

# CHAPTER 13.29 INDUSTRIAL DESIGNS ACT

## Revised Edition

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• Act • Subsidiary Legislation •

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## ACT

### (Act 2 of 2001)

Act 2 of 2001 in force 1 June 2003 (S.I. 52/2003)

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## CHAPTER 13.29 INDUSTRIAL DESIGNS ACT

AN ACT to provide for the protection of industrial designs and for related matters.

Commencement [1 June 2003]

### 1. Short title

This Act may be cited as the Industrial Designs Act.

## 2. Interpretation

(1) In this Act—

“**Court**” means the High Court;

“**International Classification**” means the classification according to the Locarno Agreement of 8 October 1968 establishing an International Classification for Industrial Designs;

“**Minister**” means the Minister with responsibility for intellectual property;

“**Paris Convention**” means the Paris Convention for the Protection of Industrial Property of 20 March 1883, as last revised;

“**prescribed**” means prescribed in the Regulations;

“**priority date**” means the date of the earlier application that serves as the basis for the right of priority provided for in the Paris Convention;

“**Register**” means the Register of Industrial Design maintained under section 16;

“**Registrar**” means the Registrar of Companies and Intellectual Property;

“**Regulations**” means regulations made under section 24.

## 3. Definition of industrial design

(1) For the purposes of this Act, any composition of lines or colours or any three-dimensional form, or any material whether or not associated with lines or colours, is deemed to be an industrial design, where such composition, form or material gives a special appearance to a product of industry or handicraft, can serve as a pattern for a product of industry or handicraft, or appeals to and is judged by the eye.

(2) The protection of this Act does not extend to anything in an industrial design which serves solely to obtain a technical result and to the extent that it leaves no freedom as regards arbitrary features of appearance.

## 4. Registrable industrial designs

(1) An industrial design is registrable if it is new.

(2) An industrial design shall be new if it has not been disclosed to the public, anywhere in the world, by publication in tangible form or by use or in any other way, prior to the filing date or, where applicable, the priority date of the application for registration.

(3) For the purposes of subsection (2), disclosure to the public of an industrial design shall not be taken into consideration if the disclosure—

(a) occurred within 12 months preceding the filing date or, where applicable, the priority date of the application; and

(b) was by reason or in consequence of acts committed by the applicant or his or her predecessor in title or of an abuse committed by a third party with regard to the applicant or his predecessor in title.

(4) An industrial design that is contrary to public order or morality is not registrable.

## 5. Right to registration and naming of creator

(1) The right to registration of an industrial design shall belong to the creator.

(2) If 2 or more persons have jointly created an industrial design, the right to registration of that industrial design shall belong to them jointly.

(3) If and to the extent that 2 or more persons have created the same industrial design independently of each other, the person whose application has the earliest filing date or, if priority is claimed, the earliest validly claimed priority date, shall have the right to register the industrial design, as long as the said application is not withdrawn, abandoned or rejected.

(4) The right to an industrial design may be assigned, or may be transferred by succession.

(5) Where an industrial design is created in execution of an employment contract, the right to registration of the industrial design shall belong, in the absence of contractual provision to the contrary, to the employer.

(6) The creator shall be named as such in the registration of the industrial design, unless in a special written declaration signed by him or her and addressed to the Registrar he or she indicated that he or she wishes not to be named.

(7) A promise or undertaking by the creator made to any person to the effect that he will make a declaration referred to in subsection (6) shall be without legal effect.

## **6. Application**

(1) An application for registration of an industrial design shall be filed with the registrar and shall contain a request, drawings, photographs or other adequate graphic representations of the article embodying the industrial design and an indication of the kind of products for which the industrial design is to be used.

(2) The application may be accompanied by a specimen of the article embodying the industrial design where the industrial design is two-dimensional.

(3) Where the applicant is not the creator, the request shall be accompanied by a statement justifying the applicant's right to the registration of the industrial design.

(4) The application may contain a declaration claiming priority, as provided for in the Paris Convention, of one or more earlier national or regional applications or international deposits filed by the applicant or his or her predecessor in title in or for any State party to that Convention.

(5) Where the application contains a declaration referred to in subsection 4), the Registrar may require that the applicant furnish, within the prescribed time limit, a copy of the earlier application or international deposit, certified as correct by the office with which it was filed, and the effect of that declaration shall be as provided for in the Paris Convention.

(6) Where the Registrar finds that the requirements under this section and the regulations pertaining to a declaration are not fulfilled, the declaration shall be considered not to have been made.

(7) Two or more industrial designs may be the subject of the same application if they relate to the same class of International Classification or to the same set or composition of articles.

(8) An application, at the time of filing, may contain a request that the publication of the industrial design be deferred for a period not exceeding 12 months from the date of filing or, if priority is claimed from the date of priority of the application.

(9) The applicant may withdraw the application at any time during its pendency.

(10) An application is subject to the payment of the prescribed application fee.

## **7. Examination**

(1) The Registrar shall accord as the filing date the date of receipt of application, provided that, at the time of receipt, the application contains indications allowing the identity of the applicant to be established and the required graphic representation of the article embodying the industrial design.

(2) Where the Registrar finds that the application did not at the time of receipt fulfil the requirements referred to in subsection (1), he or she shall invite the applicant to file the required correction and shall accord as the filing date the date of receipt of the required correction, but if no correction is made the application shall be treated as if it had not been filed.

(3) After according a filing date, the Registrar shall examine the application for compliance with the requirements of section 6 and ascertain whether the application fee has been paid.

(4) The Registrar shall examine whether the industrial design complies with the provisions of sections 3 and 4(4).

## **8. Registration and publication**

(1) Where the Registrar finds that the conditions referred to in sections 3 and 4(4) are fulfilled, he or she shall register the industrial design, publish a reference to the registration and issue to the applicant a certificate of registration of the industrial design.

(2) Despite subsection (3), where a request has been made under section 6(8) for deferment of publication, no representation of the design nor any file relating to the application shall be open to public inspection, and the Registrar shall publish a notice of deferment containing information identifying the registered owner, the filing date of the application, the length of time of which deferment has been requested and any other prescribed particulars.

(3) During the period of deferment of publication, legal proceedings on the basis of a registered industrial design may not be instituted unless the information contained in the Register and in the file relating to the application has been communicated to the person against whom the action is brought.

(4) At the expiry of the period of deferment, the Registrar shall publish the registered industrial design.

## **9. Rights conferred by registration**

(1) The exploitation of a registered industrial design in Saint Lucia by persons other than the registered owner shall require the agreement of the latter.

(2) For the purposes of this Act, "**exploitation**" of a registered industrial design means the making, selling, importing or otherwise distributing, for commercial purposes, articles bearing or embodying a design which is a copy, or substantially a copy, of the industrial design.

(3) The rights conferred by registration shall not extend to acts in respect of articles which have been put on the market in Saint Lucia by the registered owner or with his or her consent.

(4) The owner of a registered industrial design shall, in addition to any other rights remedies or actions available to him or her, have the right to institute court proceedings against any person who infringes the registration of the industrial design by performing without his or her agreement, any of the acts referred to in subsection (2) or who performs acts which make it likely that infringement will occur.

## **10. Duration and renewal of registration**

(1) The registration of an industrial design shall be for a period of 5 years from the filing date of the application for registration.

(2) The registration may be renewed for 2 further consecutive periods of 5 years through the payment of the prescribed fee.

(3) A grace period of 6 months shall be allowed for the late payment of the renewal fee, on payment of the prescribed surcharge.

## **11. Surrender of registration**

(1) The owner of a registered industrial design may surrender it by written declaration to the Registrar who shall record the surrender in the Register and publish it appropriately.

(2) The surrender shall have effect from the date on which it is recorded.

## **12. Invalidation of registration**

(1) An interested person may apply to the Court for the invalidation of the registration of an industrial design.

(2) The Court shall invalidate the registration of an industrial design if the person requesting the invalidation proves that any of the requirements of sections 3 and 4 are not fulfilled or if the registered owner of the industrial design is not the creator or successor in title.

(3) An invalidated registration of an industrial design, or part thereof, shall be regarded as null and void from the date of the registration.

(4) The decision of the Court or the decision on any appeal therefrom shall be notified to the Registrar who shall record it and publish a reference to it as soon as possible thereafter.

## **13. Changes in ownership**

(1) A change in the ownership of the registration of an industrial design, or in the ownership of an application therefor, shall be in writing and shall, upon the request of any interested party made to the Registrar, be recorded and, except in the case of an application, published by the Registrar.

(2) A change under subsection (1) shall be of no effect against third parties until it has been recorded.

## **14. Licence contracts**

(1) Subject to this section, the owner of a registered industrial design on an application therefor may grant licences in respect of the design.

(2) A copy of each licence contract concerning a registered industrial design, or an application therefor, shall be submitted to the Registrar who shall keep its contents confidential but shall record it and publish a reference thereto and until the contract is so recorded it shall have no effect against third parties.

## **15. The Registrar**

The Registrar shall be responsible for all functions relating to the procedure for the registration of industrial designs and for the administration of registered industrial designs as specified in this Act.

## **16. Register and publication**

(1) The Registrar shall maintain a Register of Industrial Designs in which he or she shall record all matters required by the Act to be recorded.

(2) The Register may be consulted by any person under the prescribed conditions and any person may obtain extracts upon payment of the prescribed fee.

(3) The Registrar shall publish in an appropriate manner all the publications provided for in this Act.

## **17. Correction of errors**

The Registrar may, subject to any provisions in the Regulations, correct any error of translation or transcription, clerical error or mistake in any application or document filed with the Registrar on in any matter recorded under this Act.

## **18. Extension of time**

(1) Where the Registrar is satisfied that the circumstances justify it, he or she may, upon receiving a written request, extend the time for doing any act or taking any proceeding under this Act, upon notice to the parties concerned and upon such terms as he or she may direct.

(2) The extension may be granted though the time for doing the act or taking the proceeding has expired.

## **19. Exercise of discretionary powers**

The Registrar shall, before exercising any discretionary power vested in him or her by this Act adversely to any party to a proceeding before him or her, give that party an opportunity to be heard.

## **20. Representation**

Where an applicant's ordinary residence or principal place of business is outside Saint Lucia, he or she shall be represented by an attorney-at-law resident and practising in Saint Lucia.

## **21. Competence of Court**

(1) The Court shall have jurisdiction in cases of dispute relating to the application of this Act and in matters which under this Act are to be referred to the Court.

(2) Any decision taken by the Registrar under this Act, in particular the decision to register an industrial design or to refuse an application for such a registration may be the subject of an appeal by any interested party to the Court and such appeal shall be filed within 3 months of the date of the Registrar's decision.

## **22. Infringement and offences**

(1) Subject to section 9(3), an infringement shall consist of the performance in Saint Lucia of any act referred to in section 9(2) by a person other than the owner of the registered industrial design and without the agreement of the latter.

(2) On the request of the owner of the registered industrial design, or of a licensee, if he or she has requested the owner to institute court proceedings for a specific relief and the owner has refused or failed to do so, the Court may grant an injunction to prevent infringement or an imminent infringement, award damages and grant any other remedy provided for in the general law.

(3) A person who intentionally performs an act which constitutes an infringement as defined in subsection (1) commits an offence and is liable on summary conviction to a fine of \$10,000 and to imprisonment for 5 years.

## **23. Application of international treaties**

The provisions of any international treaties in respect of industrial property to which Saint Lucia is a party shall apply to matters dealt with by this Act and, in case of conflict with provisions of this Act, the conflicting provision in this Act shall be construed to give effect to the provision of the relevant treaty.

## **24. Regulations**

The Minister may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.

## **25. Transitional provisions**

(1) Despite the repeal of the former Act, industrial designs registered thereunder shall remain in force but shall, subject to subsection (2), be deemed to have been registered under this Act.

(2) Industrial designs registered under the former Act shall remain in force for the unexpired portion of the period of protection provided for under that Act and may be renewed in accordance with the provisions of this Act.

(3) A person who on the date of the coming into force of this Act is the owner of an industrial design that has been registered in the United Kingdom for a period not exceeding 3 years or has filed an application for registration of an industrial design in the United Kingdom may, within 12 months from entry into force of this Act, file an application for the registration of the same industrial design under this Act and such application shall be accorded the filing date or priority date accorded to the application or registration in the United Kingdom.

(4) The Registrar shall, on and after the coming into force of this Act—

- (a) perform all the functions of and exercise all the powers conferred on the Registrar of the Supreme Court in relation to industrial designs under the former Act; and
- (b) be the custodian of the Register of Patents, Designs and Trade Marks kept under the former Act.

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### **CHAPTER 13.29 INDUSTRIAL DESIGNS ACT**

#### **SUBSIDIARY LEGISLATION**

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##### *List of Subsidiary Legislation*

1. Industrial Designs Regulations – Section 24
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#### **Industrial Designs Regulations – Section 24**

##### **(Statutory Instrument 50/2003)**

Act 2 of 2001 in force 1 June 2003 (S.I. 52/2003)

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## **INDUSTRIAL DESIGNS REGULATIONS – SECTION 24**

Commencement [10 June 2003]

### **1. Citation**

These Regulations may be cited as the Industrial Designs Regulations.

### **2. Interpretation**

In these Regulations—

“**Act**” means the Industrial Designs Act;

“**applicant**” means a person for whom an application is made;

“**application**” means an application for registration of an industrial design;

“**office**” means the Registry of Companies and Intellectual Property;

“**International Classification for Designs**” means Locarno Agreement establishing an International Classification of Industrial Designs;

“**section**” means the specified section of the Act.

### **3. Fees**

The fees to be paid in respect of matters arising under the Act and these Regulations shall be those set out in Schedule 1.



#### **4. Forms**

(1) The forms referred to in these Regulations are those in Schedule 2.

(2) A requirement to use a form set out in Schedule 2 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 2.

(3) If a document that is submitted to the Office differs significantly from the form in Schedule 2 intended to be used for the purpose of 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 2 to be used for the purpose.

#### **5. Applications – language of**

(1) Applications shall be in English.

(2) Any document forming part of an application submitted to the Registrar under 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 or her knowledge complete and faithful.

#### **6. Applications – paper requirements**

(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 declarations and 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 the Act or these Regulations shall be filed in duplicate.

#### **7. Page margins**

(1) The pages of documents other than graphic representations must be numbered consecutively, preferably at the top of the page.

(2) Page margins must not be less than 2 cm or 1 inch.

(3) Except for graphic representations, pages must be typed or printed, preferably with 1½ spacing or double spacing.

#### **8. Indication of name, address, nationality**

(1) Names of natural persons shall be indicated by given name or names, followed by the person's family name 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.

#### **9. Signature by Partnerships, Companies and Associations**

(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 or she signs on behalf of the

partnership, or by any other person who satisfies the Registrar that he or she is authorised to sign.

(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 or she is authorised to sign the document and shall bear the seal or stamp 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 or she is duly authorised to sign.

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

#### **10. Authorisation of agent**

(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, each applicant.

(2) The authorisation of agent may be filed together with the application or within 2 months from its filing date and if the appointment is not made in accordance with 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.

#### **11. Application for registration of industrial design**

(1) The application for the registration of an industrial design shall be made in Form 2 and shall be signed by each applicant or authorised agent.

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

#### **12. Number and size of representations and specimen**

(1) The application shall be accompanied by the following—

- (a) if the industrial design is two-dimensional, by 4 graphic representations, or 4 drawings or tracings;
- (b) if the industrial design is three-dimensional, by 4 graphic representations or 4 drawings or tracings of each of the different sides of the industrial design.

(2) No graphic representation, drawing or tracing of the industrial design shall exceed 10 centimetres by 20 centimetres (4 inches by 8 inches) and such representations, drawings or tracings shall be affixed on 4 sheets of durable white paper or cardboard of A4 or 8½ x 11 size.

#### **13. Declaration of priority**

(1) The declaration referred to in section 6(4) shall be made at the time of filing of the application for the industrial design and shall indicate—

- (a) the date of the earlier application;
- (b) the number of the earlier application, subject to sub-regulation 2;
- (c) the symbol of the International Classification for Industrial Designs which has been allocated to the earlier application, subject to subregulation (3);
- (d) the State in which the earlier application was filed or, where the earlier application is a regional or an international application, the State or States for which it was filed;

(e) where the earlier application is a regional or international application, the office with which it was filed.

(2) Where at the time of filing the declaration referred to in sub-regulation (1) the number of the earlier application is not known, that number shall be forwarded within 3 months from the date on which the application containing the declaration was filed.

(3) Where a symbol of the International Classification for Industrial Designs has not been allocated to the earlier application, or had not yet been allocated at the time of filing the declaration referred to in subregulation (1) the applicant shall state this fact in the said declaration and shall communicate such symbol as soon as it has been allocated.

(4) The applicant may, at any time before the registration of the industrial design, amend the contents of the declaration referred to in subregulation (1).

(5) The period for furnishing the certified copy of the earlier application, referred to in section 6(5), shall be 3 months from the date of the request by the Registrar and where a copy has already been furnished for another application, the applicant may respond by making a reference to that application.

(6) Where the earlier application is in a language other than English, the applicant shall, within 6 months from the date of the afore-mentioned request, furnish an English translation of the earlier application verified by the translator that the translation is to the best of his or her knowledge complete and faithful.

(7) Unless the Registrar requests otherwise, the earlier application and any translation thereof shall be filed in one copy.

#### **14. Withdrawal of application**

(1) The application may be withdrawn, under section 6(9), 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.

#### **15. Numbering of application**

(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 corrections 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 industrial design.

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

#### **16. Examination; decision to grant or refuse**

(1) The Registrar shall examine whether the application fulfils the requirements of section 7(1).

(2) The invitation to file any correction under section 7(2) shall be in writing and it shall specify the correction or corrections required and request that these be filed within 2 months from the date of the invitation, together with the payment of the prescribed fee.

(3) If the application is treated as if it had not been filed, under section 7(2), the Registrar shall notify the applicant in writing specifying the reasons.

(4) Where the Registrar finds that the conditions set out in sections 3, 4(4) and 6(1), 6(3) and 6(10), and the Regulations pertaining thereto are not fulfilled, he or she shall invite the applicant in writing to file the required correction within 2 months from the date of the invitation, together with the payment of the prescribed fee, and if the applicant chooses not to comply with the invitation to correct a deficiency or where,

despite correction submitted by the applicant, the Registrar is of the opinion that the said conditions are not fulfilled, he or she shall reject the application and notify the applicant in writing, stating the reasons.

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

(6) 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.

## **17. Registration of industrial design**

(1) Subject to the payment of the registration and publication fee within the period prescribed in regulation 16(6), the Registrar shall register the industrial design in accordance with section 8(1) and this regulation.

(2) The Registrar shall allot to each industrial design a registration number in sequential order of registration.

(3) The registration of an industrial design shall include a representation of the industrial design and shall specify—

- (a) the number of the industrial design;
- (b) the name and address of the registered owner;
- (c) the name and address of the agent, if any;
- (d) the name and address of the creator except where he or she has asked not to be named in the registration;
- (e) if priority has been claimed, and the claim has been accepted, the priority date and the country or countries in which or for which the earlier application was filed; and
- (f) the kind of products for which the industrial design is to be used.

(4) The publication of the reference to the registration of an industrial design under section 8(1) shall contain the particulars specified in subregulation (3).

(5) The certificate of registration of an industrial design shall be issued in Form 3 of Schedule 2.

## **18. Renewal of registration**

(1) The renewal of registration of an industrial design under section 10(2) may be made by the registered owner or his or her agent during the 6 month period preceding the expiry of the registration in Form 4 of Schedule 2.

(2) The renewal shall be made by payment of the renewal fee within the specified period in subregulation (1) or, upon payment of the prescribed surcharge, within the grace period allowed under section 10(3).

(3) The renewal of an industrial design registration shall be recorded in the Register and shall be published.

(4) The Registrar shall issue to the registered owner a certificate of renewal in Form 5 which contains—

- (a) the registration number of the industrial design;
- (b) the date of renewal and the date of expiry;
- (c) the name and address of the registered owner; and
- (d) an indication of the kind of products for which the industrial design has been registered.

## 19. Entries in the Register

The Registrar shall cause to be entered in the Register in respect of every industrial design, in addition to the information indicated in regulation 17(3)—

- (a) the address for service;
- (b) the date on which the industrial design registration expired or was surrendered or invalidated;
- (c) any change in name, or address, or any change in ownership or address for service in accordance with regulations 20 and 21;
- (d) the fact that a licence contract has been concluded and recorded under section 14(2).

## 20. Change in ownership, licence contracts

(1) The request under section 13, for the recording of a change in ownership of an industrial design registered under the Act or of an application therefor shall be made on Form 6 and shall be subject to the payment of the prescribed fee.

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

- (a) the number of the application or registration concerned;
- (b) the filing date, the priority date, if any, and the date of registration;
- (c) the owner and new owner; and
- (d) the nature of the change of ownership.

(3) A licence contract submitted for recording under section 14(2) shall be accompanied by the prescribed fee.

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- 1 If there is more than one person or competent authority, together, opposing the registration of the geographical indication, the data concerning each opponent must appear on a supplementary page if the space provided is not sufficient. Indicate the numbers continued on the supplementary page by their numerals and titles.
  - 2 Where an attorney-at-law has been appointed, the address for service of the attorney-at-law shall be treated as the address to which communications shall be transmitted. (Regulation 2292))

## 21. Address for service

(1) There shall be furnished to the Registrar—

- (a) by every applicant for the registration of an industrial design, an address for service in Saint Lucia for the purpose of the application; and
- (b) by every person (including the applicant for, or the owner of an industrial design, as the case may be) concerned in any proceedings 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 20 and regulation 10, 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 that person or persons who appointed the agent shall be transmitted.

## **22. Excluded days**

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 take the proceedings on the day when the office is next open for business.

## **23. Search, certified copies**

(1) A search of the Register or any file pertaining to an industrial design 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.

## **24. Inspection of licence contracts**

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

## **25. Correction of errors**

(1) Correction of errors under section 17 may be made by the Registrar upon receipt of a request in writing and subject to such terms as he or she may consider appropriate, or on his or her own initiative.

(2) Corrections made shall be communicated to all interested persons and, where considered necessary, shall be published by the Registrar.

## **26. Hearing**

(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 indicate a time limit, which shall not be less than one month, for filing a request for a hearing.

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

(3) Upon receiving such request, the Registrar shall give to the person applying, and any other interested persons, at least 2 weeks notice, in writing, of the date of and time of the hearing.

## **27. Service by mail**

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.

## **28. Extension of time**

The time or periods prescribed by these Regulations for doing any act or taking any proceedings thereunder, other than the time prescribed in regulation 13(1), may be extended by the Registrar if he or she thinks fit, upon such notice to the parties and upon such terms as he or she may direct, and such extensions may be granted although the time or period for doing such act or taking such proceeding has already expired.

### **29. Directions by Registrar**

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

(2) Where no provision is made in the Act or these Regulations in respect of any matter arising in the administration of the Act, the Registrar may make such directions in respect thereof as he or she considers necessary.

### **30. Dispensation by the Registrar**

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 from any reasonable cause that person is unable to do that act or thing, or that document or evidence cannot be produced or filed, the Registrar may, upon the production of such evidence and subject to such terms as he or she thinks fit, dispense with the doing of any such act or thing, or the production or filing of such document or evidence.

### **31. Hours of business**

The office shall be opened to the public from Monday to Thursday inclusive, each week, between the hours of 9:00 a.m. and 2:00 p.m. and 9:00 a.m. to 3:00 p.m. on Fridays or such other time as the Companies and Intellectual Property (Registry) Act provides.

### **32. Evidence**

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

(2) The Registrar may, if he or she 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 or her affidavit or declaration.

### **33. Statutory declarations and affidavits**

(1) Any statutory declaration or affidavit filed under the Act or these Regulations shall be made before any officer authorised by law in Saint Lucia to administer an oath for the purposes of any legal proceedings.

(2) Statutory declarations or affidavits made outside Saint Lucia shall be made before a consul or notary public.

### **34. Publication**

Particulars of industrial designs and other proceedings under the Act and any other information required to be published under the Act or these Regulations shall be published in the Gazette.

### **35. Registrar's certificate**

(1) The Registrar may give a certificate, other than a certificate prescribed by the Act or these Regulations, regarding any entry, matter or thing that he or she is authorised or required by the Act or these Regulations to make or do.

(2) A person who can show an interest in an entry, matter or thing for which a certificate is required may, by an application in Form 7 request the certificate from the Registrar, and the applicant need not disclose his or her interest unless required by the Registrar to do so.

(3) In a certificate issued under this regulation, the Registrar need not include a copy of any design unless a suitable copy of the design accompanies the application for the certificate.

### 36. General

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 of the office or provide advice on matters concerning the interpretation of the Act or Regulations or concerning other questions of law.

#### Schedule 1

(Regulation 3)

##### FEES

MATTER	AMOUNT
1. Application for 1st design	\$200
for each additional design	\$50
2. Correction of application to comply with requirements for according filing date (section 7(2) regulation 16(2))	\$10
3. Correction of application to comply with formal requirements (Section 7(3) regulation 16(4))	\$10
4. Registration fee (section 8(1) regulation 16(6) and 17(1))	\$10
5. Publication fee	\$100
6. Renewal fee (section 10(2) regulation 18(2)) first renewal	\$50
Second renewal	\$100
7. Late payment of renewal fee	\$200
8. Request for recording of a licence contract (section 14(1) regulation 20(3))	\$100
9. Application for recording of change in ownership/address (section 13 regulation 20(1))	\$50
10. Certified copies of documents	\$50
11. Uncertified copies of documents	\$1 per printed page; \$10 per document \$1 per page
12. Request for correction of error (section 17 regulation 25)	\$20
13. Search of Register	\$3
14. Search of industrial design file	\$5 for up to 3 files, \$1 for each additional file
15. Request for hearing	\$50
16. Filing of any document or for any act for which a fee is not provided	\$20

#### Schedule 2

(Regulation 10)

##### FORMS

##### FORM 1

##### AUTHORISATION OF AGENT

I/We1 ..... hereby appoint the following attorney-at-law as my/our agent in respect of an application for an industrial design entitled2 ....., and empower the appointed agent to sign and amend the application, to prosecute it, to receive the registration certificate, to effect the renewal, and to withdraw or surrender the application or registration, and rectify any act done by the agent in

1 Fill in full name and address of applicant(s)  
2 Insert title/name of industrial design



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<sup>3</sup>: .....

## FORM 2

### APPLICATION FOR REGISTRATION OF INDUSTRIAL DESIGN

#### For official use only

#### Application #:

The Applicant(s) request(s) that the accompanying industrial design(s) be registered in respect of the following particulars:

#### 1. Applicant(s)

(Additional information is contained on supplemental page) \_\_\_\_\_

Name: \_\_\_\_\_

Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Nationality/Principal place of business \_\_\_\_\_ Residence \_\_\_\_\_

Telephone # \_\_\_\_\_ Fax # \_\_\_\_\_

#### 2. Authorisation of agent is

\_\_\_\_\_ attached

\_\_\_\_\_ will be filed within 2 months from the filing of this form

#### 3. Creator of industrial design(s)

\_\_\_\_\_ The creator is the applicant

If the creator is not the applicant

Name of creator \_\_\_\_\_

Address \_\_\_\_\_

The statement justifying the applicant's right is attached. \_\_\_\_\_

#### 4. Representations of the Industrial Design(s); Specimen(s)

This Form is accompanied (in respect of each industrial design) by—

\_\_\_\_\_ Four graphic representations

\_\_\_\_\_ Four drawings or tracings

\_\_\_\_\_ A specimen of the industrial design

#### 5. Products

The kind of products for which the industrial design(s) is (are) to be used is (are) the following:

#### 6. Joint application

The designs which are the subject of this application

\_\_\_\_\_ Relate to the same set of composition of articles.

Relate to the same class namely class No \_\_\_\_\_ of the International Classification

#### 7. Deferred Publication

The applicant(s) request(s) that the publication of the industrial design be deferred for a period of \_\_\_\_\_ months<sup>1</sup> from the date of filing or, if priority is claimed, from the date of priority.

#### 8. Priority Claim (if any)

<sup>3</sup> To be signed by applicant(s) and bear seal of company or partnership if appropriate  
<sup>1</sup> Insert requested period of deferment taking into account that section 6(8) the maximum period is 12 months.

The priority of an earlier application is claimed as follows:

Country                      Filing date(s)                      Application No.

The priority of more than one earlier application is claimed; the data is indicated on a supplemental page \_\_\_\_\_

The certified copy of the earlier application

\_\_\_\_\_ Accompanies the form

\_\_\_\_\_ Will be furnished within 2 months of the filing of this form

**9. Signature (s)** \_\_\_\_\_  
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



(Regulation 17)  
(Section 8(1))

**FORM 3**

**CERTIFICATE OF REGISTRATION OF AN INDUSTRIAL DESIGN**

I \_\_\_\_\_ Registrar of Companies and Intellectual Property of the State of Saint Lucia hereby certify that an industrial design having the registration No. \_\_\_\_\_ has been registered to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

on \_\_\_\_\_ (date) \_\_\_\_\_ in respect of an industrial design disclosed in an application for registration of that industrial design, having the following:

Filing date: \_\_\_\_\_

Priority date: \_\_\_\_\_

being an industrial design for \_\_\_\_\_ created by

Name: \_\_\_\_\_

Address: \_\_\_\_\_

A copy of the reproduction of the design accompanies this certificate.

The publication of the registration will be deferred, as requested until \_\_\_\_\_ 2

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20

\_\_\_\_\_  
Registrar  
Companies and Intellectual Property

(Section 10(2) Regulation 18(1))

**FORM 4**

**APPLICATION FOR RENEWAL OF AN INDUSTRIAL DESIGN**

**Industrial Design No:—**

I/We \_\_\_\_\_ of \_\_\_\_\_

Name(s) and address (es)

the registered owner(s) of the Industrial Design No: \_\_\_\_\_

hereby apply for renewal of the said Design in accordance with section 10(2) (or 10(3)) of the Act.

Agent (if applicable): \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

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

2 Insert date in accordance with section 6(8)

1 Where 2 or more designs are subject of the application, in accordance with section 6(7), certificates are to be issued separately for each design.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20

Name and Signature: \_\_\_\_\_

Applicant / Agent



(Regulation 18(4))

**FORM 5**

**CERTIFICATE OF RENEWAL OF INDUSTRIAL DESIGN**

I, \_\_\_\_\_ Registrar of Companies and Intellectual Property hereby certify that Industrial Design No \_\_\_\_\_ has been renewed under application for renewal filed \_\_\_\_\_

Date of renewal \_\_\_\_\_

Date of expiration \_\_\_\_\_

Name of Registered owner: \_\_\_\_\_

Address \_\_\_\_\_

Products in respect of which industrial design registered \_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20

\_\_\_\_\_  
Registrar  
Companies and Intellectual Property

(Section 13 Regulation 20(1))

**FORM 6**

**APPLICATION FOR CHANGE OF OWNERSHIP**

**1. In the matter of:**

\_\_\_\_\_ Application for Registration of Filing Date:  
Industrial Design No.  
\_\_\_\_\_ Industrial Design No. Registration Date:

**2. Applicant(s)/owner(s)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**3. Request**

The Registrar is hereby requested to record the change of ownership of the above-identified \_\_\_\_\_<sup>1</sup>

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

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

**4. Applicant(s)/owner(s)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Agent (if applicable) \_\_\_\_\_  
Nationality \_\_\_\_\_  
Principal place of business \_\_\_\_\_

**5. Additional information**

The following items accompany this Form

\_\_\_\_\_ The original or a certified copy of the document evidencing the change of ownership, signed by or on behalf of the parties  
\_\_\_\_\_ Other documents evidencing this change in ownership (specify)  
\_\_\_\_\_ Other (specify)

**6. Names and Signatures**

\_\_\_\_\_ New Applicant(s)/New owner(s)/ Agent

1 Indicate registered design or application  
2 Delete whichever is inapplicable  
3 Delete whichever is inapplicable

\_\_\_\_\_  
\_\_\_\_\_

Date  
Applicant(s)/ Owner(s)/ Agent

(Regulation 35(2))

**FORM 7**

**REQUEST FOR CERTIFICATE OF THE REGISTRAR IN RELATION TO AN ENTRY, MATTER OR THING**

IN THE MATTER OF<sup>1</sup> (e.g. an application for change of name)

I/We \_\_\_\_\_ hereby  
(insert name and address)

request the Registrar to furnish me (us) with \_\_\_\_\_<sup>2</sup>

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
\_\_\_\_\_<sup>3</sup>

Name and Signature

\_\_\_\_\_<sup>4</sup>

To:

The Registrar  
Registry of Companies and Intellectual Property  
Saint Lucia

**FORM 8**

**CHANGE OF NAME/ADDRESS**

I/We \_\_\_\_\_ the owner(s) of the  
(insert name and address)

application for registration of an industrial design (or the registered design identified below)  
wish to have recorded a change of name/address to

\_\_\_\_\_  
(insert new name /address)

Registration No. \_\_\_\_\_

Date registered \_\_\_\_\_

Date of application filed \_\_\_\_\_

Title of design \_\_\_\_\_

Agent (if applicable) \_\_\_\_\_

Signed: (signature of owner(s)/agent)

(Name of owner(s)/ agent)

Authorisation of Agent to accompany this Form

\_\_\_\_\_

- \_\_\_\_\_  
1 These words matter be altered to suit other circumstances  
2 Here set out the particulars that the Director is required to certify  
3 Signature(s) with full names typed below  
4 Address