UNITED STATES PATENT AND TRADEMARK OFFICE



INTERNATIONAL DESIGN FORUM

Design protection for new and emerging technologies: Current global discussions

Courtney Stopp

Senior Patent Attorney Office of Policy and International Affairs May 7, 2025



Overview

- Are digital designs protectable?
- International approaches
- Current discussions
- Conclusions



- GUIs and digital designs are widely protectable
 - WIPO report: SCT/37/2 REV
 - ID5 project: Study on design protections for emerging technologies



- Different jurisdictions have varying requirements relating to:
 - the scope of protection
 - graphical representation
 - descriptions in the filing of GUI design applications
 - infringement determinations

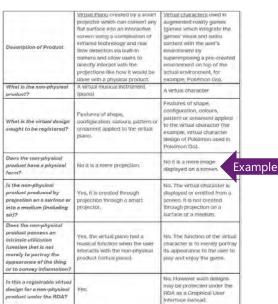


- Some have developed specific patent/design laws addressing GUIs, icons, holograms, digital designs, non-physical products, AR/VR etc.
- Others provide protection through traditional patent/design practices/laws
 - Partial designs
 - Broad interpretations; simplified and clarified practices
- Most new laws are being used to protect both the physical and virtual designs

- Expanded protection of digital designs: GUIs, icons, holograms, augmented reality, etc.
 - Updates to patent/design laws and practices specific to digital designs:
 - Singapore, Japan, Israel, Canada, China, Korea, EU, Brazil
 - Jurisdictions considering specific practice changes:
 - Australia (recent public comments on virtual designs) with anticipated legislation in 2025



- Laws specific to patent/design protections digital designs have been done through redefining the product or design:
 - Example: Referencing a new type of product or re-defining product
 - Singapore: A "non-physical product" is defined as anything that does not have a physical form, is produced by the projection of a design on a surface or into a medium (including air), and has an intrinsic utilitarian function
 - Israel: Removed "article" from the definition and included "product" with a definition broad enough to include screen displays with GUIs





- Laws specific to patent/design protections for digital designs have been done through redefining the design:
 - Japan: Defined a design to include "digital images" which may not necessarily be displayed on an article, such as graphic designs viewed or provided through a computer network, projected images, and AR/VR
 - EU: A definition that includes the movement, transition or any other sort of animation of the features of the appearance of a product and the definition of a product to include such things as digital products and the spatial arrangement of interior environments





- If there aren't specific patent/design laws addressing digital designs, how can they still be protected?
- Expansion of partial design protections
 - China, Israel, Mexico, and Vietnam have either adopted or expanded the scope of protection for partial designs to allow disclaimer practices to capture the digital designs.
 - Australia is considering doing so as well



FRONT VIEW 1

Figure 2. Singapore Design Registration No. 30201501459R filed in the name of Apple Inc. on 2 September 2015 for 'Electronic device display screen or portion thereof with animated graphical user interface'. The Statement of Novelty states 'Novelty resides in the pattern and ornamentation applied to the electronic device as shown in the representations. The appearance of the animated images transitions between the images as shown in the representations. The process or period in which one image transitions to another forms no part of the claimed design.'



New approaches:

 Japan: Unfair competition law amended on June 14, 2023, to include a change establishing certain legal protections relating to intangible objects, especially when they are displayed or used in virtual reality spaces such as a metaverse



Current/continued discussions

Link between design and article

 Effects on design protection for new physical technologies with non-physical interactive components

Scope of protection

– Are virtual and tangible product environments covered by a single industrial registration? Can they be? Should they be?





Thank you!

Courtney Stopp

IPPolicy@uspto.gov

www.uspto.gov