article 20, 21 and 22).

It is proposed that India accede to this Treaty and amend the Designs Act to meet the treaty obligations. As mentioned above, a full grace period of 12 months prior to the filing date, and the option of deferring the publication for up to 30 months starting from the filing date or priority date is proposed. Time relief and reinstatement provision is proposed to be included in line with Article 14 and 15 of DLT to restore design rights lost due to non-compliance with procedural time limits, provided the failure occurred despite due care or was unintentional. This is to ensure that minor procedural lapses do not result in irreversible loss of valuable design rights, disproportionately affecting MSMEs, startups, individual designers, and foreign applicants operating across jurisdictions.

Further, the Treaty allows correction, addition, or restoration of priority claims (Article 16) and the Act is proposed to be amended to provide a framework for exercising this right. This would further strengthen protection for designers and foster greater ease of doing business.

⁴ See 'A Century of Design Registration 1925-2025 – The Hague System for International Registration of Industrial Designs', available at [wipo-pub-1088-en-a-century-of-design-registrations-1925-2025.pdf](https://www.wipo.int/patent/infocentre/publications/en/publication-details?pubid=2025-0001&lang=en), last accessed on January 15, 2025.