Design Registration for GUI in India

Calcutta High Court recently in the case of *UST Global (Singapore) Pte Ltd. vs. The Controller of Patents and Designs and Ors.* (MANU/WB/0584/2023) remanded back the order of Assistant Controller of Patents of Designs that rejected application to register the GUI design on the ground that it is incapable of design registration, and directed him to re-consider the same afresh within a period of 3 months after giving a right of hearing to the appellant.

What is GUI?

- Graphical User Interface (GUI) refers to a**n interface that allows a user to interact with electronic devices.** For example, Icons and Menus on a Smartphone, Computer, Websites, etc.

- The concept of GUI contemplates the visual representation of the configuration of icons and several elements on a touchscreen.

- It is used as a powerful differentiation of products and user experience with the ultimate aim of influencing customer decisions when buying such products.

What is a Design?

As per **Section 2(d) of Designs Act, 2000,** a Design means -

- only the 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
- by any industrial process or means
- which in the finished article appeal to and are judged solely by the eye

In other words, a design is something which when applied to any article by any industrial process or means, is aesthetically appealing.

Can GUI be Registered as a Design?

- Rule 10 of Designs Rules, 2001 provides that classification of articles for the purposes of registration has to be as per current edition of "International Classification for Industrial Designs **(Locarno Classification)**".

- **Class 14-04** of Locarno Classification concerns with Screen Displays and Icons.

- GUI should fall within the ambit of this classification.

- In India, Microsoft has been successful in attaining registration of GUI Designs for Icons, Display Screen etc.
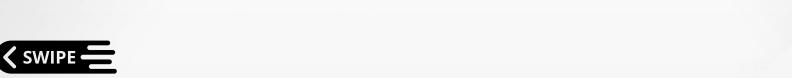
Ground for Rejecting Registration of GUI as Design

Registration of GUI as a Design is rejected because -

- GUI is only visible when it is in 'ON' mode or operating mode, there can be no design when the product is on 'OFF' mode. Hence, GUI cannot be treated as a design of any article.

- ICON/GUI does not follow the process of industrial manufacturing but is mainly created by software development processing.

[UST Global (Singapore) Pte Ltd. vs. The Controller of Patents and Designs and Ors., MANU/WB/0584/2023]

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Amazon's GUI Case

In 2014, Amazon Inc's application for design registration under class 14-02 for *'GUI for providing supplemental information of a digital work to a display screen'* vide application number 240305 was rejected by the Controller on grounds that –

- GUI disappears once the computer screen is turned off, and therefore the requirement of a consistent visual appeal is not satisfied

- GUI is not an 'article of manufacture' and is not physically accessible. It cannot be called an 'article' under Section 2(a) of Designs Act, 2001

- Screen displays do not possess features of shape or configuration or other design parameters and therefore can't be considered as a 'finished' article judged solely by eye.