

Insights: Alerts

What the New Riyadh Design Law Treaty Means for Product Innovators

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The Riyadh Design Law Treaty is providing an update for the international design industry that may make life easier for global brand owners. This recently adopted treaty aims to standardize design filing rules worldwide to reduce unpredictability in multi-jurisdictional filings.

Below are several key strategic takeaways from the final treaty text:

1. Reducing the Risk of the "Absolute Novelty Trap"

In many jurisdictions, design protection operates under a strict novelty standard where public disclosure before filing can jeopardize design rights.

The Treaty Shift: Article 7 requires contracting parties to provide a 12-month grace period following disclosure by a creator. This grants applicants greater flexibility to introduce products to the market before filing. However, because the treaty permits certain reservations under Article 31(2) and does not apply in non-member jurisdictions, applicants must continue evaluating filing strategies on a country-by-country basis.

2. A Closed List of Formalities

Historically, foreign intellectual property offices have imposed unique localized procedural requirements, creating additional costs, delay, and uncertainty.

The Treaty Shift: Article 4 establishes a standardized framework for application contents. Article 4(3) limits contracting parties to the application requirements expressly permitted under the treaty, preventing jurisdiction-specific filing hurdles. Additionally, Article 6 harmonizes minimum requirements necessary to secure a filing date, reducing the risk of losing priority due to missing formal documentation.

3. Cost Relief Through Multi-Design Applications

For companies launching product families or design variants, filing separate applications for each design generates substantial administrative and filing costs.

The Treaty Shift: Article 4(4) and Rule 2 permits applicants to include more than one industrial design from the same Locarno classification in a single application, subject to national unity laws. Furthermore, Article 9 provides an important safeguard: if an application must be divided, the resulting divisional applications retain the original filing date and priority benefits, protecting applicant rights while respecting national examination practices.

4. Operational Relief: Ending Legalization and Apostilles

Obtaining notarizations, consular legalizations, or apostilles for routine foreign filing documents has long been a persistent administrative burden.

The Treaty Shift: Article 12(4)(b) prohibits contracting parties from requiring consular legalization, notarization,

or apostilles for standard signature documents submitted on paper. Article 12(2)(c) similarly bans authentication requirements relating to document translations. Combined with Article 25's standardized WIPO Model International Forms, these provisions will meaningfully reduce cross-border filing costs.

5. Embracing Digital Design Representations

Traditional systems rely on static drawings that struggle to capture modern digital products or animated graphical interfaces.

The Treaty Shift: While Article 11 encourages electronic filing systems, Article 4(1)(a)(v) paths representation requirements directly to the treaty's Regulations. Under Rule 3, the treaty expressly permits contracting parties to accept modern formats, including three-dimensional views and video files, where supported by the receiving office.

The Road Ahead

For many U.S. applicants, the transition may be straightforward. Existing U.S. practice already shares some key features reflected in the treaty framework, including a 12-month grace period and mechanisms for restoring delayed actions. However, certain USPTO restrictions, particularly limitations on multi-design filings and advanced digital formats, may require review upon ultimate U.S. ratification to meet the expansion goals of the treaty. Brand owners should monitor these implementation efforts to optimize international filing strategies.

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