

**Module-5 Industrial Designs and Geographical Indications (5 hours)**

**Industrial Designs:** Introduction, Eligibility criteria, Famous industrial designs, Features of Design Act 2000, Non-Protectable industrial designs in India, Procedure for Registration of Industrial Designs, Case examples.

**Geographical Indications (GIs):** Introduction, Rights granted to holders, Popular GIs registered in India, salient features of Geographical Indications of Goods (Registration & Protection) Act, 1999, Non-Registerable GI, Procedure for GI Registration, Case examples.

## **5.1 Industrial Designs**

### **5.1.1 Introduction**

An industrial design relates to the “appearance of an article” i.e. how the product looks? and its design. It doesn’t protect its technical or functional features i.e. how a product works? Industrial designs are applied to a variety of products of industry and handicraft. An industrial design consists of two-dimensional figures such as lines, color, patterns of an article as well it consists of three-dimensional figures such as the shape of an article. For example, two-dimensional figures – the pattern of textile, three-dimensional figure – round tail of a bike. There are various examples of industrial designs such as luxury items such as jewelry, medical equipment such as oximeters, electrical appliances, furniture, housewares, architectural designs, textile designs, leisure items such as toys, graphical user interfaces such as navigation systems, etc.

Industrial design play an important role in the trading of consumer goods or products. Industrial designs are what makes a product attractive and appealing; hence, they add to the commercial value of a product and increase its marketability. Today, industrial design has become an integral part of consumer culture where rival articles compete for consumer's attention. It has become important therefore, to grant to an original industrial design adequate protection.

When an industrial design is protected, this helps to ensure a fair return on investment. An effective system of protection also benefits consumers and the public at large, by promoting fair competition and honest trade practices.

That apart, protecting industrial designs helps economic development, by encouraging creativity in the industrial and manufacturing sectors and contributes to the expansion of commercial activities and the export of national products. So, presently in India, the Industrial Design laws are regulated by the Design Act of 2000.

As per the Design Act 2000, Design means the features of shapes, patterns, configurations, ornaments, or composition of lines or colors applied to any article whether in 2 dimensional or 3 dimensional or in both forms, by any means or industrial process, whether hand-operated, chemical, or mechanical, separate or combined, which is in the finished article address to and are attracted solely by the eye i.e. tangible in nature.

### **5.1.2 Need for Protection of Industrial Designs**

Basically, a customer’s purchase choice, purchase decision, and opinion about a product is based on the product or article aesthetics, i.e. appearance such as patterns, shapes, looks, colors, combinations, etc. hence, industrial designs must be protected and registered in order to gain many benefits such as monetary gain, making a brand, etc. They also link a product with a particular quality standard based on the article’s appearance or product aesthetics. For an enterprise, the design of a product is an uncomplicated or the simplest way of differentiating one product from other competing products. Further, companies making imitation products usually copy the design of a product, to gain value in

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the market share. For business owners, a registration of an industrial design may be a valuable business asset. The success of a product is usually influenced by its appearance in an aesthetic-driven consumer base, the looks of a fashionable product can often be equally or more important than its functionality. Hence, it is important to protect the design from being duplicated. Obtaining exclusive rights to a product or an article with a particular appearance may result in a substantial return on the investment because it will allow you to prevent others from reproducing a popular design. Benefits of protection of designs are as follows;

- Is a revenue generator
- Protection of exclusive rights
- Return on investments
- Promotes brand value
- Facilitates marketing and commercialization
- Unique selling propositions

Industrial design protection rewards and encourages creativity and innovation to benefit the consumers and the public at large and thus leads to more attractive and diversified products.

Protecting industrial designs may benefit the manufacturing and industrial sector as well as it injects into creativity it contributes to the development and enlargement of commercial activities, and build-up the potential of exports of national products. So overall, industrial designs protection aids and benefits the owners, the consumers, and the economy of the nation. As the protection of industrial designs is relatively simple and inexpensive to develop. Hence they are rationally reachable to small and medium undertakings and even to the individual artists and craftsmen in both industrialized and developing countries.

### 5.1.3 Eligibility Criteria for Industrial Design Registration in India

Criterion	Explanation
<b>1. Novel / Original</b>	The design must be <i>new</i> and not published anywhere in India or abroad before the filing date. It should not be in public domain prior to application.
<b>2. Applied to an Article</b>	The design must be applied or capable of being applied to a physical article by any industrial process — mass production / repeated production.
<b>3. Features are only aesthetic</b>	Design protection is <b>ONLY</b> for the external appearance — shape, configuration, pattern, ornamentation, composition of lines or colours <i>visible in the finished article</i> . <b>Functional elements cannot be protected</b> under industrial design.
<b>4. Not contrary to public order or morality</b>	The design should not contain obscene or offensive material.
<b>5. Not a mere mechanical device</b>	Designs that are only mechanisms or purely functional devices (e.g., a key that works only based on functional slots) are not eligible.
<b>6. Capable of being judged solely by eye</b>	The design must be visible during normal use of the product — i.e., a consumer must be able to see the design when using the article.
<b>7. Not covered under trademark or artistic work already protected</b>	A design cannot be registered if it is: • a trademark • a property mark • an artistic work under Copyright Act • a layout design of semiconductor IC

#### 5.1.4 Famous Industrial Designs

##### A. Famous International Industrial Designs

Product	Company / Designer	Design Significance
<b>Coca-Cola Contour Bottle (1915)</b>	Coca-Cola	One of the world's most iconic bottle shapes, unique silhouette.
<b>Volkswagen Beetle</b>	VW	Distinct rounded profile with curved roof and fenders.
<b>Apple iPod (Original)</b>	Apple / Jonathan Ive	Minimalist white front + chrome back → new portable music aesthetic.
<b>Dyson Cyclone Vacuum Cleaner</b>	Dyson	Transparent dust bin + cyclonic form.
<b>Eames Lounge Chair</b>	Charles & Ray Eames	Classic molded plywood + leather chair design.
<b>Tiffany Blue Box</b>	Tiffany & Co.	Packaging as a design identity (registered design).
<b>Zippo Lighter Case</b>	Zippo	Rectangular metal case with flip-top aesthetic.
<b>Nespresso Coffee Capsule</b>	Nestlé Nespresso	Conical frustums designed for machine readability.

##### B. Famous Indian Industrial Designs

Product	Company / Designer	Design Significance
<b>TATA Nano (Exterior Shape)</b>	Tata Motors	Design registered for compact city car with unique proportions.
<b>Amul Butter Packaging</b>	Amul	Distinct cartoon design + typography used consistently for decades.
<b>Aranmula Kannadi (Metal Mirror shape variants)</b>	Kerala artisans	Unique elliptical / circular decorative forms (form — not the manufacturing secret).
<b>Havells decorative ceiling fans</b>	Havells	Premium fan designs (many registered) e.g., Stealth series.
<b>Milton / Cello Insulated Casseroles</b>	Milton/Cello	Specific lid + handle forms that are registered designs.
<b>Prestige Pressure Cooker Outer Lid Forms</b>	TTK Prestige	Several distinctive lid + body shapes registered as designs.

#### 5.1.5 Key Features of the Designs Act, 2000

The Designs Act, 2000 modernised Indian design law by clarifying what a design is, ensuring novelty, aligning with TRIPS, setting 10+5 years protection, adopting Locarno classification, and providing stronger enforcement and cancellation provisions.

##### 1. Compliance with TRIPS Agreement

- The Act was updated to align with global IP standards, especially TRIPS (WTO).

2. **Design definition clarified**
  - Protection only for **aesthetic** features (shape, configuration, pattern, ornament, lines or colours) applied to an article, judged solely by the eye.
  - Functional / technical features are excluded.
3. **Novelty and Originality requirement**
  - A design must be new or original and not previously published or disclosed anywhere before filing.
4. **Classification system**
  - Adoption of **Locarno Classification** (international classification of designs).
5. **Term of protection**
  - 10 years from date of registration + extendable for **further 5 years** → maximum **15 years**.
6. **Provision for priority claim**
  - Applicant from convention countries can claim priority if filed within prescribed time (usually 6 months).
7. **Provision for cancellation**
  - Any person can file for cancellation of a registered design on specific legal grounds (e.g., not novel).
8. **Publication of registered designs**
  - Registrar shall publish the registered designs in the official journal.
9. **Penalties for piracy of design**
  - Civil remedies provided for infringement / piracy of a registered design.
  - Monetary compensation can be claimed.
10. **No overlap with trademarks & copyrights**
  - A design cannot be registered if it is:
    - trademark or property mark
    - artistic work under Copyright Act
    - layout design of semiconductor IC

#### **5.1.6 Non- Registrable Designs (Non-Protectable Designs)**

- Any Industrial Design which is against public moral values.
- Industrial Designs including flags, emblems or signs of any country.
- Industrial Designs of integrated circuits.
- Any Design describing the 'process of making of an article'.
- Industrial Designs of – books, calendars, certificates, forms and other documents, dressmaking patterns, greeting cards, leaflets, maps and plan cards, postcards, stamps, medals.
- The artistic work defined under Section 2(c) of the Copyright Act, 1957 is not a subject matter for registration for Industrial Designs, such as:
  - Paintings, sculptures, drawings including a diagram, map, chart or plan.
  - Photographs and work of architecture.
  - Any other work related to artistic craftsmanship.
  - Industrial Designs does not include any Trademark (The Designs Act, 2000).

#### **5.1.7 Procedure for Registration of Designs**

Once the applicant is satisfied that his Design is novel and significantly distinguishable from other Designs, he can proceed with filing an application for Design registration. The application for registration of Design can be filed by an individual, small entity, institution, organization and industry. The application may be filed through a professional patent agent or legal practitioner. If the

applicant is not a resident of India, an agent residing in India has to be employed for this purpose. The applicant submits the registration application at the Design Office Deputy Controller of Patents & Designs, Patent Office, Intellectual Property Office Building, CP-2 Sector V, Salt Lake City, Kolkata-700091.

The flowchart of the registration process is illustrated in Figure 5.1.

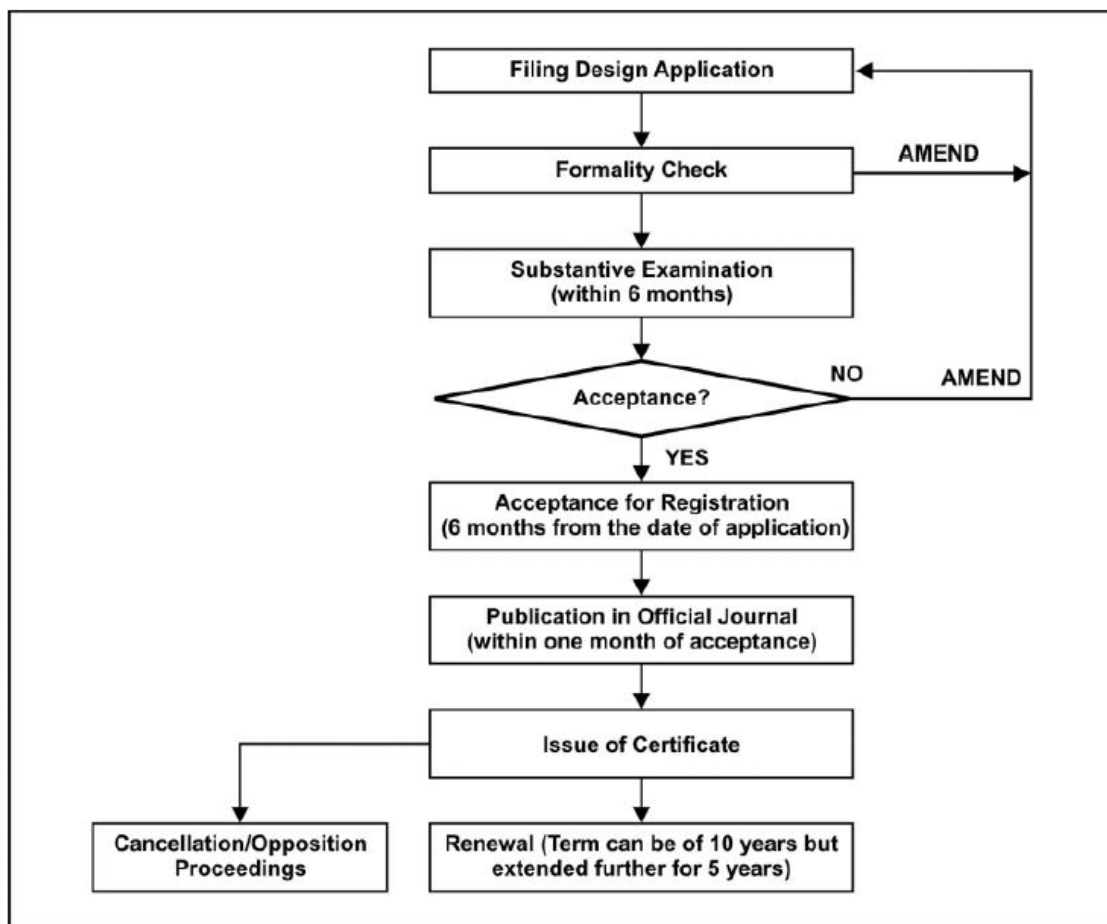


Figure. 5.1 Flowchart for the process of Design registration.

After the application has been filed, an officer (examiner) analyses the application for qualifying the minimum standards laid down for eligibility criteria for registration. In case of any query, the same is sent to the applicant and he is supposed to respond within 6 months from the objection raised. Once the objections are removed, the application is accepted for registration. The particulars of the application, along with the representation of the article, are published in the Official Journal of Patent Office (<http://www.ipindia.nic.in/journal-patents.htm>). If no objection is received from the public, the Design is registered. After the registration of the Design, the applicant becomes the proprietor of the Design and is conferred with the exclusive right to apply that Design to the article belonging to the class in which it is registered. The applicant puts up a request for issuance of a certificate of registration (for an Industrial Design).

### **5.1.8 Infringement of Industrial Designs and Remedies**

#### **A. Infringement of Industrial Designs**

The owner of a registered design right may exclusively work on the registered design or any design similar to it. If a third party manufactures or sells, etc., the registered design or any similar design for commercial purposes (meaning that private or domestic use is excluded) and if the third party is not

licensed to do so by the owner of the registered design right, such activity constitutes a design right infringement.

### **B. Remedies for Design Infringement**

The Design Act, 2000, under Section 22(2), provides for the liabilities of the infringer of a Design, which are the remedies available impliedly to the registered proprietor or owner of the design. The liability of the infringing party as provided in Section 22 of the Design Act, 2000, in case of Design Infringement in India is as follows:

*As per Section 22(2)(a) of the Design Act, 2000, the infringer is required to pay a sum not exceeding 25,000 Rupees for every contravention or breach recoverable as a contract debt to the registered owner or proprietor. The total sum of such amount, which is recoverable for one design, should not exceed 50,000 Rupees.*

*As per Section 22(2)(b) of the Design Act, 2000, the registered owner or proprietor can choose to bring a suit for recovery of the damages, and can also plead for an injunction against repetition. In such a case, the infringing party is liable to pay such an amount as the court awards and is also restricted by an injunction, respectively.*

#### **5.1.9 Industrial Designs Case Examples:**

##### **1. Crocs Inc. USA v. Bata India Ltd. and Others.**

Judgment date: 24th January 2019.

**Facts:** In this case, Crocs filed a suit against Bata for infringement of its registered sandal designs and passing off its trademarks in the shape and configuration of its footwear. As the design registration was a prima facie liability to be cancelled based on prior publication and new, the Division Bench of the Delhi High Court did not interfere with the single judge's order denying the interim injunction to Crocs. Before filing the date of the design application, the designs were issued on the Crocs website.

**Judgments:** The court held that based on the previous publication the validity of design registration was questionable. It further added that the designs claimed was only modifications of pre-existing designs, the court stated that the novelty or originality of the designs was also questionable. In this case, The Delhi High Court also sustained the grant of legal costs to the defendants. Furthermore, the Court ordered the single judge to hear the passing of cases along with registered design cases as they were based on the same cause of action.

##### **2. Ritika Private limited V. Biba Apparels Private Limited**

Judgment date: 23rd March 2016

**Facts:** In this case, Plaintiff is a famous boutique apparel designer brand in India. The defendant is also a famous designer and manufacturer in India.

Plaintiff has filed the suit for seeking an injunction against the defendant from reproducing, printing, publishing, selling or offering, etc. of prints or garments which are a duplication of the Plaintiff's work.

**Arguments:** Defendant argued that under the Design Act, 2000 the designs of the plaintiff have not been registered. Defendant further added that by an industrial process, the plaintiff's designs have been reproduced more than fifty times. Hence, there wouldn't be any infringement of copyright.

Therefore, Plaintiff claimed to be the first owner of the designs manufactured and also claimed the trade secrets violation by ex-employees.

According to Section 15 (2) of the Copyright Act, 1957 as there was no registration and the design has been reproduced more than fifty (50) times by an industrial process, the plaintiff's designs cease to exist.

The court stated that there was no copyright infringement on the part of the defendant as the designs of the plaintiff were not registered under the Design Act, 2000. Therefore, this judgment proves that registration of Designs is necessary in order to protect your design from duplication of work. Hence, the owner of a design loses all the benefits and rights relating to the designs of an article.

## **5.2 Geographical Indications**

### **5.2.1 Introduction**

A Geographical Indication (GI) is a sign used on goods that have a specific geographical origin and possess qualities, reputation or characteristics that are essentially attributable to that place of origin. Most commonly, a geographical indication includes the name of the place of origin of the goods. Agricultural products typically have qualities that derive from their place of production and are influenced by specific local factors, such as climate and soil.

Geographical indications are protected in accordance with international treaties and national laws. Under the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), there is no obligation for other countries to extend reciprocal protection unless a geographical indication is protected in the country of its origin. India, as a member of the World Trade Organization (WTO), enacted the Geographical Indications of Goods (Registration & Protection) Act, 1999.

Some commodities that have been recently granted the status of a Geographical Indication by the Government of India include Gir Kesar Mango, Bhalia wheat, Kinhal Toys, Nashik Valley wine, Monsoon Malabar Arabica Coffee, Malabar Pepper, Alleppy Green Cardamom and Nilgiris Orthodox Tea. Other examples include Darjeeling Tea, Mysore Silk, Paithani Sarees, Kota Masuria, Kolhapuri Chappals, Bikaneri Bhujia and Agra Petha.

### **5.2.2 Rights Granted to the Holders**

- **Right to grant the license to others** - The holder has the right to gift, sell, transfer/grant a license, mortgage or enter into any other arrangement for consideration regarding their product. A license or assignment must be given in written and registered with the Registrar of GI, for it to be valid and legitimate.
- **Right to sue** - The holder of GI has the right to use and take legal action against a person who uses the product without his consent.
- **Right to exploit** - The holder of GI can authorize users with exclusive right to use goods for which the GI is registered.
- **Right to get reliefs** - Registered proprietors and authorized users have the right to obtain relief concerning the violation of such GI products

### 5.2.3 Popular GIs in India

GI Name	Type	State / Region
Darjeeling Tea	Agricultural (Tea)	West Bengal
Basmati Rice	Agricultural (Rice)	Punjab, Haryana, Uttarakhand, Himachal Pradesh, Delhi, UP, J&K
Banarasi Saree & Brocade	Handicraft/Textile	Uttar Pradesh
Kanchipuram Silk Saree	Handicraft/Textile	Tamil Nadu
Mysore Silk	Handicraft/Textile	Karnataka
Aranmula Kannadi	Handicraft/Metal Mirror	Kerala
Thanjavur Paintings	Handicraft/Art	Tamil Nadu
Blue Pottery of Jaipur	Handicraft/Pottery	Rajasthan
Makrana Marble	Natural Stone	Rajasthan
Channapatna Toys	Handicraft	Karnataka
Solapur Chaddar	Handicraft/Textile	Maharashtra
Kolhapuri Chappal	Handicraft/Footwear	Maharashtra, Karnataka
Nagpur Orange	Agricultural (Fruit)	Maharashtra
Alphonso Mango	Agricultural (Fruit)	Maharashtra
Marayoor Jaggery	Agricultural (Jaggery)	Kerala
Coorg Arabica Coffee	Agricultural (Coffee)	Karnataka
Naga Mircha (Naga Chilli)	Agricultural (Spice)	Nagaland
Assam Orthodox Tea	Agricultural (Tea)	Assam

### 5.2.4 Geographical Indications of Goods (Registration & Protection) Act, 1999

The salient features of Geographical Indications of Goods (Registration & Protection) Act, 1999 are as under:

- **Defines Geographical Indication (GI)** as a sign identifying goods from a specific geographical region.
- The **quality, reputation, or characteristics** of the goods must be essentially linked to their place of origin.
- The Act covers **agricultural, natural, and manufactured goods**, including handicrafts, textiles, and food items.
- **Only producer groups, associations, or government bodies** can apply for GI registration—not individuals.
- The **GI Registry is located in Chennai**, under the control of the Registrar of GIs.
- **Application includes details** such as geographical area, proof of origin, method of production, and uniqueness.
- **Registration grants exclusive rights** to use the GI to the registered proprietor and authorized users.
- **Protection period is 10 years**, and it can be renewed indefinitely for further 10-year periods.
- **Prohibits** registration of GIs that are generic, deceptive, hurt religious sentiments, or cause confusion.



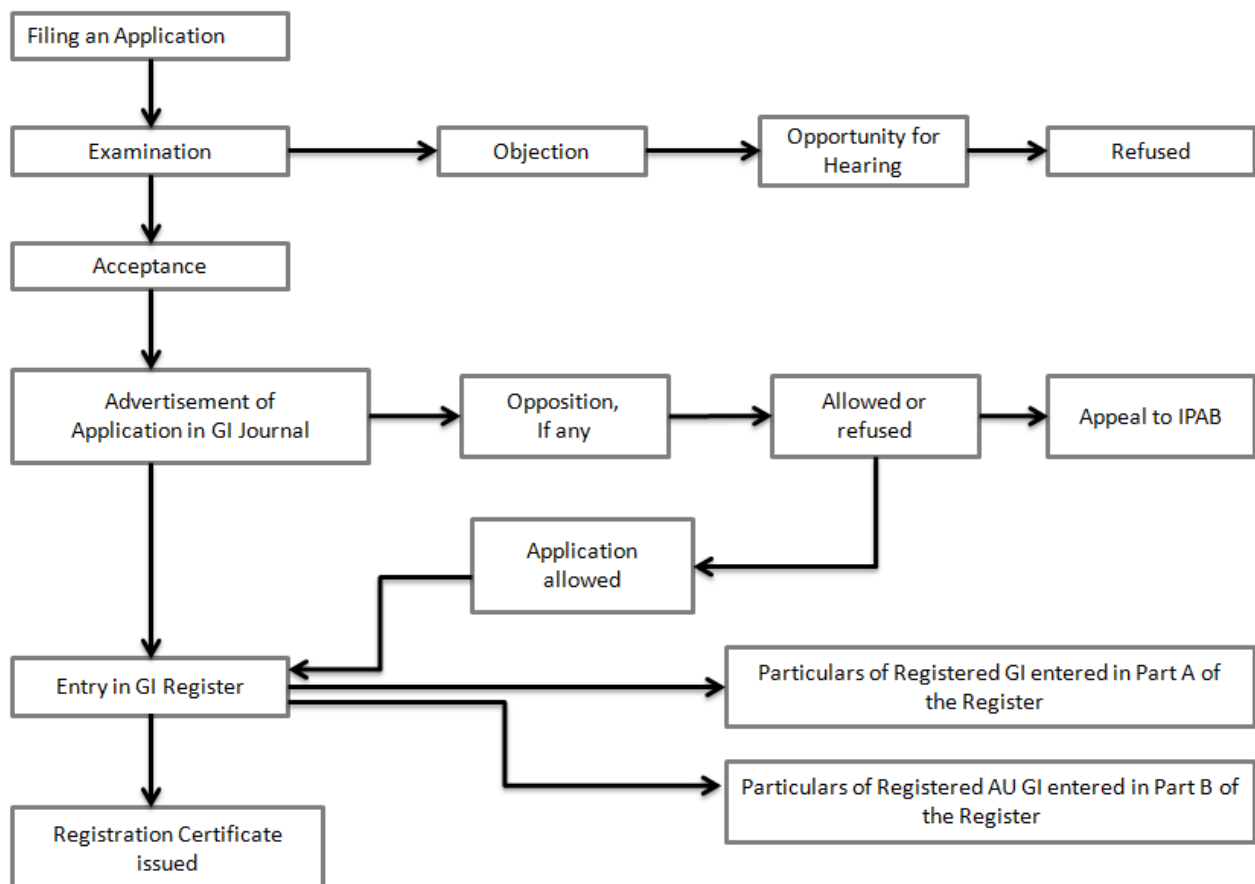
- **Infringement** occurs when unauthorized persons use the GI name, leading to misleading consumers or unfair competition.
- **Penalties include fines and imprisonment** for misuse or fraudulent use of registered GIs.
- A registered GI **cannot be assigned, transferred, mortgaged, or licensed**, preserving community ownership and heritage.

### 5.2.5 Procedure for Registration of Geographical Indications

Steps applicable for registration as authorised user are-

1. Filing of an application
2. Preliminary Scrutiny and exam
3. Issue of Show cause notice
4. Advertisement
5. Opposition for registration
6. Registration

The procedure is illustrated in the flow chart Figure 5.2.



Note: IPAB - Intellectual Property Appellate Board (IPAB)

Figure.5.2. Flow chart for registration process of Geographical Indications in India.

### 5.2.6 Non-Registrable GIs

For GI registration, the indications must fall within the scope of section 2(1) (e) of GI Act, 1999. Being so, it has to also satisfy the provisions of Section 9, which prohibits registration of a GI mentioned below:

- The use of which would be likely to deceive or cause confusion.
- The use of which would be contrary to any law.
- Which comprises or contains scandalous or obscene matter.
- Which comprises or contains any matter likely to hurt the sentiments of society.
- Religious susceptibilities of any class or section of the citizens of India.
- Which are determined to be generic names or indications of goods and are, therefore, not or ceased to be protected in their country of origin or which have fallen into disuse in that country.

### **5.2.7 Case Examples**

**a. *Banglar Rasogolla Vs. Odisha Rasagola*** - Rasagolas is a very popular dessert in India. It is thought to have originated in the eastern part of India. In November 2017, the West Bengal State Food Processing and Horticulture Development Corporation Limited registered ‘Banglar Rasogolla’ as a GI. However, the legal battle for GI registration started when objections to this GI registration were lodged by the State of Odisha, claiming that Rasagolas originated at Jagannath temple in Puri, Odisha. An application was filed in High Court in February 2018 to remove the registration of GI status of ‘Banglar Rasogolla’. Meanwhile, in July 2018, ‘Odisha Rasagola’ was also granted GI tag by the GI Registry, GoI. As per the court verdict,

- a) ‘Rasogolla / Rasagola’ is a general term, which any person can use in his trade and business.
- b) The words ‘Odisha Rasagola’ and ‘Banglar Rasogolla’ can only be used by authorized users under the law.

Hence, neither Bengal nor Odisha has a monopoly on the word Rasagola. However, no person or society or company can use the label ‘Banglar Rasogolla’ or ‘Odisha Rasagola’, without written consent from the authorized users.

### **b. Darjeeling Tea vs. Overseas Counterfeit Sellers**

- Darjeeling Tea was one of the **first GIs registered in India (2004)**.
- The Tea Board of India fought several cases abroad where sellers were falsely branding ordinary tea as “Darjeeling Tea.”
- Courts in the **UK and France** recognized the GI and banned counterfeit labeling, strengthening India’s GI protection internationally.

### **c. Basmati Rice Patent Dispute: India vs. U.S. Company**

- A U.S.-based company **RiceTec** tried to patent certain varieties under the name “Basmati.”
- India challenged the claim, arguing “Basmati” is a traditional GI of the Indo-Gangetic region.
- RiceTec withdrew major claims, and the case helped strengthen India’s move to get Basmati recognized as a GI.

**Short Answer Type Questions**

1. State the meaning of “Design” as per the Design Act 2000.
2. List any 4 famous Industrial Designs in India.
3. What do you mean by Non-registrable Designs?
4. What are the rights granted to holders in case of Geographical Indications in India.
5. List out the 4 examples of Indian Geographical Indications.
6. List 4 benefits of Geographical Indications.

**Descriptive Type Questions**

1. What is an Industrial Design? Discuss the need for protection of Industrial Designs as IP in India.
2. List and explain the Eligibility Criteria for Industrial Design Registration in India.
3. List the key features of the Indian Design Act 2000.
4. Explain the process of Design registration in India with the help of flow chart.
5. Discuss briefly registrable and non-registrable designs.
6. Discuss any two Industrial Designs case examples.
7. What is a geographical indication? List the salient features of the Geographical Indications of Goods (Registration & Protection) Act, 1999.
8. Discuss the procedure for registration of geographical indications with a neat flow chart.
9. Discuss any two Geographical Indications Case Examples.
10. Compare Geographical Indications with trademarks and copyrights. Highlight differences in protection scope, ownership, duration, purpose, and enforcement mechanisms.

**Discussion Type Questions**

1. Analyze how industrial design protection benefits manufacturers, designers, and consumers. Illustrate with examples of industries where design plays a significant role.
2. Explain the concept of industrial design as a form of intellectual property. Discuss its importance in product appeal, market competitiveness, and consumer choice.
3. Propose a complete registration strategy for a new consumer product of your choice (e.g., a water bottle, furniture design, or gadget). Include novelty justification, documentation, drawings, and expected challenges during examination.
4. Analyze how the eligibility criteria under the Designs Act, 2000 ensure the protection of truly original and novel industrial designs. Support your answer with suitable examples.
5. Evaluate the role of GI registration in enhancing rural development and traditional craftsmanship. Provide examples showing improvements in livelihood, branding, and export potential.
6. Explain with examples why certain goods or names are prohibited from GI registration.
7. Discuss how GIs play their important role in protecting traditional knowledge, preserving regional identity, and promoting rural economic development.
8. Analyze how the rights granted to GI holders help curb counterfeiting and unfair competition in the Indian market. Support your answer with relevant examples of registered GIs.

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