June 11, 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: Request for Comments on the World Intellectual Property Organization Riyadh Design Law Treaty (Fed. Reg. Notice 2026-12405; Docket No. PTO–C–2025–0018)

Dear Director Squires:

The Intellectual Property Owners Association (IPO) appreciates the opportunity to respond to the Request for Comments on the World Intellectual Property Organization Riyadh Design Law Treaty, published March 13, 2026, in the Federal Register, Vol. 91, No. 49.

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.

The Request for Comments broadly asks whether the U.S. should become a party to the Riyadh Design Law Treaty ("RDLT") and seeks comments on any impacts from doing so. IPO strongly supports the U.S. becoming a party to the RDLT. The RDLT reflects a sophisticated, straightforward approach to design protection, is consistent with U.S. law and practice, and would help to set a clear international standard for other jurisdictions. The alignment of the RDLT with U.S. law is no surprise, given the careful and intensive work of the U.S. delegation before and during the Riyadh diplomatic conference that resulted in the RDLT. IPO understands that the USPTO's Office of Policy and International Affairs helped spearhead U.S. participation and expresses its gratitude to all of those who led the charge (sometimes well into the early hours of the morning).

Globally, design law is less harmonized than utility patent law, which can lead to costly friction, delay, and inconsistencies in how designs can be protected. For example, unlike jurisdictions such as the U.S., European Union, Japan, Korea, and United Kingdom, some jurisdictions still apply an absolute novelty standard, with no practical grace period. Other jurisdictions impose onerous and inconsistent timing, documentation, and legalization requirements, which can create risks to the viability of the application. The RDLT includes provisions that harmonize and simplify design practice, and with enough support (including—crucially—from the U.S.), IPO expects it to become an international standard to guide improvement even in jurisdictions that do not immediately accede.

Joining the RDLT is an opportunity for the U.S. to continue its leadership in advancing leading IP-protection practices globally and to establish its core design practices (which are largely reflected in the RDLT) as the international standard.

The RDLT is consistent with existing U.S. design and patent law. In particular, of the Articles that the Request specifically called out:

Article 4 establishes a closed list of maximum elements that a Contracting Party may require in an industrial design application. Current U.S. law and practice does not require more.

Article 4(2) allows Contracting Parties to optionally require disclosure of information "relevant to the eligibility for registration of the industrial design" under certain circumstances. This information may include "information on traditional cultural expressions and traditional knowledge" (collectively, "TCE/TK").

As a threshold matter, IPO continues to oppose special TCE/TK disclosure requirements. Such requirements do not further the goals of ensuring prior informed consent for access to TCE/TK, or fair and equitable benefit sharing. *See* IPO Response to Request for Comments on Negotiations at the World Intellectual Property Organization (WIPO) Regarding a Proposed Design Law Treaty (DLT); Docket No. PTO-C-2024-0008.

However, the TCE/TK provision in the RDLT is optional, not required, and therefore is much better aligned with the rest of Article 4 and the general theme of the RDLT as removing rather than imposing additional requirements on applicants. The U.S. need not and, in IPO's view should not, make any particular change or accommodation to its law or practice in view of this provision. Since the provision is optional, however, it does not impose an obstacle to the U.S. becoming a party to the RDLT.

Article 6 specifies a list of requirements that may be established by a Contracting Party for the purpose of according a filing date. Current U.S. law and practice does

not require more. However, the U.S. should exercise § 2(b) of Article 6 to notify the Director General of its requirement under 37 C.F.R. § 1.53 for a claim.

Article 7 mandates Contracting Parties provide for a robust 12-month grace period. The U.S. grace period established in 35 U.S.C. § 102(b)(1) is consistent with this Article. A robust 12-month grace period should be the international standard.

Articles 14, 15, and 16 provide applicants the ability to cure certain procedural errors or missed deadlines. U.S. law and practice is consistent with these Articles. For example, its extension of time practice under 37 C.F.R. § 1.136(a) is consistent with Article 14, its revival practice under 37 C.F.R. § 1.137 is consistent with Article 15, and its procedures and timing requirements for claiming priority under § 1.55(b) and restoring priority under 37 C.F.R. § 1.55(c) are consistent with Article 16.

Article 31 permits reservations on certain provisions of the RDLT. Because U.S. law is consistent with the RDLT, IPO believes that a reservation is not necessary, and that the U.S. should not declare any reservations. Declining to declare any reservations may encourage other jurisdictions to join without reservations too, which would help increase global harmony and efficiency. This is particularly important with regard to China, which could join the RDLT while continuing as an absolute novelty jurisdiction (because it has no practical grace period) by taking a reservation with regard to Article 7.

Article 10 also bears mention. This article (in combination with Rule 6 of the Regulations) requires that a Contracting Party allow a design to remain unpublished for at least six months from its filing date. The U.S. does not publish design applications before they grant as patents and it has no formal mechanism for requesting delayed publication of a granted patent. But given the substantive examination that U.S. design patents go through (including notification prior to publication at issuance), and a current average time to first action that exceeds 12 months, it would be highly unusual for a design application to grant and publish within six months of its filing date.

Even so, the applicant has functional control of the timing of grant and publication through various mechanisms, such as the timing of paying the application fees or issue fee. As a practical example, if an applicant desires to ensure that its application is not published within six months of filing, the applicant can file the application without paying fees, which will trigger a Notice to File Missing Parts, to which the applicant can take up to seven months to respond (two months for free, plus five more through extensions of time under 37 C.F.R. § 1.136(a)). This does cost the applicant money, but Article 10 expressly contemplates a fee for delaying publication.

IPO encourages the U.S. to join the RDLT. Failing to do so would be a missed opportunity to strengthen U.S. global leadership in a crucial area of IP protection and development. Joining and supporting the RDLT would add clout to U.S. efforts to encourage other countries to effectively protect intellectual property, by supporting a bona fide *international* standard that aligns with U.S. interests.

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