



Study Questions for Sydney 2017

Protection of graphical user interfaces

Graphical user interfaces ("GUIs") are important in relation to all types of computing devices, but particularly mobile devices. GUIs include graphical icons, screens, pages, layouts and interactive components, as well as methods of converting physical user interaction into a control signal for the device. The arrangement of these elements, and the interaction between them, can be important to the accessibility of the underlying services and data of the device.

Various IP rights may protect different aspects of GUIs. The most suitable mode of protection for the technical contributions of GUIs may be patent protection. Design protection may be available for the aesthetic elements of the appearance of GUIs. GUIs may attract copyright protection as an original expression. Trademark protection is also relevant if a GUI has the function of identifying the source of products.

There may also be limitations depending on the type of IP rights. Patent protection of GUIs inevitably involves the issue of whether a computer program constitutes patentable subject matter. Design protection may not be available for a GUI that temporarily appears on a screen of an electronic device. Can GUIs be characterised as protectable expressions rather than simply unprotectable ideas? Must a GUI have acquired a secondary meaning to be protected as a trademark?

AIPPI has studied various protections afforded to GUIs, and aims to propose a degree of harmonization as to how GUIs should be protected by, and by which, IP rights.