



ANGUILLA

## REVISED REGULATIONS OF ANGUILLA

under

### INDUSTRIAL DESIGNS ACT R.S.A. c. I11

Showing the Law as at 15 December 2006

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

Regulation	Citation	Page
<b>INDUSTRIAL DESIGNS REGULATIONS</b> <i>Revises R.A. 17/2006, in force 29 September 2006</i>	<b>R.R.A. I11-1</b> <i>(15/12/2006)</i>	<b>3</b>

Published by Authority

Printed in  
The Attorney General's Chambers  
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**Revised Regulations of Anguilla: I11-1**

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INDUSTRIAL DESIGNS ACT, R.S.A. c. I11

**INDUSTRIAL DESIGNS REGULATIONS**

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Note: These Regulations are enabled under section 23 of the Industrial Designs Act, R.S.A. c. I11.

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**Interpretation**

1. In these Regulations, unless the context otherwise requires—

“Act” means the Industrial Designs Act.

“Paris Convention” means the Paris Convention for the Protection of Industrial Property of March 20, 1883, as last revised.

**Fees**

2. The fees to be paid in respect of matters arising under the Act or these Regulations are set out in Schedule 1.

**Forms**

3. (1) The forms referred to in these Regulations are set out in Schedule 2.

(2) A requirement under these Regulations to use a form is satisfied by the use either of a replica of that form or of a form that is acceptable to the Registrar and contains the information required by the corresponding form set out in Schedule 2.

(3) Documents required or authorized by the Act or these Regulations to be sent to the Registrar may be transmitted to the Registrar by telefacsimile or electronic mail, and the date of filing shall be the date of transmission, provided that the original of the document so transmitted is filed with the Registrar within 1 month of its transmission.

**Language of documents and translations**

4. Applications shall be completed in the English language and any document forming part of an application or submitted to the Registrar pursuant to the Act or these Regulations that 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.

**Indication of name, address, nationality and residence**

5. (1) Names of natural persons shall be indicated by the person’s surname and given names and the names of legal entities shall be indicated by their full, official designations.

(2) Addresses 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 street address, if any.

(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 their Registered Office.

(4) Residence shall be indicated by the name of the State of which a person is a resident or the State that is a legal entity’s principal place of business.

**Signatures by partnerships, companies and associations**

6. (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, if any.

(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**

7. (1) The appointment of an agent shall be by a power of attorney which shall be made on Form No. 4 and signed by the applicant or, if there are more than one, by each applicant.

(2) The power of attorney may be filed together with the application or within 2 months from its filing date and if the appointment is not thus made and is not in accordance with subsection (1), any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

### **Application for registration of an industrial design**

8. (1) The application for the registration of an industrial design shall be made on Form No. 1 and shall be signed by each applicant or agent.

(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 a statement justifying the applicant's right to the registration of the industrial design.

(4) If the applicant is represented by an agent, in accordance with section 19 of the Act the request shall so indicate and state the agent's name and address.

### **Number and size of representations and specimen**

9. (1) The application shall be accompanied by the following—

(a) if the industrial design is two-dimensional, by 4 graphic representations or 4 drawings or tracings; or

(b) if the industrial design is three-dimensional, by 4 graphic representations or 4 drawings or tracings of each of the different sides of the industrial design.

(2) No graphic representation, drawing or tracing of the industrial design shall exceed 10 centimetres x 20 centimetres; drawings or tracings shall be affixed on 4 sheets of cardboard of A4 size.

(3) Drawings and tracings shall be in black ink.

(4) A specimen shall be of a size not exceeding 20 centimetres x 20 centimetres.

### **Declaration of priority and translation of earlier application**

10. (1) The application may contain a declaration claiming priority, as provided for in the Paris Convention, of one or more earlier national or regional applications or international deposits filed by the applicant or his predecessor in title in or for any State party to that Convention.

(2) The declaration referred to in subsection (1) shall be made at the time of filing the application for the industrial design and shall indicate—



- (a) the date of the earlier application;
- (b) the number of the earlier application, subject to subsection (3);
- (c) the symbol of the International Classification for Industrial Designs which has been allocated to the earlier application, subject to subsection (4);
- (d) the State in which the earlier application was filed or, where the earlier application is a regional or an international application, the State or States for which it was filed;
- (e) where the earlier application is a regional or an international application, the office with which it was filed.

(3) Where at the time of filing the declaration referred to in subsection (1) the number of the earlier application is not known, that number shall be furnished within three months from the date on which the application containing the declaration was filed.

(4) Where a symbol of the International Classification for Industrial Designs has not been allocated to the earlier application, or has not yet been allocated at the time of filing the declaration referred to in subsection (1), the applicant shall state this fact in the declaration and shall communicate such symbol as soon as it has been allocated.

(5) The applicant may, at any time before the registration of the industrial design, amend the contents of the declaration referred to in subsection (1) hereof.

(6) Where the application contains a declaration, the Registrar may require that the applicant furnish, within three months from the date of the request by the Registrar, a copy of the earlier application or international deposit, certified as correct by the office with which it was filed, and the effect of that declaration shall be as provided for in the Paris Convention.

(7) Where the earlier application is in a language other than English, the applicant shall, within 6 months from the date of the afore-mentioned request, furnish an English translation of the earlier application.

(8) Unless the Registrar requests otherwise, the earlier application and any translation thereof shall be filed in one copy.

(9) Where the Registrar finds that the requirements under this section are not fulfilled, the declaration shall be considered not to have been made.

#### **Withdrawal of application**

**11.** (1) The application may be withdrawn pursuant to section 5(6) of the Act or surrendered, pursuant to section 10(1) of the Act by written declaration submitted to the Registrar and signed by each applicant.

- (2) The application fee shall not be refunded if the application is withdrawn or surrendered.

#### **Marking application**

**12.** (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 AI, slant, the letters ID 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; 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 on the application for registration of the industrial design.

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

**Accordinging and notifying filing date; examination; decision to grant or refuse under application**

**13.** (1) The Registrar shall examine whether the application fulfils the requirements of section 6(1) of the Act.

(2) The invitation to file any correction under section 6(2) of the Act shall be in writing and it shall specify the correction or corrections required and request that these be filed within 2 months from the date of the said invitation, together with the payment of the prescribed fee.

(3) Without delay after the Registrar accords a filing date, he shall notify the applicant in writing of the filing date; and, if the application is treated as if it had not been filed under section 6(2) of the Act, the Registrar shall notify the applicant in writing, specifying the reasons therefor.

(4) Where the Registrar finds that the conditions set out in sections 2, 3 and 5(1), (3) and (7) of the Act and the Regulations pertaining thereto are not fulfilled, he shall invite the applicant in writing to file the required correction within 2 months from the date of the invitation, together with the payment of the prescribed fee; 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 conditions are not fulfilled, he shall reject the application and notify the applicant in writing stating the reasons therefor.

(5) Refusal of the application shall not affect its filing date which shall remain valid.

(6) 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 1 month from the date of the notification.

**Registration of Industrial Design; publication of reference thereto; issuance of certificate**

**14.** (1) Subject to the payment of the registration and publication fee, the Registrar shall register the industrial design in accordance with section 7(1) of the Act and this section.

(2) The Registrar shall allot to each industrial design he registers a number in the sequential order of registration.

(3) The registration of an industrial design shall include a representation of the industrial design and shall specify—

- (a) the number of the industrial design;
- (b) the name and address of the registered owner;
- (c) the name and address of the agent, if any;
- (d) the name and address of the creator, except where he has asked not to be named in the registration;
- (e) if the priority has been claimed, and the claim has been accepted, the priority date and the States or States in which or for which the earlier application was filed; and
- (f) the kind of products for which the industrial design is to be used.

(4) The publication of the reference to the registration of an industrial design, under section 7(1) of the Act, shall contain the particulars specified in subsection (3) hereof.

(5) The certificate of registration of an industrial design shall be issued on Form No. 2.

### **Renewal of Registration**

**15.** (1) The renewal of the registration of an industrial design under section 9(2) of the Act may be made on Form No. 6 by the registered owner or his agent during the 6 month period preceding the expiry of the registration.

(2) The renewal shall be made by payment of the renewal fee within the period specified in subsection (1) or, upon payment of the prescribed surcharge, within the grace period allowed under section 9(3) of the Act.

(3) The renewal of an industrial design registration shall be recorded in the Register and shall be published.

(4) The Registrar shall issue to the registered owner a certificate of renewal which shall contain—

- (a) the registration number of the industrial design;
- (b) the date of renewal and the date of expiry;
- (c) the name and address of the registered owner; and
- (d) an indication of the kind of products for which the industrial design has been registered.

### **Entries in the Register**

**16.** The Registrar shall cause to be entered in the Register in respect of every industrial design, in addition to the information indicated in subsection 14(3)—

- (a) the address for service;
- (b) the date on which the industrial design registration expired or was surrendered or invalidated;
- (c) upon receipt of a request made on Form No. 5 and subject to payment of the prescribed fee, any change in name or address;
- (d) any change in ownership or address for service in accordance with section 17 or 18; or
- (e) the fact that a license contract has been concluded and recorded pursuant to section 13(2) of the Act.

### **Changes in ownership; licence contracts**

**17.** (1) The request, under section 12 of the Act, for the recording of a change of ownership of an industrial design registered under the Act, or of an application therefor, shall be made to the Registrar on Form No. 3 and be subject to payment of the prescribed fee.

(2) The publication of the change of ownership, other than ownership of an application, shall specify—

- (a) the identification of registration concerned;
- (b) the filing date, the priority date, if any, and the date of registration;

- (c) the owner and the new owner; and
- (d) the nature of the change of ownership.

(3) A licence contract submitted for recording under section 13(2) of the Act shall be accompanied by the prescribed fee.

(4) The file relating to a license contract may be inspected and extracts obtained therefrom only with the written permission of the licensor and licensee.

#### **Address for service**

**18.** There shall be furnished to the Registrar—

- (a) by every applicant for the registration of an industrial design, an address for service in Anguilla for the purpose of the application; and
- (b) by every person (including the applicant for, or the owner of, an industrial design) concerned in any proceedings to which these Regulations relate, an address for service in Anguilla;

and the address so furnished or, where another address (being an address in Anguilla) has been furnished in place thereof, that address shall be treated for the purposes of that application or those proceedings, as the case may be, as the address of that applicant or, as the case may be, of that person.

#### **Excluded days**

**19.** When the last day for doing any act or taking any proceeding falls on a day when the Companies and Intellectual Property Registry 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 Registry is next open for business.

#### **Consultation of Register; extracts and copies of documents**

**20.** (1) Consultation of the Register shall be subject to payment of the prescribed fee.

(2) Requests for certified copies of extracts from a Register or, subject to section 17(4), for copies of documents shall be made to the Registrar in writing and shall be subject to payment of the prescribed fee.

#### **Correction of errors**

**21.** (1) Correction of errors, under section 16 of the Act, may be made by the Registrar upon receipt of a request in writing and subject to payment of the prescribed fee and to such terms as he may consider appropriate, or on his own initiative.

(2) Corrections made shall be communicated in writing to all interested persons and, where considered necessary by the Registrar, shall be published by the Registrar.

#### **Hearing**

**22.** (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 1 month, for filing a request for a hearing;

(2) The request for a hearing shall be in writing and shall be subject to payment of the prescribed fee.

(3) Upon receiving a request for hearing, the Registrar shall give the person requesting the hearing, and any other interested persons no less than 2 weeks' notice in writing of the date and time of the hearing.

**Service by mail**

23. (1) Any notice, application or other document sent to the Registrar by mail shall be deemed to have been given, made or filed at the time when it would be delivered to the Registrar 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.

(2) Subsection (1) does not apply to the accordance of the filing date.

**Evidence**

24. (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 the evidence referred to in subsection (1) and shall allow any witness to be cross-examined on his declaration or affidavit.

**Extension of time limit**

25. The time prescribed by these Regulations for doing any act or taking any proceeding thereunder, other than the time prescribed in section 10(2) above, may be extended by the Registrar, if he thinks fit, upon such notice and upon such terms as he may direct; and such extensions may be granted although the time for doing such act or taking such proceeding has already expired.

**Direction as to furnishing of documents**

26. 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 time as he may fix.

**Correction of irregularities**

27. Any irregularity in procedure before the Registrar may be rectified on such terms as he may direct.

**Dispensation by the Registrar**

28. 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, for any reasonable cause, that person is unable to do that act or thing or that the 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.

**Statutory declarations and affidavits**

29. (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 Anguilla to administer an oath for the purpose of any legal proceedings.

(2) Statutory declarations or affidavits made outside Anguilla shall be made before a Consul or Notary Public.

**Publication**

30. Particulars of registered industrial designs and other information required to be published under the Act or these Regulations shall be published in accordance with the directions of the Registrar.

**Administrative directions**

31. 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.

**Citation**

32. These Regulations may be cited as the Industrial Designs Regulations, Revised Regulations of Anguilla I11-1.

**SCHEDULE 1**

(Section 2)

**FEES**

<b>Matter or Proceeding</b>	<b>Amount (US\$)</b>	<b>Corresponding Form</b>
Application fee	\$250.00	Form No. 1
Correction of application to comply with requirements for according filing date	\$40.00	
Registration and publication fee	\$100.00 Plus Publication fee	
Renewal	\$250.00	Form No. 6
Surcharge for late payment of renewal fee	\$100.00	
Request for recording of change in ownership	\$100.00	Form No. 3
Submission of license contract for recording	\$100.00	
Consultation of Register	\$20.00	
Certified copies of documents(per page)	\$5.00 per printed page and \$10.00 to certify	
Request for correction of error	\$20.00	
Request for hearing	\$100.00	
Change of name or address	\$40.00	Form No. 5

**SCHEDULE 2**

(Section 3)

**FORMS**

## REGISTRAR'S OFFICE, ANGUILLA

FORM NO. 1 (Section 8(1))

For Official Use

Date of Receipt by Registrar's  
Office

INDUSTRIAL DESIGNS ACT

APPLICATION No.:

**APPLICATION FOR REGISTRATION  
OF INDUSTRIAL DESIGN**

(Office's Stamp)

To: The Registrar  
Anguilla

FILING DATE:

Applicant's or Representative's File Reference:

THE APPLICANT(S) REQUEST(S) THAT THE ACCOMPANYING INDUSTRIAL DESIGN BE  
REGISTERED IN RESPECT OF THE FOLLOWING PARTICULARS:

- I. APPLICANT(S) (The data concerning each applicant must appear in this box or, if the space is insufficient, in the supplemental box.) Additional information is contained in supplemental box

Name (Surname first, if applicable):

Address:

Nationality:

State of residence or principal place of business:

Telephone:

Facsimile:

Email:

Address for service in Anguilla:

Telephone:

Facsimile:

Email:

I am not the creator or an agent for the creator and a statement justifying my right to register the industrial design is attached.

I hereby request that, upon registration, publication of any representation of the industrial design be deferred and the file relating to this application not be open to the public for inspection for a period of ..... months.

II. CREATOR(S) (If different from Applicant(s). The data concerning each creator must appear in this box or, if the space is insufficient, in the supplemental box.) Additional information is contained in supplemental box

Name (Surname first, if applicable):

Address:

Nationality:

State of residence or principal place of business:

Telephone:

Facsimile:

Email:

---

I do not wish to be named in the registration and a written declaration to that effect and signed by me

accompanies this Form

will be furnished within 2 months of the filing of this Form

---

III. AGENT

The following agent has been appointed by the applicant(s) in the power of attorney accompanying this Form to be filed within 1 month from the filing of this Form

Name (Surname first, if applicable):

Address:

Telephone:

Facsimile Number:

Email:

---

IV. REPRESENTATIONS OF THE INDUSTRIAL DESIGN; SPECIMEN

This Form is accompanied by:

four graphic representations

four drawings or tracings

a specimen of the industrial design

---

V. PRODUCTS

The kind of products for which the industrial design is to be used is (are) the following:

---



## VI. PRIORITY CLAIM (if any)

The priority of an earlier application is claimed as follows:

Country:

Filing Date:  
  
\_\_\_\_\_

Application No.:

The priority of more than one earlier application is claimed; the data are indicated in the supplemental box

The certified copy of the earlier application

accompanies this Form

will be furnished within three months of the filing of this Form

---

VII. FEES accompany this Form

---

VIII. SUPPLEMENTAL BOX\*

IX. SIGNATURE .....  
 (Applicant/Agent)\*\* (Date)

TO BE FILLED IN BY THE REGISTRAR

1. Date application received:

2. Date of receipt of corrections, later filed papers completing the application:

3. 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 (e.g., "II. APPLICANT(S) (continued)").

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

REGISTRAR'S OFFICE, ANGUILLA

FORM NO. 2 (Section 14(5))

INDUSTRIAL DESIGNS ACT

**CERTIFICATE OF REGISTRATION OF INDUSTRIAL DESIGN**

In accordance with section 7(1) of the Industrial Designs Act, it is hereby certified that an industrial design having the registration No. .... has been registered in the name of—

Name:

Address:

on ..... (date), in respect of an industrial design disclosed in an application for registration of that industrial design, having a:

Filing date:

Priority date:

being an industrial design for: ..... (products)

created by:

Name:

Address:

A copy of the reproduction of the industrial design accompanies this Certificate.

Dated this ..... day of .....

.....  
Registrar

REGISTRAR'S OFFICE, ANGUILLA

FORM NO. 3 (Section 17(1))

For Official Use

INDUSTRIAL DESIGNS ACT

Received on:

**RECORDING OF CHANGE IN OWNERSHIP**

To: The Registrar  
Anguilla

I. IN THE MATTER OF:

II. APPLICANT(S) OWNER(S)\*

Name:

Address:

Telephone:

Facsimile:

Email:

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:

Nationality:

Residence or principal place of business:

Telephone:

Facsimile:

Email:

Address for service in Anguilla:

Telephone:

Facsimile:

Email:

\* 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. SIGNATURES

..... (New Applicant/New Owner/Agent\*\*) (Date)

..... (New Applicant/New Owner/Agent\*\*) (Date)

..... (Applicant/Owner/Agent \*\*) (Date)

..... (Applicant/Owner/Agent \*\*) (Date)

\* Required where the request is in respect of a collective mark

\*\* Delete whichever does not apply and type name under signature

REGISTRAR'S OFFICE, ANGUILLA

FORM NO. 4 (Section 7(1))

For Official Use

INDUSTRIAL DESIGNS ACT

Received on:

**POWER OF ATTORNEY**

To: The Registrar  
Anguilla

**I. APPOINTMENT**

The undersigned hereby appoints as his representative the person identified in item III, 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 power of attorney concerns the following application(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:

REGISTRAR'S OFFICE, ANGUILLA

FORM NO. 5 (Section 16(c))

For Official Use

INDUSTRIAL DESIGNS

CHANGE OF NAME OR ADDRESS

To: The Registrar  
Anguilla

Received on:

I. IN THE MATTER OF:

Industrial Design No: .....

Date registered: .....

Date application filed: .....

Title of design: .....

II. REQUEST FOR CHANGE OF NAME OR ADDRESS

I/We .....

(name(s) and address(es))

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

(name(s) and address(es))

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

III. SIGNATURES

(Applicant/Agent)

(Date)

REGISTRAR'S OFFICE, ANGUILLA

FORM NO. 6 (Section 15(1))

INDUSTRIAL DESIGNS ACT

**RENEWAL OF REGISTRATION OF AN INDUSTRIAL DESIGN**

For Official Use  
Received on:

To: The Registrar  
Anguilla

I. IN THE MATTER OF:

Industrial Design No:

II. REQUEST FOR RENEWAL

I/We .....

.....  
(name(s) and address(es))

the registered owner(s) of the above captioned Design hereby forward the prescribed fee for the renewal of the said Design in accordance with section 11 of the Act.

III. SIGNATURES

.....  
(Applicant/Agent) (Date)



