



Salgaocar Law Review

©Copyright vests with V. M. Salgaocar College of Law

Volume XI, 2025

ISSN 2395-7263



Design Protection – Global Frameworks via Riyadh Design Law Treaty

By - Assistant Professor: Damini M¹

Abstract

Due to its disjointed procedural requirements and lack of legislative recognition for digital breakthroughs, Industrial Design (ID) protection has long been the "neglected sibling" of patent and trademark law. But the Riyadh Design Law Treaty (RDLT), which was adopted in November 2024 and first ratified in early 2026, represents a significant step in the direction of international procedural harmonisation. This study looks at the shift from conventional physical "articles" to virtual designs, such as animation transitions, AR/VR environments, and graphical user interfaces (GUIs). The present 2026 scenario concentrates on the difficulties of AI-generated designs and the integration of the Hague System to expedite cross-border filings, whereas early 2012 conflicts (such as Apple v. Samsung) stressed the commercial significance of design in high-tech sectors. This study illustrates how the RDLT offers a "safety net" for designers through streamlined formal requirements and relief for procedural errors, ultimately fostering a more resilient global innovation ecosystem. It does this by analysing recent WIPO initiatives and the legislative changes in emerging economies like India and the ASEAN bloc. There are a number of difficult obstacles to overcome in order to implement the new design protection criteria in 2026. This research paper focuses on the "Scraping Problem" is now being addressed by WIPO's new Artificial Intelligence Infrastructure Interchange (AIII), which was introduced in March 2026. Unauthorised Training, Without the original designers' permission, AI models are frequently trained on millions of already-existing, protected designs. As of early 2026, a number of

¹ **Ms Damini M**, Assistant Professor of Law, Soundarya Group of Institutions, Bangalore, daminim@2000gmail.com, 9844524665.

jurisdictions—including recent decisions in the EU and India—maintain that a design cannot be protected unless it is a human intellectual work. Furthermore, the research analyses the issue of whether a designer's work still has "individual character" if they utilise generative AI to instantly develop versions of a product. These include the legal "grey zones" that artificial intelligence creates and the technological challenges of safeguarding digital-only assets.

Keywords: WIPO, Riyadh Design Law Treaty, India, Industrial Design

Introduction

Riyadh Treaty and Design Protection in the Global Framework

The World Intellectual Property Organization (WIPO) ratified the historic Riyadh Design Law Treaty (DLT) in November 2024. It streamlines and unifies the governmental processes needed to register industrial designs worldwide. It establishes a cap on the criteria that national offices may impose on candidates. To avoid paying registration costs, creators can submit more than one design in a single application.² It enforces a necessary 12-month grace period, so your application is still valid even if you unintentionally reveal your design prior to filing. It especially seeks to lower the cost of international intellectual property protection for independent producers and small and medium-sized businesses (SMEs).³ Prior to this pact, designers had to negotiate a disjointed international system with drastically disparate documentation, picture requirements, and deadlines for each nation. These local office regulations are harmonised by the Riyadh Treaty, which greatly simplifies and lowers the cost of obtaining design rights internationally. Through the Ministry of Commerce & Industry, India formally ratified the Riyadh Design Law Treaty (DLT) Final Act. India is therefore a crucial early adopter of this international system. By lowering foreign registration obstacles, the action is deliberately intended to increase the worldwide competitiveness of Indian startups, MSMEs, and traditional craftspeople.⁴

Before the Riyadh Treaty, there were expensive obstacles and widely disparate application rules for industrial design protection across national boundaries. Several complementary layers are now included into the global architecture. With only one file, unified regional

² World Intellectual Property Organization, Benefits and Advantages of the Riyadh Design Law Treaty, *WIPO* (Nov. 22, 2024), <https://www.wipo.int/en/web/riyadh-treaty>.

³ World Intellectual Property Organization, Albania Is First to Join WIPO's Riyadh Design Law Treaty, *Press Release No. PR/2026/948* (Mar. 13, 2026), https://www.wipo.int/pressroom/en/articles/2026/article_0004.html.

⁴ Dhruv Mathur & Shivam Malvi, India Signs Final Act of Riyadh Design Law Treaty: A Milestone for Industrial Design Protection, *LiveLaw* (Jan. 22, 2025), <https://www.livelaw.in/law-firms/law-firm-articles-/riyadh-design-law-treaty-industrial-design-protection-ip-traditional-knowledge-ss-rana-co-281753>.

protections like those offered by the European Union Intellectual Property Office (EUIPO) offer extensive coverage. The Hague System, an international registration system run by WIPO, enables designers to apply for protection in several nations with a single application. The Riyadh Treaty makes it more simpler to get national-level registrations by standardising local office processes and harmonising local regulations, whereas the Hague System concentrates on submitting several international designations. Overseen by the WTO, the TRIPS Agreement mandates that member countries preserve independently developed industrial designs for a minimum of ten years. It sets the fundamental minimum conditions for IP protection. For the pact to formally come into effect, 15 ratifications or accessions are needed. The Final Act has already been signed by governments like India, and other countries are actively completing the ratification process to integrate these simplified requirements into their national frameworks.⁵ Only Albania has formally signed the Riyadh Design Law Treaty, according to the most recent official report from the World Intellectual Property Organisation (WIPO). Albania became the first country to formally join on March 13, 2026, when it lodged its instrument of ratification, according to WIPO RDLT Notification No. 1⁶. Hence, the Riyadh Design Law Treaty serves as a worldwide equaliser for the protection of product designs. Cutting through scattered national red tape, standardizing grace periods, and decreasing registration fees, it makes the worldwide marketplace safer and more accessible for small enterprises and independent producers alike. It achieves a vital balance for emerging countries like India, allowing the advancement of digital design and contemporary technology while legally protecting traditional cultural heritage from foreign exploitation. The 15-ratification barrier is expected to become the current benchmark for international intellectual property efficiency as more countries approach it.

WIPO's new Artificial Intelligence Infrastructure Interchange (AIII)

Launched by WIPO on March 17, 2026, the Artificial Intelligence Infrastructure Interchange (AIII) is a useful, international platform designed to address how AI systems engage with the intellectual property (IP) environment. The WIPO AIII does not establish laws, in contrast to legislative treaties as the Riyadh Design Law Treaty. Rather, it unites artists, rights holders, and tech developers to develop operational and technological solutions for tracking,

⁵ PatSeer, *The Riyadh Design Law Treaty—What It Is and How It Empowers Designers Globally*, PatSeer Blog (Dec. 10, 2024), <https://patseer.com/riyadh-design-law-treaty-global-empowerment-for-designers/>.

⁶ World Intellectual Property Organization, Notification No. 1: Riyadh Design Law Treaty (RDLT), *WIPO Lex* (Nov. 22, 2024), https://www.wipo.int/wipolex/en/treaties/notifications/details/treaty_rdl_t_1.

authenticating, and safeguarding intellectual property in the age of generative AI.⁷ The AIII is increasingly essential for industrial designs, graphical user interfaces (GUIs), and product aesthetics, even if it covers a variety of IP sectors (such as copyright and voice/music models). Thousands of 3D objects, product concepts, and digital interfaces may be produced immediately using generative AI models. Through four main technological vectors, the AIII framework directly addresses design flaws. First, in order to provide standardised metadata frameworks, the exchange uses its Technical Exchange Network (TEN). This enables human designers to add watermarks or unchangeable "digital fingerprints" to their CAD files and 3D representations, confirming original invention before an AI replicates the style. Second, the development of machine-readable tools that allow artists to specifically choose not to have their proprietary visual assets scraped in order to train generative design tools is a significant emphasis of the AIII. Thirdly, the platform standardises the labelling of content produced by AI.⁸ This aids national intellectual property offices in eliminating entirely automated, non-human concepts that could not meet the legal requirements for "novelty" or "originality" in order to be protected as industrial designs. First, the platform investigates the use of AI techniques to examine international databases by national patent and trademark agencies. This significantly alters how design rights are enforced internationally by assisting in the quick detection of copycats and infringements.⁹

Recent decisions in the EU and India

Regarding intellectual property, both the EU and India continue to take a purely human-centric stance. Artificial intelligence cannot be acknowledged as the author, creator, or owner of a registered design under the current IP laws in both nations. Ongoing efforts to address this fact are shown in recent updates and changes to both areas' policies.¹⁰ The EU AI Act Generative AI and foundation models are categorised under the EU AI Act¹¹. General

⁷ World Intellectual Property Organization, Artificial Intelligence Infrastructure and Interchange, *WIPO Frontier Technologies* (2025), <https://www.wipo.int/en/web/frontier-technologies/artificial-intelligence/ai-infrastructure-interchange>.

⁸ World Intellectual Property Organization, Artificial Intelligence Infrastructure and Interchange, *WIPO Frontier Technologies* (2025), <https://www.wipo.int/en/web/frontier-technologies/artificial-intelligence/ai-infrastructure-interchange>.

⁹ World Intellectual Property Organization, Artificial Intelligence Infrastructure Interchange (AIII) Framework, *WIPO Frontier Technologies* (2025), <https://www.wipo.int/documents/d/frontier-technologies/docs-en-artificial-intelligence-aiii-framework-ai-infrastructure-interchange-aiii.pdf>.

¹⁰ European Parliamentary Research Service, The EU Artificial Intelligence Act: Key Issues and Debates, *European Parliament Think Tank* (Feb. 2025), [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2025\)782585](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2025)782585).

¹¹ *Artificial Intelligence Act Portal*, EU Artificial Intelligence Act, (2025), <https://artificialintelligenceact.eu/>.

Purpose AI (GPAI) providers are required by its regulations to uphold clear technical documentation and set up procedures to adhere to EU copyright law. This guarantees that authors may monitor situations in which models may have been trained using their work¹². A human creator (i.e., a natural person) or an entity with legal personality is a prerequisite under EU design legislation. AI-generated designs that are completely independent are now regarded as being in the public domain. However, "AI-assisted" designs—those in which a human sets crucial parameters, directs the output, or significantly modifies an AI's original rendering—qualify for protection as long as they satisfy the normal criteria of uniqueness and individuality¹³. However in India, the Designs Act Revamps a thorough Concept Note on Proposed Amendments in the Designs Act was released by the Department for Promotion of Industry and Internal Trade (DPIIT).¹⁴ The suggested modifications update the scope to safeguard digital inventions such as virtual designs and Graphical User Interfaces (GUIs). In terms of AI, the ideas are intended to make it clearer what constitutes human authorship because, according to present practice, an AI tool cannot be identified as the creator on official registration forms.¹⁵ India earlier made news with the historic RAGHAV AI application, in which a human user and an AI system were initially given co-authorship status. Although this caused controversy, later political frameworks have mostly strengthened conventional, human-centric property attribution. In order to provide unambiguous provenance markers when AI is used to create or modify visual material, the Ministry of Electronics and content Technology (MeitY) issued notifications under the IT Rules requiring intermediaries to strictly identify synthetically generated content.¹⁶

The idea that intellectual property must represent the "author's own original creation" and unrestricted creative choices is the foundation of European jurisprudence. The threshold of human involvement has been closely examined in recent opinions. In Munich District Court

¹² *AMLEGALS*, EU AI Act Amendments: What the New AI Act Means for Privacy and Deepfakes, *AMLEGALS Blog* (Apr. 2025),

<https://amlegals.com/eu-ai-act-amendments-what-the-new-ai-act-means-for-privacy-and-deepfakes/>.

¹³ *World Intellectual Property Organization*, Call for Comments: AI Infrastructure Interchange (AIII) Framework – Ind Wang Submission, *WIPO Frontier Technologies* (2025),

https://www.wipo.int/documents/d/frontier-technologies/docs-en-artificial-intelligence-call-for-comments-ind_wang.pdf.

¹⁴ *Law.asia*, GUI Design Protection in India, *Law.asia* (2025), <https://law.asia/gui-design-protection-india/>.

¹⁵ *The Legal Journal on Technology*, Designing the Future: AI Authorship in Indian and EU Design Law, *TLJT Blog* (2025),

<https://www.thelegaljournalontechnology.com/post/designing-the-future-ai-authorship-in-indian-and-eu-design-law>.

¹⁶ Astha Ojha, AI Copyright in India: Bridging the Digital Divide, *National e-Governance Division* (Oct. 2025), <https://negd.gov.in/wp-content/uploads/2025/10/Astha-Ojha-AI-Copyright-in-India-Bridging-the-Digital-Divide.pdf>.

(Germany, 2026)¹⁷ a case regarding AI Graphic Designs & Logos a claimant requested protection for branding images and visual logos created with a generative AI technology and lengthy language instructions. The court's decision to deny protection said that the AI model's technical output exceeded the creative input of humans. The court made it clear that even with open-ended, lengthy, or iterative prompts, the AI is still in charge of making the final execution and design decisions rather than a person.¹⁸ Secondly in the case before the Prague Municipal Court (Czech Republic, 2024)¹⁹ few visual images were Produced by AI and a person filed a lawsuit for infringement because they used a digital image they created with DALL-E for commercial purposes without permission. The court ruled that an image created only from a generic impulse does not qualify for protection, dismissing the complaint under EU-harmonized legislation. It established that the work cannot legitimately claim an author if the "human creative spark" is not executed by a natural person.²⁰

Strict statutory definitions of a "author" are combined with distinct divisions between functional engineering and aesthetic style in Indian courts' handling of generative layout and design disputes. Cryogas Equipment v. Inox India, Supreme Court of India (2025)²¹ the Supreme Court decision established the ultimate evaluation parameters for design protection, notwithstanding its primary focus on industrial proprietary engineering drawings. The Apex Court developed a stringent two-pronged test to distinguish copyright from design in the context of AI. Importantly for AI, the court reaffirmed that a design cannot be registered if its characteristics are determined by functional or performance optimisation, which is how the majority of generative AI engineering software generates structural models. It must strictly appeal to the human eye as a decorative, non-functional adornment in order to be protected.²²

Designers' work still has "individual character" if they utilise generative AI

If a designer uses generative AI, their work can still have "individual character"; nevertheless, legal eligibility depends largely on how the technology is incorporated into the

¹⁷ European Union Intellectual Property Office, District Court of Munich Rules Out Copyrightability of AI-Generated Works, *EUIPO Recent Case Law* (2025), <https://www.euipo.europa.eu/en/law/recent-case-law/the-district-court-of-munichopens-a-new-window-rules-out-the-copyrightability-of-ai-generated>.

¹⁸ Ibid

¹⁹ European Union Intellectual Property Office, Update on Recent European Case Law on Infringement and Enforcement of IP Rights, *EUIPO Observatory* (Aug. 2024), <https://www.euipo.europa.eu/it/news/observatory/out-now-update-on-recent-european-case-law-on-infringement-and-enforcement-of-ip-rights-08-2024>.

²⁰ Ibid

²¹ Delhi High Court, Chirag S. v. Union of India, *Indian Kanoon* (2024), <https://indiankanoon.org/doc/170672552/>.

²² Ibid

process. "Individual character" is an objective requirement in design law, especially under the scope of the European Union Intellectual Property Office (EUIPO). If a design's overall impression on a "informed user" is different from any previously published design (the prior art), then it has unique character. Using AI creates new legal boundaries since design law emphasises the visual result rather than the difficult barrier of "human artistic expression" mandated by copyright.²³

Courts do not consider the creator's subjective purpose or manual labour under EU design legislation. In decisions like *Deity Shoes* (C-323/24)²⁴, the Court of Justice of the European Union (CJEU) made it clear that a design is legitimately protected as long as it is unique and makes a distinctive overall impression. Consequently, the fact that an AI created the forms or textures does not inevitably rob a final product of its unique identity if it differs greatly from its predecessors. But according to the law, a person must still assert their entitlement to that design, necessitating explicit human-in-the-loop communication.²⁵ When AI is utilised as a highly advanced digital sketchbook or a "auxiliary tool," the design's unique character and protectability are readily preserved. Iterative Human Steering is one example of a legally safe situation in which the designer actively curates the final aesthetic aspects, compels the AI through hundreds of revisions, and gives specific designs, limitations, or unique vector inputs.: Using conventional CAD software, the designer mixes different pieces, modifies the ergonomics, or manually modifies the geometry of an AI-generated representation. Human-made works withstand AI editing, according to German courts that established a cross-border standard in 2026. Individual character is legally protected if the designer's unique "creative choices" endure the AI process and are evident in the finished output²⁶. However when a designer gives up creative control to the machine and changes the work from "AI-assisted" to "purely AI-generated," they run the danger of losing protection.²⁷

Challenges and regulatory gaps in India

²³ *IE-Forum*, The IP Protection of AI Output, *IE-Forum* (2024), <https://www.ie-forum.be/artikelen/the-ip-protection-of-ai-output>.

²⁴ *Court of Justice of the European Union*, Case C-323/24, *Infocuria Case Database* (2024), https://infocuria.curia.europa.eu/tabs/affair?sort=AFF_NUM-DESC&searchTerm=%22C-323%2F24%22.

²⁵ *Court of Justice of the European Union*, Judgment in Case C-323/24, *EUR-Lex* (2024), <https://eur-lex.europa.eu/legal-content/EN/TEXT/?uri=celex:62024CJ0323>.

²⁶ *Lexology*, AI and IP: Emerging Challenges in Europe, *Lexology* (2025), <https://www.lexology.com/library/detail.aspx?g=b871f6e6-2efb-4a41-b77e-ee22503e50f4>.

²⁷ Xiaoqing Feng, AI Authorship and Copyright in Comparative Perspective, *SSRN Working Paper No. 4665807* (2025), https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID4665807_code6158610.pdf?abstractid=4575982&mirid=1.

When it comes to AI-generated designs, India's IP rules are seriously lacking. AI-generated designs are nearly difficult to register under the Designs Act of 2000 since it relies on human authorship and definitions of "proprietor." Furthermore, security for Graphical User Interfaces (GUIs) is still not legislated, which makes contemporary digital design extremely dubious. A owner is defined as a "author" in Section 2(j) of the Designs Act²⁸. Autonomous AI-generated designs are completely devoid of statutory intellectual property protection because they implicitly require a human inventor. AI can create original industrial forms in a matter of seconds by scraping millions of records. The Patent Office in India is now unable to identify "prior art" produced by AI due to the lack of a centralised, searchable digital design database.²⁹

Unless they are connected to a tangible item, modern designs (such as AI-generated graphical user interfaces, app icons, and 3D printers) are often not included in traditional registration. Copyright Act, 1957, A human person is similarly defined as a "author" under Section 2(d) of the Copyright Act. AI-generated content is not creative and cannot be protected by copyright. Patent Act, 1970, Section 3(k) expressly excludes computer software and algorithms from patentability, leaving the underlying code or logic of AI design generators unprotected unless they are connected to a particular, innovative hardware device.³⁰ India lacks a separate legal framework controlling AI due to the absence of a dedicated AI law. The Information Technology Act and the Digital Personal Data Protection (DPDP) Act of 2023 are examples of indirect legislation that are used in legal matters. Attribution of Liability, Under present civil and criminal rules, it is difficult to determine who is legally liable if an AI-generated design violates an existing patent or copyright: the prompt engineer, the AI developer, or the machine itself.³¹

Conclusion

The Riyadh Design Law Treaty marks an important moment in the evolution of industrial designs. It bridges the gap between fragmented national structures and the demands of a digital innovation landscape. It further harmonises procedures, introduces grace periods,

²⁸ *Legal International Journal of Digital Law & Research*, Issues and Challenges of Artificial Intelligence in Copyright Laws, *LIJDLR* (Feb. 27, 2025),

<https://lijdlr.com/2025/02/27/issues-and-challenges-of-artificial-intelligence-in-copyright-laws/>.

²⁹ *KS Legal & Associates*, AI and IPR: The Legal Landscape in India, *KSANDK Blog* (2025),

<https://ksandk.com/intellectual-property-rights/ai-ipr-legal-landscape-india/>.

³⁰ *IIPRD*, Legal Implications of AI-Created Works in India, *IIPRD Blog* (2025),

<https://www.iiprd.com/legal-implications-of-ai-created-works-in-india/>.

³¹ *Vintage Legal*, Legal Challenges in Regulating AI Systems, *Vintage Legal Blog* (2025),

<https://www.vintagelegalvl.com/post/legal-challenges-in-regulating-ai-system>.

lowers costs, and empowers independent creators. The rise of generative AI exposes profound legal and regulatory gaps. However, WIPO's Artificial Intelligence Infrastructure Interchange (AIII) offers technical safeguards against misuse and scraping in EU and Indian Courts, which insist on human authorship as the keystone of protection. Hence, this creates uncertainty for AI-assisted designs. The above-mentioned European precedents highlight that "individual character" can survive AI involvement. Whereas the Indian statutory framework still faces struggles to accommodate digital and AI-generated forms. Liability attribution, database inadequacies, and the absence of a dedicated AI law further complicate enforcement in India. Eventually, the RDLT provides a procedural "safety net," but substantive challenges persist. The future of design law will depend on striking a equilibrium between safeguarding human creativity, recognising AI's role as a tool, and ensuring equitable protection across jurisdictions. Without such clarity, innovation risks being stifled by uncertainty, leaving designers vulnerable in an era where technology can replicate and reinvent aesthetics at unprecedented speed.