GRAPHICAL USER INTERFACES AT THE CROSSROADS OF COPYRIGHT AND DESIGN ACT IN INDIA: A COMPARATIVE PERSPECTIVE

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ABSTRACT

Graphical User Interfaces (GUIs) have been a prominent feature in the realm of digital products and have, in a way, defined the overall user experience through the use of visual, textual, and other interactive features. Being a driving force in the determination of commercial and user identity, the issue of protection of these interfaces has received increasing significance over the years. In this paper, the two opposing paths of protection offered through the Copyright Act, 1957 and the Designs Act, 2000, would be critically appraised, and the tension that arises through Section 15 of the Copyright Act would also be critically discussed.

It examines the provisions, practices, and subsequent judicial interpretations of protection of GUIs, including the extent of adoption of Locarno Classification in India and its impact on the registrability of a GUI, besides dealing with the previously strict guidelines that were generally reflected in the disallowance of the Amazon GUI design registration application. And finally, a comparative study on the protection of GUIs within the United States of America and the European Union. According to this paper, although the Indian juristic framework is actually harmonizing and conforming to international best practices by recognizing GUIs for protection under subject matter, there still lingers uncertainties in the areas of industrial applicability, aesthetic appeal, and functional exclusion under existing doctrines based on traditional understanding.

I. INTRODUCTION - GRAPHICAL USER INTERFACE (GUI)

Graphical User Interface (GUI) is a significant milestone that came into existence at the Xerox Palo Alto Research Centre (PARC) in 1981. GUI introduced a paradigm shift in human-computer interaction from the conventional text interface approach that relied on commands typed on a keyboard.[1] GUI facilitated the interaction between a computer user and a computer system using a graphical approach involving icons, pictures, and other graphics that are easy to understand. This made computer usage more achievable by all people, regardless of their level of computer knowledge.

Over the years, the GUI has developed into the pervasive interface paradigm that permeates the realm of digital technologies, including personal computers, mobile phones, tablets, and other embedded devices. Its intuitive nature enables effortless navigation, while its ability to express abstract computing functions in a visible manner enhances the user experience. A number of GUI elements, such as the computer mouse cursor, the touchscreen, and application icons, have progressed from their original purpose to become distinct symbols of modern technology that are universally recognized. As the world becomes increasingly defined by its digital consumption, the GUI has come to be more than just a technological phenomenon but a defining element of product character.

From a technical standpoint, a GUI exists at the juncture between software code and visual expression. While it is enabled by underlying programming logic, the value actually rests in how information and commands are set up, structured, and presented graphically to a user. Layouts, color schemes, iconography, animations, and transitions all give meaning to the user's perception of and interaction with a digital product. In this way, the GUI is very much not just a functional conduit but a creative product from end to end, expressive of design choices, aesthetic sensibilities, and branding imperatives. It is this hybrid nature that complicates its legal characterization due to its poor fit into traditional intellectual property silos.

II. FROM ARTISTIC EXPRESSION TO STATUTORY CONSTRAINT: COPYRIGHT PROTECTION OF GRAPHICAL USER INTERFACES IN INDIA

A. Protection of Graphical User Interfaces under the Copyright Act, 1957

The protection of GUI in India is mainly governed by the Copyright Act of 1957. Section 13 of

[1]A Brief History of Digital Technology's User Interface, Informatics, (Jan 10, 2026, 7:48 PM), https://www.informaticsinc.com/blog/april-2017/brief-history-digital-technologys-user-interface.

the Act[2] specifies certain works in which the copyright resides, including original literary, dramatic, musical, and artistic works, as well as Cinematographic films and Sound recordings. Section 13(1)[3] of the act specifies that the protection of the copyright shall extend in India, and Section 13(2)[4] of the act specifies the conditions for the protection of the said right.

Under Section 13(2), the copyright applies in circumstances where the work is published for the first time in India, or if it is published outside of India, it was authored by an Indian citizen at the time of publishing or at the time of the author's passing. Except for architectural works, unpublished works require that the author be an Indian citizen or reside in India at the time of production. In the case of architectural works, the law states that the structure must be within the Indian territory. Jointly, in the case of joint authorship, these conditions must be satisfied by each of the authors. Furthermore, under Section 13(5)[5], it is clarified that in the case of an architectural work, the scope of copyright is only within the artistic nature and design and shall not extend to processes or methods of construction.

In this statutory structure, copyright protection could be afforded to a Graphical User Interface if the latter meets the threshold of originality. The originality is reflected in a creative and artistic presentation of the visual display, such as the layout, colour schemes, iconography, typography, and the aesthetic result of the interface. Copyright would not grant protection to a GUI's functional or utilitarian aspect. This is in congruence with the definition of "artistic work" under Section 2(c) [6]of the Act. Thus, protection extends only to the expressive form of the design and not to the functionality or the underlying operational logic that governs the user's interaction.

It is also important to differentiate between the visual appearance of a GUI and the code that allows it to function. While the first could be brought within the ambit of an artistic work, the source code that makes the GUI work would fall under a "literary work" as defined under Section 2(o)[7] of the Copyright Act, 1957. Software copyright thus protects the original expression of the developer reflected in such code, which represents a unique way in which a particular functionality is realized. The Copyright Act, therefore, provides twofold protection

[2] Copyright Act,1957, § 13, No.14, Acts of Parliament,1957 (India).
[3] *Id.* § 13(1).
[4] *Id.* § 13(2).
[5] *Id.* § 13(5).
[6] Copyright Act,1957, § 2, No.14, Acts of Parliament,1957 (India).
[7] *Id.* § 2(o).

to GUIs: protection against misappropriation of its visual expression and of its underlying code, while at the same time ensuring that concepts, methods, or ideas utilized remain outside the purview of protection.[8]

B. Technological Protection Measures and Judicial Recognition of GUI Copyright

Apart from this, owners of Graphical User Interfaces can also make use of Technological Protection Measures in order to establish a supplementary mechanism for the protection of their proprietary rights over such interfaces. These technological measures cover digital rights management, encryption, authentication, and anti-scraping tools used for the prevention of unauthorized copying, extraction, or use of graphical interface components. These technological protection measures are further legally protected by Section 65A[9] of the Copyright Act, 1957, according to which any kind of circumvention of effective technological protection measures used for the protection of copyrighted works is an act restricted by law.

Unauthorized circumvention of TPMs is itself an offense under the Act, liable to penal action in the form of imprisonment for a maximum term of two years, alongside fines. This goes a long way in shoring up the enforcement structure of copyright within the digital environment, giving the GUI developer the tools to resist piracy and the unauthorized reproduction of interfaces outside the remit of conventional copyright infringement actions. Additionally, the copyright under the Act confers protection for a fixed period of sixty years, alongside well-crafted statutory exemptions that, in turn, ensure an interface between copyright as property and the greater public interest.

Significantly, the policy stance taken by the Government of India is also consistent with this interpretative methodology. For example, the Ministry of Electronics and Information Technology (MeitY) has categorically stated that the "look and feel" of a Graphical User Interface can be protected under the Copyright Act, 1957.[10]This administrative policy stand was also judicially validated in the case of ***Hulm Entertainment Pvt. Ltd. & Ors. v. Fantasy Sports Myfab11 Pvt. Ltd. & Ors[11].,*** where the Court clearly stated that a Graphical User Interface is a

[8]Exploring Copyright in Graphical User Interface, Intepat, (Dec 13, 2024), https://www.intepat.com/blog/exploring-copyright-in-graphical-user-interface.
[9] Copyright Act,1957, § 65, No.14, Acts of Parliament,1957 (India).
[10] Jansi S, Kavya Mohan, Potential Overlap Between Design Protection and Copyright Protection for Graphical User Interface, Volume IV, IJIRL, 356, 356-366, 2024.
[11] Hulm Entertainment Pvt. Ltd. & Ors. v. Fantasy Sports Myfab11 Pvt. Ltd. & Ors., MANU/DE/7128/2023.

protectable subject matter under the copyright law after satisfying the criteria of originality and expression. All these factors cumulatively establish the growing acceptance of Graphical User Interfaces as a valuable intangible asset fit for adequate legal safeguarding within the developing Indian information economy.

C. Drawback: Statutory Overlap and the Operation of Section 15

However, the major limitation in the copyright protection afforded for Graphical User Interfaces arises by operation of Section 15[12] of the Copyright Act, 1957, which provides for a separate and exclusionary scheme in the case of designs under the Designs Act, 2000. This reflects the legislative policy of precluding the dual form of protection being granted for the same subject matter under the laws of copyright and designs. Thus, a line is specifically drawn between artistic works and designs.

Under Section 15(1),[13] it is clearly provided that upon registration of a design under the Designs Act, 2000, copyright protection, in respect of that particular design, lapses completely. Therefore, under this provision, by making a GUI a registered design, any concurrent right to copyright on it, on account of it being an artistic work, becomes barred in totality. Furthermore, under Section 15(2)[14], there has been an imposition of automatic termination on those designs that have a potential for being registered under the Designs Act, yet they have never been so registered. In that case, under this section, copyright protection lapses immediately on being employed on an article and its fifty multiples via an industrial process, either by the copyright owner or on behalf of the copyright owner.

The above legal provisions create a theoretical problem of GUI design with regard to the mass reproduction that comes with digital distribution. The use of GUIs may at first qualify for copyright as an artistic work, but their frequent use in industry may result in the loss of copyright as per Section 15(2) that requires owners of the right to choose between design and copyright laws. The above provision is a major limiting factor on copyright that comes with GUI design and illustrates the tension between copyright and design laws as far as innovation of digital interfaces is concerned.

[12] Copyright Act,1957, § 15, No.14, Acts of Parliament,1957 (India).
[13] *Id.* § 15(1).
[14] *Id.* § 15(2).

III. GRAPHICAL USER INTERFACES AS REGISTRABLE DESIGNS: THE IMPACT OF THE LOCARNO CLASSIFICATION IN INDIA

Significant to the protection of GUI in India under the Indian Design Act, India's accession to the Locarno Classification system has been pretty evident. The Locarno Classification, formulated under the Locarno Agreement, commonly known as the Pact of Locarno, is an international harmonious system of classification of industrial designs. [15]It enables harmonious classification of industrial designs across the world. India became its fifty-seventh member by accessing this international treaty in 2019.[16] This eventually got reflected in the Indian Designs Act, when the Ministry of Commerce & Industry notified the Designs (Amendment) Rules, 2021, to effect a change in Rule 10 of the Designs Rules, 2001, by substituting the latest version of the Locarno Classification in the Indian Designs Act.[17]

The adoption of the Locarno framework marked a pivotal development in the recognition of digital and interface-based designs. Of particular relevance to Graphical User Interfaces are Class 14, which covers recording, telecommunications, and data processing equipment, specifically subclass 14-04 relating to screen displays and icons, and Class 32, which encompasses graphic symbols, surface ornamentation, and logos. [18]Collectively, these classifications created an explicit statutory pathway for the registration of GUIs under the Designs Act, 2000, subject to compliance with the definitional and substantive requirements laid down in Section 2(a)[19] and 2(d) [20]of the Act. [21]

According to Section 2(a) of the Designs Act, 2000, an "article" is any manufactured item or substance, whether artificial or partially artificial and partially natural, as well as any component of an item that can be produced and marketed independently. The characteristics of shape, configuration, pattern, ornamentation, or composition of lines or colors applied to an article, whether in two-dimensional, three-dimensional, or both forms, are further defined as a

[15]A Brief of the Design (Amendment) Rules, 2021, Khurana And Khurana, (Feb. 10, 2024), https://www.khuranaandkhurana.com/2021/02/10/a-brief-of-the-design-amendment-rules-2021
[16] Designs Rules, 2001, r. 10, [Gazette of India, Extraordinary, Part II, § 3, Item 1198(E)] (India).
[17] India Joins Three Key WIPO International Classification Treaties, WIPO-World Intellectual Property Organisation, (Jan. 7, 2019), https://www.wipo.int/portal/en/news/2019/article_0021.html.
[18]India: Design (Amendment) Rules, 2021, WIPO-World Intellectual Property Organisation, https://www.wipo.int/en/web/wipolex/w/news/2021/article_0006.
[19] Design Act, 2000, § 2, No. 16, Acts of Parliament, 2000 (India).
[20] *Id.* § 2(d).
[21] Protection of Graphical User Interfaces in India: Copyright or Design?, NALSAR University of Law, (May 27, 2020), https://techlawforum.nalsar.ac.in/protection-of-graphical-user-interfaces-in-india-copyright-or-design/.

"design" in Section 2(d). Importantly, these qualities have to be implemented by an industrial process and evaluated exclusively by the eye.[22] At the same time, the statute expressly excludes functional or mechanical features, as well as trademarks, property marks, and artistic works already protected under the Copyright Act, 1957. The legislative focus, therefore, is on the visual and non-functional aspects of a product, an approach that renders the aesthetic elements of GUIs, in principle, eligible for design protection.

This interpretative position was judicially reaffirmed in ***UST Global (Singapore) Pte. Ltd. v. Controller of Patents and Designs and Others*[23]-**

"The amendments caused to The Design Rules 2001 provide for classification of designs and articles. The 2008 amendment provides for an elaborate classification of goods and articles on which designs can be applied and registered. In fact, Class 14.02 and 14.04 of the Locarno Classification specifies articles belonging to "Screen Displays and Icons" which has also been recognised in the Design Rules (Amendment) 2019. Additionally, the amendments made in 2021 to the Design Rules, 2008 introduced a new class 32 containing graphic symbols, graphic designs, logos, ornamentation and surface patterns."

The Court recognised the widened ambit of design registrability after changes to the Design Rules. The Court observed that designs falling within Classes 14-02 and the Locarno Classification's 14-04 category specifically embrace "screen displays and icons," which were recognised under the Designs Rules (Amendment) 2019. Furthermore, with the introduction of Class 32 under the 2021 amendments, graphic symbols, designs, logos, ornamentation, and surface patterns have been included, which further supports the registrability of GUI-related designs. The Court noted that these developments show a deliberate evolution in the legislation and administration to ensure that the categories of modern GUI-related designs fall within the remit of design law.[24]

Notwithstanding these progressive steps made in the area of intellectual property rights, the early days of administration have been considerably restrictive. One of the best examples of

[22] Shreya Kunwar, Whether Graphical User Interface (GUI) is Protected Under the Designs Act, 2000, ALG India Law Offices LLP, (June 10, 2021), https://www.algindia.com/article-whether-graphical-user-interface-gui-is-protected-under-the-designs-act-2000/.
[23] UST Global (Singapore) Pte. Ltd. v. Controller of Patents and Designs and Others, MANU/WB/0584/2023.
[24] Soumya Juneja, Legal Protection of User Interface and User Experience Design: Comparing Trade Dress, Copyright, and Design Protection, Chadha & Chadha IP, (Dec 10, 2025), https://www.candcip.com/single-post/legal-protection-of-user-interface-and-user-experience-design-comparing-trade-dress-copyright-and.

this restrictiveness can be found in the Amazon GUI Design Registration Application (Application Number 240305), which sought to protect the "Graphical User Interface for providing supplemental information of a digital work to a display screen." In fact, the Controller General of Patents, Designs and Trade Marks had rejected these applications on a variety of different grounds, including first that the GUI was not a "finished article" resulting from an industrial process, second that it lacked aesthetic appeal because it was visible only once the device was turned on, third that it was functionally impossible to separate from the device itself and therefore unmarketable on its own merit, and failing finally to meet the requirements of aesthetic appeal as laid down in Section 2(d) of the Designs Act of 2000.[25]

However, this conservative trend has recently shown a shift in trend. From 2014 onwards, there has been a marked shift in publications in the official journals of the Patent Office, India, that recognize GUI designs for registration as designs. Several GUI designs have been registered under classes 14-02 and 14-04, mainly in connection with devices such as cell phones, tablets, and display monitors. Such an approach by the Patent Office has implicitly recognized GUI designs as articles of manufacture, making it similar to global patterns and buttressing the viability of GUI designs on designs for their protection at law in India.

IV. INTERNATIONAL SCENARIO

At the international level, the protection of Graphical User Interfaces is largely anchored in the broader framework governing computer programs and digital works. Article 4 of the **WIPO Copyright Treaty** [26]explicitly recognises computer programs as literary works within the meaning of Article 2 of the **Berne Convention**[27], irrespective of the mode or form in which they are expressed. While the provision does not expressly refer to Graphical User Interfaces, it implicitly encourages their protection through domestic copyright regimes, insofar as GUIs constitute expressive manifestations of computer programs. This normative framework has enabled contracting states to extend copyright protection to GUI elements under their respective national laws, subject to originality and expression-based limitations.

[25] J.P Associates, Navigating GUI Design Legalities: Design vs. Copyright Laws, Mondaq, (June 24, 2024), https://www.mondaq.com/india/copyright/1483070/navigating-gui-design-legalities-design-vs-copyright-laws.
[26] WIPO Copyright Treaty, Art. 4, Dec. 20, 1996, S. Treaty Doc. No. 105-17, 36 I.L.M. 65 (1997), 2186 U.N.T.S. 121.
[27] Berne Convention for the Protection of Literary and Artistic Works, Art. 2, July 24, 1971, 828 U.N.T.S. 118.

A. United States Legal Context

In the United States, Graphical User Interfaces benefit from a layered and multifaceted system of intellectual property protection, reflecting a pragmatic and innovation-oriented approach.

One can simultaneously protect a GUI under three different legal regimes: first, through design patents, which protects the ornamental and non-functional aspects of the visual display of an interface; second, through copyright law, which protects the expressive aspects of the interface, including the visual layouts, iconography, and screen displays; and third, under trade dress protection of the Lanham Act, if the interface has acquired secondary meaning and is not driven by functional considerations.[28]

In the USA, the parameters of GUI copyright protection have been stated with precision in the case of ***Broderbund Software, Inc. v. Unison World, Inc***.[29] In this landmark judgment, the District Court was favorable to Broderbund. According to the judgment, the visual displays and the user interface of the software program called "The Print Shop" contained sufficient stylistic creativity that was not dictated by the necessities of functionality. In this context, the court reiterated that the copyright in a computer program extends to the "total concept and feel" of the program, including its screens, menus, layouts, and user feedback devices that are original and require protection.

Under the "ordinary observer" test, the Court held that the software of Unison World had made a substantial appropriation of this product of expression, resulting in a chilling visual similarity. As such, the Court upheld the decision that the defendant's interface was liable for copyright infringement by the software of Broderbund, thereby establishing the fact that GUIs not dictated by function are well within the scope of copyrights. This judgment has been treated as the precursor to the broadened doctrines now practiced by courts in the United States regarding the issue of GUI copyrights.

B. European Union Legal Context

In the context of the EU, the statutory protection of Graphical User Interfaces is regulated by the dual regime set by Directive 98/71/EC on the Legal Protection of Designs and Council

[28] Martin James, Intellectual Property Protection of Graphical User Interface in U.S., E.U and India, Volume IV, IJLLR, 1, 93-107, (2022).
[29] Broderbund Software, Inc. v. Unison World, Inc., 648 F. Supp. 1127 (1986).

Regulation (EC) 6/2002 on Community Designs. This dual regime creates a harmonized system of design protection among the EU Member States with a wide and harmonized definition of both "product" and "design". In this context, the protected design encompasses the appearance of the product in relation to lines, contours, colours, shape, texture, and ornamentation. Notably, both Regulations intentionally exclude protection for the product itself and its functionality.[30]

One of the most important limitations of the EU design regime is the specific exclusion of computer programs from design protection, thereby limiting the scope of design protection in situations where non-functional elements of a GUI dominate. As a result, only those elements of a GUI that are non-functional and visually perceptible emerge as suitable subjects of protection under design law. This specific exclusion again highlights the EU's cautious line drawn between aesthetic innovation on one side and functionality on the other.

The degree of uniqueness inherent in the GUI design ultimately determines the availability and scope of legal protection granted to GUIs inside the EU. According to the Court of Justice of the EU's interpretation of the Acquis Communautaire, the GUI may be protected if it is the author's intellectual invention and the outcome of their free and creative choices.

Alternatively, a GUI may be protected under the EU design regime either through registration as a Registered Community Design (RCD), which confers exclusive rights for a defined term, or through the more limited, time-bound protection afforded by an Unregistered Community Design (UCD), which arises automatically upon disclosure within the European Union.[31]

Comparable approaches have been adopted in other technologically advanced jurisdictions, including Japan and South Korea, which have introduced explicit provisions within their respective design laws to accommodate the registration and protection of graphical user interfaces. These developments reflect a broader international recognition of GUIs as commercially valuable and innovation-driven design assets, meriting tailored legal protection in an increasingly digital and interface-centric economy.[32]

[30] European Parliamentary Research Service, Revision of Directive 98/71/EC on the Legal Protection of Designs and of Regulation (EC) No 6/2002 on Community Designs, European Parliament, (May 2022), https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/730318/EPRS_BRI(2022)730318_EN.pdf.
[31] Legislation.gov.uk, Council Regulation (EC) No. 6/2002, Legislation.gov, https://www.legislation.gov.uk/eur/2002/6/title/II.
[32] Abhishek Shrivastava, Registrability of GUIs in Design Law, Stratjuris Law Partners, (June 16, 2023), https://stratjuris.com/registrability-of-guis-in-design-law/.

IV. LEADING JUDGMENTS IN THE INDIAN CONTEXT

A. UST Global (Singapore) Pte Ltd. Vs. The Controller of Patents and Designs and Ors.[33]

Para No.10, Page No.3

"The design submitted by the appellant is a 2D design i.e. a design which possesses the dimensions of length and width but does not possess depth. The novelty of the same can be judged by the eye as soon as the device is turned on. There is no requirement to touch the device in respect of the design. The process of application of the subject design i.e. GUI on the finished article is a mechanical and manual process which falls within the definition of "industrial process" mentioned in section 2(d) of the Designs Act 2000."[34]

"A software developer develops a source code which creates the GUI. This source code is then embedded in the micro-controllers and micro-processors and is displayed in screen by illuminating pixels by electronic means. Therefore, the design is applied to the article by industrial process and means. The criteria of "industrial process" has been dealt with in Re: Apple Computer Inc.'s Design Applications [2002] F.S.R. 38 wherein it has been held as follows":

"The icons for which registration was sought were those inherently built into a computer. They were not the sort of icons which appeared temporarily whenever a particular computer program was loaded. There was no policy reason why registration should be refused. The icons were patterns or ornaments applied to an article by an industrial process. They were built into the software whose inclusion in the machine was part of an industrial process."

"That the icons/patterns/ornamentations are built into the software whose inclusion in the machine is part of an industrial process. The Registered Design Acts, 1949 required the features claimed to be features in the finished article; it did not require those features to be judged at the time the article was bought."

On the basis of the foregoing judicial and statutory analysis, several critical principles governing the registrability of Graphical User Interfaces under the Designs Act, 2000, emerge.

[33] *Id.* at 6, MANU/WB/0584/2023.
[34] In the Matter of UST Global (Singapore) Pte Ltd v. The Controller of Patents and Designs and Anr, Legitquest, (Mar. 20, 2023), https://www.legitquest.com/case/in-the-matter-of-ust-global-singapore-pte-ltd-v-the-controller-of-patents-and/77514B.

The Calcutta High Court unequivocally clarified that the contingent visibility of a GUI, limited to instances when the device is powered on, does not operate as a disqualifying factor for design registration. The statutory framework does not mandate continuous or point-of-sale visibility; rather, it requires that the design be capable of visual appreciation and satisfy the test of aesthetic appeal. Accordingly, internal or embedded visual elements, including built-in graphical interfaces, may qualify for protection provided they are capable of being judged by the eye. The Court further affirmed that the requirement of an "industrial process" under Section 2(d) of the Designs Act is satisfied in the context of GUIs. The development of source code, its embedding within hardware components, and the subsequent pixel-based rendering of the interface on a display screen collectively constitute a legitimate industrial process. This view takes into account the reality of the digital age of manufacturing and brings the legal definition of industrial application into line with design creation as a technologically driven process. In further support of the above is the use of comparative jurisprudence by the judiciary. [35]In the case of Re: Apple Inc., under the law of the UK, it is clear that authority was sought to assert the proposition that computer software-imbedded designs, such as icons, graphic patterns, or visual displays on computer software, could be registered as a design if they are part of the final tangible's visual identity, thereby incorporated using an industrial process, despite such designs being expressed as software.

Consequently, the mere fact that a GUI becomes perceptible only upon activation of the device is immaterial to its registrability. Where a graphical user interface is embedded through an industrial process, possesses independent visual appeal, and constitutes an integral component of the final product, it squarely falls within the ambit of the Designs Act, 2000. The refusal of design registration on grounds of intermittent visibility or functional integration is therefore legally unsustainable and contrary to both statutory interpretation and evolving judicial precedent.

B. Cryogas Equipment Private Limited Vs. Inox India Limited and Ors. And LNG Express India *Private Limited Vs. Inox India Limited and Ors.* [36]

[35] Sharad Vadehra, Shikha Baiswar, Design Protection of Graphical User Interfaces (GUIs) in India- UST Global (Singapore) PTE LTD v. The Controller of Patents and Designs, Kan and Krishme, (Apr 24, 2023), https://kankrishme.com/design-protection-of-graphical-user-interfaces-guis-in-india-ust-global-singapore-pte-ltd-v-the-controller-of-patents-and-designs/.

[36] *Cryogas Equipment Private Limited Vs. Inox India Limited and Ors. And LNG Express* India *Private Limited Vs. Inox India Limited and Ors.,* MANU/SC/0487/2025.

Page No 10, Para No 15

This penumbra seems to have been synopsized and, to some extent, amplified in Section

15(2) of the Copyright Act. We say so, for the reason that the provision itself enumerates that "copyright in any design, which is capable of being registered under the Designs Act, 2000 but which has not been so registered, shall cease as soon as any Article to which the design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright or, with his licence, by any other person."

Page No.10, Para No 16

"We must also bear in mind that Section 15(1) of the Copyright Act explicitly states that a 'copyright' shall not subsist in a 'design' protected under the Designs Act. This provision thus establishes that once a 'design' is registered, any copyright protection ceases to exist.

Whereas, as already recapitulated, Section 15(2) of the Copyright Act clarifies that any design which is capable of being registered under the Designs Act, if not registered, then the copyright protection in such design would terminate once that design is applied to any Article and reproduced in excess of 50 times by an industrial process, either by the owner or a licensee."

Based on these expert comments, the Supreme Court formulated a defined two-step approach in evaluating the existence of copyright in relation to design rights. First, there is emphasis on analyzing the nature of the subject matter in question. Second, there is focus on applying the functional utility test, and this requires consideration of whether the characteristics of the subject matter are for utility and functionality, or whether these attributes are aesthetic and of an artistic nature.[37]

Using this criterion, the court reaffirmed the statutory duty embodied in Section 15 [38]of the Copyright Act of 1957 by ruling that an artistic work's copyright expired as soon as it had been reproduced more than fifty times by an industrial process and remained unregistered despite being eligible for registration under the Designs Act of 2000. Despite the author's intentions,

[37] Riya Rathore, Copyright v. Design Protection: Supreme Court Formulates Two-Pronged Approach To Address the Conundrum by Section 15(2) Copyright Act, Verdictum,(Apr 15, 2025, 6:30 PM), https://www.verdictum.in/court-updates/supreme-court/two-pronged-approach-to-address-conundrum-by-section-15-2-copyright-act-2025-insc-483-cryogas-equipment-pvt-ltd-v-inox-india-ltd-1574281.
[38] Copyright Act,1957, § 15, No.14, Acts of Parliament,1957 (India).

this would occur automatically upon the fulfilment of the legislative criteria.

Importantly, the Court clarified that the determination of whether a work qualifies as a "design" within the meaning of the Designs Act, 2000 cannot ordinarily be undertaken at the threshold stage of litigation, such as under Order VII Rule 11 of the Code of Civil Procedure, 1908. Since such an inquiry involves mixed questions of fact and law, particularly concerning industrial application, visual appeal, and functional character, it necessitates adjudication through trial.

The Supreme Court further dispelled the relevance of the author's intent in producing the work, holding that the decisive considerations are the manner of industrial application and the presence of visual appeal capable of being judged by the eye. Consequently, where a design is registered under the Designs Act 2000, copyright protection is statutorily excluded. Conversely, where a design is capable of such registration but remains unregistered, copyright subsistence is extinguished once the design is industrially reproduced beyond the statutory threshold. Thus, the legal position stands settled that copyright shall not subsist in a design protected under the Designs Act, 2000, and upon registration of a design, any overlapping copyright protection stands terminated. This doctrinal clarity reinforces the legislative intent to maintain a clear demarcation between copyright and design regimes, preventing perpetual or overlapping monopolies over industrially applied visual works.[39]

C.HULM ENTERTAINMENT PVT. LTD. & ORS. V. FANTASY SPORTS MYFAB11 PVT. LTD. & ORS. [40]

Page No. 38, Para No.40

"A Graphical User Interface combines three elements, a computer programme which enables functionality and appearance of the GUI, the artistic/graphic elements of the visual display and the text/literary works in the GUI, which are visible to the user. There is no pleading in the plaint claiming copyright in 'artistic work' and therefore, no claim can be laid to a copyright in the graphic elements of the visual display of GUI. Likewise, there is no pleading claiming copyright in a 'computer programme' and therefore, no monopoly can be sought over the functionality or the visual display occasioned by a computer programme. As regards 'literary

[39] Copyright Work v. Industrial Design: Two-Prong Test Laid Down in Cryogas v. Inox, Khurana And Khurana, (Jul. 20,2025),https://www.khuranaandkhurana.com/2025/06/20/copyright-work-v-industrial-design-two-prong-test-laid-down-in-cryogas-v-inox.

[40] Hulm Entertainment Pvt. Ltd. & Ors. v. Fantasy Sports MyFab11 Pvt. Ltd. & Ors., MANU/DE/7128/2023.

work', the only context is the concept note for which, as noted above, there are no pleadings of how the gaming application of the Defendants substantially copies the concept note."

Page No.38, Para No.42

"Having carefully perused the comparative of the screenshots of the GUIs of the respective parties, this Court is unable to come to a conclusion even prima facie that there is a substantial copy by the Defendants. While it cannot be denied that there are a few similarities but those are insignificant and the dissimilarities outweigh the trivial similarities. In R.G. Anand (supra), the Supreme Court observed that the Courts should determine whether or not the similarities are on fundamental or substantial aspects of the mode of expression adopted in the copyrighted work. In Dorsey v. Old Surety Life Ins. Co., MANU/FETT/0046/1938: 98 F. 2d 872, Phillips, J. observed that the right secured by a copyright is not the right to use of certain words, nor the right to employ ideas expressed thereby. Rather it is the right to that arrangement of words which the author has selected to express his ideas, and to constitute infringement in such cases a showing of appropriation in the exact form or substantially so, of the copyrighted material is required. Applying the said principle and comparing the two applications, it is evident that the rival user interfaces have different colour schemes, graphics, texts, placement of elements, icons, bottom bar, etc. As an illustration, the top bar/description bar/middle page and bottom bar of home page are extracted hereunder, which would demonstrate the distinctions."

In light of these judicial observations, the Court undertook a nuanced examination of the structural and legal composition of a Graphical User Interface.

It explained how the GUI is not a homogeneous thing but a composite construct consisting of three distinct yet interrelated parts: first, the computer programme which controls the functionality and graphical presentation of the interface itself; secondly, the graphic parts presented upon the screen; and finally, the textual parts embedded in the interface. Each of these parts is itself controlled by a distinct legal regime in copyright law and therefore demands careful characterization for the assertion of proprietary claims.

The court held that the plaintiffs had defaulted in pleading specifically whether the challenged GUI was an "artistic work" under Section 2(c) of the Copyright Act of 1957 or a "computer programme" under Section 2(ffc).[41] Such a default in pleading was deemed deleterious to the

[41] Copyright Act,1957, § 2, No.14, Acts of Parliament,1957 (India).

cause of action for copyright because it impinges upon the essential ingredient of specifying the subject matter upon which the plaintiffs pray protection.

Based on the comparison between the screens of the rival applications after conducting an analysis, the Court added that there was no substantial similarity between the designs of the applications. It was noted in the judgment that surface-level similarity in functionality and common elements was not sufficient to amount to the copying of protected expression. Following the norms of copyright jurisprudence in the relevant cases, the Court reaffirmed the legal position according to which the action of copyright infringement is to be stated based on the copying of the original expression.

Notably, the Court established the importance of the distinction between ideas and expression, making it clear that the Copyright Act does not protect abstract ideas, functional ideas, or utilitarian functions. In the context of GUI designs, what the design necessitates by way of functionality or usability is an inherent function and thus does not come within the scope of protection under the Copyright Act. The initial creative expression of an idea, however, through distinctive graphic or typographic arrangements, may be considered worthy of protection under the Copyright Act, 1957.

Therefore, for Graphical User Interface protection by way of copyright, the need to qualify such work under Section 13[42] of the Act, as an artistic or literary work, cannot be overemphasized. Moreover, the protection extended by the law of copyright is not on the expressive part, which is only original, hence not encompassing usability functionalities. This serves to reinforce the definition boundaries in the protection that is afforded to graphical user interfaces by the law.

V. CONCLUSION

As made clear by this specific study, GUIs have ceased being marginal technology and have become definitional elements for product identity and consumer interaction in the digital economy. The chameleon-like nature of GUIs, which blend aesthetic, functional, and software-related elements, makes them extremely contentious in terms of classification.

Indian law has various provisions in the Copyright Act of 1957 and the Designs Act of 2000 to protect GUIs, yet they function in a complementary manner that is mutually exclusive in nature.

[42] Copyright Act,1957, § 13, No.14, Acts of Parliament,1957 (India).

This is because the effect of the provisions of Section 15 of the Copyright Act is to ensure that there are no overlapping rights in different intellectual property regimes that are mutually exclusive in nature, the technological reality of GUIs in digital distribution rendering it impossible to have otherwise. The various interpretations given to GUIs in Cryogas Equipment Pvt. Ltd., UST Global, and Hulm Entertainment highlight that it is not the creator's intentions but objective criteria like industrial applicability and aesthetic intent that demarcate GUIs.

The accession to the Locarno Classification by India, along with the changes in the Designs Rules, broadened the imaginative spaces within which an "article" and a "design" have to be situated, making screen-based and interface-oriented creations possible. A realization that a GUI may fulfil the criteria of industrial process and eye appeal, even though it is seen only when the device is set in action, signifies a clear move away from such straightjacketed interpretations as were evidenced in the Amazon GUI refusal. This change moves Indian practice closer to international practice. A comparison study conducted in the USA and the EU shows that a tiered strategy for GUI protection is pursued by mature legal systems, and this strategy incorporates copyright law, design rights, and, if necessary, trade dress or design patents in order to protect different aspects of GUI innovation. The functional aspects continue to fall outside the scope of protection, though original visual aspects continue to deserve legal protection.

In conclusion, although Indian jurisprudence is steadily converging with global best practices in recognising Graphical User Interfaces as protectable intellectual property, persistent ambiguities remain with respect to functional exclusion, industrial applicability, and the precise boundary between copyright and design protection. Addressing these uncertainties requires a harmonised, technology-responsive interpretative approach, one that is attuned to the realities of digital innovation while remaining faithful to statutory intent. Such an approach is essential to ensure legal certainty, foster creative investment, and enable India's intellectual property regime to effectively support innovation in an increasingly interface-driven digital landscape. Beyond this issue of doctrinal nuance, the future of GUI protection in India will also depend on the institutional capacity to make consistent administrative decisions. Design examiners, copyright offices, and courts will have to cohere on a technical understanding of the role of interface-driven products generally, especially because dynamic, adaptive GUIs are increasingly software-dependent. Unless well-informed and consistent decisions are made by the courts or administrative bodies, authors will be left uncertain not only of the possibility of

protection, but also of the appropriate strategy of division of their applications across protected systems. Ultimately, the implications of GUI protection with regard to IP law intersect with competition law, innovation law, and consumer protection law. Too broad a protection may lead to the monopolization of so-called standard GUI elements. Too thin a protection may chill investment in design with a user at the forefront. Here, a delicate balance is required between taking note of the pace of advancing GUI technologies, such as voice recognition interfaces or immersive interfaces on the one hand and the growing significance of product competition on the basis of user experience on the other.