

LEGAL NOTICE NO. 157

REPUBLIC OF TRINIDAD AND TOBAGO

THE LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED
CIRCUITS ACT, 1996

RULES

MADE BY THE MINISTER IN ACCORDANCE WITH SECTION 20 OF THE
LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS ACT, 1996

THE LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED
CIRCUITS RULES, 1996

1. These Rules may be cited as the Layout-Designs (Topographies) Citation
of Integrated Circuits Rules, 1996.

2. In these Rules unless the context otherwise requires, "section" Interpretation
refers to the specified section of the Act.

3. The fees to be paid in respect of matters arising under the Act of Fees
these Rules shall be those specified in the Schedule of Fees in
Schedule I.

4. (1) The forms referred to in these Rules are those set out in Forms
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.

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

6. (1) Names of natural persons shall be indicated by the person's Indication of
family's name and given name or names, residence indicated before the name,
given name or names and the names of legal entities shall be indicated address,
by their full, official designations. nationality

(2) Address 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 the address of their registered office.

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

Signatures by
partnerships,
companies
and
associations

7. (1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any partner qualified to sign, stating that he signs on behalf of the partnership, and or by any other person who satisfies the Controller that he is authorized to sign the document and 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 authorized to sign the document and shall bear the seal of the body corporate and a document purporting to be signed for or on behalf of an association of persons may be signed by any person who satisfied the Controller that he is duly authorized.

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

Representa-
tion by
attorney-at-
law

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

(2) The authorization of agent appointing an attorney-at-law shall be filed together with the application and if the appointment is not thus made and is not in accordance with section 13 and subrule (1), any procedural steps taken by the attorney-at-law, other than the filing of the application, shall be deemed not to have been taken.

Application
for
registration
of layout-
design

9. (1) The application for the registration of a layout-design shall be made on Form No. 1 and shall be signed by each applicant or attorney-at-law.

(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 layout-design.

(4) The brief and precise designation of the layout-design referred to in section 8(3)(a) 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.

10. (1) The application may be withdrawn by written declaration submitted to the Controller and signed by each applicant. Withdrawal of application

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

11. (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 t, 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 layout-design (Form No. 1). Marking application

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

12. (1) The Controller shall examine whether the application fulfills the requirements set out in section 8(1) and (5). According and notifying filing date;

(2) Where the Controller finds that the application did not at the time of receipt fulfill the requirements referred to in paragraph (1), he shall invite the applicant to file the required correction. examination; decision to grant or refuse

(3) The invitation to file any correction 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.

(4) 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 8(8) or (10), the Controller shall notify the applicant in writing, stating the reasons.

(5) Where the conditions set out in section 3(2) and (3) are not fulfilled, the Controller shall reject the application and notify the applicant in writing, stating the reasons.

(6) Where the Controller finds that the conditions set out in section 8(2) and (3) 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.

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

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

Registration;
publication;
issuance of
certificate

13. (1) Subject to the payment of the registration and publication fee within the period prescribed in rule 12(6), the Controller shall register the layout-design in accordance with section 9(2) and this rule, publish a reference to the registration and issue to the applicant a certificate of registration.

(2) The Controller shall allot to each layout-design 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 9(3), a copy or drawing thereof, subject to section 8(3)(d), and shall specify—

- (a) the name and address of the registered owner;
- (b) the name and address of the agent, if any;
- (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 subrule (1), shall contain the particulars specified in subrule (3).

(5) The certificate of registration of a layout-design shall be issued on Form No. 2.

14. (1) The Controller shall cause to be entered in the register in respect of every layout-design, in addition to the information indicated in rule 13(3)—

- (a) the address for service;
- (b) the date on which the layout-design registration 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 rules 15 and 16;
- (d) the fact that a license contract has been concluded and recorded pursuant to section 11(3).

15. (1) The request, under section 11, 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 Controller on Form No. 3 and shall be subject to payment of the prescribed fee.

- (2) The publication of the change in ownership shall specify—
 - (a) the number of the application or registration concerned;
 - (b) the filing date, the 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 license contract submitted for recordal under section 11(3) shall be accompanied by the prescribed fee.

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

- (a) by every applicant for the registration of a layout-design, an address for service in Trinidad and Tobago for the purpose of his application; and
- (b) by person, including the applicant for, or the owner of, a layout-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,

Address for
service

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 attorney-at-law has been appointed in accordance with section 13 and Rule 8, the address of the attorney-at-law shall, for all purposes connected with the Act and these Rules, be treated as the address to which communications to the person who appointed the agent shall be transmitted.

Excluded
days

17. 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 for
extracts
therefrom
and for copies
of documents

18. Consultation 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 Controller in writing and shall be subject to payment of the prescribed fee.

Inspection of
licence
contracts

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

Corrections of
errors

20. (1) The Controller may correct any error of translation or transcription, clerical error or mistake in any application or document filed with the Intellectual Property Office or in any matter recorded pursuant to the Act or these Rules.

(2) Corrections of errors 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.

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

Hearing

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

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

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

Service by
mail

22. 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.

23. The time or periods prescribed by these Rules for doing any act or taking any proceeding thereunder, 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

24. 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

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

Corrections of
irregularities

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

Dispensation
by the
Controller

27. 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 3.00 p.m. for all classes of business.

Hours of
business

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

Evidence

(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.

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

Statutory
declarations
and affidavits

(2) Statutory declarations or affidavits made outside Trinidad and Tobago shall be made before a consul or notary public.

30. 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 Rules shall be published monthly in a periodical unless the Controller otherwise directs.

Publication;
periodical

SCHEDULE I

(Rule 3)

FEES

Matter or Proceeding	Amount of Fee	Form
Application fee [Section 8(9)]	\$500.00	Form No. 1
Correction of application in order to comply with requirements for according filing date [Section 8(1) and (5); Rule 12(2)]	\$20.00	
Correction of application in order to comply with formal requirements [Section 8(2), (3) and (4); Rule 12(2)]	\$20.00	
Registration and publication fee [Section 9(2); Rules 12(6) and 13(1)]	\$150.00 plus fee for publication	
Request for recordal of change in ownership [Section 11(1); Rule 15(1)]	\$100.00	Form No. 3
Submission of licence contract for recordal [Section 11(3); Rule 15(2)]	\$100.00	
Inspection of Register (for every quarter of an hour or part thereof) [Section 9(4); Rule 18]	\$20.00	
Certified copies of documents (per page) [Section 9(4); Rule 18]	\$5.00 per printer page and \$20.00 to certify correctness of documents	
Request for correction of error (Rule 20)	\$20.00	
Request for hearing [Section 17(1); Rule 21(2)] ...	\$100.00	

SCHEDULE II

[Rule 4 (1)]

FORMS

INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO	
<p>Form No. 1 [Rule 9(1)]</p> <p>LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS ACT</p> <p>APPLICATION FOR REGISTRATION OF LAYOUT-DESIGN</p> <p>To: The Controller Intellectual Property Office</p>	<p style="text-align: right;">For Official Use</p> <p>Date of Receipt by Intellectual Property Office:</p> <p>APPLICATION No.:</p> <p style="text-align: center;">(Office's Stamp)</p> <p>FILING DATE:</p> <hr/> <p>Applicant's or Representative's File Reference:</p>
THE APPLICANT(S) REQUEST(S) THAT THE FOLLOWING LAYOUT-DESIGN BE REGISTERED:	
<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)

SCHEDULE II—Continued

Address for service in Trinidad and Tobago*:			
<p>II. ATTORNEY-AT-LAW</p> <p>The following (Attorney-at-law) has been appointed by the applicant(s) in the Authorization of Agent</p> <p><input type="checkbox"/> accompanying this Form</p> <p>Name:</p> <p>Address*:</p> <p>Tel. No.: Telegraphic Address: Telex No.: Fax No.:</p>			
<p>III. REPRESENTATIONS OF THE LAYOUT-DESIGN</p> <p>This Form is accompanied by:</p> <p><input type="checkbox"/> four copies** of the layout-design;</p> <p><input type="checkbox"/> 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)(d);</p> <p><input type="checkbox"/> four drawings** of the layout-design;</p> <p><input type="checkbox"/> 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)(d).</p>			

*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 [Rule 16(2)].

**Where the application is accompanied by a copy of the layout-design, a drawing thereof shall be filed within the period prescribed in Rule 9(5).

(Form No. 1, second page)

SCHEDULE II—Continued

IV. DESIGNATION

.....
.....

(Title of the layout-design indicating, pursuant to Rule 9(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 supplemental box

If creator is not the applicant:

Name:

Address:

The statement justifying the applicant's right accompanies 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

SCHEDULE II—Continued

INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO

Form No. 2
LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS ACT

CERTIFICATE OF REGISTRATION OF
LAYOUT-DESIGN

In accordance with section 9(2) and (3) and Rule 13, 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:

A drawing of the layout-design accompanies this Certificate.

Date
Controller

SCHEDULE II—Continued

INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO	
Form No. 3 [Rule 15(1)] LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS ACT RECORDIAL OF CHANGE IN OWNERSHIP To: The Controller Intellectual Property Office	<p style="text-align: center;">For Official Use</p> Received on: Applicant's or Representative's File Reference:
<p>I. IN THE MATTER OF:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Application for Registration of Layout-Design No. <input type="checkbox"/> Layout-Design No.: </div> <div style="width: 45%;"> Filing Date: Date of first commercial exploitation: Date of Registration: </div> </div>	
<p>II. APPLICANT(S)/OWNER(S)*</p> Name: Address:	
<p>III. REQUEST</p> <p>The Controller 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)/new owner(s)* is/are identified below.</p>	

*Delete whichever does not apply.

**Indicate application or title concerned.

SCHEDULE II—Continued

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

Name:

Address:

Address for service in Trinidad and Tobago:

Nationality:

Country of residence or principal place of business:

Tel. No.: Telegraphic Address: Telex No.: 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)/New Owner(s)/Agent**]
Date

..... [New Applicant(s)/New 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.

(Form No. 3, second and last page)

Made this 2nd day of October, 1996.

K. PERSAD-BISSESSAR
Minister of Legal Affairs