

Design Registration Guide for Startups (India)

How to register industrial designs under the Designs Act 2000 to protect product appearance

HOW TO USE THIS TEMPLATE

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| 1. | This document: Design Registration Guide for Startups (India). |
| 2. | Complete all bracketed fields before use. Review annually. |
| 3. | Template only — not a substitute for qualified legal advice. |

1. DESIGN PROTECTION IN INDIA

1.1 What Designs Protect. The Designs Act 2000 protects the visual appearance of products — their shape, configuration, pattern, ornament, or composition of lines and colours. The design must be: new (not published anywhere before filing); original (resulting from the creator's own effort); and applicable to an article by an industrial process.

1.2 What Designs Do NOT Protect. Purely functional features (shape dictated solely by function); features not visible during normal use; purely 2D artistic works not applied to an article (use copyright for these).

1.3 Term. Initial registration: 10 years. One renewal: 5 further years — total maximum 15 years. A lapsed design registration cannot be restored.

1.4 File Before Launch. Unlike patents, there is NO grace period for prior publication under the Designs Act 2000. File the design application before any product launch, press release, or social media post showing the product.

2. THE REGISTRATION PROCESS

2.1 Filing. File Form 1 at the Design Wing of the CGPDTM online at ipindiaonline.gov.in/designefiling. Attach representations (drawings or photographs) from all required views — typically front, back, left, right, top, and bottom.

2.2 Fees. Filing fee: Rs. 1,000 per class (startup rate — 50% discount with DPIIT recognition). Standard rate: Rs. 2,000. Renewal fee at year 10: Rs. 2,000 (startup) / Rs. 4,000 (standard).

2.3 Drawing Standards. Representations must: be on white background; use solid lines for claimed features and broken lines for unclaimed features; be consistent in scale across all views; and contain no text, dimensions, or reference numbers.

2.4 Statement of Novelty. Identifies which specific features of the design are claimed as new. Drafted precisely — the Statement of Novelty defines the scope of protection.

3. INTERNATIONAL DESIGN PROTECTION

3.1 India Is Not in the Hague System. India has not yet joined the WIPO Hague System for international design registration. Indian companies must file separately in each country: EU (EUIPO — covers all 27 EU member states); USA (USPTO Design Patent — 15 years); UK (UKIPO — post-Brexit separate); China (CNIPA — important for supply chain).

3.2 Design + Copyright + Trademark. The strongest product appearance protection combines: Design registration (15 years exclusive right); Copyright (if artistic character — life plus 60 years automatically); and Passing off / trade dress (if design has acquired commercial reputation — no time limit).

3.3 Priority Filing. If you file in India first, you can claim Paris Convention priority in foreign countries within 6 months of the Indian filing date. File Indian design registration first, then file in key international markets within 6 months using the Indian filing as priority.

4. DESIGN STRATEGY FOR STARTUPS

4.1 Hardware and IoT Products. For any consumer-facing hardware product, file a design registration before public launch. The 15-year protection period covers the entire useful commercial life of most consumer products. The Rs. 1,000 filing fee is trivial compared to the competitive value of exclusivity.

4.2 Packaging and Trade Dress. Distinctive product packaging and container designs are registrable as designs. Filing design registrations for distinctive packaging protects against copycat brands and complements trademark protection for the brand elements on the packaging.

4.3 UI/UX Design. Screen designs and graphical user interfaces applied to physical devices (tablets, smart devices, dashboards) may be registrable as designs in India. The design must be applied to an article — a purely digital UI on a screen without a physical article is more appropriately protected by copyright.

IMPORTANT NOTE

This is a working template for Design Registration Guide for Startups (India). Verify all requirements with a qualified IP advocate before use. Indian IP law evolves — confirm current requirements.

ENFORCEMENT, INTERNATIONAL PROTECTION, AND STRATEGIC PLANNING

ENFORCING A REGISTERED DESIGN IN INDIA

Civil Enforcement — Section 22 of the Designs Act 2000. The proprietor of a registered design may file a suit in the District Court of appropriate jurisdiction for: an interim injunction to stop ongoing infringement immediately; a permanent injunction; damages capped at Rs. 25,000 per article of infringement, up to Rs. 50,000 per suit (Note: the Designs (Amendment) Bill proposes increasing these caps significantly — monitor for legislative updates); delivery up and destruction of all infringing articles; and costs.

Passing Off — Uncapped Damages. If your product design has acquired commercial reputation and goodwill (established through sales, marketing, and consumer recognition), you can pursue a common law passing off claim alongside the Designs Act claim. Passing off damages are not capped at Rs. 50,000 — they reflect actual commercial harm, which can be substantial for well-known product designs. Build and document your product's commercial reputation from launch.

Copyright as an Additional Layer. If your product design incorporates original artistic elements (not purely functional shapes), those elements are also protected by copyright as artistic works under the Copyright Act 1957. Copyright in these elements lasts for the author's life plus 60 years — far longer than the 15-year design registration term. File a copyright registration for artistic product designs to create an additional layer of protection.

The Design-Copyright Interface. An important legal nuance: once a design has been industrially applied (more than 50 copies manufactured), copyright protection in the design under the Copyright Act may be exhausted — the Designs Act becomes the exclusive route for protection. File a design registration for all designs intended for industrial application to ensure protection throughout the commercial life of the product.

DESIGN REGISTRATION FOR DIGITAL AND UI PRODUCTS

UI/UX Designs as Industrial Designs. Screen designs and GUI elements applied to physical devices (tablets, smart displays, industrial control panels, automotive dashboards) may be registered as designs in India. The design must be applied to an identifiable physical article — a purely software-generated UI on a generic screen is more appropriately protected by copyright. Work with a design attorney to identify which UI elements qualify for design registration.

Packaging and Container Designs. Distinctive product packaging and container shapes are a high-value design asset for consumer goods companies, food and beverage startups, and D2C brands. Filing design registrations for distinctive packaging: prevents competitors from using confusingly similar packaging; complements trademark protection for the brand name and logo; and is enforceable against counterfeit products that copy the packaging appearance.

Fashion and Textile Designs. For fashion startups and textile designers, surface patterns and ornamental designs applied to fabrics are registrable under the Designs Act 2000. Fashion designs in India have additional copyright protection as artistic works for the design drawings and patterns. The combination of design registration (for industrially applied patterns) and copyright (for design drawings) provides comprehensive protection.

Building a Design Portfolio. Consumer product companies should maintain a design portfolio register tracking: all registered designs; their registration numbers and expiry dates; the products they apply to; and any enforcement actions taken. Conduct an annual review to identify new products or designs requiring registration and any registrations due for renewal.

DESIGN AUDIT AND PORTFOLIO MAINTENANCE

Design Portfolio Register. Maintain a comprehensive Design Portfolio Register tracking for each registered design: Design Registration No.; article class; description; date of application; date of registration; expiry date (10 years from registration); renewal deadline (renewal application must be filed before expiry); renewal fee (Rs. 2,000 startup / Rs. 4,000 standard); current enforcement status; and commercial importance rating. Review the register quarterly to ensure no renewals are missed — lapsed designs cannot be restored.

Annual Design Audit. Conduct an annual design audit covering: (a) new product lines — any new products or packaging launched that should have design registrations filed before launch? (b) existing portfolio — all registered designs in force and renewal fees paid? (c) enforcement — any suspected infringement detected through market monitoring? (d) international expansion — any new markets entered where design registrations should be filed? (e) lapse decisions — any designs covering discontinued products that can be allowed to lapse?

Design Registration vs Trademark — Strategic Alignment. Design registration and trademark registration often protect overlapping aspects of product identity: a distinctive product shape may be registrable as both a design (Designs Act) and a trademark (Trade Marks Act as a three-dimensional mark); a surface pattern applied to a product may be registrable as both a design and a trademark. Coordinate design and trademark strategies to ensure no protection gap. For maximum protection, file both applications simultaneously.

Design Registration for Packaging Redesign. Consumer brands frequently redesign packaging for commercial and aesthetic reasons. Important IP considerations in a packaging redesign: (a) file a new design registration for the new design before any public reveal; (b) assess whether transitioning away from the old design affects any existing design registration (the old registration remains valid but the design is no longer being commercially exploited — it may be allowed to lapse at renewal); (c) check whether the new design is sufficiently different from the old to qualify as a new, original design (minor changes may not qualify); and (d) brief the trademark attorney on the packaging redesign — trademark applications for the new design elements should be filed simultaneously.

Competitor Design Monitoring. Monitor the Designs Office Official Gazette (ipindiaonline.gov.in) for new design registrations by competitors in your product categories. A competitor's new design registration can: indicate their upcoming product launch; reveal their aesthetic direction; create a blocking position against your future products; and require a freedom-to-operate assessment for your own design pipeline. File oppositions to competitor design applications where the registered design is similar to your prior published or registered designs.