

**CHAPTER 313**  
**LAYOUT-DESIGNS OF INTEGRATED CIRCUITS ACT**

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• Act • Subsidiary Legislation •

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**ACT**

Act No. 18 of 2005

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**CHAPTER 313**  
**LAYOUT-DESIGNS OF INTEGRATED CIRCUITS ACT**

**An Act to provide for the protection of layout-designs, also called topographies, of integrated circuits, and for related matters.**

**Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows.**

[Act No. 18 of 2005.]

[Date of commencement: *4th August, 2008.*]

**1. Short title and commencement**

- (1) This Act may be cited as the Layout-Designs of Integrated Circuits Act, 2005.
- (2) This Act shall come into force on a date to be fixed by the Governor-General by Proclamation published in the *Gazette*.

**2. Interpretation**

In this Act—

“**attorney-at-law**” means a person duly admitted and entitled to practise law in Saint Vincent and the Grenadines;

“**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 or on a piece of material, or both, and which is intended to perform an electronic function;

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

“**Minister**” means the Minister responsible for intellectual property;

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

“**Registrar**” means the Registrar of the Commerce and Intellectual Property Office and any reference to the Registrar shall be construed as including a reference to any officer discharging the functions of the Registrar;

“**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 two years anywhere in the world at the date of the receipt of the application by the Registrar.

### **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 commonplace 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 interconnections 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.

(2) The right referred to in subsection (1) may—

- (a) be transferred;
- (b) assigned; or
- (c) devolve by succession.

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

(4) 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 an original layout-design within the meaning of section 4 which is created as a result of analysis or evaluation referred to in paragraph (a) or which is reproduced, imported or sold in accordance with subsection (2);
- (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) 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; however after the time that such person 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 shall be 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; or
- (e) 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.

## **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, where an application for protection is filed by the right holder with the Registrar within the time limit referred to in section 3(2); or

- (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 the authorisation of 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, provided that 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 duly comply with the requirements of subsection (3), the Registrar shall immediately notify the applicant of the defects and invite the applicant to correct them within two 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, provided that, 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) are 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 two 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 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 the originality of the layout-design, the applicant's entitlement to protection or 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) Any 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 application and rectification of register**

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

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

(3) The Registrar shall send forthwith a copy of the request referred to in subsection (2) 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 relies to support his registration as the right holder.

(4) Where the right holder sends a counter-statement, the Registrar shall furnish a copy thereof 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, the change in ownership shall, at the request of any interested party, made 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) Where a licence has been granted in respect of a registered layout-design, particulars in respect of the grant of the licence shall be recorded in the Register, upon the application of the right holder or the licensee, and on the payment of the prescribed fee.

## **12. Cancellation**

(1) An 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) where the layout-design has been commercially exploited anywhere in the world before the filing of the application for registration of the layout-design, the application was not filed within the time limit referred to in sections 3(2) and 7(1)(a).

(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) Any cancelled layout-design registration, or part thereof, shall be regarded as 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 is possible.

### **13. Representation**

Where an applicant's ordinary residence or principal place of business is outside Saint Vincent and the Grenadines, he shall be represented by an attorney-at-law.

### **14. Infringement and enforcement of exclusive right**

(1) The rights of the right holder of a registered lay-out design are infringed by the performance of an act which is unlawful under section 6.

(2) On the request of the right holder, or of his 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 and 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**

(1) Any person who, without authorisation, knowingly performs any act which is unlawful under section 6, commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years.

(2) In addition to the penalty imposed under subsection (1), the Court may 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 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 of 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 for the exploitation, 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 anticompetitive practices.

(3) Upon the 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 he is satisfied that the circumstances which led to his 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) Notwithstanding subsection (4), the Minister shall not terminate an authorisation if he 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 by this Act adversely to any party to a proceeding before him, give that party an opportunity to be heard.

(2) Where the Registrar is satisfied that the circumstances justify it, he may, upon receiving a written request therefor, extend the time for doing an act, 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 may direct and such extension may be granted notwithstanding 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 two months of the date of the decision.

## **19. 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 provisions of this Act.

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**CHAPTER 313**  
**LAYOUT-DESIGNS OF INTEGRATED CIRCUITS ACT**

**SUBSIDIARY LEGISLATION**

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*List of Subsidiary Legislation*

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**Layout-Designs of Integrated Circuits Regulations**

**SRO 15 of 2009**

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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: .....

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

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.: .....

**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.

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**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

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