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Patently Enabled August 2026 - Design Patents Beyond the Display: Digital and Immersive Interfaces Under the USPTO's 2026 Guidance

Key Takeaways

- Effective March 13, a design applicant is no longer required to depict a physical display screen in the drawings, provided the title and claim make clear that the design is “for” a computer, computer display, or computer system.
- Design patent protection now expressly extends to projected, holographic, and virtual or augmented reality interfaces, provided the design is tied to an article of manufacture and is more than a transient, disembodied image.
- The guidance applies to pending and newly filed applications alike.

A design patent protects the way an article looks. Under 35 U.S.C. Section 171, protection is available for any “new, original and ornamental design for an *article of manufacture*” (emphasis added). For decades, that final phrase created a persistent problem for digital designs: A graphical user interface (GUI) or icon is not itself a physical article. To satisfy Section 171, applicants were required to depict a display screen or panel in the drawings, typically in broken lines, so that the claimed design remained anchored to a tangible article.

Consider a medical device company that develops a surgical guidance interface displayed not on a monitor but through an augmented reality headset or projected directly onto the operative field. Under prior practice, the company faced a dilemma where the USPTO expected drawings showing a display panel that, in reality, does not exist. Designs rendered as projections or holograms, unmoored from any screen, sat uneasily within the drawing conventions and invited rejections under Section 171.

That changed on March 13 when the USPTO issued supplemental examination guidance, effective immediately and applicable to all design applications pending or later filed. First, **an applicant is no longer required to depict a physical display panel in the drawings**, provided the title and claim make clear that the design is applied to an article that generates it. Phrasings such as “graphical user interface for a computer,” “icon for a computer display screen,” or “projected interface for a computer” suffice; the preposition “for” signals that the design is embodied in an article of manufacture rather than existing as a free-floating image.

Second, **the guidance recognizes projections, holograms, and virtual and augmented reality interfaces as eligible design subject matter**, even where the appearance of the design is separate from the computer or display that generates it. The tether to an article of manufacture remains essential, as the design must be more than a “transient or disembodied” picture or three-dimensional image.

The guidance modernizes examination practice, but it does not amend the statute. Indeed, because the USPTO issued it as an examination guidance rather than as substantive rulemaking, it does not carry the force of law; rather, the USPTO published it for public comment and will incorporate it into the MPEP in due course. The article of manufacture requirement endures, and a claim to a stand-alone image with no connection to a device will still fail under Section 171. Nor does the guidance alter the fundamentals of design practice: The drawings continue to define the scope of the single permitted claim, with solid lines showing what is claimed and broken lines showing environment or unclaimed subject matter.

For applicants, the practical steps are concrete. Pending applications rejected under Section 171 for failure to show a display screen should be reviewed; in many cases, an amendment to the title or claim may resolve the rejection, though care is needed to avoid introducing new matter where the original disclosure showed no device at all. Companies building software, digital dashboards, or spatial computing products should revisit legacy drawing templates, which may claim more narrowly than the guidance now allows, and consider protection for interface designs that are not confined to a traditional screen.

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