

2008

**PROTECTION OF LAYOUT-
DESIGNS (TOPOGRAPHIES)
OF INTEGRATED CIRCUITS
REGULATIONS**

S.R.O. 45

COMMONWEALTH OF DOMINICA

ARRANGEMENT OF REGULATIONS

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COMMONWEALTH OF DOMINICA

STATUTORY RULES AND ORDERS No. OF 2008

REGULATIONS

MADE by the Minister under section 28 of the Protection of
Layout-Designs (Topographies) of Integrated Circuits Act,
1999 (Act No. 11 of 1999)

(Gazetted 2008)

1. These Regulations may be cited as the - Short title.
**PROTECTION OF LAYOUT-DESIGNS (TOPOGRAPHIES)
OF INTEGRATED CIRCUITS REGULATIONS 2008.**
2. In these Regulations, unless the context otherwise requires; Interpretation.
“Act” means the Protection of Layout-Designs (Topographies) No. 11 of 1999.
of Integrated Circuits Act, 1999;
“Office” means the Companies and Intellectual Property Office;
“section” means the specified section of the Act.
3. The fees to be paid in respect of matters arising under the Fees
Act or these Regulations shall be those set out in Schedule I. Schedule I
4. (1) The forms referred to in these Regulations are those Forms.
set out in Schedule II. Schedule II.

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(2) A requirement under these Regulations to use a form is satisfied by the use either of a replica of that form or of a form which is acceptable to the Registrar being in a form that contains the information required in the form set out in the Schedule II.

(3) If a document submitted to the Registrar differs significantly from the form in Schedule II intended to be used for the purpose of the submission, the Registrar may require that the document be replaced, within a time fixed by the Registrar, by one that conforms with the document required by Schedule II to be used for the purpose.

Language of documents and translations.

5. (1) An Application shall be in English.

(2) Any document forming part of an application or submitted to the Registrar pursuant to the Act or these Regulations which is in a language other than English shall be accompanied by an English translation.

Indication of name, address, nationality and residence.

6. (1) In an application or other document the names of natural persons shall be indicated by the person's family name and given name, the family name being indicated before the given name and the names of legal entities shall be indicated by their full, official designations.

(2) In an application or other document addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units, including the house number, if any and addresses shall also indicate telegraphic and telex addresses and facsimile and telephone numbers.

(3) In an application or other document the nationality of the applicant shall be indicated by the name of the State of which the person is a national and legal entities shall indicate the name of the State under whose laws the entities are constituted and their registered office.

(4) The residence of a person shall be indicated by the name of the State of which the person is a resident.

7. (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any partner qualified to sign, who shall sign on behalf of the partnership, or by any other person who satisfies the Controller that he is authorised to sign the document.

Signatures by
partnerships, companies
and associations.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director, by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that he is authorised to sign the document and shall bear the seal of the body corporate.

(3) A document purporting to be signed for or on behalf of an association of persons may be signed by any person who satisfies the Registrar that he is duly authorised to sign that document.

(4) The Registrar may, whenever he considers it necessary, request evidence of authorisation to sign.

8. (1) The appointment by an applicant of an attorney-at-law to act on his behalf shall be by a power of attorney which shall be signed by the applicant or, if there is more than one applicant, by each applicant.

Representation.

(2) The Power of Attorney appointing an Attorney-at-Law shall be filed together with the application and where no appointment is made or where the application is not in accordance with section 8(4)(c) any procedural steps taken by the Attorney-at-Law other than the filing of the application, shall be deemed not to have been taken.

9. (1) An application for the registration of a layout-design shall be made in Form 1 and shall be signed by each applicant.

Applicaation for
registration of a Layout-
design. Form 1.

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(2) The application shall indicate each applicant's name, address, nationality and residence in the manner specified in regulation 6.

(3) Where the applicant is the creator, the request shall contain a statement to that effect, and, where he is not, it shall indicate name and address of each creator and be accompanied by a statement justifying the applicant's right to the registration of the layout-design.

(4) The brief and precise designation of the layout-design referred to in section 8(4)(a) shall consist of the title of the layout-design indicating the matter to which it relates or indicating the field to which the article in which it is intended to be incorporated, or has been incorporated, relates.

(5) Where the application is accompanied by a copy of the layout-design, the applicant shall file a drawing thereof within one month from the date of the application.

Withdrawal of application.

10. (1) The application may be withdrawn before the design layout is registered by written declaration submitted to the Registrar and signed by each applicant.

(2) The application fee shall not be refunded if the application is withdrawn.

Marking application.

11. (1) Upon receipt of an application, the Registrar shall mark, on each document making up the application, the actual date of receipt and the application number in a manner determined by the Registrar to be appropriate.

(2) Where any correction or other later filed documents are received on different dates, the Registrar shall also mark their actual date of receipt in the appropriate place on the request for registration of the layout-design.

(3) The application number allotted under sub-regulation (1) shall be quoted in any subsequent communication concerning the application.

12. (1) The Registrar shall examine the application to determine whether the application fulfils the requirements set out in sections 8 and 10.

According and notifying
filing date; examination;
decision to grant or
refuse applications.

(2) An invitation to file a correction shall -

- (a) be in writing;
- (b) specify the correction required;
- (c) request that such correction be filed; and
- (d) be accompanied by the prescribed fee or such fee shall be paid within a period of two months from the date of invitation.

(3) When the Registrar accords a filing date to the application he shall notify the applicant in writing but if the application is treated as if it had not been filed under sections 9(4) or section 10(3) the Registrar shall notify the applicant in writing, specifying the reasons.

(4) Where the conditions set out in section 3 is not fulfilled, the Registrar shall reject the application and notify the applicant, stating the reasons.

(5) Where the Registrar finds that the conditions set out in section 8(2) and (4) and the Regulations pertaining thereto are not fulfilled, he shall invite the applicant, in writing, to file the required correction within two months from the date of the invitation, together with the prescribed fee for the making of corrections.

(6) Where the applicant does not comply with the invitation to correct a deficiency, or where, despite corrections submitted by the applicant, the Registrar is of the opinion that the said conditions are not fulfilled, he shall reject the application and notify the applicant, in writing, stating the reasons.

(7) Refusal of the application shall not affect its filing date which shall remain valid.

(8) The Registrar shall notify the applicant in writing of his decision to grant or to refuse the application, and, in the case of a decision to grant the application, he shall request the applicant to pay the registration and publication fee within one month from the date of the notification.

Registration of layout-
design; publication of
reference thereto;
issuance of certificate.

13. (1) Subject to the payment of the registration and publication fee within the period specified in regulation 12(8), the Registrar shall register the layout-design in accordance with section 12 and this regulation and shall publish a reference to the registration and issue to the applicant a certificate of registration.

(2) The Registrar shall allot to each layout-design he registers a number in the sequential order of registration.

(3) On the registration of a layout-design, there shall be recorded in the Register a copy of the layout-design and in addition to the particulars specified in section 12 the following particulars-

(i) the name and address of the agent, if any;

(ii) the name and address of the creator, except where he has asked not to be named in the registration; and

(iii) the date of the first commercial exploitation anywhere in the world of the layout-design or an indication that such exploitation has not yet commenced.

(4) The publication of the reference to the registration of a layout-design under sub-regulation (1) shall contain the particulars specified in sub-regulation (3).

(5) The certificate of registration of a layout-design shall be issued in Form 2.

14. The Registrar shall cause to be entered in the register in respect of every layout-design, in addition to the information indicated regulation 13(3)-

Entries in the register.

- (a) the address for service;
- (b) the date on which the layout-design registration expires or if it is surrendered or cancelled, the date of surrender or cancellation, as the case may be;
- (c) any change in name or address, or any change in address for service or ownership in accordance with regulations 15 and 16;
- (d) any change in the name or address of the registered owner, or any change of ownership for service made under regulation 15 or 16.

15. (1) A request, under section 15 for the change in ownership of a layout-design registered under the Act or of an application therefore shall be made to the Registrar in Form 3 and shall be subject to payment of the prescribed fee.

Changes in recording
ownership; licence
contracts
Form 3.

(2) The publication of the change in ownership shall specify-

- (i) the number of the application or registration concerned;
- (ii) the filing date, the date, if any, of first commercial exploitation anywhere in the world and the date of registration;
- (iii) the owner and the new owner; and
- (iv) the nature of the change in ownership.

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(3) A licence contract submitted for recording under section 16 shall be accompanied by the prescribed fee.

Address for service.

16. (1) Every applicant for the registration of a layout-design, shall furnish the Registrar with an address for service in Dominica for the purpose of his application; and

(2) Every person including the applicant for, or the owner of, a layout-design, as the case may be, concerned in any proceedings to which any of these regulations relate shall furnish the Registrar with an address for service in Dominica

(3) An address so furnished or, where another address, being an address in Dominica has been furnished in place thereof, that address shall be treated for the purposes of that application or those proceedings, as appropriate, as the address of that applicant or, as the case may be, of that person.

(4) Where an Attorney-at-Law has been appointed in accordance with section 8 and regulation 8, the address of the Attorney-at-Law shall, for all purposes connected with the Act and these Regulations, be treated as the address to which communication to the person or persons who appointed the Attorney-at-Law shall be transmitted.

Excluded days.

17. When the last day for doing any act or taking any proceedings falls on a day when the Office is not open to the public for business, it shall be lawful to do the act or to take the proceeding on the day when the Office is next open for business.

Consultation of register, request for extracts therefrom and for copies of documents.

18. (1) Consultation of the register shall be subject to payment of the prescribed fee.

(2) Requests for certified copies of extracts from a register or for copies of documents shall be made to the Registrar in writing and shall be subject to payment of the prescribed fee.

19. The file relating to a licence contract may be inspected and extracts obtained therefrom only with the written permission of the licensor and licensee.

Inspection of licence contracts.

20. (1) The Registrar may correct any error of translation or transcription, clerical error or mistake in any application or document filed with the Office or in any matter recorded pursuant to the Act or these Regulations.

Corrections of errors.

(2) Corrections of errors may be made by the Registrar upon receipt of a request in writing and subject to such terms as he may consider appropriate, or on his own initiative.

(3) Corrections made under sub-regulation (2) shall be communicated in writing to all interested persons, and, where considered necessary, shall be published by the Registrar.

21. (1) In exercising his discretionary powers under the Act, the Registrar shall not make an adverse decision in relation to any person unless he has-

Hearing.

(a) notified the person of his intention to make such a decision;

(b) given the person an opportunity to be heard; and

(c) given to the person the period of time within which submissions may be made to the Registrar, such period not being less than one month from the date of the Registrar's notification.

(2) A request for a hearing shall be in writing and shall be subject to payment of the prescribed fee.

(3) Upon receiving a request under sub-regulation (2), the Registrar shall give the person requesting the hearing, and any other interested persons, at least two weeks' notice in writing of the date and time of the hearing.

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Service by mail.

22. (1) Any notice, application or other document sent to the Registrar by mail shall be deemed to have been given, made or filed at the time when it would be delivered in the ordinary course of the mail.

(2) In proving sending under sub-regulation (1), it shall be sufficient to prove that the letter containing the notice, application or other document was properly addressed and sent by registered mail.

Extension of time limit.

23. The time or periods prescribed by these Regulations for doing any act or taking any proceeding thereunder, may be extended by the Registrar if he thinks fit, upon notice to the parties and upon such terms as he may direct, and extensions may be granted although the time or period for doing an act or taking proceedings has already expired.

Directions as to furnishing of documents.

24. At any stage of any proceedings before the Registrar, he may direct that any documents, information or evidence as he may require be furnished within such period of time as he may fix.

Corrections of irregularities.

25. Any irregularity in procedure before the Registrar may be rectified on such terms as he may direct.

Dispensation by the Registrar.

26. Where, under these Regulations, any person is to do any act or thing, or any document or evidence is required to be produced or filed, and it is shown to the satisfaction of the Registrar that for any reasonable cause that person is unable to do that act or thing, or that the document or evidence cannot be produced or filed, the Registrar may, upon the production of such evidence and subject to such terms as he thinks fit, dispense with the doing of any such act or thing, or the production or filing of such document for evidence.

Hours of business.

27. The Office shall be open to the public from Monday to Friday inclusive, each week, between the hours of 8:00a.m. to 4:00p.m. for all classes of business.

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28. (1) Where under these Regulations evidence may be filed it shall be filed by statutory declaration or affidavit. Evidence.

(2) The Registrar may, if he thinks fit, in any particular case, take oral evidence *in lieu* of or in addition to such evidence and shall allow any witness to be cross-examined on his affidavit or declaration.

29. (1) Any statutory declaration or affidavit filed under the Act or these Regulations shall be made before any officer authorised by law in any part of Dominica to administer an oath for the purpose of any legal proceedings. Statutory declarations and affidavits.

(2) Statutory declarations or affidavits made outside Dominica shall be made before a Consul or Notary Public.

30. These Regulations shall come into force on the 23rd day of October, 2008. Commencement.

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SCHEDULE I

SCHEDULE OF FEES

MATTER	AMOUNT
1. Application for registration of lay-out design	\$250.00
2. Correction of application in order to comply with requirements for according filing date	\$ 10.00
3. Correction of application in order to comply with formal requirement	\$ 10.00
4. Registration fee	\$150.00
5. Publication fee	\$ 60.00
6. Request for recordal of change in ownership and address	\$ 50.00
7. Request for recordal of change in ownership /address	\$ 25.00
8. Submission of licence contract for recordal	\$100.00
9. Search	\$ 5.00 for up to 2 files; \$1.00 for each additional file
10. Certified copy of Certificate of Registration	\$25.00
11. Certified copy of a document not being a Certificate of Registration	\$10.00
12. Uncertified copy of any document	\$1.00 per printed page
13. Request for correction of errors	\$10.00
14. Request for hearing	\$50.00

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SCHEDULE II
FORMS

FORM1

AUTHORISATION OF AGENT

I/WE * _____ hereby
appoint the following attorney-at-law as my/our agent in respect of an
application for a layout-design and empower the appointed agent to sign
and amend the application, to prosecute it, to receive the registration
certificate, and to cancel or rectify the registration, and ratify any act done
by the agent in respect of the application or subsequent registration.

This authorisation revokes all previous authorisations.

Name of agent: _____

Address for Service: _____

Mailing address: _____

Tel Number: _____

Fax Number: _____

E-mail address: _____

Dated this day of 20

Name and Signature: + _____

* Fill in full name and address of applicant

+ To be signed by applicant and bear seal of company or partnership if appropriate

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FORM2

APPLICATION FOR REGISTRATION OF LAYOUT-DESIGNS
(TOPOGRAPHIES) OF INTEGRATED CIRCUITS

The Applicant(s) request(s) that the following layout-designs be registered in respect of the following particulars:

1. Applicant(s)

(Additional information is contained on supplemental page)¹

Name:

Address:

Mailing Address:

Nationality Residence

Telephone # Fax # E-mail

2. Authorisation of agent is

attached

will be filed within two months from the filing of this form

3. Representation of Lay-out Design:

This form is accompanied by:

Four copies **of the layout-design;

Four copies ** of the lay-design allowing the identification of where such parts of the copies that relate to the manner of the manufacture of the integrated circuits have been omitted in accordance with section 8(5);

Four drawings** of the layout-design;

¹ Indicate the numbers contained on the supplemental pages in Roman numerals (e.g. I applicants)

* Where any Attorney-at-law has been appointed, the address of the (Attorney-at-law) shall be treated as the address to which communication shall be transmitted.

** Where the application is accompanied by a copy of the layout-design, a drawing thereof shall be filed within the period prescribed in Regulation 9 (5).

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Four drawings ** of the lay-design allowing the identification of where such parts of the copies that relate to the manner of the manufacture of the integrated circuits have been omitted in accordance with section 8(3)(d).

4. Designation

.....
.....

(Title of the layout-design indicating, pursuant to Regulation 10(4), the matter to which it relates or the field to which the article in which it is intended to be incorporated, or has been incorporated, relates)

5. Creator

The creator is the applicant Additional information is contained in supplemental box

If creator is not the applicant, name of creator

Name

Address

The statement justifying the applicant's right accompanies this form

6. Commercial Exploitation

The layout-design has already been exploited in
(Date and place of first commercial exploitation)

The Layout-design has not been commercially exploited, anywhere in the world.

7. Name and Signature

Applicants/Agent²

Date

TO BE FILLED OUT BY THE REGISTRAR

- 1. Date application received
- 2. Date of receipt of corrections and later filed papers completing the application
- 3. Date fees received

² Type name(s) under signature and delete whichever does not apply

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FORM 3

CERTIFICATE OF REGISTRATION OF LAYOUT-DESIGNS

In accordance with section 13 and Regulation 13 it is hereby certified that a layout design having the registration No. has been registered in the name of:

(Name(s))

(Address(es))

on: _____ in respect of a layout design disclosed in an
(date)
application for registration of that layout design, having the following
filing date: _____ being a layout design for: _____

created by: _____ (title)
(Name)

(Address (es))

A drawing of the layout design accompanies this certificate

Dated: ____/____/____

Signature: _____

Name: _____

Registrar of Companies &
Intellectual Property

FORM4

RECORDAL OF CHANGE OF OWNERSHIP/ADDRESS

To: The Registrar
Registry of Companies and Intellectual Property

1. IN THE MATTER OF:

Application for Registration Filing Date: _____
of Layout-Design No: _____

Date of first commercial
exploitation: _____

Layout-Design Registration No: ____ Date of Registration ____

2. APPLICANT(S)/OWNER(S)*

Name (s) _____

Address (es) _____

3. REQUEST

The Registrar is hereby requested to record the change of
ownership/of address in respect of the above-identified**

The present applicant(s)/owner(s)*/address is/are*identified above.

The new applicant(s)/new owner(s)*/address is/are*identified below

4. NEW APPLICANT(S) NEW OWNER(S)/NEW ADDRESS

Name: _____

Address: _____

** Indicate application or title concerned

* Delete whichever does not apply

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Address for service in Dominica

Country of Residence or principals place of business

Tel: _____ Fax No: _____ E-mail address _____

If only address has changed, state new address:

5. ADDITIONAL INFORMATION

The following information accompanies this Form:

The original or a certified copy of the document evidencing the change of ownership, signed by or on behalf of the contracting parties

Other documents evidencing the change of ownership (specify)

6. NAME(S) AND SIGNATURES

New Applicant(s)/New Owner(s)/Agent*

(Date)

Applicant(s)/Owner(s)/Agent*

(Date)

Made this 17th day of October, 2008

IAN DOUGLAS
Minister for Legal Affairs

*Type name(s) under signature and delete whichever does not apply.

DOMINICA

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