GUIs as registrable designs in India: From UST Global to the 2026 clarification

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In a landmark ruling having expansive ramifications on India's digital economy, the Calcutta High Court has held that a graphical user interface (GUI) can qualify for registration as a "design" under the Designs Act, 2000. The court set aside several refusal orders of the Designs Office and remanded them for fresh consideration

The earlier *UST Global* case

In an earlier case of *UST Global (Singapore) Pte Ltd v. Controller of Patents & Designs* (AID No. 2 of 2019), which challenged refusal of a design application for a touch-screen GUI, the Calcutta High Court had remanded the matter to the Controller, acknowledging that GUIs could be considered for registration within the statutory framework of Sections 2(a) and 2(d) of the Designs Act, 2000.

On remand, however, the Designs Office again rejected the application, reiterating objections about visibility only in the "on" state, non-physicality, and the contention that a GUI is functional software rather than a visual design applied to an article.

The 2026 clarification

In a recent February 9, 2026, order (reported March 11, 2026), *NEC Corp v. Controller of Patents (Calcutta HC, March 9, 2026) et al*, the Calcutta High Court duly recognized GUI elements, iconography, layout, colour combinations and ornamentation as aesthetic choices that produce a visual impression judged by the eye, fulfilling the qualitative test under Section 2(d).

The group of appeals targeted the consistent refusal practice of the Design Office that GUIs are merely software effects and not eligible for registration under Sections 2(a) and 2(d) of the act.

The court held that the authorities had adopted an unduly narrow interpretation of "article"

and "design" and had misconstrued "industrial process."

The legal tests reframed

'Article' and 'design' are distinct and 'article of manufacture' is not limited to physical parts

The court emphasized that a registrable design contains visual features of shape, configuration, pattern, ornament, composition of lines or colours, applied to an article and judged solely by the eye in the finished article.

Further, the act requires that a design must be applied to an article, implying that the design itself need not be the article, thereby rendering the design and the article to be exclusive of each other.

The controller's interpretation, anchoring the word "design" to a physical article, is misconceived. The court also noted that by following such limited approach, the GUI, icons and animations would never be registered.

The court also relied on a case from the United States, *Microsoft v. Corel*, that had held that even software isan "article of manufacture". Thus, the "article" inquiry does not shut out digital interfaces, rather it calls for broad and purposive interpretation.

'Industrial process' means* any *industrial process

The controller had asserted that "industrial process" in Section 2(d) covers only manual, mechanical or chemical processes, thereby excluding GUIs generated through electronic means.

Justice Kapur outrightly rejected this view. The word "any" in the statute requires technologically neutral construction, as the words manual, mechanical or chemical are not exhaustive, rather only indicative in nature.

No 'permanence' requirement in Section 2(d)

The consistent ground for refusal of GUI has been that it is visible only when a device is in switched "on," hence is not "permanent." The court found that there is no such statutory requirement under the Designs Act.

The court appreciated that many designs manifest only during use, which does not defeat registrability. The adequate inquiry should be whether the visual features are man-made, reproducible and judged solely by the eye in the finished article.

The court interestingly distinguished between the statutory requirement of applying the design to an article with the Controller's misconceived mindset of permanently applying the design features to the article. Crucially, the concept of permanence of the design is not included in Section 2 (d) of the act.

'Judged solely by the eye': Functional versus ornamental features

The court outlined that where arrangement, spacing, iconography, colour palette and layout choices produce a visual impression, GUI designs can satisfy the design law requirement of "eye appeal", which is a well-established requirement.

Locarno Classification

India's adoption of the Locarno Classification that expressly includes Class 14-04 (screen displays and icons) and Class 32 (graphic symbols, logos, surface patterns and ornamentation) does not guarantee registration for said designs, but acts as an administrative measure for the purpose of facilitating filing and search. Nevertheless, its adoption reflects a clear legislative and administrative intent to accommodate digital designs, subject to Sections 2(a) and 2(d).

No 'dual protection': Designs Act and Copyright Act can be harmonized

The controller's argument that GUIs should be protected as "artistic works" under the Copyright Act, 1957 was rejected by Justice Kapur, relying on the Supreme Court's *Cryogas Equipment v. Inox India (2025)* for distinguishing copyright from design. An original artistic work in no way prohibits the *industrial application* of its visual features from being protected as a "design".

International alignment

The present ruling attempts to bring the Indian practice closer to global norms. A significant majority of jurisdictions, including the European Union, United Kingdom, United States and Australia, protect GUIs, screen displays and animations under design law. The court also highlighted the need for technological neutrality and harmony with multilateral frameworks like the Hague Agreement and the EU's Design Law Treaty, recognizing virtual designs.

The order

The court acknowledged the lack of clarity with regard to the registrability of GUIs. Accordingly, the court urged for providing necessary guidance either by legislative action or by the controller by issuing appropriate directions.

At the same time, the court also stressed that there is no exclusion of GUIs under Sections 2(a) or 2(d), restoring the focus to what the statute actually protects, *viz.,* visual features applied to an article and judged by the eye, while accommodating modern technological realities.

The court's order remands the matters for fresh hearing, directing the Designs Office to apply the above legal tests. According to the order, GUI applications should be examined on theirmerits and decided on a case-to-case basis rather than being rejected on grounds like "not an article," "no industrial process" or "no permanence."

Conclusion

The 2026 ruling effectively supersedes the grounds on which the Controller rejected *UST Global* both initially and upon remand. The High Court has now declared that objections based on non-physicality and functionality are legally untenable when the GUI exhibits aesthetic features and is properly identified with an article. This directly defeats the logic used to re-reject *UST Global* after remand. It is now to be seen that whether the understanding of the controller is recalibrated and directed towards design criteria of novelty, originality and "judged solely by the eye" standard from categorical ineligibility.

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