



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Resolution of the Executive Committee, Naples, Italy

13 and 16 October 2025

“Influence of a Title or a product indication of a Design on the Scope of Protection”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its World Congress and Executive Committee held in Naples, Italy, 13 to 17 October 2025, passed the following resolution:

NOTING that the protection of designs is an important intellectual property right to protect innovative designs for commercial products and thereby ensures that designers are incentivised to continue to create products bearing new industrial designs;

FURTHER NOTING that applicants of intellectual property rights need legal certainty in all jurisdictions and a uniform and consistent approach to design rights under the Paris Convention to protect their innovative designs globally;

OBSERVING that in some jurisdictions the grant conditions and the scope of protection of a design are largely independent from the title and the product indication, while in other jurisdictions the grant conditions and the scope of protection of a design are tied to the title/product indication;

FURTHER OBSERVING that in these other jurisdictions, a design can be misappropriated from its originally intended product implementation (product indication or title) and applied to different goods in different technical or commercial areas without infringement of the registered design right, such that the innovative contribution made by the original designer may be freely adopted by others for a different purpose and product;



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FURTHER OBSERVING that in these other jurisdictions a new and independent design right can be acquired through the discovery of new fields of use or applications for an already protected design only by adopting a different title or product indication, even though the design of the "new" product is identical to the original design;

BELIEVING that this fundamental difference in the effect of the title/product indication can create uncertainty in the scope of design protection for design applicants across different jurisdictions;

URGES jurisdictions to take steps as needed so that design rights, for both the conditions for grant/validity and for determining the scope of protection, are directed to the appearance of the design and are not substantially dependent on the designated title or a product indication of just one type of product to which the design may be applied or incorporated therein.