A faint, light gray technical drawing of a mechanical assembly is visible in the background. It features various parts with callout numbers such as 90, 82, 56, 62, 58, 28, 38, 42, 54, 46, 64, 340, and 66. The drawing is a cross-sectional view of a complex mechanical component.

Supplemental Guidance for Examination of Design Patent Applications Related to Computer-Generated Interfaces and Icons

Part 1: Overview of the Notice

March 2026

Overview

- Background
 - 35 U.S.C. 171, 37 CFR 1.152 & 1.153, case law
- Supplemental Guidance
 - Drawing, claim, and title requirements
 - Clarification regarding computer-generated interfaces and icons
 - Additional patent-eligible designs
- Additional considerations
- Examples

Background

Design patent subject matter eligibility: 35 U.S.C. 171

35 U.S.C. 171 Patents for designs.

a) IN GENERAL.—**Whoever invents any new, original, and ornamental design for an article of manufacture may obtain a patent therefor, subject to the conditions and requirements of this title.**

(b) APPLICABILITY OF THIS TITLE.—The provisions of this title relating to patents for inventions shall apply to patents for designs, except as otherwise provided.

(c) FILING DATE.—The filing date of an application for patent for design shall be the date on which the specification as prescribed by section 112 and any required drawings are filed.



Rules related to the article of manufacture requirement

37 CFR 1.152 Design drawings.

“The design must be represented by a drawing that complies with the requirements of § 1.84 and must contain a sufficient number of views to constitute a complete disclosure of the appearance of the design...”

37 CFR 1.153 Title, description, and claim, oath or declaration.

“(a) The title of the design must designate the particular article. No description, other than a reference to the drawing, is ordinarily required. The claim shall be in formal terms to the ornamental design for the article (specifying name) as shown, or as shown and described. More than one claim is neither required nor permitted...”



Case law

- Historically, a picture standing alone is not patent eligible under 35 U.S.C. 171. *MPEP 1504.01; In re Schnell*, 46 F.2d 203, 209 (CCPA 1931).
- The factor that distinguishes statutory design subject matter from a mere picture or ornamentation has been the embodiment of the design in an article of manufacture. *MPEP 1504.01(a); See Ex parte Strijland*, 26 USPQ 2d 1259, 1263 (Bd. Pat. App. & Int. 1992).

Summary of the Supplemental Guidance

Supplemental guidance overview

The supplemental guidance is based on the USPTO's expanded understanding of design patent protection in light of new design formats resulting from the continued modernization of technology:

- (1) Removes the requirement that the drawing depict the article of manufacture in either solid or broken lines for design patent applications drawn to computer-generated interfaces or icons where both the title and claim properly identify an article of manufacture;
- (2) Clarifies that a design of a computer-generated interface or icon for a computer, computer display, or computer system is more than a mere transient or disembodied picture or three-dimensional image and is patent-eligible subject matter when disclosed and claimed in accordance with the pertinent rules and statutory requirements;



Supplemental guidance overview (cont.)

(3) Clarifies that claim and title language that indicates that an icon or interface is “for” a computer, computer system, or computer display panel adequately describes a design for an article of manufacture under 35 U.S.C. 171; and

(4) Highlights additional types of patent eligible designs based on the USPTO’s expanded understanding of design patent protection in light of new design formats resulting from the continued modernization of technology.

- Note that there is **no change** in practice for other types of surface ornamentation.

Supplemental guidance overview (cont.)

- An “icon,” refers to a computer icon and is a visual symbol or image that represents a computer program, file, application, or function and allows users to quickly access and interact with various items on their computer display.
- An “interface,” refers to a computer interface and is the space where interactions between users and computers, computer displays, and computer systems occur and encompasses the visual and interactive elements that users engage with, such as pages, screens, buttons, forms, and other visual components.
- The term “transient,” as used in the supplemental guidance, means that the design is not a visual characteristic of the article of manufacture itself.

Drawing, claim, and title requirements

Supplemental guidance: Drawing requirements

- If the article of manufacture is properly identified in both the title and claim but not shown in the drawings, the claim will be considered compliant with the article of manufacture requirement of 35 U.S.C. 171, provided that the designs are properly disclosed and claimed in accordance with the pertinent rules and statutory requirements.
- Note that there is **no change** in practice for other types of surface ornamentation.
- Applicants may continue to depict the display panel or portions thereof in the drawings, such as with a broken line display region surrounding a computer-generated icon or interface.
- Applicants will need to remain mindful of all patentability requirements including 35 U.S.C. 102, 103, and 112 when drafting their applications. For example, under this supplemental guidance applicants must still comply with the clarity and enablement requirements and provide a sufficient number of views to constitute a complete disclosure of the appearance of the design (see 37 CFR 1.152), to the extent that a skilled artisan would be on reasonable notice as to the metes and bounds of the claimed design.

Supplemental guidance: claim and title

- When a design claim and title are to a computer-generated interface or icon for an article of manufacture, e.g., a computer display screen, a computer system, or a computer, the USPTO considers the terms “icon,” “computer icon,” “interface,” “computer interface,” “graphical user interface,” “projected interface,” “virtual reality interface,” or “augmented reality interface” in the title and the claim to be indicating that the image is not merely a displayed transient or disembodied picture or three-dimensional image because the interface or icon is for a computer display screen, a computer system, or a computer.
- Therefore, a claim and title directed to such terms, e.g., “computer with projected interface,” adequately describes a design for an article of manufacture under 35 U.S.C. 171.



Supplemental guidance: claim and title (*cont.*)

Examples of claim language and titles that do adequately describe a design for an article of manufacture under 35 U.S.C. 171:

- “Computer screen with an icon,” “display panel with GUI,” “display screen or portion thereof with icon,” “portion of a computer screen with an icon,” “portion of a display panel with an icon,” “portion of a monitor displayed with an icon,” “icon for display screen,” “GUI for display panel,” “projected interface for a computer,” “virtual reality interface for a computer,” “augmented reality interface for a computer” and “computer icon.”

Supplemental guidance: claim and title (*cont.*)

- If it is determined that the claim language and title do not adequately describe an article of manufacture, the claim and title should be objected to under to 37 CFR 1.153(a) or 37 CFR 1.1067(a) for failing to designate a particular article of manufacture, and the objection should be maintained until the title and the claim language are appropriately amended. MPEP 707.07(e).
- If the drawing does not adequately depict an article of manufacture, and the title and claim also do not describe an article in the manner required by this guidance, the claim should be rejected under 35 U.S.C. 171.
 - If the application as filed fails to provide written description support for an article of manufacture, applicant will not be able to overcome the 171 rejection because the later addition of language directed to such an interface or icon would constitute new matter prohibited by 35 U.S.C. 132 and 37 CFR 1.121(f).

Supplemental guidance: claim and title (*cont.*)

- Claim and title language that indicates that an icon or interface is “for” a computer, computer system, or computer display panel adequately describes a design for an article of manufacture under 35 U.S.C. 171 and examiners should no longer object to such claims and titles under 37 CFR 1.153 or 37 CFR 1.1067;
 - The following are examples of language that should not be objected to under 37 CFR 1.153 or 37 CFR 1.1067 for failing to identify an article of manufacture: “icon for display screen,” “GUI for display panel,” “projected interface for a computer,” “virtual reality interface for a computer,” “augmented reality interface for a computer” and “computer icon.”

**Computer-generated Interfaces or
Icons the Appearance of Which are
Separate from the Computer, e.g.,
Projected or Holographic,
Interfaces or Icons**

Supplemental guidance: Additional types of patent eligible designs

- The USPTO has identified additional types of patent eligible designs that may provide design patent protection for computer-generated interfaces and icons when:
 - The appearance of the interface or icon is separate from the computer, computer display, or computer system that generates it, and
 - The interface or icon is for a computer, computer display, or computer system such that the interface or icon is more than a transient or disembodied picture or three-dimensional image.

Additional Considerations

No impact to examination under other statutes

- Applicants will need to remain mindful of all patentability requirements including 35 U.S.C. 102, 103, and 112 when drafting their applications.
- Applicants must still comply with the clarity and enablement requirements and provide a sufficient number of views to constitute a complete disclosure of the appearance of the design (see 37 CFR 1.152), to the extent that a skilled artisan would be on reasonable notice as to the metes and bounds of the claimed design.
- It would be reasonable to reject a claim under 35 U.S.C. 112(b) as being indefinite if there is no descriptive statement explaining how various appearances shown across different figures relate to one another in regard to the intended scope of the claim as a single unitary design applied to the article of manufacture.

Examples

Example 1



Title: Computer display screen with icon

Description: The figure is a front view of a computer display screen with icon, showing the new design.

The broken lines showing a portion of the computer display screen form no part of the claimed design.

Claim: The ornamental design for a computer display screen with icon as shown and described.

Example 1: Analysis

- As presented, the claimed design in this example **complies with 35 U.S.C. 171** for each of the following reasons:
 - The title, claim, and description recite a “computer display screen,” which is an article of manufacture;
 - The title, claim, and description recite a “computer display screen with icon,” which indicates that the image is not merely a transient or disembodied picture or three-dimensional image, but an icon for a computer, computer display, or computer system; and
 - The drawing depicts the design embodied in a computer display screen in broken lines.
- In addition, **the drawing complies with 37 CFR 1.152** as the drawing contains a sufficient number of views to constitute a complete disclosure of the appearance of the design, and **the title and claim comply with 37 CFR 1.153(a)** (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture.

Example 2



Title: Icon for a computer display screen

Description: The figure is a front view of an icon for a computer display screen, showing the new design.

The broken lines showing a portion of the computer display screen form no part of the claimed design.

Claim: The ornamental design for an icon for a computer display screen as shown and described.

Example 2: Analysis

- As presented, the claimed design in this example **complies with 35 U.S.C. 171** for the following reasons:
 - The title, claim, and description recite a “computer display screen,” which is an article of manufacture, and the term “for” with “computer display screen” indicates that the claim is not for an icon per se;
 - The title, claim, and description recite an “icon for a computer display screen,” which indicates that the image is not merely a transient or disembodied picture or three-dimensional image but an icon for a computer or computer system; and
 - The drawing depicts the design embodied in a computer display screen in broken lines.
- In addition, **the drawing complies with 37 CFR 1.152** as the drawing contains a sufficient number of views to constitute a complete disclosure of the appearance of the design, and **the title and claim comply with 37 CFR 1.153(a)** (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture.

Example 3



Title: Paper stack icon

Description: The figure is a front view of a computer display screen with a paper stack icon showing the new design.

The broken lines showing a portion of the computer display screen form no part of the claimed design.

Claim: The ornamental design for a paper stack icon as shown and described.

Example 3: Analysis

- As presented, the claimed design in this example **complies with 35 U.S.C. 171** because, based on a review of the complete disclosure, the description recites a “computer display screen,” which is an article of manufacture, and the icon is for a computer, computer display, or computer system, such that it is more than a transient or disembodied picture or three-dimensional image.
- However, **the title and claim do not comply with 37 CFR 1.153(a)** (or 37 CFR 1.1067(a) for international design applications) because the title and claim do not identify an article of manufacture.
- Because the original disclosure provides support for a computer display screen as the article of manufacture, the application could be amended to read as follows:
 - Title: Paper stack icon for computer display screen
 - Description: The figure is a front view of a computer display screen with a paper stack icon showing the new design. The broken lines showing a portion of the computer display screen form no part of the claimed design.
 - Claim: The ornamental design for a paper stack icon for a computer display screen as shown and described.

Example 4



Title: Paper stack icon for a computer display screen

Description: The figure is a front view of a paper stack icon for a computer display screen showing the new design.

Claim: The ornamental design for a paper stack icon for a computer display screen as shown and described.

Example 4: Analysis

- As presented, the claimed design in this example **complies with 35 U.S.C. 171** for the following reasons:
 - The title, claim, and description recite a “computer display screen” which is an article of manufacture;
 - The term “for” with “computer display screen” indicates that the claim is not for an icon per se; and
 - The title, claim, and description recite an “icon for a computer display screen,” which indicates that the icon is not merely a transient or disembodied picture or three-dimensional image, but an icon for a computer, computer display, or computer system.
- In addition, **the drawing complies with 37 CFR 1.152** as the drawing contains a sufficient number of views to constitute a complete disclosure of the appearance of the design as embodied in the disclosed article and **the title and claim comply with 37 CFR 1.153(a)** (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture.
- Note that the scope of the claim will be limited to the overall appearance shown in the figures, and applicants must still comply with the enablement and clarity requirements of 35 U.S.C. 112.



Example 5



Title: Paper stack icon

Description: The figure is a front view of a paper stack icon showing the new design.

Claim: The ornamental design for a paper stack icon as shown and described.

Example 5: Analysis

- Because no article of manufacture is disclosed in the application, **the claim should be rejected under 35 U.S.C. 171.**
- In addition, **the title and claim should be objected to under 37 CFR 1.153(a)** (or 37 CFR 1.1067(a) for international design applications) for failing to designate a particular article of manufacture.

Example 6



Title: Projected paper stack icon for a computer

Description: The figure is a front view of a projected paper stack icon for a computer showing the new design.

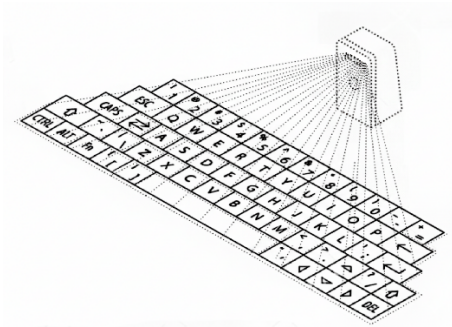
Claim: The ornamental design for a projected paper stack icon for a computer as shown and described.

Example 6: Analysis

- Assuming the figure provides a complete disclosure of the appearance of the design as required by 37 CFR 1.152, as presented **the claimed design complies with 35 U.S.C. 171:**
 - The title, claim, and description recite a “computer,” which is an article of manufacture upon which the design relies for its existence; and
 - The term “for” with “computer” indicates that the claim is not for a transient or disembodied image per se; and
 - The title, claim, and description recite an “icon for a computer,” which indicates that the icon is not merely a transient or disembodied picture or three-dimensional image but an icon for a computer, computer display, or computer system.
- In addition, **the title and claim comply with 37 CFR 1.153(a) (or 37 CFR 1.1067(a) for international design applications)** because the title and claim adequately designate an article of manufacture.
- Note that the scope of the claim will be limited to the overall appearance shown in the figures. Examiners will need to determine whether the figures satisfy all other statutory requirements, including 35 U.S.C. 112.

Example 7

Title: Projected keyboard interface for a computer



Description: The figure is a perspective view of a projected keyboard interface for a computer showing the new design.

The broken lines showing the computer form no part of the claimed design. The projected broken lines form no part of the claimed design.

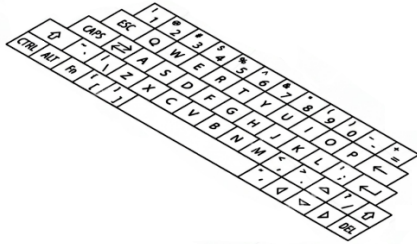
Claim: The ornamental design for a projected keyboard interface for a computer as shown and described.

Example 7: Analysis

- Assuming the figure provides a complete disclosure of the appearance of the design per 37 CFR 1.152, as presented **the claimed design complies with 35 U.S.C. 171** because:
 - The title, claim, and description recite a “computer,” which is an article of manufacture upon which the design relies upon for its existence, and the term “for” with “computer” indicates that the claim is not for a transient or disembodied image per se; and
 - The title, claim, and description recite a keyboard “interface for a computer,” which by definition is not merely a transient or disembodied picture or three-dimensional image but an interface for a computer, computer display, or computer system; and
 - The drawing depicts the computer (shown in broken lines) that projects the design.
- In addition, **the title and claim comply with 37 CFR 1.153(a)** (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture.
- Note that the scope of the claim will be limited to the overall appearance shown in the figures. For example, examiners may determine that the scope of the claim may not protect the appearance of the projected interface on a curved or irregular surface. A design shown and described in the manner illustrated by this example must still comply with the enablement and clarity requirements of 35 U.S.C. 112.

Example 8

Title: Projected interface for a computer system



Description: The figure is a perspective view of a projected interface for a computer system showing the new design.

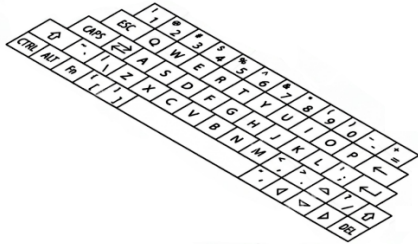
Claim: The ornamental design for a projected interface for a computer system as shown and described.

Example 8: Analysis

- Assuming the figure provides a complete disclosure of the appearance of the design as required by 37 CFR 1.152, as presented, **the claimed design complies with 35 U.S.C. 171** because:
 - The title, claim, and description recite a “computer system,” which is an article of manufacture on which the design relies upon for its existence, and the term “for” with “computer system” indicates that the claim is not for a transient or disembodied image per se; and
 - The title, claim, and description recite an “interface for a computer system,” which by definition is not merely a transient or disembodied picture or three-dimensional image but an interface for a computer, computer display, or computer system.
- In addition, **the title and claim comply with 37 CFR 1.153(a)** (or 37 CFR 1.1067(a) for international design applications) because they adequately designate an article of manufacture.
- Note that the scope of the claim will be limited to the overall appearance shown in the figures. For example, examiners may determine that the scope of the claim may not protect the appearance of the projected interface on a curved or irregular surface. A design shown and described in the manner illustrated by this example must still comply with the enablement and clarity requirements of 35 U.S.C. 112.

Example 9

Title: Graphical user interface for a computer



Description: The figure is a front view of a graphical user interface for a computer showing the new design.

Claim: The ornamental design for a graphical user interface for a computer as shown and described.

Example 9: Analysis

- Assuming the figure provides a complete disclosure of the appearance of the design as required by 37 CFR 1.152, as presented **the claimed design complies with 35 U.S.C. 171** because:
 - The title, claim, and description recite a “graphical user interface for a computer” which, by definition, is not merely a transient or disembodied picture or three-dimensional image but an interface for a computer, computer display, or computer system.
- In addition, **the title and claim comply with 37 CFR 1.153(a)** (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture upon which the design relies for its existence through reference to the “graphical user interface for a computer”.
- Note that the scope of the claim will be limited to the overall appearance shown in the figures:
 - Examiners must determine whether the claimed design satisfies all other statutory requirements, including 35 U.S.C. 112.
 - Examiners must also determine what constitutes applicable prior art. For example, the scope of the claim may not protect the appearance of the projected interface on a curved or irregular surface.

Example 10

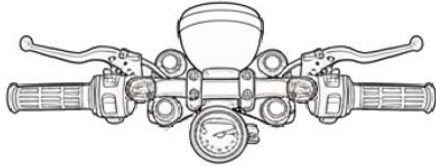


Fig. 1

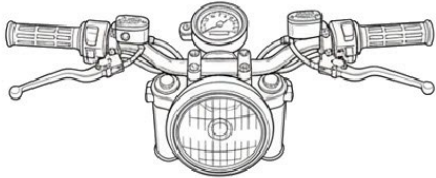


Fig. 2

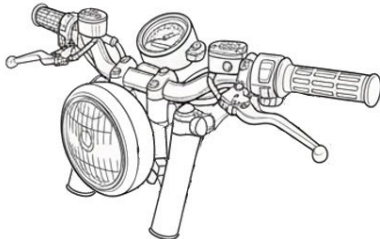


Fig. 3

Title: Virtual reality motorcycle interface for a computer

Description: Fig. 1 is a top-down view of a virtual reality motorcycle interface for a computer showing the new design; Fig. 2 is a front view thereof; Fig. 3 is a perspective view thereof.

Figures 1 – 3 disclose the complete 3-dimensional virtual appearance of the design claimed.

Claim: The ornamental design for a virtual reality motorcycle interface for a computer as shown and described.

Example 10: Analysis

- As presented, the claimed design in this example **complies with 35 U.S.C. 171** for the following reasons:
 - The title, claim, and description recite a “a computer” and a computer is an article of manufacture on which the design relies upon for its existence; the term “for” with “computer” indicates that the claim is not for a transient or disembodied image per se; and
 - The title, claim, and description recite a “virtual reality motorcycle interface for a computer” which by definition is not merely a transient or disembodied picture or three-dimensional image but an interface for a computer, computer display, or computer system.
- In addition, **the title and claim comply with 37 CFR 1.153(a)** (or 37 CFR 1.1067(a) for international design applications) because the title and claim adequately designate an article of manufacture through reference to “a computer.”

Example 10: Analysis (cont.)

- Note that the scope of the claim will be limited to the overall appearance shown in the figures provided:
 - Examiners should use their professional judgement in determining whether the figures satisfy all other statutory requirements, including 35 U.S.C. 112.
- For purposes of this example regarding whether the design satisfies the requirements of 35 U.S.C. 171, it is assumed that Figs. 1-3 provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152. Applicants should remain mindful to provide a sufficient number of views to constitute a complete disclosure of the appearance of the design as required by 37 CFR 1.152.
- It would be reasonable to reject a claim under 35 U.S.C. 112(b) as being indefinite if there is no descriptive statement explaining how various appearances shown across different figures relate to one another in regard to the intended scope of the claim as a single unitary design applied to the article of manufacture.



Example 11

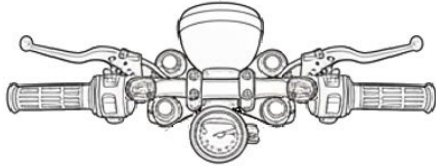


Fig. 1

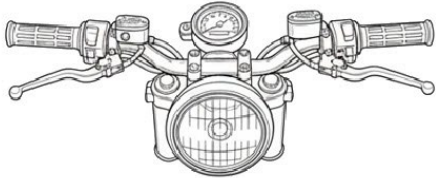


Fig. 2

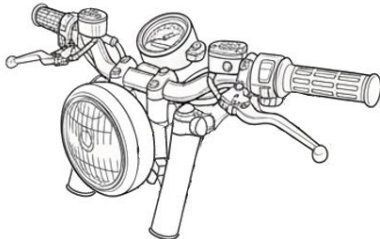


Fig. 3

Title: Virtual reality motorcycle interface

Description: Fig. 1 is a top-down view of a virtual reality motorcycle interface showing the new design; Fig. 2 is a front view thereof; Fig. 3 is a perspective view thereof.

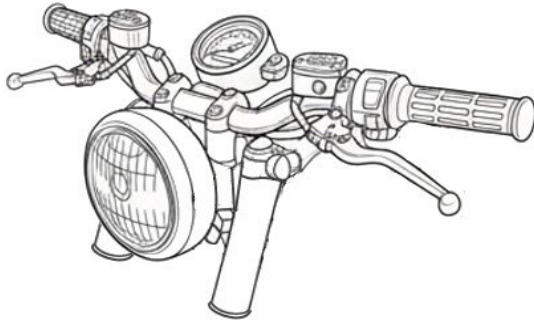
Claim: The ornamental design for a virtual reality motorcycle interface as shown and described.



Example 11: Analysis

- As presented, the claimed design in this example **does not comply with 35 U.S.C. 171** because:
 - None of the title, claim, and description recite an article of manufacture; and
 - The drawings also do not depict an article of manufacture.
- In addition, **the title and claim do not comply with 37 CFR 1.153(a)** (or 37 CFR 1.1067(a) for international design applications) because the title and claim do not identify an article of manufacture.

Example 12



Title: Digital motorcycle picture

Description: The figure is a perspective view a digital motorcycle picture showing the new design.

Claim: The ornamental design for a digital motorcycle picture as shown and described.

Example 12: Analysis

- The claimed design in this example **does not comply with 35 U.S.C. 171** because:
 - None of the title, claim, and description recite an article of manufacture; and
 - The drawing, when read in light of the title, claim and description, also does not depict an article of manufacture; and
 - The picture appears to be a transient or disembodied image.
- In addition, **the title and claim do not comply with 37 CFR 1.153(a)** (or 37 CFR 1.1067(a) for international design applications) because the title and claim do not identify an article of manufacture.

Summary

Notice takeaways





This supplemental guidance includes four key points for designs related computer-generated interfaces and icons:

- (1) Removes the requirement that the drawing depict the article of manufacture in either solid or broken lines for design patent applications drawn to computer-generated interfaces or icons where both the title and claim properly identify an article of manufacture;
- (2) Clarifies that a design of a computer-generated interface or icon for a computer, computer display, or computer system is more than a mere transient or disembodied picture or three-dimensional image and is patent-eligible subject matter when disclosed and claimed in accordance with the pertinent rules and statutory requirements;
- (3) Clarifies that claim and title language that indicates that an icon or interface is “for” a computer, computer system, or computer display panel adequately describes a design for an article of manufacture under 35 U.S.C. 171; and
- (4) Highlights additional types of patent eligible designs based on the USPTO’s expanded understanding of design patent protection in light of new design formats resulting from the continued modernization of technology.

Note that there is no change in practice for other types of surface ornamentation.




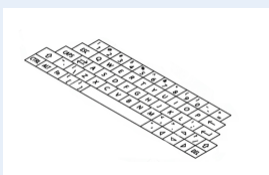


Example summary

#	Exemplary Figure	Title and claim language	171 compliant?	1.153/1.1067(a) compliant?
1		Computer display screen with icon	✓	✓
			✓	✓
		Paper stack icon *Broken line statement includes "computer display screen"	✓	✗
		Paper stack icon for a computer display screen	✓	✓


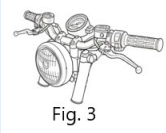
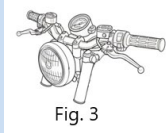
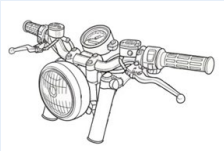
Note: Please refer to the full examples for important details regarding the full disclosure of the claimed design, drawing compliance under 37 CFR 1.152, possible amendments, and other critical context.

Example summary

#	Exemplary Figure	Title and claim language	171 compliant?	1.153/1.1067(a) compliant?
5		Paper stack icon	✗	✗
			✓	✓
		Projected keyboard interface for a computer	✓	✓
		Projected interface for a computer system	✓	✓

Note: Please refer to the full examples for important details regarding the full disclosure of the claimed design, drawing compliance under 37 CFR 1.152, possible amendments, and other critical context.

Example summary

#	Exemplary Figure	Title and claim language	171 compliant?	1.153/1.1067(a) compliant?
9		Graphical user interface for a computer	✓	✓
			✓	✓
		Virtual reality motorcycle interface	✗	✗
		Digital motorcycle picture	✗	✗

Note: Please refer to the full examples for important details regarding the full disclosure of the claimed design, drawing compliance under 37 CFR 1.152, possible amendments, and other critical context.

Thank you!