



Amendment to Design Patent Examination Guidelines for Graphic Image Design

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- 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.”

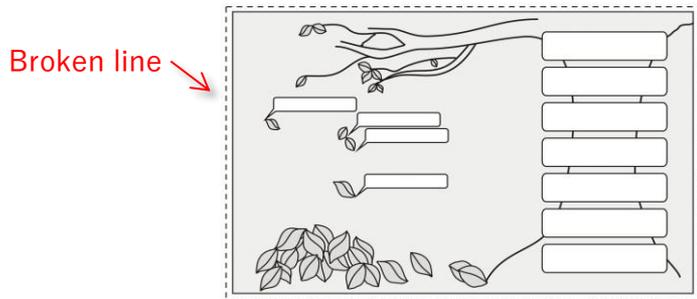
• Ex 1 :

【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】



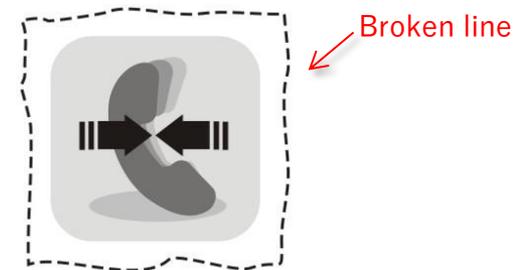
• Ex 2 :

【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?



- 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”

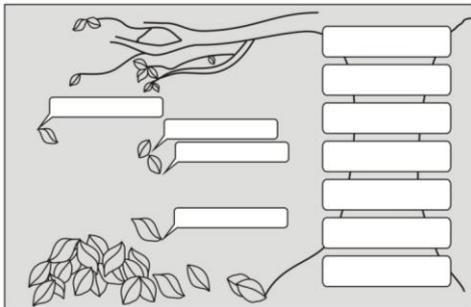
- No longer restricted to physical articles such as display panels, projectors or VR devices etc.

- 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**
