

Designing Design Policy

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The 2024 Riyadh Design Law Treaty (RDLT) is being touted by the World Intellectual Property Organization (WIPO) as a boon to small designers and those from developing countries because it reduces formalities in the acquisition of industrial design rights. But a close read of the new treaty provide reason to doubt the accuracy of that characterization, both in terms of who it primarily benefits and its formal nature. While styled as a formalities treaty, the agreement imposes some substantive requirements, such as a grace period, and includes a variety of provisions that may not be consistent with the design policy approaches or goals of many countries, particularly in the global South.

Interestingly, some of the changes included in the RDLT were so controversial that several countries required the inclusion of reservations that, if properly understood and employed, may ameliorate some of the treaty's negative ramifications for domestic design policy development. This paper identifies and analyzes these reservations (and an unusual resolution attached to the treaty) with the goal of helping countries understand whether and if so, how they should ratify the RDLT and the potential benefits and dangers in doing so.