
THE HAGUE SYSTEM FOR INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS: A CRITICAL STUDY

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ABSTRACT

The Hague System for the International Registration of Industrial Designs has emerged as an important mechanism for securing design protection across multiple jurisdictions through a single international application. As globalization and international trade continue to expand, industrial designs have become valuable intellectual property assets that contribute significantly to product differentiation, market competitiveness, and brand identity. This paper critically examines the evolution of the Hague System from the international deposit framework under the 1934 and 1960 Acts to the modern international registration system established by the 1999 Geneva Act. It analyses the objectives, scope, eligibility criteria, registration procedure, legal effects, and administrative advantages of the system while highlighting its role in simplifying cross border protection for designers, businesses, and innovators. The study further evaluates the practical challenges associated with the Hague System, including variations in national examination standards, the limited participation of countries, and the continued dependence on domestic legal frameworks for enforcement. Although the Hague System substantially reduces procedural complexity and administrative costs, it does not establish a uniform global design right, leaving applicants subject to differing national legal requirements. The paper concludes that the Hague System represents a significant advancement in international intellectual property protection by balancing centralized registration with national sovereignty. However, its long term effectiveness depends on broader international participation, greater harmonization of substantive design laws, and continued reforms to address the evolving needs of the global design economy.

Keywords: Hague System, Industrial Designs, International Registration, Intellectual Property Rights, WIPO, Geneva Act 1999, Design Protection, International Design Law, Industrial Property, Cross Border Protection.

Introduction

In today's world, where products move easily across borders and markets are no longer limited by geography, the importance of protecting the visual appearance of products has increased significantly. Industrial designs, which relate to the shape, pattern, or overall look of a product, play a major role in how consumers identify and choose goods. A unique design can often become the identity of a brand, making protection of such designs essential for businesses and creators. As trade and innovation expand globally, the need for a system that allows protection of designs in multiple countries through a simple and efficient process becomes very important.

The Hague System for the international registration of industrial designs was developed as a response to this growing need. It provides a centralized mechanism through which an applicant can seek protection for a design in several countries by filing a single application. Instead of going through separate procedures in each country, the system offers a more streamlined approach, reducing both time and effort. This makes it particularly useful for designers, small businesses, and companies that wish to expand their presence in international markets.

However, while the system appears simple on the surface, its functioning involves a complex interaction between international procedures and national laws. The Hague System does not create a single universal right that applies equally in all countries. Rather, it acts as a bridge that connects multiple national systems through a common application process. Each country still has the authority to examine the design and decide whether it meets its own legal requirements. This creates a situation where a design may be protected in some countries but refused in others, even though the application process is centralized.

The system has evolved over time, moving from earlier frameworks that relied on deposit mechanisms to the more structured international registration system that exists today. This evolution reflects attempts to make the process more efficient and accessible while still respecting the legal independence of different countries. It also shows how international law adapts to changing economic and technological conditions. What was once a system designed to reduce the burden of physically submitting designs in multiple countries has now become a modern tool for managing intellectual property in a globalized environment.

Despite its advantages, the Hague System is not without challenges. Differences in national laws, varying examination standards, and the limited number of participating countries can

affect its effectiveness. In some cases, applicants may still need to rely on national filings to secure protection in certain jurisdictions. There are also concerns about whether the system provides uniform and strong protection across all member states, given that enforcement ultimately depends on national laws.

A critical study of the Hague System therefore requires not only an understanding of its structure and benefits but also an examination of its limitations and practical impact. It involves looking at how the system operates in reality, how it balances international coordination with national sovereignty, and how effective it is in achieving its main objective of simplifying design protection. Such an analysis helps in understanding whether the system truly meets the needs of users in a global economy or whether further improvements are required.

In this context, the Hague System can be seen as both a significant step forward in international intellectual property law and a work in progress. Its success depends not only on its legal framework but also on how it is used, interpreted, and developed over time.

Evolution of the Hague System:

The Hague System can be understood as a practical way of making international design protection simpler and more manageable. In a world where products are sold across different countries, designers and businesses often need protection for the appearance of their products in multiple markets at the same time. Without such a system, they would have to apply separately in each country, follow different procedures, and deal with different authorities. The Hague System reduces this complexity by allowing them to take a single route for seeking protection in several places.

At its core, the system works as a connecting link between different national legal systems. It does not replace the laws of individual countries, nor does it create one single right that automatically applies everywhere. Instead, it brings these systems together through a common procedure. When a person files an international application, they are essentially requesting protection in multiple countries through one step. However, each of those countries still has the power to decide whether the design meets its own legal requirements. This means that while the process is centralized, the final outcome depends on the laws and standards of each country involved.

The scope of the Hague System is focused on industrial designs, which relate to how a product looks rather than how it works. This includes elements such as the shape of an object, the patterns on its surface, the combination of colors, or the overall visual impression it creates. These features may seem simple, but they often play a major role in attracting customers and building a brand's identity. A well designed product can stand out in the market, even if its function is similar to others.

Because of this, the system is especially important for industries where appearance matters a great deal. In fashion, for example, the design of clothing, accessories, and footwear is what defines trends and consumer choices. In the consumer goods sector, products like bottles, packaging, and electronics often rely on unique designs to create a distinct presence. Even in manufacturing, where function is important, the outer design can influence how a product is perceived and accepted.

The Hague System allows these industries to protect their designs more efficiently across different regions. Instead of repeating the same process in each country, they can rely on a single application to reach multiple markets. This not only saves time and effort but also encourages creativity by giving designers confidence that their work can be protected beyond their home country.

International Deposit to International Registration:

The system for protecting industrial designs at the international level has evolved gradually over time, shaped by the practical difficulties and needs of different periods. When the international framework first began to take form in the 1930s, the approach adopted was not a registration system in the modern sense, but a deposit system. This meant that instead of formally registering a design with legal effect across countries, the applicant would deposit the design with an international authority, and that deposit would then be recognized by the participating countries.

At that time, this approach made practical sense. The movement of industrial products from one country to another was not easy. Machinery and manufactured goods were often large, heavy, and difficult to transport. Sending physical samples or even detailed representations across borders involved time, cost, and logistical challenges. The idea of depositing a design in one place and having it recognized elsewhere reduced this burden significantly. It allowed

applicants to avoid repeatedly sending the same material to multiple national offices.

An international deposit could take different forms. It might involve submitting the actual industrial product, or more commonly, providing drawings, photographs, or other clear visual representations of the design. The key requirement was that the representation should be sufficient to convey the appearance of the design. Once this deposit was made at the international level, it was treated as if the same deposit had been made in the national offices of the contracting countries. This reduced duplication and simplified the process for applicants seeking protection in multiple jurisdictions.

However, this early system had its limitations. While it reduced procedural burdens, it did not create a strong, unified form of protection. The deposit itself did not automatically grant enforceable rights in each country. Applicants still needed to engage with national systems to secure protection, and the overall process remained somewhat fragmented. The international deposit acted more as a facilitative step rather than a complete solution.

The later development of the 1960 Act built upon this foundation but introduced an important change. While it retained the concept of international deposit, it also added a registration element. This meant that deposits made at the international level were recorded in a centralized register maintained by the International Bureau. This step brought more structure and clarity to the system. Instead of merely holding deposited materials, there was now an official record that could be referred to, which added a level of formality and recognition.

Even with this addition, the core idea of the deposit system remained. The effect of making an international deposit continued to be similar to what existed earlier. It still allowed applicants to avoid repeating the same formalities in each country, and it still treated the deposit as if it had been made in national offices. The introduction of registration in this phase can be seen as a bridge between the earlier deposit based system and the more advanced framework that would come later.

The real shift came with the 1999 Act, which moved away from the deposit system and fully embraced an international registration approach. This marked a significant change in how industrial design protection could be obtained across multiple countries. Instead of focusing on the act of depositing designs, the system now centered on filing an international application that would lead to an international registration.

This new approach addressed many of the shortcomings of the earlier system. Under the previous frameworks, even after making an international deposit, applicants often still needed to interact with national offices to complete the process. The burden was reduced but not entirely removed. The 1999 Act changed this by allowing a single international application to effectively replace multiple national filings. Once the application was processed and registered, it had the same effect in each designated country as if a regular application had been filed there.

This brought a much higher level of convenience and efficiency. Applicants no longer needed to prepare separate applications for each country, deal with different procedural requirements, or submit the same documents repeatedly. A single application, submitted in one place, could cover multiple countries and even intergovernmental organizations. This made the system far more accessible, especially for individuals and businesses looking to expand their protection internationally.

Another important aspect of this shift is the way it strengthened the position of the applicant. Under the earlier deposit systems, the applicant was still required to navigate multiple legal systems to fully secure protection. The international deposit helped with procedural aspects but did not completely eliminate the need for separate actions at the national level. In contrast, the international registration system provides a more complete solution. It centralizes the process and reduces the need for additional filings, making it easier for applicants to focus on protecting and commercializing their designs.

At the same time, the system still respects the role of individual countries. While the international registration has effect across multiple jurisdictions, each country retains the ability to examine the design according to its own laws. This ensures that national standards and requirements are maintained, even within a unified framework. The difference is that the applicant does not have to initiate separate proceedings in each country. The process is coordinated through a single application and registration.

Looking at the evolution from the 1934 system to the 1960 framework and finally to the 1999 system, it becomes clear that the changes were driven by the need to make international protection more practical and effective. The deposit system served an important purpose in its time by addressing logistical challenges and reducing duplication. The introduction of registration added structure and improved record keeping. The final move to a full international registration system created a more streamlined and comprehensive approach.

What remains consistent across all these stages is the underlying objective of reducing the burden on applicants. Whether through avoiding repeated deposits or eliminating the need for multiple applications, each development has aimed to simplify the process of obtaining protection in multiple countries. The modern system achieves this to a much greater extent, offering a level of efficiency that was not possible in earlier decades.

The transition from deposit to registration also reflects broader changes in technology and global interaction. With improvements in communication, digital submission, and international cooperation, it has become easier to manage a centralized system. What was once difficult due to physical and logistical constraints can now be handled more efficiently through modern methods. This has allowed the system to evolve in a way that better meets the needs of today's globalized economy.

Overall, the journey from international deposit to international registration shows how legal systems adapt over time. What began as a practical solution to physical limitations has developed into a sophisticated framework that supports global design protection. The current system not only reduces procedural complexity but also provides a stronger and more unified form of protection, making it an essential tool for designers and businesses operating across borders.

Who can use this Hague System?

The ability to use the Hague System has gradually expanded over time, reflecting an effort to make international design protection more inclusive and accessible. Under the 1999 Act, the scope of who can file an international application is much broader compared to earlier versions. It allows both natural persons and legal entities to apply, provided they have a meaningful connection with at least one of the contracting parties. This connection can take different forms. It may be based on nationality, domicile, or the existence of a real and effective industrial or commercial establishment in a member country. In addition to these categories, the 1999 Act also recognizes habitual residents, which further widens access to the system.

This expansion is significant because it reflects the realities of modern global movement. People and businesses are no longer confined to one place. An individual may live in one country, work in another, and have business operations in a third. By including habitual residents, the system acknowledges these changing patterns and ensures that such individuals

are not excluded from seeking international protection for their designs.

Another important addition under the 1999 Act is the inclusion of intergovernmental organizations as contracting parties. This allows applicants who are connected to member states of such organizations to benefit from the system. It also makes it possible to seek protection across multiple countries within a region through a single designation. This feature is particularly useful in regions where economic and legal systems are integrated, as it simplifies the process even further.

When compared to the earlier Acts, the difference becomes clearer. The 1960 Act allowed natural persons and legal entities to use the international deposit system, but only if they had a real and effective industrial or commercial establishment or a domicile in a contracting state. While this was broader than the earliest system, it still placed certain limits on who could access it. The focus remained on a formal connection to a member country, and there was no recognition of habitual residence.

The 1934 Act was even more restrictive. It primarily allowed only real persons of the contracting parties to use the system. This meant that the scope was limited and did not fully accommodate the needs of businesses or individuals with more complex international connections. At that time, the system was simpler but also less flexible, reflecting the more limited nature of international trade and movement.

The gradual changes across these Acts show a clear intention to make the system more practical and user friendly. As international trade, mobility, and business structures evolved, the legal framework adapted to include a wider range of users. By the time of the 1999 Act, the system had become much more open, allowing individuals, companies, and even those connected through residence or regional organizations to benefit from it.

This broader eligibility ensures that the Hague System is not limited to a narrow group but can be used by a diverse set of applicants. It reflects an understanding that innovation and design are not confined to specific categories of people, and that access to protection should be equally flexible.

Procedure for International Registration:

The procedure for international registration under the Hague System is designed to make the

process of protecting industrial designs across multiple countries simpler and more organized. Instead of dealing with separate applications, different languages, and multiple authorities, the system allows an applicant to begin everything through a single, unified step. This makes the process easier to manage, especially for those who want protection in several countries at once.

The process starts with filing an international application. This application is the foundation of the entire procedure. It contains all the essential details about the design that the applicant wants to protect. One of the most important parts of this application is the representation of the design. This usually takes the form of photographs, drawings, or other clear visual images that show the appearance of the product. Since industrial design protection is based on how a product looks, these representations must be precise and detailed. They should clearly capture the shape, pattern, color, or any other visual feature that defines the design.

Along with the design representations, the applicant must also indicate the countries or regions where protection is being sought. These are known as designated countries. The choice of these countries depends on where the applicant plans to use, sell, or protect the product. This step is important because the protection will only apply in the countries that are specifically selected in the application.

Once the application is complete, it is submitted to the international authority responsible for administering the system. At this stage, the authority does not examine whether the design is new or original. Instead, it carries out what is known as a formal examination. This means checking whether the application meets all the required formalities. For example, it verifies whether the representations are clear, whether the necessary information has been provided, and whether the required fees have been paid.

If there are any issues or missing details, the applicant is informed and given an opportunity to correct them within a certain time. This step ensures that the application is complete and properly prepared before it moves forward. It acts as a quality check that helps maintain consistency in the system.

After the application successfully passes this stage, it is recorded and published. Publication is an important part of the process because it makes the design publicly known. It allows others, including competitors and authorities in different countries, to see the design and be aware that protection is being sought. This transparency helps maintain fairness and prevents conflicts.

At this point, the design is officially considered internationally registered. However, this does not mean that protection is automatically granted in all the designated countries. The next step involves examination by each of those countries according to their own laws.

Each designated country has its own legal standards for granting design protection. Some countries may examine whether the design is new, original, or distinctive. Others may have additional requirements or follow different procedures. The key point is that even though the application is filed through a single system, the decision to grant or refuse protection is made individually by each country.

If a country finds that the design does not meet its requirements, it can issue a refusal. This refusal must be communicated within a specific time period. The length of this period may vary depending on the country, but it is generally fixed to ensure that the process does not remain uncertain for too long. The refusal will usually include the reasons why protection cannot be granted, allowing the applicant to understand the issue.

On the other hand, if a country does not issue any refusal within the given time, the design is automatically considered protected in that country. This is an important feature of the system because it avoids unnecessary delays. Instead of waiting for a formal approval from every country, the absence of a refusal is treated as acceptance.

Once protection is granted, either explicitly or by default, the design enjoys the same rights in that country as if it had been registered through a national application. This means that the owner of the design can prevent others from copying or using it without permission, subject to the laws of that country.

Another important aspect of this procedure is that it allows centralized management of the design after registration. For example, if the owner wants to renew the protection, transfer ownership, or make changes to their details, they can do so through a single process rather than dealing with each country separately. This makes it easier to maintain and manage design rights over time.

The overall procedure reflects a balance between simplicity and legal independence. On one hand, it simplifies the filing process by allowing a single application and reducing duplication. On the other hand, it respects the authority of each country to apply its own laws and standards.

This balance is what makes the system both practical and flexible.

In everyday terms, the process can be seen as a streamlined path that begins with one application and branches out into multiple countries. The applicant does not have to walk each path separately but can start from a single point. However, each country along the way still has its own gate, and the design must meet the requirements of each gate to be fully protected.

This approach makes international design protection more accessible while still maintaining the diversity of legal systems across countries. It allows designers and businesses to expand their reach without being overwhelmed by procedural complexities, while ensuring that each country retains control over the standards it wishes to apply.

Legal Effect of International Registration:

When a design is internationally registered under the Hague System, it is treated in each selected country as if the applicant had filed a regular application directly in that country. In simple terms, the international registration acts like a shortcut that replaces multiple national filings, but the legal effect in each country remains similar to a local registration. This means that once the process is complete and no objections are raised, the design enjoys protection just like any design registered under that country's own law.

However, this does not mean that the rights are exactly the same everywhere. Each country has its own legal standards, rules, and procedures for granting design protection. Because of this, the outcome of an international registration can vary from one country to another. A design may be accepted and protected in one country but refused in another if it does not meet that country's specific requirements. For example, what is considered new or original in one jurisdiction might not be viewed the same way in another.

This creates a system where the process is unified, but the results are not fully uniform. The application is filed once, and the administrative steps are handled centrally, but the decision making remains in the hands of individual countries. Each country examines the design according to its own laws and decides whether to grant protection. This balance allows countries to maintain control over their legal standards while still participating in an international system.

Another important aspect is enforcement. Even though the registration is international in

nature, the rights it provides must be enforced at the national level. If someone copies or uses the protected design without permission, the owner cannot rely on a single international authority to resolve the issue. Instead, they must take action in the country where the infringement occurs. This means going through that country's legal system, following its procedures, and relying on its courts or authorities.

Because of this, the strength and scope of protection can differ depending on where the design is enforced. Some countries may offer broader protection or stronger remedies, while others may have more limited enforcement mechanisms. This makes it important for applicants to understand not only how to obtain protection but also how it will work in practice in each country.

Overall, the legal effect of international registration reflects a mix of unity and diversity. The system simplifies the process of applying for protection across borders, but it does not replace national laws. Instead, it connects them, allowing a design to be recognized in multiple places while still being governed by the legal framework of each country.

Limitations and Challenges:

While the Hague System makes international design protection easier in many ways, it still comes with certain practical limitations that users need to be aware of. One of the most noticeable challenges is the lack of uniformity in protection. Even though the application process is centralized, each country applies its own legal standards when examining a design. This means that the same design might be accepted in one country but rejected in another. For applicants, this creates a level of uncertainty because a single application does not guarantee consistent results everywhere.

Another issue is that the system does not cover all countries. Only those nations and organizations that are members of the Hague System can be selected in an international application. If an applicant wants protection in a country that is not part of the system, they must go through a separate national filing process for that country. This reduces the overall convenience of the system and can increase both time and cost, especially for businesses looking to expand into a wide range of markets.

There are also differences in how countries examine design applications. Some countries

follow a strict review process, checking factors like novelty and originality in detail, while others may have a more limited examination. Because of these variations, applicants cannot rely on a single standard. They need to understand the legal requirements of each country they choose, including what qualifies as a protectable design and what may lead to refusal.

These differences make the system somewhat complex in practice. While it reduces procedural steps at the beginning, it still requires careful planning and awareness of multiple legal systems to ensure effective protection.

Critical Analysis of the System:

Looking at the Hague System more closely, it becomes clear that it is built on a careful balance between working together at an international level and allowing each country to maintain control over its own laws. On one hand, the system brings countries onto a common platform where a single application can reach multiple jurisdictions. On the other hand, it does not take away the authority of individual countries to decide what should or should not be protected within their borders. This balance is important, but it also means that the system cannot be completely simple or uniform.

One of the main strengths of the Hague System is that it reduces repetition. Instead of preparing and filing separate applications in different countries, applicants can rely on one process. This saves time, reduces paperwork, and makes international protection more manageable. For businesses operating in multiple markets, this is a major advantage. It allows them to focus more on their products and less on administrative formalities.

However, this efficiency has its limits. While the process is centralized, the decisions are not. Each country still applies its own legal standards when examining a design. This means that applicants cannot assume that a design accepted in one place will be accepted everywhere. As a result, there is always some level of uncertainty. For someone seeking consistent protection across many countries, this can be challenging. It requires not only filing an application but also understanding how different legal systems may respond to it.

This situation can be seen in two ways. On the positive side, it allows countries to protect their legal traditions and standards. They are not forced to accept designs that do not meet their requirements. On the other hand, it makes the system less predictable for applicants, who may

face different outcomes despite following a single procedure. This dual nature is what makes the system both practical and complex at the same time.

Another important issue is accessibility. Although the Hague System is designed to reduce costs compared to multiple national filings, it still involves a certain level of legal and procedural understanding. For large companies with legal teams, this may not be a problem. They have the resources and expertise to navigate the system effectively. But for small businesses, independent designers, or first time applicants, the process can feel overwhelming.

Understanding how to prepare a proper application, choosing the right countries, and dealing with possible refusals requires knowledge and sometimes professional assistance. This can add to the cost and effort, making the system less accessible than it appears at first glance. In this sense, while the Hague System simplifies certain aspects, it does not completely remove the challenges of international protection.

Overall, the system reflects an attempt to make global design protection more efficient without interfering too much with national legal systems. It achieves this balance to a large extent, but in doing so, it also leaves some gaps that applicants must carefully navigate.

Conclusion:

In the present global environment, where businesses are no longer limited by geographical boundaries, the importance of protecting industrial designs has grown significantly. Products today are not only judged by their function but also by their appearance, and in many cases, design becomes the key factor that attracts consumers. In such a competitive market, the ability to secure design protection across different countries is not just an advantage but often a necessity. This is where the Hague System becomes highly relevant.

The system supports innovation by making it easier for designers and businesses to protect their creative efforts in multiple markets. Instead of going through separate and often complicated procedures in each country, applicants can rely on a single application to reach several jurisdictions. This reduces the time and effort involved, allowing businesses to focus more on developing and marketing their products. For companies looking to expand internationally, this streamlined process removes many of the procedural barriers that would otherwise slow down their growth.

The rise of digital technologies has further increased the need for such a system. Today, designs can be shared, copied, and distributed across the world within seconds. This makes it more important than ever to have a reliable way to secure rights in multiple countries. The Hague System responds to this need by offering a structured yet flexible approach to protection. It allows applicants to act quickly and efficiently, which is essential in a fast moving global market.

At the same time, the system reflects the realities of international law. While it simplifies the process, it does not override the legal systems of individual countries. Each country still applies its own standards when deciding whether to grant protection. This ensures that national interests and legal traditions are respected, even within a coordinated international framework. However, it also means that applicants must be aware of these differences and plan their applications carefully.

Seen as a whole, the Hague System stands as an important tool in the field of intellectual property. It brings together the need for simplicity in procedure and the need for independence in national laws. It reduces duplication, lowers costs, and makes international design protection more accessible, especially in a time when global trade and innovation are constantly expanding.

At the same time, a closer look shows that the system is not without its challenges. Differences in national laws can lead to varied outcomes, not all countries are part of the system, and the process can still be complex for those unfamiliar with international procedures. These aspects highlight the need for careful use and a clear understanding of how the system works.

In this way, the Hague System represents both progress and ongoing development. It has made international design protection more practical and efficient, but it also requires users to be aware of its limits. A balanced understanding of its strengths and challenges is essential for anyone looking to use it effectively in the modern global context.

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