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INDIA ADOPTS THE RIYADH DESIGN LAW TREATY TO FOSTER INCLUSIVE GROWTH AND STRENGTHEN ITS INTELLECTUAL PROPERTY REGIME

On November 22, 2024, the World Intellectual Property Organization (WIPO) concluded the Diplomatic Conference on Design Law, Riyadh 2024 ("**the Conference**"), with its Member States, including India, signing the Final Act of the Riyadh Design Law Treaty ("**the Treaty**"). This Treaty aims to establish an efficient and affordable system for designers to protect their designs globally, thereby facilitating international collaboration.

The Conference for the Treaty emerged as a global initiative aimed to standardize and streamline a universal system that bridges the gap between a comprehensive international intellectual property (IP) framework and the domestic laws of each Member State. WIPO has reported a significant increase in domestic design applications, with India observing a 78% rise in registrations since 2022. This growth underscores the necessity for a system that enables designers to file their designs from their domestic IP office across multiple jurisdictions. Notably, the Treaty is the result of extensive efforts by the Standing Committee on the Law of Trademarks, Industrial Designs, and Geographical Indications (SCT) over an 18-year period (2005–2023). The long-winded deliberation is testament to the global thrust on developing a comprehensive and balanced international IP regime

Salient Features of the Treaty

1. **Division of Application:** If an application includes multiple industrial designs and fails to meet the prescribed conditions of the Contracting Member State, the applicant of the "initial application" may divide it into individual applications. This provision prevents unnecessary impediment to the



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registration process, ensuring that even if some divided applications are ultimately rejected, the remaining applications retain the initial filing date and secure registration.

2. **Unique Filing Process:** Unlike conventional filing processes requiring all design details at the time of filing, the Treaty allows applicants to submit essential details to secure a filing date and subsequently complete the application process.
3. **Grace Period of 6 or 12 Months:** Under India's Designs Act, 2000, a design disclosed before filing loses entitlement to protection. The Treaty introduces a significant amendment, preserving the originality of industrial designs disclosed by the creator or successor-in-title within six or twelve months prior to filing. Moreover, the provision safeguards the designer's rights even if a third party discloses the design as a result of "abuse" – referring to any breach of contract or IP theft.
4. **Applicant's Liberty to Keep the Industrial Design Unpublished:** The Treaty permits applicants to keep their industrial designs unpublished for a minimum period of six months after securing registration. This measure ensures competitiveness and confidentiality, aligning with broader design protection goals.

Considering the above provisions, the Treaty is poised to bring significant changes to India's IP regime, aligning it with international standards. However, since the Treaty's implementation requires harmonization with Member States' domestic laws, the Indian Government's release of regulations and rules will be a critical step in realizing the intended international system.