May 12, 2026

Honorable John A. Squires
Undersecretary of Commerce for Intellectual Property
Director, U.S. Patent and Trademark Office
600 Dulany Street
Alexandria, VA 22314

***Submitted Via:*** *https://www.regulations.gov*

**Re: Supplemental Guidance for Examination of Design Patent Applications Related to Computer-Generated Interfaces and Icons (Fed. Reg. Notice 2026-12394; Doc. No. PTO–P–2026–0133)**

Dear Director Squires:

The Intellectual Property Owners Association ("IPO") appreciates the opportunity to respond to the Supplemental Guidance for Examination of Design Patent Applications Related to Computer-Generated Interfaces and Icons, published March 13, 2026, in the Federal Register, Vol. 91, No. 49 (the "2026 Guidance").

IPO is an international trade association representing a wide array of stakeholders in all industries and fields of technology that own, or are interested in, intellectual property (IP) rights. IPO membership includes over 125 companies and spans over 30 countries. IPO advocates for effective and affordable IP ownership rights and offers a wide array of services, including supporting member interests relating to legislative and international issues; analyzing current IP issues; providing information and educational services; and disseminating information to the public on the importance of IP rights.

IPO applauds and fully supports the greater flexibility afforded to applicants in their pursuit of design patent protection for graphical user interfaces and icons as a result of the 2026 Guidance, and the clarifications included in the 2026 Guidance. The approach discussed in the 2026 Guidance provides a practical, predictable framework for presenting design patent applications directed to computer-generated interfaces and icons, and better accommodates the realities of modern graphical user interface design, in which graphical user interfaces are increasingly applied beyond a traditional display screen.

Prior to the 2026 Guidance, design inventors in this space seeking design patent protection were constrained to operate under a requirement that they claim to have

invented a new "display screen [or portion thereof] with graphical user interface." IPO appreciates that the 2026 Guidance allows applicants flexibility to choose a more accurate title and claim, by allowing design inventors to now declare that they have invented a new and original "icon," "computer icon," "interface," "computer interface," "graphical user interface" "projected interface" "virtual reality interface," or "augmented reality interface," as long as they also tie their new invention to an article such as a computer display screen, a computer system, or a computer (*e.g.*, "virtual reality interface *for* a computer").

IPO also appreciates the removal of the requirement to show a display screen in the drawings for a design patent application directed to a computer-generated graphical interface or icon. This change provides applicants with greater consistency between the requirements of the USPTO and those of other intellectual property offices. It will benefit U.S. applicants by better positioning their first-filed U.S. design applications to serve as effective priority applications to secure rights both in the United States and in other jurisdictions.

IPO offers a few suggestions, which it hopes will be helpful. IPO suggests deletion of the word "quickly" from the definition of "icon" in part D. (1)(c) of the 2026 Guidance. The inclusion of the word "quickly" poses a risk of the 2026 Guidance being interpreted as introducing a temporal requirement when considering whether a design is considered an icon for purposes of assessing compliance with 35 U.S.C. 171. To the extent an adverb is desired here, IPO suggests a word like "easily" or "readily" that does not include a temporal component.

IPO also suggests "access and interact with various items on their computer display" be replaced with "access and interact with a computer, computer display, or computer system" in the definition of "icon" in part D. (1)(c). The inclusion of the word "their" before "computer display" suggests that a user must own, or at least possess, the computer display on which the icon is visible, but the article of manufacture requirement does not require a user's ownership or possession of a computer display to comply with 35 U.S.C. 171. And replacing "computer display" with the full complement of "computer, computer display, or computer system" would be more consistent with the rest of the guidance.

In addition, IPO suggests removing the legend "FIG. 1" from the single drawing view in Example 12. *See* 37 C.F.R. 1.84(u)(1) ("Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation 'FIG.' must not appear.").

IPO expresses its thanks to the USPTO for its attention to these comments. It welcomes further dialogue and opportunity to provide additional comments.

Sincerely,

John J. Cheek
President