

Design Patents for Industrial Products: Global Strategies and Practical Lessons

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Design patents are often associated with consumer products, sleek electronics, or fashion. But for many companies, especially those in industrial markets, design protection can be just as critical. A closer look at global design patent strategies in the United States, Europe, and China shows how these rights can be used effectively and what risks to watch for.

For manufacturers of industrial components, copying is a constant concern. Products that take years to develop can be replicated in a matter of minutes. In this environment, design patents offer a practical and efficient enforcement tool. Compared to utility patents, they are often faster to obtain and easier to enforce, particularly on online platforms, at trade shows, and through administrative procedures. Many infringers choose to withdraw or modify their products rather than engage in a prolonged legal challenge, making design patents a powerful deterrent.

That said, design patents come with important limitations, particularly when it comes to functionality. In the United States, a design must be ornamental to qualify for protection. While a product can include functional elements, the overall design cannot be primarily dictated by function. Courts may disregard purely functional aspects when assessing infringement, focusing instead on the ornamental features.

In Europe, the analysis takes a slightly different approach. Design protection does not extend to features that are solely dictated by technical function, and courts examine whether the designer had any real aesthetic choice. The availability of alternative designs may be considered, but it is not the deciding factor. Instead, the focus is on the overall circumstances and whether the design reflects creative freedom.

China follows a similar principle, requiring that a design relate to the aesthetic appearance of a product. Features driven purely by technical function are excluded from protection. However, China offers some flexibility by allowing protection for portions of a product and continues to evolve its system toward greater international alignment.

Real-world disputes highlight how these differences play out. In Europe, a design patent covering an industrial component used in plasma cutting equipment was initially invalidated because it was considered part of a complex product and not visible during normal use. On appeal, however, the decision was reversed. The appellate body found that the component did not form a permanent part of the larger product and could be replaced easily without disassembly. This distinction allowed the design to remain protected and underscores how nuanced these analyses can be.

In the United States, design patents have proven especially useful in combating online infringement. For example, when lower-cost knockoff products appeared on major e-commerce platforms, design patents enabled quick enforcement through platform reporting tools. While utility patents were also available, they often required more time and effort to assert. Design rights provided a faster path to removing infringing listings and limiting market harm.

An example in China demonstrates how robust a design patent can be. An accused

infringer attempted to invalidate an industrial design patent by relying on a figure from an earlier-filed utility patent for the same product as prior art. The figure was nearly identical to the design patent, but for a slightly different shape profile at one end of the product. Despite this challenge, the design patent was upheld as valid, and the infringer settled. This outcome highlights the resilience of design patents as well as the risks of overlapping intellectual property strategies and the need for thoughtful portfolio planning.

Taken together, these examples show that design patents are not just decorative tools. They are strategic assets that can provide meaningful protection for industrial products across multiple jurisdictions at a modest price. However, success depends on understanding the differences in legal standards, anticipating potential challenges, and using design rights in coordination with broader intellectual property strategies.

For companies operating globally, design patents can offer a practical and efficient way to protect innovation, deter copycats, and maintain a competitive edge in fast-moving markets.

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