

Support to the Designs Law Treaty and Its Harmonized Standard

SPONSORING COMMITTEE: Designs Committee

RESOLUTION: Presented on November 18, 2025

WHEREAS, harmonizing formalities for obtaining industrial design rights worldwide will benefit designers and industry, foster innovation, and promote efficient cross-border protection; and

WHEREAS, the Riyadh Design Law Treaty (DLT), adopted on November 22, 2024 by a Diplomatic Conference organized by the World Intellectual Property Organization (WIPO), establishes a modernized, streamlined, and user-friendly international framework for harmonizing industrial design filing, prosecution, registration and recordal procedures;

WHEREAS, the DLT's harmonization provisions for industrial designs track corresponding provisions for trademarks in the Trademark Law Treaty of 1994 (TLT) and the Singapore Treaty on the Law of Trademarks of 2006 (STLT), and for utility patents in the Patent Law Treaty of 2000 (PLT), as well as additional provisions relating to novelty and other aspects of industrial designs;

WHEREAS, the DLT builds on the harmonizing effect of the Hague Agreement Concerning the International Registration of Industrial Designs, which established a registration system that allows industrial designs to be protected in multiple countries and regions with fewer formalities than seeking to protect industrial designs separately in each country and region; and

WHEREAS, the DLT introduces the following key provisions:

- (a) **Mandatory 12-Month Grace Period for Disclosure:** The DLT establishes an international standard of a 12-month grace period for novelty so that disclosures by a

designer or assignee or by a third party (including leaks or abuse) in the 12 months prior to filing will not prevent the obtaining of obtain industrial design rights (*c.f. Article 7*).

- (i) Although Article 31 of the DLT permits a contracting party to make a reservation as to Article 7 (*i.e.*, join the DLT without being required to recognize a 12-month grace period), as set forth below, INTA strongly discourages contracting parties from making such a reservation so that a uniform baseline of applicant rights and harmonization is achieved on this very important issue.

(b) Minimal and Maximal Application Requirements: The DLT sets clear boundaries for what Offices may require in a design application, generally prohibiting requirements beyond those enumerated in the Treaty or its Regulations (Articles 4, 6, and corresponding Rules).

- (i) A filing date must be accorded on receipt of a minimal set of elements (*expression of intent; applicant identity; representation of the design; contact details*), with limited further elements permitted only by advance declaration (*c.f. Article 6*).
- (ii) Multiple designs may be included in one application, subject to national law (*c.f. Articles 4(4), 9*).

(c) Filing and Entitlement by Non-Entitled Parties:

- (i) A Contracting Party must allow any person to file an application and obtain a filing date in most situations, even if not entitled to the design (*i.e.*, emergency scenarios) -ensuring rights are not lost due to entitlement technicalities (*c.f. Article 5(2)(b)*).

(d) Correction or Addition of Priority Claims and Restoration of Priority:

- (i) Applicants are entitled to correct or add priority claims and even restore priority rights in some delay circumstances, provided requests are filed within time limits and meet substantive standards for due care or unintentionality (*c.f. Article 16; Rule 12*).

(e) Deferral of Publication:

- (i) Applicants may request that publication of their design be deferred for a minimum period of six months from the filing date (*c.f. Article 10; Rule 6*).

(f) E-Filing Systems and Communication:

- (i) Parties must endeavour to provide electronic filing systems and are encouraged to support electronic exchange of priority documents (*c.f. Article 11*).
- (ii) Communications may generally be in any admitted language, and signatures are subject to flexible formality rules (*c.f. Article 12; Rules 7, 8*).

(g) Technical Assistance, Capacity Building, and Digital Libraries:

- (i) The DLT includes robust provisions for technical assistance and digital library participation, encouraging upskilling, international exchange, fee reduction for applicants, and support for developing countries (*c.f. Article 24*).

(h) Relief From/Extension of Time Limits and Reinstatement of Rights:

- (i) Applicants and rights holders can obtain extension, continued processing, or reinstatement of rights in cases of missed deadlines, subject to fee and diligent conduct (*c.f. Articles 14 -15; Rules 10 - 11*).

(i) Recording Changes (Assignments, Licenses, Names/Addresses) and Effects of Non-Recording:

- (i) The recording of licenses, security interests, assignments, changes in names or addresses, and corrections of mistakes are standardized, with prohibitions on excessive requirements and clarification that non-recording does not affect the validity or enforceability of rights or registration (*c.f. Articles 17 - 23; Rules 13 - 16*).

(j) Assembly and Regulations:

- (i) An Assembly of Contracting Parties oversees the development and amendment of the Regulations (*c.f. Articles 25-26*), including publication of Model International Forms for procedural harmonization.

WHEREAS, although the DLT permits Contracting Parties to make reservations excluding the application of certain provisions (Articles 5(2)(b), 7, 10(1), 16(2), and/or 19(2))¹, such

¹ *I.e.*, Contracting Parties can opt-out of minimum standards for granting filing dates to *pro se* applicants (Article 5(2)(b)), a one-year grace period (Article 7), publication

reservations counteract the DLT's purpose of maximizing global harmonization of key applicant-friendly safeguards (*c.f. Article 31*); and

WHEREAS, accession to and implementation of the DLT, provides a significant opportunity to modernize domestic design law, improve access, and reduce transaction costs for innovators, SMEs, and industry at large;

WHEREAS, the International Trademark Association (INTA) attended WIPO's Diplomatic Conference to conclude a Design Law Treaty in Riyadh in November 2024, as an accredited observer, and submitted its proposed positions/statements to WIPO, which are available on INTA's website at the following link: https://www.inta.org/wp-content/uploads/public-files/advocacy/testimony-submissions/20241108_INTA-Statements-re-DLT.pdf.

NOW THEREFORE, BE IT RESOLVED, that INTA hereby reaffirms its strong support for the DLT;

BE IT FURTHER RESOLVED, that INTA encourages all states, intergovernmental organizations, and relevant authorities to accede to the Riyadh Design Law Treaty, and to enact and implement legislation fully in line with its core principles and the INTA Model Design Law Guidelines;

BE IT FURTHER RESOLVED, that INTA urges all Contracting Parties not to make reservations to the core pro-user provisions of Articles 5(2)(b), 7, 10(1), 16(2) and 19(2), to ensure the broadest possible benefit of the DLT's harmonized standards;

Background

The DLT was adopted at the Diplomatic Conference held in Riyadh from November 11-22, 2024 under the auspices of WIPO. The adoption of DLT marks a significant development in the international legal framework governing industrial design rights. The DLT builds upon and complements prior harmonization initiatives, such as the Trademark Law Treaty of 1994 (TLT), the Singapore Treaty on the Law of Trademarks of 2006 (STLT) and the Patent Law Treaty of 2000 (PLT), by introducing streamlined procedures and minimum standards for industrial design

deferment (Article 10(1)), priority restoration (Article 16(2)) and licensee enforcement preconditions (Article 19(2)).

registration and administration across Contracting Parties. The DLT also includes provisions relating to novelty and other particular aspects of industrial designs.

The primary objective of the DLT is to simplify and harmonize the formal requirements for obtaining and maintaining registered design protection among member states and intergovernmental organizations. The Treaty introduces several progressive and applicant-friendly measures, including:

- (i) the establishment of clear maximum filing requirements,
- (ii) a mandatory twelve-month grace period for disclosures before filing,
- (iii) provisions allowing applicants to secure a filing date even in circumstances where full entitlement cannot be immediately demonstrated,
- (iv) mechanisms for the correction or addition of priority claims,
- (v) options for deferred publication of designs, and
- (vi) explicit safeguards to ensure that license recordation is not a precondition to the enforcement of design rights.

Additionally, the DLT is accompanied by detailed Regulations that govern the practical aspects of its implementation, with the objective of enhancing predictability, efficiency, and accessibility for both Offices and users. The Treaty also incorporates robust provisions relating to relief and reinstatement in respect of missed time limits, as well as strong commitments to technical assistance and capacity building, particularly in support of developing countries.

DLT accession requires Contracting Parties to adapt their national laws and procedures to the DLT's standards, thereby facilitating cross-border business, encouraging innovation, and fostering a more coherent and user-friendly global design registration system. Importantly, while limited reservations are permitted in specified areas, the DLT promotes an overall spirit of inclusiveness and best practices - echoing principles also reflected in INTA's Model Design Law Guidelines.

Explanatory Statement

This resolution strongly encourages domestic implementation and adoption of the DLT in a manner that maximizes its intended benefits to users - by minimizing applicant hurdles, avoiding

reservations to its central procedural safeguards, and embracing the Treaty's streamlined formalities. The DLT enhances legal certainty and transactional efficiency for designers, rights holders, and industry at large, while at the same time strengthening the international design protection ecosystem.

The DLT stands as a flexible and progressive successor to existing international instruments such as the Hague Agreement, with features that directly address known challenges faced by users and Offices. Through standardized procedures, transparency in communications, mechanisms for precautionary filing in emergency scenarios, and practical avenues for post-filing corrections and renewals, the DLT offers substantial advantages to both applicants and national Offices.

Conclusion

Based on the foregoing, the Designs Committee requests that the INTA Board of Directors approve and adopt this resolution.