

USPTO Hour: An overview and statistical update on design patents

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UNITED STATES
PATENT AND TRADEMARK OFFICE ®

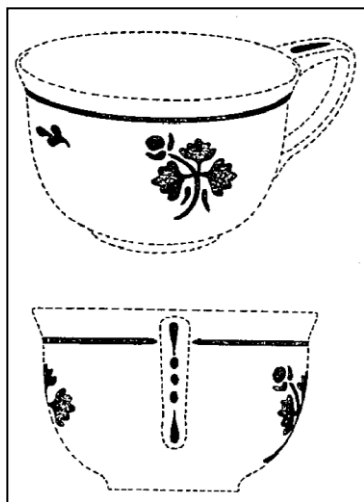
Today's topics

- Overview of design patents
- Benefits of a design patent
- Hague Agreement
- Design application statistics
- Recent happenings

Overview of design patents

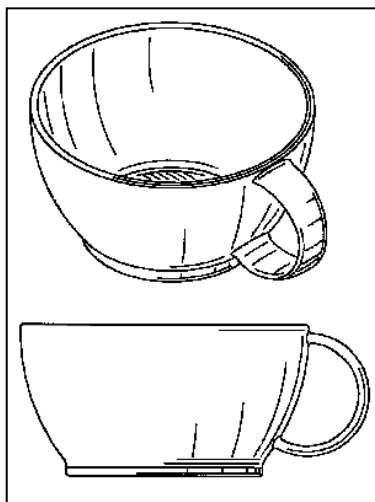
- Protects the ornamental appearance of an article of manufacture
- In the United States, ornamental appearance refers to:
 - Configuration or shape of an article;
 - Surface ornamentation applied to an article; or
 - Combination of configuration and surface ornamentation

Types of designs for articles of manufacture



(1)

Surface
ornamentation
applied to
an article



(2)

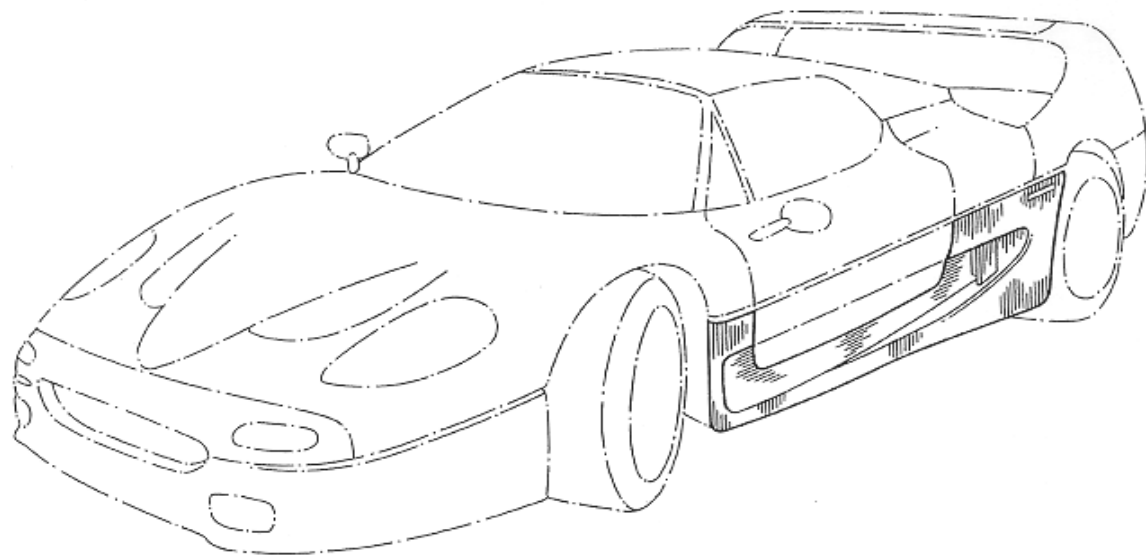
Configuration
embodied
in an article



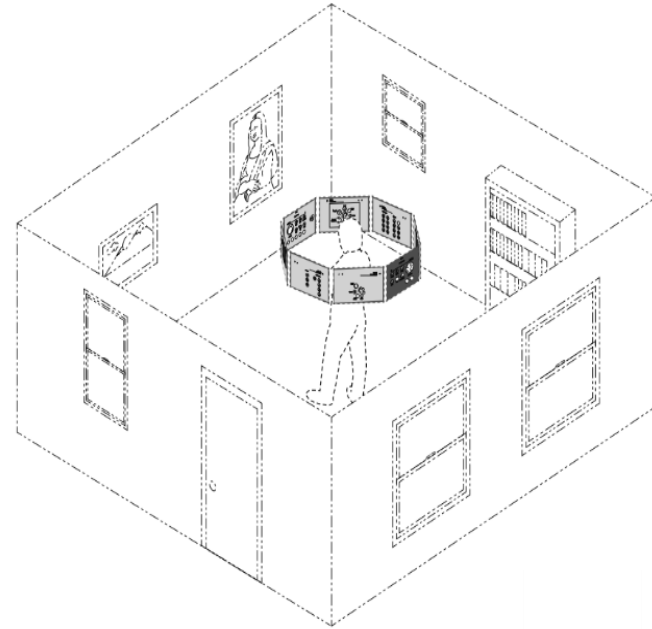
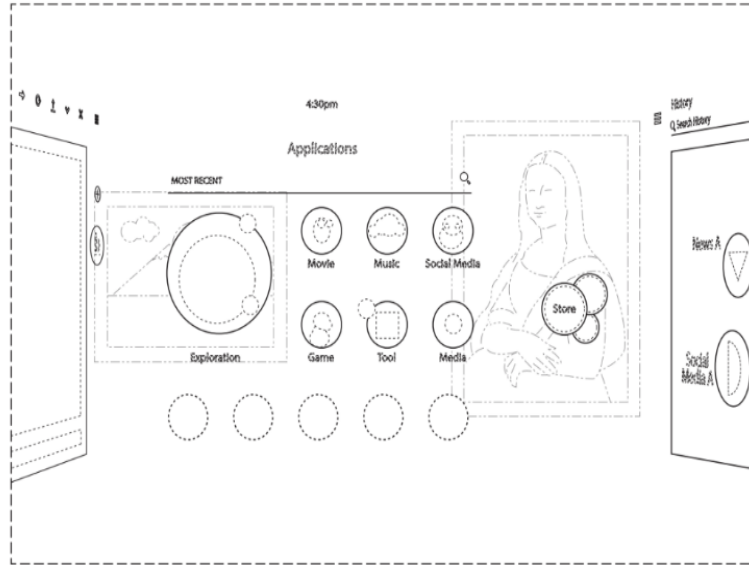
(3)

Configuration
and surface
ornamentation
for an article

A design may be directed to less than an entire article



Graphical User Interface/Icons



[D883,308](#) DISPLAY PANEL OR PORTION THEREOF WITH A TRANSITIONAL MIXED REALITY GRAPHICAL USER INTERFACE

The broken lines forming part of the graphical user interface are included for illustrating environmental aspects of a portion of a display panel with a transitional mixed reality graphical user interface and form no part of the claimed design.

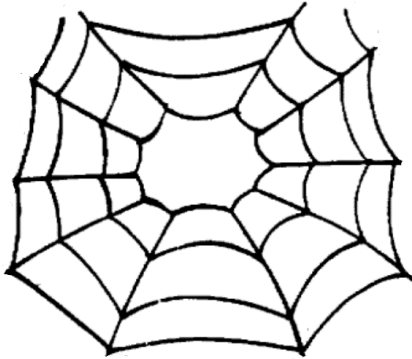
What's required to get a design patent?

- Patentable subject matter
- Novelty
- Nonobviousness
- Sufficiency and clarity of the disclosure and claim

Patentable subject matter

Not acceptable

Disembodied
design



Acceptable

Embodied design

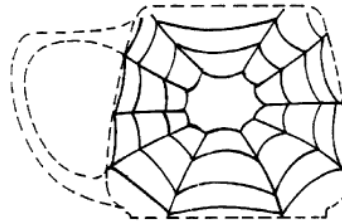


Fig. 1

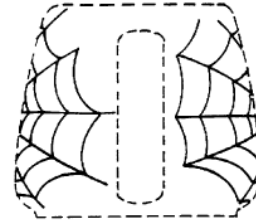


Fig. 2

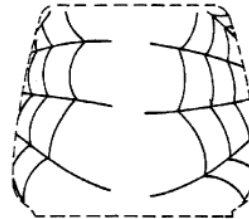


Fig. 3

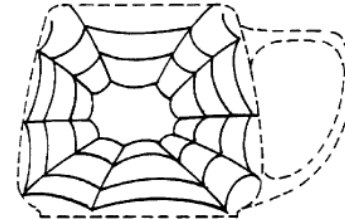
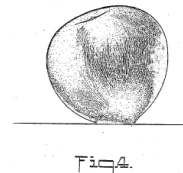
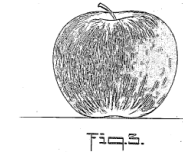
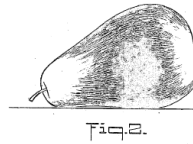
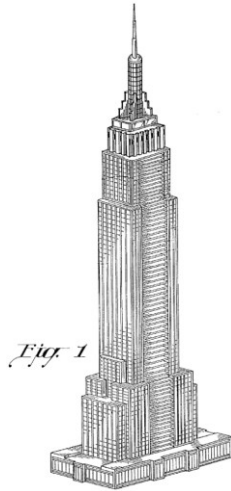


Fig. 4

Patentable subject matter must have originality

A claim directed to a design for an article which simulates a well-known or naturally occurring object or person lacks originality

Not acceptable



Novelty

A design must be new or novel (i.e., cannot be anticipated)

- A claim for a design is anticipated if a single prior art reference is “identical in all material respects” to the claimed design
- “All material respects” are all respects that matter to an “ordinary observer”



Nonobviousness

A design must also be nonobvious

- A claim for a design is obvious if the differences between the claimed design and the prior art are such that the claimed invention as whole would have been obvious to a designer having “ordinary skill in the art”

Sufficiency and clarity of the disclosure and claim

- Written description
 - Specification of a design patent application must describe the claimed design in sufficient detail so that one of ordinary skill in the art can reasonably conclude that the **inventor has possession** of the claimed design
- Enablement
 - Specification must teach those of ordinary skill in the art how to **make and use the full scope** of the claimed design without undue experimentation



Sufficiency and clarity of the disclosure and claim

In the United States, design patents have only one claim and the form is dictated by regulation:

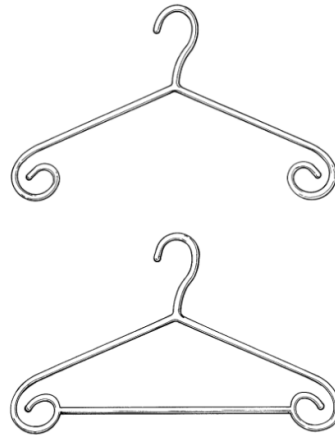
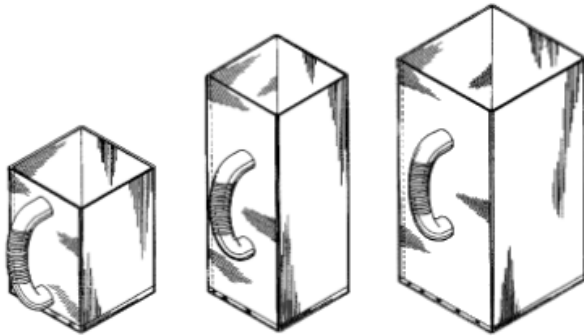
I Claim:

“The ornamental design for
(insert title of article)
as shown and described.”



Multiple embodiments

However, a single claim may include more than one embodiment, provided they are patentably indistinct:



Design fees

Patent application filing fees

Fee code	37 CFR §	Description	Fee	Small entity fee	Micro entity fee
1012/2012/3012	1.16(b)	Basic filing fee - Design	300	120	60
1017/2017/3017	1.16(b)	Basic filing fee - Design CPA	300	120	60
1019/2019/3019	1.16(e)	Basic filing fee - Reissue (Design CPA)	350	140	70
1082/2082/3082	1.16(s)	Design application size fee - for each additional 50 sheets that exceeds 100 sheets	450	180	90

Patent search fees

1112/2112/3112	1.16(l)	Design search fee or Design CPA search fee	300	120	60
1114/2114/3114	1.16(n)	Reissue search fee or Reissue (Design CPA) search fee	770	308	154

Patent examination fees

1312/2312/3312	1.16(p)	Design examination fee or Design CPA examination fee	700	280	140
1314/2314/3314	1.16(r)	Reissue examination fee or Reissue (Design CPA) examination fee	2,550.00	1,020.00	510

Patent issue and publication fees

1502/2502/3502	1.18(b)(1)	Design issue fee	1,300.00	520	260
1509/2509/3509	1.18(b)(1)	Hague design issue fee***	1,300.00	520	260

Hague - international design application fees

1781/2781/3781	1.1031(a)	Hague international design application - transmittal fee	130	52	26
1782	1.1031(c)	International design application fees payable to WIPO	variable	variable	variable

Today's topics

- Overview of design patents
- **Benefits of a design patent**
- Hague Agreement
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Why designs matter

- Designs make a product attractive and appealing to customers
- Appearance of a product can be a key factor in the consumer's purchase decision
 - *"When two products are equal in price, function, and quality, the better-looking product will outsell the other."* – Raymond Loewy, 1929
- Designs can be important for both small- and medium-sized enterprises and larger companies alike



Advantages to protecting designs

- Return on investments
 - Protection contributes to obtaining a return on investments made in creating and marketing attractive and innovative products
- Exclusive rights
 - Protection provides exclusive rights for 15 years in the U.S. so as to prevent or stop others from commercially exploiting or copying the industrial design
- Strengthen brands
 - Designs can be an important element of a company's brand; protecting designs contributes to protecting a company's brand



Benefits of a design patent

- Opportunity to license or sell
 - Protection provides rights that may be sold or licensed to another enterprise, which will then be a source of income for the owner of the rights
- Positive image
 - Protection helps convey a positive image of a company, because designs are business assets that may increase the market value of a company and its products
- Reward
 - Protection of designs rewards and encourages creativity

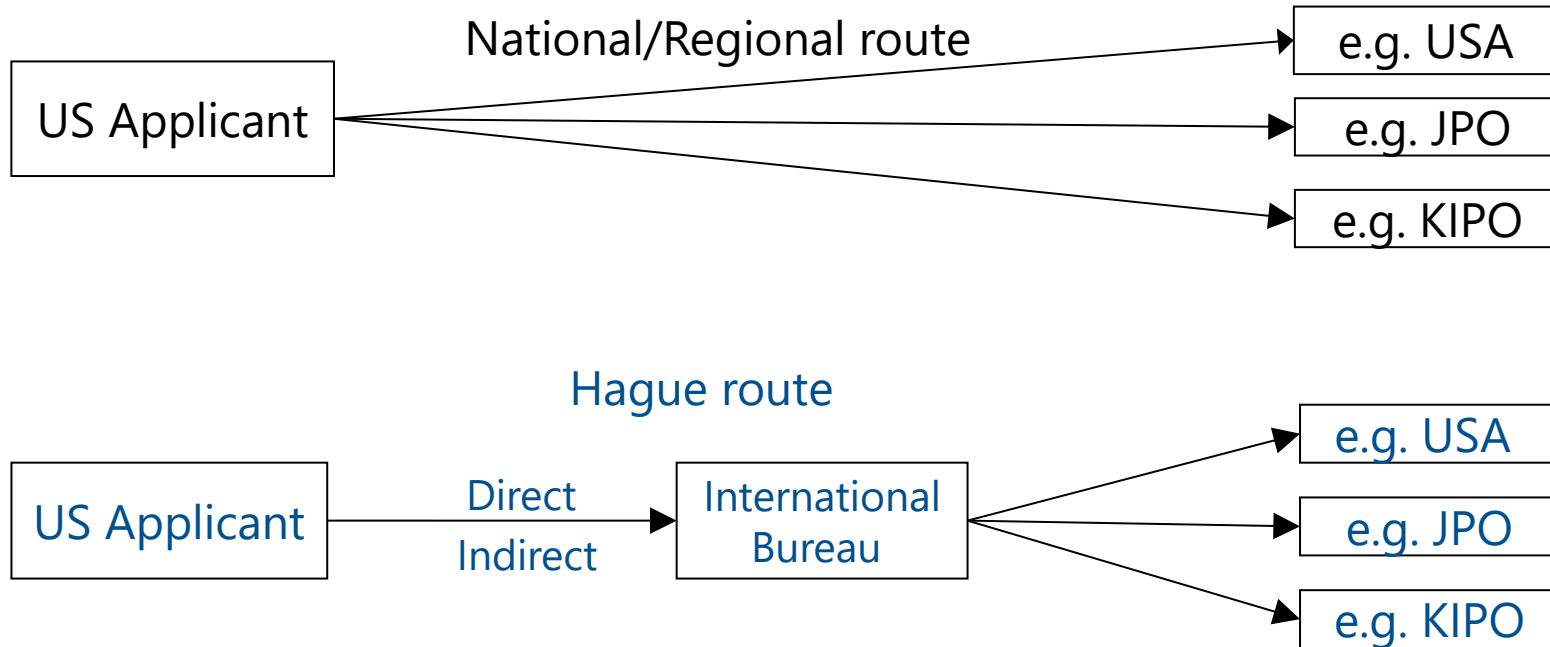
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Hague agreement

- The Hague Agreement provides a mechanism for registering up to 100 industrial designs in multiple member countries and intergovernmental organizations by means of a single application, filed in one language, with one set of fees.
- These member countries and intergovernmental organizations are referred to as the “Contracting Parties.”
- The system is administered by the World Intellectual Property Organization (WIPO).

Filings: National vs. Hague



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Design First Office Action Pendency

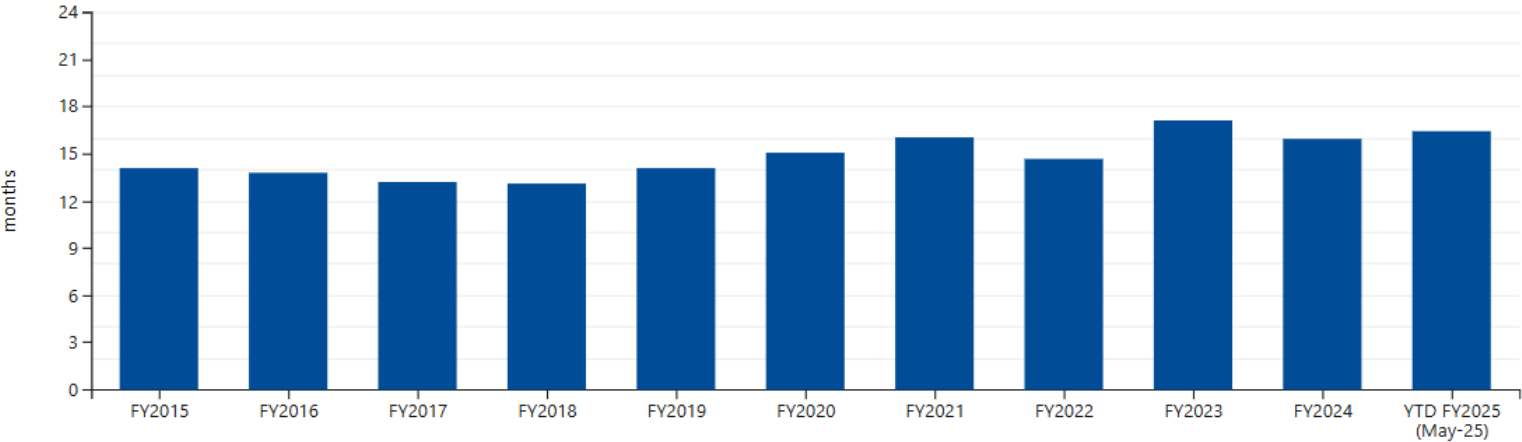
Design First Office Action pendency is the average number of months from the design application filing date to the date a First Office Action is mailed by the USPTO. The term "pendency" refers to the fact that the application is pending or awaiting a decision. This measure of Design First Office Action Pendency includes the time until a first action by the USPTO, as well as any time awaiting a reply from an applicant to submit all parts of their application. The design first action pendency number displayed, measured in months, is the average for all applications that have a First Office Action mailed over a three-month (one quarter) period.

Number of years to display

10

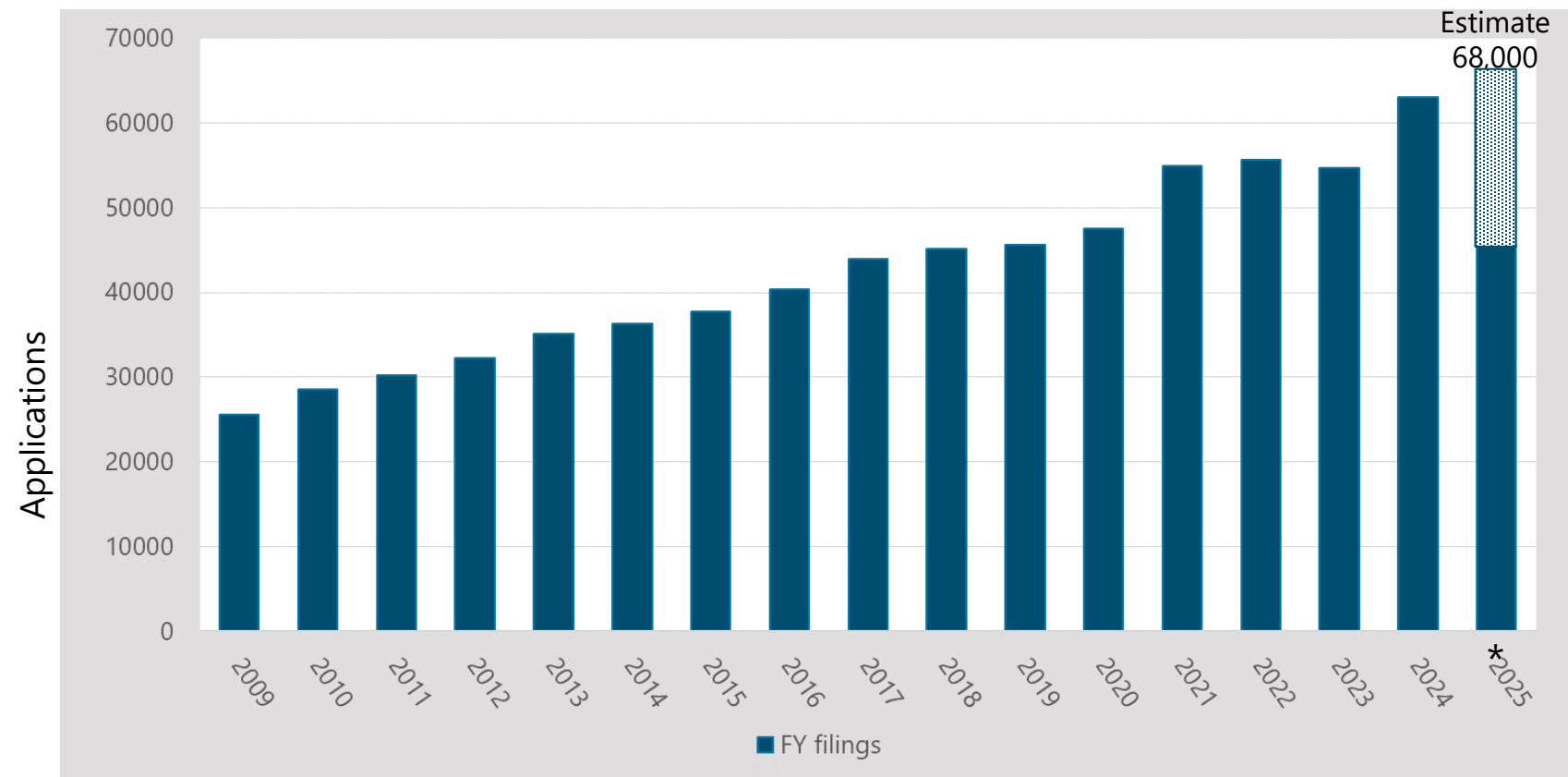
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Update



Date	Months
FY2021	16.1
FY2022	14.7
FY2023	17.1
FY2024	16
YTD FY2025 (May-25)	16.5

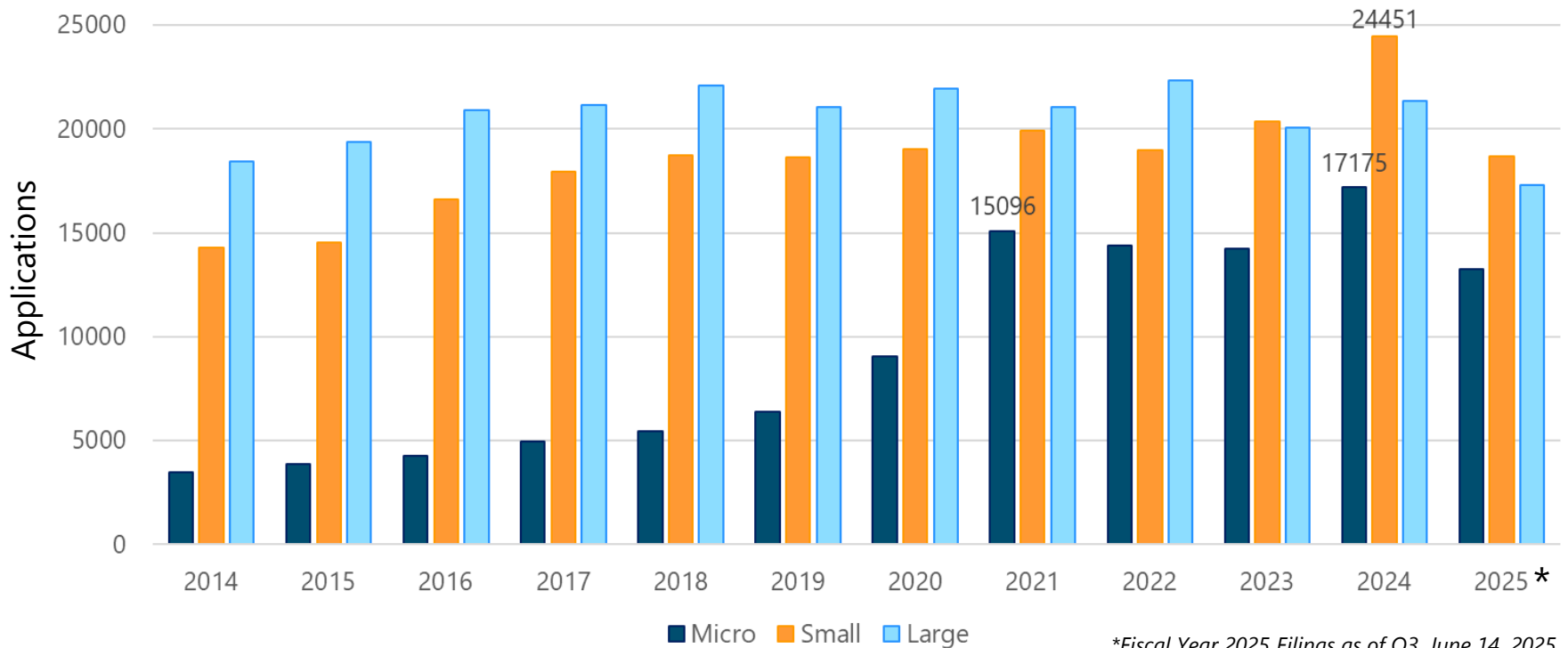
Design filings



**Estimated Fiscal Year 2025 Filings*

Filings by entity status

Micro entity status filings has shown a gradual increase over time since it's inception, reaching record levels in FY 2024.

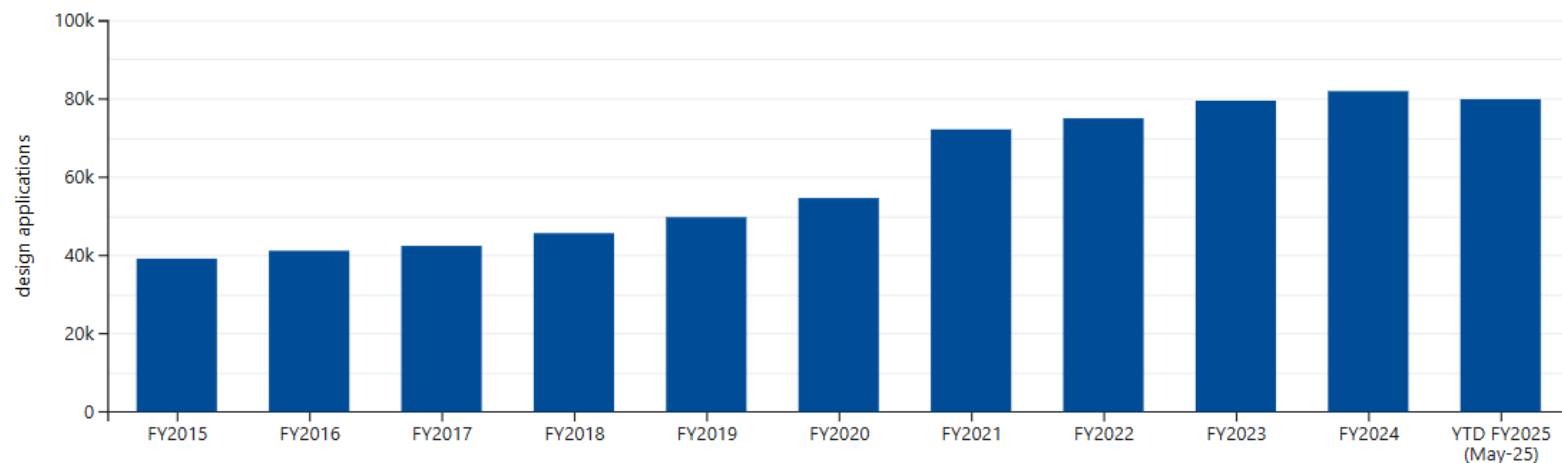


Design Unexamined Application Inventory

The unexamined patent application inventory is the number of new Design applications in the pipeline at any given time which are awaiting a First Office Action by the patent examiner. Hague, continuation, continuation-in-part, and divisional applications are included in the total.

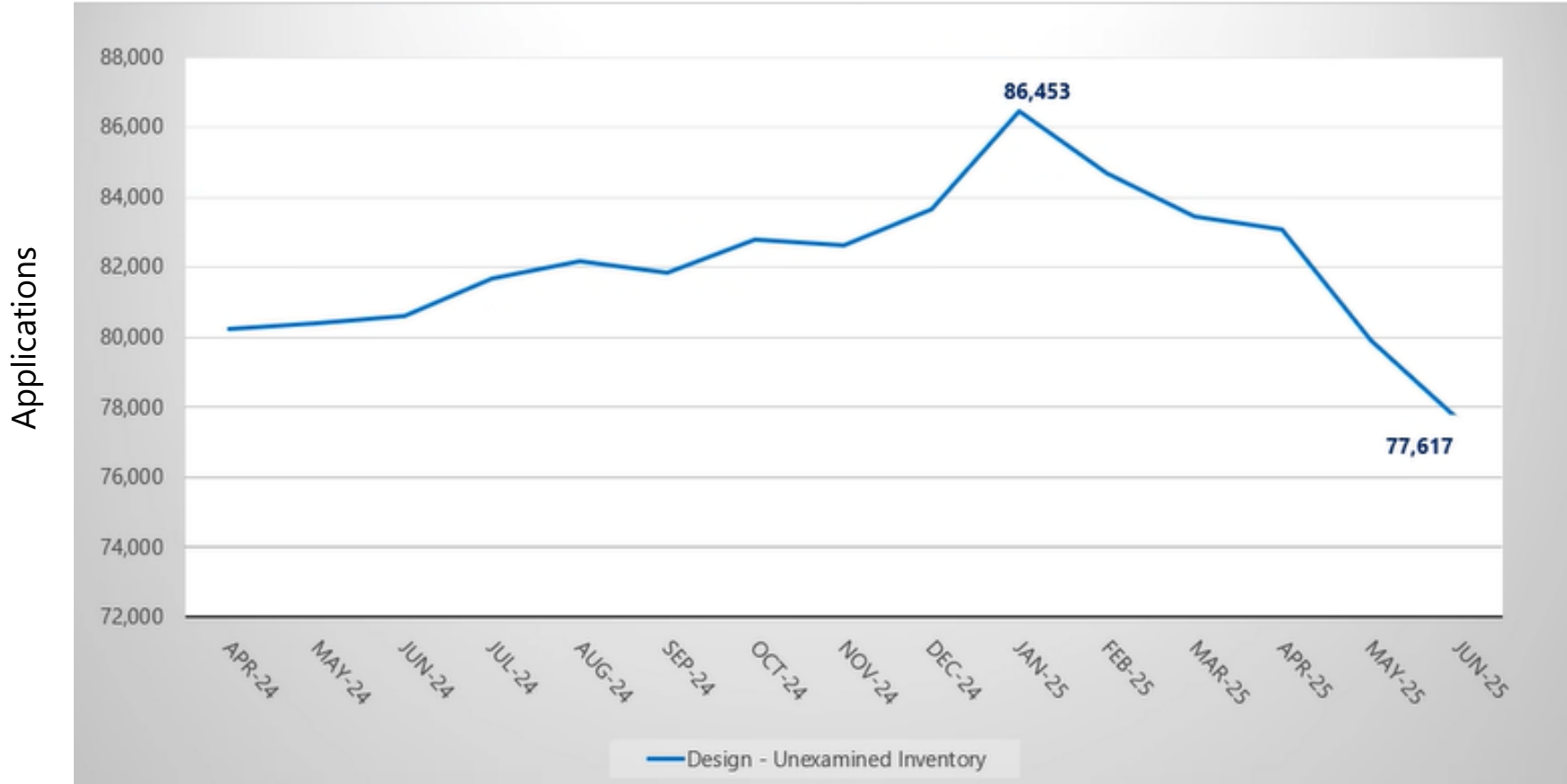
Effective October FY21, Hague applications are included in the Unexamined Inventory totals.

Number of years to display [Update](#)



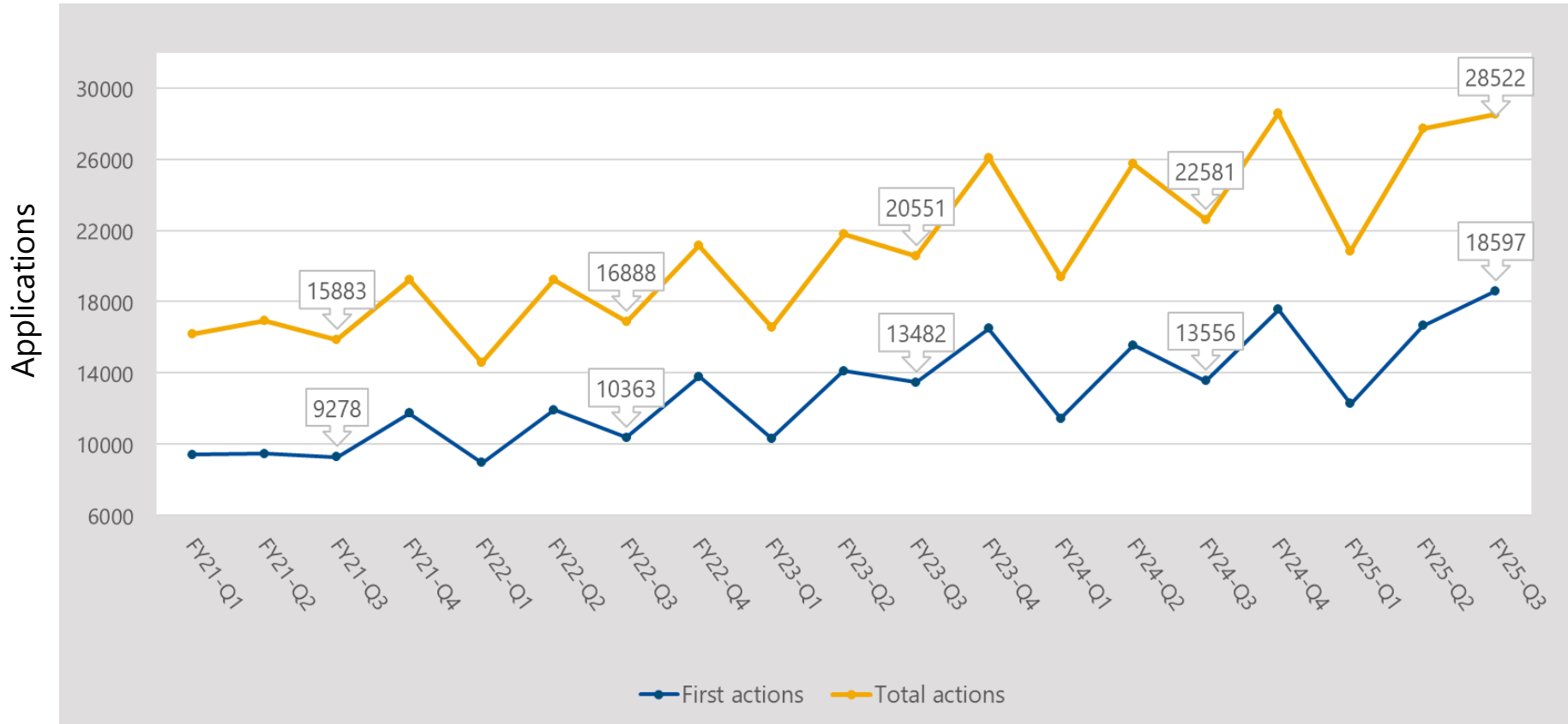
Date	Design applications
FY2021	72,313
FY2022	74,955
FY2023	79,696
FY2024	81,839
YTD FY2025 (May-25)	79,887

Design unexamined inventory



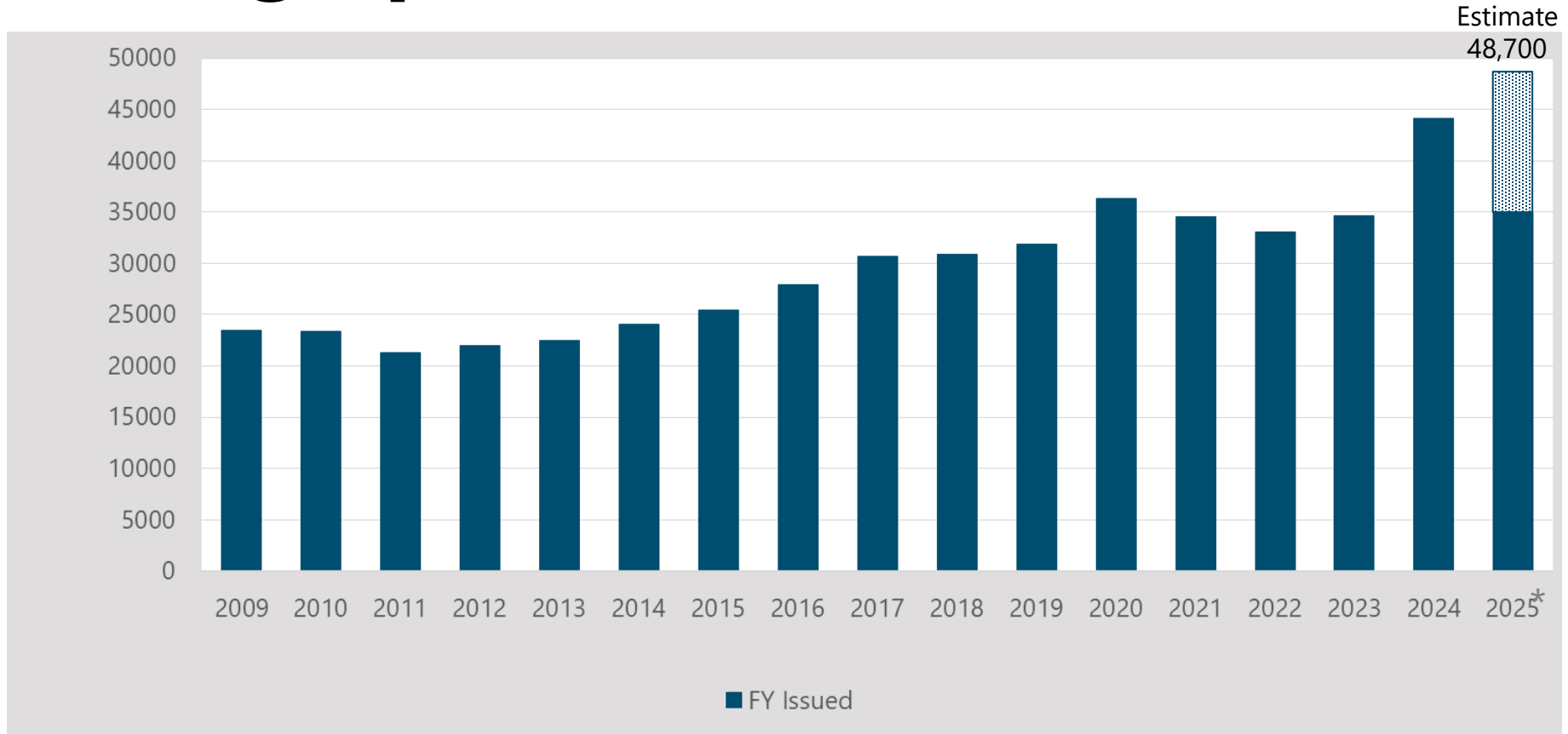
**Fiscal Year 2025 unexamined inventory as of Q3, June 14, 2025*

First action and total actions



*Fiscal Year 2025 as of Q3, June 14, 2025

Design patents issued

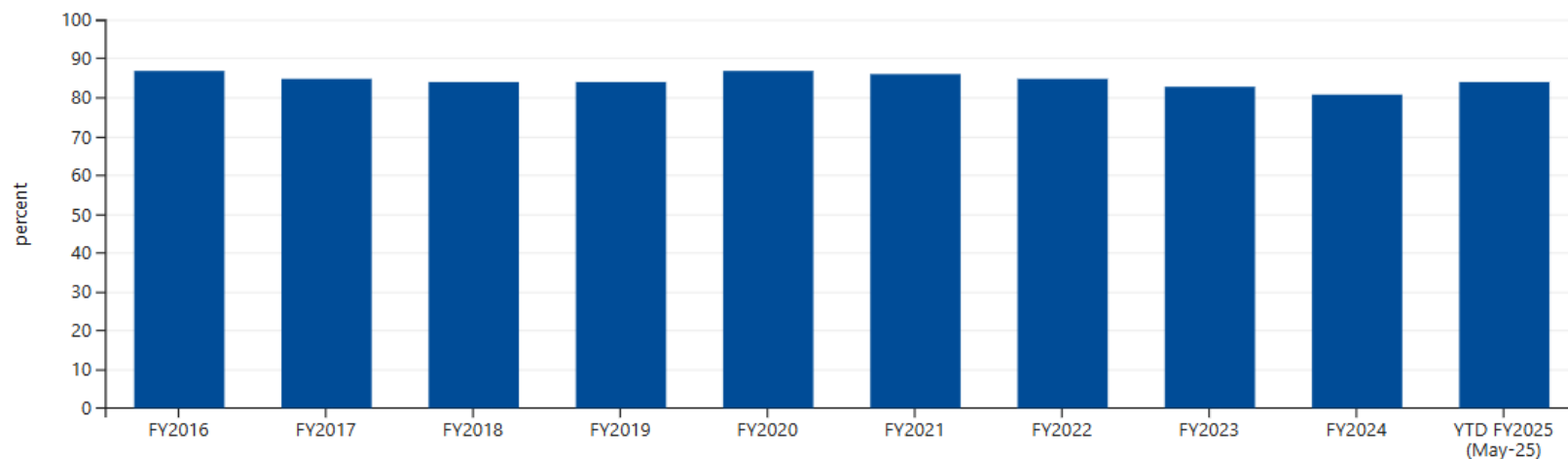


**Estimated Fiscal Year 2025 Patents Issued*

Design Allowance Rate

Allowed design applications are applications that have been examined by USPTO design examiners and determined to be eligible for a design patent. The allowance rate, or percent allowed, is calculated by dividing the number of design applications allowed by the number of design applications disposed in the current fiscal year. The allowance rate includes the abandonments for requests for continued prosecution application (CPAs) in the disposals.

Number of years to display [Update](#)



Date	Percent
FY2021	86%
FY2022	85%
FY2023	83%
FY2024	81%
YTD FY2025 (May-25)	84%

Yearly Hague applications

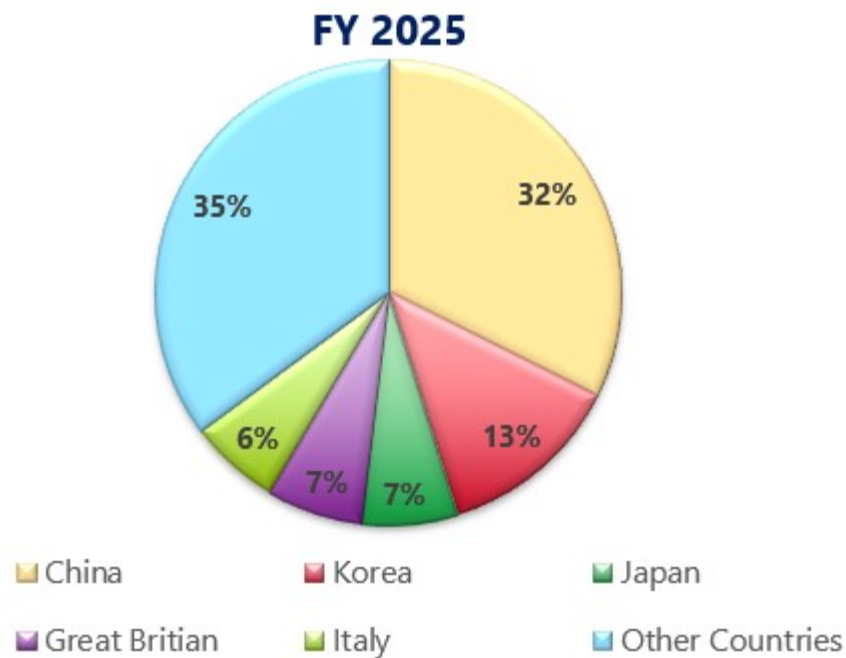
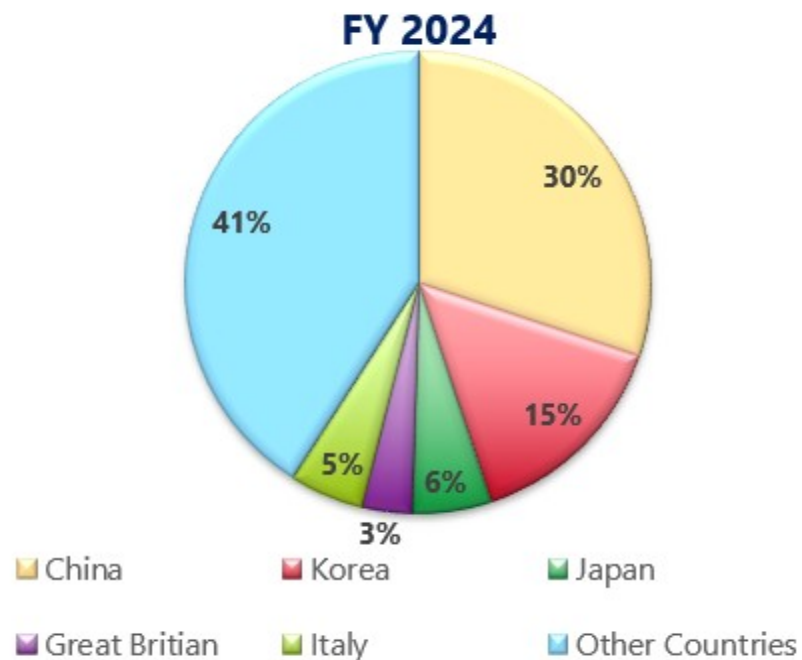
Fiscal year	Number of applications received by USPTO
2025	2,980*
2024	4,032
2023	3,197
2022	2,705
2021	2,248
2020	2,988

**Fiscal Year 2025 Hague Filings as of Q3, June 14, 2025*



Design - Hague application filings

% of filings by country FY 2024 vs. FY 2025



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Recent happenings in Designs

- Rocket Docket program ending
 - Other avenues for expedited examination available (Accelerated Examination)
- Emerging technologies
- Launch of an image-based search tool for patent examiners

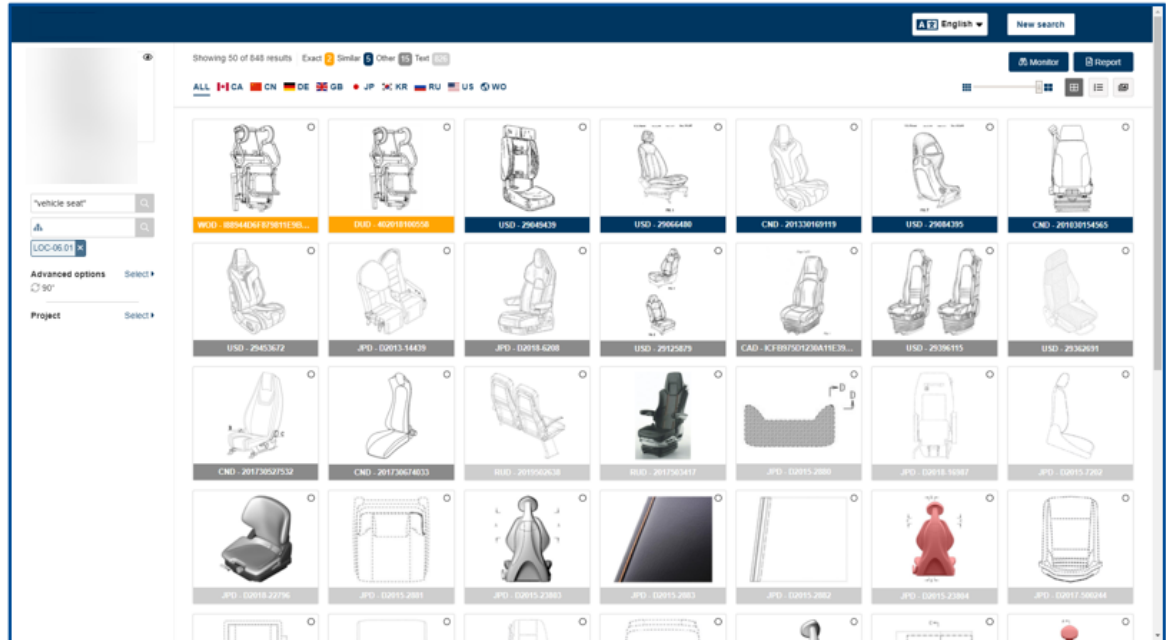
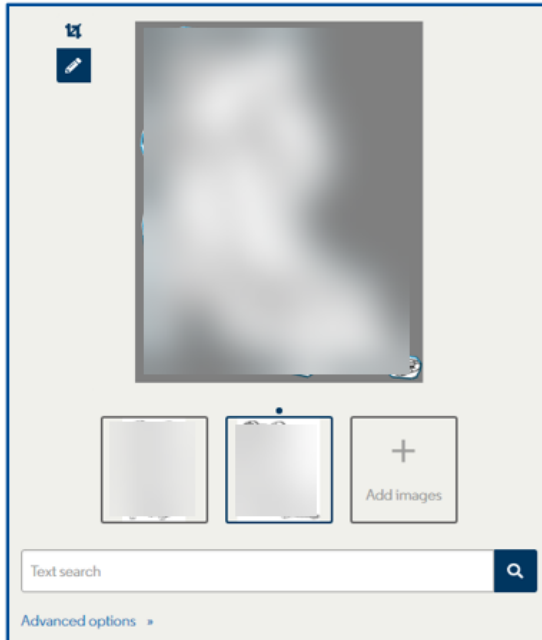
The path to an image search tool

- Issued Request For Information (RFI) in September 2018
- Launched pilot in February 2020
- Conducted additional market research
- Awarded Contract in February 2024

Image search tool: DesignVision

- Design Supervisory Patent Examiners pilot began in November 2024
- Training for design examiners starts mid July 2025
- Public notice forthcoming
- Launch October 1, 2025

DesignVision example



Design Patent Practitioner Bar

- Final Rule titled “Representation of Others in Design Patent Matters Before the United States Patent and Trademark Office” was published on November 16, 2023, implementing the creation of a design patent practitioner bar. (88 FR 78644).
- Final Rule became effective January 2, 2024.



Design Patent Practitioners

- Design patent practitioners may practice in design patent matters only.
- The design patent practitioner bar does not impact the ability of those already registered and does not impact the ability of applicants who meet the current (utility) criteria, to practice in any patent matters, including design patent matters.

References

[Design patent examiner materials and resources | USPTO](#)

[Design | Patents Dashboard | USPTO](#)

[Supplemental Guidance for Examination of Design Patent Applications Related to Computer-generated Electronic Images, Including Computer-generated Icons and Graphical User Interfaces](#) - Federal Register notice November 17, 2023

[USPTO fee schedule | USPTO](#)

[Hague System – The International Design System](#)

[Design Patent Practitioner Flyer](#)



Appendix



UNITED STATES
PATENT AND TRADEMARK OFFICE ®

Design filings by class

CLASS	2021	2022	2023	2024	* 2025*	CLASS NAME
D14	4768	5725	4309	4458	4338	RECORDING, COMMUNICATION, OR INFORMATION RETRIEVAL EQUIPMENT
D06	2515	2576	2567	2942	3419	FURNISHINGS
D21	2173	2203	2168	2882	2911	GAMES, TOYS, AND SPORTS GOODS
D24	2654	2403	2190	2419	2590	MEDICAL AND LABORATORY EQUIPMENT
D12	2351	2726	2446	2644	2474	TRANSPORTATION
D23	1947	1859	1874	2109	2381	ENVIRONMENTAL HEATING AND COOLING; FLUID HANDLING AND SANITARY EQUIPMENT
D07	2067	2167	2017	2427	2346	EQUIPMENT FOR PREPARING OR SERVING FOOD OR DRINK NOT ELSEWHERE SPECIFIED
D08	1625	1815	1714	1937	2173	TOOLS AND HARDWARE
D26	2180	2077	1938	2157	2102	LIGHTING
D02	1960	1985	1956	2215	2053	APPAREL AND HABERDASHERY
D13	1693	1706	2049	2216	2047	EQUIPMENT FOR PRODUCTION, DISTRIBUTION, OR TRANSFORMATION OF ENERGY
D03	1179	1255	1148	1408	1467	TRAVEL GOODS AND PERSONAL BELONGINGS
D09	1310	1160	1127	1293	1164	PACKAGES AND CONTAINERS FOR GOODS
D28	772	669	738	1034	1094	COSMETIC PRODUCTS AND TOILET ARTICLES
D15	1007	1112	963	1166	1084	MACHINES NOT ELSEWHERE SPECIFIED
D30	632	749	864	1105	1073	ANIMAL HUSBANDRY
D16	876	731	769	918	1042	PHOTOGRAPHY AND OPTICAL EQUIPMENT
D10	947	1017	906	1020	1001	MEASURING, TESTING, OR SIGNALLING INSTRUMENTS (1) (2)

**Fiscal Year 2025 Filings as of Q3, June 14, 2025*

Design filings by class continued

CLASS	2021	2022	2023	2024	2025 *	CLASS NAME
D11	855	795	820	966	885	JEWELRY, SYMBOLIC INSIGNIA, AND ORNAMENTS
D32	449	580	587	756	884	WASHING, CLEANING, OR DRYING MACHINE
D25	556	540	576	630	683	BUILDING UNITS AND CONSTRUCTION ELEMENTS
D22	461	475	455	567	542	ARMS, PYROTECHNICS, HUNTING AND FISHING EQUIPMENT
D04	312	313	290	410	453	BRUSHWARE
D34	260	256	304	380	379	MATERIAL OR ARTICLE HANDLING EQUIPMENT
D19	379	461	289	247	286	OFFICE SUPPLIES; ARTISTS' AND TEACHERS' MATERIALS
D27	300	376	377	377	284	TOBACCO AND SMOKERS' SUPPLIES
D29	248	196	197	232	246	EQUIPMENT FOR SAFETY, PROTECTION, AND RESCUE (1)
D99	241	159	92	125	239	MISCELLANEOUS
D18	157	171	164	193	167	PRINTING AND OFFICE MACHINERY
D01	321	102	105	100	124	EDIBLE PRODUCTS
D20	198	138	118	131	122	SALES AND ADVERTISING EQUIPMENT
D17	113	98	89	90	109	MUSICAL INSTRUMENTS
D05	84	69	62	89	51	TEXTILE OR PAPER YARD GOODS; SHEET MATERIAL

**Fiscal Year 2025 Filings as of Q3, June 14, 2025*

