

BELIZE

**INDUSTRIAL DESIGNS ACT
CHAPTER 254**

REVISED EDITION 2003
SHOWING THE SUBSIDIARY LAWS AS AT 31ST MAY, 2003

This is a revised edition of the Subsidiary Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2000.

ARRANGEMENT OF SUBSIDIARY LAWS

BELIZE

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CHAPTER 254

INDUSTRIAL DESIGNS ACT (COMMENCEMENT) ORDER

ARRANGEMENT OF ORDER

1. Short title.
 2. Commencement.
-

CHAPTER 254

11 of 2001.
Act 13 of 2000.

INDUSTRIAL DESIGNS ACT (COMMENCEMENT) ORDER
(Section 32)

[3rd February, 2001]

Short title.

1. This Order may be cited as the

**INDUSTRIAL DESIGNS ACT (COMMENCEMENT)
ORDER.**

Commencement
of Chapter 254.

2. In exercise of the powers vested in me by section 32 of the Industrial Designs Act and all other powers thereunto me enabling, **I, GODFREY SMITH**, Minister responsible for Industrial Designs, do hereby appoint the 5th day of January, 2001, as the day on which the said Act shall come into force.

MADE this 4th day of January, 2001.

(GODFREY SMITH)

Minister responsible for Industrial Designs

CHAPTER 254

INDUSTRIAL DESIGNS REGULATIONS

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CHAPTER 254

INDUSTRIAL DESIGNS REGULATIONS
(Section 28)

16 of 2001
Act 13 of 2000.

[3rd February, 2001.]

PART I

PRELIMINARY

1. These regulations may be cited as the Short title.
- INDUSTRIAL DESIGNS REGULATIONS.**
2. In these regulations, unless the context otherwise requires — Interpretation.
- “applicant” means a person for whom an application is made;
- “application” means an application for registration of an industrial design;
- “Office” means the Intellectual Property Office;
- “Registrar” means the Registrar of Intellectual Property appointed under section 4 of the Patents Act. CAP. 253.

PART II

REGISTRATION OF INDUSTRIAL DESIGNS

Fees

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

- Currency. 4. Payments shall be made in Belizean currency, but the equivalent amount in a foreign currency that is convertible in Belize may be accepted.
- Excess fee. 5. When a fee paid by a person to the Registrar for any purpose exceeds the fee fixed by these Regulations for that purpose by more than \$10, the person who paid the fee is entitled to be refunded the amount of excess less \$10.
- Fee refund. 6. When a fee paid to the Registrar by any person by mistake, for an application that is withdrawn before it is given an application number, or for a service that cannot be provided, the person who paid the fee is entitled to a refund of the fee less \$25, if he claims the refund within one year of the payment of the fee.
- Refund of advance fee. 7. When a person pays a fee in advance for registration, he is entitled to a refund of the fee, less \$15, if the application is withdrawn.
- Payment of fees. 8. (1) Fees that are paid by cheque, bank draft or money order shall be forwarded to the Registrar and made payable to him.
- (2) Fees may be paid by cash at the Office.
- Cheques. 9. A payment of a fee by cheque may be accepted by the Registrar as being a payment of the fee when the cheque is received by him, but if the cheque is not paid when presented to the bank on which it is drawn and not made good within such time as the Registrar may fix, the acceptance of the fee is revoked and any thing done pursuant to the payment is void and, if appropriate, shall be so recored in the register.

Forms

- Form required. Schedule II. 10. (1) In submitting a document to the Office for any purpose, the person submitting the document must use the form set out in Schedule II that is appropriate for the purpose, but the form may be modified in such

manner as is necessary in the circumstances.

(2) In submitting a document to the Office, one copy only of the document need be submitted.

11. If a document that is submitted to the Office differs significantly from the form in Schedule II intended to be used for the purpose of the submission, the Registrar may require that the document be replaced, within a time fixed by the Registrar, by one that conforms to the document required by Schedule II to be used for the purpose.

Replacing documents. Schedule II.

12. (1) All applications, notices, statements, papers having representations affixed, or other documents authorized or required by the Act or these Regulations to be made, left or sent to the Registrar must be on strong, durable white paper and, except in the case of statutory documents and affidavits, must be written on one 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 Registrar 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 centimeters.

(3) Except for graphic representations, pages must be typed or printed, preferably with one and a half 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 Registrar may refuse to take cognizance of any document that is not in English.

Photographs, Drawings and Specimens

Graphics requirements.

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

- (a) the representation 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 one 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, etc.

16. Graphic representations in an application must be free of such folds,

breaks or creases as render them unsuitable for reproduction.

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. Photographs.

18. (1) The Registrar 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 one kilogram in weight or thirty centimetres in any dimensions. Rules about specimens.

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

PART III

CORRESPONDENCE AND TIME LIMITS

Correspondence

19. Applications, correspondence related to applications, and all communications intended for the Office shall be mailed to or deposited at the Intellectual Property Office, Belmopan, Belize. Communicating with Office.

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

(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.

Communicating
from Office.

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

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

Multiple
applicants.

22. When, in respect of an application, there is more than one applicant, correspondence shall be conducted-

- (a) with the applicants' agent in Belize who has been nominated to represent all the applicants;
- (b) with an applicant resident in Belize who has been nominated to represent all the applicants, if no agent resident in Belize has been appointed.

Limited
correspondents.

23. The Office shall conduct correspondence concerning an application with only one person, but having regard to Regulations 21 and 22.

Address and
presumption.

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 for
service.

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 Belize and provide the

Registrar with notice of the address for recording in the register.

Time Limits

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. Filing time.

27. If he is satisfied that mail to or from the Office was sent but never received, the Registrar may accept or send out replacing correspondence; and the effective date of the replacing correspondence is whatever date the Registrar determines should apply. Replacement of correspondence.

28. Where, by evidence satisfactory to the Registrar, 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 Belize or elsewhere, the Registrar 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. Interruption of mail.

29. The Registrar 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. Fixing time limits.

30. When, by an affidavit setting out the relevant facts, the Registrar is satisfied that any time fixed by these Regulations for the doing of any thing should be extended in a particular case, the Registrar 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. Changing time limits.

PART IV

JOINT APPLICANTS, OWNERS AND DESIGNERS

Joint Applicants and Owners

Stricture with regard to 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.

Surrender of joint designs.

32. A design registration that is owned by several persons may not be surrendered under section 12 of Act without permission of all the owners of the design.

Joint Designers

Changes of designers' names.

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 Registrar is satisfied, by an affidavit setting out all the relevant facts, that a correction should be made, the Registrar may delete or add, as the case requires, the name of those other creators.

Creators not applying.

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 Registrar 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.

PART V**MISCELLANEOUS**

Correcting errors.

35. A document relating to an application or registration may be corrected if the Registrar 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.

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 Registrar may make such directions in respect thereof as he considers necessary. Providing for deficiencies.

37. (1) The Registrar may give a certificate, other than a certificate under section 9 of the Act, regarding any entry, matter or thing that he is authorized or required by the Act or these Regulations to make or do. Registrar'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 Registrar, and the applicant need not disclose his interest unless required by the Registrar to do so.

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

38. The Registrar may acknowledge inquiries made to the Office, but the Registrar 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. Inquiries made to Office.

39. These Regulations shall come into force on the 4th day of January, 2001. Commencement.

(GODFREY SMITH)
*Attorney General and Minister
of Information
Minister responsible for
Industrial Designs*

SCHEDULE I*(Regulation 3)***FEES**

	\$	c.
On application for registration:		
for the first design in the application	100.00	
for each additional design	50.00	
On granting registration of an industrial design.		
for the first design in the application	100.00	
for each additional design	50.00	
On application for a renewal under section 11 (1) 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 11(2) 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 surrender of design 	50.00

SCHEDULE II
(Regulation 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 application(s)

-

I/We herewith submit or will submit within ninety days of the date of this application a certified copy of the earlier application(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 containing said Industrial Design is submitted 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 authorizing the agent to make the application.

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 4 (6) of the Act.

Signature(s)

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 surrender the application or

registration, and ratifies any act done by the appointee in respect of the

application or subsequent registration.

Signed at

this day of 2

.....

.....

(Signature(s))

FORM No. 4

Registration No.

Date

**CERTIFICATE OF REGISTRATION OF
AN INDUSTRIAL DESIGN**

The Intellectual Property Office

BELIZE

Whereas a request has been made to the Intellectual 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, No. 13 of 2000, 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 afford by the registration is five years from the day of 2

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

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

Sealed this day of
In the year

**Registrar
Intellectual Property Office**

Printed by the Government Printer,
No. 1 Power Lane,
Belmopan, by the authority of
the Government of Belize.

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]

.....

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 may be modified to make a partial transfer by specifying what
 is transferred

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 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

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)

FORM No. 8

RENEWAL OF REGISTRATION OF AN INDUSTRIAL DESIGN

[under section 11 (1) or (2) 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 11 (1) or (2) of the Act.

Note- This form must be submitted in duplicate

[Printed by the Government Printer,
No. 1 Power Lane,
Belmopan, by the authority of
the Government of Belize.]

FORM No. 9
(Regulation 37)

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

IN THE MATTER OF¹ the Industrial Designs Act (Chapter 254)

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

hereby request the Registrar to furnish me (us) with²

Dated this day of 2.....

³

⁴

To the Registrar
Intellectual Property Office
BELMOPAN.

Note:

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