

BELIZE INTELLECTUAL PROPERTY OFFICE



Exchange of good practices for design examiners

26th February, 2021



LEGAL FRAMEWORK

Domestic Legislation:

- ❖ Industrial Designs Act Chapter 254 Revised Edition 2011

Treaties:

- ❖ The Hague Act (1960)- Entry into Force: July 12, 2003
- ❖ The Geneva Act (1999)- Entry into Force: February 9, 2019



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 of 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.



THANK YOU!