

CAYMAN ISLANDS



Design Rights Registration Law, 2016

DESIGN RIGHTS REGISTRATION REGULATIONS, 2017

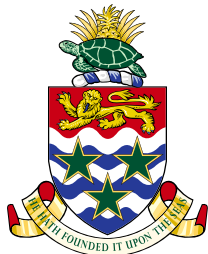
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Arrangement of Regulations

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CAYMAN ISLANDS**Design Rights Registration Law, 2016****DESIGN RIGHTS REGISTRATION
REGULATIONS, 2017
(SL 48 of 2017)**

In exercise of the powers conferred by section 21 of the Design Rights Law, 2016 [*Law 29 of 2016*], Cabinet makes the following Regulations —

Citation and commencement

1. (1) These Regulations may be cited as the Design Rights Registration Regulations, 2017.
- (2) These Regulations come into force immediately after the Law comes into force.

Registers

2. (1) There shall be maintained in the Registry —
 - (a) a register of recorded design rights, inactive design rights and expired design rights; and
 - (b) a register of registered agents.
- (2) The registers referred to in paragraph (1) need not be kept in documentary form.

Destruction of items

3. Expired design rights shall be destroyed seven years after recording them or two years after receipt or despatch of any correspondence relating to them, whichever is later.

Content of Register entries

4. (1) An entry of a design right in the Register shall include —
- (a) the name and address of the owner;
 - (b) the name and address of the registered agent of the owner;
 - (c) the effective date of extension of the right to the Islands;
 - (d) a reference to the particulars of the grant or registration sufficient to identify the design right in a positive manner;
 - (e) the expiry date of the protection afforded by the recording; and
 - (f) a short descriptive headline.
- (2) An entry in the register of registered agents shall include the name and address of the registered agent.

Registered agents

5. (1) An applicant who wishes to be recognised as a registered agent for design rights under section 5 of the Law shall apply to be recognised as a registered agent for design rights, patents and trade marks.
- (2) The Registrar shall not accept an application to be recognised as a registered agent for design rights only.
- (3) Upon approval of the application, the Registrar shall enter the name of the registered agent on the register of agents.
- (4) Where an applicant, other than a firm of attorneys-at-law, applies to be recognised as a registered agent, the Registrar shall consider whether the applicant —
- (a) is a fit and proper person to act as a registered agent; and
 - (b) has the relevant experience or qualifications to so act,
- and if so satisfied, the Registrar shall enter the name of the applicant on the register of agents.
- (5) In determining whether a person is a fit and proper person under paragraph (4), the Registrar shall have regard to all circumstances, including the person's —
- (a) honesty, integrity and reputation;
 - (b) competence and capability; and
 - (c) financial soundness.
- (6) Any person or firm of attorneys-at-law whose name is entered on the register of agents shall be registered as an agent in the Islands for design rights, trade marks and patents.



Fees

6. (1) Subject to paragraph (2), a registered agent shall, on or before the 31st March each year, pay the registered agent annual fee prescribed in the Schedule to the Law.
- (2) The requirement to pay the annual fee referred to in paragraph (1) does not apply to a registered agent who has paid the annual fee as required by the *Patents Law, 2011 [Law 30 of 2011]* or the *Trade Marks Law, 2016 [Law 31 of 2016]*.
- (3) The Registrar may notify the registered agent of the annual fee payable by the registered agent on or before the 31st of January based upon the number of design rights recorded as attributable to the registered agent which were registered as at 31st December of the prior year.
- (4) Any registered agent who defaults in paying the registered agent annual fee shall pay, in addition to the annual fee, a penalty of —
- (a) 33.33% of the annual fee referred to in paragraph (1), if the fee and penalty are paid between the 1st April and the 30th June;
- (b) 66.67% of the annual fee referred to in paragraph (1), if the fee and penalty are paid between the 1st July and the 30th September; and
- (c) 100% of the annual fee referred to in paragraph (1), if the fee and penalty are paid between the 1st October and the 31st December.
- (5) A registered agent who has been removed from the register of agents shall, in order to be re-instated in the register of agents, reapply to be recognised as a registered agent and pay the annual fee referred to in paragraph (1).

Notification of appointment as a registered agent

7. (1) A registered agent shall, upon appointment by the owner of a design right, notify the Registrar and any prior registered agent appointed by the owner of the design right and the Registrar shall duly record the fact of that appointment in the Registry's records.
- (2) The Registrar may require evidence of appointment from a registered agent.

Prints to accompany application for extension of design rights

8. An application for the extension of a design right under section 6 of the Law shall be accompanied by a clear print of the design right which may be a clear print of the design right downloaded from the websites of any of the Intellectual Property Offices of the United Kingdom, of the European Union Intellectual Property Office or of the World Intellectual Property Organisation.

Litigation

9. Where any litigation is instituted in the Grand Court in relation to a design right, an extension of which is recorded or intended to be recorded in the Register, copies of all process shall be served upon the Registrar, whether or not the Registrar is a party, and shall continue to be so served until the Registrar gives notice to the parties that such service is no longer required.

Forms

10. The Registrar may prescribe forms to be used —
- (a) to apply for the extension of a design right under section 6 of the Law;
 - (b) to apply to be recognised as a registered agent under section 5 of the Law;
 - (c) for certificates of registration issued under section 7 of the Law;
 - (d) to pay the annual fee in respect of a recorded entry under section 11 of the Law;
 - (e) to apply for the recording of a change of particulars of a recorded design right under section 12 of the Law; and
 - (f) to apply for the recording of a renewal of a recorded design right under section 13 of the Law.

Practice Directions

11. (1) The Registrar may issue Practice Directions to registered agents for the purpose of —
- (a) supplementing or clarifying these Regulations, but no Practice Direction shall revoke or vary any of these Regulations; and
 - (b) providing for the practice and procedure of the Registry in respect of any matter not governed by the Law or these Regulations.
- (2) A Practice Direction issued pursuant to these Regulations shall be published in the Gazette.

Made in Cabinet the 17th day of May, 2017.

Kim Bullings
Clerk of the Cabinet

