

SAINTLUCIA

STATUTORY INSTRUMENT, 2003, No. 49

[10th June, 2003]

In the exercise of the powers conferred by Section 20 of the Layout-Designs (Topographies) of Integrated Circuits Act No. 3 of 2000, the Minister responsible for intellectual property, makes the following Regulations :

Citation

1. These Regulations may be cited as the Layout-Designs (Topographies) of Integrated Circuits Regulations, 2003.

Interpretation

2. In these Regulations unless the context otherwise requires —

- (a) “Act” means the Layout Design (Topographies) of Integrated Circuits Act No. 3 of 2000
- (b) “office” means The Registry of Companies and Intellectual Property;
- (c) “section” means the specified section of the Act.

Fees

3. The fees to be paid in respect of matters arising under the Act and these Regulations shall be those set out in the Schedule of Fees in Schedule I.

Forms

4.— (1) The forms referred to in these Regulations are those in Schedule II.

(2) A requirement to use a form set out in Schedule II is satisfied by the use either of a replica of the form, or of a form which is acceptable to the Registrar and contains the information required by the corresponding form set out in Schedule II.

(3) If a document that is submitted to the Office differs significantly from the form in Schedule II intended to be used for the purpose of

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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.

Applications - language of

5.— (1) Applications shall be in English.

(2) Any document forming part of an application 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 verified by the translator that the translation is to the best of his knowledge complete and faithful.

Indication of name, address, nationality

6.— (1) Names of natural persons shall be indicated by the person's family name and given name or names, the family name being indicated before the given names, and the names of the legal entities shall be indicated by their full, official designation.

(2) Addresses shall be in such a manner as to satisfy customary requirements for prompt postal delivery at the indicated address.

(3) Nationality shall be indicated by the name of the State of which a person is a national and legal entities shall indicate the name of the State under whose laws they are constituted.

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

Signature by Partnerships, Companies and Associations

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, stating that he signs on behalf of the partnership, or by any other person who satisfies the Registrar that he is authorised to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director, or 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 or stamp of the body corporate.

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

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

Authorisation of agent

8.— (1) The appointment of an attorney-at-law shall be by an authorisation of agent as set out in Form I and shall be signed by the applicant or, if there are more than one, by each applicant.

(2) The authorisation of agent may be filed together with the application or within two months from its filing date and if the appointment is not made in accordance with section 13 and sub-regulation (1), any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

Applications-paper requirements

9.— (1) All applications, notices, statements, paper having representations affixed, or other documents authorised or required by the Act or these Regulations to be made, must be on strong, durable white paper and except in the case of the declarations and the affidavits, must be written on one side of the paper only.

(2) Each sheet must be of the same size and be 8½ x 11 or A4 size paper or such other size as the Registrar may permit.

(3) All applications, notices, statements or other documents required by this Act or these Regulations shall be filed in duplicate.

Application for registration of layout-design

10.— (1) The application for the registration of a layout-design shall be made on Form 2 of Schedule II and shall be signed by each applicant or authorised agent.

(2) The application shall indicate each applicant's name, address, nationality and residence.

(3) Where the applicant is the creator, the request shall contain a statement to that effect, and, where he is not, it shall indicate each

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creator's name and address and be accompanied by the 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 (3) (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 a period of one month.

Withdrawal of application

11.— (1) The application may be withdrawn by written declaration submitted to the Registrar and signed by each applicant or the authorised agent.

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

Marking application

12.— (1) Upon receipt, 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 of the request for registration of the layout-design.

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

Accordinging and notifying filing date; examination; decision to grant or refuse

13.— (1) The Registrar shall examine whether the application fulfils the requirements set out in section 8 (1), (2) and (3).

(2) Where the Registrar finds that the application did not at the time of receipt fulfil the requirements referred to in sub-regulation (1), he shall invite the applicant to file the required correction.

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(3) The invitation to file any correction shall be in writing and it shall specify the correction or corrections required and request that these be filed within two months from the date of the invitation, together with the payment of the prescribed fee.

(4) Once the Registrar accords a filing date, he shall so notify the applicant in writing and if the application is treated as if it had not been filed, under section 8 (8) or (10), the Registrar shall notify the applicant in writing, stating the reasons.

(5) Where the conditions set out in section 3(2) and (3) are not fulfilled, the Registrar shall reject the application and notify the applicant in writing, stating the reasons.

(6) Where the Registrar finds the conditions set out in section 8 (2) and (3) 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 payment of the prescribed fee and if 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 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; publication; issuance of certificate

14.— (1) Subject to the payment of the registration and publication fee within the period prescribed in regulation 13 (6) the Registrar shall register the layout-design in accordance with section 9 (2) and this regulation, publish a reference to the registration and issue a certificate of registration.

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

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(3) The registration of a layout-design shall include, in addition to the particulars specified in section 9 (3), a copy or drawing thereof, subject to section 8 (3) (d), and shall specify –

- (a) the name and address of the registered owner;
- (b) the name and address of the agent, if any;
- (c) the name and address of the creator, except where he has asked not to be named in the registration; and
- (d) 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 on Form 3.

Entries in the register

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

- (a) the address for service;
- (d) the date on which the layout design registration expired or was surrendered or cancelled;
- (e) any change in name or address, or any change in address for service or ownership in accordance with regulations 16 and 17;
- (a) the fact that a license contract has been concluded and recorded pursuant to section 11 (3).

Address for service

16.— (1) There shall be furnished to the Registrar —

- (a) by every applicant for the registration of a layout design, an address for service in Saint Lucia for the purpose of his application; and
- (b) by a person, including the applicant for, or the owner of, a layout-design, as the case may be concerned in any proceedings

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to which any of these Regulations relate, an address for service in Saint Lucia,

and the address so furnished or , where another address being an address in Saint Lucia has been furnished in place thereof, that address shall be treated for the purpose of that application or those proceedings, as appropriate, as the address of that applicant or, as the case may be, of that person.

(2) Where an agent has been appointed in accordance with section 13 and regulation 8, the address of the agent shall, for all purposes connected with the Act and these Regulations, be treated as the address to which communications to the person or persons who appointed the agent shall be transmitted.

Changes in ownership or address

17.— (1) The request under section 11 for the recording of a change in ownership or address for service relating to a layout-design registered under the Act or an application therefor shall be made to the Registrar on Form 4 and shall be subject to payment of the prescribed fee.

(2) The publication of the change in ownership or address shall specify —

- (a) the number of the application or registration concerned;
- (b) the filing date, the date, if any, of the first commercial exploitation, anywhere in the world, and the date of registration;
- (c) the owner and the new owner, and/or the address and the new address; and
- (d) the nature of the change in ownership.

(3) A licence contract submitted for recordal under section 11 (3) shall be accompanied by the prescribed fee.

Excluded days

18. When the last day for doing any act or taking any proceeding 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.

Search of Register; request for extracts therefrom and for copies of documents

19. Search of the Register or file pertaining to a layout-design shall be subject to payment of the prescribed fee and requests for certified copies of extracts from the Register or for copies of documents shall be made to the Registrar in a manner authorised by the Registrar and shall be subject to payment of the prescribed fee.

Inspection of licence contracts

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

Correction of errors

21.— (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.

(2) Correction 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 shall be communicated in writing to all interested persons and where considered necessary shall be published by the Registrar.

Hearing

22.— (1) Before exercising adversely to any person any discretionary power given to the Registrar by the Act or these Regulations, the Registrar shall notify such person, in writing, of the opportunity to be heard thereon, and indicating a time limit, which shall not be less than one month, for filing a request for a hearing.

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

(3) Upon receiving such request, the Registrar shall give the person applying, and any other interested persons, at least one month's notice, in writing, of the date and time of the hearing.

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Service by mail

23. 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 and in proving such sending, it shall be sufficient to prove that the letter containing such notice, application or other document was properly addressed and sent by registered mail.

Extension of time limit

24. 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 such notice to the parties and upon such terms as he may direct, and such extensions may be granted although the time or period for doing such act or taking such proceeding has already expired.

Correction of irregularities

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

Directions as to furnishing of documents

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

Dispensation by the Registrar

27. 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 or evidence.

Hours of business

28. The Registry of Companies and Intellectual Property shall be open to the public from Monday to Thursday inclusive each week, between the hours of 9:00 a.m. and 2:00 p.m. and on Fridays between the hours of 9:00 a.m. and 3:00 p.m. or such other time as the Companies & Intellectual Property (Registry) Act No. 12 of 2000 provides.

Evidence

29.— (1) Where under these Regulations evidence may be filed, it shall be by statutory declaration or affidavit.

(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.

Statutory declarations and affidavits

30.— (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 Saint Lucia to administer an oath for the purpose of any legal proceedings.

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

Publication; periodical

31. Particulars of layout-designs of integrated circuits and other proceedings under the Act and any other information required to be published under the Act or these Regulations shall be published monthly in the *Official Gazette* unless the Registrar otherwise directs.

General

32. The Registrar may acknowledge inquiries made to the office, but the Registrar need not furnish any applicant or other person with information that would require a search of the public records or the office or provide advice on matters concerning the interpretation of the Act or Regulations or concerning other questions of law.

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(Regulation 3)

SCHEDULE I**SCHEDULE OF FEES**

MATTER	AMOUNT
1. Application for registration of layout-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 requirements	\$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	\$20.00
11. Certified copy of a document not being a Certificate of Registration	\$10.00
13. Uncertified copy of any document	\$1.00 per printed page
14. Request for correction of errors	\$10.00
15. Request for hearing	\$50.00

SCHEDULE II

FORMS

Regulation 8 (1)
Section 13

FORM 1

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

FORM 2**APPLICATION FOR REGISTRATION OF LAYOUT-DESIGNS
(TOPOGRAPHIES) OF INTEGRATED CIRCUITS**

The Applicant(s) request(s) that the following layout-design 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 layout design allowing the identification of whereby such parts of the copies that relate to the manner of the manufacture of the integrated circuit have been omitted in accordance with section 8(3)(d)

Four drawings** of the lay-out design;

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

* Where an 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 lay-out design, a drawing thereof shall be filed within the period prescribed in Rule 10 (5).

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Four drawings** of the lay-out design allowing the identification of the lay-out design, whereby such parts of the drawings which relate to the manner of manufacture of the integrated circuit 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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LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS ACT

No. 3 of 2000

FORM 3

CERTIFICATE OF REGISTRATION OF LAYOUT-DESIGNS

In accordance with section 9(2) and Regulation 14 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: _____
(title)

created by: _____
(Name)

(Address)

A drawing of the layout design accompanies this certificate

Dated: _____/_____/_____

Signature: _____

Name: _____

Registrar of Companies &
Intellectual Property

No. 3 of 2000

FORM 4

RECORDAL OF CHANGE OF OWNERSHIP/ADDRESS

**To: The Registrar
Registry of Companies and Intellectual Property**

1. IN THE MATTER OF:

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

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 Saint Lucia

Country of Residence or principal 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 Owners(s)/Agent* (Date)

Applicant(s)/ Owners(s)/Agent* (Date)

Made this 2nd day of June, 2003

PETRUS COMPTON,
Minister for Intellectual Property.

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