



LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 4 | Issue 3

2026

DOI: <https://doi.org/10.70183/lijdlr.2026.v04.331>

© 2026 LawFoyer International Journal of Doctrinal Legal Research

Follow this and additional research works at: www.lijdlr.com

Under the Platform of LawFoyer – www.lawfoyer.in

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal Legal Research has decided to publish this submission as part of the publication.

In case of any suggestions or complaints, kindly contact (info.lijdlr@gmail.com)

To submit your Manuscript for Publication in the LawFoyer International Journal of Doctrinal Legal Research, To submit your Manuscript [Click here](#)

FUNCTIONALITY VS AESTHETIC APPEAL IN INDUSTRIAL DESIGNS: A CRITICAL STUDY UNDER THE DESIGNS ACT, 2000

Devkaran Tanwar¹ & Pritimayee²

I. ABSTRACT

The Designs Act 2000 serves as a specialized legal framework designed to protect the visual character of industrial products, encouraging innovation in "eye-catching" configurations. However, this creates a legal tension in distinguishing between the functional aspects and the visual appearance of the product. This study provides a critical analysis of this tension, specifically, talks about section 2(d) of the act, which specifies that design protection can't be given on the mere basis of the mechanical or technical aspects of an article. The core of this research explores the "dictation by function" doctrine, a legal principle that ensures that the mere functionality of an article remains ineligible for design protection under the act to maintain the patent and design regime. The research evaluates the subjective "appeal to the eye" requirement, that examines how the judiciary makes the basis or the tests to distinguish the aesthetic aspects and the functional features of the product. With the analysis of landmark judicial judgements, like Bharat Glass Tube Limited v. Gopal Glass Works Ltd. and Whirlpool of India Ltd. v. Videocon Industries Ltd., the study illustrates the court's approach in maintaining the boundary line between the design and patent regimes. Furthermore, the study sheds the limelight on challenges of modern industrial design, where the "form follows function" philosophy often leads to an inseparable overlap between the visual appearance and functionality of an article. This paper concludes that while the Act effectively guards against the monopolization of functional innovations, there is a need to establish clear tests that help to interpret the aesthetic appeal and the functionality of an article.

¹ 3rd-Year BBA LL.B. (Hons.) Student at University of Mumbai, Thane Campus (India). Email: tanwardevkaran438@gmail.com

² 1st-Year LL.M. Student at Uttar Pradesh State Institute of Forensic Science, Lucknow (India). Email: pritimayee1013@gmail.com

II. KEYWORDS

Designs Act, 2000; Functionality Doctrine; Aesthetic Appeal; Industrial Design Protection; Design–Patent Dichotomy.

III. INTRODUCTION

“Design is not just what it looks like and feels like. Design is how it works.” – Steve Jobs³

Industrial design essentially concerns the visual appearance of an object or product, including its form, pattern, configuration, or other visual features, rather than the use or functionality of that product.⁴ In simple words, it is the basic appearance of the product that makes it attractive to consumers and differentiates it from other products. It differentiates the product and influences buyers' purchasing decisions, taking priority over other products.

In India, Designs of the product are given protection under the Industrial Designs Act, 2000, which is vital for the business and economy. The protection of designs has several purposes, like to attract customers by making a pleasing presentation or design of the product that enhances marketability, and finally boosting sales. Its other purpose is to give that product a unique and separate identity that helps the buyers to identify the product from other similar products. One of the other main purposes is to help businesses face the rising competition by putting distinctive elements on the product, creating innovation and maintaining a competitive edge.⁵ Some challenges in the Indian Design Law need to be eliminated to successfully protect the designs. The central challenge is that the Designs Act only protect the features that are appeared on product or aspects of the product.

However, some products do not fully appear, but they combine the usage or function of the product with the visual features or aspects of the product. This duality creates a legal challenge as the Designs Act 2000 does not explicitly cover the functionality of the products. Consequently, the main research problem is how the court will decide

³ Steve Jobs, Design Is Not Just What It Looks Like., DOODLE DESIGN (blog)

⁴ Designs Act 2000, s 2(d)

⁵ Designs Act 2000, s 19(1)(e)

whether the design is functional or aesthetic and whether the present legal approach under the act is clear and consistent. In other words, the existing legal approach under the design act provides unclear guidance and protection to businesses and designers. To address this problem discussed, the legal research shall study how Indian law distinguishes between the aesthetic features and functionality in industrial designs, by interpreting the statutory provisions of the Indian Design Act, 2000. The study shall review how the court differentiated between the functionality and aesthetic features of the product in the landmark cases. An assessment will be made of whether the statutory provisions of the Act create a reasonable balance between excluding functional aspects from design protection and protecting visual features, particularly where functionality and aesthetic appearance are closely intertwined in modern product design.

A. Research Objectives

The principal objectives of this research are:

1. To analyse Section 2(d) of the Designs Act, 2000, particularly the statutory distinction between aesthetic features and features dictated by function.
2. To examine the judicial evolution of the tests applied by Indian courts to distinguish functional features from protectable aesthetic features.
3. To analyse significant judicial decisions concerning functionality and aesthetic appeal under Indian design law.
4. To compare the Indian approach to functionality in industrial designs with relevant international approaches and standards.
5. To propose a clearer and more consistent framework for determining design protection where aesthetic and functional elements are intertwined.

B. Research Questions

This research seeks to answer the following questions:

1. What are the legal limits for distinguishing a design dictated solely by function from a design possessing protectable aesthetic appeal under the Designs Act, 2000?

2. How have Indian courts interpreted and addressed the distinction between functional and aesthetic features in industrial designs?
3. How does the Indian approach to functionality in industrial design protection compare with relevant international approaches and standards?
4. What clearer legal framework can be developed in India for resolving disputes involving industrial designs in which functional and aesthetic features are intertwined?

C. Research Methodology

The methodology of this study will be doctrinal, which will rely on the in-depth analysis of the Indian Design Act, 2000, landmark judicial decisions and related legislative materials. Comparative research should be made to evaluate or analyse how Indian law aligns with or differs from the international design protection law and provisions, especially regarding the challenge of the difference between functionality and aesthetic features of the products.

The study aims to provide clarity on the legal principles of industrial designs in India, identify the inconsistencies in the design law and principles, and suggest solutions to eliminate them, offering potential improvements to ensure that the Design Act effectively protects the business and designers, and addresses the realities of the modern product design. Apart from the statutory analysis of the design act, the study aims to check the economic impact of the design protection on the business and Indian industries.

It also explores the difficulties faced by the designers during the procedure like of design registration, especially in proving that the feature appeared on the product is aesthetic rather than functional, it also help to get know about the coming new design trends, and current laws obstructing and facilitating the protection of designs made on the product to attract the customers and that also help in enhancing the sales of that product.⁶ Hence, the introduction lays down the foundation of the debate on

⁶ Designs Act 2000, s 19(1)(e)

Functionality vs Aesthetic features of the product, highlighting the importance of the design protection, legal conflicts and dilemmas in implementing it.

D. Research Objectives and Questions

This paper is designed to resolve the long-time dichotomy between aesthetic and functional appeal under the Design laws in India. The main aim is to analyse the section 2(d) of Designs Act, 2000, Judicial evolution of tests used by court to analyse the difference between functional and aesthetic elements, the judgements in relation to functionality, to compare Indian approach with international approach or standards on functionality, and to suggest clear, strong framework to determine where the aesthetic and functional elements are intertwined.

This paper seeks to answer important questions like legal limits to distinguish design dictated only by function from a design having aesthetic appeal, how Indian courts interpret and take efforts to resolve the dichotomy and how Indian can develop stronger and clearer framework to resolve the disputes involving functional-cum-aesthetic industrial design like bottle-caps etc.

E. Literature Review and Policy Background

1. Review of Existing Literature

The literature review on the design law brings the fundamental challenge between protecting the visual appearance solely judged by the eyes and ensuring that functional innovations continue to remain in the public domain. Scholars and Practitioners make emphasis on the challenge between the aesthetic features and functional aspects of the design of an article. This distinction is fundamentally very essential, as under the design law, protection is given to only the visual appearance or the aesthetic features of the design, not to the functional, technical, and mechanical aspects of the design of an article, which are the realm of patent law. Academic discourse highlights the difficulty in making clear legal tests to separate the aesthetic appeal or features of the design from the functionality of the product.

In many nations, including India, the statutory provisions point out that the design should be judged only by the eyes, meaning the protection shall be given to only the

aesthetic or visual appeared features of the product. However, the judiciary, legislature and other bodies find it difficult to establish the legal test, and examiners struggle while applying some already established tests that lead to uncertainty in finding what qualifies for the design protection.

This challenge led to inconsistent decisions, making it difficult for the business or the designers to determine whether their design would be granted protection or not. Another challenge or concern emerge in the literature is about the misuse of the design registration as a substitute for patent registration. Some businesses, firms or designers used to attempt to protect the design rights that are essentially functional. This practice blurs the line between patent and design protection, undermining the principle that the functional novelty is subject to protection under the patent law and the visual or aesthetic features are subject to protection under the design law.⁷

2. Policy Objective of Design Protection

The policy objective of the design protection is primarily to promote innovation or novelty in the appearance of the product. The rapid promotion can be made by granting the exclusive rights to the registered design holders, which would incentivise the manufacturers or the designers to make the visual innovations, which would further increase the brand recognition and differentiation in the global market. The other policy objective is to restrain the copying, piracy or infringement of the already registered design while ensuring that the functional ideas remain free for public use. This balance is necessary to restrain the monopoly and create competition in the market.⁸

The literature points out the policy conflict occurring from the difference between the over-protection and under-protection of the designs. Over-protection arises when the exclusive rights are granted to the design holder too broadly. This may lead to a decrease in competition, create a monopoly in the market and discourage innovation.

⁹Hence, an over-protection design regime can act as a de facto patent, restricting the

⁷ V K Ahuja, *Law Relating to Intellectual Property Rights* (3rd edn, 2017)

⁸ P Narayanan, *Law of Copyright and Industrial Designs* (4th edn, 2007)

⁹ *Interlego A/S v Tyco Industries Inc* [1989] 1 All ER 949

free flow of functional ideas. Conversely, an under-protection design regime failed to provide the required incentive to the business, designers, and manufacturers to invest in the aesthetic features of the product by not providing sufficient exclusive rights to the registered design holder.

This design regime may also lead to an increase in the infringement of the design, increasing the copying or the unauthorised use of the already registered design without the permission of the registered design holder. This is very necessary to create the balance between these two extremes, to provide sufficient incentive to invest in visual appearance, protect the designs by restraining piracy, allow free flow of technical ideas in the market and promote competition in the market by restraining the monopoly. Effective design legislation shall give clear, certain and enforceable criteria to properly distinguish the functional and aesthetic features of the design of an article, which would prevent the misuse of the design registration for the protection of the functional features that come under the patent regime.

To address these challenges, policy makers are given advice to examine the statutory terms and provisions, judicial tests to differentiate and shall examine the landmark judgements thoroughly. Practitioners, manufacturers, firms, business shall properly examine and check whether the innovation or novelty comes under the patent regime or the design regime and whether the design has aesthetic appeal or functional aspects.

Globally, design law in protecting the design may vary, but many countries are facing the same challenge in making the distinction between the aesthetic and functional aspects of the design, such as the TRIPS agreement¹⁰ influence the harmonisation of the intellectual protection standards, encouraging the nations to align with global standards in design law with global best practices. This alignment of the nations will help in the effective implementation of the design law globally and will facilitate the worldwide protection of the designs by recognising the registration in most countries.

¹⁰ P Narayanan, *Law of Copyright and Industrial Designs* (4th edn, 2007)

The literature underscores that the effective protection of the design needs the proper difference between the form and function, a clear and transparent legal test to distinguish the functional and aesthetic features of the design, balancing the enforcement to avoid the monopoly and create the proper competition in the market. By solving these issues, design law can fulfil its objectives to ensure the protection of visual and aesthetic features of the design rather than the technical, mechanical and functional aspects of the design of an article. Achieving this balance is required for fostering a vibrant, sound, innovative and industrial ecosystem.

IV. CONCEPTUAL AND STATUTORY FRAMEWORK

A. Meaning of Design, Functionality and Aesthetic Approach

As per section 2(d) of the Designs Act, 2000, design is defined as the features implanted on the product, pattern, or configuration of the product which can only be judged by the eyes. In other words, design is referred to as the only visual appearance of an article measured by the eyes, excluding functional and technical features of that product. Under the design act, the protection is given only to the appearance of an article, not to its functional features or aspects.

The word aesthetic appeal and functional aspects are two words having the different meanings, aesthetic appeal means the look of an article, its outward impression that attracts the customer and make its innovative and competitive, while functional aspects mean the purpose of the product or the use for which that particular article is made, these are the technical or mechanical features of the product that are not given the protection under the act.

For example, the shape and orientation of the perfume bottle are the aesthetic features of the perfume that are given protection under the design law, while the fragrance or the liquid held by the perfume bottle is the functional aspect that is not given protection under the design law. In the example of a key, its shape is primarily

functional as it figures in the way to open the lock; since it is mostly functional, it is not given the protection under the design law.¹¹

B. Scheme of the Designs Act, 2000

There are some very important provisions under the scheme of the Designs Act, 2000, which are as follows:

1. **Section 4:** Section 4 lays down the conditions that are required to fulfil for the registration of the design, in other words, section 4 specifies the criteria for a design on an article to be registered under the design law. A design made on the product shall be new, innovative, original, pure, and having the aesthetic aspects that can only be judged by the eyes. It should not specify the mechanical, technical or functional aspects of the product that are not given protection under the design law. The design should align with public morality and order, and shall not be obscene. The design of an article shall not be copied, published earlier, or disclosed and shall have an independent aesthetic appeal, distinctive from the functional aspects of the product, as under the act, only genuinely aesthetic features are given protection.
2. **Section 19(1)(e):** This section under the Design Act specifies the procedure of cancellation of the design of an article if it is purely functional. In other words, an already registered design can be cancelled if it does not have the aesthetic appeal and only has the functional aspects, as the act does not give protection to the functional aspects of the design of the product, i.e., if the visual appearance clearly signifying the functional aspects of the product. This section safeguards the principle that the design protection shall not extend to the functional feature and also maintains the proper balance between the design and patent protection of the product.
3. **Section 22:** Section 22 under the Design Act deals with the piracy of the registered designs, which basically protects the already registered designs

¹¹ Bharat Glass Tube Ltd v Gopal Glass Works Ltd (2008) 10 SCC 657

from infringement. It provides the exclusive rights to the maker or the designer to avoid the unauthoritative use of the registered design on an article to which the design has been implicated. The piracy of design happens when someone made the similar or identical design to the already registered or protected design and uses that similar or identical design for commercial purposes without the required permission of the designer or the maker of the registered design. The remedies available if the infringement occurs are an injunction order and compensation for the infringement of the registered design, giving protection to the economic interest of the registered design holder.¹²

There are many other sections under the design act which are very significant like Section 5 that lays down regarding the application for the registration for the protection of the design and outline its procedure including submission of documents and payments of fees, Section 11 which lays down the rights equipped by the way of registration of the design that prevent the unauthorized use of the design for commercial nature and Section 23 that lays down the remedies for the infringement that specifies the legal actions made available to the registered design holder including injunction, civil suits, damages ensuring the protection to the economic interest of the registered design holder.

The enforcement of the design rights has many important implications that are commercial in nature. The strong enforcement of the design rights can enhance the brand recognition and help to attract new customers and give differentiation in the global market, whereas the copying without permission or unauthorised copying can destroy the global recognition, customer base, and profitability. Indian courts are rapidly increasing the importance of design protection in many sectors like consumer electronics, automotive parts, fashion, etc., giving importance to clear documentation and registration.

¹² Designs Act 2000, s 22

In short, the Designs Act 2000 only give the protection to the aesthetic aspects of the design of an article, not to the functional features of the product, maintaining the broader line between the patent and design regimes¹³. It ensures the protection of the already registered design, providing several remedies to protect the economic interest of the registered design holder. It only emphasises the new, unique, innovative, pure, certain design, not contrary to the public order or morality.

C. International Approach

This is very important to understand the international perspective on the Design law and make a comparison with the Indian law. Globally, the design is also referred to as the visual appearance or the outward look of the design that is to be judged by the eyes only. Most design laws, like the EU Design Directive, the UK Design Registration Act, similarly define the design in terms of shape, feature, pattern of the product, emphasising the aesthetic appeal rather than the functional perspective of the product. Internationally, design law emphasises that the design protection under the law gives only protection to the aesthetic aspects of the product, not the technical or mechanical features of the product.

Some jurisdictions, like the US, allow for the design patents focusing strictly on the visual appearance of the product, while others, like the EU, have the unified design rights with similar exclusions for the functional, technical, or mechanical aspects of an article. In comparison with the international designs provision and laws, the India design act, 2000, aligns with the global approach by giving protection to the visual appearance and the aesthetic appeal of the products, purely excluding the functional aspects of the design of the product. Moreover, many global treaties or agreements, such as the TRIPS Agreement, influence India's legislation that legislates the design law to align with the global standards to protect the intellectual property rights.

Under these types of treaties and agreements, the advice is given to the Indian manufacturers and the designers to conduct thorough prior-art searches to ensure innovation, novelty and advice to consult with the legal experts seeking guidance for

¹³ *Amp Inc v Utilux Pty Ltd* [1972] RPC 103

the registration procedure and the enforcement process effectively.¹⁴ In practice, the business or the designers shall assess that the product has a distinctive visual appearance other than the technical or mechanical features before applying for registration for the protection of the design under the Design Act. Understanding the conceptual and statutory provisions of the design law helps businesses, firms or designers to avoid infringement and ensures the proper enforcement of the design rights. It also guides the policy makers to make further Intellectual property rights or laws to adapt to evolving industrial designs and market needs.

V. CASE LAW ANALYSIS

The cases related to design law are not decided based on whether the product works better or not; the court only asks whether it appeals to the eye or is different. This test is quite simple. What consumers like at a first glance becomes a product appealing to the eye, though in judicial decisions, the courts have drawn an important line between functionality & aesthetic visuals. This section provides the following case laws that show how the judges under design law disputes have applied this balance.

A. “Judged Solely by the Eye” Test

The statement “appeal to and be judged solely by the eye” is provided under section 2(d) of the Design Act, 2000,¹⁵ It is the heart and soul of Indian design law. This phrase may sound technical, but it's very simple to understand. Design protection is all about the looks, whereas functionality or the ingenuity that has gone into the design is not in question. Courts in India have very clearly indicated that a design is intended to capture the attention of the average consumer, and therefore, the evaluation too should be, for the time being, visual. Rather than using complex legal rules, the courts adhere to a guiding principle in relation to designs that states a design is protected if it produces a unique visual impression when viewed as a whole. Not only is this criterion used for determining whether the design is valid, but it is also used in infringement claims.

¹⁴ TRIPS AGREEMENT(1995)

¹⁵ Designs Act 2000, s 2(d)

In the landmark case of *Cello Household Products v. Modware India*, The Bombay High Court explained this principle in an elaborate manner. The court said that the real question is whether two designs appear substantially similar when viewed with the naked eye. The court went on to hold that no expert could add more than what was already visible, and by doing so, the courts placed the ordinary consumer at the heart of design protection, thus making this test simpler and more practical.

Similarly, in *Whirlpool of India Ltd. v. Videocon Industries*, the court again considered the washing machines' overall look. Videocon contended that the knobs, colours, and minor features were all different, and therefore, their design was different. The court, however, did not accept this view and observed that the distinctive boat-shaped form, along with the impression of the Whirlpool's design, was reflected in Videocon's product. Although the designs differed in minute details, the similarity in the overall appearance was sufficient to constitute infringement. This case established without doubt that design law does not require exact copying. Another very important element of this test is objectivity. The court, in its various cases, consistently warned against solely relying on personal preferences or subjective opinion while you are judging an appeal to the eye.

In *TTK Prestige Ltd. v. KCM Appliances Pvt. Ltd.*,¹⁶ and thereafter in *Pidilite v. Astral*,¹⁷ the Courts held that what may appear appealing to one person may not necessarily appeal to another. This is to be determined with a view to a reasonable and average person well-versed in such articles. In this way, there is equity and consistency in the judicial process of decision-making. They are not expected to be art critics or designers but objective observers using common sense.

B. Functionality as a Ground for Cancellation

The most debatable thing in Design law is the relationship that exists between functionality and the visual appeal of the product. A common misconception here is that if the product serves only for functional purposes, its design cannot be protected under the act, but the Indian courts in various judgements repeatedly denied this fact.

¹⁶ TTK Prestige Ltd v KCM Appliances Pvt Ltd (2023) SCC online Del 2129 (Del HC).

¹⁷ Pidilite Industries Ltd v Astral Ltd (2024) 3 Bom LR 289

¹⁸Legal point of view is clear here court stated that just because a product serves a functional it really doesn't mean its aesthetic visuals lose protection, because as long as a particular product has visual appeal & the design is not the only possible way to make the product.¹⁹

Section 2(d) of the Designs Act, 2000: A "design" means features of shape, configuration, pattern, ornament, composition of lines or colours applied to any article; provided that such features appeal to and are judged solely by the eye.²⁰ An important aspect of this definition of a design is that such characteristics should appeal to and be judged solely by the eye. It should not apply to 'any mode or principle of construction or anything which amounts to a mere mechanical device. This is deliberate. The Act protects what is visually appealing and not the functionality of the object/subject or the way it works. A pressure cooker's functionality of preparing meals under pressure is the functional aspect that can be under patent law. The pressure cooker's design in terms of shape, curved body design, handle design, colour, or ornamentation is what is visually appealing that can be under design law.²¹

1. Castrol India: The Building Block Authority

One of the significant judgments regarding design law is the Calcutta High Court case of *Castrol India Ltd. v. Tide Water Oil Co. (I) Ltd.*²² In the given case, the issue related to the design of lubricant containers is characterised by unique shapes. In the defence filed by the defendant, the reason given was that, as the containers were functional (they contained liquids), their design cannot be protected. The Court dismissed this submission. It clarified that while the Designs Act does not protect a functional shape, it protects an aesthetic shape. This is because the Designs Act does not withdraw protection solely on the ground that an item has an actual function. Its determination

¹⁸ K&S Partners, 'Aesthetics and Functionality: Drawing a Parallel Between Aesthetics and Functionality for Design Protection

¹⁹ Mondaq, 'Balancing Functionality and Aesthetic Appeal: Travel Blue Wins in Design Piracy Dispute Against Miniso'

²⁰ Designs Act 2000, s 2(d)

²¹ Unveiling Design Infringement: A Duel Between Consumer with Instructed Eye and Average Consumer' (2023) 4(II) E-JAIRIPA (CNLU Journal)

²² *Castrol India Ltd v Tide Water Oil Co (I) Ltd* 1994 SCC OnLine Cal 303 (Cal HC)

depends on the extent its visual shape is selected because of aesthetic considerations, hence not mechanically compulsory.

The court here clearly stated that the infringement needs to be judged “by the eye alone. The main question is whether the defendant’s products are similar and create confusion among consumers, and not whether the products of both parties perform the same function, because eventually people get confused by the products 1st look and not by their functional aspects.”²³

2. The Escorts Principle: When Functionality Truly Eliminates Protection

The Delhi High Court in *Escorts Construction Equipment Ltd. v. Action Construction Equipment Pvt. Ltd.*, 1999 PTC 36 (Del), considered the design status of key components of Pick-N-Carry Hydraulic Self Mobile Cranes, including the boom and slider assembly, lower structure assembly, main frame-axle assembly and differential housing.²⁴ The Court observed that these components were shaped to interrelate mechanically with other parts of the crane and that most remained unseen when incorporated into the finished article.

Their significance therefore lay principally in their functional performance rather than their visual appearance. Since such components were not made to appeal to the eye but were shaped to enable the crane to perform its mechanical function, the Court regarded them as incapable of registration as designs. The decision illustrates the principle that features dictated solely by functional requirements, rather than visual or aesthetic considerations, fall outside design protection.

3. Supreme Court's Approach in *Cryogas Equipment Pvt. Ltd. v. Inox India Ltd.*

The Supreme Court's decision in *Cryogas Equipment Pvt. Ltd. v. Inox India Ltd.*, 2025 INSC 483, is significant to the interface between copyright and industrial design protection. While considering Section 15(2) of the Copyright Act, 1957 read with Section 2(d) of the Designs Act, 2000, the Court formulated a two-stage inquiry. First,

²³ CaseMine, ‘Castrol India Ltd v Tide Water Oil Co: Calcutta High Court’

²⁴ *Escorts Construction Equipment Ltd v Action Construction Equipment Pvt Ltd* 1999 PTC 36 (Del), 39–40, 48.

the court must determine whether the work is an “artistic work” entitled to copyright protection under the Copyright Act.

If the work satisfies that threshold, the second inquiry examines its functional utility and dominant purpose to determine whether it is primarily artistic in character or is a design applied to an article for industrial production. This approach requires consideration of the work as a whole and of whether its dominant character lies in artistic expression or industrial functionality. The decision is therefore important to the present study because it supplies a structured framework for examining the boundary between copyright and design protection where aesthetic and functional characteristics overlap.

Nevertheless, *Cryogas* arose principally in the context of Section 15(2) of the Copyright Act and should not be understood as establishing that every article having a functional purpose is incapable of design protection.

4. Application after *Cryogas*: *Travel Blue v. Miniso* (2025)

Recently, the Bombay High Court, in its decision of *Travel Blue Products India Pvt. Ltd. v. Miniso Lifestyle Pvt. Ltd.*²⁵ Stated that Travel Blue had already registered for its design “Tranquillity Neck Pillow.” And Miniso produced a very similar product, and both are functionally similar and therefore not registerable under the act.

The Court observed that there was an apparent contradiction in the case of Miniso. On the one hand, they said that the design was functional. On the other hand, they had already admitted that the two products had “distinctive visual appeal.”

The Court held that the admitted visual appeal of the product weakened the contention that the design was purely functional. Significantly, Miniso relied upon the Supreme Court's decision in *Cryogas Equipment Pvt. Ltd. v. Inox India Ltd.* to contend that the earlier ‘only mode/option’ test had been displaced by a dominant-purpose or functional-utility test. The Bombay High Court, however, did not accept that *Cryogas* had expressly overruled the existing approach.

²⁵ *Travel Blue Products India Pvt Ltd v Miniso Lifestyle Pvt Ltd* 2025 SCC OnLine Bom 2792 (Bom HC)

It observed that *Cryogas* principally addressed the interface between copyright and design protection under Section 15(2) of the Copyright Act, 1957, and found no real conflict between the functional-utility inquiry and the principle applied in *Whirlpool*. Since neck support could be achieved through different forms and configurations, the particular appearance adopted by Travel Blue was not dictated solely by function and was capable of possessing protectable aesthetic appeal.²⁶

5. Grounds for Cancellation

Section 19 of the Design Act, 2000 lists the various grounds for cancellation in case of prior publication, lack of novelty or non-registrability, as functionality is not listed in a separate group; it is included within section 19 of the act. This becomes material solely under Section 19(1)(d) and (e), as in the case where the design itself could not be a “design” under Section 2(d). Still, the term “mere mechanical device” has been given a very limited interpretation.

The design should be purely mechanical, devoid of visual interest, and inevitable in its nature.²⁷ The Indian judiciary has long abandoned the stance that there could not be design protection for solely functional products. This has been the stance from the case of *Castrol to Escorts*, culminating in the case of *Travel Blue*.²⁸ A design is protected if it is aesthetically pleasing, unique, and is not the only solution to a specific function.

C. Designs with Both Function and Aesthetic Appeal

There are certain categories of products like travel pillows, water bottles, suitcase and cosmetic containers that perfectly highlight the grey area of how the functionality of the products meets visual appeal. These products used in everyday life perform a specific function, yet their market success mostly depends on how they look; if they look appealing to the eye, consumers purchased it.²⁹ This conflict between use and

²⁶ SCC Online, ‘Delhi HC Restrains Manufacturers from Using Trade Dress Identical to Prestige Mark’ (31 October 2023) SCC Blog

²⁷ Designs Act 2000, s 19

²⁸ LiveLaw, ‘Delhi High Court Rules in Favour of Prestige, Says Design Registration Cannot Be Cancelled on Grounds of Functionality’ (27 October 2022)

²⁹ World Intellectual Property Organization, ‘Frequently Asked Questions: Industrial Designs’ (31 May 2023) <https://www.wipo.int/en/web/designs/faq-industrial-designs>

appearance often raises such products before the court regarding industrial design protection, especially in industries such as packaging and travel accessories. A notable example is the case of *Travel Blue Products India Pvt. Ltd. v. Miniso Life Style Pvt. Ltd.*,³⁰ decided by the Bombay High Court, clearly indicates how Indian law deals with this conflict between use and appearance.

1. The Travel Blue v. Miniso Dispute

This case particularly dealt with a registered design for a neck pillow with pockets sold by the travel Blue under the name of Tranquillity. The registration of the design claimed novelty in the overall shape and configuration of the pillow, including its U-shape and the way in which the pocket was incorporated in the design.³⁰ Subsequently, Miniso released a neck pillow that was similar in design, after which Travel Blue filed a suit for design infringement and an interim injunction. Miniso responded that the design was predominantly functional.

For Miniso, the shape of the pillow and the pocket were necessary for neck support and comfort; therefore, there was barely any scope for aesthetic creativity. With this in mind, it said that it should not have been registrable in the first instance. This case reiterated that a protected design cannot extend to the function of an article, only to its aesthetic aspect. Although it was termed as a “neck pillow with pockets,” it is important to state that the protected design relates to the overall shape, not to creating a pocket. However, one important aspect that emerged was from the pleadings of Miniso, where it conceded that both articles had “a distinctive visual appeal.” This was inconsistent with its subsequent submission that it was only functional in nature. At this stage of the proceedings, it undermined its defence on this issue that it was only functional in nature.³¹

More importantly, however, the Court stressed the importance of design freedom. The support of the neck for a traveller could be created in a host of different shapes and forms. The particular shape and overall appearance of Travel Blue was not the only

³⁰ *Travel Blue Products India Pvt Ltd v Miniso Lifestyle Pvt Ltd Interim Application (L) No 28407 of 2024 (Bom HC)*

³¹ Siddhant Sanghavi, ‘Travel Blue v Miniso – Neck Pillow Design Case’ (LinkedIn, 6 August 2025)

solution to the problem of providing comfort. In fact, different shapes and forms existed, and therefore, the design was not dictated solely by functionality.

2. Significance for Packaging and Travel Accessories

This is especially relevant to packages, containers, and travel accessories. These items frequently contain functionalities that enhance their practicality, such as curves, compartments, and grips, which are nonetheless intended to be aesthetically pleasing. This case illustrates that functionality by itself can be insufficient to eliminate design protection. Functionality can be compatible with design protection when aesthetically pleasing decisions are possible and are made.³²

It also emphasises that the acknowledgement of aesthetic merit in the statements of claim and/or in the advertisements may become prejudicial to a party that alleges functionality. Nevertheless, the case of *Travel Blue v. Miniso* reaffirms the fact that in the case of a mingled product, aesthetic identity has a significant role that the courts would protect.

D. Functionality Defence in Infringement Cases

Under design law, a very common defence that is available to the defendant is the defence of functionality. This defence is directly based upon the core principle of design law that the protection under the act is only granted for the product's appearance and not for its functional part.³³ Simply means if any product exists mainly to perform functions rather than to appeal to the eye, then in that situation, such a product may not qualify for the protection under the Design Act of 2000.

When the courts encounter this defence, they basically consider two key factors:

1. the overall visual appearance of the registered design, and

³² World Intellectual Property Organization, *Looking Good: An Introduction to Industrial Designs* (WIPO Publication No 498) https://www.wipo.int/edocs/pubdocs/en/wipo_pub_498_1.pdf

³³ SS Rana & Co, 'Design Misuse and Infringement India' <https://ssrana.in/ip-laws/design-law-india/design-misuse-and-infringement-india/>

2. whether the allegedly infringing product gives the same visual impression to the viewer.³⁴

Indian judiciary consistently applies the test known as “informed user” to decide the cases of design law. This test particularly examines whether a purchaser is familiar with the product when viewed as a whole. Courts stated that design must not be compared by breaking it into different segments; instead, view it as a whole, applying the principle of entirety.

In the leading case of *Cello Household Products v. Modware India*,³⁵ The Bombay High Court said something very important: the court said that products must be compared from the eyes of an ordinary consumer, how the consumer perceives it and not from the eyes of a designer. The court emphasised that minor discrepancies are immaterial if the resemblance includes essential visual elements. Instead, it is the overall look and feel of the product that is important, not technical differences pointing to minute details.

Likewise, in the case of *Havells India Ltd. v. Panasonic Life Solutions (2023)*,³⁶ the Delhi High Court reiterated that a design has no protective effect unless it's aesthetically related. Thus, if it is functional, irrespective of its being innovative, it must be protected by patent law and not by the Designs Act. This is crucial because defendants frequently contend that the designs are requisite for the functionality and, therefore, cannot be monopolised under a design registration.

Section 22(3) of the Design Act, 2000 permits the defendants to challenge the validity of any registered design by merely relying on the grounds of cancellation mentioned under section 19, including the vital argument that the design is purely functional and not appealing to the eye, therefore not registrable. In the case of *Troikaa Pharmaceuticals v. Pro Laboratories*,³⁷ The defendant contended that the 'D' shaped tablet was common and functional.

³⁴ K&S Partners, 'The Intersection of Copyright and Design Laws' <https://kandspartners.com/art-versus-functional-utility-the-intersection-of-copyright-and-design-laws/>

³⁵ *Cello Household Products Ltd v Modware India* (2017) (Bom HC)

³⁶ *Havells India Ltd v Panasonic Life Solutions India Pvt Ltd* (2023) (Del HC)

³⁷ *Troikaa Pharm. v. Pro Labs.*, (2008) (Guj. High Ct.) (India)

However, the Gujarat High Court rejected the said defence by holding that even assuming the shape was known, its application to pharmaceutical tablets was new and original. The court explained that just because a design serves a function, the same does not cease to be a design provided its application to a particular article is novel.

Thus, the defence of functionality plays a vital role in design infringement cases. The Indian judiciary seeks to achieve a delicate balance between preventing monopolies on functional aspects, on one hand, and protecting innovations of aesthetic aspects, on the other.³⁸ In this case, innovations of a primarily functional nature would not be recognised as entitled to protection, while a useful innovation, which is aesthetically pleasing as well, may, if seen with the naked eye, be entitled to protection. In this case, it is not the innovation itself, but what catches the eye, which ultimately matters.³⁹

VI. CRITICAL ANALYSIS AND ISSUES

The very purpose of the Design Act 2000 is to protect the visual creativity of industrial products. However, when this law was applied in reality, several problems arose. Although the Act clearly states that a design must “appeal to and be judged solely by the eyes,” this is not practical in modern practice, especially where functions and appearance coexist in the market.

The grey area of the design act is that it does not clearly articulate how to separate the essential aesthetic features from its vital functions, and this creates a problem because both the courts and authorities interpret them in different ways.⁴⁰ The present section critically examines the different issues in Indian design law by properly highlighting how the product features that are both visually attractive to the eyes and their function, such as a product designed for better grip, often create issues in determining their design protection.

³⁸ ‘Design Law Declared by the Supreme Court of India’ (2020) 25 Journal of Intellectual Property Rights 197 <https://or.niscpr.res.in/index.php/JIPR/article/download/601/496/5513>

³⁹ Kankrishme & Co, ‘At a Glance: Design Registration in India’ <https://kankrishme.com/at-a-glance-design-registration-in-india/>

⁴⁰ Parth Chhapolia, ‘The Artistic Threshold: Supreme Court’s Recalibration of Copyright and Design Boundaries’ (19 August 2025) NUALS Law Journal <https://nualslawjournal.com/2025/08/20/the-artistic-threshold-supreme-courts-recalibration-of-copyright-and-design-boundaries/>

A. Lack of Clear Legal Tests

The main problem of the Design Act 2000 is the absence of a clear legal test to differentiate between the aesthetic appeal of a product and its functionality concept. Section 2(d) of the Act⁴¹ protects the concept that design must be “appeal to and be judged solely by the eyes,” but the Indian courts and the authorities face issues in applying this properly, and as a result, courts adopt a conflicting approach to the authorities, which eventually leads to uncertainty in seeking reliable protection of a unique design.

1. Courts Use Different Approaches

The Delhi High Court in the case of *Carlsberg Breweries A/S v. Som Distilleries & Breweries Ltd.*,⁴² Justice Vipin Sanghi denied interim relief for lack of prima facie design novelty and referred the question of maintainability of composite suits for design infringement. Relying heavily upon English precedent, particularly *Amp Inc. v. Utilux Pty. Ltd.*,⁴³ Where the court stated that where a consumer purchased a product because of its utility & not for its appearance, it falls outside the jurisdiction of the Design Act. However, the Madras High Court in the case of *Maya Appliances Pvt. Ltd. v. Butterfly Gandhimathi Appliances Ltd.*⁴⁴ acknowledged that most industries' products naturally perform a function, and this matter of course functionality does not invalidate as design protection unless the functionality is the sole reason for purchase or the design. Hon'ble court placed the BURDEN OF PROOF on the defence side to prove that the functional effect could only be accomplished through a registered design and could not be accomplished through any other form. This “sole means” test, therefore, accepts the reality that design and functionality often overlap.

Moreover, the Calcutta High Court in *Anuradha Doval v. Controller of Patents & Designs*⁴⁵ dealt with the tests for novelty and prior publication for registered bottle-

⁴¹ Designs Act 2000, s 2(d)

⁴² *Carlsberg Breweries A/S v Som Distilleries & Breweries Ltd* (2019) 77 PTC 1 (Del HC)

⁴³ *Amp Inc v Utilux Pty Ltd* [1972] RPC 103 (HL)

⁴⁴ *Maya Appliances Pvt Ltd v Butterfly Gandhimathi Appliances Ltd* (2017) 70 PTC 31 (Mad HC)

⁴⁵ *Anuradha Doval v Controller of Patents & Designs* (2017) 71 PTC 288 (Cal HC)

cap design. The courts attempt to balance, but fail to explain how the courts should measure superiority.

All these cases consistently give diverse approaches that design validity registered in one state may be rendered invalid in another, or identical facts which distinctly detract from the uniformity to be expected of a statutory right of intellectual property.

2. “Eye Appeal” as a Subjective Standard

The requirement of the Design Act that a design be “judged solely by the eye” brings vital subjectivity into the adjudication of design matters. The courts have recognised that the visual appeal fluctuates person to person, which makes it more difficult to apply a standard. The Bombay High Court in *Pidilite Industries Ltd. v. Astral Ltd.*⁴⁶ analysed that while visual appeal is the test, the court must avoid imposing its aesthetic preferences. Despite this clear warning, there have been no clear judicial determinations with respect to whose “eye” the court is to use. There is some use of the ‘average consumer,’ while there is the ‘instructed eye’ test. In the case of *Maya Appliances*, Justice M. M. Sundresh took a common consumer's point of view. In India, the ‘common man’ standard is hard to fix because the population is very diverse.

This uncertainty becomes a problem for industries, especially for furniture, kitchen appliances or automobiles. Yes, a curved chair design enhances our comfort, and this is its functional part, but its curved design is a modern and unique aesthetic. Therefore, a clear test is required, and without it the court may reach a different conclusion whether such a design qualifies for protection.⁴⁷

B. Policy Evaluation

The very 1st objective of the Design Act is to encourage creativity by providing a strong protection to the visual appearance of the products and ensuring fair market

⁴⁶ *Pidilite Industries Ltd v Astral Ltd Interim Application (L) No 13706 of 2024 in Com IP Suit (L) No 13638 of 2024 (Bom HC, 13 June 2024)*

⁴⁷ Nikita Singh and Harpreet Kaur, ‘Unveiling Design Infringement: A Duel between Consumer with Instructed Eye and Average Customer Eye Test’ (Chanakya National Law University, 2024) <https://www.cnlul.ac.in/wp-content/uploads/2025/04/Unveiling-Design-Infringement-A-Duel-between-Consumer-with-Instructed-Eye-and-Average-Customer-Eye-Test-RMLNLU-2024.pdf>

competition.⁴⁸ As what is written in theory is not true in practical and because of that what is written in Design Act to maintain a balance by granting limited time protection to the design that appeal to the eye with no monopoly over its functional features but in reality, the courts fail to maintain this balance due to lack of clear statutory provisions that distinguish aesthetic appeals from its functionality.⁴⁹

1. Is the Balance Fair?

Well, from a statutory point of view, the design act grants stronger protection to aesthetic visuals and ignores its functionality. This intent clearly reflects under Section 2(d) of the Act that emphasis on features that “appeal to and are judged solely by the eye,” by giving limited duration protection (10 years & extendable up to 5 years more) and the exclusion for mechanical devices.⁵⁰ The only purpose of these provisions is to protect the market from long-term MONOPOLISATION by encouraging investment in unique visuals.⁵¹

Another important issue concerns the interface between design law and copyright law. Section 15(2) of the Copyright Act, 1957 provides that copyright in a design capable of being registered under the Designs Act, but not so registered, ceases once an article to which the design has been applied is reproduced more than fifty times by an industrial process by the copyright owner or with the owner’s licence.

The provision therefore prevents a registrable industrial design from continuing to obtain the longer protection available under copyright law after substantial industrial reproduction merely because design registration was not obtained. This statutory limitation seeks to preserve the distinction between copyright and design protection

⁴⁸ ‘A Critical Analysis of Design Protection Laws in India’ (3 July 2021) International Journal of Legal Law and Research <https://www.ijllr.com/post/a-critical-analysis-of-design-protection-laws-in-india>.

⁴⁹ ‘Functionality v Aesthetics: A Fine Balance in Indian Design Law’ (24 September 2025) Managing Intellectual Property <https://www.managingip.com>

⁵⁰ ‘Design Protection and Registration in India: Safeguarding Aesthetics’ (2 August 2023) Brainiac <https://brainiac.co.in/design-protection-and-registration-in-india-safeguarding-aesthetics>.

⁵¹ Designs Act 2000.

while encouraging creators of commercially exploited industrial designs to seek protection under the appropriate design-registration regime.⁵²

The judicial developments clearly indicate the gradual shift to a more balanced approach. The courts recognised that the functional and aesthetic features may coexist, and the protection to design is only denied when the design is solely based upon its functionality.

2. Impact on Innovation and Competition

From an invention point of view, the protection of design plays a vital role in encouraging appearance-based divergence, brand identity, and the user experience development.⁵³ Both the empirical and doctrinal studies proved the fact that design registration helps in reclaiming an investment made, such as in tooling, moulds, visuals, by businesses, especially the small or medium-sized businesses, thus facilitating incremental and non-technological innovations in sectors like consumer goods, packaging, fashion, and furniture.⁵⁴

Every coin has 2 sides; similarly, on the other hand, this overlapping & uncertainty in protection raises serious protection concerns. Someone cannot claim their ownership rights if a particular thing is not protected, and because of this, research on overlapping intellectual property rights clearly warns that aggregated protection by design, copyright, and trade dress can operate to extend beyond the time envisioned under any one statute, reducing the public domain.⁵⁵

On the whole, although the law of design in India has evolved with the realisation that form and function co-exist, the lack of clear legislative authority and judicial consistency in this aspect has significantly impacted the proper policy intent in

⁵² Parth Chhapolia, 'The Artistic Threshold: Supreme Court's Recalibration of Copyright and Design Boundaries' (19 August 2025) NUALS Law Journal <https://nualslawjournal.com>.

⁵³ Shankar B and Khushboo R, 'Prior Protection of Designs: A Hyper-Technical Research on Industrial Design Protection' (2024) International Journal for Multidisciplinary Research (IJFMR)

⁵⁴ 'Balancing Innovation and Protection: An Analytical Study on Intellectual Property Strategy' International Journal of Economics, Management & Law (IJEML)

⁵⁵ Artha Chhapolia, 'The Artistic Threshold: Supreme Court's Recalibration of Copyright and Design Boundaries' NUALS Law Journal

design.⁵⁶ Otherwise, the impact of design protection as a competition tool would be counterproductive.

C. Suggestions and Reforms

In India, while protecting the design of industries, two competing objectives always come into play: first is to encourage creative aesthetics and secondly to avoid monopolies over the functionality part of products. The main aim of The Designs Act, 2000, is to protect the products that are appealing to the eyes and exclude their functional features straight away.⁵⁷ This ambiguity unnecessarily creates uncertainty for innovative businessmen and even for the judiciary. To address these challenges, there are several reforms that can strengthen the legal statute protection and provide more practicality and better harmonise industrial design protection with innovation policies.⁵⁸

1. The Requirement of Clear Statutory Guidelines on Functionality

Under the Designs Act, 2000, “design” is defined as “the set of features of shape, configuration, pattern or ornament added to an article which appeal to and are judged solely by the eye and shall not include any mode or principle of construction or a mere mechanical device.”⁵⁹ Although the act is not explicit about the exact criteria for a “functional feature” or a feature that is aesthetic on its own, this raises a grave concern since the matter is caught in the realm of the absence of clarity in the Designs Act.⁶⁰

Practically, a design act contains both functional and aesthetic elements that are still registered if it has eye appeal; however, not every feature is dictated solely by technical functions. When in the market there are alternative shapes that may perform

⁵⁶ ‘Navigating Dual Protection: When Should Designers Opt for Design Registration over Copyright Protection?’

⁵⁷ Shardul Amarchand Mangaldas & Co, ‘An Overview of the Indian Design System under the Designs Act 2000’

⁵⁸ International Comparative Legal Guides, ‘Designs Laws and Regulations – India’

<https://iclg.com/practice-areas/designs-laws-and-regulations/india>

⁵⁹ ‘Functionality v Aesthetics: A Fine Balance in Indian Design Law’ Managing Intellectual Property

⁶⁰ Mondaq, ‘Analysis of Law on Functional Designs – India’

<https://www.mondaq.com/india/patent/678706/analysis-of-law-on-functional-designs>

the same function, in such a situation, the design may be protected.⁶¹ On the other hand, if there is only one particular way to perform the function of a product, then there are high chances that the design may not get protection.

Let's take an example of the Delhi High Court ruling in the case of *Rajesh Kalra v. SafeOps Surgical Care*,⁶² where the court clearly stated that shapes that a shape that was functionally determined alone cannot be registered as a design. The decision of this case largely emphasised the lack of "eye appeal" & did not provide any proper test or structure that may separate functionality from aesthetic elements. To cure the resulting uncertainties, the Act should introduce a standard similar to that in the design laws in Europe, about exclusion for features solely dictated by technical functionality.' Further, there should be a standard that a design does not necessarily remain unprotectable for its functionality, if other designs exist that could serve a similar functionality, with a resultant aesthetically distinct design eligible for registration.⁶³

2. Proposal for a Structured Judicial Test

The Supreme Court's decision in *Cryogas Equipment Pvt. Ltd. v. Inox India Ltd.* provides an important starting point for developing a more structured analysis of the relationship between artistic expression, industrial design and functional utility. Its two-stage inquiry, including consideration of functional utility and the dominant purpose of the work, introduces greater analytical structure into the copyright–design interface. However, as subsequently illustrated in *Travel Blue v. Miniso*, questions remain regarding the precise application of this framework to the registrability and infringement of designs containing both functional and aesthetic features.

Accordingly, rather than proposing an entirely independent test, the following framework seeks to build upon *Cryogas* and existing design jurisprudence by

⁶¹ K&S Partners, 'Functionality Test Adapted by the Commercial Court for Distinguishing Copyright Protections from Design Protections'

⁶² CS (COMM) No 55 of 2018 (Del HC, 28 May 2018) <https://indiankanoon.org/doc/44952461/>

⁶³ 'The Role of Industrial Design in Driving Technological Advancements' International Journal of Creative Research Thoughts (IJCRT)

identifying additional factors relevant specifically to functionality under the Designs Act, 2000.

This test includes the following steps:

- **Determination of the Allegedly Claimed: Technical Necessity Inquiry:** Before distinguishing functionality from aesthetic visuals, the courts should clearly define the features that are being claimed as a design. This step avoids future conflicts with the functional aspect and protects the aesthetic element.
- **Technical Necessity Inquiry:** It must be determined by the court whether the design element is driven solely as a consequence of technical functionality. If the element is necessary for the functionality of the article and there was no design discretion exercised in this regard, it must be held that the element is functional and thus not relevant. This applies as an implementation of the notion that not everything need be the result of design within the framework of the Act.⁶⁴
- **Availability of Alternatives:** When there is more than one available design to serve the same purpose without any loss of utility, it is an indication that the design element is not purely functional. Aesthetic design considerations can, therefore, be separated.
- **Consumer Perception ("Eye-Appeal" Test):** The subjective component of "eye appeal" is required to be structured within the parameters of market evidence, whether it be surveys of consumers or expert opinion, as to whether the typical buyer will view the design from the perspective of appearances or utility.
- **Severability of Aesthetic and Functional Aspects:** Courts could distil the separate elements of the design, if possible. The non-aesthetic aspects should remain unprotected. This has been done in the area of trade dresses as well as copyrights when it comes to copyrights.

⁶⁴'Non-Conventional Trademarks in India' (Chanakya National Law University)
<https://www.cnlu.ac.in/wp-content/uploads/2025/04/9-Rachna-R-Kurup-and-Nimita-Aksh-Pradeep-1.pdf>

- **Impact on Competition:** The court should take into consideration whether the protection of a design does not limit competition by giving an effective monopoly for functional shapes. In this regard, this will be in agreement with the policy that designs should not block their competitors from using necessary technical solutions.

Thus, all these elements together would bring in more transparency and consistency if it were required that courts discuss each explicitly. In place of recording general findings regarding aesthetic appeal or functionality, the judges should record detailed findings for each stage.⁶⁵

3. Enhancing Standards of Examination at the Design Office

The reforms are not only required in judicial practice but also at the Design office, which is actually an important centre where most design registration begins.⁶⁶ Currently, in India, examination reports often address novelty without addressing the functionality and eye-appeal analysis sufficiently. For example, if the backrest of a chair is designed in a certain shape that is helpful for ergonomics, and there might be some alternate shapes available that would serve the same purpose, then the shape that is aesthetic might be considered otherwise. If it is the only shape through which the design can serve its purpose, then it ought to be denied registration.⁶⁷

Aligning efforts with the Trademark Registry is also crucial in this regard. Some product designs are protected both under designs and trade dress rights. Aligning functional principles will decrease inconsistent judgments. Additionally, practices such as workshops on industrial design, partnerships with design schools, and experience with EUIPO and USPTO examination procedures will also benefit officers in distinguishing functional limitations from design expression.⁶⁸ Finally, transparency reforms, such as publishing anonymised refusal decisions grounded in

⁶⁵ 'Understanding the Legal Landscape of Non-Conventional Trademarks in Indian Law' Digital Law Journal <https://www.digitallawjournal.org/jour/article/view/287>

⁶⁶ 'A Primer on Design Patent Functionality' Berkeley Technology Law Journal

⁶⁷ 'The Demise of the Functionality Doctrine in Design Patent Law' Notre Dame Law Review <https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=4709&context=ndlr>

⁶⁸ 'Designs Law Materials' (n.d.) 12(8) Journal of Intellectual Property Law & Practice

functionality or aesthetic assessments, would guide applicants and reduce later litigation.⁶⁹ For instance, if a design is refused based on the technical necessity of the curve to fit the device, providing a public reasoning note would help future applicants avoid similar pitfalls.

VII. CONCLUSION

Industrial design law in India is at that difficult juncture where aesthetics and functionality, visual creativity, and utilitarian necessity increasingly converge in the same product. The Designs Act, 2000, was passed with a specific normative intent: to give protection to the visual and aesthetic expression of industrial products while keeping the functional and technical inventions outside the purview of monopolisation. But as this study reveals, this seemingly straightforward frame showed serious structural and interpretative flaws in its actual operation, particularly in a world where product design is fast becoming inseparable from user experience, ergonomics, and market identity.

The judicial determinations relating to this issue in India also disclose this nuance of understanding. The Indian courts at all levels have been consistently disallowing any simplistic notion of excluding designs on considerations of functionality. Through landmark judgments like *Castrol India Ltd. v. Tide Water Oil Co.*, *Escorts Construction Equipment Ltd. v. Action Construction Equipment Pvt. Ltd.*, and *Travel Blue Products India Pvt. Ltd. v. Miniso Lifestyle Pvt. Ltd.*, it was very clearly enunciated and illustrated upon that Indian courts will not exclude a design from intellectual property rights unless and until it is shown without any shadow of doubt or remoteness of possibility of any other form or design dominating a particular function.

This study thus brings to the fore the urgent need to put in place specific reforms through legislation on the treatment of functional features, formulation and implementation of a specific test for designs involving an element of mixture, and improved procedures and standards of examination at the Design Office to bring

⁶⁹ Asia IP, 'IP Analysts – Design Related Posts on India' <https://asiaiplaw.com/section/ip-analysts>

much-needed consistency to design statutes and regulations as has been advocated above and as would bring to bear perspectives on the realities and advances that have occurred in the world and which India should follow as best practices.

In the final analysis, the efficacy of industrial designs protection in India will hinge upon the achievement of a balanced approach between the protection of legitimate visual creativity without infringing upon the "public domain of functional innovations.

VIII. BIBLIOGRAPHY

A. Statutes and International Instruments

1. The Designs Act, 2000.
2. The Copyright Act, 1957.
3. Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994 (TRIPS Agreement).

B. Cases

1. *Amp Inc v Utilux Pty Ltd* [1972] RPC 103.
2. *Anuradha Doval v Controller of Patents & Designs* (2017) 71 PTC 288 (Cal).
3. *Bharat Glass Tube Ltd v Gopal Glass Works Ltd* (2008) 10 SCC 657.
4. *Carlsberg Breweries A/S v Som Distilleries & Breweries Ltd* (2019) 77 PTC 1 (Del).
5. *Castrol India Ltd v Tide Water Oil Co (I) Ltd* 1994 SCC OnLine Cal 303.
6. *Cello Household Products Ltd v Modware India* (2017) (Bom HC).
7. *Escorts Construction Equipment Ltd v Action Construction Equipment Pvt Ltd* 1999 PTC 36 (Del).
8. *Havells India Ltd v Panasonic Life Solutions India Pvt Ltd* (2023) (Del HC).
9. *Interlego A/S v Tyco Industries Inc* [1989] 1 All ER 949.

10. *Maya Appliances Pvt Ltd v Butterfly Gandhimathi Appliances Ltd* (2017) 70 PTC 31 (Mad).
11. *Pidilite Industries Ltd v Astral Ltd* (2024) 3 Bom LR 289.
12. *Rajesh Kalra v SafeOps Surgical Care*, CS (COMM) No 55 of 2018 (Delhi High Court, 28 May 2018).
13. *Travel Blue Products India Pvt Ltd v Miniso Lifestyle Pvt Ltd* 2025 SCC OnLine Bom 2792.
14. *Troikaa Pharmaceuticals v Pro Laboratories* (2008) (Guj HC).
15. *TTK Prestige Ltd v KCM Appliances Pvt Ltd* 2023 SCC OnLine Del 2129.
16. *Whirlpool of India Ltd v Videocon Industries Ltd* 2014 SCC OnLine Bom 565.

C. Books and Journal Articles

1. V K Ahuja, *Law Relating to Intellectual Property Rights* (3rd edn, 2017).
2. P Narayanan, *Law of Copyright and Industrial Designs* (4th edn, 2007).
3. Nikita Singh and Harpreet Kaur, 'Unveiling Design Infringement: A Duel between Consumer with Instructed Eye and Average Customer Eye Test' (2024).
4. Shankar B and Khushboo R, 'Prior Protection of Designs: A Hyper-Technical Research on Industrial Design Protection' (2024) *International Journal for Multidisciplinary Research*.
5. 'Design Law Declared by the Supreme Court of India' (2020) 25 *Journal of Intellectual Property Rights* 197.
6. 'Balancing Innovation and Protection: An Analytical Study on Intellectual Property Strategy', *International Journal of Economics, Management & Law*.

D. Online and Institutional Sources

1. World Intellectual Property Organization, 'Frequently Asked Questions: Industrial Designs'.

2. World Intellectual Property Organization, *Looking Good: An Introduction to Industrial Designs* (WIPO Publication No 498).
3. K&S Partners, 'Aesthetics and Functionality: Drawing a Parallel Between Aesthetics and Functionality for Design Protection'.
4. K&S Partners, 'The Intersection of Copyright and Design Laws'.
5. K&S Partners, 'Functionality Test Adapted by the Commercial Court for Distinguishing Copyright Protections from Design Protections'.
6. SS Rana & Co, 'Design Misuse and Infringement India'.
7. Mondaq, 'Balancing Functionality and Aesthetic Appeal: Travel Blue Wins in Design Piracy Dispute Against Miniso'.
8. Mondaq, 'Analysis of Law on Functional Designs – India'.
9. SCC Online/SCC Blog, 'Bom HC Grants Relief in Travel Blue–Miniso Design Piracy Case' (6 August 2025).
10. LiveLaw, 'Delhi High Court Rules in Favour of Prestige, Says Design Registration Cannot Be Cancelled on Grounds of Functionality' (27 October 2022).
11. International Comparative Legal Guides, 'Designs Laws and Regulations – India'.
12. Parth Chhapolia, 'The Artistic Threshold: Supreme Court's Recalibration of Copyright and Design Boundaries' (19 August 2025) *NUALS Law Journal*.
13. Shardul Amarchand Mangaldas & Co, 'An Overview of the Indian Design System under the Designs Act 2000'.
14. Brainiac, 'Design Protection and Registration in India: Safeguarding Aesthetics' (2 August 2023).
15. Managing Intellectual Property, 'Functionality v Aesthetics: A Fine Balance in Indian Design Law'.

16. International Journal of Legal Law and Research, 'A Critical Analysis of Design Protection Laws in India' (3 July 2021).
17. Chanakya National Law University, 'Non-Conventional Trademarks in India'.
18. NLU Assam IPR Journal, 'Viewing Trade Dress Protection from the Lens of Consumer Protection'.
19. Berkeley Technology Law Journal, 'A Primer on Design Patent Functionality'.
20. Notre Dame Law Review, 'The Demise of the Functionality Doctrine in Design Patent Law'.
21. Asia IP, 'IP Analysts – Design Related Posts on India'.
22. Kankrishme & Co, 'At a Glance: Design Registration in India'.