Proposed Reforms to India's Design Protection Framework

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In today's innovation‑driven economy, design rights have become a core element of intellectual property strategy. India has emerged as one of the fastest‑growing design jurisdictions worldwide, recording a 43.2% year‑on‑year increase in filings and receiving over 12000 design applications in 2024 alone. With nearly 90% of filings coming from domestic applicants, Indian businesses are increasingly treating design as a strategic commercial asset rather than a mere formality.

The Government of India has recently released a Concept Note proposing wide‑ranging amendments to the Designs Act, 2000. The objective is to modernise India's design law, bring it in line with international best practices, and respond to the realities of digital, globalised design creation.

Rationale for reform in a digital economy

The Designs Act was framed at a time when design innovation was closely linked to physical products. Today, however, value often lies in digital experiences and visual interfaces. Elements such as graphical user interfaces (GUIs), icons, animations, and screen layouts are central to user engagement in sectors like fintech, gaming, healthcare, e‑commerce, and software.

Although the Designs Rules, 2021 were updated to align with the Locarno Classification, the core statutory framework still centres on tangible articles. This creates uncertainty for purely digital or virtual design assets. The proposed amendments aim to close this gap and make the law technologically neutral.

Extending protection to virtual designs

A major proposal is to extend design protection to virtual and non‑physical designs. This would involve revisiting the definitions of "design" and "article" to expressly cover digital manifestations, including animation, movement, and transitions.

Under this approach, protection could cover GUIs, icons, graphic symbols, and virtual or augmented reality interfaces, even when they are not tied to a specific physical product, while continuing to exclude purely functional features that should remain in the public domain.

Clarifying the design-copyright interface

The Concept Note also seeks to address long-standing ambiguity at the intersection of design and copyright law. It proposes amending Section 15(2) of the Copyright Act, 1957 to allow copyright protection for designs that are registrable but remain unregistered, subject to a maximum term of 15 years.

This change would reduce litigation, prevent the over-extension of copyright monopolies into areas better suited to design protection, and encourage timely design registration instead of relying on copyright as a fallback.

Grace period and deferred publication

To reflect real-world commercial practices, the Note proposes a full 12-month grace period, replacing the current limited exception for disclosures at exhibitions. Designers who reveal their creations through online launches, investor presentations, or market testing before filing would no longer automatically lose novelty.

The proposal also includes deferred publication of registered designs for up to 30 months. This would allow applicants to keep designs confidential during pre-launch phases, reduce the risk of copying, and bring Indian practice closer to the Hague Agreement and the Riyadh Design Law Treaty, while incorporating safeguards for third-party interests.

Strengthening remedies and revising the term

To improve enforcement, the Concept Note suggests introducing statutory damages for design infringement. Courts could be empowered to award damages of up to INR 50 lakhs in cases of willful infringement, with higher penalties for repeat offenders. This would provide more predictable and accessible remedies, especially where actual financial loss is difficult to quantify.

The term of protection is proposed to be restructured into a "5+5+5" model, aligning with the Hague Agreement. Designs could be protected for up to 15 years, in three five-year blocks, giving rights holders the flexibility to renew only those designs that remain commercially valuable.

Procedural and international reforms

The proposed amendments also include several procedural improvements:

- Allowing multiple designs in a single application, reducing filing costs and administrative burden.
- Introducing divisional applications, so that objections to one design do not jeopardise the entire filing.
- Creating a dedicated chapter to implement the Hague System for international design registrations.
- Envisaging accession to the Riyadh Design Law Treaty, which would simplify procedures, provide time relief for missed deadlines, and enhance ease of doing business.

The proposed amendments represent a comprehensive effort to modernise India's design protection framework. By recognising virtual designs, strengthening enforcement, streamlining procedures, and aligning with key international treaties, the reforms support the vision of "Design in India, Design for the World" and could help position India as a global hub for design-led innovation.

The Government of India has placed the Concept Note on the public record and invited suggestions, inputs, and comments from stakeholders. Interested parties may submit their views by email to ipr7[illegible]dipp@gov.in on or before 23 February 2026.

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