

Protect Your Designs

A practical guide for Indian fashion creatives

Based on the Designs Act, 2000 and Copyright Act, 1957 (India)

Step 1: Register your design before you post

Registering your design is the single most important thing you can do. It is the only protection that holds up in court no matter how many copies someone makes.

What does registration actually do?

When you register a design, the law gives you exclusive rights to that design for 10 years (extendable by 5 more years). This means nobody else can legally copy, manufacture, sell, or import products with your design without your written permission.

Without registration, the Copyright Act has a trap: once someone manufactures more than 50 copies of your design, your copyright protection lapses automatically. This is what happened to Ritu Kumar in 2016. She had clear evidence BIBA copied her, but because her designs were unregistered, she lost in court.

What can you register?

The Designs Act protects the visual appearance of a product -- its shape, pattern, surface ornamentation, colour combination, or any combination of these. Think: the silhouette of a kurta, an embroidery pattern on a dupatta, the structural shape of a bag, the pattern on fabric.

Important: The design must be applied to a physical article. You cannot register a design in the abstract -- you register it as applied to a specific product (e.g. a printed pattern applied to a dupatta, not just the pattern on its own). It must also be new and not previously published anywhere in the world.

Which class to file under

India uses the Locarno Classification system -- 32 classes based on the type of product. You file in the class of the product your design is applied to. Each class requires a separate application and separate fee. For fashion creatives, the relevant classes are:

| Class | What it covers |
|----------|---|
| Class 02 | Clothing -- kurtas, sarees, lehengas, dupattas, coats, trousers, any garments |
| Class 03 | Bags, wallets, clutches, travel goods, parasols |
| Class 11 | Jewellery -- earrings, necklaces, bangles, rings |
| Class 05 | Textiles, woven and non-woven fabric pieces |
| Class 32 | Graphic symbols, logos, surface patterns (limited use) |

► **Check before filing:** If you design both a garment and the bag to go with it, you need two separate applications under Class 02 and Class 03. One registration only covers one class.

Government fee

| Who you are | Fee per application |
|--------------------------------|---------------------|
| Individual (natural person) | Rs 1,000 |
| Small entity (MSME registered) | Rs 2,000 |
| Company / other entity | Rs 4,000 |

Source: Designs Rules, 2001 (as amended 2014). Verified from official CGPDTM fee schedule.

How to file

1. Go to the official e-filing portal:
 - ipindiaonline.gov.in/eregister/eregister.aspx
2. Create an account and select Form 1 (new design application).
3. Fill in: your full name, address, nationality, the name of the article, and the class number.
4. Upload representations of your design -- front, back, left side, right side, top, bottom, and one isometric (angled) view. These should be on a white background as clear JPG or PDF files.
5. Write a brief statement of novelty: one or two lines describing what is new about your design (e.g. "The novelty resides in the surface embroidery pattern applied to the front panel of the kurta as shown in the representations").
6. Pay the fee online via net banking, debit, or credit card.
7. Save your application number -- this is issued instantly and is legally your date of registration.

How long does it take?

Filing takes about an hour once your images are ready. Your application number and filing date are confirmed immediately -- this date is what legally matters for protection.

The actual certificate takes 4 to 10 months, as the Design Office in Kolkata reviews and examines the application. They may send an objection (called a First Examination Report) within 1 to 3 months. You have 6 months to respond. If everything is in order, registration and the certificate follow.

► **Important:** You are protected from the date of filing, not the date you receive the certificate. So file as early as possible, even before your launch.

Marking your products

This is a step almost nobody knows about. After registration, before you sell or deliver any product, you must mark it with one of the following: REGISTERED, REGD., RD, or Registration No. [your number].

If you do not mark your products, you cannot claim damages or penalty from an infringer -- even if you have a valid registration -- unless you can prove they already knew the design was registered. This is written into Section 22 of the Designs Act.

Source: Section 22(3), Designs Act 2000. Verified.

Step 2: Building your paper trail if you have already posted

If you have already shared your designs online before registering, you cannot go back and get the same level of protection a registered design gives you. But you can build evidence of prior creation, which helps in two situations: (a) supporting a passing off claim in court and (b) establishing that you were the original creator if a dispute arises.

What to collect and where to store it

8. Create a dedicated Google Drive folder. Name it with your design name and date -- for example: "Indigo Block Print Kurta -- Jan 2025".
9. Add every file that shows you created this design: original sketches (even phone photos of paper sketches), reference images you started from, process photos, pattern drafts, colour palettes, dated WhatsApp conversations with your tailor or printer showing the design in progress.
10. If you have video -- even an unedited screen recording or process reel -- add it. Video timestamps are hard to fake.
11. Email the folder link to yourself from your registered email address. The email timestamp and your email account together create a dated record linking you to that folder at that time.
12. Do not delete or edit files in this folder afterwards. Courts look for untampered records.

Step 3: Protecting yourself with manufacturers

India has no dedicated Trade Secrets Act. This means there is no law that automatically requires a manufacturer to keep your design files confidential. If you share files without anything in writing and those designs leak -- intentionally or by accident -- you have no legal recourse.

The Law Commission of India acknowledged this gap in its 2024 Report No. 289 and recommended a dedicated Trade Secrets Bill. But it has not passed yet. Until it does, written agreements are your only protection.

WhatsApp message -- send this before sharing any files

"These designs are shared in confidence for production purposes only and may not be reproduced, copied, or sold to any third party without my written consent."

Screenshot their reply. Even a simple "ok" or "understood" creates a record that they received the designs under a stated condition of confidence. This can support an implied confidentiality claim in court, though it cannot replace a signed agreement.

► **Important:** A WhatsApp message alone is not a binding contract. It starts your paper trail. A signed NDA completes it. Always follow up with the agreement below before sharing actual design files.

Non-Disclosure Agreement (short form)

This is a template. Review with a lawyer before use, especially for high-value designs or new manufacturer relationships.

NON-DISCLOSURE AGREEMENT

This Non-Disclosure Agreement is entered into on **[Date]** between **[Your Name / Brand Name]** ("Disclosing Party") and **[Manufacturer Name, Address]** ("Receiving Party").

1. Confidential Information

The Disclosing Party may share design files, sketches, patterns, samples, technical specifications, and related materials ("Confidential Information") solely for the purpose of manufacturing or production as agreed between the parties. All Confidential Information remains the exclusive intellectual property of the Disclosing Party.

2. Obligations of the Receiving Party

The Receiving Party agrees to: (a) keep all Confidential Information strictly confidential; (b) not reproduce, copy, sell, share, or manufacture any product using these designs for any third party; (c) use the information only for the agreed production purpose; (d) ensure that any employees or subcontractors involved in production are bound by the same obligations.

3. Duration

This agreement remains in effect for [2 years / duration of the production relationship -- choose one] from the date of signing.

4. Remedies

Any breach of this agreement entitles the Disclosing Party to seek injunctive relief, damages, and any other remedy available under Indian law, including under the Designs Act, 2000 and the Copyright Act, 1957. The Disclosing Party shall be entitled to seek an ex-parte injunction in the event of an imminent or continuing breach.

5. Governing Law and Jurisdiction

This agreement is governed by the laws of India. Any disputes shall be subject to the exclusive jurisdiction of courts in [Your City].

Signed:

Disclosing Party: _____ Date: _____

Receiving Party: _____ Date: _____

Important disclaimer

This document is for informational purposes only and does not constitute legal advice. All information is based on publicly available Indian law as of March 2026, including the Designs Act 2000, Copyright Act 1957, and official DPIIT and IP India sources.

Laws change. Every situation is different. If your designs have commercial value and you believe they have been copied, do not rely on this document alone -- consult a registered IP attorney in India who can assess your specific case.

The NDA template provided here is a starting point only. It has not been drafted or reviewed by a lawyer. For important manufacturer relationships or high-value designs, have a lawyer review or draft your NDA.

The law is changing -- but has not passed yet

The government knows the current law has serious gaps. In January 2026, the Department for Promotion of Industry and Internal Trade (DPIIT) released a formal Concept Note proposing major changes to the Designs Act, 2000.

The three changes that matter most for small designers

- A 12-month grace period: Currently, if you post your design publicly before filing, your registration can be rejected on grounds of prior publication. The proposed grace period would allow you to post first and file within 12 months without losing eligibility. This does not exist yet.
- Statutory damages: Currently you have to prove exactly how much money you lost, which is very hard for small designers. The proposal would allow courts to award damages within a set range without requiring proof of actual loss.
- Section 15(2) fix: The proposal includes amending the Copyright Act provision that strips protection after 50 copies are manufactured without registration. If passed, unregistered designs would retain copyright protection for up to 15 years.

🚩 **Status:** These are proposals in a Concept Note as of January 2026. They are not law yet. Until they pass, the old rules apply. Operate under current law.

Source: DPIIT Concept Note on Designs Act 2000 Amendment, January 2026.

[Read the official DPIIT Concept Note](#)

Official sources and links

Registration and filing

- [Design e-filing portal -- ipindiaonline.gov.in](https://ipindiaonline.gov.in)
- [IP India official design page -- ipindia.gov.in](https://ipindia.gov.in)
- [IP India Design FAQs \(official government FAQ\)](#)
- [Designs Rules 2001 -- fee schedule included](#)

The law

- [Designs Act 2000 -- full text \(WIPO Lex, most stable link\)](#)
- [Designs Act 2000 -- India Code \(official\)](#)
- [Section 15\(2\) Copyright Act -- Indian Kanoon](#)

Cases and reforms

- [Ritu Kumar vs. BIBA -- search on Indian Kanoon](#)
- [DPIIT Concept Note on Designs Act reform, January 2026](#)
- [Law Commission Report No. 289 on Trade Secrets, 2024](#)

Government portal URLs are subject to change. If a link does not work, search the page title directly on ipindia.gov.in.