



# **Amendment to Design Patent Examination Guidelines for Graphic Image Design**

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**APEC IPEG FEB 23-25, 2021**

- In 2013, TIPO amended the Patent Act to include “**graphic image designs**” such as computer generated icons and GUIs as statutory subject matter eligible for design patent protection.

- § 121.I

“Design” means the creation made in respect of the **shape, pattern, color, or any combination** thereof, of an **article** as a whole or in part by visual appeal.

- § 121.II

For **computer generated icons (icons) and graphic user interface (GUI)** applied to an **article**, an application may also be filed pursuant to this Act for obtaining a design patent

Such as **screen, display panel**...

(does not need to be an end product)

(broader scope of protection)

- Under the amended act, graphic image design was considered to be a type of surface ornamentation of the display panel. Therefore, the drawing(s) and description for a GUI or icon design had to follow the format applied to “partial designs.”

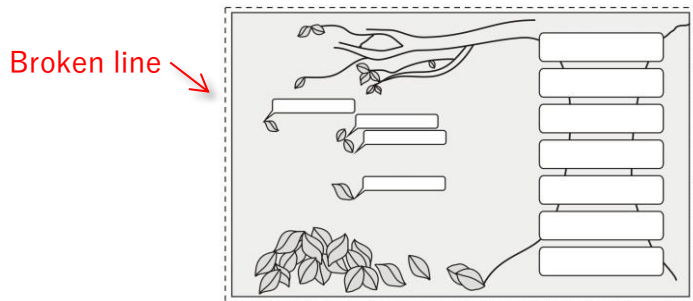
### • Ex 1 :

【Title】 GUI for display panel

#### 【Description】

The broken lines shown in the drawings illustrate **a portion of the display panel** and form **no part of the claimed design**.

#### 【Drawings】



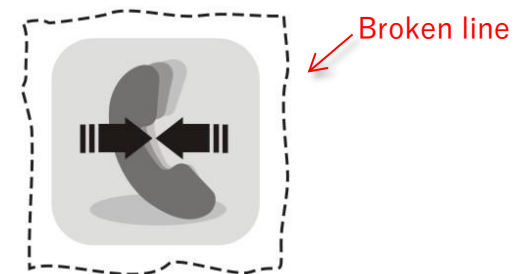
### • Ex 2 :

【Title】 Icon for display panel

#### 【Description】

The broken lines shown in the drawings illustrate **a portion of the display panel** and form **no part of the claimed design**.

#### 【Drawings】



- However, two important questions remained unanswered...

### Question 1

Did the term “icon for **display panel**” (as used in the past) also cover images produced by emerging technologies such as projection or VR?



Source :  
<https://www.imidoresc.ro/2016/05/25/computex-2016-ikeybo/>

### Question 2

Where there was infringement of the graphic image design, who was considered to be the infringing party? Was it the **hardware** manufacturer or the **software** manufacturer?





# Amendment to Design Patent Examination Guidelines for Graphic Image Design

**A**fter

- Since the amendment of the Design Patent Examination Guidelines on Nov 1, 2020, graphic image designs are **no longer required to be applied to “physical objects.”**

• § 121.11

For **computer generated icons (icons) and graphic user interface (GUI)** applied to an **article**, an application may also be filed pursuant to this Act for obtaining a design patent

**Icons and GUIs** are mainly generated by  
“Computer Programming Products”  
(also meet the requirements for  
industrial applicability)

“Computer Programming Products”  
(software, apps) can be considered “Articles”

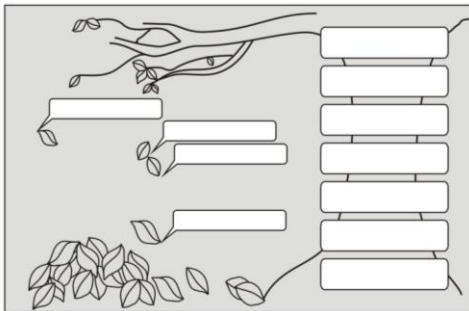
- No longer restricted to physical articles such as display panels, projectors or VR devices etc.

- It is no longer necessary to use broken lines to indicate the physical articles (portion of the display panel, etc.)

**【Title】** GUI for computer programming product

**【Description】**  
(not necessary)

**【Drawings】**



**【Title】** Icon for computer programming product

**【Description】**  
(not necessary)

**【Drawings】**





**Thank you for  
your attention**

