



Design Law Treaty (DLT)

For Prelims: [World Intellectual Property Organization \(WIPO\)](#), Design Law Treaty (DLT), [Industrial Designs, Intellectual Property, Designs Act, 2000](#), [TRIPS Agreement](#), [Trademark](#), [Copyright Act, 1957](#).

For Mains: Safeguarding Intellectual Property Rights.

[Source: PIB](#)

Why in News?

Recently, the member states of the [World Intellectual Property Organization \(WIPO\)](#) including **India** adopted the **Design Law Treaty (DLT)** at the Diplomatic Conference to Conclude and Adopt the Design Law Treaty held in **Riyadh, Saudi Arabia**.

State of India's Intellectual Property

- **India's Innovation Ranking:** WIPO's [Global Innovation Index \(GII\) 2024](#) ranked India **39th among the 133 economies** featured in the GII 2024.
 - India ranked **1st** among the 10 economies in **Central and Southern Asia**.
- **India's Global IP Ranking:** India ranks in the **global top 10** for all three major intellectual property rights—**patents, trademarks, and industrial designs**.
 - India ranks **sixth globally** with **64,480 patent applications** in 2023.
 - India's trademark office holds the **second-largest number of active registrations worldwide** with **over 3.2 million trademarks** in force.
 - India's industrial design applications grew by **36.4%** in 2023.
- **Increase in IP Activity:** India's **patent-to-GDP ratio** grew from **144** to **381** in the past decade, indicating an expansion of IP activity in line with economic growth.
 - Patent-to-GDP ratio is a measure of the economic impact of patent activity.

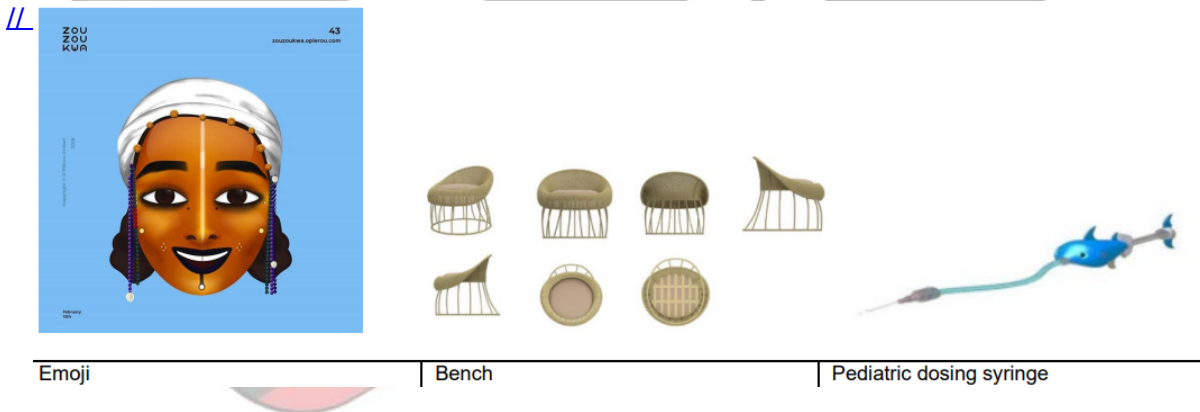
What is the Design Law Treaty (DLT)?

- **About:** DLT is proposed as a comprehensive framework to streamline and facilitate the **protection of industrial designs** worldwide.
- **Objective:** Its objective is to create a **predictable and accessible system** that eliminates unnecessary bureaucratic hurdles and offers greater ease for designers to protect their intellectual property.
- **Key Provisions:**
 - **Streamlining Design Application Procedures:**
 - **Clear Application Requirements:** Establishes **uniform, clear guidelines** for all design applications.

- **Flexibility in Representation:** Applicants can use various formats (**drawings, photos, videos**) to **represent the design** to industrial property offices.
 - **Multiple Use:** Allows **multiple designs in one application**, preserving the original filing date even if some are not accepted.
- **Improving the Filing Process:**
 - **Filing Date Simplicity:** Applicants can secure a filing date by submitting **essential parts initially**, with the complete application processed later.
 - **Grace Period for Public Disclosure:** A **six or 12-month grace period** protects the novelty of designs disclosed before filing.
- **Post-Registration Procedure and Protection:**
 - **Publication Control:** Applicants can control publication for **six months post-filing**, ensuring confidentiality and competitive advantage.
 - **Relief Measures for Missed Deadlines:** **Relief** will be provided for applicants who **miss deadlines**, preventing loss of rights.
 - **Clear Post-Grant Transactions:** Post-registration procedures (e.g., transfers, licensing) will be clearly defined for easier management and enforcement.
- **Two-Tier Structure:** The Treaty will consist of **articles** (the main provisions of the Treaty) and **rules** (the regulations governing implementation).
 - The Assembly of **Contracting Parties** can amend the rules to **adapt to changes** in design law and technology.

What is Industrial Design?

- **About:** An industrial design is an **original creation** of an **ornamental nature**, which, when **incorporated in or applied to a product**, lends a **special appearance** to it.
 - These characteristics may result from its **shape, lines, outline, configuration, colour, texture or material**.
 - A design may be **three-dimensional**, such as the shape of a product, or **two-dimensional**, as in a specific surface pattern.
 - It is an **Intellectual property (IP)** which are **intangible creations** of the human mind that have value but are not physical objects.
- **Application:** Designs are applied to a wide range of products, such as **packaging, furniture, clothing, electronic devices, medical equipment, handicraft items, and jewelry**.



- **Importance:** Designs are **business assets** that may increase a product's **market value** and provide a competitive advantage.
 - By making products attractive to consumers, designs **drive consumer choices**.
- **Protection:** Designers need to follow the filing procedures set by the **intellectual property (IP) office** of the country in which they seek protection.
 - Design rights are **territorial** i.e., the rights arising from protection obtained in one **country (or region)** are limited to that country (or region).
 - The registration and protection of industrial designs in India is administered by the **Designs Act, 2000**.
- **Industrial Design In India:** Between **2014-24**, design registrations in India have **tripled**, with

domestic filings increasing by **120%** in the **last two years** alone.
◦ Notably, design applications grew by **25% in 2023**.

World Intellectual Property Organisation (WIPO)

- **About:** WIPO is an **specialised agency** of the [United Nations](#) which was created in **1967** to encourage **creative activity**, to promote the protection of **intellectual property** throughout the world.
- **Role:** Provides services for protecting IP, offers a forum for IP-related issues, and supplies data and information to guide global decision-making.
- **Membership:** It has **193 member states**. India joined WIPO in 1975.

What are Protection Provisions under the Design Act, 2000?

- **Eligibility:** Designs are protected if they are **aesthetic in nature and applied to articles**.
 - Protection only applies to the appearance of an article, **not its functional aspects**.
 - Designs must be registered with the **Design Registry** to receive protection.
- **Requirements for Protection:**
 - **Novelty and Originality:** Design must be new and significantly different from existing designs.
 - **Non-Disclosure:** Design should not have been publicly disclosed in India or abroad.
 - **Not Functional:** Designs driven by functionality are not protected.
 - **Not Offensive:** Designs should not conflict with public morals, security, or integrity.
- **Duration of Protection:** Protection lasts for at least **10 years** under the [TRIPS Agreement](#) which can be extended for an additional **5 years** through a renewal application.
- **Infringement and Enforcement:** Registered design owners can **prevent** others from **making, selling, or importing products** that **copy or imitate** their design.
- **Excluded Designs from Protection:** Certain items like **stamps, calendars, books, flags, and layout designs of integrated circuits** are excluded from industrial design protection.
 - Design **cannot** include a [trademark](#), **property mark, or any artistic rights** as defined under the [Copyright Act, 1957](#).

INTELLECTUAL PROPERTY RIGHTS (IPRs)

IP refers to intangible assets owned/legally protected by an individual/company from outside use or implementation without consent.



NEED FOR IPR

- ↳ Encourages Innovation
- ↳ Economic growth
- ↳ Safeguard rights of creators
- ↳ Enhances ease of doing business



RELATED CONVENTIONS/TREATIES (INDIA SIGNATORY TO ALL)

- ↳ WIPO Administered (first recognised IPR under):
 - ↳ Paris Convention for the Protection of Industrial Property 1883 (Patents, Industrial Designs)
 - ↳ Berne Convention for the Protection of Literary and Artistic Works 1886 (Copyrights)
- ↳ WTO - TRIPS Agreement:
 - ↳ Ensures adequate standard of protection
 - ↳ Argues for incentives for technology transfer to developing countries
- ↳ Budapest Treaty 1977:
 - ↳ International recognition of the deposit of micro-organisms for the purposes of patent procedure
- ↳ Marrakesh VIP Treaty 2016:
 - ↳ Facilitate access to published works by visually impaired persons and persons with print disabilities
- ↳ IPR also outlined in Article 27 (Universal Declaration of Human Rights)



INDIA AND IPRS - INITIATIVES

- ↳ National IPR Policy 2016:
 - ↳ Motto: "Creative India; Innovative India"
 - ↳ Compliant with TRIPS Agreement
 - ↳ Brings all IPRs to single platform
 - ↳ Nodal Dept - Department of Industrial Policy & Promotion (Ministry of Commerce)
- ↳ National (IP) Awareness Mission (NIPAM)
- ↳ Kalam Program for Intellectual Property Literacy and Awareness Campaign (KAPILA)

World Intellectual Property Day: 26th April

Intellectual Property	Protection	Law in India	Duration
Copyright	Expression of Ideas	Copyright Act 1957	Variable
Patent	Inventions- New Processes, Machines, etc.	Indian Patent Act 1970	20 years Generally
Trademarks	Sign to distinguish business goods or services	Trade Marks Act 1999	Can last Indefinitely
Trade Secrets	Confidential Business Information	Protected without Registration	Unlimited time
Geographical Indication (GI)	Sign used on specific geographical origin and possess qualities due to site of origin	Geographical Indications of Goods (R & P) Act, 1999	10 years (Renewable)
Industrial Design	Ornamental or aesthetic aspect of an article	Design Act, 2000	10 years

Judgements of Industrial Design

- **Ritika Private Limited v. Biba Apparels Private Limited Case, 2016:** Ritika, a boutique apparel designer, sued Biba for reproducing and **selling garments** in the Delhi high court that **duplicated Ritika's designs**, despite the designs **not being registered under the Design Act, 2000**.
 - The court ruled that the designs were **not registered** under the Design Act, 2000, and

thus, there was **no infringement**, reinforcing the importance of **design registration** for protection against duplication and copying.

- **Crocs Inc. USA v. Bata India Ltd. and Ors. Case, 2019:** Crocs Inc USA filed a **design infringement** suit against various Indian footwear manufacturers in the Delhi high court. The alleged design referred to **perforated and non-perforated** shoe design.
 - The court held that Crocs Inc USA **cannot allege infringement or piracy** since the alleged design **lacks novelty and originality** because of the prior publication of the design in various mediums.

Conclusion

The **Design Law Treaty (DLT)** aims to simplify the **global protection of industrial designs**, making it easier and more accessible for designers to **safeguard their intellectual property**. It ensures a streamlined process, with provisions for multiple designs, grace periods, and clear post-registration procedures, enhancing international design protection.

Drishti Mains Question:

What is Industrial Design? How the newly adopted Design Law Treaty (DLT) aims to protect it.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. Consider the following statements: (2019)

1. According to the Indian Patents Act, a biological process to create a seed can be patented in India.
2. In India, there is no Intellectual Property Appellate Board.
3. Plant varieties are not eligible to be patented in India.

Which of the statements given above is/are correct?

- (a) 1 and 3 only
- (b) 2 and 3 only
- (c) 3 only
- (d) 1, 2 and 3

Ans: (c)

Q. With reference to the 'National Intellectual Property Rights Policy', consider the following statements: (2017)

1. It reiterates India's commitment to the Doha Development Agenda and the TRIPS Agreement.
2. Department of Industrial Policy and Promotion is the nodal agency for regulating intellectual property rights in India.

Which of the above statements is/are correct?

- (a) 1 only
- (b) 2 only

(c) Both 1 and 2

(d) Neither 1 nor 2

Ans: (c)

Mains

Q. In a globalized world, Intellectual Property Rights assume significance and are a source of litigation. Broadly distinguish between the terms—Copyrights, Patents and Trade Secrets. (2014)

PDF Referenece URL: <https://www.drishtiias.com/printpdf/design-law-treaty-dlt>

