

ANTIGUA AND BARBUDA

STATUTORY INSTRUMENTS

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**INTEGRATED CIRCUITS TOPOGRAPHY REGULATIONS, 2006,
Made in exercise of the powers contained under section 20 of the
Integrated Circuits Topography Act, 2003, Act 20 of 2003.**

1. These Regulations may be cited as the Integrated Circuits Topography Regulations, 2006. Short title.
2. In these Regulations—
“Act” means the Integrated Circuits Topography Act.
“publish” includes publication on the Internet; Interpretation.
3. The fees to be paid in respect of matters arising under the Act of these Regulations shall be those specified in the Schedule of Fees in Schedule I. Fees.
4. (1) The forms referred to in these Regulations are those set out in Schedule II. Forms.
(2) Documents required or authorized by the Act or these Regulations to be sent to the Registrar may be transmitted by telefacsimile or electronic mail, and the date of application shall be the date of transmission, provided that the original of the document so transmitted is filed with the Registrar within one month of such transmission.
5. Applications shall be in the English language, and any document forming part of an application or submitted to the Registrar pursuant to the Act or these Regulations 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’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 and residence
(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, or by any other person who satisfies the Registrar that he is authorized 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 Registrar that he is authorized 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 Registrar that he is duly authorized.

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

Representation by agent.

8.(1) The appointment of an agent 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 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 13 of the Act and subregulation (1) any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

(3) A local attorney at law or agent admitted to represent clients before Intellectual Property Office may be appointed as an agent.

(4) An agent who is not a local attorney at law shall apply to the Registrar to be registered as an agent admitted to represent clients before Intellectual Property Office.

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 agent.

Application for registration of a layout-design.

(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) of the Act 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 Registrar 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 Registrar shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters AG, slant, the letters IC, 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 Registrar shall also mark their actual date of receipt in the appropriate place of the request for registration of the layout-design.

Marking application.

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

According and
notifying filing
date.

12. (1) The Registrar shall examine whether the application fulfills the requirements set out in section 8 of the Act and regulation 9 and where applicable regulations 5, 7 and 8.

(2) Where the Registrar finds that the application did not at the time of receipt fulfill the requirements referred to in subsection (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) Where the Registrar 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) of the Act, the Registrar shall notify the applicant in writing, stating the reasons.

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

(6) Where the Registrar finds that the conditions set out in sections 8(2) and (3) of the Act and the Regulations 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 Registrar 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 Registrar 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 regulation 12(6), the Registrar shall register the layout-design in accordance with section 9(2)

of the Act and this regulation, publish a reference to the registration and issue to the applicant a certificate of registration.

(2) The Registrar 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 8(3) of the Act, a copy or drawing thereof, subject to section 8(3)(d) of the Act, 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 paragraph (1), shall contain the particulars specified in paragraph (3).

(5) The certificate of registration of a layout-design shall be in the Form 2.

14. (1) The Registrar shall cause to be entered in the Register in respect of every layout-design, in addition to the information indicated in regulation 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 regulations 15 and 16;
- (d) the fact that a license contract has been concluded and recorded pursuant to section 11(3) of the Act.

Changes in
ownership.

15. (1) The request, under section 11(2) of the Act, 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 Registrar 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) of the Act shall be accompanied by the prescribed fee.

Address for
service.

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

- (a) by every applicant for the registration of a layout-design, an address for service in Antigua and Barbuda 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 Regulations relate, an address for service in Antigua and Barbuda,

and the address so furnished or, where another address being an address in Antigua and Barbuda, 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 8(3)(c) of the Act and regulation 8, the address of the agent shall, for all purposes connected with the Act and these Regulations, 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 Intellectual Property 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 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 Registrar in writing and shall be subject to payment of the prescribed fee.

Consultation of Register, extracts and copies of documents.

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.

Inspection of licence.

20. (1) The Registrar 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 Regulations.

Corrections of errors.

(2) Corrections of errors may be made by the Registrar 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 Registrar.

21. (1) Before exercising adversely to any person any discretionary power given to the Registrar by the Act or these Regulations, the Registrar 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 Registrar 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.

22. Any notice, application or other document sent to the Registrar by mail shall be deemed to have been given, made or

Service by mail.

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 Regulations for doing any act or taking any proceeding thereunder, may be extended by the Registrar 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 Registrar, 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 Registrar may be rectified, on such terms as he may direct.

Dispensation by the Registrar.

26. Where, under these Regulations, 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 Registrar 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 Registrar 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.

Evidence.

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

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

Statutory declarations and affidavits.

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

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

29. 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 Regulations shall be published monthly in a periodical unless the Registrar otherwise directs. Publication.

30. Where no provision is made in the Act or these Regulations in respect of any matter arising in the administration of the Act, the Registrar may give such directions in respect thereof as he considers necessary in the circumstances. Administrative Directions.

**SCHEDULE 1
(Regulation 3)**

FEES

	Matter or Proceeding	Amount	Corresponding Form
1.	Application fee	\$250.00	Form No. 1
2.	Correction of application in order to comply with requirements for according filing date	\$40.00	
3.	Correction of application in order to comply with formal requirements	\$40.00	
4.	Registration and publication fee	\$100.00 plus fee payable to publisher	
5.	Request for recordal of change in ownership	\$150.00	
6.	Submission of licence contract for recordal	\$150.00	
7.	Inspection of Register	\$25.00	
8.	Certified copies of documents (per page)	\$5.00 per printed page and \$50.00 to certify	
9.	Request for correction of error	\$40.00	
10.	Request for hearing	\$100.00	

SCHEDULE 2
(Regulation 4)

FORMS

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 1

THE INTEGRATED CIRCUITS TOPOGRAPHY ACT, 2003
APPLICATION FOR REGISTRATION
OF LAYOUT-DESIGN

For Official Use

Date of Receipt by Registrar
General's Office:
APPLICATION No.:

(Office's Stamp)

To: The Registrar

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 the supplemental box

Name(s):

Address(es):

Nationality:

Country of residence or principal place of business:

Telephone

Facsimile

Email

II. AGENT

The following agent has been appointed by the applicant(s) in the power of attorney

- accompanying this Form to be filed within one month
from the filing of this Form

Name:

Address*:

Telephone

Facsimile

Email

III. REPRESENTATIONS OF THE LAYOUT-DESIGN

This Form is accompanied by:

- four copies** of the layout-design;
- 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) of the Act;
- four drawings** of the layout-design;
- 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) of the Act.

IV. DESIGNATION

(Title of the layout-design indicating, pursuant to regulation 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).

*Where an agent has been appointed, the address of the agent shall be treated as the address to which communications shall be transmitted.

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

V. CREATOR

Additional information is contained in supplemental box

The creator is the applicant

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

VII. FEES

Fees accompany this Form

VIII. SUPPLEMENTAL BOX*

IX. SIGNATURE

(Date)
(Applicants/Agents)**

(Date)
(Applicants/Agents)**

TO BE FILLED IN BY THE REGISTRAR

- (i) Date Application received:
- (ii) Date of receipt of corrections and later filed papers completing the application:
- (iii) 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[eg "II. APPLICANT(S) (continued)"]

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

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 2

THE INTEGRATED CIRCUITS TOPOGRAPHY ACT, 2003
CERTIFICATE OF REGISTRATION OF LAYOUT-DESIGN

In accordance with Section 9(2) of the Act and regulation 13, it is hereby certified that a layout-design having the registration No.....has been registered for:

Name:

Address:

on in respect of a layout-design registered pursuant to an application for registration of that layout-design, having the following:

filing date:

date of that first commercial exploitation:

being a layout-design for

.....
 (title)

created by:

Name(s):

Address(es):

A drawing of the layout-design accompanies this Certificate

Date this day of

.....
Registrar.

REGISTRAR'S OFFICE, ANTIGUA AND BARBUDA

Form No. 3

For Official Use

THE INTEGRATED CIRCUITS TOPOGRAPHY ACT, 2003

RECORDING OF CHANGE IN OWNERSHIP

Received on:

To: The Registrar
Antigua and Barbuda

I IN THE MATTER OF:

Application for registration
of Layout-Design No.

Filing Date:

Date of first commercial

exploitation:

Layout-Design No:

Date of Registration:

II APPLICANT(S) OWNER(S)*

Name:

Address:

III. REQUEST

The Registrar is hereby requested to record the change in ownership of the above-identified

.....**

The present applicant(s)/owner(s)* is/are identified above.
 The new applicant(s)/new owner(s)* is/are identified below.

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

Name:
 Address:
 Address for service in Antigua and Barbuda:
 Nationality:
 Residence or principal place of business:

Telephone	Facsimile	Email
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* Delete whichever does not apply.
 ** Indicate application or title concerned

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. SIGNATURE

.....
 (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 and type name(s) under signature.

INTELECTUAL PROPERTY OFFICE, ANTIGUA AND BARBUDA

Form No. 4

THE INTEGRATED CIRCUITS TOPOGRAPHY ACT, 2003
 AUTHORISATION OF AGENT

For Official Use

Received on:

To: The Registrar
 Antigua and Barbuda

I. APPOINTMENT

The undersigned hereby appoints as his representative the person identified in item 3, below.

II. NAME OF THE PERSON MAKING THE APPOINTMENT

III. REPRESENTATIVE

Name:

Address:

Telephone

Facsimile

Email

IV. APPLICATION(S) AND/OR REGISTRATION(S) CONCERNED

This authorization of agent concerns:

- the following applications(s) and/or registration(s):
- If the spaces are not sufficient, check this box and provide the information on an additional sheet.

V. SIGNATURE OR SEAL

Name of the natural person who signs or whose seal is used:

Date of signature or of sealing:

Signature or seal:

VI. ADDITIONAL SHEETS AND ATTACHMENTS

- Check this box if additional sheets and/or attachments are enclosed and indicate the total number of such sheets and/or attachments:

Made this 6th day of September, 2006.

Colin V.A. Derrick
Ministry of Justice.

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