S.I. 87 of 2014
INDUSTRIAL PROPERTY ACT, 2014
(Act 7 of 2014)
Industrial Property (Industrial Design) Regulations, 2014
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5. Naming of the creator
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10. Renewal of registration of industrial design
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S.I. 87 of 2014

INDUSTRIAL PROPERTY ACT, 2014

(Act 7 of 2014)

Industrial Property (Industrial Design) Regulations, 2014

In exercise of the powers conferred by section 125 of the Industrial Property Act, 2014, the President being the Minister responsible for Legal Affairs hereby makes the following regulations—

1. These regulations may be cited as the Industrial Property (Industrial Design) Regulations, 2014.

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

   “Act” means the Industrial Property Act, 2014 (Act 7 of 2014);

   “agent” means a person or firm appointed by an applicant to act on his or her behalf for the purposes of these regulations;

   “Form” means a Form set out in Schedule 1 appended to these regulations;

   “registered owner”, in respect of an industrial design, means the person whose name appears in the register of industrial designs as the owner of the industrial design;

   “representative for service” means a person or firm in Seychelles who is appointed by an applicant or registered owner to receive any notice or on whom documents are to be served on behalf of the
applicant or registered owner for the purposes of these regulations.

3.(1) The fees to be paid under these regulations shall be as provided under column (3) of Schedule 2 to these regulations for a service mentioned under column (2) of that Schedule.

(2) The fees specified in Schedule 2 shall be paid to the Registrar by such means and in such manner as the Registrar may direct.

(3) For the purposes of the registration of industrial designs, goods and services are classified in the manner specified in Schedule 3.

4. An application for registration of an industrial design under section 44 of the Act shall be made in the Form ID-1 along with the fee specified in Schedule 2.

5.(1) The creator of the industrial design may request in writing to the Registrar that he or she does not want to be named in the application or on the certificate of registration.

(2) The Registrar shall act accordingly and confirm this to the applicant in writing.

6. An applicant claiming a right of priority under section 44(7) of the Act shall file with the application referred to in regulation 4 a copy of the earlier application certified as correct by the office with which it was filed.

7.(1) All documents filed with the Registrar shall be clear and legible and be presented so as to permit direct reproduction of the initial application.

(2) Each document filed in paper form shall be printed—

(a) on one side only;
(b) on white paper, except for photographs; and

c) on paper that measures between 20 cm and 22 cm in width and between 25 cm and 36 cm in length.

(3) Any industrial design which is three dimensional, whether fully or in part, shall clearly state so on the document or material.

(4) All documents filed in electronic form in connection with an application for registration of industrial design shall be in the electronic format specified by the Registrar and subject to the terms and conditions specified by the Registrar.

8.(1) The applicant who is not domiciled or who has no established business in Seychelles shall, as required by section 44(8) of the Act, appoint an agent who is domiciled in Seychelles.

(2) An application for registration of an industrial design may be made by an agent of the applicant and the power of attorney in respect of the appointment of the agent by the applicant shall be submitted prior to the issuing of the certificate of registration of the industrial design.

(3) The appointment of an agent may be revoked by the applicant by submitting to the Registrar a notice of revocation signed by the applicant.

9.(1) Where the Registrar registers an industrial design, the Registrar shall —

(a) register the details of the industrial design in the register of industrial designs; and

(b) issue a certificate of registration of the
industrial design upon payment of the fee specified in Schedule 2.

(2) The Registrar shall keep a Register of Industrial Designs for making entries of designs registered under the Act.

(3) The Registrar shall cause to be entered in the Register in respect of every design —

(a) the address for service;
(b) the date on which the registration of industrial design expired or was surrendered or revoked;
(c) any change in name, address, address for service or ownership;
(d) the fact that a license contract has been concluded and recorded in the Register pursuant to regulation 14;
(e) the grant of any non-voluntary license with respect to the patent pursuant to section 51 of this Act and the terms, variation of terms and termination thereof; and
(f) any order of the court, if any.

(4) The Registrar may at any time enter in the Register of Industrial Design such other particulars as he or she may think fit.

10.(1) The owner of the registered industrial design may apply to the Registrar, within 90 days prior to the expiry of the registration period specified under section 48(1) of the Act, for renewal of the registration of the industrial design in Form ID-2 along with the fee specified in Schedule 2.
(2) The renewal of the industrial design may only be for a further two consecutive periods of 5 years, after the expiry of the first registration period.

(3) Where an applicant applying for renewal of registration of the industrial design fails to pay the fee within the period mentioned in subregulation (1), the applicant shall pay a surcharge fee specified in Schedule 2 within 6 months from the expiry of the period.

11.(1) The registered owner of an industrial design may surrender the registration of the industrial design upon filing a written declaration stating therein the reference number to the Registrar who shall —

(a) amend the register of industrial design and make necessary entries in the register in respect of the surrender; and

(b) publish the details of surrender of the registration, including the reference number, in the Gazette.

(2) Where the industrial design is subject to a license, the surrender of the registration of such industrial design shall take effect upon submission of a written declaration by which the registered licensee consents to the surrender.

(3) An agent having a written and signed letter of authorisation from the owner of the industrial design to surrender a registration of industrial design, may surrender the registration of the industrial design.

12. Where a court has declared the registration of any industrial design invalid under section 50 of the Act, the Registrar shall, on receipt of the order of the court invalidating the registration —
Non-voluntary licence

13. (1) An application for non-voluntary licence of an industrial design shall be made to the Registrar in writing containing a statement giving the evidence that the applicant was unable to obtain a licence in accordance with section 24(2) of the Act.

(2) The application for non-voluntary licence shall be made in Form ID-3 accompanied with a fee specified in Schedule 2.

(3) The Registrar may, if satisfied that the applicant has complied with the provisions of the Act, grant a non-voluntary licence to the applicant and enter the non-voluntary licence in the register of industrial designs and publish the licence in the Gazette.

Recording of licence

14. (1) The owner and the joint owners of a registered industrial design may together apply to the Registrar to record a licence concerning an industrial design or the application for the registration of licence of an industrial design in Form ID-4 along with the fee specified in Schedule 2.

(2) The application to record a licence referred to in subregulation (1) shall contain the following—

(a) name and address of the licensor and licensee;
(b) reference number of the industrial design;

(c) terms of the licence; and

(d) type of licence (exclusive, non-exclusive and sole).

(3) The owner of the registered industrial design or the licensee may at any time during the pendency of the licence apply to the Registrar for any change or alteration of the licence or terms and conditions thereof.

(4) The Registrar may, on being satisfied with the application for the change or alteration of licence or terms and conditions thereof, alter the register accordingly and publish the change or alteration in the Gazette.

(5) A licence concerning an industrial design or the application for registration of the licence of the industrial design shall have no effect against third party until it has been recorded in the register of industrial designs.

15.(1) The holder or the new owner of a registered industrial design may apply to the Registrar for any change in the ownership of the registration of the industrial design in the Form ID-5 along with the fee specified in Schedule 2.

(2) The application for the change in the ownership of the industrial design shall contain the following—

(a) names and address, residential status, details if company or firm, of both the holder and the new owner;

(b) registration numbers (domestic or international);
(c) copy of the contract transferring ownership and relevant letters;

(d) appointment of a representative by the new owner;

(e) nature of the change of ownership;

(f) miscellaneous indications;

(g) signature by the holder or authorised agent; and

(h) the details of the payment of the requisite fee.

(3) The Registrar may, on being satisfied, alter the entries in the register of industrial designs accordingly and publish the change in the Gazette.

(4) A change in the ownership of an industrial design or an application shall have no effect against third party until it has been recorded in the register of industrial designs.

16. (1) Every application and document under these regulations shall be in English or be accompanied with a certified English translation.

(2) The Registrar shall refuse any application or document which is not in English unless the applicant submits to the Registrar a certified translation of the application or document into English.

17. Any person may inspect the register of industrial designs and may obtain extract therefrom, by submitting an application in Form ID-6 along with a fee specified in Schedule 2.
18. In case of any infringement of the industrial design, any action may be brought in accordance with sections 107 to 120 of the Act.

SCHEDULE 1

(Regulation 2)

FORM ID-1

[Regulation 4]
If a joint owner, give other owners names, addresses, nationality and passport number & & &

Signatures........................................................................ Dated: .................................................................

If claiming a right of priority under section 44(7) of the Act enclose a copy of the earlier certificate as corrected by the office with which it was filed: .................................................................

PART II

DETAILS OF DESIGN.

Title
The following are attached (Three copies not exceeding 10cm x 15cm)
(i) Two dimensional design One or two photographs or graphic Representations
(ii) Three dimensional design One or two drawings or tracings.

PART III

PRODUCT

The kind of products for which the industrial design is to be used:

Class:

PART IV

Claim of Priority (if any)

Country:

Application No. .......................................................... Filing Date

PART V

Address for service in Seychelles: .................................................................

.................................................................

.................................................................

PART VI

TO BE COMPLETED ONLY IF AN APPLICANT HAS AN AGENT

Name of agent

Address of agent

Telephone    Fax    E-mail

Name of representative for service

Address in Seychelles of representative for service

If an applicant has no place of business in Seychelles, the name and address of a REPRESENTATIVE FOR SERVICE in Seychelles must be provided. The Agents Power of Attorney with its scope should be included.
**PART VII**

Creator of the Industrial Design

Whether the applicant or not

If not the applicant, the name and address of the creator.

Willingness of the creator(s) to forgo the name(s) being used in the registration (if applicable)

I/We: ..........................................................................................................................

of ............................................................................................................................

Being the creator/creators of the industrial design which is the subject matter of the application herein indicate my/our willingness to forgo my/our name(s) being used in the registration.

Signature(s)..............................................................................................................

Creator of the Industrial Design

**PART VIII**

Declaration of Novelty

I, being the applicant declare that to the best of my knowledge the industrial design is new as provided in section 40 of the Act.

Dated:________________________ Signature of the Applicant or Agent

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**FORM ID-2**

* [Regulation 10(1)]

<table>
<thead>
<tr>
<th>INDUSTRIAL PROPERTY ACT, 2014</th>
<th>For official use only:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Property (Industrial Design) Regulations, 2014</td>
<td>Date received on:</td>
</tr>
<tr>
<td>APPLICATION FOR RENEWAL OF REGISTRATION OF INDUSTRIAL DESIGN</td>
<td>Fee paid on:</td>
</tr>
<tr>
<td>FORM ID-02</td>
<td></td>
</tr>
</tbody>
</table>

Registered number: 

Class 

Registered owner
If an applicant for renewal has no place of business in Seychelles, the name and address of a REPRESENTATIVE FOR SERVICE in Seychelles must be provided. The Agents Power of Attorney with its scope is attached herewith.

Name of representative for service

Address in Seychelles of representative for service

Date: ........................................... Signature of Registered Owner or Agent:.............................................

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**FORM ID-3**

[Regulation 13(2)]

<table>
<thead>
<tr>
<th>Industrial Property act, 2014</th>
<th>For Official use.</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Industrial Property (Industrial Design) Regulations, 2014</th>
<th>Application Reference:.................................</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPLICATION FOR A NON-VOLUNTARY LICENCE</td>
<td>Date received:.............................................</td>
</tr>
<tr>
<td>Form ID-3</td>
<td>Fee paid:.....................................................</td>
</tr>
</tbody>
</table>

TO: The Registrar General
Republic of Seychelles

I hereby request the Registrar to grant me a Non-Voluntary Licence.

Applicants Name:

Address:

Telephone: Fax: E-mail address:

Evidence for application as set out in sections 23 and 24(2) of the Industrial Property Act, 2014, is enclosed.

Reference number or title for which the non-voluntary licence is sought:

Scope and duration being sought:

Agent (if any)

Address:

Telephone: Fax: E-mail address:

Place and date .................................. Signature of Applicant or Agent
FORM ID-4
[Regulation 14(1)]

APPLICATION FOR RECORDING OF LICENCE CONCERNING INDUSTRIAL DESIGN under section 52 of the Industrial Property Act, 2014

FORM ID-4

Application No.: Filing Date:

Applicant/owner of the Design

Name:

Address:

hereby requests the recording of a license of an industrial design ___________which the applicant is the owner. The details of the registered industrial design is as under —

Signature: ___________________________ Dated: ______________

Registered Number

Registered Owner

Details of industrial design

Date of application for registration

Agent if any

DETAILS OF LICENSEE

Name:

Address:

Postal address for Service, if non-resident:

Telephone     Fax     E-mail

A copy of the deed of licence accompanies this application.

A copy of the licence contract or the particulars to be recorded are annexed.

________________________________________
Signature of Applicant/Owner/or Agent Place and date
FORM ID-5
[Regulation 15(1)]

INDUSTRIAL PROPERTY ACT, 2014
Industrial Property (Industrial Design) Regulations, 2014

APPLICATION FOR RECORDING OF CHANGE IN OWNERSHIP OF INDUSTRIAL DESIGN under section 53 of the Industrial Property Act, 2014

FORM ID-5

IDENTIFICATION OF THE APPLICATION/DESIGN

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Filing Date</th>
</tr>
</thead>
</table>

Applicant/owner of the Design
Name:

Address:

The undersigned hereby applies for the recording of the transfer of the ownership of the industrial design as detailed below—

Registered Number:

Registered Owner:

Agent, if any:

Details of Industrial Design

The extension of registration (first or second):

NEW OWNER

Name:

Address:

Postal address for Service, if non-resident:
**[Form ID-6]**

**[Regulation 17]**

<table>
<thead>
<tr>
<th>INDUSTRIAL PROPERTY ACT, 2014</th>
<th>For official use only:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Property (Industrial Design) Regulations, 2014</td>
<td>Notice received on:</td>
</tr>
<tr>
<td>REQUEST FOR INSPECTION OF THE REGISTER OF INDUSTRIAL DESIGNS OR FOR OBTAINING ANY EXTRACT THEREFROM.</td>
<td>Fees paid on:</td>
</tr>
<tr>
<td>FORM ID-6</td>
<td>Application No:</td>
</tr>
</tbody>
</table>

| Applicants Name, nationality: |
| Address: |
| Tele/Fax/E-mail |
| Name of the owner of the Industrial Design |
| Industrial Design Number being sought |
| Date and No of Gazette Notification |
| Details of the Industrial Design inspection or extract thereof being sought (Add extra papers where necessary) |
Addresses for service in Seychelles (if applicable)

Agent

Name

Address

Tele/Fax/E-mail

Date

Signature of the Applicant/Agent.

**SCHEDULE 2**

*(Regulation 3(1))*

**FEES**

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Service in respect of which fee is payable</th>
<th>Fees in Seychelles Rupees</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Application for registration of an industrial design.</td>
<td>2000</td>
</tr>
<tr>
<td>2</td>
<td>Certificate of registration of industrial design</td>
<td>500</td>
</tr>
<tr>
<td>3</td>
<td>Renewal of registration of industrial design for each 5 years period</td>
<td>2000</td>
</tr>
<tr>
<td>4</td>
<td>Surcharge fee for failing to pay the renewal fee in time</td>
<td>500</td>
</tr>
<tr>
<td>5</td>
<td>Application for non-voluntary licence</td>
<td>500</td>
</tr>
<tr>
<td>6</td>
<td>Application for recording of licence in the register of industrial designs</td>
<td>200</td>
</tr>
<tr>
<td>7</td>
<td>Application for recording of change in the ownership, etc., of an industrial design</td>
<td>200</td>
</tr>
<tr>
<td>8</td>
<td>Application — (a) to inspect the register of industrial designs; (b) to obtain extract therefrom (per page or part thereof)</td>
<td></td>
</tr>
</tbody>
</table>
SCHEDULE 3
[Regulation 3(3)]

CLASSIFICATION OF INDUSTRIAL DESIGNS

CLASS 1: FOODSTUFFS
CLASS 2: ARTICLES OF CLOTHING AND HABERDASHERY
CLASS 3: TRAVEL GOODS, CASES, PARASOLS AND PERSONAL BELONGINGS, NOT ELSEWHERE SPECIFIED
CLASS 4: BRUSHWARE
CLASS 5: TEXTILE PIECEGOODS, ARTIFICIAL AND NATURAL SHEET MATERIAL
CLASS 6: FURNISHING
CLASS 7: HOUSEHOLD GOODS, NOT ELSEWHERE SPECIFIED
CLASS 8: TOOLS AND HARDWARE
CLASS 9: PACKAGES AND CONTAINERS FOR THE TRANSPORT OR HANDLING OF GOODS
CLASS 10: CLOCKS AND WATCHES AND OTHER MEASURING INSTRUMENTS, CHECKING AND SIGNALLING INSTRUMENTS
CLASS 11: ARTICLES OF ADORNMENT
CLASS 12: MEANS OF TRANSPORT OR HOISTING
CLASS 13: EQUIPMENT FOR PRODUCTION, DISTRIBUTION OR TRANSFORMATION OF ELECTRICITY
CLASS 14: RECORDING, COMMUNICATION OR INFORMATION RETRIEVAL EQUIPMENT
CLASS 15: MACHINES, NOT ELSEWHERE SPECIFIED
CLASS 16: PHOTOGRAPHIC, CINEMATOGRAPHIC AND OPTICAL APPARATUS
CLASS 17: MUSICAL INSTRUMENTS
CLASS 18: PRINTING AND OFFICE MACHINERY
CLASS 19: STATIONERY AND OFFICE EQUIPMENT, ARTISTS' AND TEACHING MATERIALS
CLASS 20: SALES AND ADVERTISING EQUIPMENT, SIGNS
CLASS 21: GAMES, TOYS, TENTS AND SPORTS GOODS
CLASS 22: ARMS, PYROTECHNIC ARTICLES, ARTICLES FOR HUNTING, FISHING AND PEST KILLING
CLASS 23: FLUID DISTRIBUTION EQUIPMENT, SANITARY, HEATING, VENTILATION AND AIR-CONDITIONING EQUIPMENT, SOLID FUEL
CLASS 24: MEDICAL AND LABORATORY EQUIPMENT
CLASS 25: BUILDING UNITS AND CONSTRUCTION ELEMENTS
CLASS 26: LIGHTING APPARATUS
CLASS 27: TOBACCO AND SMOKERS' SUPPLIES
CLASS 28: PHARMACEUTICAL AND COSMETIC PRODUCTS, TOILET ARTICLES AND APPARATUS
CLASS 29: DEVICES AND EQUIPMENT AGAINST FIRE HAZARDS, FOR ACCIDENT PREVENTION AND FOR RESCUE
CLASS 30: ARTICLES FOR THE CARE AND HANDLING OF ANIMALS
CLASS 31: MACHINES AND APPLIANCES FOR PREPARING FOOD OR DRINK, NOT ELSEWHERE SPECIFIED
CLASS 32: GRAPHIC SYMBOLS AND LOGOS, SURFACE PATTERNS, ORNAMENTATION

MADE this 20th day of October, 2014.

JAMES A. MICHEL
PRESIDENT