

BELIZE INTELLECTUAL PROPERTY OFFICE



Hague Membership: Experience Sharing

12th July, 2021



LEGAL FRAMEWORK

Domestic Legislation:

Industrial Designs Act Chapter 254 Revised Edition 2011



Domestic Legislation

Definition:

“any composition of lines or colours or any three dimensional form, or any material whether or not associated with lines or colours, which gives a special appearance to a product of industry or handicraft and can serve as a pattern for a product of industry or handicraft and appeals to, and is judged, by the eye; provided that it does not consist of anything which serves to obtain a technical result and leaves no freedom as regards arbitrary features of appearance;”



REGISTRABLE INDUSTRIAL DESIGNS:

- ❖ Must be new
- ❖ The commercial exploitation must not be contrary to public order or morality



EXAMINATION OF APPLICATIONS:

- ❖ Application forms are complete and necessary documents attached;
 - drawing, photographs or other adequate graphic representation of the design;
 - an indication of the kind of product for which the design is applied for, using the Locarno Classification which is used for the purposes of the registration of industrial designs.



EXAMINATION OF APPLICATIONS:

- If the application is in respect of two or more designs, the designs must fall under the same class of International Classification or to the same set or composition of articles;
- statement from the creator if the applicant is not the creator;
- if the Applicant is claiming priority, the application must contain a declaration of priority.



EXAMINATION OF APPLICATIONS:

- ❖ it complies with the definition of a design under the Act;
- ❖ the prescribed application fee has been paid; and
- ❖ the industrial design is not contrary to public order or morality;



REGISTRATION OF DESIGN

- ❖ No grounds in Act to refuse an application once the Registrar determines that it has met all the requirements
- ❖ Notice of accepted application published once in the online Intellectual Property Journal
- ❖ Issuance of Certificate of Registration



Duration of Protection:

Five years from the filing date of the application for registration but may be renewed for two further consecutive periods of five years.



Invalidation of Registration of a Registered Design

- ❖ Application for invalidation must be made to the Court.
- ❖ Grounds for Invalidation:
 - (i) the design is not new;
 - (ii) the applicant for registration is not the owner or his successor in title;
 - (iii) the application was made with the intention of defrauding the owner; or
 - (iv) any other ground on which the Registrar could have refused to register the design.



Publication of Invalidation

The Registrar of the Supreme Court notifies the Registrar of Intellectual Property of the decision of the Court to invalidate a design and the Registrar publishes a reference of the Court decision to invalidate in the Journal as soon as possible.



Appeals

Any person who has been aggrieved by a decision of the Registrar under the Act may, within two months of that decision, appeal to the Court.



Application of Treaties

The provisions of any international treaty in respect of industrial property to which Belize is party shall apply to this act and matters dealt with herein, and where there is any conflict, the provisions of the treaty shall prevail.



Treaties

- The Hague system for the registration of Industrial Designs is comprised of two International treaties:
- Treaties:
- ❖ The Hague Act (1960) - Belize entry into force: July 12, 2003
- ❖ The Geneva Act (1999) – Belize entry into force: February 9, 2019



Simplified Process

- A simplified process for the protection of a design in multiple jurisdictions.
- It is also a simplified process for the subsequent management of international registrations



One Application to the IDB

- The applications are all handled through a single office (the IB) and all future amendments to the registrations and renewals, are the responsibility of that single office (the IB).



Advantages

- It eases the applicant of the burden of having to apply to multiple IP offices, and to deal with different formalities in respect to applications for registration, amendments, renewals and recordals, in different languages, and paying varying fees that would involve purchasing several currency denominations.



Our Experience

- the office is not burdened with the task of having to do formal examination, as well as data entry, publication, the preparation and issuance of a registration certificate, since these are all the responsibility of the International Bureau.



Payment of Fees to the Office

- Fees are paid on a monthly basis directly into the Government of Belize Account.



Applications/registrations/renewals

Year	Applications	Registrations	Renewals
2015	212	207	204
2016	93	81	120
2017	94	96	122
2018	54	42	254
2019	103	87	243
2020	82	80	257



THANK YOU!