

L.R.O. 2007

LAWS OF BARBADOS

INTEGRATED CIRCUITS ACT

CHAPTER 320A

(SUBSIDIARY LEGISLATION)

SUBSIDIARY LEGISLATION INDEX

Integrated Circuits

1. Regulations, 2001 A1

Integrated Circuits

Cap. 320A.

INTEGRATED CIRCUITS REGULATIONS, 2001

2001/131.

Authority: These Regulations were made on 22nd November, 2001 by the Minister under section 21 of the *Integrated Circuits Act*.

Commencement: 7th January, 2002.

1. These Regulations may be cited as the *Integrated Circuits Regulations, 2001*. Citation.

2. In these Regulations,

"fee" means the fee specified in the *Second Schedule*;

Interpreta-
tion.

"form" means form set out in the *First Schedule*;

Second
Schedule.First
Schedule.

"*Official Gazette*" includes such other publication as is approved by the Director for the purpose.

3. Applications shall be in the English language, and any document forming part of an application or submitted to the Director pursuant to the Act or these Regulations, and which is in a language other than English, shall be accompanied by an English translation verified by the translator as being to the best of his knowledge complete and faithful. Language of documents and transactions.

4. (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 Signatures by partnerships, companies and associations.

(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 Director 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 Director that he is authorised to sign the document.

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

Representa-
tion by
attorney-at-
law.

5. (1) The appointment of an attorney-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 an attorney-at-law shall be filed together with the application and, if the appointment is not so made or is not in accordance with section 15 of the Act and paragraph (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 layout-
design.
Form 1.

6. (1) The application for the registration of a layout-design shall be made in *Form 1* 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 a 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 purposes 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. (1) An application may be withdrawn by written declaration submitted to the Director and signed by each applicant or an authorised agent. Withdrawal of application.

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

8. (1) Upon receipt, the Director shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters BB, 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 Director shall also mark their actual date of receipt in the appropriate place of the request for registration of the layout-design. Marking application.

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

9. (1) The Director shall examine whether the application fulfils the requirements set out in section 9 of the Act and regulation 6 and, where applicable, regulations 3, 4 and 5. According and notifying filing date.

(2) Where the Director finds that the application did not at the time of receipt fulfil the requirements referred to in paragraph (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 2 months from the date of the invitation, together with the payment of the specified fee.

(4) Where the Director 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 9(7) or (10) of the Act, the Director shall notify the applicant in writing, stating the reasons.

(5) Where an application has been accorded a filing date, the Director 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 section 2 and paragraphs (b) and (c) of section 3 of the Act.

(6) Where upon examination of the application the Director 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 paragraph (6), the Director shall make a determination in the matter and notify the applicant of his decision; and, if the applicant does not appeal the determination under section 19A of the Act within the time prescribed under that section, the applicant shall be deemed to have withdrawn the application.

(8) Where, following the making of objection to an application by the Director, the applicant does not, within 60 days of the receipt of the Director's notification, correct the application or send the Director 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 Director is of the opinion that the deficiency has not been corrected, the Director shall reject the application and notify the applicant in writing stating the reasons.

(10) Where the Director determines that the criteria for protection set out in section 2, and paragraphs (b) and (c) of section 3 of the Act are not established, the Director shall reject the application and notify the applicant in writing stating the reasons.

(11) The refusal of an application shall not affect its filing date, which shall remain valid.

(12) The Director 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. (1) Subject to the payment of the registration and publication fee within the period specified in regulation 9(12), the Director shall

Registration
of layout-
design.

- (a) register the layout-design in accordance with section 10(2) of the Act and this regulation;
- (b) publish a reference to the registration in the *Official Gazette*; and
- (c) issue to the applicant a certificate of registration.

(2) The Director shall allot to each layout-design that he registers a number in the sequential order of registration.

(3) The registration of a layout-design shall include, in addition to the particulars specified in section 10(3) of the Act, a copy or drawing thereof, subject to section 9(2)(b)(ii) and (c)(ii) of the Act, 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 paragraph (1), shall contain the particulars specified in paragraph (3).

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

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

Changes in ownership. **12.** (1) The request referred to under section 12 of the Act for the recording of a change in ownership of a layout-design registered under the Act or of an application therefor shall be made to the Director in *Form 3*, and shall be subject to payment of the specified fee.

Form 3.

- (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 13 of the Act shall be accompanied by the specified fee.

13. (1) There shall be furnished to the Director,

Address for
service.

- (a) by every applicant for the registration of a layout-design, an address for service in Barbados for the purpose of his 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 Barbados;

and the address so furnished or, where another address being an address in Barbados 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 15 of the Act and regulation 5, the address of the attorney-at-law shall, for all purposes connected with the 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 the Register shall be subject to payment of the specified fee, and requests for certified copies of extracts from a register or for copies of documents shall be made to the Director in writing and shall be subject to payment of the specified fee.

Inspection
of register.

15. 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.

Inspection
of licences.

Correction
of errors.

16. (1) The Director 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 Director 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 Director thinks fit, shall be published by the Director.

Hearing.

17. (1) The Director shall, before exercising adversely in respect of any person any discretionary power given to him by the 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 specified fee.

(3) Upon receipt of a request for a hearing, the Director 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.

Extension of
time limit.

18. The time or period prescribed by these Regulations for doing any act or taking any proceeding thereunder may be extended by the Director 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.

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

20. 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 Director 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 Director 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.

Dispensa-
tion by the
Director.

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

Evidence.

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

22. Particulars of layout-designs of integrated circuits and other proceedings under the Act, and any other information required to be published under the Act or these Regulations, shall be published monthly in the *Official Gazette* unless the Director otherwise directs.

Publication.

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

Administra-
tive
directions.

24. The Director 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 Act or these Regulations or any other question of law.

Inquiries at
the Office.

Annexed
Schedule to
forms.

25. (1) Where any information required to be set out in a form furnished by the Director is too lengthy to be set out in the space provided, the person completing the form may, subject to paragraph (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 paragraph (1).

Fees.
Second
Schedule.

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

FIRST SCHEDULE

FORMS

FORM 1

(Regulations 2 and 6(1))

Application For Registration of Layout-Design

BARBADOS							
Integrated Circuits Act Cap. 320A							
APPLICATION FOR REGISTRATION OF LAYOUT-DESIGN							
To: The Director Corporate Affairs and Intellectual Property Office BARBADOS	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">For Official Use</td> </tr> <tr> <td>Date of Receipt by Intellectual Property Office:</td> </tr> <tr> <td>APPLICATION No.:</td> </tr> <tr> <td style="text-align: right;">(Office's Stamp)</td> </tr> <tr> <td>FILING DATE:</td> </tr> <tr> <td>Gazette Details</td> </tr> </table>	For Official Use	Date of Receipt by Intellectual Property Office:	APPLICATION No.:	(Office's Stamp)	FILING DATE:	Gazette Details
For Official Use							
Date of Receipt by Intellectual Property Office:							
APPLICATION No.:							
(Office's Stamp)							
FILING DATE:							
Gazette Details							
<p>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.</p> <p>The particulars required for the purposes of the Application are set out below:</p> <p style="text-align: center;">PARTICULARS</p> <p>I. *APPLICANT(S)</p> <p>Name:</p> <p>Address:</p> <p>Mailing Address (if any):</p> <p>Nationality:</p> <p>Tel. No.: E-mail Address (if any): Fax No.:</p> <p>*Particulars are contained in the Annexed Schedule which is incorporated in this form. <input type="checkbox"/></p>							

** 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 Barbados:
II. ATTORNEY-AT-LAW The following (Attorney-at-law) has been appointed by the applicant(s) in the Authorisation of Agent <input type="checkbox"/> accompanying this Form Name: Address ^a : Tel. No.: E-mail Address (if any): Fax No.:
III. REPRESENTATIONS OF THE LAYOUT-DESIGN This Form is accompanied by: <input type="checkbox"/> four copies ^b of the layout-design; <input type="checkbox"/> four copies ^b 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 9(3); <input type="checkbox"/> four drawings ^b of the layout-design; <input type="checkbox"/> four drawings ^b 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 9(3).
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.)

^a Where an Attorney-at-law has been appointed, the address of the (Attorney-at-law) shall be treated as the address to which communications shall be transmitted.

^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).

<p>V. CREATOR</p> <p><input type="checkbox"/> The creator is the applicant</p> <p style="text-align: right;">Additional information is contained in the Annexed Schedule <input type="checkbox"/></p> <p>If creator is not the applicant:</p> <p>Name:</p> <p>Address:</p> <p>E-mail address (if any):</p> <p>The statement justifying the applicant's right accompanies this application and is incorporated in this Form <input type="checkbox"/></p>
<p>VI. COMMERCIAL EXPLOITATION^c</p> <p><input type="checkbox"/> The layout-design has already been commercially exploited in</p> <p style="padding-left: 40px;">Date of first commercial exploitation:</p> <p><input type="checkbox"/> The layout-design has not yet been commercially exploited, anywhere in the world</p>
<p>VII. FEES accompany this Form <input type="checkbox"/></p>
<p>VIII. SIGNATURE(S) (Applicant(s)/Agent^d) <i>Date</i></p> <p style="padding-left: 100px;">..... (Applicant(s)/Agent^d) <i>Date</i></p>
<p>TO BE FILLED IN BY THE DIRECTOR</p> <p>1. Date application received:</p>
<p>2. Date of receipt of corrections and later filed papers completing the application:</p>
<p>3. Date fees received:</p>

^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.*

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

FORM 2

(Regulations 2 and 10(5))

Certificate of Registration of Layout-Design

<p>BARBADOS</p> <p>Integrated Circuits Act Cap. 320A</p> <p>CERTIFICATE OF REGISTRATION OF LAYOUT-DESIGN</p> <p>In accordance with section 10(2) and (3) of the Act and regulation 10, it is hereby certified that a layout-design having the registration No. has been registered for:</p> <p style="padding-left: 40px;">Name:</p> <p style="padding-left: 40px;">Address:</p> <p>on (date) in respect of a layout-design disclosed in an application for registration of that layout-design, having the following:</p> <p style="padding-left: 40px;">filing date:</p> <p style="padding-left: 40px;">date of first commercial exploitation:</p> <p>being a layout-design for: <i>(title)</i></p> <p>created by:</p> <p style="padding-left: 40px;">Name:</p> <p style="padding-left: 40px;">Address:</p> <p style="padding-left: 40px;">E-mail address (if any):</p> <p><input type="checkbox"/> A drawing of the layout-design accompanies this Certificate.</p> <hr/> <p>Date Director</p>

FORM 3

(Regulations 2 and 12(1))

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

<p>BARBADOS</p> <p>Integrated Circuits Act Cap. 320A</p> <p>REQUEST FOR THE RECORDING OF CHANGE IN OWNERSHIP OF LAYOUT-DESIGN</p>	
<p>I. IN THE MATTER OF:</p> <p><input type="checkbox"/> Application for Registration of Layout-Design No.:</p> <p><input type="checkbox"/> Layout-Design No.:</p> <p>Filing Date:</p> <p>Date of first commercial exploitation:</p> <p>Date of Registration:</p>	<p style="text-align: center;">For Official Use</p> <p>Received on:</p> <hr/> <p>Gazette Details:</p>
<p>II. APPLICANT(S)/OWNER(S)*</p> <p>Name:</p> <p>Address:</p> <p>E-mail address (if any):</p>	
<p>III. REQUEST</p> <p>The Director is hereby requested to record the change in ownership of the above-identified **</p> <p>The present applicant(s)/owner(s)* is/are identified above.</p> <p>The new applicant(s)/owner(s)* is/are identified below.</p>	

**Delete whichever does not apply.*

***Indicate application or title concerned.*

<p>IV. NEW APPLICANT(S)/NEW OWNER(S)*</p> <p>Name:</p> <p>Address:</p> <p>Address for service in Barbados:</p> <p>Nationality:</p> <p>Country of residence or principal place of business:</p> <p>.....</p> <p>Tel. No.: E-mail address (if any): Fax No.:</p>
<p>V. ADDITIONAL INFORMATION</p> <p>The following items accompany this Form:</p> <p><input type="checkbox"/> The original or a certified copy of the document evidencing the change of ownership, signed by or on behalf of the contracting parties</p> <p><input type="checkbox"/> other documents evidencing the change in ownership (specify)</p> <p><input type="checkbox"/> fees</p> <p><input type="checkbox"/> other (specify)</p>
<p>VI. SIGNATURES</p> <p>..... (New Applicant(s)/Owner(s)/Agent**) <i>Date</i></p> <p>..... (New Applicant(s)/Owner(s)/Agent**) <i>Date</i></p> <p>..... (Applicant(s)/Owner(s)/Agent**) <i>Date</i></p> <p>..... (Applicant(s)/Owner(s)/Agent**) <i>Date</i></p>

*Delete whichever does not apply.

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

SECOND SCHEDULE

(Regulations 2 and 26)

FEES

Matter or Proceeding	Fee \$
1. Application fee	500.00
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	300.00
5. Request for recording change in ownership ...	100.00
6. Submission of licence for recording	100.00
7. Inspection of Register	20.00
8. Certified copies of documents (per page)	5.00 per printer page and 20.00 to certify correctness of documents
9. Request for correction of error	20.00
10. Request for hearing	100.00

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