

INTEGRATED CIRCUITS REGULATIONS, 2023

Arrangement of Regulations

Regulation

PART I - PRELIMINARY	3
1. Citation.....	3
2. Interpretation.....	3
3. Time for payment of fees.....	3
4. Forms.....	3
5. Document format.....	3
6. Registrar may adopt electronic means of communication.....	4
7. Service by post or electronic means.....	4
8. Obligation to furnish Registrar with address.....	4
9. Address for service within The Bahamas.....	5
10. Agents.....	5
11. Disqualified Agents.....	5
PART II - APPLICATION FOR REGISTRATION	6
12. Application to be signed.....	6
13. Acknowledgement.....	6
14. Representation of layout-design.....	6
15. Additional representations.....	6
16. Two or more layers to integrated circuit.....	6
17. Confidential information may be blocked.....	6
PART III - PROCEDURE ON RECEIPT OF APPLICATION	7
18. No examination of layout-designs.....	7
19. Registrar to publish application in the Gazette.....	7
20. Statement of defects.....	7
21. Correction of defects and date of filing.....	7
22. Ability to refile.....	7
23. Advertisement of application.....	7
PART IV - OWNERSHIP TRANSFER PROCEEDINGS	8
24. Transfer of registration.....	8
25. Grounds of transfer.....	8
26. Counter-statement.....	8
27. Claimant's evidence.....	8
28. Registrant's evidence.....	9
29. Additional support for transfer.....	9

30.	Further evidence.....	9
31.	Exhibits.....	9
32.	Request for Hearing.....	9
33.	Extensions of time.....	10
34.	Security for costs.....	10

PART V - REGISTRATION **10**

35.	Entry on the Register.....	10
36.	Certificate of registration.....	10
37.	Amendments.....	10
38.	Registered licensee.....	11

PART VI - TIME CALCULATIONS **11**

39.	Extension of time for doing act or commencing proceedings.....	11
40.	Public holidays.....	11
41.	Late fees.....	11

PART VII - EVIDENCE **12**

42.	Declarations.....	12
43.	Seal or signature.....	12

PART VIII - APPEALS AND ORDERS **12**

44.	Appeals to Court.....	12
45.	Order of the Court.....	13
46.	Service on Registrar.....	13
47.	Publication orders.....	13
48.	Publication of cancellation.....	13

FIRST SCHEDULE **14**

SECOND SCHEDULE **15**

INTEGRATED CIRCUITS (No. 43 of 2015)

INTEGRATED CIRCUITS REGULATIONS, 2023

The Minister in exercise of the powers conferred by section 19 of the Integrated Circuits Act, 2015 (*No. 43 of 2015*) hereby makes the following regulations —

PART I - PRELIMINARY

1. Citation.

This Act may be cited as the Integrated Circuits Regulations, 2023.

2. Interpretation.

In these Regulations —

“**Agent**” means a counsel and attorney admitted to practice in The Bahamas in accordance with section 2 of the Legal Professions Act (*Ch. 64*);

“**declaration**” means a declaration under the Oaths Act (*Ch. 60*);

“**Office**” means the Intellectual Property Office referred to in section 3 of the Patents Act, 2015 (*No. 40 of 2015*).

3. Time for payment of fees.

Any fee required to be paid in connection with applications, registration and other matters under the Act shall be paid before or at the time of the doing of the matter in respect of which they are to be paid, and in the amount indicated on the list of fees payable as determined in the *First Schedule*.

4. Forms.

The forms herein referred to are the forms contained in the *Second Schedule* to these Regulations and such forms shall be used in all cases to which they are applicable, and shall be modified as directed by the Registrar to meet other cases, including conversion to any suitable electronic form.

5. Document format.

Subject to any other directions that may be given by the Registrar, all applications, notices, counter-statements, papers having representations affixed, or other documents in writing required by the said Act or by these Regulations to be left with or sent to the Registrar shall be upon A4 paper of a size

approximately 11 inches by 8 inches, and shall have on the left hand part thereof a margin of not less than one inch, or shall be in any mandated electronic format permitted or adopted by the Office.

6. Registrar may adopt electronic means of communication.

- (1) The Registrar may adopt and authorise the use of electronic means of communication in place of in writing in the Registrar's discretion, provided that the Registrar may in such cases also use electronic means to communicate with any persons or their Agents on any matters that the Registrar is required to communicate.
- (2) In all cases in these Regulations where written communications are required, the Registrar may permit electronic signatures and electronic delivery of communications subject to proof of service requirements that apply to written communications.

7. Service by post or electronic means.

- (1) Any application, statement, notice, or other document authorised or required to be left, made or given at the Office, or to or with the Registrar, or with or to any other person may be sent through the post by a prepaid or official-paid letter and any document so sent, shall be deemed to have been delivered at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that the letter was properly addressed and put into the post.
- (2) A letter addressed —
 - (a) to a registered proprietor of a layout-design at the address that appears on the Register, or address for service; or
 - (b) to any applicant for or person opposing the registration of a layout-design at the address appearing in the application, or notice of opposition or given for service as hereinafter provided,shall be deemed to be sufficiently addressed.
- (3) The Registrar may permit service by electronic means subject to proof of service requirements that apply to written communications.

8. Obligation to furnish Registrar with address.

- (1) Where any person is, by the Act or these Regulations, bound to furnish the Registrar with an address —
 - (a) the address given shall in all cases include the street address and any other information necessary for the purpose of enabling any person easily to find the place of business or location of the person whose address is given;

- (b) the address may be supplemented with an electronic address for service.

9. Address for service within The Bahamas.

- (1) Every applicant for the registration of any layout-design and every opponent to such registration, who does not reside or carry on business in The Bahamas shall, if so required, give an address for service in The Bahamas, which may include an Agent's address, and such address may be treated as the actual address of such applicant or opponent for all purposes connected with such application for registration or the opposition thereto.
- (2) An address in The Bahamas may be supplemented with an electronic address for service.

10. Agents.

- (1) An application for registration and any challenge to ownership of a registration and all other communications between an applicant, claimant and the Registrar, or the Minister, and between the proprietor of a registered layout-design and the Registrar, or the Minister, or any other person, may be made by or through an Agent.
- (2) An applicant, claimant, or proprietor may appoint an Agent to represent him in the matter of the layout-design by signing and sending to the Registrar an authority in writing to that effect in Form 1 of the *Second Schedule* or in such other form as the Registrar may deem sufficient.
- (3) In the event that a proprietor of a registered layout-design appoints an Agent, service upon the Agent of any document relating to the layout-design shall be deemed to be service upon the person, and all communications directed to be made to such person in respect of the layout-design may be addressed to such Agent.
- (4) Subject to the express authorisation of the Registrar, a person or their Agent may engage in electronic communications on consent.

11. Disqualified Agents.

The Registrar shall not be bound to recognise as an Agent any person who is an undischarged bankrupt, or is not a qualified "counsel and attorney" as defined by section 2 of the Legal Profession Act (*Ch. 64*).

PART II - APPLICATION FOR REGISTRATION

12. Application to be signed.

- (1) An application shall, if required, be signed by the applicant or his Agent.
- (2) If application for registration of a layout-design is made by one or more creators, it may be signed in the name or for and on behalf of such creator or creators by any person duly authorised to act on their behalf in so doing or by the employer in the case of a commissioned work or employee's work product.
- (3) If the application is made by a body corporate it may be signed by a director or by the secretary or other principal officer of such body corporate.

13. Acknowledgement.

On or after the receipt of an application the Registrar shall furnish the applicant with an acknowledgement thereof.

14. Representation of layout-design.

Every application for registration of a layout-design shall contain a representation of the layout-design for which registration is sought, and need not include the manner of manufacture of the integrated circuit, provided it meets all other requirements set out in section 9 of the Act, as specified in Form 2 of the *Second Schedule* for that purpose.

15. Additional representations.

There shall be sent with every application for registration of a layout-design any additional representations and particulars as may from time to time be required by the Registrar.

16. Two or more layers to integrated circuit.

Where an application for registration of an integrated circuit consists of two layers or more of a layout-design, a complete set of overlay sheets, drawings and photographs of the layout-design may be supplied as well as a complete description of the nature and function of the integrated circuit.

17. Confidential information may be blocked.

Where a layout-design contains confidential information that has not been commercially exploited at the time of application, an application may include portions of overlay sheets, drawings, photographs and descriptive text that are blocked out up to fifty percent to preserve the confidentiality of the information.

PART III - PROCEDURE ON RECEIPT OF APPLICATION

18. No examination of layout-designs.

Upon receipt of an application the Registrar shall ensure that the layout-design complies with the requirements of sections 5 and 9 of the Act, but will not conduct any examination of the originality, entitlement of the applicant or assess the facts stated in the application.

19. Registrar to publish application in the *Gazette*.

Upon affirming compliance with sections 5 and 9 of the Act, the Registrar shall publish the application in the *Gazette* and enter the layout-design on the Register of layout-Designs.

20. Statement of defects.

If after reviewing the application any failure to meet section 9 appears, a statement of any defects in the application shall be sent to the applicant in writing by the Registrar, and unless within two months the applicant rectifies the defects the application shall be deemed to not have been filed.

21. Correction of defects and date of filing.

Where the requirements of sections 5 and 9 of the Act are not met at the time of filing, the Registrar shall consider the date of correction of any defects to be the date of filing and notify the applicant accordingly of the new filing date for the purposes of calculating the commencement of protection pursuant to section 8 of the Act.

22. Ability to refile.

The rejection of an application for a layout-design for failure to meet sections 5 and 9 does not preclude the refile of such application at a future date with the corrected information.

23. Advertisement of application.

Every application when accepted shall be advertised by the Registrar in the *Gazette* during such times and in such manner as the Registrar may direct, pursuant to section 10(5) of the Act.

PART IV - OWNERSHIP TRANSFER PROCEEDINGS

24. Transfer of registration.

Any person claiming rightful ownership of a layout-design that has been applied for or registered, may within three years from the date of any advertisement in the *Gazette* of an application for registration of a layout-design, give notice in writing to the Office to seek the transfer of the registration and rectification of the Register.

25. Grounds of transfer.

- (1) A notice referred to in regulation 25 shall be in Form 3 in the *Second Schedule*, and shall contain a statement of the grounds upon which the person seeks the transfer of the registration.
- (2) If registration is claimed by a person who claims to be the creator of the layout-design or its rightful owner on other grounds, notice of such claim for transfer shall make reference to the date of the *Gazette* in which the layout-design was advertised and shall be accompanied by a duplicate where delivered in writing, which the Registrar will forthwith send to the registrant.
- (3) If sent electronically, the Registrar will forthwith forward an electronic copy to the registrant.

26. Counter-statement.

- (1) Within two months from the receipt of a notice of claim to ownership the registrant shall send to the Registrar a counter-statement in Form 4 of the *Second Schedule* setting out —
 - (a) the grounds on which he relies as supporting his rights of ownership to the registration;
 - (b) what facts, if any, alleged in the notice of claim for transfer are admitted.
- (2) The counter-statement shall be accompanied by a duplicate if delivered in writing, and the Registrar will forthwith send to the claimant seeking transfer.
- (3) If the counter-statement is sent electronically, the Registrar will forthwith forward an electronic copy of the counter-statement to the claimant.

27. Claimant's evidence.

Within four months of receipt of such counter-statement by the registrant, the claimant shall file at the Office such evidence by way of declaration as may be

desired to adduce in support of the right of ownership and shall deliver to the registrant copies thereof.

28. Registrant's evidence.

If a claimant files no evidence, the claimant shall be deemed to have abandoned the challenge to the ownership of the registration. If the claimant files evidence, then within four months from the receipt of the copies of declarations, the registrant shall file at the Office such evidence by way of declaration as may be desired to adduce in support of the right of ownership and shall deliver to the claimant copies thereof.

29. Additional support for transfer.

Within one month from the receipt by the claimant of the copies of the registrant's declarations, the claimant may leave at the Office evidence by declaration in reply, and shall deliver to the registrant copies thereof. Such evidence shall be confined to matters strictly in reply.

30. Further evidence.

In any proceedings before the Registrar, the Registrar may at any time give leave to either the registrant or the claimant to file any further evidence upon such terms as to costs or otherwise as the Registrar may think fit.

31. Exhibits.

- (1) Where there are exhibits to declarations filed in a proceeding seeking the transfer of the registration, copies of such exhibits shall be sent to the other party upon request, or, if such copies cannot conveniently be furnished, the originals shall be sent to the Office, so that they may be open to inspection.
- (2) The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

32. Request for Hearing.

- (1) Upon completion of the evidence as signalled by the Registrar with a written notice that no further evidence may be filed in the proceedings, either party may make a request within one month that the Registrar issue a notice to the parties of a date for hearing the arguments in the case.
- (2) Such hearing date shall be set for a date at least one month after the date of the request, unless the parties consent to a shorter notice.
- (3) The request for a hearing shall be made on Form 5 in the *Second Schedule*.

- (4) A party who receives a hearing notice from the Registrar must, within 10 days from the receipt thereof, give notice on Form 6 in the *Second Schedule* of an intention to appear, or will be treated as not desiring to be heard and the Registrar may act accordingly.

33. Extensions of time.

Where in ownership transfer proceedings any extension of time is granted to any party, the Registrar may thereafter, as the Registrar deems fit, without giving the said party a hearing, grant any reasonable extension of time to the other party in which to take any subsequent step.

34. Security for costs.

Where a party requests a hearing, the Registrar may call upon the party to give a security in such form as the Registrar may deem sufficient for the costs of the proceedings before the Registrar, for such amount as the Registrar may determine, and at any stage in such claim for transfer may require further security to be given at any time before giving a decision in the case.

PART V - REGISTRATION

35. Entry on the Register.

- (1) Upon the expiration of two months from the date of the advertisement in the *Gazette* of any application, the Registrar shall, subject to any claim for transfer and the determination thereof, and upon payment of the prescribed fee, enter the layout-design on the Register.
- (2) The entry of a layout-design on the Register shall give the date of the registration, and such other particulars as the Registrar may deem necessary.

36. Certificate of registration.

Upon the registration of a layout-design the Registrar shall issue to the applicant a certificate of registration in the Form 7 in the *Second Schedule*.

37. Amendments.

Any document or drawing or other representation in respect of a layout-design may be amended, and any irregularity in procedure which in the opinion of the Registrar may be obviated without detriment to the interests of any person may be corrected, if the Registrar deems fit, and on such terms as the Registrar may direct.

38. Registered licensee.

Any license granted in respect of a registered layout-design shall be the subject of an application for registration of the licensee for recordal on the Register in Form 8 in the *Second Schedule*.

PART VI - TIME CALCULATIONS

39. Extension of time for doing act or commencing proceedings.

The time prescribed by these Regulations for doing any act, or taking any proceeding thereunder may be extended by the Registrar, or as appropriate, by the Court, if deemed fit, and upon such notice to other parties, and proceedings thereon, and upon such terms, as the Registrar or the Court may direct, and such extension may be granted though the time has expired for doing such act or taking such proceeding.

40. Public holidays.

Whenever the last day fixed by the said Act, or by these Regulations, for leaving any document or paying any fee at the Office shall fall on Christmas Day, Good Friday, or on a Saturday or Sunday, or any day observed as a public holiday, or any day observed as a day of public fast or thanksgiving, or shall be a day on which the Office shall not be open to the public herein referred to as excluded days, it shall be lawful to leave such document or to pay such fee on the day next following such excluded day, or days if two or more of them occur consecutively.

41. Late fees.

- (1) Where a time for paying a fee is limited by these Regulations and the person who is bound to pay such fee cannot reasonably pay the fee on the date limited by the Regulation due to unforeseen circumstances, the Registrar, if satisfied that the omission to pay the fee has not been from any want of diligence on the part of the person whose business it is to pay it, may accept the fee even though the date for paying the fee has passed, and treat it as if received on the correct date, provided always that the fee is actually paid with such promptitude as can be expected in the circumstances.
- (2) The Registrar may impose a late fee charge in such cases.

PART VII - EVIDENCE

42. Declarations.

The declarations required by the said Act and these Regulations, or used in any proceedings thereunder, shall be made and subscribed —

- (a) in The Bahamas, before any justice of the peace, magistrate, notary public, the Registrar or other officer by law authorised to administer an oath for the purpose of any legal proceeding;
- (b) in the United Kingdom, before any justice of the peace, or any commissioner or other officer authorised by law in any part of the United Kingdom to administer an oath for the purpose of any legal proceeding;
- (c) in any other part of the Commonwealth, before any court, judge, justice of the peace, or any officer authorised by law to administer an oath there for the purpose of a legal proceeding; and
- (d) if made out of the Commonwealth, before a British minister, or person exercising the functions of a British minister or a consul, vice-consul, or other person exercising the functions of a British consul, or a notary public, or before a judge or magistrate.

43. Seal or signature.

- (1) Any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal or signature of any person hereby authorised to take such declaration in testimony of such declaration having been made and subscribed, may be admitted by the Registrar without proof of the genuineness of any such seal or signature, or of the official character of such person or authority to take such declaration.
- (2) The Registrar may accept electronic signatures but is not obligated to do so.

PART VIII - APPEALS AND ORDERS

44. Appeals to Court.

When any person intends to appeal to the court, no such appeal shall be entertained unless notice of motion be given within one month from the date of the decision appealed against or within such further time as the Registrar shall allow.

45. Order of the Court.

- (1) Where an order has been made by the court in any case under the said Act, the person in whose favour such order has been made, or such one of them, if more than one, as the Registrar may direct, shall forthwith leave at the Office a copy of such order.
- (2) The Register may, if necessary, thereupon be rectified or altered by the Registrar.

46. Service on Registrar.

Every application to the court under the said Act shall be served on the Registrar.

47. Publication orders.

Whenever an order is made by the court under the said Act, the Registrar may, if the Registrar thinks that such order should be made public, publish it in the *Gazette*.

48. Publication of cancellation.

Any decision by the court to cancel a registration of a layout design or part thereof shall be published in the *Gazette* by the Registrar.

FIRST SCHEDULE

(Regulations 3 and 4)

INDEX OF FORMS AND FEES

Form	Number of Form	Associated Fees
Authorisation of Agent	1	\$25.00
Application for registration of layout-design	2	\$250.00
Claim for transfer of layout-design registration	3	\$50.00
Counter-statement to support ownership of registration	4	\$50.00
Request for oral hearing of claim for transfer	5	\$50.00
Notice of appearance for oral hearing	6	
Certificate of registration of a layout-design	7	\$10.00
Application for recordal of licensee of registration	8	\$50.00
Recordal of change of address		\$20.00
Late filing fee charge		\$75.00
Registration of layout-design		\$150.00
Request for corrections to error		\$10.00

SECOND SCHEDULE

FORM 1
(Regulation 10)

INTEGRATED CIRCUITS ACT

FORM OF AUTHORISATION OF AGENT

Sir/Madam,

I have appointed.....
of to
act as my Agent for

Address

Dated the day of, 20

To the Registrar,

Intellectual Property Office,
Nassau, Bahamas.

FORM 2
(Regulation 14)

INTEGRATED CIRCUITS ACT

APPLICATION FOR REGISTRATION OF LAYOUT-DESIGN

Application is hereby made for registration of the layout-design depicted as attached and identified as:

[set out layout-design name to identify drawings]

in respect of an application for registration of the attached layout-design attached hereto and identified asin the name of

[Name, Address, Nationality]

.....

..... trading as

..... who claims to be the proprietor thereof.

(a) the commercial exploitation of the layout-design first commenced on:
.....[date] at the following geographical location:
.....[location]

the goods to which the layout-design applies are:

.....

OR -

(b) the applicant confirms that the layout-design has not previously been commercially exploited anywhere in the world.

the specific electronic function which the layout-design is intended to be used for are:

.....

[include drawing and specification showing in sufficient detail the specific characteristics of the layout-design and any other prescribed particulars to demonstrate the electronic function that the integrated circuit is intended to perform]

(Signed)

.....

Dated the day of, 20

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 3
(Regulation 25)

INTEGRATED CIRCUITS ACT

CLAIM FOR TRANSFER OF REGISTRATION

(To be accompanied by a duplicate in writing)

In the matter of an application for registration,

No. by.....

of

I,

hereby give notice of my intention to seek the transfer of the registration of the layout-design advertised under the above number for in the *Gazette* of the day of, 20,

No., page

The grounds of rightful ownership are as follows —

[set out in numbered paragraphs the allegations relied upon as grounds for transfer of ownership of the layout-design]

(Signed)

Dated the day of, 20.....

Address for service —

To the Registrar,

Intellectual Property Office,

Nassau, Bahamas.

FORM 4
(Regulation 26)

INTEGRATED CIRCUITS ACT

COUNTER-STATEMENT TO SUPPORT OWNERSHIP OF REGISTRATION

(To be accompanied by a duplicate in writing)

In the matter of a claim seeking to transfer ownership,
No., to application for registration
No.

I, the applicant/registrant for the
above layout-design, hereby give notice that the following are the
grounds on which I rely as supporting my application and entitlement to
ownership —

I admit the following allegations in the notice of claim —

*[set out in numbered paragraphs the allegations relied upon by applicant to
refute grounds for transfer of ownership of layout-design]*

(Signed)

Dated the day of, 20.....

To the Registrar,
Intellectual Property Office,
Nassau, Bahamas.

FORM 5
(Regulation 32)

INTEGRATED CIRCUITS ACT

REQUEST FOR HEARING IN TRANSFER PROCEEDING

Registrar,

In view of completion of the filing of evidence pursuant to Regulation 32 as noted by the Registrar's letter dated, the registrant/claimant..... requests that the Registrar provide an opportunity to be heard at an oral hearing on which you will hear the arguments in the case of opposition No. to application/registration No.,

Signed this day of, 20

Yours truly,

To the Registrar,
Intellectual Property Office,
Nassau, Bahamas.

FORM 6
(Regulation 32)

INTEGRATED CIRCUITS ACT

NOTICE OF APPEARANCE AT HEARING IN TRANSFER PROCEEDING

Registrar,

In reply to your notice dated the
giving
of
a date on which you will hear the arguments in the case of the claim for
transfer of ownership No. to application/registration No.
.....,

I the applicant/claimant intends to appear before you on the date
you have fixed, namely the day of, 20

Yours truly,

To the Registrar,
Intellectual Property Office,
Nassau, Bahamas.

FORM 7
(Regulation 36)

INTEGRATED CIRCUITS ACT

CERTIFICATE OF REGISTRATION

To

I hereby certify, pursuant to regulation 36 of the Integrated Circuit Regulations, that the layout-design in your application No. was duly advertised in the *Gazette* and has been registered in your name as

This Certificate of Registration shall be valid and in force for a period of 10 years from the date of first commercial exploitation of
[date]

OR

This Certificate

Witness my hand this
..... day of
20

Registrar.

FORM 8
(Regulation 38)

INTEGRATED CIRCUITS ACT
NOTICE OF APPLICATION TO RECORD LICENSEE

Registrar,

In the matter of the registration of layout-design identified by the
title bearing Registration No.....,

I the registrant/licensee hereby confirms that the
licensee..... has entered into a licence agreement with the owner
of the aforesaid layout-design and consents to the publication and recordal of the
licence as against the said registration, which licence was entered into
the day of, 20

A copy of the license agreement entered into by the parties is attached hereto as
Schedule "A"

OR –

The particulars of the licence agreement are as follows:
.....[insert particulars of licence, including
but not limited to, the effective date, the name of licensee, the duration or term of
licence, the particulars of any termination provisions and purpose of licence grant]

Dated this day of, 20

Yours truly,

To the Registrar,
Intellectual Property Office,
Nassau, Bahamas.

Made this day of 2023

**MINISTER WITH RESPONSIBILITY FOR INTEGRATED CIRCUITS
AND LAYOUT DESIGNS**