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
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

- Photographs (B&W): 97%, 95%, 92%
- Photographs (color): 95%, 94%, 90%
- Drawings: 65%, 67%, 62%
- Other graphic representations (Computer drawings): 35%, 34%, 40%
- Other formats (video/audio files; 3D modelling): 5%, 5%, 2%

Legend: GUIs (blue), Icons (red), Typeface/type fonts (green)
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 GUls and icons

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

- Series of static images showing a sequence: 100%
- Description: 48% GUs, 47% Icons
- Statement of novelty: 19% GUs, 20% Icons
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 GUls  
  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 38th 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
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