

THE INDUSTRIAL DESIGNS RULES, 1996

Preliminary

Citation

1. These Rules may be cited as the Industrial Designs Rules, 1996.

Interpretation

2. In these Rules, unless the context otherwise requires—
“priority date” means the filing date of the earlier application that serves as the basis for the right of priority as provided for in [section 6\(4\)](#);
“section” refers to the specified section of the Act.

Fees

Schedule I

3. The fees to be paid in respect of matters arising under the Act or these Rules shall be those specified in the Schedule of Fees in [Schedule I](#).

Forms Schedule II

4. (1) The forms referred to in these Rules are those set out in [Schedule II](#).
(2) A requirement under these Rules to use such a form is satisfied by the use either of a replica of that form or of a form which is acceptable to the Controller and contains the information required by the form set out in that Schedule.

Language of documents and translations

5. Applications shall be in the English language, and any document forming part of an application or submitted to the Controller pursuant to the Act or these Rules and which is in a language other than English shall be accompanied by an English translation verified by the translator that the translation is to the best of his knowledge complete and faithful.

Indication of name, address, nationality and residence

6. (1) Names of natural persons shall be indicated by the person’s family name and given name or names, the family name being indicated before the given names, and the names of legal entities shall be indicated by their full official designations.
(2) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units, including the house number, if any, and addresses shall also indicate telegraphic and telex addresses and facsimile and telephone numbers.

(3) 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 and their Registered Office.

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

Signature by partnerships, companies and associations

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

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

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

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

Representation by attorney-at-law

8. (1) The appointment of an attorney-at-law shall be by an authorisation of agent which shall be signed by the applicant or, if there are more than one, by each applicant.

(2) The authorisation of agent appointing an attorney-at-law may be filed together with the application or within two months from its filing date and if the appointment is not thus made and is not in accordance with [section 20](#) and [subrule \(1\)](#), any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

Application for registration of an industrial design

9. (1) The application for the registration of an industrial design shall be made on Form No. 1 and shall be signed by each applicant or authorised agent.

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

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

Number and size of representations and specimen

10. (1) The application shall be accompanied by the following:

- (a) if the industrial design is two-dimensional, by four graphic representations or four drawings or tracings; or
- (b) if the industrial design is three-dimensional, by four graphic representations or four 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 × 20 centimetres and such representations, drawings or tracings shall be affixed on four sheets of cardboard of A4 size.

(3) Drawings and tracings shall be in black ink.

(4) A specimen shall be of a size not exceeding 20 centimetres × 20 centimetres × 20 centimetres.

Declaration of priority and translation of earlier application

11. (1) The declaration referred to in [section 6\(4\)](#) shall be made at the time of filing 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 [subrule \(2\)](#);
- (c) the symbol of the International Classification for Industrial Designs which has been allocated to the earlier application, subject to [subrule \(3\)](#);
- (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 an international application, the Office with which it was filed.

(2) Where at the time of filing the declaration referred to in [subrule \(1\)](#) the number of the earlier application is not known, that number shall be furnished within three 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 [subrule \(1\)](#) 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 [subrule \(1\)](#).

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

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

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

Withdrawal of application

12. (1) The application may be withdrawn, pursuant to [section 6\(9\)](#), by written declaration submitted to the Controller and signed by each applicant.

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

Marking application

13. (1) Upon receipt, the Controller shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters TT, slant, the letter f, slant, the numbers of the year in which the initial papers were received, slant, and a five-digit number allotted in the sequential order in which applications are received and where any corrections or other later filed documents are received on different dates, the Controller shall also mark their actual date of receipt in the appropriate place of the request for registration of the industrial design ([Form No. 1](#)).

(2) The application number allotted under [subrule \(1\)](#) shall be quoted in all subsequent communications concerning the application.

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

14. (1) The Controller 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 two months from the date of the invitation, together with the payment of the prescribed fee.

(3) Once the Controller accords a filing date, he shall so notify the applicant in writing and if the application is treated as if it had not been filed, under [section 7\(2\)](#), the Controller shall notify the applicant in writing, specifying the reasons.

(4) Where the Controller finds that the conditions set out in [sections 3, 4\(4\) and 6\(1\), \(3\) and \(10\)](#) and the Rules pertaining thereto are not fulfilled, he shall invite the applicant, in writing, to file the required correction within two months from the date of the invitation, together with the payment of the prescribed fee and if the applicant does not comply with the invitation to correct a deficiency or where, despite corrections submitted by the applicant, the Controller is of the opinion that the said conditions are not fulfilled, he shall reject the application and notify the applicant, in writing, stating the reasons.

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

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

Registration of Industrial design; publication of reference thereto; issuance of certificate

15. (1) Subject to the payment of the registration and publication fee within the period prescribed in [rule 14\(6\)](#), the Controller shall register the industrial design in accordance with [section 8\(1\)](#) and this rule.

(2) The Controller shall allot to each industrial design he registers a number in the 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 has asked not to be named in the registration;
- (e) if the 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 [subrule \(3\)](#).

(5) The certificate of registration of an industrial design shall be issued on [Form No. 2](#).

Renewal of registration

16. (1) The renewal of the registration of an industrial design under [section 10\(2\)](#) may be made by the registered owner or his agent during the six-month period preceding the expiry of the registration.

(2) The renewal shall be made by payment of the renewal fee within the period specified in [subrule \(1\)](#) 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 Controller shall issue to the registered owner a certificate of renewal 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.

Entries in the register

17. (1) The Controller shall cause to be entered in the register in respect of every industrial design, in addition to the information indicated in [rule 15\(3\)](#)—

- (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 [rules 18](#) and [19](#);

- (d) the fact that a license contract has been concluded and recorded pursuant to [section 14\(2\)](#).

Changes in ownership; license contracts

18. (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 therefore shall be made to the Controller on [Form No. 3](#) and shall be subject to 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 license contract submitted for recordal under [section 14\(2\)](#) shall be accompanied by the prescribed fee.

Address for service

19. (1) There shall be furnished to the Controller—

- (a) by every applicant for the registration of an industrial design, an address for service in Trinidad and Tobago for the purpose of his 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 Rules relate, an address for service in Trinidad and Tobago,

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

(2) Where an agent has been appointed in accordance with [section 20](#) and [rule 8](#), the address of the agent shall, for all purposes connected with the Act and these Rules, be treated as the address to which communications to the person or persons who appointed the agent shall be transmitted.

Excluded days

20. When the last day for doing any act or taking any proceeding falls on a day when the Controller's 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 Controller's Office is next open for business.

Consultation of register; request of extracts therefrom and for copies of documents

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

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

Inspection of license contracts

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

Corrections of errors

23. (1) Corrections of errors, under [section 17](#), may be made by the Controller upon receipt of a request in writing and subject to such terms as he may consider appropriate, or on his own initiative.

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

Hearing

24. (1) Before exercising adversely to any person any discretionary power given to the Controller by the Act or these Rules, the Controller 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 Controller shall give the person applying, and any other interested persons, at least two weeks' notice, in writing, of the date and time of the hearing.

Service by mail

25. (1) Any notice, application or other document sent to the Controller by mail shall be deemed to have been given, made or filed at the time when it would be delivered in the ordinary course of the mail and in proving such sending, it shall be sufficient to prove that the letter containing such notice, application or other document was properly addressed and sent by registered mail.

Extension of time limit

26. (1) The time or periods prescribed by these Rules for doing any act or taking any proceeding thereunder, other than the time prescribed in [rule 11\(1\)](#), may be extended by the Controller if he thinks fit, upon such notice to the parties and upon such terms as he may direct, and such extensions may be granted although the time or period for doing such act or taking such proceeding has already expired.

Directions as to furnishing of documents

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

Corrections of Irregularities

28. Any irregularity in procedure before the Controller may be rectified, on such terms as he may direct.

Dispensation by the Controller

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

Hours of business

30. The Controller's Office shall be open to the public from Monday to Friday inclusive, each week, between the hours of 9.00 a.m. and 4.00 p.m., for all classes of business.

Evidence

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

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

Statutory declarations and affidavits

32. (1) Any statutory declaration or affidavit filed under the Act or these Rules shall be made before any officer authorised by law in any part of Trinidad and Tobago to administer an oath for the purpose of and legal proceedings.

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

Publication

33. Particulars of industrial designs and other proceedings under the Act and any other information required to be published under the Act or these Rules shall be published in a periodical.



SCHEDULE I - FEES

(Rule 3)

Matter or Proceeding	Amount of Fee	Form
Application fee [Section 6(10)]	\$500.00	Form No. 1
Correction of application to comply with requirements for according filing date [Section 7(2) ; Rule 14(2)]	\$20.00	
Correction of application to comply with formal requirements [Section 7(3) ; Rule 14(4)]	\$20.00	
Registration and publication fee [Section 8(1) ; Rules 14(6) and 15(1)]	\$150.00 Plus fee for Publication	
Renewal fee [Section 10(2) ; Rule 16(2)] first renewal	\$200.00	
Second renewal	\$400.00	
Surcharge for late payment of renewal fee [Section 10(3) ; Rule 16(2)]	\$200.00	
Request for recordal of change in ownership [Section 13(1) ; Rule 18(1)]	\$100.00	Form No. 3
Submission of license contract for recordal [Section 14(2) ; Rule 18(3)]	\$100.00	
Inspection of Register (for every quarter of an hour or part thereof) (Rule 21)	\$20.00 for every quarter of an hour or part thereof	
Certified copies of documents (per page) (Rule 21)	\$5.00 per printed page and \$20.00 to certify	
Request for correction of error [Section 17 ; Rule 23] [*]	\$20.00	
Request for hearing [Section 19 ; Rule 24(2)]	\$100.00	

* The data concerning each applicant must appear in this box or, if the space is insufficient, in the supplemental box.



SCHEDULE II - FORMS

(Rule 4)

INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO	
Form No. 1 INDUSTRIAL DESIGNS ACT APPLICATION FOR REGISTRATION OF INDUSTRIAL DESIGN To: The Controller Intellectual Property Office	For Official Use Date of Receipt by Intellectual Property Office: APPLICATION NO. _____ (Office's Stamp) FILING DATE: _____ Applicant's or Representative's File Reference: _____
THE APPLICANT(S) REQUEST(S) THAT THE ACCOMPANYING INDUSTRIAL DESIGN(S) BE REGISTERED IN RESPECT OF THE FOLLOWING PARTICULARS:	
I APPLICANT(S)* Additional information is contained in supplemental box Name: Address: Nationality: Country of residence or principal place of business: Tel. No. Telegraphic Address: Telex No.: Fax No.:	
Address for service in Trinidad and Tobago* :	

* The data concerning each applicant must appear in this box or, if the space is insufficient, in the supplemental box.

* 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 [Rule 19(2)].



II. ATTORNEY-AT-LAW

The following Attorney-at-law has been appointed by the applicant(s) in the Authorization of Agent:

accompanying this Form

to be filed within two months from
the filing of this form [[Rule 8\(2\)](#)]

Name:

Address:

Tel. No.:

Telegraphic Address:

Telex No.:

Fax No.:

III. CREATOR OF THE DESIGN(S)

The creator is the applicant

Additional information is
contained in supplemental box

If creator is not the applicant:

Name:

Address:

The statement justifying the applicant's right accompanies this form

IV. 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

V. PRODUCTS

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



VI. JOINT APPLICATION

The designs which are subject of this application relate to the same set or composition of articles [Section 6(7)]

The designs which are subject of this application relate to the same class, namely class No., of the International Classification [Section 6(7)]

VII. DEFERRED PUBLICATION

The applicant(s) request(s) that the publication of the industrial design be deferred for a period of months* from the date of filing of, if priority is claimed, from the date of priority.

VIII. PRIORITY CLAIM (if any)

The priority of an earlier application is claimed as follows:

Country:

Filing Date:

Application No.:

The priority of more than one earlier application is claimed; the data are indicated in the supplemental box

The certified copy of the earlier application

accompanies this Form

will be furnished within three months of the filing of this Form

IX. FEES

accompany this Form

X. SUPPLEMENTAL BOX*

* Insert requested period of deferment taking into account that, under section 6(8), the maximum period of deferment is 12 months.

* Use this box if any of the boxes is not large enough to contain information to be furnished. Indicate the boxes continued in this box by their Roman numerals and title (e.g., "II. APPLICANT(S) (continued)").



Empty rectangular box for content.

XI. SIGNATURE(S) [Applicant(s)/Agent**]
(Date)

..... [Applicant(s)/Agent**]
(Date)

TO BE FILLED IN BY THE CONTROLLER

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

INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO

Form No. 2
INDUSTRIAL DESIGNS ACT

CERTIFICATE OF REGISTRATION OF
INDUSTRIAL DESIGN

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



In accordance with **section 8(1)** and **Rule 15** it is hereby certified that an industrial design *
having the registration No..... has been registered for:

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
(products)

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 Date.....

..... **
Controller

Form No. 3 (**Section 13**)
INDUSTRIAL DESIGNS ACT

RECORDAL OF CHANGE IN OWNERSHIP

To: The Controller

For Official Use

Received on:

Applicant's or Representative's

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

** Insert date in accordance with section 6(8).



V. 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 contracting parties

Other documents evidencing the change in ownership (specify)

Fees

other (specify)

VI. SIGNATURES

.....[New Applicant(s)/New Owner(s)/Agent**] <i>Date</i>
.....[New Applicant(s)/New Owner(s)/Agent**] <i>Date</i>
.....[Applicant(s)/Owner(s)/Agent**] <i>Date</i>
.....[Applicant(s)/Owner(s)/Agent**] <i>Date</i>

Made this 2nd day of October, 1996.

R. L. MAHARAJ

Minister of Legal Affairs

** Delete whichever does not apply and type name(s) under signature.
 ** Delete whichever does not apply and type name(s) under signature.
 ** Delete whichever does not apply and type name(s) under signature.
 ** Delete whichever does not apply and type name(s) under signature.