

LEGAL NOTICE NO. 179

REPUBLIC OF TRINIDAD AND TOBAGO

THE INDUSTRIAL DESIGNS ACT, 1996

RULES

MADE BY THE MINISTER UNDER SECTION 19 OF THE
INDUSTRIAL DESIGNS ACT, 1996

THE INDUSTRIAL DESIGNS RULES, 1996

PRELIMINARY

1. These Rules may be cited as the Industrial Designs Rules, 1996. Citation

2. In these Rules, unless the context otherwise requires— Interpreta-
tion
“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.

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. 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
translations

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. Indication of
name,
address,
nationality
and residence
(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.

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, or by any other person who satisfies the Controller that he is authorised to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the 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.

Representa-
tion 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 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.

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.
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—
- (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.

Number and
size of repre-
sentations
and specimen

Declaration of
priority and
translation of
earlier
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.

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.

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.

Renewal of 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.

Entries in the register

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)—

- (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 license contract has been concluded and recorded pursuant to section 14(2).

Changes in ownership; license contracts

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.

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

Address for service

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

- (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.

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.

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.

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

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.

(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. (1) 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.

SCHEDULE I

(Rule 3)

FEES

Matter or Proceeding	Amount of Fee	Form
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)]	\$150.00 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 license 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	

SCHEDULE II

(Rule 4)

FORMS

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: right;">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)

SCHEDULE II—Continued

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
Authorization of Agent:

accompanying this Form 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)

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

IV. REPRESENTATIONS OF THE INDUSTRIAL DESIGN(S); SPECIMEN(S)

This Form is accompanied (in respect of each industrial design) by—

- four graphic representations
- four drawings or tracings
- 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)].

SCHEDULE II—Continued

V. PRODUCTS

The kind of products for which the industrial design(s) is (are) to be used is (are) the following:

VI. JOINT APPLICATION

- The designs which are subject of this application relate to the same set or composition of articles [Section 6(7)]
- The designs which are subject of this application relate to the same class, namely class No., of the International Classification (Section 6(7))

VII. DEFERRED PUBLICATION

- 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.

VIII. PRIORITY CLAIM (if any)

The priority of an earlier application is claimed as follows:

Country:

Filing Date:

Application No.:

The priority of more than one earlier application is claimed; the data are indicated in the supplemental box

The certified copy of the earlier application

- accompanies this Form
- will be furnished within three months of the filing of this Form

IX. FEES

accompany this Form

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

SCHEDULE II—Continued

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 1 fourth and last page)

SCHEDULE II—Continued

INTELLECTUAL PROPERTY OFFICE, TRINIDAD AND TOBAGO	
<p>Form No. 2 INDUSTRIAL DESIGNS ACT</p> <p>CERTIFICATE OF REGISTRATION OF INDUSTRIAL DESIGN</p>	
<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="padding-left: 40px;">Name:</p> <p style="padding-left: 40px;">Address:</p> <p>on (date)- in respect of an industrial design disclosed in an application for registration of that industrial design, having the following:</p> <p style="padding-left: 40px;">filing date:</p> <p style="padding-left: 40px;">priority date:</p> <p>being an industrial design for: (products)</p> <p>created by:</p> <p style="padding-left: 40px;">Name:</p> <p style="padding-left: 40px;">Address:</p> <p style="text-align: center; margin-top: 10px;">A copy of the reproduction of the design accompanies this Certificate.</p>	
<p><input type="checkbox"/> The publication of the registration will be deferred, as requested, until **</p>	<p>Date</p> <p style="text-align: center;">..... Controller</p>

* 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).

SCHEDULE II—Continued

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

*Indicate application or registered design.

**Delete whichever does not apply.

SCHEDULE II—Continued

IV.	<p>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>
V.	<p>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>
VI.	<p>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)

Made this 2nd day of October, 1996.

R. L. MAHARAJ
Minister of Legal Affairs