

INDUSTRIAL DESIGNS ACT

CHAPTER 82:77

Act
18 of 1996

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INDUSTRIAL DESIGNS ACT

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CHAPTER 82:77

INDUSTRIAL DESIGNS ACT

18 of 1996. **An Act to provide for the protection of industrial designs and for related matters.**

Commencement.
254/1997. [1ST DECEMBER 1997]

Short title. **1.** This Act may be cited as the Industrial Designs Act.

Interpretation. **2.** In this Act—

Ch. 82:76. “Controller” means the Controller of the Intellectual Property Office appointed under section 3 of the Patents Act and any reference to the Controller shall be construed as including a reference to any officer discharging the functions of the Controller;

“Court” means the High Court;

“International Classification” means the classification according to the Locarno Agreement of October 8, 1968, establishing an International Classification for Industrial Designs;

“Minister” means the Minister to whom responsibility for intellectual property has been assigned;

“Paris Convention” means the Paris Convention for the Protection of Industrial Property of March 20, 1883, as last revised;

“priority date” means the date of the earlier application that serves as the basis for the right of priority provided for in the Paris Convention;

“Register” means the Register of Industrial Designs.

Definition of industrial design.

3. (1) For the purposes of this Act, any composition of lines or colours, any three-dimensional form or any material whether or not associated with lines or colours, is deemed to be an industrial design where such composition, form or material gives a special appearance to a product of industry or handicraft, can serve as a pattern for a product of industry or handicraft and appeals to and is judged by the eye.

(2) The protection under this Act does not apply to anything in an industrial design which serves solely to obtain a technical result and to the extent that it leaves no freedom as regards arbitrary features of appearance.

4. (1) An industrial design is registrable if it is new.

Registrable
industrial
designs.

(2) An industrial design is new if it has not been disclosed to the public anywhere in the world by publication in tangible form or by use or in any other way, prior to the filing date or, where applicable, the priority date of the application for registration.

(3) For the purposes of subsection (2), disclosure to the public of an industrial design shall not be taken into consideration if the disclosure—

(a) occurred within twelve months preceding the filing date or, where applicable, the priority date of the application; and

(b) was by reason or in consequence of acts committed by the applicant or his predecessor in title or of an abuse committed by a third party with regard to the applicant or his predecessor in title.

(4) An industrial design that is contrary to public order or morality is not registrable.

5. (1) The right to registration of an industrial design shall belong to the creator.

Right to
registration and
naming of
creator.

(2) Where two or more persons have jointly created an industrial design, the right to registration of the industrial design shall belong to them jointly.

(3) If and to the extent to which two or more persons have created the same industrial design independently of each other, the person whose application has the earliest filing date or, if priority is claimed, the earliest validity claimed priority date, shall have the right to register the industrial design, as long as the said application is not withdrawn, abandoned or rejected.

(4) The right to an industrial design may be assigned or may be transferred by succession.

(5) Where an industrial design is created in execution of an employment contract, the right to registration of the industrial design shall belong, in the absence of contractual provisions to the contrary, to the employer.

(6) The creator shall be named as such in the registration of the industrial design unless he indicates to the Controller in a special written declaration signed by him and addressed to the Controller that he wishes not to be so named.

(7) A promise or undertaking by the creator made to any person to the effect that he will make a declaration referred to in subsection (6) shall be without legal effect.

Application;
right of priority.

6. (1) An application for the registration of an industrial design shall be filed with the Controller and shall contain a request, drawings, photographs or other adequate graphic representations of the article embodying the industrial design and an indication of the kind of product for which the industrial design is to be used.

(2) The application may be accompanied by a specimen of the article embodying the industrial design where the industrial design is two-dimensional.

(3) Where the applicant is not the creator, the request shall be accompanied by a statement justifying the applicant's right to registration of the industrial design.

(4) The application may contain a declaration claiming priority, as provided for in the Paris Convention, of one or more earlier national or regional applications or international deposits filed by the applicant or his predecessor in title in or for any State party to that Convention.

(5) Where the application contains a declaration referred to in subsection (4), the Controller may require that the applicant furnish, within the prescribed time limit, a copy of the earlier application or international deposit, certified as correct by the office with which it was filed, and the effect of that declaration shall be as provided for in the Paris Convention.

(6) Where the Controller finds that the requirements under this section and the Regulations pertaining to a declaration are not fulfilled, the declaration shall be considered not to have been made.

(7) Two or more industrial designs may be the subject of the same application if they relate to the same class of the International Classification or to the same set or composition of articles.

(8) An application, at the time of filing, may contain a request that the publication of the industrial design, upon registration, be deferred for a period not exceeding twelve months from the date of filing, or if priority is claimed, from the date of priority, of the application.

(9) The applicant may withdraw the application at any time during its pendency.

(10) The application shall be subject to the payment of the prescribed application fee.

7. (1) The Controller shall accord as the filing date the date of receipt of the application provided that at the time of receipt, the application contains indications allowing the identity of the applicant to be established and the required graphic representations of the article embodying the industrial design. Examination.

(2) Where the Controller finds that the application did not at the time of receipt fulfil the requirements referred to in subsection (1), he shall invite the applicant to file the required correction and shall accord as the filing date the date of receipt of the required correction, but if no correction is made the application shall be treated as if it had not been filed.

(3) After according a filing date, the Controller shall examine the application for compliance with the requirements of section 6 and ascertain that the prescribed fee has been paid.

(4) The Controller shall examine whether the industrial design complies with the provisions of sections 3 and 4(4).

Registration and publication.

8. (1) Where the Controller is satisfied that the application complies with the requirements of sections 3 and 4(4), he shall register the industrial design, publish a reference to the registration and issue to the applicant a certificate of registration of the industrial design.

(2) Where a request for deferment of publication has been made under section 6(8), no representation of the design or any file relating to the application shall be open to the public for inspection and the Controller shall publish a notice of deferment which shall contain information identifying the registered owner, the filing date of the application, the length of time for which deferment has been requested and any other particulars as may be prescribed.

(3) During the period of deferment of publication, legal proceedings on the basis of a registered industrial design may not be instituted unless the information contained in the Register and in the file relating to the application has been communicated to the person against whom the action is brought.

(4) At the expiry of the period of deferment, the Controller shall publish the registered industrial design.

Rights conferred by registration.

9. (1) The exploitation of a registered industrial design in Trinidad and Tobago by persons other than the registered owner shall require the agreement of the latter.

(2) For the purposes of this Act, “exploitation” of a registered industrial design means the making, selling, importing or otherwise distributing, for commercial purposes, articles bearing or embodying a design which is a copy, or substantially a copy, of the industrial design.

(3) The rights conferred by registration shall not extend to acts in respect of articles which have been put on the market in Trinidad and Tobago by the registered owner or with his consent.

(4) The owner of a registered industrial design shall, in addition to any other rights, remedies or actions available to him, have the right to institute Court proceedings against any person

who infringes the registration of the industrial design by performing, without his agreement, any of the acts referred to in subsection (2) or who performs acts which make it likely that infringement will occur.

10. (1) The registration of an industrial design shall be for a period of five years from the filing date of the application for registration.

Duration and renewal of registration.

(2) The registration may be renewed for two further consecutive periods of five years through the payment of the prescribed fee.

(3) A grace period of six months shall be allowed for the late payment of the renewal fee on payment of the prescribed surcharge.

11. (1) The owner of a registered industrial design may surrender it by written declaration to the Controller who shall record the surrender in the Register and publish it.

Surrender of registration.

(2) The surrender shall have effect from the date on which it is recorded.

12. (1) Any interested person may apply to the Court for the invalidation of the registration of an industrial design.

Invalidation of registration.

(2) The Court shall invalidate the registration of an industrial design if the person requesting the invalidation proves that any of the requirements of sections 3 and 4 are not fulfilled or if the registered owner of the industrial design is not the creator or successor in title.

(3) An invalidated registration of an industrial design, or part thereof, shall be regarded as null and void from the date of the registration.

(4) The decision of the Court or the decision on any appeal therefrom shall be notified to the Controller who shall record it and publish a reference to it as soon as possible thereafter.

Changes in ownership.

13. (1) Any change in the ownership of the registration of an industrial design, or in the ownership of an application therefor, shall be in writing and shall, upon the request of any interested party made to the Controller, be recorded and, except in the case of an application, published by the Controller.

(2) A change under subsection (1) shall be of no effect against third parties until it has been recorded.

Licence contracts.

14. (1) Subject to this section, the owner of a registered industrial design or an application therefor may grant licences in respect of the design.

(2) A copy of each licence contract concerning a registered industrial design, or an application therefor, shall be submitted to the Controller who shall keep its contents confidential but shall record it and publish a reference thereto and until the contract is so recorded it shall have no effect against third parties.

The Controller.

15. The Controller shall be responsible for all functions relating to the procedure for the registration of industrial designs and for the administration of registered industrial designs as specified in this Act.

Register; publication.

16. (1) The Controller shall maintain a Register in which he shall record all matters required by this Act to be recorded.

(2) The Register may be consulted by any person and any person may obtain extracts therefrom under the prescribed conditions.

(3) The Controller shall publish in the prescribed manner all the publications provided for in this Act.

Correction of errors.

17. The Controller may, subject to any provision in the Regulations, correct any error of translation or transcription, clerical error or mistake in any application or document filed with the Controller or in any matter recorded pursuant to this Act.

18. (1) Where the Controller is satisfied that the circumstances justify it, he may, upon receiving a written request, extend the time for doing any act or taking any proceeding under this Act, upon notice to the parties concerned and upon such terms as he may direct.

Extension of time.

(2) The extension may be granted though the time for doing the act or taking the proceeding has expired.

19. The Controller 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.

Exercise of discretionary powers.

20. Where an applicant's ordinary residence or principal place of business is outside Trinidad and Tobago, he shall be represented by an Attorney-at-law resident and practising in Trinidad and Tobago.

Representation.

21. (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.

Competence of Court.

(2) Any decision taken by the Controller under this Act, in particular the decision to register an industrial design or to refuse an application for such a registration, 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 Controller's decision.

22. (1) Subject to section 9(3), an infringement shall consist of the performance in Trinidad and Tobago of any act referred to in section 9(2) by a person other than the owner of the registered industrial design and without the agreement of the latter.

Infringement and offences.

(2) On the request of the owner of the registered industrial design, or of a licensee if he has requested the owner to institute Court proceedings for a specific relief and the owner has refused or failed to do so, 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) Any person who intentionally performs an act which constitutes an infringement as defined in subsection (1) is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for five years.

Application of international treaties.

23. The provisions of any international treaties in respect of industrial property to which Trinidad and Tobago is a party shall apply to matters dealt with by this Act and, in case of conflict with provisions of this Act, shall prevail over the latter.

Regulations.

24. The Minister may make Regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.

Repeals.
Ch. 82:83

25. Subject to the provisions of section 26, Parts II and III of the Patents and Designs Act (hereinafter referred to as “the former Act”) are hereby repealed and Part IV thereof insofar as it relates to industrial designs shall not apply.

Transitional provisions.

26. (1) Notwithstanding the repeal of the former Act, industrial designs registered thereunder shall remain in force but shall, subject to subsection (2), be deemed to have been registered under this Act.

(2) Industrial designs registered under the former Act shall remain in force for the unexpired portion of the period of protection provided for under that Act and may be renewed in accordance with the provisions of this Act.

(3) A person who on the date of the coming into force of this Act is the owner of an industrial design that has been registered in the United Kingdom for a period not exceeding three years or has filed an application for registration of an industrial design in the United Kingdom may, within twelve months from entry into force of this Act, file an application for the registration of the same industrial design under this Act and such application shall be accorded the filing date or priority date accorded to the application or registration in the United Kingdom.

(4) The Controller shall, on and after the coming into force of this Act—

- (a) perform all the functions of and exercise all the powers conferred on the Registrar General in relation to industrial designs under the former Act; and
 - (b) be the custodian of the Register of Industrial Designs kept under the former Act.
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SUBSIDIARY LEGISLATION

INDUSTRIAL DESIGNS RULES

ARRANGEMENT OF RULES

RULE

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2. Interpretation.
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4. Forms.
5. Language of documents and translations.
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7. Signatures by partnerships, companies and associations.
8. Representation by Attorney-at-law.
9. Application for registration of an industrial design.
10. Number and size of representations and specimen.
11. Declaration of priority and translation of earlier application.
12. Withdrawal of application.
13. Marking application.
14. According and notifying filing date; examination; decision to grant or refuse application.
15. Registration of industrial design; publication of reference thereto; issuance of certificate.
16. Renewal of registration.
17. Entries in the register.
18. Changes in ownership; licence contracts.
19. Address for service.
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21. Consultation of register; request of extracts therefrom and for copies of document.
22. Inspection of licence contracts.
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25. Service by mail.
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UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

RULE

27. Directions as to furnishing of documents.
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30. Hours of business.
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33. Publication.

SCHEDULE I.
SCHEDULE II.

[Subsidiary]

179/1996.

INDUSTRIAL DESIGNS RULES

made under section 19

PRELIMINARY

- Citation. **1.** These Rules may be cited as the Industrial Designs Rules.
- Interpretation. **2.** In these Rules, unless the context otherwise requires—
“priority date” means the filing date of the earlier application that serves as the basis for the right of priority as provided for in section 6(4);
“section” refers to the specified section of the Act.
- Fees. **3.** The fees to be paid in respect of matters arising under the Act or these Rules shall be those specified in the Schedule of Fees in Schedule I.
- Schedule I.
- Forms. **4.** (1) The forms referred to in these Rules are those set out in Schedule II.
(2) A requirement under these Rules to use such a form is satisfied by the use either of a replica of that form or of a form which is acceptable to the Controller and contains the information required by the form set out in that Schedule.
- Schedule II.
- Language of documents and translations. **5.** Applications shall be in the English language, and any document forming part of an application or submitted to the Controller pursuant to the Act or these Rules and which is in a language other than English shall be accompanied by an English translation verified by the translator that the translation is to the best of his knowledge complete and faithful.
- Indication of name, address, nationality and residence. **6.** (1) Names of natural persons shall be indicated by the person’s family name and given name or names, the family name being indicated before the given names, and the names of legal entities shall be indicated by their full official designations.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

(2) Addresses shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, shall consist of all the relevant administrative units, including the house number, if any, and addresses shall also indicate telegraphic and telex addresses and facsimile and telephone numbers.

(3) Nationality shall be indicated by the name of the State of which a person is a national and legal entities shall indicate the name of the State under whose laws they are constituted and their Registered Office.

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

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

Signatures by partnerships, companies and associations.

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

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

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

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

Representation by Attorney-at-law.

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

Application for registration of an industrial design.

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

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

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

Number and size of representations and specimen.

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

- (a) if the industrial design is two-dimensional, by four graphic representations or four drawings or tracings; or
- (b) if the industrial design is three-dimensional, by four graphic representations or four drawings or tracings of each of the different sides of the industrial design.

(2) No graphic representation, drawing or tracing of the industrial design shall exceed 10 centimetres x 20 centimetres and such representations, drawings or tracings shall be affixed on four sheets of cardboard of A4 size.

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

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

11. (1) The declaration referred to in section 6(4) shall be made at the time of filing the application for the industrial design and shall indicate—

Declaration of priority and translation of earlier application.

- (a) the date of the earlier application;
- (b) the number of the earlier application, subject to subrule (2);
- (c) the symbol of the International Classification for Industrial Designs which has been allocated to the earlier application, subject to subrule (3);
- (d) the State in which the earlier application was filed or, where the earlier application is a regional or an international application, the State or States for which it was filed;
- (e) where the earlier application is a regional or an international application, the office with which it was filed.

(2) Where at the time of filing the declaration referred to in subrule (1) the number of the earlier application is not known, that number shall be furnished within three months from the date on which the application containing the declaration was filed.

(3) Where a symbol of the International Classification for Industrial Designs has not been allocated to the earlier application, or had not yet been allocated at the time of filing the declaration referred to in subrule (1) the applicant shall state this fact in the said declaration and shall communicate such symbol as soon as it has been allocated.

(4) The applicant may, at any time before the registration of the industrial design, amend the contents of the declaration referred to in subrule (1).

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

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

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

Withdrawal of application.

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

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

Marking application.

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

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

Form No. 1
Schedule II.

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

14. (1) The Controller shall examine whether the application fulfils the requirements of section 7(1).

(2) The invitation to file any correction, under section 7(2), shall be in writing and it shall specify the correction or corrections required and request that these be filed within two months from the date of the invitation, together with the payment of the prescribed fee.

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

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

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

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

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

Registration of industrial design; publication of reference thereto; issuance of certificate.

(2) The Controller shall allot to each industrial design he registers a number in the sequential order of registration.

(3) The registration of an industrial design shall include a representation of the industrial design and shall specify—

- (a) the number of the industrial design;
- (b) the name and address of the registered owner;
- (c) the name and address of the agent, if any;

- (d) the name and address of the creator, except where he has asked not to be named in the registration;
- (e) if the priority has been claimed, and the claim has been accepted, the priority date and the country or countries in which or for which the earlier application was filed; and
- (f) the kind of products for which the industrial design is to be used.

(4) The publication of the reference to the registration of an industrial design, under section 8(1), shall contain the particulars specified in subrule (3).

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

Form No. 2
Schedule II.

Renewal of
registration.

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

(2) The renewal shall be made by payment of the renewal fee within the period specified in subrule (1) or, upon payment of the prescribed surcharge, within the grace period allowed under section 10(3).

(3) The renewal of an industrial design registration shall be recorded in the register and shall be published.

(4) The Controller shall issue to the registered owner a certificate of renewal which contains—

- (a) the registration number of the industrial design;
- (b) the date of renewal and the date of expiry;
- (c) the name and address of the registered owner; and
- (d) an indication of the kind of products for which the industrial design has been registered.

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

Entries in the register.

- (a) the address for service;
- (b) the date on which the industrial design registration expired or was surrendered or invalidated;
- (c) any change in name, or address, or any change in ownership or address for service in accordance with rules 18 and 19;
- (d) the fact that a licence contract has been concluded and recorded pursuant to section 14(2).

18. (1) The request, under section 13, for the recording of a change in ownership of an industrial design registered under the Act or of an application therefore shall be made to the Controller on Form No. 3 and shall be subject to payment of the prescribed fee.

Changes in ownership; licence contracts.

Form No. 3 Schedule II.

(2) The publication of the change in ownership shall specify—

- (a) the number of the application or registration concerned;
- (b) the filing date, the priority date, if any, and the date of registration;
- (c) the owner and new owner; and
- (d) the nature of the change of ownership.

(3) A licence contract submitted for recordal under section 14(2) shall be accompanied by the prescribed fee.

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

Address for service.

- (a) by every applicant for the registration of an industrial design, an address for service in Trinidad and Tobago for the purpose of his application; and
- (b) by every person (including the applicant for, or the owner of, an industrial design, as the case may be) concerned in any proceedings to which any of these Rules relate, an address for service in Trinidad and Tobago,

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

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

Excluded days.

20. When the last day for doing any act or taking any proceeding falls on a day when the Controller's Office is not open to the public for business, it shall be lawful to do the act or to take the proceeding on the day when the Controller's Office is next open for business.

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

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

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

Inspection of licence contracts.

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

Corrections of errors.

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

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

24. (1) Before exercising adversely to any person any discretionary power given to the Controller by the Act or these Rules, the Controller shall notify such person, in writing, of the opportunity to be heard thereon, and indicating a time limit, which shall not be less than one month, for filing a request for a hearing.

Hearing.

(2) The request for a hearing shall be in writing and shall be subject to payment of the prescribed fee.

(3) Upon receiving such request, the Controller shall give the person applying, and any other interested persons, at least two weeks' notice, in writing, of the date and time of the hearing.

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

Service by mail.

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

Extension of time limit.

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

Directions as to furnishing of documents.

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

Corrections of irregularities.

29. Where, under these Rules, any person is to do any act or thing, or any document or evidence is required to be produced or filed, and it is shown to the satisfaction of the Controller that from

Dispensation by the Controller.

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

Hours of
business.

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

Evidence.

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

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

Statutory
declarations and
affidavits.

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

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

Publication.

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

SCHEDULE I

(Rule 3).

FEES

| <i>Matter or Proceeding</i> | <i>Amount of Fee</i> | <i>Form</i> |
|--|---|-------------|
| Application fee [Section 6(10)] | \$500.00 | Form No. 1 |
| Correction of application to comply with requirements for according filing date [Section 7(2); Rule 14(2)] | \$20.00 | |
| Correction of application to comply with formal requirements [Section 7(3); Rule 14(4)] | \$20.00 | |
| Registration and publication fee [Section 8(1); Rules 14(6) and 15(1)] | \$15.00 plus fee for publication | |
| Renewal fee [Section 10(2); Rule 16(2)] | | |
| First renewal | \$200.00 | |
| Second renewal | \$400.00 | |
| Surcharge for late payment of renewal fee [Section 10(3); Rule 16(2)] | \$200.00 | |
| Request for recordal of change in ownership [Section 13(1); Rule 18(1)] | \$100.00 | Form No. 3 |
| Submission of licence contract for recordal [Section 14(2); Rule 18(3)] | \$100.00 | |
| Inspection of Register (for every quarter of an hour or part thereof) (Rule 21) | \$20.00 for every quarter of an hour or part thereof | |
| Certified copies of documents (per page) (Rule 21) | \$5.00 per printed page and \$20.00 to certify | |
| Request for correction of error [Section 17; Rule 23] | \$20.00 | |
| Request for hearing [Section 19; Rule 24(2)] | \$100.00 | |

(Rule 4).

SCHEDULE II

FORM NO. 1

| | |
|--|---|
| INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO | |
| <p>Form No. 1 INDUSTRIAL DESIGNS ACT</p> <p>APPLICATION FOR REGISTRATION OF INDUSTRIAL DESIGN To: The Controller Intellectual Property Office</p> | <p style="text-align: center;">For Official Use</p> <p>Date of Receipt by Intellectual Property Office:</p> <p>APPLICATION No. (Office's Stamp)</p> <p>FILING DATE:</p> <p>Applicant's or Representative's File Reference:</p> |
| <p>THE APPLICANT(S) REQUEST(S) THAT THE ACCOMPANYING INDUSTRIAL DESIGN(S) BE REGISTERED IN RESPECT OF THE FOLLOWING PARTICULARS:</p> | |
| <p>I. APPLICANT(S)*</p> <p>Additional information is contained in supplemental box <input type="checkbox"/></p> <p>Name:</p> <p>Address:</p> <p>Nationality:</p> <p>Country of residence or principal place of business:</p> <p>Tel. No. Telegraphic Address: Telex No.: Fax No.:</p> | |

* The data concerning each applicant must appear in this box or, if the space is insufficient, in the supplemental box.
(Form No. 1, first page)

| |
|---|
| Address for service in Trinidad and Tobago*: |
| 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 <input type="checkbox"/> to be filed within two months from the filing of this form [Rule 8(2)] Name: Address: Tel. No.: Telegraphic Address: Telex No.: Fax No.: |
| III. CREATOR OF THE DESIGN(S) <input type="checkbox"/> The creator is the applicant Additional information is <input type="checkbox"/> contained in supplemental box If creator is not the applicant: Name: Address: The statement justifying the applicant's right accompanies <input type="checkbox"/> this form |
| IV. REPRESENTATIONS OF THE INDUSTRIAL DESIGN(S); SPECIMEN(S) This Form is accompanied (in respect of each industrial design) by— <input type="checkbox"/> four graphic representations <input type="checkbox"/> four drawings or tracings <input type="checkbox"/> a specimen of the industrial design |

*Where an Attorney-at-law has been appointed, the address of the Attorney-at-law shall be treated as the address to which communication shall be transmitted, [Rule 19(2)].

(Form No. 1, second page)

FORM NO. 1—Continued

| |
|--|
| <p>V. PRODUCTS</p> <p>The kind of products for which the industrial design(s) is (are) to be used is (are) the following:</p> |
| <p>VI. JOINT APPLICATION</p> <p><input type="checkbox"/> The designs which are subject of this application relate to the same set or composition of articles [Section 6(7)]</p> <p><input type="checkbox"/> The designs which are subject of this application relate to the same class, namely class No., of the International Classification (Section 6(7))</p> |
| <p>VII. DEFERRED PUBLICATION</p> <p><input type="checkbox"/> The applicant(s) request(s) that the publication of the industrial design be deferred for a period of months* from the date of filing or, if priority is claimed, from the date of priority.</p> |
| <p>VIII. PRIORITY CLAIM (if any)</p> <p>The priority of an earlier application is claimed as follows:</p> <p>Country: _____ Filing Date: _____</p> <p>Application No.: _____</p> <p>The priority of more than one earlier application is claimed; the data are indicated in the supplemental box <input type="checkbox"/></p> <p>The certified copy of the earlier application</p> <p><input type="checkbox"/> accompanies this Form</p> <p><input type="checkbox"/> will be furnished within three months of the filing of this Form</p> |
| <p>IX. FEES _____ accompany this Form <input type="checkbox"/></p> |

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

(Form No. 1, third page)

| |
|--|
| X. SUPPLEMENTAL BOX* |
| XI. SIGNATURE(S) [Applicant(s)/Agent**] (Date) [Applicant(s)/Agent**] (Date) |
| TO BE FILLED IN BY THE CONTROLLER 1. Date application received: 2. Date of receipt of corrections and later filed papers completing the application: 3. Date fees received: |

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

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

(Form No.1 fourth and last page)

FORM NO. 2

| | |
|---|--|
| INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO | |
| Form No. 2 INDUSTRIAL DESIGNS ACT | |
| CERTIFICATE OF REGISTRATION OF INDUSTRIAL DESIGN | |
| <p>In accordance with section 8(1) and rule 15, it is hereby certified that an industrial design* having the registration No. has been registered for:</p> <p style="margin-left: 40px;">Name:</p> <p style="margin-left: 40px;">Address:</p> <p>on (date)</p> <p>in respect of an industrial design disclosed in an application for registration of that industrial design, having the following:</p> <p style="margin-left: 40px;">filing date:</p> <p style="margin-left: 40px;">priority date:</p> <p>being an industrial design for: (products)</p> <p>created by:</p> <p style="margin-left: 40px;">Name:</p> <p style="margin-left: 40px;">Address:</p> <p>A copy of the reproduction of the design accompanies this Certificate.</p> | |
| <input type="checkbox"/> The publication of the registration will be deferred, as requested, until ** | Date <i>Controller</i> |

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

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

(Form No. 2, only page)

FORM NO. 3

| | |
|---|--|
| INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO | |
| Form No. 3 (Section 13) INDUSTRIAL DESIGNS ACT RECORDAL OF CHANGE IN OWNERSHIP To: The Controller | For Official Use Received on: |
| | Applicant's or Representative's File Reference: |
| I. <input type="checkbox"/> IN THE MATTER OF: <input type="checkbox"/> Application for Registration of Industrial Design No.: | Filing Date: |
| <input type="checkbox"/> Industrial Design No.: | Date of Registration: |
| II. APPLICANT(S)/OWNER(S)* Name: Address: | |
| III. REQUEST The Controller 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)/new owner(s)** is/are identified below. | |

* Indicate application or registered design.

** Delete whichever does not apply.

(Form No. 3, first page)

FORM NO. 3—Continued

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|---|
| <p>IV. NEW APPLICANT(S)/NEW OWNER(S)*</p> <p>Name:</p> <p>Address:</p> <p>Address for service in Trinidad and Tobago:</p> <p>Nationality:</p> <p>Country of residence or principal place of business:</p> <p>Tel. No.: Telegraphic Address: Telex No.: 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)/New Owner(s)/Agent**] <i>Date</i></p> <p>..... [New Applicant(s)/New 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.
(Form No. 3, second and last page)