



# ***WIPO's work on GUI, icon, typeface/type font designs within the Standing Committee on Trademarks, Industrial Designs and Geographical Indications (SCT)***

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# Graphical User Interfaces (GUIs)



# Icons



# Typeface / Type font designs

abcdefghijklmnopqrstuvwxyz  
ABCDEFGHIJKLMNOPQRSTUVWXYZ  
0123456789

abcdefghijklmnopqrstuvwxyz  
ABCDEFGHIJKLMNOPQRSTUVWXYZ  
GHIJKLMN  
OPQRST  
UVWXYZ  
01234  
56789

# Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

- **Proposal by the Delegations of Israel, Japan and the United States of America (SCT/35/6) (2016)**
- **Questionnaire on GUI, icon, typeface / type font designs**

## ***18 questions on:***

- Systems of Protection,
- Application for a design patent/industrial design registration
- Examination of the Application
- Scope and Duration of Protection

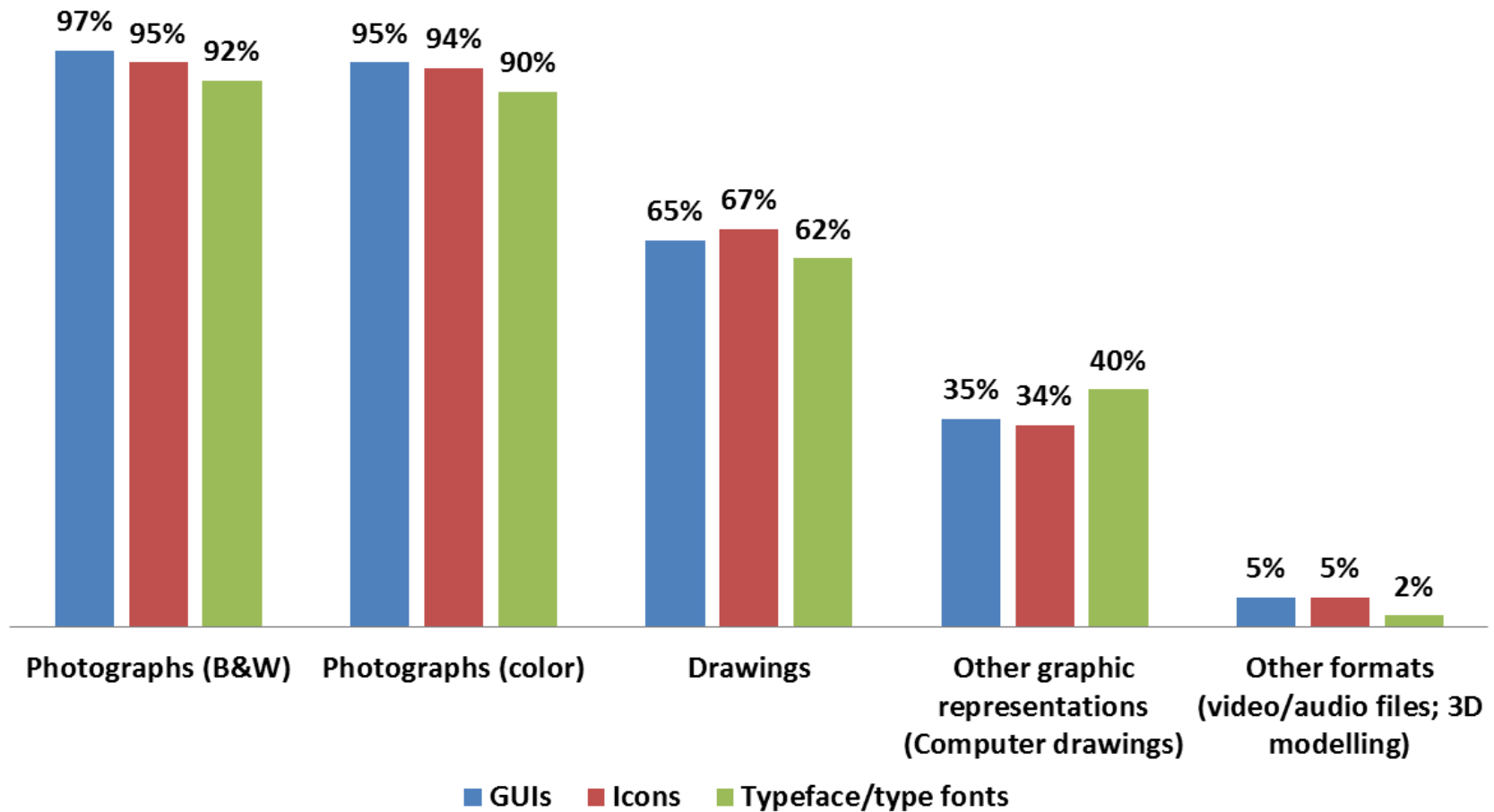
# GUI, icon, typeface/type font designs

- **Compilation of the replies to the questionnaire on GUI, icon and typeface/type font designs (SCT/36/2 Rev. 2)**
  - 63 States
  - 2 IGOs
  - 6 NGOs
- **Analysis of the returns to the questionnaire (SCT/37/2 Rev.)**

# GUI, icon, typeface/type font designs

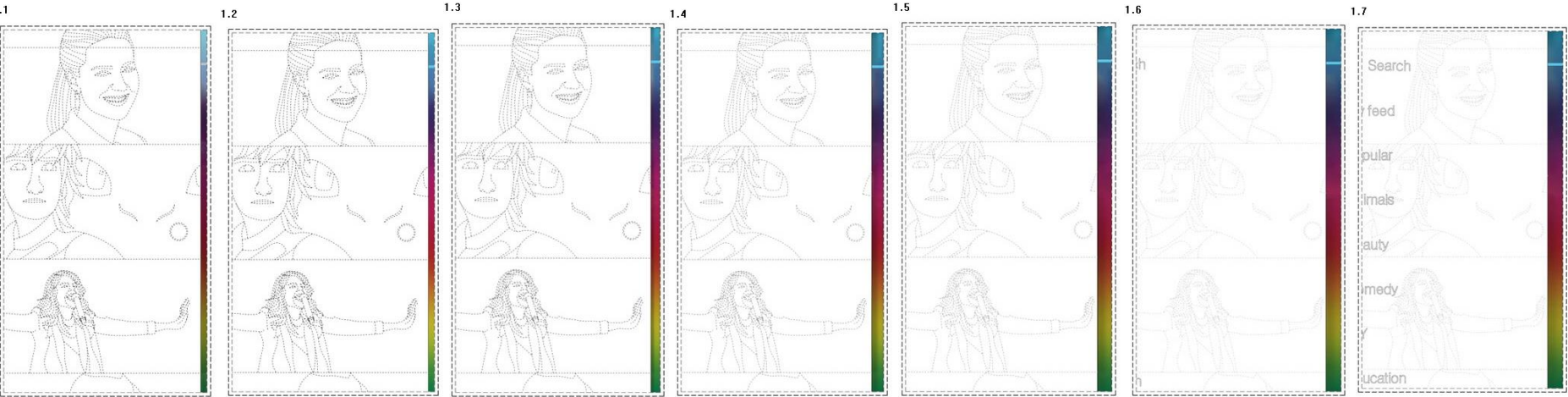
- Protection provided in almost all responding jurisdictions
  - 95% for GUIs and icons
  - 87% for typefaces/type fonts
- Protection is available under TWO or MORE laws:
  - 77% for GUIs and icons
  - 74% for typefaces/type fonts
- Most frequent combination for GUIs and Icons:
  - industrial design law
  - copyright law
  - trademark law

# Representation in an application

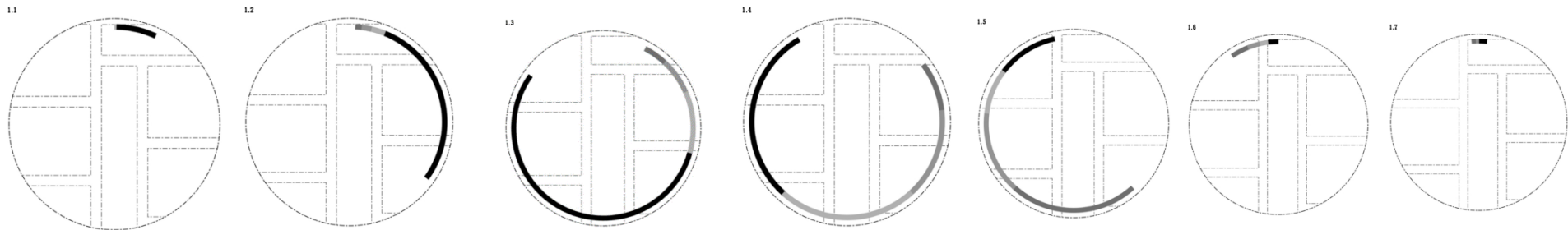




# Animated GUIs and icons



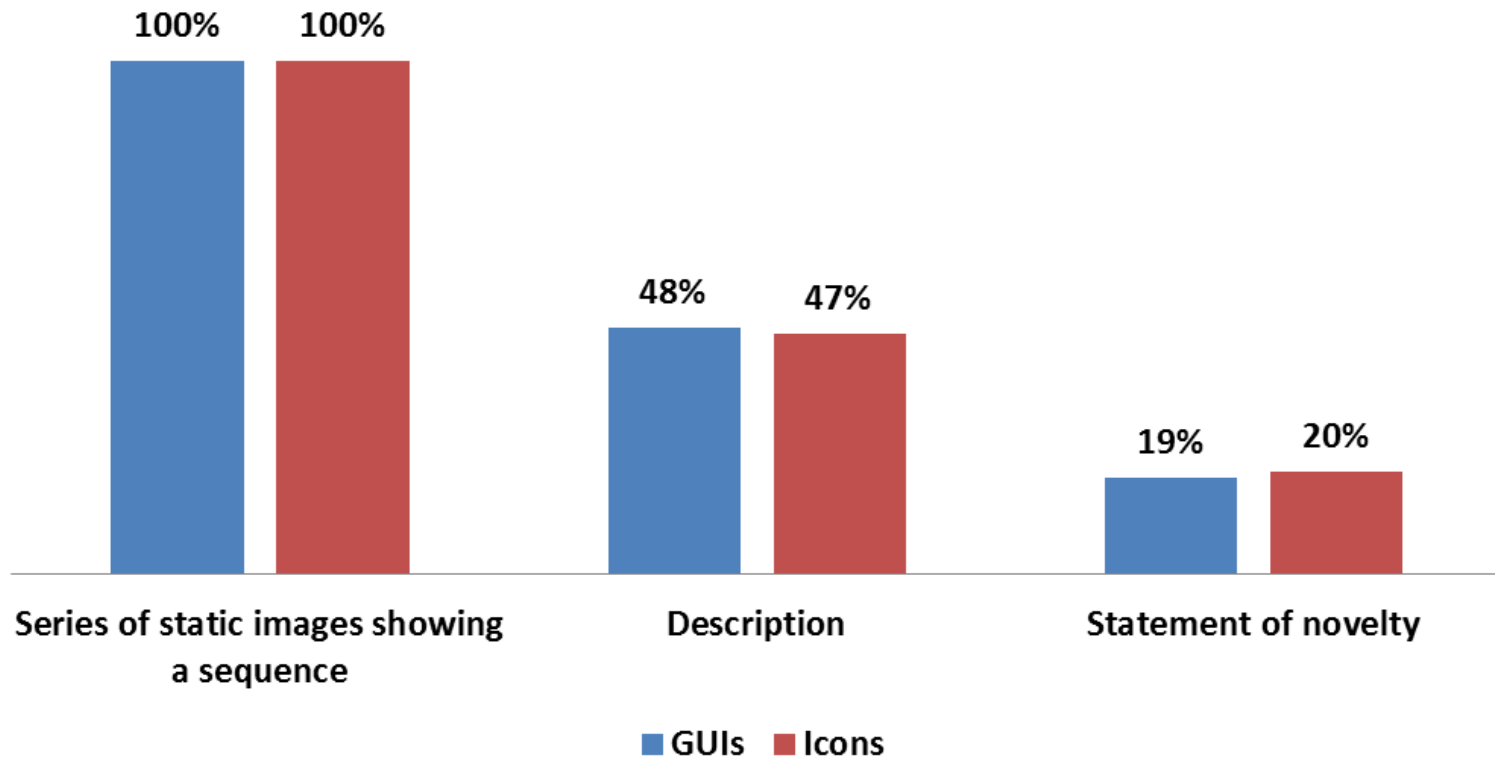
# Animated GUIs and icons



The appearance of the animated graphical user interface sequentially transitions between the images shown; the process or period in which one image transitions to another forms no part of the claimed designs; the broken line showing of the remainder of the user interface and the remainder of the display screen is for environmental purposes only and forms no part of the claimed designs

# Animated GUIs and icons

- In +/- 1/3 of responding jurisdictions: special requirements



# GUI and icon designs

- Can a GUI or icon be patented/registered *as such* = independently of the product that incorporates it or in relation to which it is to be used (smartphones, tablet, computer screen)?

YES in 69% for GUIs

YES in 67% for icons

# GUI designs

- How should it be represented then?

Representation of the GUI(84%)/icon(80%) **alone** (without the product)



# GUI designs

- How should it be represented then?

Representation of the GUI(75.5%)/icon(76%) ***with the product in dotted or broken lines***



# Eligibility criteria

- **Same** as those applied to other industrial designs

97% for GUIs

98% for icons

86,5% for typefaces/type fonts

- Temporary appearance

69% do not exclude a GUI or icon from protection if it appears only ***temporarily***

# Scope and duration of protection

- Is a GUI/icon protected in relation to one product (e.g. smartphone) also protected against its use in relation to another product (e.g. display of a car)?

GUIs: Yes – 49%

Icons: Yes – 46,25%

- The same duration of protection as of other designs

GUIs: Yes – 92%

Icons: Yes – 94%

Typeface/type fonts: – 80%



# Follow-up Work

- Information Session on GUI, icon and typeface/type font designs at the 38<sup>th</sup> Session of the SCT from two perspectives:
  - (i) the practices of offices and*
  - (ii) the experience of users*
  
- Document SCT/39/2 summarizing the main points emerging from the Information Session
  - *policy questions of legal and technical nature as to the necessity to consider and anticipate users' needs for the adequate protection of new technological designs*

# Follow-up Work

- Document SCT39/3 compiling the proposals for further work on GUI, icon and typeface/type font designs (3 MS, 4 NGOs)
  - various aspects of the means, scope of protection and registration procedures of GUI, icon and typeface/type font designs;
  - designs created by Artificial Intelligence (AI).

# Future Work

## ■ Existing issues:

- the requirement for a link between GUIs, Icons, Typeface/Type Font Designs and the article or product and
- the methods allowed by offices for the representation of animated designs

## ■ Novel technological designs

- further exchange of views on related matters (AI, Augmented Reality (AR), Virtual Reality (VR), etc.)

## ■ The Hague Registry is also evaluating the implications of these developments

# Work of AIPPI and ICC on GUIs



International Chamber of Commerce  
Policy and Business Practices

2017 AIPPI World Congress - Sydney  
Adopted Resolution  
October 17, 2017

## Resolution

### 2017 – Study Question (General)

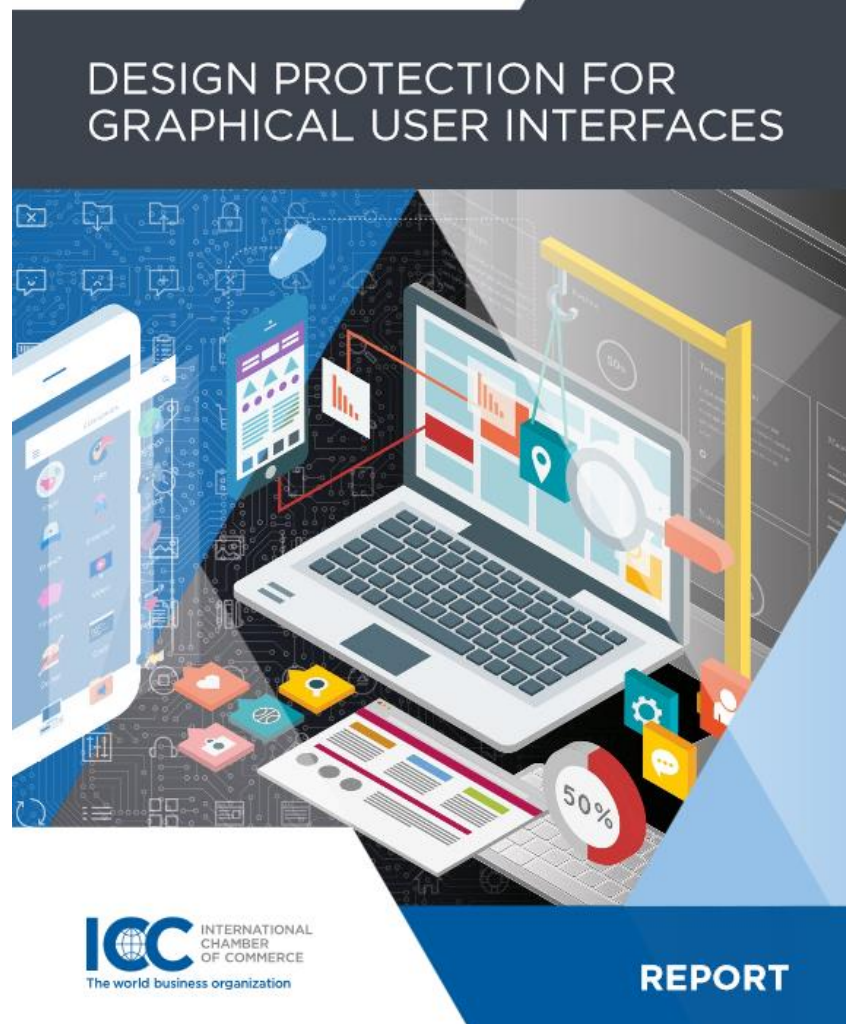
#### Protection of graphical user interfaces

#### Background:

- 1) This Resolution concerns the issue of whether and how graphical user interfaces (*GUIs*) may be protected by various intellectual property rights (*IP rights*).
- 2) For the purposes of this Resolution, the term *GUI* refers to an interface which allows users to interact with electronic devices through graphical elements (e.g. icons, menus, scroll bars, windows, transitional animations, dialogue boxes) instead of typing characters.
- 3) This Study Question is primarily concerned with the issue of whether GUIs should be protected by means of "traditional" IP rights, namely:
  - patents
  - design rights
  - copyright; and
  - trademarks.

Where jurisdictions permit intellectual property protection for GUIs by means of similar rights, such as trade dress protection, such rights are within the scope of this Study Question.

- 4) Broader forms of legal protection that may also have application to GUIs, such as laws relating to unfair competition, unfair business practices or general contractual principles are generally outside the scope of this Study Question, other than in those jurisdictions where unregistered trademarks and trade dress may be protected under general principles of unfair competition.
- 5) GUIs are directly connected to user experience, so can significantly impact consumers' choice of products. As a result, companies devote significant resources to the development of GUIs. This means that both appropriate IP rights protection of GUIs, and freedom to operate in the IP rights landscape, are very important economic issues for incumbent companies and new market entrants. GUIs may potentially be protected by IP rights including patents, design rights, copyright and trademarks.



# GUI, icon, typeface/type font designs

■ [http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=46435](http://www.wipo.int/meetings/en/details.jsp?meeting_id=46435)

## Thirty-Ninth Session

Meeting code	SCT/39
Date and venue	April 23 to April 26, 2018 ( <i>Geneva, Switzerland</i> )
	<a href="#">Webcasting</a>
Other related / parallel meetings	<a href="#">SCT/IS/CN/GE/18</a>
Previous / future meetings	<a href="#">SCT/IS/ID/GE/17</a> >> <a href="#">SCT/39</a> >> <a href="#">SCT/IS/CN/GE/18</a>
Topic(s)	<a href="#">Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)</a>

<<	April 2018							>>
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## Meeting documents

Filter by language	<input type="text" value="All (129)"/>	<input type="button" value="Submit"/>
Code	Title(s)	File(s)
<a href="#">SCT/39/1 PROV. 4</a>	English Draft Agenda	