

CHAPTER 13.16 LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS ACT

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• Act • Subsidiary Legislation •

ACT

(Act 3 of 2000)

Act 3 of 2000 in force 1 April 2000

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Protection
4. Originality
5. Right to protection
6. Effect of protection
7. Commencement and duration of protection
8. Filing requirements
9. Register, registration and publication
10. Right to transfer and rectification of register
11. Changes in ownership and contractual licences
12. Cancellation
13. Representation
14. Infringement and enforcement of exclusive right
15. Offences
16. Exploitation by a government agency or third person
17. Exercise of discretionary powers and extension of time
18. Competence of Court and appeals
19. Application of international treaties
20. Regulations

CHAPTER 13.16 LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS ACTS

AN ACT to provide for the protection of layout-designs (topographies) of integrated circuits.

Commencement [1 May 2000]

1. Short title

This Act may be cited as the Layout-Designs (Topographies) of Integrated Circuits Act.

2. Interpretation

In this Act—

“**Court**” means the High Court;

“**integrated circuit**” means a product, in its final form or an intermediate form in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and on a piece of material and which is intended to perform an electronic function;

“**layout-design**” is synonymous with “topography” and means the 3-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and of some or all of the inter-connections of an integrated circuit, or such a 3-dimensional disposition prepared for an integrated circuit intended for manufacture;

“**Minister**” means the Minister to whom responsibility for intellectual property is assigned;

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

“**Register**” means the Register of Layout-Designs (Topographies) of Integrated Circuits;

“**right holder**” means the person who is to be regarded as the beneficiary of the protection referred to in section 6.

3. Protection

(1) Protection under this Act may be obtained for layout-designs of integrated circuits if and to the extent that they are original within the meaning of section 4.

(2) Registration may only be applied for if the layout-design has not yet been commercially exploited, or has been commercially exploited for not more than 2 years anywhere in the world.

(3) Protection under this Act shall not be available for layout-designs which have been commercially exploited, anywhere in the world, for more than 2 years prior to the entry into force of this Act.

4. Originality

(1) A layout-design shall be considered to be original if it is the result of its creator’s own intellectual effort and is not common place among creators of layout-designs and manufacturers of integrated circuits at the time of its creation.

(2) A layout-design consisting of a combination of elements and inter-connections that are commonplace shall be protected only if the combination taken as a whole is original within the meaning of subsection (1).

5. Right to protection

(1) The right to layout-design protection shall belong to the creator of the layout-design and may be assigned or transferred by succession.

(2) Where several persons have jointly created a layout-design, the right to layout-design protection shall belong to them jointly.

(3) Where the layout-design has been created in execution of a commission or an employment contract, the right to layout-design protection shall belong, in the absence of contractual provisions to the contrary to the person who commissioned the work or to the employer.

6. Effect of protection

(1) Protection under this Act shall not depend upon whether or not the integrated circuit which incorporates the protected layout-design is itself incorporated in an article.

(2) Subject to subsection (3) and to section 14 the protection shall have the effect that the following acts shall be unlawful if performed without the authorisation of the right holder—

- (a) reproducing, whether by incorporation in an integrated circuit or otherwise, the protected layout-design in its entirety or any part thereof, except the act of reproducing any part that does not comply with the requirement of originality referred to in section 4:
- (b) importing, selling or otherwise distributing for commercial purposes the protected layout-design, an integrated circuit in which the protected layout-design is incorporated or an article incorporating such an integrated circuit in so far as it continues to contain an unlawfully reproduced layout-design.

(3) The effect of protection of a layout-design under this Act shall not extend to—

- (a) the reproduction of the protected layout-design for private purposes or for the sole purpose of evaluation, analysis, research or teaching;
- (b) the incorporation in an integrated circuit of a layout-design created on the basis of such analysis or evaluation and which is itself original within the meaning of section 4 or the performance of any of the acts referred to in subsection (2) in respect of that layout-design;
- (c) the performance of any of the acts referred to in subsection (2)(b) where the act is performed in respect of a protected layout-design, or in respect of an integrated circuit in which such a layout-design is incorporated, that has been put on the market by or with the consent of the right holder;
- (d) the performance of any of the acts referred to in subsection (2)(b) where the act is performed in respect of an identical layout-design which is original and has been created independently by a third party; or
- (e) the performance of any of the acts referred to in subsection (2)(b) in respect of an integrated circuit incorporating an unlawfully reproduced layout-design or any article incorporating such an integrated circuit where the person performing or ordering such an act did not know and had no reasonable ground to know; when acquiring the integrated circuit or the article incorporating such an integrated circuit, that it incorporated an unlawfully reproduced layout-design.

(4) Where however a person under subsection (3)(e) has received sufficient notice that the layout-design was unlawfully reproduced, that person may perform any of those acts only with respect to the stock on hand or ordered before such time and is liable to pay to the right holder a sum equivalent to a reasonable royalty such as would be payable under a freely negotiated licence in respect of such a layout-design.

7. Commencement and duration of protection

(1) Protection of a layout-design under this Act shall commence—

- (a) on the date of the first commercial exploitation, anywhere in the world of the layout-design, by or with the consent of the right holder, if an application for protection is filed by the right holder with the Registrar within the time limit referred to in section 8(2);
- (b) on the filing date accorded to the application for the registration of the layout-design filed by the right holder, if the layout-design has not been previously exploited commercially anywhere in the world.

(2) Protection of a layout-design under this Act shall terminate at the end of the tenth calendar year after the date of commencement of protection.

8. Filing requirements

(1) An application for the registration of a layout-design shall be in writing and shall be filed with the Registrar.

(2) A separate application shall be filed for each layout-design.

(3) The application shall—

- (a) contain a request for registration of the layout-design in the register and a brief and precise designation of the layout-design;
- (b) indicate the name, address, nationality and, if different from the address, the habitual residence of the applicant;
- (c) be accompanied by an authorisation of the agent appointing the representative of the applicant, if any;
- (d) be accompanied by a copy or drawing of the layout-design together with information defining the electronic function which the integrated circuit is intended to perform but the application may omit such parts of the copy or drawing that relate to the manner of manufacture of the integrated circuit, if the parts submitted are sufficient to allow the identification of the layout-design;
- (e) specify the date of first commercial exploitation of the layout-design anywhere in the world or indicate that such exploitation has not commenced; and
- (f) provide particulars establishing the right to protection under section 5.

(4) Where an application does not comply with the requirements of subsection (3), the Registrar shall immediately notify the applicant of the defects and invite him or her to correct them within 2 months.

(5) Where the defects are corrected within the time limit under subsection (4), the Registrar shall accord, as the filing date, the date of receipt of the application, if at the time of receipt, the application contained an express or implicit indication that the registration of a layout-design is requested and indications allowing the identity of the applicant to be established and was accompanied by a copy or drawing of the layout-design.

(6) Where the requirements of subsection (5) were not complied with at the date of receipt of the application but are complied with within the time limit, the date of receipt of the required correction shall be deemed to be the filing date of the application.

(7) The Registrar shall confirm the filing date and communicate it to the applicant.

(8) Where the defects are not corrected within the time limit, the application shall be deemed not to have been filed.

(9) Each application for protection of a layout-design shall be subject to the payment of the prescribed fee.

(10) Where the fee is not paid, the Registrar shall notify the applicant that the application will be deemed not to have been filed unless payment is made within 2 months from the date of the notification and where the application fee is not paid within that time limit, the application shall be deemed not to have been filed.

9. Register, registration and publication

(1) The Registrar shall maintain a register in which he or she shall record all matters required by this Act to be recorded.

(2) Where an application complies with the requirements of section 8, the Registrar shall register the layout-design in the Register without examination of—

- (a) the originality of the layout-design;
- (b) the applicant's entitlement to protection; or
- (c) the correctness of the facts stated in the application.

(3) The Register shall contain the number, title, filing date and, where indicated in the application under section 8(3)(e), the date of first commercial exploitation anywhere in the world of the layout-design as well as the name and address of the right holder and other prescribed particulars.

(4) A person may consult the Register and obtain extracts therefrom, subject to the payment of the prescribed fee.

(5) The registration of a layout-design shall be published in the prescribed manner.

10. Right to transfer and rectification of register

(1) Where the essential content of the application has been taken from the layout design of another person without his or her consent, that other person may, in writing, request the Registrar to transfer the application to him or her.

(2) Where the application has already resulted in a registration, that person may, within 3 years from the publication of the registration, in writing, request the Registrar to transfer the registration to him or her and to rectify the entry in the Register accordingly.

(3) The Registrar shall send a copy of such a request to the right holder, and, within the prescribed period and in the prescribed manner, the right holder may send to the Registrar a counter-statement of the grounds on which he or she relies.

(4) Where the right holder sends a counter-statement, the Registrar shall furnish a copy to the person requesting the transfer and, after hearing the parties, if either or both wish to be heard, and considering the merits of the case, shall decide whether the application or registration should be transferred and, where applicable, whether the Register should be rectified.

11. Changes in ownership and contractual licences

(1) Any change in the ownership of a protected layout-design shall be in writing.

(2) Where a layout-design has been registered, a subsequent change in ownership shall, where an interested party makes a request to the Registrar, be recorded and published by the Registrar and such change shall have no effect against third parties until it has been recorded.

(3) Any licence contract concerning a layout-design shall, upon registration of the layout-design, be submitted to the Registrar who shall keep its contents confidential but shall publish a reference thereto and the licence contract shall have no effect against third parties until such submission has been made.

12. Cancellation

(1) Any interested person may apply to the Court for the cancellation of the registration of a layout-design on the grounds that—

- (a) the layout-design is not protectable under sections 3 and 4;
- (b) the right holder is not entitled to protection under section 5; or
- (c) the application was not filed within the time limit referred to in sections 8(2) and 7(1)(a), where the layout-design has been commercially

exploited, anywhere in the world, before the filing of the application for registration of the layout-design.

(2) Where the grounds for cancellation are established with respect only to a part of the layout-design, only the corresponding part of the registration shall be cancelled.

(3) A cancelled layout-design registration, or part thereof, shall be regarded as null and void from the date of the commencement of protection.

(4) The Registrar of the Court shall notify the Registrar of the decision of the Court or the decision on any appeal therefrom and the Registrar shall record it and publish a reference thereto as soon as possible.

13. Representation

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

14. Infringement and enforcement of exclusive right

(1) Infringement shall consist of the performance of any act which is unlawful under section 6.

(2) On the request of the right holder, or of his or her licensee, if the latter has requested the right holder to institute court proceedings for a specific relief and the right holder has refused or failed to do so within a reasonable time, the Court may grant an injunction to prevent infringement or an imminent infringement, award damages or grant any other remedy provided for in the general law.

(3) Proceedings under subsection (2) may be initiated only after an application for registration of the layout-design has been filed with the Registrar.

15. Offences

A person who, without authorisation knowingly performs an act which is unlawful under section 6, commits an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for 2 years and the Court may also order the seizure, forfeiture and destruction of the layout-designs, integrated circuits or articles concerned and of any materials or implements, the predominant use of which has been in the commission of the offence.

16. Exploitation by a government agency or third person

(1) Where—

- (a) the public interest, in particular national security, nutrition, health or the development of other vital sectors of the national economy requires the exploitation of a protected layout-design for public non-commercial use; or
- (b) a judicial or administrative body has determined that the manner of exploitation of a protected layout-design, by the right holder of his or her licensee, is anti-competitive, and the Minister is satisfied that the exploitation of the layout-design in accordance with this section would remedy such practice,

the Minister may decide that, even without the authorisation or the right holder, a government agency or a third person designated by the Minister may exploit the layout-design.

(2) The exploitation of the layout-design shall be—

- (a) limited in scope and duration to the purpose for which it was authorised;
- (b) predominantly for the supply of the domestic market;

- (c) non-exclusive; and
- (d) subject to the payment to the right holder of an adequate remuneration, taking into account the economic value of the Minister's authorisation, as determined in the Minister's decision and where applicable, the need to correct anti-competitive practices.

(3) Upon request of the right holder or of the beneficiary of the authorisation, the Minister may, after hearing the parties, if either or both wish to be heard, vary the terms of the decision authorising the exploitation of the layout-design to the extent that changed circumstances justify such variation.

(4) Upon the request of the right holder, the Minister shall terminate the non-voluntary licence if the Minister is satisfied that the circumstances which led to his or her decision have ceased to exist and are unlikely to recur or that the beneficiary of the authorisation has failed to comply with the terms of the authorisation.

(5) Despite subsection (4), the Minister shall not terminate an authorisation if he or she is satisfied that the adequate protection of the legitimate interests of the beneficiary of the authorisation justifies the maintenance of the authorisation.

(6) Where a third person has been designated by the Minister in accordance with subsection (1), the authorisation may only be transferred with the enterprise or business of the beneficiary of the authorisation or with the part of the enterprise or business within which the layout-design is being exploited.

(7) A request for the Minister's authorisation shall be accompanied by evidence that the right holder has received, from the person seeking the authorisation, a request for a contractual licence but that that person has been unable to obtain such a licence on reasonable commercial terms and conditions and within a reasonable time.

(8) Decisions of the Minister under this section may be the subject of an appeal to the Court.

17. Exercise of discretionary powers and extension of time

(1) 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.

(2) Where the Registrar is satisfied that the circumstances justify it, he or she may, upon receiving a written request therefor, extend the time, other than the time limit set out in sections 3(2) and 7(1)(a), for filing an application, or taking any proceeding under this Act, upon notice to the parties concerned and upon such terms as he or she may direct and such extension may be granted although the time for doing the act or taking the proceeding has expired.

18. Competence of Court and appeals

(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 registration of a layout-design, may be the subject of an appeal by any interested party to the Court and such appeal shall be filed within 2 months of the date of the decision.

19. Application of international treaties

The provisions of any international treaty in respect of intellectual 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, shall prevail over the latter.

20. 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.

CHAPTER 13.16 LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Layout-Designs (Topographies) of Integrated Circuits Regulations – Section 56

Layout-Designs (Topographies) of Integrated Circuits Regulations – Section 56

(Statutory Instrument 49/2003)

Statutory Instrument 49/2003 in force 10 June 2003

ARRANGEMENT OF REGULATIONS

1. Citation
2. Interpretation
3. Fees
4. Forms
5. Applications – language of
6. Indication of name, address, nationality
7. Signature by Partnerships, Companies and Associations
8. Authorisation of agent
9. Applications-paper requirements
10. Application for registration of layout-design
11. Withdrawal of application
12. Marking application
13. According and notifying filing date; examination; decision to grant or refuse
14. Registration; publication; issuance of certificate
15. Entries in the register
16. Address for service
17. Changes in ownership or address
18. Excluded days
19. Search of Register; request for extracts therefrom and for copies of documents
20. Inspection of licence contracts
21. Correction of errors
22. Hearing
23. Service by mail
24. Extension of time limit
25. Correction of irregularities
26. Directions as to furnishing of documents
27. Dispensation by the Registrar
28. Hours of business
29. Evidence

- 30. Statutory declarations and affidavits
 - 31. Publication; periodical
 - 32. General
- Schedule 1
Schedule 2
-

LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS REGULATIONS – SECTION 56

Commencement [10 June 2003]

1. Citation

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

2. Interpretation

In these Regulations unless the context otherwise requires—

“**Act**” means the Layout Design (Topographies) of Integrated Circuits Act;

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

“**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 the Schedule of Fees 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. Indication of name, address, nationality

(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.

7. 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 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 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 and on behalf of an association of persons may be signed by any person who satisfies the Registrar that he or she is duly authorised so to do.

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

8. 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, by 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 section 13 and subregulation (1), any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

9. 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 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.

10. Application for registration of layout-design

(1) The application for the registration of a layout-design shall be made on Form 2 of Schedule 2 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 or she is not, it shall indicate each 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.

11. Withdrawal of application

(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.

12. Marking 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 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 subregulation (1) shall be quoted in all subsequent communications concerning the application.

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

(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 or she shall invite the applicant to file the required correction.

(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 2 months from the date of the invitation, together with the payment of the prescribed fee.

(4) Once the Registrar accords a filing date, he or she 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 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 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 or she 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 or her decision to grant or refuse the application, and, in the case of a decision to grant the application, he or she shall request the applicant to pay the registration and publication fee within one month from the date of the notification.

14. Registration; publication; issuance of certificate

(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 or she registers, a number in the sequential order of registration.

(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 or she 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 subregulation (1), shall contain the particulars specified in subregulation (3).

(5) The certificate of registration of a layout-design shall be issued on Form 3.

15. Entries in the register

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

16. Address for service

(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 or her 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 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.

17. Changes in ownership or address

(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 recording under section 11(3) shall be accompanied by the prescribed fee.

18. Excluded days

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.

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

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.

20. Inspection of licence contracts

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

21. Correction of errors

(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 under 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 or she may consider appropriate, or on his or her own initiative.

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

22. 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 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.

23. 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.

24. Extension of time limit

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 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.

25. Correction of irregularities

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

26. Directions as to furnishing of documents

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.

27. 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 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 or she thinks fit, dispense with the doing of any such act or thing, or the production or filing of such document or evidence.

28. Hours of business

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 and Intellectual Property (Registry) Act provides.

29. 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.

30. 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 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.

31. Publication; periodical

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 Gazette unless the Registrar otherwise directs.

32. 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 or 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)

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 recording of change in ownership and address	\$50.00
7. Request for recording of change in ownership/address	\$25.00
8. Submission of licence contract for recording	\$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 2

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.

* Fill in full name and address of applicant

Name of agent:	
Address for Service	
Mailing address	
Tel Number	
Fax Number	
E-mail address	

Dated this day of 20

Name and
Signature: †.....

(Regulation 10(1) and Section 8)

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 2 months from the filing of this form

3. Representation of Lay-out Design:

This form is accompanied by:

4 copies ** of the layout-design;

4 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)

4 drawings** of the lay-out design;

4 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, under 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

† To be signed by applicant and bear seal of company or partnership if appropriate
 1 indicate the numbers contained on the supplemental pages in 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).

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



**LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS ACT
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

(Regulations 16(1) & 17(1) and Section 11)

FORM 4

RECORDAL OF CHANGE OF OWNERSHIP/ADDRESS

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

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: _____

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. SIGNATURE(S) AND SIGNATURES

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

(Date)

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

(Date)

** Indicate application or title concerned

* Delete whichever does not apply

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