Can You Patent the Look of an App? GUI and Icon Protection in India

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Think about the apps you use every day. Their visual identity is often the first thing you recognise: the arrangement of icons, navigation menus, buttons, screen layouts, colour combinations and transitions between screens. These elements are not merely decorative. They influence how users interact with a digital product and distinguish one interface from another.

For businesses developing mobile applications, software products and connected devices, the visual design of an interface can become an important commercial asset. But can that visual identity receive intellectual property protection in India? More specifically, can a graphical user interface (GUI) qualify for registration under the Designs Act, 2000?

A recent Calcutta High Court judgment has brought this question into sharper focus.

First, is it a Patent or a Design?

Although the expression "patenting an app's look" is commonly used, the relevant protection for the visual appearance of an interface is generally design registration, not a patent.

Under Section 2(d) of the Designs Act, 2000, a design covers features of shape, configuration, pattern, ornament or composition of lines or colours applied to an article through an industrial process, which appeal to and are judged solely by the eye.

For a digital interface, this may include screen layouts, icon arrangements, visual patterns and other ornamental features. The underlying software code, however, is a separate subject matter.

The distinction is important. A patent protects a qualifying invention, copyright may protect original artistic works and software code, while design registration concerns the visual features applied to an article. Each protects a different aspect of a digital product.

NEC Corporation: Can a Screen Display Qualify as a Design?

In *NEC Corporation v. Controller of Patents and Designs*, decided on 9 March 2026, the Calcutta High Court considered five appeals involving rejected applications for GUI design registration. The appeals also included matters involving ERBE Elektromedizin GmbH, Abiomed Inc. and TVS Motor

Company Limited.

The central question was whether a GUI could satisfy the definition of a design under Sections 2(a) and 2(d) of the Act.

The objections raised by the Designs Office included whether a GUI could be considered an article, whether it was applied through an industrial process and whether an interface visible only when a device was switched on could satisfy the statutory requirements.

The Court rejected the proposition that GUIs were automatically excluded from design protection. It observed that the relevant article could be the display unit or the finished product, such as a smartphone, tablet or vehicle dashboard.

It also clarified that a design need not remain permanently visible. The relevant consideration is whether it becomes visible when the article is put to its intended or normal use.

However, the Court did not declare every GUI registrable. It held that eligibility must be examined individually, with reference to the statutory requirements and whether the visual features are dictated solely by function.

The Court set aside the orders under challenge and remanded the applications to the Controller for fresh consideration.

Where Does Copyright End and Design Protection Begin?

The relationship between copyright and design registration is another important consideration.

An interface may contain original artistic elements protected under the Copyright Act, 1957. Its commercial application through an industrial process may also bring the Designs Act into consideration.

In *Cryogas Equipment Pvt. Ltd. v. Inox India Ltd.*, decided by the Supreme Court in 2025, the Court examined the relationship between artistic works and industrial designs. It explained that an original artistic work and a design derived from that work for industrial application must be examined under the relevant statutory provisions.

Section 15 of the Copyright Act is particularly relevant. It addresses the relationship between copyright and designs, including the consequences where a design capable of registration is industrially reproduced without registration beyond the statutory threshold of 50 reproductions.

The *NEC Corporation* judgment applied this broader understanding to GUIs. It distinguished the

visual interface from the underlying computer programme and recognised that design protection may be considered where the statutory requirements are satisfied.

What the New GUI and Icon Guidelines Propose

On 1 October 2026, the Office of the Controller General of Patents, Designs and Trade Marks published draft guidelines for registration of designs relating to GUIs and icons.

The proposed guidance addresses how applicants should identify the article associated with an interface, classify the design, provide visual representations and describe the features for which protection is sought.

It also refers to Class 14-04 of the Locarno Classification, which covers screen displays and icons.

The draft is significant because it seeks to provide greater clarity in examining digital designs under the existing framework. It does not create an independent category of intellectual property or replace the statutory requirements of the Designs Act.

What This Means for App Developers and Technology Businesses

For businesses developing digital products, the visual interface deserves consideration as part of their broader intellectual property strategy.

The ownership of interface designs should be clear where work involves employees, external designers, agencies or technology partners. Originality, the association with an identifiable article, the visual features claimed and the distinction between functional and ornamental elements may all become relevant when seeking design registration.

The protection of an interface may also involve copyright and trademark considerations, depending on the subject matter and the rights being asserted.

The legal position is evolving as Indian design law responds to digital products and screen-based interfaces. The *NEC Corporation* judgment provides an important judicial foundation, while the draft guidelines indicate how the Designs Office proposes to approach these applications.

As software products become increasingly visual, the legal question is no longer limited to what an application can do. It also extends to how its visual identity is created, represented and protected.

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