

CHAPTER 313

LAYOUT-DESIGNS OF INTEGRATED CIRCUITS ACT

SUBSIDIARY LEGISLATION

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LAWS OF SAINT VINCENT AND THE GRENADINES
REVISED EDITION

**LAYOUT-DESIGNS OF INTEGRATED
CIRCUITS REGULATIONS**

SRO 15 of 2009

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Government of Saint Vincent and the Grenadines

LAYOUT-DESIGNS OF INTEGRATED CIRCUITS REGULATIONS**ARRANGEMENT OF REGULATIONS****REGULATION**

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LAYOUT-DESIGNS OF INTEGRATED CIRCUITS REGULATIONS

In exercise of the powers conferred by section 19 of the Layout-Designs of Integrated Circuits Act, No. 18 of 2005, the Minister makes the following Regulations.

[SRO 15 of 2009.]

[Date of commencement: 8th July, 2009.]

1. Citation

These Regulations may be cited as the Layout-Designs of Integrated Circuits Regulations, 2009.

2. Interpretation

In these Regulations—

“**fee**” means the fee specified in the Second Schedule;

“**form**” means the form set out in the First Schedule;

“**Office**” means the Commerce and Intellectual Property Office;

“**official journal**” means a publication issued by or at the direction of the Commerce and Intellectual Property Office containing the matters that are required by the principal Act or these Regulations to be advertised, and includes advertisement in the *Gazette*;

“**principal Act**” means the Layout-Designs of Integrated Circuits Act, 2005.

[Chapter 313.]

3. Language of documents and translations

An application shall be in the English language, and any document forming part of an application or submitted to the Registrar pursuant to the principal Act or these Regulations, 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.

4. Signatures 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—

- (a) by all the parties or by any partner qualified to sign, stating that he signs on behalf of the partnership; or
- (b) by any other person who satisfies the Registrar that he is authorised to sign the document.

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

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

5. Representation by barrister-at-law

(1) The appointment of a barrister-at-law shall be made 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 a barrister-at-law or solicitor shall be filed together with the application, and if the appointment is not so made or is not in accordance with subregulation (1), any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

6. Application for registration of layout-design

(1) The application for the registration of a layout-design shall be made in Form 1 of First Schedule and shall be signed by the applicant or an authorised agent.

(2) The application shall indicate the 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 layout-design.

(4) The application shall contain a brief and precise designation of the layout-design, which 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 was accompanied by a copy of the layout-design, the applicant shall file a drawing thereof within a period of one month.

(6) For the purpose of this regulation—

- (a) “**name**” means in the case of an individual that person's family name and given names, and in the case of a legal entity, its full official designation;
- (b) “**address**” means the full address of an individual, or in the case of a legal entity, the address of its registered office;
- (c) “**nationality**” means in the case of an individual, the State of which that person is a national, and in the case of a legal entity, the State under whose laws it is constituted;
- (d) “**residence**” means the State in which an individual is resident.

7. Withdrawal of application

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

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

8. 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 consisting of the letters Saint Vincent and the Grenadines, slant, the letters IC, 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 Registrar shall also mark their actual date of receipt in the appropriate place of the request for registration of the layout-design.

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

9. According and notifying filing date

(1) The Registrar shall examine whether the application fulfils the requirements set out in section 8 of the principal Act and regulation 6, and where applicable regulations 3, 4 and 5.

(2) Where the Registrar finds that the application did not fulfil the requirements referred to in subregulation (1), he shall invite the applicant to file the required correction.

(3) The invitation to file any correction—

- (a) shall be in writing;
- (b) shall specify the corrections required; and
- (c) shall request that the corrections be filed within two months from the date of the invitation, together with the payment of the specified fee.

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

(5) Where an application has been accorded a filing date, the Registrar shall conduct an examination of the application for the purpose of determining whether the subject matter of the application is capable of protection having regard to sections 3 and 4 of the principal Act.

(6) Where upon the examination of the application, the Registrar is of the opinion that there is a deficiency in the application, he shall notify the applicant in writing of his objections, with all the relevant details, and invite the applicant to correct the application.

(7) After considering a reply by an applicant under subregulation (6), the Registrar shall make a determination in the matter, and notify the applicant of his decision; and if the applicant does not appeal the determination, the applicant shall be deemed to have withdrawn the application.

(8) Where, following the objection of the application by the Registrar, the applicant does not, within sixty days of the receipt of the Registrar's notification, correct the application or send the Registrar a written reply to the notification, the applicant shall be deemed to have withdrawn his application.

(9) Where an applicant fails to pay the prescribed fee, or where despite corrections submitted by the applicant, the Registrar is of the opinion that the deficiency has not been corrected, the Registrar shall reject the application and notify the applicant in writing stating the reasons for the rejection.

(10) Where the Registrar determines that the criteria for protection set out in sections 3 and 4 of the principal Act are not established, the Registrar shall reject the application and notify the applicant in writing stating the reasons.

(11) The refusal of an application shall not affect the validity of the filing date.

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

10. Registration of layout-design

(1) Subject to the payment of the registration and publication fee within the period specified in regulation 9(6), the Registrar shall—

- (a) register the layout-design in accordance with section 9(2) of the principal Act and this regulation;
- (b) publish a reference to the registration in the official journal; and
- (c) issue to the applicant a certificate of registration.

(2) The Registrar shall allot to each layout-design that is registered, 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) of the principal Act, a copy or drawing thereof and shall specify—

- (a) the name and address of the registered owner;
- (b) the name and address of any agent;
- (c) the name and address of the creator, except where he has asked not to be named in the registration; and
- (d) the date of the first commercial exploitation, anywhere in the world, of the layout-design or an indication that such exploitation has not yet commenced.

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

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

11. Entries in 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 10(3)—

- (a) the address for service;
- (b) any change in name or address, or any change in address for service or ownership in accordance with regulations 12 and 13;
- (c) the date on which the registration of the layout-design expired or was surrendered or cancelled;
- (d) the fact that a licence has been granted pursuant to section 11 of the principal Act.

12. Changes in ownership

(1) A request referred to under section 11 of the principal Act for the recording of a change in ownership of a layout-design registered under the principal Act, shall be made to the Registrar in Form 3 of First Schedule and shall be subject to payment of the specified 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 date, if any, of first commercial exploitation anywhere in the world and the date of registration;
- (c) the owner and the new owner; and
- (d) the nature of the change in ownership.

(3) A licence submitted for recording under section 11 of the Act shall be accompanied by the prescribed fee.

13. 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 Vincent and the Grenadines for the purpose of the application; and
- (b) by every person concerned in any proceedings to which these Regulations relate, including the applicant for, or the owner of a layout-design, an address for service in Saint Vincent and the Grenadines,

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

(2) Where an agent has been appointed in accordance with section 13 of the principal Act and regulation 5, the address of the barrister-at-law shall, for all purposes connected with the principal Act and these Regulations, be treated as the address to which communications to the person who appointed the agent shall be transmitted.

14. Inspection of register

Inspection of the Register shall be subject to payment of the prescribed fee and 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.

15. Inspection of licences

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

16. Correction of errors

(1) The Registrar may correct, an error of translation or transcription, a clerical error or a mistake in—

- (a) any application or document filed with the Intellectual Property Office; or
- (b) any matter recorded pursuant to the Act or these Regulations.

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

(3) Corrections made under this Regulation shall be communicated in writing to all interested persons and, where the Registrar thinks fit, shall be published by the Registrar.

17. Hearing

(1) The Registrar shall, before exercising adversely in respect of any person, any discretionary power given to him by the principal Act or these Regulations, notify that person in writing of the opportunity to be heard thereon, and shall indicate a time limit of not 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 receipt of a request for hearing, the Registrar shall give the person applying and any other interested person at least one month's notice in writing of the date and time of the hearing.

18. 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 thinks fit, upon 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.

19. Directions as to furnishing of documents

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

20. Dispensation by the Registrar

Where under these Regulations any person is required 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 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 thinks fit, dispense with the doing of any such act or thing, or the production or filing of such document or evidence.

21. Evidence

(1) Evidence under these Regulations may be given by statutory declaration or affidavit.

(2) The Registrar may, if he thinks fit in any particular case, take oral evidence in lieu of or in addition to evidence referred to under subregulation (1), and shall allow any witness to be cross-examined on his affidavit or declaration.

22. Publication

Particulars of layout-designs of integrated circuits and other proceedings under the principal Act, and any other information required to be published under the principal Act or these Regulations, shall be published monthly in the official journal unless the Registrar otherwise directs.

23. Administrative directions

Where no provision is made in the principal Act or these Regulations in respect of any matter arising in the administration of the principal Act, the Registrar may give such directions in respect thereof as he considers necessary in the circumstances.

24. Inquiries at the Office

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

25. Annexed Schedule to forms

(1) Where any information required to be set out in a form furnished by the Registrar is too lengthy to be set out in the space provided, the person completing the form may, subject to subregulation (2), incorporate the information in the form by setting out in the space provided in the form, the following sentence: "The annexed Schedule is incorporated in this form", and by annexing the information to the form as that Schedule.

(2) A separate Schedule is required in respect of each item that is incorporated in a form by reference pursuant to subregulation (1).

26. Fees

The fees prescribed in the Second Schedule are payable in respect of the matters to which they relate.

[Second Schedule.]

FIRST SCHEDULE

[Regulation 2.]

Forms

FORM 1

[Regulations 2 and 6(1).]

Application for Registration of Layout-Designs of Integrated Circuit

SAINT VINCENT AND THE GRENADINES

LAYOUT-DESIGNS OF INTEGRATED CIRCUITS ACT, 2005

Application for Registration of Layout-Design

To: The Registrar

Commerce and Intellectual Property Office

SAINT VINCENT AND THE GRENADINES

For Official Use

Date of Receipt by Commerce and Intellectual Property Office:

APPLICATION No.:

(Office's Stamp)

FILING DATE:

Gazette Details:

Application is hereby made for registration of the layout-design (details of which accompany this Form) in the name of the Applicant(s) who claim(s) to be the proprietor(s) thereof.

The particulars required for the purposes of the Application are set out below:

PARTICULARS

I. *APPLICANT(S)

Name:

Address:

Mailing address (if any):

Nationality:

Tel. No.: E-mail address (if any):

Fax No.:

* Particulars are contained in the Annexed Schedule which is incorporated in this form.

* If the space is insufficient, the particulars should be set out in a separate document which should be identified as the "Annexed Schedule" in accordance with regulation 25.

Address for service in Saint Vincent and the Grenadines:

.....

FIRST SCHEDULE, FORM 1—continued

II. ATTORNEY-AT-LAW

The following (attorney-at-law) has been appointed by the applicant(s) in the authorisation of Agent accompanying this Form—

Name:

Address:

Tel. No.: E-mail address (if any): Fax No.:

a. Where a barrister-at-law or solicitor has been appointed, the address of the (barrister-at-law or solicitor) shall be treated as the address to which communications shall be transmitted.

III. REPRESENTATIONS OF THE LAYOUT-DESIGN

This Form is accompanied by—

four copies of the layout-design;

four copies of the layout-design allowing the identification of the layout-design, 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) of the principal Act;

four drawings of the layout-design;

four drawings of the layout-design allowing the identification of the layout-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) of the principal Act.

b. Where the application is accompanied by a copy of the layout-design, a drawing thereof shall be filed within the period prescribed in regulation 6(5).

IV. DESIGNATION

.....
.....

(Title of the layout-design indicating, pursuant to regulation 6(4), the matter to which it relates or the field to which the article in which it is intended to be incorporated, or has been incorporated, relates).

V. CREATOR

The creator is the applicant.

Additional information is contained in the Annexed Schedule.

If creator is not the applicant—

Name:

Address:

E-mail address (if any):

The statement justifying the applicant’s right accompanies this application and is incorporated in this Form.

VI. COMMERCIAL EXPLOITATION.

The layout-design has already been commercially exploited in—

Date of first commercial exploitation—

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

c. If any of the boxes is not large enough to contain information to be furnished, the information should be set out in a separate document which should be identified as the “Annexed Schedule” in accordance with regulation 25.

VII. FEES ACCOMPANY THIS FORM

FIRST SCHEDULE, FORM 1—continued

VIII. SIGNATURE(S) (Applicant(s)/Agent):
Date: (Applicant(s)/Agent):
Date:
d. Type name(s) under signature and delete whichever does not apply.

TO BE FILLED IN BY THE REGISTRAR

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

FORM 2
[Regulations 2 and 10(5).]

Certificate of Registration of Layout-Design

SAINT VINCENT AND THE GRENADINES

LAYOUT-DESIGNS OF INTEGRATED CIRCUITS ACT, 2005

CERTIFICATE OF REGISTRATION OF LAYOUT-DESIGN

In accordance with section 9 of the principal Act and regulation 10, it is hereby certified that a layout-design having the registration no. has been registered for—

Name:

Address:

on (date) in respect of a layout-design disclosed in an application for registration of that layout-design, having the following—

filing date:

date of first commercial exploitation:

Being a layout-design for:

(title)

Created by—

Name:

Address:

E-mail address (if any):

A drawing of the layout-design accompanies this Certificate.

Date:

.....

Registrar

FORM 3

[Regulations 2 and 12(1).]

Request for the Recording of Change in Ownership of Layout-Design

SAINT VINCENT AND THE GRENADINES

LAYOUT-DESIGNS OF INTEGRATED CIRCUITS ACT, 2005

REQUEST FOR THE RECORDING OF CHANGE IN OWNERSHIP OF LAYOUT-DESIGN

I. IN THE MATTER OF

Application for registration of Layout-Design No.:
Layout-Design No.:
Filing date:
Date of first commercial exploitation:
Date of registration:
For official use
Received on:
Gazette details:

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

Name:
Address:
E-mail address (if any):

III. REQUEST

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

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

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

* Delete whichever does not apply.

** Indicate application or title concerned.

IV. NEW APPLICANT(S)/NEW OWNER(S)*

Name:
Address:
Address for service in Saint Vincent and the Grenadines:
Nationality:
Country of residence or principal place of business:
Tel. No.: E-mail address (if any): Fax No.:

FIRST SCHEDULE, FORM 3—*continued*

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

* Delete whichever does not apply.

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

SECOND SCHEDULE

[Regulations 2 and 26.]

Fees

<i>Matter or Proceeding</i>	<i>Fee</i>
	\$
1. Application fee	250.00
2. Correction of application in order to comply with requirements for according filing date	20.00
3. Correction of application in order to comply with formal requirements	20.00
4. Registration and publication fee	200.00
5. Request for recording change in ownership	50.00
6. Submission of licence for recording	50.00
7. Inspection of Register	20.00
8. Certified copies of documents (per page)	5.00
9. Request for correction of error	20.00
per printer page and to certify correctness of documents	20.00
10. Request for hearing	50.00