



Tonga

**PROTECTION OF LAYOUT DESIGNS
(TOPOGRAPHIES) OF INTEGRATED
CIRCUITS REGULATIONS**

Chapter 17.13.01

2020 Revised Edition



PROTECTION OF LAYOUT DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS REGULATIONS

Arrangement of Regulations

Regulation

1	Short title.....	5
2	Interpretation.....	5
3	Fees	5
4	Form.....	6
5	Language of documents	6
6	Signatures by partnerships, companies and associations	6
7	Representation	6
8	Application for registration.....	6
9	Withdrawals	6
10	Marking application.....	7
11	Notification	7
12	Registration.....	7
13	Entries in register	7
14	Changes in ownership.....	8
15	Correction of errors.....	8
16	Publication in the gazette.....	8

SCHEDULE I **9**

FEES	9
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SCHEDULE II **10**

FORM 1	10
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APPLICATION FOR REGISTRATION OF LAYOUT DESIGN	10
FORM 2	13
CERTIFICATE OF REGISTRATION OF LAYOUT-DESIGN	13
FORM 3	14
RECORD OF CHANGE IN OWNERSHIP	14
ENDNOTES	16



PROTECTION OF LAYOUT DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS REGULATIONS

*Made under section 21 of the Protection of Layout-Designs (Topographies) of
Integrated Circuits Act*

Commencement [8th December 2009]¹

1 Short title

These Regulations may be cited as the Layout-Designs (Topographies) of Integrated Circuits Regulations.

2 Interpretation

In these Regulations, unless the context otherwise requires:

“**Act**” means the Layout-Designs (Topographies) of Integrated Circuits Act 2002;

“**Agent**” means a law practitioner resident or having a place of business in the Kingdom representing the applicant; and

“**Registrar**” means the Registrar for Industrial Property.

“**Fees**” the fees to be paid in respect of matter arising under the Act or these Regulations shall be those specified in Schedule I.

3 Fees

The fees to be paid in respect of the matters arising under the Act or these Regulations shall be those specified in Schedule 1.

4 Form

- (1) The forms referred to in these Regulations are those set out in Schedule II.
- (2) The Registrar shall furnish copies of the printed forms free of charge.

5 Language of documents

Any document forming part of an application or submitted to the Registrar pursuant to the Act or these Regulations and which is in the Tongan language or any language other than English shall be accompanied by an English translation.

6 Signatures by partnerships, companies and associations

- (1) A document purporting to be signed for or on behalf of a:
 - (a) partnership shall contain the names of all the partners in full and shall be signed by all the partners or by any partner qualified to sign, stating that the signs of behalf of the partnership, or by any other person who satisfies the Registrar that he is authorized to sign the document;
 - (b) body corporate shall be signed by a director or by the secretary or other principal officer of the body corporate, or by any other person who satisfies the Registrar that the he is authorized to sign the document and shall bear the seal of the body corporate; or
 - (c) association of persons may be signed by any person who satisfies the Registrar that he is duly authorized.
- (2) The Registrar may, whenever he deems it necessary, request evidence of authorization to sign.

7 Representation

- (1) The appointment of an Agent shall be by power of attorney which shall be signed by the applicant or, if there are more than one, by each applicant.
- (2) The power of attorney shall be filed together with the application.

8 Application for registration

The application for the registration of a layout-design shall be made in the form set out in Form 1.

9 Withdrawals

- (1) The application may be withdraw by written declaration submitted to the Registrar.

- (2) The application fees shall not be refunded if the application is withdrawn.

10 Marking application

- (1) The Registrar shall, upon receipt mark on each document making up the application:
 - (a) the actual date of receipt; and
 - (b) the application number consisting of the letters TO, stroke, the letter LD, stroke, the last two digits of the year in which the initial papers were received, stroke, and a five-digit number allotted in the sequential order in which applications are received.
- (2) The Registrar shall mark any corrections or other later filed documents received on different dates, their actual date of receipt in the appropriate place in Form 1.
- (3) The application number allotted under sub-regulation (1) shall be quoted in all communications concerning the application.

11 Notification

- (1) The Registrar shall examine all applications in accordance with the Act.
- (2) The Registrar shall notify the applicant, in writing, of his decision to grant or to refuse the application and in the case of a decision to grant the application, he shall require the applicant to pay the prescribed fee within one month from the date of the notification.

12 Registration

The certificate of registration of a layout-design shall be issued in the form set out in Form 2.

13 Entries in register

The Registrar shall enter in the register in respect of every layout-design, in addition to the information required under section 10 of the Act:

- (a) the address for service;
- (b) the date on which the layout-design registration expired, was surrendered or cancelled;
- (c) any change in name or address;
- (d) any change in address for service or ownership; and
- (e) upon payment of the prescribed fee, a reference to a licence contract which has been concluded and recorded under section 12(2) of the Act.

14 Changes in ownership

A request made under section 12 of the Act shall be made to the Registrar in the form set out in Form 3 and shall be accompanied by the prescribed fee.

15 Correction of errors

- (1) The Registrar may correct any error of translation or transcription, clerical error or mistake in any application or document filed, or in any matter recorded pursuant to the Act or these Regulations.
- (2) Corrections of errors may be made by the Registrar on his own initiative, or upon receipt of a request in writing and accompanied by the prescribed fee.
- (3) Corrections made shall be communicated in writing to all interested persons, and, where considered necessary, shall be published by the Registrar.

16 Publication in the gazette

Particulars of layout-designs of integrated circuits and other proceedings under the Act and any other information required to be published under the Act or these Regulations shall be published in the Gazette.

SCHEDULE I

(Regulation 3)

FEEES

Matter of Proceedings	Amount of fee	Form
Application Fee (Section 9(5))	\$100	Form 1
Correction of application in order to comply with requirements for according filing date (Section 9)	\$40	
Registration and Publication Fee (Section 10; Regulations 11(2))	\$100	
Request for recordal of change of ownership (Section 12; Regulation 14)	\$50	Form 3
Submission of licence contract for recordal (Section 12; Regulation 13(e))	\$50	
Inspection of Register (Section 10)	\$10	
Certified copies of documents (per page) \$5.00 (Section 10(4))	\$5	
Request for correction of error (Regulation 15)	\$40	

SCHEDULE II**FORM 1**

Protection of Layout-Designs (Topographies) of Integrated Circuits Act 2002
(Section 21)

APPLICATION FOR REGISTRATION OF LAYOUT DESIGN

(Regulation 8 and 10(2))

Intellectual Property Office, Tonga	
To: The Registrar [Address]	For Official Use Date of Receipt by Intellectual Property Office: APPLICATION No.: (Office Stamp) FILING DATE: Applicant's or Representative's File Reference:
THE APPLICATION(S) REQUEST(S) THAT THE FOLLOWING LAYOUT-DESIGN BE REGISTERED:	
1. APPLICANT(S)* Additional information is contained in supplemental box <input type="checkbox"/> Name: Address: Nationality: Country of residence or Principal place of business: Tel No.: Telegraphic Address: Telex No.: Fax No.:	
Address for Service in Tonga*	
II. AGENT	

The following Agent has been appointed by the applicant(s) in the power of Attorney
Accompanying this Form

Name:

Address:

Tel. No.: Telegraphic Address: Telex No.: Fax No:

III. REPRESENTATIONS OF THE LAYOUT-DESIGN

This Form is accompanied by:

- four **copies** ** of the layout-design;
- four **copies** ** of the layout-design allowing the identification of the layout-design, whereby such parts of the copies that relate to the manner of the manufacture of the integrated circuit have been omitted in accordance with Section 9;
- four **drawings** ** of the layout-design;
- four **drawings** ** of the layout-design allowing the identification of the layout-design, whereby such parts of the drawings which relate to the manner of manufacture of the integrated circuit have been omitted in accordance with Section 9.

IV. DESIGNATION

.....
.....

(Title of the layout-design indicating, pursuant to Rule 9(4), the matter to which it relates or the field to which the article in which it is intended to be incorporated or has been incorporated, relates).

V. CREATOR

Additional information is contained in supplemental box

- If the creator is the applicant
If the creator is not the applicant

Name:
 Address:

The statement accompanying the applicant’s right accompanies this form.

VI. COMMERCIAL EXPLOITATION

The layout design has already been commercially exploited in

 (date of first commercial exploitation)

The layout design has not yet been commercially exploited anywhere in the world

VII. FEES

Fees accompany this form

VIII. SUPPLEMENTAL BOX*

IX. SIGNATURES

.....(Applicant(s)/Agent**) (Date)
(Applicant(s)/Agent**) (Date)

2. Use this box if any of the boxes is not large enough to contain information to be furnished. Indicate the boxes continued is this box by their Roman numerals and title.

** Type name(s) under signature and delete whichever does not apply.

TO BE FILLED IN BY THE CONTROLLER

1. Date application received.

2. Date of receipt of corrections and later filled paper completing the Application

3. Date fees received:

FORM 2

*PROTECTION OF LAYOUT-DESIGNS (TOPOGRAPHIES) OF
INTEGRATED CIRCUITS ACT 2002*

(Section 21)

CERTIFICATE OF REGISTRATION OF LAYOUT-DESIGN

*(Layout-Designs (Topographies) of Integrated Circuits Regulations 2009 –
Regulation 12)*

INTELLECTUAL PROPERTY OFFICE, TONGA

In accordance with Regulation 12, it is hereby certify that a layout-design
Having the registration No..... has been
registered for

Name:

Address:

on (Date)

in respect of a layout-design disclosed in an application for registration
of that layout-design, having the following:

filing date :

date of first commercial exploitation:

being a layout-design for :

(Title)

Created by:

Name:

Address:

A drawing of the layout-design accompanies this Certificate.

Date:

Registrar

Country of residence or Principal place of business: Tel. No.: Telegraphic Address: Telex No.: Fax No.:
V. ADDITIONAL INFORMATION The following items accompany this Form: <input type="checkbox"/> The original or a certified copy of the document evidencing the change of ownership, signed by or on behalf of the contracting parties. <input type="checkbox"/> Other documents evidencing the change in ownership (specify) <input type="checkbox"/> Fees <input type="checkbox"/> Other (specify)
VI. SIGNATURES (New Applicant(s)/New Owner(s)/Agent**)(Date) (New Applicant(s)/New Owner(s)/Agent**)(Date) (Applicant(s)/Owner(s)/Agent**)(Date) (Applicant(s)/Owner(s)/Agent**)(Date)
* Delete whichever does not apply. ** Delete whichever does not apply and type name(s) under signature

ENDNOTES

¹ G.S 26 of 2009 dated 8 December 2009