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**DEPARTMENT OF COMMERCE**

**Patent and Trademark Office**

**[Docket No. PTO-C-2025-0018]**

**Request for Comments on the World Intellectual Property Organization Riyadh Design Law Treaty**

**AGENCY:** United States Patent and Trademark Office, Department of Commerce.

**ACTION:** Request for comments.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) requests input from all interested parties on the World Intellectual Property Organization (WIPO) Riyadh Design Law Treaty (RDLT) adopted by WIPO Member States in Riyadh, Saudi Arabia on November 22, 2024. In particular, the USPTO welcomes written comments on whether the United States should become a party to the RDLT and any impacts from doing so. The provisions of the RDLT pertain generally to formalities associated with applications for the protection of industrial designs, and more specifically to streamlining the global system for protecting designs and helping designers to more easily obtain protection for their designs – both in home markets and abroad.

**DATES:** Written comments must be received on or before **[INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

**ADDRESSES:** For reasons of government efficiency, comments should be submitted through the Federal eRulemaking Portal at <https://www.regulations.gov>. To submit comments via the portal, enter docket number PTO-C-2025-0018 on the homepage and select “Search.” The site will provide a search results page listing all documents

associated with this docket. Find a reference to this request for information and select the “Comment” button, complete the required fields, and enter or attach your comments.

Attachments to electronic comments will be accepted in ADOBE® portable document format or MICROSOFT WORD® format. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included.

Visit the Federal eRulemaking Portal ([www.regulations.gov](http://www.regulations.gov)) for additional instructions on providing comments via the portal. If electronic submission of comments is not feasible due to a lack of access to a computer and/or the internet, please submit comments by First-Class Mail or Priority Mail to: Keith M. Mullervy, Patent Attorney, Mail Stop OPIA, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

**FOR FURTHER INFORMATION CONTACT:** Keith M. Mullervy, Patent Attorney, Office of Policy and International Affairs (OPIA), at 571-272-7079.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

WIPO is a specialized United Nations agency based in Geneva, Switzerland, that focuses on the promotion and protection of intellectual property worldwide. The WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) is a forum where WIPO Member States<sup>1</sup> and accredited observers facilitate coordination and provide guidance on the development of international law on trademarks, industrial designs, and geographical indications, including the harmonization

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<sup>1</sup> WIPO currently has 194 Member States. <https://www.wipo.int/members/en/>

of national laws and procedures. Within the U.S. Government, the USPTO, based on authority delegated by the U.S. Department of State, takes the lead in the WIPO SCT among other Federal agencies and coordinates and develops U.S. positions on issues before the WIPO SCT.

At its Fifty-Fifth (30th Extraordinary) Session, held in Geneva on July 14-22, 2022, the WIPO General Assembly decided to convene a diplomatic conference to conclude and adopt a Design Law Treaty. The diplomatic conference occurred on November 11–22, 2024, in Riyadh, Saudi Arabia. On November 22, 2024, WIPO Member States adopted the RDLT. The text of the RDLT is different in several respects from the draft text that served as the starting point for negotiations at the diplomatic conference. The draft text included draft Articles (known as the “Basic Proposal for the Design Law Treaty (DLT)”), [https://www.wipo.int/edocs/mdocs/sct/en/dlt\\_dc/dlt\\_dc\\_3.pdf](https://www.wipo.int/edocs/mdocs/sct/en/dlt_dc/dlt_dc_3.pdf)) and draft Regulations (known as the “Basic Proposal for the Regulations under the Design Law Treaty (DLT)”), [https://www.wipo.int/edocs/mdocs/sct/en/dlt\\_dc/dlt\\_dc\\_4.pdf](https://www.wipo.int/edocs/mdocs/sct/en/dlt_dc/dlt_dc_4.pdf)). On March 27, 2024, following a Special Session and Preparatory Committee meeting of the SCT, the USPTO requested comments on the Basic Proposal for the DLT and the Basic Proposal for the Regulations under the DLT. *See* Notice and Request for Comments, WIPO Diplomatic Conference on the Design Law Treaty, <https://www.federalregister.gov/documents/2024/03/27/2024-06390/wipo-diplomatic-conference-on-the-design-law-treaty>. Comments received by the USPTO helped inform positions taken by the United States at the diplomatic conference.

The provisions of the RDLT pertain generally to formalities associated with applications for the protection of industrial designs, and more specifically to streamlining the global system for protecting designs and helping designers to more easily obtain protection for their designs – both in home markets and abroad. Similar treaties also exist in the area of patents (Patent Law Treaty of 2000) and trademarks (Trademark Law Treaty of 1994 and Singapore Treaty on the Law of Trademarks of 2006).

Article 4 of the RDLT establishes a closed list of elements that a Contracting Party may require in an industrial design application, such as the name and address of an applicant, the name and address of an applicant’s representative (if any), a representation of the industrial design, etc. The closed list outlines the maximum permissible set of required elements and Contracting Parties are prohibited from requiring additional elements not contained in this closed list. Based on this maximum list of elements, an applicant who wishes to file an industrial application knows exactly what elements may be required by Contracting Parties.

Article 6 specifies a list of requirements that may be established by a Contracting Party for the purpose of according a filing date of an industrial design application. This provision establishes a minimal list of filing date requirements, only including requirements that are needed for an Office of a Contracting Party to properly determine “who” filed “what.”

Article 7 mandates Contracting Parties provide for a 12-month grace period that provides industrial design applicants an opportunity to evaluate the value of the industrial design without worrying that a disclosure of the industrial design, whether intentional or inadvertent, will prevent registration of the design.

Articles 14, 15, and 16 provide applicants the ability to cure certain procedural errors or missed deadlines. These relief measures are critical to making the global industrial design system more applicant-friendly, providing flexibility, and mitigating the consequences of errors or mistakes in the application process. Without relief measures, missing a deadline in the application process could result in an inadvertent loss of rights, which, in the case of industrial designs, can be irreparable.

Article 31 permits reservations on certain provisions of the RDLT, including certain exceptions to mandatory representation, grace period, deferred publication, restoration of priority right for a delayed subsequent application, and the prohibition of any recording conditions on rights a licensee may have regarding infringement proceedings. These reservations were included to reach consensus in adopting the RDLT and provide flexibility for Contracting Parties to tailor their implementation of their obligations to their national design systems. Generally, Contracting Parties wishing to make one or more declarations under the RDLT will do so through a declaration accompanying the instrument of ratification of, or accession to, the RDLT.

Among its 34 articles and 18 regulations, the RDLT covers several other topics, including, definitions, general principles, industrial design publication, electronic industrial design systems, and requirements for representation before an Office of a Contracting Party.

For additional context, the text of the RDLT can be found on the WIPO website at: [https://www.wipo.int/edocs/mdocs/sct/en/dlt\\_dc/dlt\\_dc\\_26.pdf](https://www.wipo.int/edocs/mdocs/sct/en/dlt_dc/dlt_dc_26.pdf).<sup>2</sup>

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<sup>2</sup> A corrigendum to the document containing the text of the RDLT can further be found at [https://www.wipo.int/edocs/mdocs/sct/en/dlt\\_dc/dlt\\_dc\\_26\\_corr.pdf](https://www.wipo.int/edocs/mdocs/sct/en/dlt_dc/dlt_dc_26_corr.pdf).

The RDLT was open for signature for one year after its adoption (i.e., up to November 21, 2025).<sup>3</sup> The act of signing does not make a Member State a party to or bound by the RDLT. Rather, signing qualifies the signatory Member State to proceed to ratification, acceptance, or approval and is a strong indication of intent to join the RDLT by the signatory Member State.<sup>4</sup> To become a party to the RDLT, a Member State must undertake a separate step of ratification or accession.<sup>5</sup> The United States is currently in the process of deciding whether it wishes to join the RDLT, and will evaluate all relevant information, including any responses to this notice and request for comment, as part of that process.

The RDLT will enter into force three months after it is ratified or acceded to by 15 eligible parties.<sup>6</sup> Thereafter, RDLT provisions will apply to any WIPO Member State that joins the RDLT (i.e., becomes a Contracting Party to the RDLT). This means, for example, that the RDLT's provisions will apply to all industrial design applications who file an industrial design application in an office of a Contracting Party, including those applicants who are nationals of, are domiciled in, or have businesses in, countries that have not ratified or acceded to the RDLT.

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<sup>3</sup> According to WIPO, as of November 14, 2025, 28 WIPO Member States have signed the RDLT: Albania, Bosnia and Herzegovina, Cabo Verde, Central African Republic, Congo, Costa Rica, Côte d'Ivoire, Democratic People's Republic of Korea, El Salvador, Gabon, Gambia, Ghana, Iceland, Indonesia, Lebanon, Morocco, Paraguay, Philippines, Republic of Moldova, Sao Tome and Principe, Saudi Arabia, Sudan, Switzerland, the United Kingdom, Uruguay, Uzbekistan, Zambia, and Zimbabwe.

<sup>4</sup> See, e.g., WIPO Press Release, *WIPO Member States Adopt Riyadh Design Law Treaty*, November 22, 2024 (available at [https://www.wipo.int/pressroom/en/articles/2024/article\\_0017.html](https://www.wipo.int/pressroom/en/articles/2024/article_0017.html)).

<sup>5</sup> See Riyadh Design Law Treaty, Articles 29–30.  
[https://www.wipo.int/edocs/mdocs/sct/en/dlt\\_dc/dlt\\_dc\\_26.pdf](https://www.wipo.int/edocs/mdocs/sct/en/dlt_dc/dlt_dc_26.pdf).

<sup>6</sup> According to WIPO, as of November 14, 2025, no WIPO Member States have ratified or acceded to the RDLT.

## **II. Substantive Guidance on Comments**

The USPTO welcomes any relevant written comments on the RDLT, particularly on the specific text of the RDLT.

The USPTO is particularly interested in responses to the questions below. However, commenters need not respond to every question and may provide relevant information even if it is not responsive to a particular question. Comments should be as detailed as possible and provide all necessary information to enable an objective assessment of the views expressed, including specific references to: laws, regulations, and policy statements; executive, presidential, or other orders; administrative, court or other determinations; and available data (and associated methodology) regarding purported and potential impacts of policy decisions. Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included.

1. In your view, should the United States become a party to the RDLT? In your response, please identify and explain your reasoning in detail, including legal and policy considerations.
2. In your view, please explain whether the RDLT is consistent with existing U.S. patent law. In your response, please explain your legal reasoning and identify the provision(s) of the RDLT that you view as consistent or inconsistent with U.S. patent law. Where possible, please identify the relevant U.S. law or regulation.
3. If, in your view, the RDLT is inconsistent with existing U.S. patent law, please identify and explain the change(s), if any, to U.S. patent law necessary for compliance with the RDLT. In doing so, please describe any impact(s) of adopting such changes. Where possible, please identify the relevant U.S. law or regulation.

4. In your view, please explain whether the RDLT is consistent with existing U.S. international obligations, including treaties, free trade agreements, and other binding international agreement(s). In your response, please explain your legal reasoning and identify any provision(s) of the RDLT that you view as consistent or inconsistent with specific U.S. international obligations. Where possible, please identify the specific U.S. international obligation.

5. If the United States does not become a party to the RDLT, please identify any RDLT provision(s) you believe should be incorporated into U.S. patent law. In your response, please explain the reason(s) for and any impact(s) of incorporating the identified provision(s) into U.S. patent law.

6. In your view, please identify and explain any impact(s) of implementing the RDLT in the United States on domestic and global innovation, including U.S. science and innovation leadership.

7. In your view, please identify and explain any impact(s) of implementing the RDLT in the United States on businesses, consumers, investors, and the economy, including whether the RDLT would make the United States safer, stronger, or more prosperous.

8. To the extent not already addressed in answering questions 6 and 7, in your view, please identify and explain any possible impact(s) of implementing one or more of the following provisions of the RDLT in the United States:

(a) industrial design application content requirements specified in Article 4 of the RDLT and Rules 2 and 3 of the Regulations under the RDLT;

(b) industrial design application filing date requirements specified in Article 6 of the RDLT and Rule 5 of the Regulations under the RDLT;

(c) grace period provisions regarding a disclosure of an industrial design specified in Article 7 of the RDLT; and

(d) relief measures specified in Articles 14, 15, and 16 of the RDLT, and Rules 10, 11, and 12 of the Regulations under the RDLT.

9. In your view, if the United States were to become a party to the RDLT, should the United States declare one or more reservations via the mechanism(s) identified in Article 31? If yes, please identify the one or more RDLT provisions that you believe the United States should declare a reservation for and the rationale for declaring the respective reservation. If no, please identify the rationale for declining to declare any reservations.

**John A. Squires,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

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