

**LAYOUT-DESIGNS (TOPOGRAPHIES)
OF INTEGRATED CIRCUITS ACT**

CHAPTER 82:79

Act
19 of 1996
Amended by
18 of 2000

Current Authorised Pages

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CHAPTER 82:79

**LAYOUT-DESIGNS (TOPOGRAPHIES) OF
INTEGRATED CIRCUITS ACT**

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CHAPTER 82:79

LAYOUT-DESIGNS (TOPOGRAPHIES)
OF INTEGRATED CIRCUITS ACT

19 of 1996. **An Act to provide for the protection of layout-designs
(topographies) of integrated circuits.**

Commencement. [1ST DECEMBER 1997]
256/1997.

Short title. **1.** This Act may be cited as the Layout-Designs
(Topographies) of Integrated Circuits 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;

“integrated circuit” means a product, in its final form or an
intermediate form in which the elements, at least one of
which is an active element, and some or all of the
interconnections are integrally formed in and/or on a
piece of material and which is intended to perform an
electronic function;

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

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

“Register” means the Register of Layout-Designs (Topographies)
of Integrated Circuits;

“right holder” means the person who is to be regarded as the
beneficiary of the protection referred to in section 6.

3. (1) Protection under this Act may be obtained for layout-designs of integrated circuits if and to the extent that they are original within the meaning of section 4. Protection.

(2) Registration may only be applied for if the layout-design has not yet been commercially exploited, or has been commercially exploited for not more than two years anywhere in the world.

(3) Protection under this Act shall not be available for layout-designs which have been commercially exploited, anywhere in the world, for more than two years prior to the entry into force of this Act.

4. (1) A layout-design shall be considered to be original if it is the result of its creator's own intellectual effort and is not commonplace among creators of layout-designs and manufacturers of integrated circuits at the time of its creation. Originality.

(2) A layout-design consisting of a combination of elements and inter-connections that are commonplace shall be protected only if the combination taken as a whole is original within the meaning of subsection (1).

5. (1) The right to layout-design protection shall belong to the creator of the layout-design and may be assigned or transferred by succession. Right to protection.

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

(3) Where the layout-design has been created in execution of a commission or an employment contract, the right to layout-design protection shall belong, in the absence of contractual provisions to the contrary, to the person who commissioned the work or to the employer.

6. (1) Protection under this Act shall not depend upon whether or not the integrated circuit which incorporates the protected layout-design is itself incorporated in an article. Effect of protection.

(2) Subject to subsection (3) and to section 14, the protection shall have the effect that the following acts shall be unlawful if performed without the authorisation of the right holder—

- (a) reproducing, whether by incorporation in an integrated circuit or otherwise, the protected layout-design in its entirety or any part thereof, except the act of reproducing any part that does not comply with the requirement of originality referred to in section 4;
- (b) importing, selling or otherwise distributing for commercial purposes the protected layout-design, an integrated circuit in which the protected layout-design is incorporated or an article incorporating such an integrated circuit in so far as it continues to contain an unlawfully reproduced layout-design.

(3) The effect of protection of a layout-design under this Act shall not extend to—

- (a) the reproduction of the protected layout-design for private purposes or for the sole purpose of evaluation, analysis, research or teaching;
- (b) the incorporation in an integrated circuit of a layout-design created on the basis of such analysis or evaluation and which is itself original in the meaning of section 4 or the performance of any of the acts referred to in subsection (2) in respect of that layout-design;
- (c) the performance of any of the acts referred to in subsection (2)(b) where the act is performed in respect of a protected layout-design, or in respect of an integrated circuit in which such a layout-design is incorporated, that has been put on the market by or with the consent of the right holder;
- (d) the performance of any of the acts referred to in subsection (2)(b) in respect of an integrated circuit incorporating an unlawfully reproduced layout-design or any article incorporating such

an integrated circuit where the person performing or ordering such an act did not know and had no reasonable ground to know, when acquiring the integrated circuit or the article incorporating such an integrated circuit, that is incorporated an unlawfully reproduced layout-design; however after the time that such person has received sufficient notice that the layout-design was lawfully reproduced, that person may perform any of those acts only with respect to the stock on hand or ordered before such time and shall be liable to pay to the right holder a sum equivalent to a reasonable royalty such as would be payable under a freely negotiated licence in respect of such a layout-design; or

- (e) the performance of any of the acts referred to in subsection (1)(b) where the act is performed in respect of an identical layout-design which is original and has been created independently by a third party.

7. (1) Protection of a layout-design under this Act shall commence—

Commencement and duration of protection.

- (a) on the date of the first commercial exploitation, anywhere in the world, of the layout-design by or with the consent of the right holder, provided that an application for protection is filed by the right holder with the Controller within the time limit referred to in section 3(2); or
- (b) on the filing date accorded to the application for the registration of the layout-design filed by the right holder, if the layout-design has not been previously exploited commercially anywhere in the world.

(2) Protection of a layout-design under this Act shall terminate at the end of the tenth calendar year after the date of commencement of protection.

Filing
requirements.

8. (1) An application for the registration of a layout-design shall be in writing and shall be filed with the Controller.

(2) A separate application shall be filed for each layout-design.

(3) The application shall—

(a) contain a request for registration of the layout-design in the register and a brief and precise designation of the layout-design;

(b) indicate the name, address, nationality and, if different from the address, the habitual residence of the applicant;

(c) be accompanied by the authorisation of agent appointing the representative of the applicant, if any;

(d) be accompanied by a copy or drawing of the layout-design together with information defining the electronic function which the integrated circuit is intended to perform but the application may omit such parts of the copy or drawing that relate to the manner of manufacture of the integrated circuit, provided that the parts submitted are sufficient to allow the identification of the layout-design;

(e) specify the date of first commercial exploitation of the layout-design anywhere in the world or indicate that such exploitation has not commenced; and

(f) provide particulars establishing the right to protection under section 5.

(4) Where an application does not duly comply with the requirements of subsection (3), the Controller shall immediately notify the applicant of the defects and invite him to correct them within two months.

(5) Where the defects are corrected within the time limit under subsection (4), the Controller shall accord as the filing date

the date of receipt of the application, provided that, at the time of receipt, the application contained an express or implicit indication that the registration of a layout-design is requested and indications allowing the identity of the applicant to be established and was accompanied by a copy or drawing of the layout-design.

(6) Where the requirements of subsection (5) were not complied with at the date of receipt of the application but are complied with within the time limit, the date of receipt of the required correction shall be deemed to be the filing date of the application.

(7) The Controller shall confirm the filing date and communicate it to the applicant.

(8) Where the defects are not corrected within the time limit, the application shall be deemed not to have been filed.

(9) Each application for protection of a layout-design shall be subject to the payment of the prescribed fee.

(10) Where the fee is not paid, the Controller shall notify the applicant that the application will be deemed not to have been filed unless payment is made within two months from the date of the notification and where the application fee is not paid within that time limit, the application shall be deemed not to have been filed.

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

Register;
registration and
publication.

(2) Where an application complies with the requirements of section 8, the Controller shall register the layout-design in the Register without examination of the originality of the layout-design, the applicant's entitlement to protection or the correctness of the facts stated in the application.

(3) The Register shall contain the number, title, filing date and, where indicated in the application under section 8(3)(e), the date of first commercial exploitation, anywhere in the world, of the layout-design as well as the name and address of the right holder and other prescribed particulars.

(4) Any person may consult the Register and obtain extracts therefrom, subject to the payment of the prescribed fee.

(5) The registration of a layout-design shall be published in the prescribed manner.

Right to
transfer;
rectification of
register.

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

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

(3) The Controller shall send forthwith a copy of such a request to the right holder, and, within the prescribed period and in the prescribed manner, the right holder may send to the Controller a counter-statement of the grounds on which he relies.

(4) Where the right holder sends a counter-statement, the Controller shall furnish a copy thereof to the person requesting the transfer and, after hearing the parties, if either or both wish to be heard, and considering the merits of the case, shall decide whether the application or registration should be transferred and, where applicable, whether the Register should be rectified.

Changes in
ownership;
contractual
licences.

11. (1) Any change in the ownership of a protected layout-design shall be in writing.

(2) Once the layout-design has been registered, the change in ownership shall, at the request of any interested party, made to the Controller, be recorded and published by the Controller and such change shall have no effect against third parties until it has been recorded.

(3) Any licence contract concerning a layout-design shall, upon registration of the layout-design, be submitted to the Controller who shall keep its contents confidential but shall publish a reference thereto and the licence contract shall have no effect against third parties until such submission has been made.

12. (1) Any interested person may apply to the Court for the cancellation of the registration of a layout-design on the grounds that—

Cancellation.

- (a) the layout-design is not protectable under sections 3 and 4;
- (b) the right holder is not entitled to protection under section 5; or
- (c) where the layout-design has been commercially exploited, anywhere in the world, before the filing of the application for registration of the layout-design, the application was not filed within the time limit referred to in sections 3(2) and 7(1)(a).

(2) Where the grounds for cancellation are established with respect only to a part of the layout-design, only the corresponding part of the registration shall be cancelled.

(3) Any cancelled layout-design registration, or part thereof, shall be regarded as null and void from the date of the commencement of protection.

(4) The Registrar of the Court shall notify the Controller of the decision of the Court or the decision on any appeal therefrom and the Controller shall record it and publish a reference thereto as soon as possible.

13. 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.

14. (1) Infringement shall consist of the performance of any act which is unlawful under section 6.

Infringement;
enforcement of
exclusive right.

(2) On the request of the right holder, or of his licensee if the latter has requested the right holder to institute Court proceedings for a specific relief and the right holder has refused or failed to do so within a reasonable time, the Court may grant an injunction to prevent infringement or an imminent infringement, award damages and grant any other remedy provided for in the general law.

(3) Proceedings under subsection (2) may be initiated only after an application for registration of the layout-design has been filed with the Controller.

Offences.

15. Any person who, without authorisation, knowingly performs any act which is unlawful under section 6, shall be guilty of an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for five years and the Court may also order the seizure, forfeiture and destruction of the layout-designs, integrated circuits or articles concerned and of any materials or implements, the predominant use of which has been in the commission of the offence.

Exploitation by
a government
agency or third
person.
[18 of 2000].

16. (1) Where—

- (a) the public interest, in particular, national security, nutrition, health or the development of other vital sectors of the national economy requires the exploitation of a protected layout-design for public non-commercial use; or
- (b) a judicial or administrative body has determined that the manner of exploitation of a protected layout-design, by the right holder or his licensee, is anti-competitive, and the Minister is satisfied that the exploitation of the layout-design in accordance with this section would remedy such practice,

the Minister may decide that, even without the authorisation of the right holder, a Government agency or a third person designated by the Minister may exploit the layout-design.

(2) The exploitation of the layout-design shall be—

- (a) limited, in scope and duration, to the purpose for which it was authorised;
- (b) predominantly for the supply of the domestic market;
- (c) non-exclusive; and
- (d) subject to the payment to the right holder of an adequate remuneration therefor, taking into

account the economic value of the Minister's authorisation, as determined in the Minister's decision and, where applicable, the need to correct anti-competitive practices.

(3) Upon request of the right holder or of the beneficiary of the authorisation, the Minister may, after hearing the parties, if either or both wish to be heard, vary the terms of the decision authorising the exploitation of the layout-design to the extent that changed circumstances justify such variation.

(4) Upon the request of the right holder, the Minister shall terminate the authorisation if he is satisfied that the circumstances which led to his decision have ceased to exist and are unlikely to recur or that the beneficiary of the authorisation has failed to comply with the terms of the authorisation.

(5) Notwithstanding subsection (4), the Minister shall not terminate an authorisation if he is satisfied that the adequate protection of the legitimate interests of the beneficiary of the authorisation justifies the maintenance of the authorisation.

(6) Where a third person has been designated by the Minister in accordance with subsection (1), the authorisation may only be transferred with the enterprise or business of the beneficiary of the authorisation or with the part of the enterprise or business within which the layout-design is being exploited.

(7) A request for the Minister's authorisation shall be accompanied by evidence that the right holder has received, from the person seeking the authorisation, a request for a contractual licence but that that person has been unable to obtain such a licence on reasonable commercial terms and conditions and within a reasonable time.

(8) Decisions of the Minister under this section may be the subject of an appeal to the Court.

17. (1) 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;
extension of
time.

(2) Where the Controller is satisfied that the circumstances justify it, he may, upon receiving a written request therefor, extend the time for doing any act, other than the time limit set out in sections 3(2) and 7(1)(a), for filing an application, or taking any proceeding under this Act, upon notice to the parties concerned and upon such terms as he may direct and such extension may be granted notwithstanding the time for doing the act or taking the proceeding has expired.

Competence of
Court; appeals.

18. (1) The Court shall have jurisdiction in cases of dispute relating to the application of this Act and in matters which, under this Act, are to be referred to the Court.

(2) Any decision taken by the Controller under this Act, in particular the registration of a layout-design, may be the subject of an appeal by any interested party to the Court and such appeal shall be filed within two months of the date of the decision.

Application of
international
treaties.

19. The provisions of any international treaty in respect of intellectual 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.

20. 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.

SUBSIDIARY LEGISLATION

**LAYOUT-DESIGNS (TOPOGRAPHIES) OF
INTEGRATED CIRCUITS RULES**

ARRANGEMENT OF RULES

RULE

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2. Interpretation.
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4. Forms.
5. Language of documents and transactions.
6. Indication of name, address, nationality.
7. Signatures by partnerships, companies and associations.
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9. Application for registration of layout-design.
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13. Registration; publication; issuance of certificate.
14. Entries in register.
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16. Address for service.
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ARRANGEMENT OF RULES—*Continued*

RULE

26. Dispensation by the Controller.
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**SCHEDULE I.
SCHEDULE II.**

**LAYOUT-DESIGNS (TOPOGRAPHIES) OF
INTEGRATED CIRCUITS RULES**

157/1996.

made under section 20

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

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

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

4. (1) The forms referred to in these Rules are those set out in Schedule II. 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 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. Language of documents and transactions.

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

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

Representation
by Attorney-at-
law.

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.

(2) The authorisation 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 of application.

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

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

12. (1) The Controller shall examine whether the application fulfils the requirements set out in section 8(1) and (5).

(2) Where the Controller 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 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.

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.

Registration;
publication;
issuance of
certificate.

(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.

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)—

Entries in
register.

- (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 licence contract has been concluded and recorded pursuant to section 11(3).

Changes in
ownership.

Form No. 3.

Address for
service.

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 licence 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,

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.

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. Excluded days.

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

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

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. Corrections of errors.

(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.

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. 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.

24 **Chap. 82:79** *Layout-Designs (Topographies) of Integrated Circuits*
[Subsidiary] *Layout-Designs (Topographies) of Integrated Circuits Rules*

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.

Extension of time limit. **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.

Directions as to furnishing of documents. **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.

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

Dispensation by the Controller. **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.

Hours of business. **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.

Evidence. **28.** (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.

29. (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 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.

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(Rule 3).

SCHEDULE I

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 printed 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)].

FORM NO. 1

INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO	
Form No. 1 [Rule 9(1)] LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS ACT APPLICATION FOR REGISTRATION OF LAYOUT DESIGN To: The Controller Intellectual Property Office	For Official Use Date of Receipt by Intellectual Property Office: APPLICATION No.: (Office's Stamp) FILING DATE:
	Applicant's or Representative's File Reference:
THE APPLICANT(S) REQUEST(S) THAT THE FOLLOWING LAYOUT- DESIGN BE REGISTERED:	
I. APPLICANT(S)* Additional information is contained in supplemental box <input type="checkbox"/> Name: Address: Nationality: Country of residence or principal place of business: Tel. No.: Telegraphic Address: Telex No.: Fax No.:	

*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*:
<p>II. ATTORNEY-AT-LAW</p> <p>The following (Attorney-at-law) has been appointed by the applicant(s) in the Authorisation 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).

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

(Form No. 1, third page).

VII. FEES accompany this Form <input type="checkbox"/>
VIII. SUPPLEMENTAL BOX*
IX. SIGNATURE(S) [Applicant(s)/Agent**] <i>Date</i> [Applicant(s)/Agent**] <i>Date</i>
*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.
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:

(Form No. 1, fourth and last page).

FORM NO. 2

INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO
Form No. 2 LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS ACT CERTIFICATE OF REGISTRATION OF LAYOUT-DESIGN
<p>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:</p> <p>Name:</p> <p>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>filing date:</p> <p>date of first commercial exploitation:</p> <p>being a layout-design for: (title)</p> <p>created by:</p> <p>Name:</p> <p>Address:</p> <p><input type="checkbox"/> A drawing of the layout-design accompanies this Certificate.</p>
Date <p style="text-align: right;"><i>Controller</i></p>

(Form No. 2, only page).

<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**] Date</p> <p>..... [New Applicant(s)/New Owner(s)/Agent**] Date</p> <p>..... [Applicant(s)/Owner(s)/Agent**] Date</p> <p>..... [Applicant(s)/Owner(s)/Agent**] Date</p>

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

(Form No. 3, second and last page).
