

BELIZE:

STATUTORY INSTRUMENT

No. 115 of 2001

REGULATIONS made by the Attorney General in exercise of the powers conferred upon him by section 28 of the Protection of Layout-Designs (Topographies) of Integrated Circuits Act, Chapter 256 of the Substantive Laws of Belize, Revised Edition 2000, and all other powers thereunto him enabling.

(Gazetted 25th August, 2001.)

PRELIMINARY

- Short title. 1. These Regulations may be cited as the **PROTECTION OF LAYOUT DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS REGULATIONS, 2001.**
- Interpretation. 2. In these Regulations, unless the context otherwise requires-
- “agent” means an attorney-at-law resident and practicing in Belize in accordance with the relevant law;
- “applicant” means the creator of a layout-design who applies for registration of a layout-design pursuant to section 8 of the Act;
- “application” means an application for registration of a layout-design made pursuant to section 8 of the Act;
- CAP. 91. “Court” means the Supreme Court of Judicature established under the Supreme Court of Judicature Act;

“drawing” includes a plot;

“Office” means the Intellectual Property Office;

“Register” means the Register of Layout-Designs referred to in section 12(1) of the Act;

“Registrar” means the Registrar of Intellectual Property.

COMMUNICATIONS

Communica-
tions.

3.-(1) All communications intended for the Office shall be addressed to the Registrar.

(2) Correspondence addressed to the Registrar is deemed to be delivered to the Office on the day that it is delivered to the Office, where the delivery is made during the ordinary business hours of the Office.

Communications
to be in writing.

4.-(1) Subject to sub-regulation (2), all communications relating to an application or a registered layout-design shall be made in writing or by electronic transmission.

(2) The Registrar may, where the circumstances require, have regard to an oral communication made in relation to an application or a registered layout-design.

One application,
etc.

5.-(1) Subject to sub-regulation (2), all correspondence addressed to the Registrar shall deal with only one application or registered layout-design.

(2) Sub-regulation (1) does not apply in respect of correspondence relating to-

- (a) a transfer of an interest or grant of a licence affecting a registered layout-design;
- (b) a change in the name or address of an owner of more than one registered layout-design;

- (c) a change in the name or address of an applicant for the registration of more than one layout-design;
- (d) a change in the name or address of the agent of an owner of more than one registered layout-design; or
- (e) a change in the name or address of the agent of an applicant for the registration of more than one layout-design.

Complete postal address.

6.-(1) Subject to sub-regulation (2), every person who is required by the Act or these Regulations to furnish an address shall furnish a complete postal address, including a street name and number where applicable.

(2) A person referred to in sub-regulation (1) may furnish, in addition to the required postal address, another address to which correspondence may be mailed.

Correspondence relating to application.

7.-(1) Correspondence relating to an application shall include-

- (a) the application number if one has been assigned;
- (b) the name of the applicant; and
- (c) the title or titles of the layout-design.

(2) Correspondence relating to a registered layout-design shall include-

- (a) the registration number of the layout-design;
- (b) the name of the owner of the layout-design; and
- (c) the title or titles of the layout-design.

Subject of correspondence.

8.-(1) Subject to sub-regulation (2), correspondence relating to an application shall be conducted with-

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- (a) the applicant, where there is only one applicant; or
 - (b) where there is more than one applicant-
 - (i) the applicant authorized by the other applicant or applicants to act on their behalf; or
 - (ii) the first applicant named in the application, where no applicant has been authorized in accordance with sub-paragraph (i).

(2) Correspondence relating to an application shall be conducted with an agent where the agent has-

- (a) signed the application;
- (b) transmitted the application to the Office; or
- (c) notified the Office of the agent's appointment.

Other
correspondence.

9. No regard shall be had to any correspondence relating to an application that is received from any person or firm other than the person or firm with whom correspondence on the subject of the application is being conducted.

APPOINTMENT OF AGENT

Appointment of
agent.

10.-(1) An applicant may appoint a person or firm as an agent to act on behalf of the applicant.

(2) Subject to sub-regulation (3), the appointment of an agent need not be made in writing.

(3) The Registrar may, where the circumstances require, request that an agent file a written appointment within a period that the Registrar deems appropriate in the circumstances.

(4) Where an agent fails to file a written appointment as requested pursuant to sub-regulation (3), the Registrar shall give notice to the agent that any further correspondence will

be conducted with the applicant until a written appointment is filed.

APPLICATION

Language, etc. 11.-(1) An application and any amendment to the application shall be in the English language and shall bear the signature of the applicant or the applicant's agent.

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

Contents of application. 12. An application shall contain, in addition to the information and material required by section 8 (4) (a) to (e) of the Act, the following information -

(a) where an agent has been appointed, the name and address of the agent;

(b) a description of the material filed, including, where the layout-design consists of layers and contains confidential information, the number of layers and the number of layers in relation to which regulation 14 or 15 has been relied on; and

(c) a description of the nature or function of the layout-design.

Overlay sheets, etc. 13.-(1) Subject to these Regulations, an application shall contain, in addition to the information and material required by section 8 (4) (a) to (e) of the Act, a complete set of overlay sheets, drawings or photographs of the layout-design.

(2) The material referred to in sub-regulation (1) shall be sufficiently magnified so that the layout-design is clearly visible to the naked eye.

(3) Where the material referred to in sub-regulation (1) consists of more than one sheet, drawing or photograph, the

sheets, drawings or photographs shall be numbered consecutively.

Blocked out sheets, etc.

14. Where a layout-design that consists of more than two layers contains confidential information, an application may contain, instead of a complete set of overlay sheets, drawings or photographs as required by regulation 13, a set that contains the same total number of sheets, drawings or photographs, but that includes a selected number of sheets, drawings or photographs on which is blocked out up to 50 per cent of the total area covered by those sheets, drawings or photographs, if-

- (a) the selected sheets, drawings or photographs are clearly indicated in the application;
- (b) the number of sheets, drawings or photographs selected does not exceed 50 per cent of the total number of sheets, drawings or photographs, the total number having been reduced by one where it is an odd number; and
- (c) the application contains layout-design data in printed form for the areas that are blocked out; however, up to 50 per cent of these data may be blocked out, if the application contains four or more integrated circuit products incorporating the layout-design.

Confidential information, etc.

15. Where a layout-design contains confidential information and has not been commercially exploited at the filing date of an application, the application may contain, instead of the material referred to in regulation 13-

- (a) the layout-design data in printed form, of which up to 50 per cent may be blocked out; and
- (b) a composite drawing or photograph of the layout-design, on which up to 50 per cent of each layer of the layout-design is blocked out.

Printed data, etc. 16. Any layout-design data in printed form or integrated circuit products shall be filed at the time of or subsequent to the filing of the other material referred to in regulation 13, 14 or 15 and on or before the date of registration of the layout-design.

Title. 17. All material filed pursuant to regulation 13, 14, 15 or 16 shall be identified by a title consisting of letters of the Roman alphabet, Arabic numerals or a combination of the Roman alphabet or Arabic numerals.

Size and format. 18. All material filed pursuant to regulation 13, 14, or 15 and all layout-design data in printed form referred to in regulation 16 shall be in a storable size, either folded or otherwise, and shall be in A4 format.

Amendment of application. 19.-(1) Subject to sub-regulation (2), an applicant may, at any time prior to the registration of a layout-design, on submitting any necessary information and material and on payment of the applicable fee set out in Schedule I, request that the Registrar amend the applicant's application.

(2) The Registrar shall not make any amendment to an application that would substantially alter the layout-design to which the application relates.

REGISTER

Register. 20. In addition to the information required by the Act to be entered in the Register, the Registrar shall enter in the Register-

(a) all information filed pursuant to regulation 12; and

(b) all material filed pursuant to regulation 13, 14, 15 or 16.

Changes in information. 21.-(1) The Registrar may amend any entry in the Register, or make new entries, for any of the following purposes-

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- (a) to reflect any change in the name or address of an owner of a registered layout-design;
 - (b) to reflect any change in a registered title of a layout-design or the use of a new title;
 - (c) to reflect any other change of information; and
 - (d) to correct any typographical or clerical error.

(2) For the purposes of sub-regulation (1), the Registrar may amend the Register to reflect any change in the name or address of an agent.

CERTIFICATE OF REGISTRATION

Certificate of registration.

22.-(1) The Registrar shall issue a certificate of registration in respect of each layout-design registered under this Act.

(2) A certificate of registration issued in respect of a layout-design shall include the following particulars-

- (a) the name and address of the registered owner of the layout-design;
- (b) the title of the layout-design;
- (c) a description of the nature or function of the layout-design;
- (d) where the layout-design has been commercially exploited, the date on which and place at which the layout-design was first commercially exploited;
- (e) the filing date of the application for registration of the layout-design;
- (f) the date of registration of the layout-design;

- (g) the date of expiration of the exclusive right to the layout-design; and
- (h) the registration number of the layout-design.

(3) A certificate of registration issued in respect of a layout-design that purports to be signed by the Registrar is, without proof of the signature, admissible in any court as evidence of the facts alleged in the certificate and is, in the absence of evidence to the contrary, proof that –

- (a) the layout-design was registrable under this Act at the time of the registration; and
- (b) that the application for registration of the layout-design was correct in all material particulars and did not omit any material information.

(4) The Registrar may, for the purposes of correcting any typographical or clerical error in a certificate of registration, amend the certificate or issue a new certificate in substitution for the certificate.

MISCELLANEOUS

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|------------------------|---|
| Public inspection. | 23. An application shall not be available for public inspection until it has been assigned an application number. |
| Written consent. | 24. Except with the written consent of the applicant or the owner of a registered layout-design, as the case may be, no person shall, by any means, make or provide a copy of any material filed pursuant to regulation 13, 14, 15 or 16. |
| Transmission to Court. | 25. Where an application has been made to the Court under section 18 (1) of the Act, the Registrar shall, at the request of any of the parties and on payment of the applicable fee set out in Schedule I, transmit to that Court all material on file in the Office relating to the application. |

Fees. 26. The fees to be paid for acts or services rendered by the Registrar are as set out in Schedule I.

Commencement. 27. These Regulations shall come into force on the 17th day of August, 2001.

MADE by the Attorney General this 17th day of August, 2001.

(GODFREY SMITH)
ATTORNEY GENERAL AND
MINISTER RESPONSIBLE FOR LAYOUT DESIGNS

**SCHEDULE I
(Regulation 26)**

TARIFF OF FEES

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1.	Filing an application	200.00
2.	Amending an application in accordance with a request made pursuant to regulation 19 (1)	75.00
3.	Entering in the Register particulars of a transfer of an interest or grant of a licence affecting a registered layout-design pursuant to sections 15 (1) (b) and 16 (2) of the Act	75.00
4.	Amending an entry in the Register or making a new entry in the Register pursuant to regulation 21	75.00
5.	Amending a certificate of registration or issuing a new certificate, pursuant to sub-regulation 22 (4), for the purpose of correcting a typographical or clerical error made as a result of incorrect information provided by the applicant ...	75.00
6.	Transmitting material on file to the Court pursuant to regulation 25	100.00
7.	Providing a copy of a document, of entries in or extracts from the Register under section 12 (3) of the Act or of any material referred to in regulation 24, for each A4 page	5.00
8.	Providing a certified copy of an entry or a document referred to in section 12 (6) of the Act	50.00

SCHEDULE II

**PROTECTION OF LAYOUT-DESIGNS (TOPOGRAPHIES) OF
INTEGRATED CIRCUITS ACT (CHAPTER 256 OF THE SUBSTANTIVE
LAWS OF BELIZE, REVISED EDITION 2000)**

(Section 8 of the Act)

FORM NO. 1

APPLICATION FOR REGISTRATION OF A LAYOUT-DESIGN

1 _____

Application is hereby made for the registration of the above layout-design

in the name of ² _____

whose trade or business address is ³ _____

_____ trading as ⁴ _____

who claim(s) to be the proprietor(s) thereof.

5 _____

6 _____

To the Registrar
Intellectual Property Office
BELIZE.

1. Brief and precise designation of the layout-design.

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2. Here insert legibly the full name, description, nationality and residence of whose trade or business address the individual, firm or body corporate is making the application. The names of all the partners in a firm must be given in full. If the applicant is a body corporate, the kind and country of incorporation should be stated.
 3. Here insert the full trade or business address of the applicant.
 4. Here insert the trading style (if any).
 5. Specify the date of first commercial exploitation of the layout-design anywhere in the world, or indicate that such exploitation has not commenced.
 6. Where an agent has been appointed, the name and address of the agent.
 - * Attach power of attorney appointing the representative of the applicant, if any.
 - * Attach particulars establishing the right to protection under section 5 of the Act.
 - * Attach a copy or drawing of the layout-design.
 - * Attach information defining the electronic function which the integrated circuit is intended to perform.
 - * Attach description of the material filed, including, where the layout-design consists of layers and contains confidential information, the number of layers and the number of layers in relation to which regulation 14 or 15 has been relied on.

**PROTECTION OF LAYOUT-DESIGNS ACT (CHAPTER 256 OF THE
SUBSTANTIVE LAWS OF BELIZE, REVISED EDITION 2000)**

(Regulation 22)

FORM NO. 2

CERTIFICATE OF REGISTRATION

The layout-design entitled _____
_____ has been registered in the name
of _____ under No. _____
as of the date _____ of 20 _____.

The filing date of the application for registration of the layout-design is
_____ of 20 _____.

1

2

Sealed at my direction, this _____ day of _____
20 ____ .

The Registrar
Intellectual Property Office
BELIZE.

Registration is for ten calendar years after the date of commencement of protection of the layout-design.

1. Description of the nature or function of the layout-design.
2. Where the layout-design has been commercially exploited, the date on which and place at which the layout-design was first commercially exploited.

_____ ... _____