

Industrial Designs

Cap. 309A.

INDUSTRIAL DESIGNS REGULATIONS, 1984

1984/83.
2006-2.

Authority: These Regulations were made on 17th April, 1984 by the Minister under section 49 of the *Industrial Designs Act*.

Commencement: 17th April, 1984.

Citation

1. These Regulations may be cited as the *Industrial Designs Regulations, 1984*. Short title.

Interpretation

- 2.** In these Regulations, Definitions.
- (a) "applicant" means a person for whom an application is made;
 - (b) "application" means an application for registration of an industrial design;
 - (c) "Office" means the Industrial Property Office.

Fees

3. The fees to be paid under the Act and these Regulations are those fixed in *Schedule I*. Fees set out.
Schedule I.

4. Payments shall be made in Barbadian currency, but the equivalent amount in a foreign currency that is convertible in Barbados may be accepted. Currency.

document be replaced, within a time fixed by the Director, by one that conforms to the document required by *Schedule II* to be used for the purpose.

12. (1) All applications, notices, statements, papers having representations affixed, or other documents authorised or required by the Act or these regulations to be made, left or sent to the Director must be on strong, durable white paper and, except in the case of statutory documents and affidavits, must be written on 1 side of the paper only. Paper requirements.

(2) Each sheet not being a graphic representation must have its short sides at the top and bottom.

(3) Each sheet must be of the same size and on A-4 paper or such other size as the Director may permit.

13. (1) The pages of documents, other than graphic representations must be numbered consecutively, preferably at the top of the page. Page requirements.

(2) Page margins must be not less than 2 cm.

(3) Except for graphic representations, pages must be typed or printed, preferably with 1½ spacing or double spacing.

14. (1) An application must be in English. Language of documents.

(2) Until he is provided with a translation verified by affidavit, the Director may refuse to take cognisance of any document that is not in English.

Photographs, Drawings and Specimens

15. The graphic representations in an application must meet the following requirements: Graphics requirements.

- (a) the representations are to be on white paper or other material suitable for reproduction;
- (b) the sheets of representations are to be the same size as those used in the application;
- (c) the representations are to be prepared in durable dark lines suitable for reproduction;
- (d) the representations are to appear on only 1 side of a sheet;

- (e) the representations are to be on a scale sufficiently large to show the features of the design clearly;
- (f) figures in a representation are to be numbered consecutively without regard to the number of sheets in the representation and so far as possible the figures are to be arranged in numerical order; and
- (g) figures in a representation can be continued on subsequent sheets if necessary or several figures can appear on the same page.

Folds,
breaks.

16. Graphic representations in an application must be free of such folds, breaks or creases as render them unsuitable for reproduction.

Photo-
graphs.

17. Photographs of an article taken against a neutral background may be used in an application instead of graphic representations if the photographs clearly illustrate the design and can be readily reproduced.

Rules about
specimens.

18. (1) The Director may require that a graphic representation or a photograph be provided instead of a specimen when the size and weight of the specimen makes it difficult to process and store it; and, in any event, a specimen must not exceed 1 kilogram in weight or 30 centimetres in any dimension.

(2) Specimens that are perishable or made of dangerous material shall not be submitted to the Office.

Correspondence

Communi-
cating with
Office.

19. Applications, correspondence related thereto, and all communications intended for the Office shall be mailed to or deposited at the Industrial Property Office, Barbados.

Mode of
communi-
cation.

20. (1) Applications shall be proceeded with, and other communication with the Office effected, by written correspondence; and, unless the Director for good reason decides otherwise, no regard need be given to any other mode of communication with the Office.

(2) When communicating with the Office about an application or registered design, the correspondent shall identify the

application or registration clearly, giving such information as the date of filing, kind of product, name of applicant and registration number.

21. All correspondence from the Office to an applicant shall be sent Communi-
cating from
office.

- (a) to the agent of the applicant if an agent resident in Barbados has been appointed;
- (b) if no agent has been appointed in Barbados, to the address for service of the applicant in Barbados; or
- (c) to the applicant, if no agent has been appointed in Barbados to represent the applicant and the applicant has no address for service filed in the Office.

22. When, in respect of an application, there is more than 1 applicant, correspondence shall be conducted Multiple
applicants.

- (a) with the applicants' agent in Barbados if an agent resident in Barbados has been named to represent all the applicants;
- (b) with an applicant resident in Barbados who has been nominated to represent all the applicants, if no agent resident in Barbados has been appointed;
- (c) with the first applicant named in the application, if there is neither an agent resident in Barbados nor an applicant resident in Barbados who has been appointed to represent the applicants.

23. The Office shall conduct correspondence concerning an application with only 1 person, but having regard to sections 21 and 22. Limited cor-
respondents.

24. A person who corresponds with the Office shall provide his full postal address, and any correspondence sent by the Office to that person at the address so provided shall be deemed to be sent on the date that the records of the Office show it to have been sent. Address and
presumption.

25. A licensee and a person who is shown on the register as the owner of a design must maintain an address for service in Barbados and provide the Director with notice of that address for recording in the register. Address for
service.

THE LAWS OF BARBADOS

Time Limits

Filing time. 26. Any correspondence with the Office that is due on any day on which the Office is closed for business shall be accepted as properly filed if it is received on the next day that the Office is open for business.

**Replace-
ment of
correspon-
dence.** 27. If he is satisfied that mail to or from the Office was sent but never received, the Director may accept or send out replacing correspondence; and the effective date of the replacing correspondence is whatever date the Director determines should apply.

**Interrup-
tions of
mail.** 28. Where, by evidence satisfactory to the Director, a person proves that he was unable to do any thing within the time prescribed therefor by the Act or these regulations because of an interruption in mail service in Barbados or elsewhere, the Director may, before or after the expiration of the time for doing that thing, extend the time to make allowances for the period of the interruption in mail service.

**Fixing
time
limits.** 29. The Director may, in respect of an application, fix a period of time for the doing of any thing for which no time limit is otherwise fixed by the Act or these regulations; and an application shall be deemed abandoned if, in respect of that application, the thing is not done within the time so fixed.

**Changing
time limits.** 30. When, by an affidavit setting out the relevant facts, the Director is satisfied that any time fixed by these regulations for the doing of any thing should be extended in a particular case, the Director may, either before or after the expiration of the time, extend it for such period as he thinks suitable in the circumstances of the case.

Joint Applicants and Owners

**Stricture re
withdrawal.** 31. When an application that is filed by joint applicants is being proceeded with by one of the joint applicants, it may not be withdrawn without the written permission of all the other joint applicants.

32. A design registration that is owned by several persons may not be renounced under section 36 of the Act without the written permission of all the owners of the design.

Renouncing
joint
designs.

Joint Designers

33. When, after an application has been filed, it appears that the names of one or more creators of the design were improperly included in or omitted from the application, then, if the Director is satisfied, by an affidavit setting out all the relevant facts, that a correction should be made, the Director may delete or add, as the case requires, the names of those other creators.

Changes of
designers'
names.

34. When a design is created by several persons and one or more of them refuses to make an application in respect of the design, or the whereabouts of one or more of the creators cannot be ascertained after a diligent inquiry, the other creators may make an application in respect of that design; and, if the Director is satisfied, by an affidavit setting out the relevant facts, that the creators missing from the application either refuse to make application or cannot be located, the creators making the application are entitled to register the design if all other requirements of the Act and these Regulations are complied with.

Creators not
applying.

Clerical Errors

35. A document relating to an application or registration may be corrected if the Director is satisfied that the document contains an error of a clerical nature and that its correction would involve no change of substance to the application or registration.

Correcting
errors.

General

36. Where no provision is made in the Act or these Regulations in respect of any matter arising in the administration of the Act, the Director may make such directions in respect thereof as he considers necessary.

Providing
for
deficiencies.

37. (1) The Director may give a certificate, other than a certificate under section 23 of the Act, regarding any entry, matter or thing that he is authorised or required by the Act or these Regulations to make or do.

Director's
certificates.

(2) A person who can show an interest in an entry, matter or thing for which a certificate is required may, by an application in Form No. 9, request the certificate from the Director, and the applicant need not disclose his interest unless required by the Director to do so.

(3) In a certificate issued under this provision the Director need not include a copy of any design unless a suitable copy of the design accompanies the application for the certificate.

Inquiries of
Office.

38. The Director may acknowledge inquiries made to the Office, but the Director need not furnish any applicants or other persons with information that would require a search of the public records of the Office or provide advice on matters concerning the interpretation of the Act or Regulations or concerning other questions of law.

SCHEDULE I

(Regulation 3)

FEES

		\$	¢
2006-2.	On application for registration:		
	for the first design in the application	200.00	
	for each additional design	100.00	
2006-2.	On granting registration of an industrial design:		
	for the first design in the application	200.00	
	for each additional design	100.00	
	On application for a renewal under section 26(2) of the Act:		
	for the first design in the application being renewed	100.00	
	for each additional design	20.00	
	On application for a renewal under section 26(3) of the Act:		
	for the first design in the application being renewed	150.00	
	for each additional design	20.00	

On application for copies of records in the register ..	2.00 per page
On application for the recording of a licence-contract ..	50.00
On application for copies of registrations	2.00 per page
On application that a transfer of registration be recorded	40.00
On application that a change of address be recorded ..	15.00
For certification of any documents	40.00
On application for a change in name to be recorded ..	15.00
On renunciation of design	50.00

SCHEDULE II

INDUSTRIAL DESIGNS ACT CAP. 309A

(Section 10)

FORM No.1

**APPLICATION FOR REGISTRATION OF AN
INDUSTRIAL DESIGN**

I/We

(give name(s))

whose full postal address(es) is/are respectively

do hereby apply for the registration of an Industrial Design for

(kind of product)

RELEVANT INFORMATION
(use only those headings that are applicable)

ADDRESS FOR SERVICE

AGENT

name and address

CREATOR(S) OF THE DESIGN –

Complete only if accompanied
by Form No. 2 –
name(s) and address(es)

PRIORITY

indicate date and number of
earlier application(s), the country
where filed, and the name of the
applicant(s) of the priority ap-
plication(s)

- I/We herewith submit or will
submit within ninety days of
the date of this application a
certified copy of the earlier ap-
plication(s) on which priority
is based, and which is/are listed
below:

CLASSES OF PRODUCT
(complete only if applicable)

DESCRIPTION

(give a short description of the
visual features of the designs,
indicating what parts of it are
original)

GRAPHIC REPRESENTATION
(if supplied)

- A photograph, drawing or other
graphic representation of the
said Industrial Design is hereunto
annexed

SPECIMEN
(if supplied)

- A specimen of the article contain-
ing said Industrial Design is sub-
mitted herewith

EXECUTION

- This application is executed on
.....
at
by (or on behalf of the applicant
by)

.....
(Signature)

DATE SUBMITTED
(indicate date when being
sent to the Office)

Note - if this application is filed by an agent it must be accompanied by a power of attorney
authorising the agent to make the application.

INDUSTRIAL DESIGNS ACT CAP. 309A

FORM No.2

STATEMENT OF DESIGNER

I/We
(give name(s) and address(es)
of the designer(s))

.....
do hereby declare that I/We created the Industrial Design for
.....
(kind of product as stated in the application for registration)

filed herewith, and request that my/our name(s) and address(es) be entered on
the register under section 13 (1) of the Act.

Signature(s)
.....

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by the authority of the Government of Barbados

INDUSTRIAL DESIGNS ACT CAP. 309A

FORM No.3

APPOINTMENT OF AGENT

The undersigned hereby appoints
whose full postal address is as
agent, in respect of an application for an Industrial Design entitled
..... and empowers the appointed agent to sign and
amend the application, to prosecute it, to receive the registration certificate, to
effect renewal, and to withdraw or renounce the application or registration, and
ratifies any act done by the appointee in respect of the application or
subsequent registration.

Signed at
thisday of 19

.....

.....

(Signature(s))

INDUSTRIAL DESIGNS ACT CAP. 309A

FORM No.4

Registration No.

Date

CERTIFICATE OF REGISTRATION
OF AN INDUSTRIAL DESIGN

The Industrial Property Office

BARBADOS

Whereas a request has been made to the Industrial Property Office for
registration of an Industrial Design, particulars of which are attached hereto,

and whereas such request has been found to comply with the Industrial Designs Act, Cap 309A now therefore be it known that said registration has taken place, granting to the proprietor all the benefits of the Act. The term of protection afforded by the registration is five years from the day of 19

Property rights arising from registration are subject to the conditions contained in the Act, and any adjudication of the High Court affecting those rights.

In testimony whereof this document bears the seal of the Office affixed to it at Bridgetown.

Sealed thisday of.....
in the year

Director
Industrial Property Office

INDUSTRIAL DESIGNS ACT CAP. 309A

(Section 10)

FORM No.5

TRANSFER AND ASSIGNMENTS OF APPLICATION
FOR REGISTRATION

I/We
(name(s) and address(es))

.....

.....
the owner(s) of an application for registration of a design for

.....
filed on

do hereby transfer all my (our) rights in said design to

.....
[name(s) and address(es) indicate also nationalities,
residences and any necessary address for service]
.....

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Signed at
on this day of in the year
by

(Signature of owner, agent or legal representative)

and at
on this day of in the year
by

(Signature of new owner, or his agent or legal representative)

The prescribed fee of \$ for recording this transfer is submitted
herewith

Name and address of new owner's representative for service
.....

Note - This form may be modified to make a partial transfer by specifying what is transferred

INDUSTRIAL DESIGNS ACT CAP. 309A

FORM No.6

TRANSFER AND ASSIGNMENTS OF A REGISTERED
DESIGN

I/We
(name(s) and address(es))

.....
the registered owner(s) of Industrial Design No.
for a design for
registered on
do hereby transfer all my (our) rights in said design to

.....
[name(s) and address(es) indicate also nationalities,
residences and any necessary address for service]
.....

Signed at
(place)

on this day of in the year
by

(Signature of owner, agent or legal representative)

and at
on this day of in the year
by

(Signature of new owner, or his agent or legal representative)

The prescribed fee of \$ for recording this transfer is submitted
herewith, and we request that the transfer be registered

Name and address of new owner's agent

(Name and address of new owner's representative for service)

Note - This form may be modified to make a partial transfer by specifying what is transferred

INDUSTRIAL DESIGNS ACT CAP. 309A

FORM No.7

CHANGE OF NAME

I/We
(name(s) and address(es))

the owner(s) of the application for registration of an industrial design or the
registered design identified below wish to have recorded a change in
name to

(name(s) and address(es))

The prescribed fee of \$ for registering the change of name is submitted
herewith

Registration No.

Date registered

Date application filed

Title of design

Signed at

on this..... day of in the year

by

(Signature of owner or agent)

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INDUSTRIAL DESIGNS ACT CAP. 309A

FORM No.8

RENEWAL OF REGISTRATION OF AN INDUSTRIAL DESIGN
(under section 26(2) or (3) of the Act)

I/We
(name(s) and address(es))

.....

the registered owner(s) of the Industrial Design No.
hereby forward the prescribed fee for the renewal of the said Design in
accordance with section 26(2) or (3) of the Act.

Note - This form must be submitted in duplicate.

INDUSTRIAL DESIGNS ACT CAP. 309A

(Section 37)

FORM No. 9

REQUEST FOR CERTIFICATE OF THE DIRECTOR IN
RELATION TO AN ENTRY, MATTER OR THING

IN THE MATTER OF¹ the Industrial Designs Act Cap 309A

I/We
(name(s) and address(es))

hereby request the Director to furnish me(us) with²

Dated this day of 19

³

⁴

To the Director
Industrial Property Office
Bridgetown

Note:

- 1 These words may be altered to suit other circumstances.
- 2 Here set out the particulars that the Director is requested to certify.
- 3 Signatures.
- 4 Address.