

A design right in Australia currently protects the overall look of physical products like a wheelchair, shirt, chair or couch. It does not protect the look of products with no physical form like a graphical user interface or an icon. This type of design innovation is referred to as a 'virtual design'. Protection for virtual designs is available in many other countries.

IP Australia proposes to protect virtual designs, including user interfaces, and product elements only visible when the product is used. Designers who design these kinds of products would benefit by gaining access to the registered designs system.

## Current

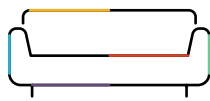
Designers can protect the overall look of products with physical and tangible form:



Wheelchair



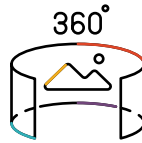
Shirt



Couch

## Proposed

Designers can also protect the overall look of products with no physical form:



Icons



Virtual Reality



Augmented Reality

## Proposal details:



**Definition of a product:** Expand concepts of 'design' and 'product' in the Designs Act to enable design protection for a range of virtual products.



**Definition of visual features:** Expand concept of 'design' to include transient visual features of products in use such as designs on a computer screen that are only visible when the computer is turned on.



**Identifying each product:** A design application must identify each product clearly, so that the familiar person can work out its nature and intended use. The **familiar person** is a person who is familiar with the design's product or similar products.



**Representations of virtual designs:** Virtual or transient features of products can be indicated by representations showing the visual features at different times. A new standard of clarity would be introduced, so that the scope of protection sought must be clear to the familiar person, considering the representations and any written claim.



**Infringement:** Clarify how the infringement provisions would apply to virtual designs by including exemptions for reasonable use of virtual products for legitimate purposes. Legitimate purposes would include study, criticism, correcting errors, making interoperable products, back up, testing research and review.



**Copyright/Design overlap:** We are seeking your views on how the overlap should apply to virtual designs.



For more information visit our website.



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