

Enhancing Industrial Design Protection: A Comparative Legal Analysis of Sri Lanka, India, and Japan

STD Sandanayaka^{1#}

¹Faculty of Law, General Sir John Kotelawala Defence University, Sri Lanka

#39-llb-0063@kdu.ac.lk

Industrial Design is the professional method of creating products, devices, objects, and services utilized worldwide. In Sri Lanka, Part III of the Intellectual Property Act No 36 of 2003 safeguards industrial designs. However, there are some loopholes for industrial design protection in Sri Lanka. The main objective of this study was to find out the drawbacks of industrial design protection in Sri Lanka by comparing it with India and Japan. The study examined the definitions, registration processes, and infringement rights using the comparative analysis methodology. The study was based on a qualitative research method. The current laws and practices were examined using comparative and doctrinal methodologies. The results show that significant differences exist in industrial design protection between the three countries although all three countries emphasize the visual appeal and novelty of industrial designs. Sri Lanka's legal system offers partial recognition of industrial designs and lacks some provisions in the registration process. Furthermore, the Sri Lanka IP Act has no specific provision for infringement. On the other hand, India provides a robust framework with precise definitions, a clear registration process, and strong protection against design infringement. Japan has detailed legal protections, including a sophisticated registration process and comprehensive remedies for infringement rights. According to the analysis, it can be recommended that Sri Lanka should strengthen its enforcement mechanisms, raise public awareness, enhance infringement rights with clear definitions, and introduce a separate industrial design act. These improvements are essential for promoting innovation, creativity, and economic growth in the global market.

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