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## China Grants First Patents to Graphical User Interface Designs



The State Intellectual Property Office (SIPO) of China has issued the first four design patents protecting graphical user interfaces (GUIs). The patents issued were filed by Beijing Qiyi Century Science & Technology Co.,LTD., Keniu Network Technology (Beijing) LTD., and Kingsoft Network Technology Co., LTD. on Thursday, May 1, 2014, the very day new design patent regulations permitting the patenting of GUI in China went into effect.

GUI allows users to interact with electronic devices through graphical icons and other visual elements. In the past several years, rapid technological development has made GUI a vital factor in the success of many product categories not typically associated with software, such as home appliances.

GUI was only recently recognized as patentable after the SIPO issued the final version of the amended Patent Examination Guidelines. The revisions, effective as of May 1, 2014, allow design patents to be granted on GUIs including those that are animated. Prior to May 1, China had prohibited patents covering "those graphic displays that exist only after the product is turned on."

Like other patent offices, SIPO requires that the GUI be shown on a device. However, unlike many other patent offices, SIPO does not permit the use of broken lines. Hence, GUI design patent applications in China must include the device on which the claimed GUI will be shown in solid lines. China's refusal to permit the use of broken lines makes it difficult to focus protection on the GUI alone. Still excluded from patent protection in China are GUIs that are unrelated to human-machine interaction or product function. For example, SIPO explicitly prohibits protection for on-screen wallpapers, start-up and shut-down screens, and graphic or text elements of web pages.

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