

No. 15 of 2003.

*The Intellectual Property Office
Act 2003.*

1 ANTIGUA
AND
BARBUDA



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

17th December, 2003

ANTIGUA AND BARBUDA

No. 15 of 2003

AN ACT to make provision for the establishment of the Office of Intellectual Property and for related matters.

[*24th December, 2003*]

ENACTED by the Parliament of Antigua and Barbuda as follows —

1. This Act may be cited as the Intellectual Property Office Act, 2003 and comes into force on a day appointed by the Minister by notice published in the *Gazette*.

Short title and commencement.

2. In this Act,

Interpretation.

"intellectual property legislation" includes the Copyright Act, 2003, the Geographical Indications Act, 2003, the Industrial Designs Act, 2003, the Integrated Circuits Topography Act, 2003, the Patents Act, 2003, the Trade-marks Act, 2003, and any other Act which the Minister may by Order designate;

"Minister" means the Minister responsible for the administration of Intellectual Property Legislation;

"Registrar" means the Registrar of Intellectual Property appointed under section 4.

Organization of
the Intellectual
Property Office.

3. (1) There is established an Office to be known as the Intellectual Property Office.

(2) The Registrar is responsible for the administration of the Intellectual Property Office and shall be assisted by a Deputy Registrar and such officers as may be appointed.

Appointment of
Registrar and
Deputy Registrar
of Intellectual
Property and other
officers.

4. It shall be lawful for the Public Service Commission to appoint on such terms and conditions as it may determine, a Registrar and a Deputy Registrar of Intellectual Property Office for Antigua and Barbuda and such officers to assist the Registrar of Intellectual Property as the Public Service Commission may consider necessary.

Salary.

5. The salaries and allowances to be paid to the Registrar, the Deputy Registrar and other officers appointed under section 4 shall be paid out of moneys voted by Parliament.

Duties of the Registrar of Intellectual Property.

6. (1) The Registrar shall —

- (a) perform all functions relating to —
 - (i) the grant of patents and utility model certificates;
 - (ii) the registration of industrial designs, marks, collective marks and geographical indications;
- (b) superintend and perform such other duties and exercise such other powers as are conferred by the intellectual property legislation or the regulations made thereunder; and
- (c) be responsible for the carrying out of studies, programmes or exchanges of items or services regarding domestic and international intellectual property issues and regarding the use of patent documents as a source of information.

(2) Decisions of the Registrar shall be signed by the Registrar or in the absence of the Registrar, the Deputy Registrar or an officer designated by the Registrar.

(3) The Registrar may issue administrative instructions relating to the procedures under this Act and the Regulations as well as the other functions of the Intellectual Property Office.

7. (1) The Registrar may, subject to any provision in any intellectual property legislation or regulations made under such legislation, 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 recording effected pursuant to any intellectual property legislation.

Corrections of errors, extension of time.

(2) If the Registrar is satisfied that the circumstances justify it, he may, upon receiving a written request, extend the time for doing any act or taking any proceeding under this Act and the Regulations, upon notice to the parties concerned and upon such terms as he may direct, and the extension may be granted though the time for doing the act or taking the proceeding has expired.

8. The Registrar shall give any party to a proceeding before him an opportunity of being heard before exercising adversely to that party any discretionary power vested in him by any intellectual property legislation.

Exercise of discretionary powers

9. The Minister may make regulations for the better management and administration of this Act.

Regulations.

Passed the House of Representatives this 8th day of September, 2003.

Passed the Senate this 25th day of September, 2003.

B Harris,
Speaker.

M. Percival,
President.

S. Walker,
Clerk to the House of Representatives.

S. Walker,
Clerk to the Senate.