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Barbados Industrial Designs

Erica K. Smith

Director, IP
27 October 2026

Legislative framework

Chapter 309A

Industrial Designs Act, 1981-57
Amended up to Act 2006-2

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Presentation

Roadmap

1. Legislative Framework
2. TRIPS Compliance Assessment
3. Hague Agreement Considerations
4. Industrial Designs and Economic Development
5. Legislative Reform Priorities

TRIPS compliance

A foundation for conventional design protection

The principal provisions broadly align with the minimum standards in TRIPS.

Updating is needed for the Hague system, digital administration and contemporary design activity.

TRIPS compliance: principal provisions

Sections 4, 6, 9 and 11	Protection of independently created designs through the Act's novelty requirements
Section 8(b)	Excludes rights over features serving only to obtain a technical result
Section 5	Covers reproduction in manufacture, importation, sale, offers for sale and stocking
Section 8	Preserves copyright rights

TRIPS compliance: treatment and priority

Treatment of WTO nationals

Section 47 authorises reciprocal treatment. Protection owed to eligible WTO nationals must not depend on discretionary reciprocity.

Priority claims

Section 16 refers to Paris Convention countries. The legal framework should clearly accommodate WTO members, including those outside the Paris Convention.

Hague accession: areas for adaptation

International effect	Sections 12 and 19 contemplate national application and registration
Formalities	Section 12 requires national filing particulars, a local address for service and powers of attorney where agents file
Refusals	Sections 17–18 establish domestic examination procedures
Renewal	Section 26 provides an initial ten-year period and a five-year renewal

Industrial design filings, 2014–2025

37

Industrial design applications

24

Local applications

Industrial designs for economic development

Online disclosure and novelty

Disclosure before filing can jeopardise registration

Section 11 establishes worldwide novelty.

Its express disclosure exception is confined to an appearance within six months at an officially recognised exhibition.

The definition of design

Section 4

Lines, colours and three-dimensional forms giving a special appearance to products of industry or handicraft.

Packaging, furniture, jewellery, fashion and craft products

Questions for contemporary design protection

Graphical user interfaces and icons
Animated designs and transitions

Designs applied to part of a product
Virtual products and non-physical appearances

Examination and filing requirements

Substantive examination

Section 18(4) operates only if the Minister makes an order, and only to the extent specified in that order.

Completeness and filing dates

Section 17(4) requires applications to be complete and regular as to form. The Act does not clearly separate minimum filing-date requirements from curable deficiencies, creating potential consequences for priority.

Publication and commercial launch

No clear applicant-controlled deferment mechanism

For fashion, packaging and product development, early disclosure can reveal a design before its commercial launch.

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