

REPUBLIC OF VANUATU

DESIGNS ACT NO. 3 OF 2003

Arrangement of sections

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"corresponding design" means a design that:

- (a) when applied to an article, is a reproduction of an artistic work;
and
- (b) is not a design consisting solely of features of two-dimensional pattern or ornament that can be applied to a surface of an article;

“Court” means the Supreme Court;

“date of registration”, for the registration of a design, means the day from which the registration of the design is taken to have had effect under subsection 34(1) or (2);

“design” has the meaning given by section 2;

“expression of indigenous culture” means any way in which indigenous knowledge appears or is manifested, including:

- (a) material objects; and

“sale” includes hiring or offering or exposing for sale or hire;

“set of articles” has the meaning given by section 3;

“statement of monopoly”, for a design, means a statement about the representations of an article to which the design is applied that shows:

(a) the features of the representations for which the applicant claims a

- (i) the same design; or
 - (ii) a design that differs only in immaterial details or in features commonly used in the relevant trade from the design the other articles have.
- (3) A reference in this Act to an article includes a reference to:
 - (a) a set of articles; and
 - (b) each article in a set of articles ; and
 - (c) both a set of articles and each article in that set.

DEFINITION OF “PRIORITY DATE”

- 4. The priority date for the registration of a design for a particular article is:
 - (a) if the design is registered—the date of registration of the design for that article; or
 - (b) if the registration of the design is being sought—the day that would be the date of registration of the design for the article if the design were registered.



OWNERSHIP OF UNREGISTERED DESIGN

5. (1) This section deals with unregistered designs.
- (2) Subject to this section, the author of an unregistered design is the owner of the design.

- (b) is an obvious adaptation of a design that was registered, published or used in Vanuatu for another article before the priority date for the application for registration.
- (5) A design for an article that is primarily literary or artistic in character is not to be registered.
- (6) A design may be registered although the design consists of, or includes, features of shape or configuration that serve, or serve only, a functional purpose.

(b) without notice of any fraud on the part of the owner.

POWERS OF AUTHORISED USER OF REGISTERED DESIGN

APPLICATION FOR REGISTRATION

10. (1) The owner of a design may apply for the registration of the design.
- (2) Where 2 or more persons own interests in a design, all of the persons owning the interests, acting jointly, may apply for the registration of the design.
- (3) The application for registration:
 - (a) must be in accordance with the approved form and be filed with the Registrar; and
 - (b) must have with it three representations of an article to which the design is applied; and
 - (c) may have with it a statement of monopoly for the design.
- (4) The Registrar may ask the applicant to provide a statement of novelty for the design.
- (5) If the owner of a design wishes to register the design for more than one article, the owner must make a separate application for each article.
- (6) For the purposes of subsection (5), a set of articles is to be regarded as one article.

CONVENTION COUNTRY—PRIORITY OF APPLICATION

11. (1) If:
 - (a) a person has made an application for the registration of a design in one or more than one Convention country; and
 - (b) within 6 months after the day on which that application, or the first of those applications, was made, that person or the person's successor in title applies to the Registrar for the registration of the design;

- (3) If the Registrar is satisfied that:
 - (a) the application has not been made in accordance with this Act; or
 - (b) there are grounds for rejecting it;the Registrar must reject the application.
- (4) The Registrar must not reject an application without giving the applicant

the Registrar may revoke the acceptance of the application.

- (2) If the Registrar revokes the acceptance:
 - (a) the application is taken to have never been accepted; and
 - (b) the Registrar must examine the application as necessary under section 13; and
 - (c) sections 16 and 17 again apply to the application.

DESIGN LIKELY TO DECEIVE OR CAUSE CONFUSION

18. An application for the registration of a design must be rejected if the use of the design would be likely to deceive or cause confusion.

IDENTICAL . DESIGNS

19. (1) Subject to subsection (3), an application for the registration of a design (“applicant’s design”) must be rejected if:
 - (a) the applicant’s design is substantially identical with, or deceptively similar to:
 - (i) a design registered by another person; or
 - (ii) a design whose registration is being sought by another person; and
 - (b) the priority date for the registration of the applicant’s design is the same as or after the priority date for the registration of the other design.
- (2) If the Registrar is satisfied:
 - (a) that there has been honest concurrent use of the 2 designs; or
 - (b) that, because of other circumstances, it is proper to do so;

the Registrar may accept the application for the registration of the

- (3) If the Registrar is satisfied that the applicant, or the applicant and applicant's predecessor in title, have continuously used the applicant's design for a period:
- (a) beginning before the priority date for the registration of the other design; and
 - (b) ending on the priority date for the registration of the applicant's design;

the Registrar must not reject the application because of the existence of the other design.



OPPOSITION

20. (1) If the Registrar has accepted an application for the registration of a design, a person may oppose the registration by filing a notice of opposition.
- (2) The notice of opposition must be in the approved form and must be filed within 28 days after details of the application are published in the Gazette.
- (3) The opponent must serve a copy of the notice on the applicant.
- (4) The registration of a design may be opposed on any of the grounds specified in section 23, 24, 25 or 26 and on no other grounds.
- (5) If:
- (a) after a person has filed a notice of opposition, the right or interest on which the person relied to file the notice of opposition becomes vested in another person; and
 - (b) the other person notifies the Registrar in writing of this, and does not withdraw the opposition;

the opposition is to proceed as if the notice of opposition had been filed in that other person's name.

OPPOSITION PROCEEDINGS

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having regard to how far any ground of the opposition has been established.

REGISTRATION MAY BE OPPOSED ON SAME GROUNDS AS FOR REJECTION

23. The registration of a design may be opposed on any of the grounds on which an application for the registration of a design may be rejected.

APPLICANT DOES NOT OWN OR INTEND TO USE DESIGN

24. (1) The registration of a design may be opposed on the ground that the applicant is not the owner of the design.
- (2) The registration of a design may be opposed on the ground that the applicant does not intend:
- (a) to use, or authorise the use of, the design in Vanuatu; or
 - (b) to assign the design to a person for use by the person in Vanuatu.

DESIGN SIMILAR TO DESIGN USED IN VANUATU

25. The registration of a design (the “new design”) may be opposed on the ground that:
- (a) it is substantially identical to a design that had been used in Vanuatu before the priority date for the registration of the new design; and
 - (b) because of the reputation of that other design, the use of the new design would be likely to deceive or cause confusion.

APPLICATION DEFECTIVE

26. The registration of a design may be opposed on the ground that the Registrar accepted the application for registration on the basis of evidence or representations that were false in material particulars.



OBLIGATION TO REGISTER

31. (1) The Registrar must register a design that has been accepted for registration:
- (a) if there has been no opposition to the registration; or
 - (b) if there has been an opposition—if the Registrar’s decision, or (in the case of an appeal against the Registrar’s decision) the decision on appeal, is that the design should be registered.
- (2) On registering the design, the Registrar must give it a registration number to identify it.

REGISTRATION

32. (1) The design must be registered:
- (a) in the name of the applicant for registration; and
 - (b) subject to the conditions (if any) and the limitations (if any) imposed by the Registrar (or the Court, on appeal).

The Registrar must enter these particulars in the Register.

- (2) The Registrar must also enter in the Register:
- (a) a representation of the design; and
 - (b) its registration number; and
 - (c) any other particulars that are required by this Act to be entered in the Register.
- (3) If two or more persons applied together for the registration of the design, the applicants must be registered as joint owners of the design.

NOTIFICATION OF REGISTRATION

33. When a design has been registered, the Registrar must:

- (a) publish notice of registration in the Gazette; and
- (b) give the registered owner a certificate of registration in the approved form.

DATE AND TERM OF REGISTRATION

34. (1) Subject to subsection (2), the registration of a design is taken to have had effect from (and including) the filing date of the application for registration.
- (2) If:
- (a) the application was for a design whose registration had also been sought in one or more than one Convention country; and
 - (b) the applicant claimed a right of priority under section 11 for the registration of the design; and
 - (c) the design is registered under this Act;
- the registration of the design is taken to have had effect:
- (d) if an application to register the design was made in only one Convention country—from (and including) the day on which the application was made in that country; or
 - (e) if applications to register the design were made in more than one

- (4) Unless it is earlier cancelled, or the design is earlier removed from the Register, the registration of the design expires 10 years after the filing date of the application for its registration.

CEASING OF REGISTRATION

35. The registration of a design ceases if:
- (a) the design is removed from the Register under section 38 or 45; or
 - (b) the registration of the design is cancelled.

REQUEST FOR RENEWAL

36. (1) Any person may, within 3 months before the registration of a design expires, ask the Registrar to renew the registration.

RENEWAL WITHIN 3 MONTHS AFTER REGISTRATION EXPIRES

39. (1) If, within 3 months after the registration of a design has expired, a person asks the Registrar to renew the registration of the design, the Registrar must renew the registration of the design for 10 years from the day on which the registration expired.
- (2) The request must be in the approved form and be filed with the Registrar.
- (3) If:
- (a) the registration of a design (“unrenewed design”) has not been renewed; and
 - (b) within 3 months after the registration expired, an application for the registration of a design is made by a person other than the person who was registered as the owner of the unrenewed design;

the unrenewed design is taken to be a registered design for the purposes of the application.

CORRECTION OF REGISTER

40. (1) The Registrar may, on his or her own initiative, correct any error or omission made in entering in the Register any particular in respect of the registration of a design.
- (2) The Court may, on the application of an aggrieved person, order that the Register be rectified by:
- (a) entering in the Register particulars that were wrongly omitted from it; or
 - (b) correcting an error in an entry in the Register.
- (3) When the Registrar amends any information entered in the Register about a design, the Registrar may also amend the certificate of registration to ensure it reflects the information in the Register.

CANCELLATION OF REGISTRATION BY REGISTRAR

41. (1) The Registrar must cancel the registration of a design if the registered owner asks in writing that the registration be cancelled.
- (2) Before cancelling the registration of the design, the Registrar must notify:
- (a) any person recorded under section 56 as claiming a right or interest in the design; and
 - (b) if:
 - (i) an application has been made to the Registrar for the assignment or transmission of the design to a person to be recorded in the Register (see section 54); and

AMENDMENT OR CANCELLATION BY COURT

42. (1) The Court may, on the application of an aggrieved person, order that the Register be rectified by:
- (a) cancelling the registration of a design; or
 - (b) removing or amending any entry in the Register relating to the design;
- on the ground that a condition or limitation entered in the Register for the design has been contravened.
- (2) Subject to subsection (3) and section 43, the Court may, on the application of an aggrieved person, order that the Register be rectified by:
- (a) cancelling the registration of a design; or
 - (b) removing or amending an entry wrongly made on the Register; or
 - (c) entering any condition or limitation affecting the registration of a design that ought to be entered.
- (3) An application under subsection (2) may be made on any of the following grounds, and on no other grounds:
- (a) any of the grounds on which the registration of the design could have been opposed under Part 4; or
 - (b) that an amendment of the application for the registration of the design was obtained as a result of fraud or misrepresentation; or
 - (c) because of the circumstances applying at the time when the application for rectification is filed, the use of the design is likely to deceive or cause confusion for a reason other than one for which the application for the registration of the design could have been rejected under section 18 or 19; or
 - (d) if the application is about an entry in the Register—the entry was made, or has been previously amended, as a result of fraud or misrepresentation.

NO RECTIFICATION IF REGISTERED OWNER NOT AT FAULT

43. (1) The Court may decide not to grant an application for rectification made:
- (a) on the ground that the design is liable to deceive or confuse (a ground on which its registration could have been opposed, see paragraph 42(3)(a)); or
 - (b) on the ground referred to in paragraph 42(3)(c);
- if the registered owner of the design satisfies the Court that the ground relied on by the applicant has not arisen through any act or fault of the registered owner.
- (2) In making a decision under subsection (1), the Court may take into account any matter that the Court considers relevant.

DUTIES AND POWERS OF REGISTRAR

44. (1) A person applying to the Court under this Part must give notice of the application to the Registrar.
- (2) The Registrar may appear before the Court and be heard at his or her discretion.
- (3) The applicant must give to the Registrar a copy of any order made by the Court under this Part and the Registrar must comply with the order.

APPLICATION FOR REMOVAL FOR NON-USE

45. (1) A person aggrieved because a design is or may be registered but is not being used may make an application (“non-use application”) to the Registrar for the design to be removed from the Register.
- (2) A non-use application may be made on the ground that, on the day the application for the registration of the design was filed, the applicant for registration did not intend:

- (b) to authorise the use of the design in Vanuatu; or
- (c) to assign the design to a person for use by the person in Vanuatu;

and the registered owner has not used the design in Vanuatu at any time before the day on which the non-use application is filed.

- (3) A non-use application may also be made on the ground that:
 - (a) the design has remained registered for a continuous period of 3 years ending on the day on which the non-use application is filed; and
 - (b) the registered owner did not use the design in Vanuatu at any time during that period.
- (4) A non-use application may only be made on the grounds mentioned in subsections (2) and (3).

REFERRAL TO COURT

46. If:
- (a) an application to remove a design for non-use has been made to the Registrar; and
 - (b) the Registrar is of the opinion that the matter should be decided by the Court;

the Registrar may refer the matter to the Court and the Court may hear and determine the matter as if the application had been made to it.

NOTICE OF OPPOSITION

47. Any person may oppose an application under section 45 by filing a notice of opposition in the approved form with the Registrar or the Court, as the case requires.

REMOVAL OF DESIGN IF NON-USE APPLICATION UNOPPOSED

- (a) the application to the Registrar has not been withdrawn or dismissed; and
- (b) the Registrar is satisfied that the grounds on which the application was made have been established;

the Registrar may decide to remove the design from the Register.

- (2) Subject to subsection (3), if at the end of the proceedings the Court is satisfied that the grounds on which the application was made have been established, the Court may order the Registrar to remove the design from the Register.
- (3) If satisfied that it is reasonable to do so, the Registrar or the Court may decide that the design should not be removed from the Register even if the grounds on which the application was made have been established.
- (4) The Court must cause a copy of the order to be served on the Registrar and the Registrar must comply with the order.

CERTIFICATE—USE OF DESIGN

51. (1) If in proceedings about an opposed application, the Registrar or the Court has found that:
- (a)



ASSIGNMENT AND TRANSMISSION OF DESIGN

52. (1) A registered design, or a design whose registration is being sought, may be assigned or transmitted in accordance with this section.
- (2) The assignment or transmission may be with or without the goodwill of the business concerned in using the design.

RECORDING ASSIGNMENT OR TRANSMISSION OF DESIGN IF REGISTRATION IS SOUGHT

53. (1) If a design whose registration is being sought is assigned or transmitted:
- (a) the applicant for the registration of the design; or
 - (b) the design has been registered

RECORDING ASSIGNMENT OR TRANSMISSION OF REGISTERED DESIGN

54. (1) If a registered design is assigned or transmitted:
- (a) the person registered as the owner of the design; or
 - (b) the person to whom the design has been assigned or transmitted;
- must apply to the Registrar for a record of the assignment or transmission to be entered in the Register.
- (2) The application must be in the approved form and filed with the Registrar.
- (3) If the application complies with this Act, the Registrar must, within 3 working days:
- (a) enter the particulars of the assignment or transmission in the Register; and
 - (b) register the person to whom the design has been assigned or transmitted (“beneficiary”) as the owner of the relevant design.
- (4) The registration of the beneficiary as the owner of the design is taken to have had effect on the day on which the application was filed.
- (5) The Registrar must advertise in the Gazette:
- (a) the recording of the assignment or transmission; and
 - (b) the registration of the beneficiary as the owner of the design.

NOTICE OF APPLICATION TO RECORD ASSIGNMENT OR TRANSMISSION

55. If an application for recording of the assignment or transmission of a design complies with this Act, the Registrar

- (b) another person claims to have an interest in, or a right to, the design;

they may together apply to the Registrar for a record to be kept of the other person's claim.

- (2) If a person (other than the registered owner of a design) claims to have an interest in, or a right to, a registered design, the person and the registered owner of the design may together apply to the Registrar to have particulars of the claim recorded in the Register.
- (3) The application must be in the approved form and must be filed with the Registrar.
- (4) If the application has been made in accordance with this section, the Registrar must:
 - (a) for a registered design—enter in the Register the particulars of the claim set out in the application; and
 - (b) for an unregistered design—record, in the papers dealing with the application for registration, the particulars of the claim set out in the application.
- (5) After a design is registered, the Registrar must enter the particulars of the claim to an interest in, or right to, the unregistered design in the Register.

RECORD NOT PROOF OF EXISTENCE OF RIGHT

- 57. The fact that a record has been made in the Register that a person claims an interest in, or a right to, a registered design is not proof or evidence that the person has that right or interest.



INFRINGEMENT OF REGISTERED DESIGNS

58. (1) A person infringes a registered design if the person, without the consent of the registered owner of the design:
- (a) uses the design; or
 - (b) imports into Vanuatu for sale, or for use in a trade or business, an article for which the design is used outside Vanuatu without the consent of the person who was the owner of the registered design at the time when the design was so used; or
 - (c) sells an article :
 - (i) for which the design has been used in infringement of the monopoly in the design ; or
 - (ii) for which the design is used outside Vanuatu without the consent of the person who was the owner of the registered design at the time when the design was so used.

PRIOR USE OF IDENTICAL DESIGN

59. A person does not infringe a registered design by using an unregistered design that is substantially identical with, or deceptively similar to, the registered design if the person, or the person and the person's predecessor in title, have continuously used in the course of trade the unregistered design from a time before:
- (a) the date of registration of the registered design; or
 - (b) the registered owner of the registered design, or a predecessor in title, first used the design;
- whichever is earlier.

ACTION FOR INFRINGEMENT

60. (1) An action for an infringement of a registered design may be brought in the Court.
- (2) The relief that the Court may grant in an action for an infringement of a registered design includes:
- (a) an injunction, which may be granted subject to any condition that the Court thinks fit; and
 - (b) at the option of the plaintiff but subject to section 61, damages or an account of profits.

SPECIAL CASE—PLAINTIFF NOT ENTITLED TO DAMAGES .

61. (1) If:
- (a) in an action for the infringement of a registered design, the Court finds that the defendant has infringed the design; and
 - (b) the defendant has applied to the Court under section 45 for an order directing the Registrar to remove the design from the Register; and
 - (c) the Court finds that, because the design has not during a particular period (“critical period”) been used in good faith by its registered owner, there are grounds (under subsection 45(5)) for removing the design;

the Court is not to grant relief to the plaintiff by way of damages or an account of profits for any infringement of the design that happened during the critical period.

- (2) A court may refuse to award damages, or to make an order for an account of profits, for infringement of a registered design if the defendant satisfies the court:
- (a) that, at the time of the infringement, he or she was not aware that the design was registered ; and
 - (b) that he or she had, before that time, taken all reasonable steps to find out whether the design was registered.



REGISTRATION OF DESIGN INVOLVING INDIGENOUS KNOWLEDGE

62. (1) If it appears to the Registrar that an application is for the registration of a design that is based on, arose out of, or incorporates elements of, indigenous knowledge, the Registrar must refer the application to the N.8(on)-5.2n(ref Tw.2u5ag)-5.1(C62 TD7.1208Tc.05-74 Tw{6-74 21)-5.2of Chie2(o)-3fs.0

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- (5) Any payments made to the National Council of Chiefs under an agreement mentioned in subsection (3) or a determination under paragraph (4)(c) must be used for the purposes of indigenous cultural development.
- (6) An appeal lies to the Court from a decision of the Registrar determining an amount under paragraph (4)(c).
- (7) An agreement mentioned in subsection (2) or (3) may contain other conditions, including how and when the design is to be used.
- (8) The National Council of Chiefs may issue written guidelines for the purposes of this section.
- (9) The National Council of Chiefs must consult with the Vanuatu National Cultural Council before entering into an agreement under subsection (3) or issuing guidelines under subsection (8).



FALSELY USING A REGISTERED DESIGN

63. (1) A person must not falsely use a registered design in the course of trade, knowing that the design is registered or reckless of whether or not the design is registered.

Penalty:

(a)



JURISDICTION OF THE SUPREME COURT

67. The Supreme Court has jurisdiction with respect to matters arising under this Act.

APPEAL

68. (1) The applicant for registration of a design may appeal to the Court against a decision of the Registrar:
- (a) to accept the application subject to conditions or limitations; or
 - (b) to reject the application; or
 - (c) to refuse to register the design; or
 - (d) to register the design with conditions or limitations.
- (2) The applicant or the opponent may appeal to the Court from a decision of the Registrar under section 22.
- (3) An appeal lies to the Supreme Court from a decision of the Registrar under Part 5 or section 49.
- (4) On hearing an appeal against a decision or direction of the Registrar, the Court may do any one or more of the following:
- (a) admit further evidence orally, or on affidavit or otherwise;
 - (b) permit the examination and cross-examination of witnesses;
 - (c) order an issue of fact to be tried as it directs;

- (5) The Registrar may appear and be heard at the hearing of an appeal to the Court against a decision or direction of the Registrar.

APPEAL TO COURT OF APPEAL

69. A person aggrieved by a decision of the Supreme Court may appeal to the Court of Appeal against the decision.



REGISTRAR OF DESIGNS

70. (1) There is to be a Registrar of Designs to be appointed by the Minister with the prior approval of the Council of Ministers.
- (2) The Registrar has the powers and functions that are given to him or her under this Act.
- (3) The Registrar may not exercise a power under this Act in any way that adversely affects a person applying for the exercise of that power without first giving that person a reasonable opportunity of being heard.
- (4) If:
- (a) the Registrar is required under this Act to do an act or thing; and
 - (b) no time or period is provided within which the act or thing is to be done;
- the Registrar is to do the act or thing as soon as practicable.

THE REGISTER

71. (1) The Registrar is to keep a Register of Designs.
- (2) The Registrar must enter in the Register in accordance with this Act particulars of designs and all other matters required to be registered under this Act.
- (3) The Register may be kept in whole or in part by using a computer.
- (4) Any record made by using a computer for the purpose of keeping the Register is taken to be an entry in the Register.

INSPECTION OF REGISTER

72. (1) The Register must be available at the Registrar's Office for inspection by any person during the hours when the Office is open for business.



MAKING AND SIGNING APPLICATIONS

74. An application, notice or request required or permitted under this Act to be made or signed by a person may be made or signed, on behalf of that person, by:
- (a) a lawyer; or
 - (b) a patent attorney; or
 - (c)

ADDRESS FOR SERVICE

77. (1) The address for service of a person who has filed an application, notice or request is:
- (a) the address for service stated in the application, notice or request;
or
 - (b) if the person subsequently notifies in writing another address to the Registrar—that other address.
- (2) When:
- (a) a design is registered; or
 - (b) a claim to an interest in, or to a right in respect of, a registered design that a person has is recorded in the Register;

the Registrar must enter in the Register as the address for service of the registered owner or of the person the address last known to the Registrar.

- (3)

- (b) if the person does not have an address for service—the document may be served on an agent of the person in Vanuatu or may be sent by post or courier to any address of the person in Vanuatu that is known to the Registrar.

CHANGE OF NAME

78. (1) If there is a change in the name of a person who has filed an application, notice or request, the person must notify the Registrar in writing of the change.
- (2) If there is a change in the name of:
- (a) the registered owner of a registered design; or
 - (b) a person whose claim to an interest in, or to a right in respect of, a design is recorded in the Register;

the registered owner or the person must notify the Registrar in writing of the change and the Registrar must amend the Register accordingly.

DEATH OF APPLICANT

EXTENSION OF TIME

81. (1) If, because of an error or omission by the Registrar, a relevant act that is required by this Act to be done within a certain time is not, or cannot be, done within that time, the Registrar must extend the time for doing the act.

(2) If, because of:

- (a) an error or omission by the person concerned or by his or her agent; or
- (b) circumstances beyond the control of the person concerned;

a relevant act that is required by this Act to be done within a certain time is not, or cannot be, done within that time, the Registrar may, on written application made by the person concerned, extend the time for doing the act.

(3) In this section:

“relevant act” means:

- (a) any act done in relation to a design; or
- (b) the filing of any document; or
- (c) any proceedings (other than Court proceedings).

CONVENTION COUNTRIES

82. (1) The regulations may declare a foreign country to be a Convention country for the purposes of this Act.

(2) If:

- (a) the regulations declare that, under the terms of a treaty between 2 or more Convention countries, an application made for the registration of a design in one of those countries is equivalent to an application made in the United Kingdom;

- (b) an application for the registration of a design is made in one of those Convention countries;

then, for the purposes of this Act, the application for the registration of the design is taken to have also been made in the other Convention country or in each of the other Convention countries (as the case may be).

- (3) If:

- (a) the regulations declare that, under the law of a Convention country, an application for the registration of a design made in another country is equivalent to an application made in the

- (c) that, at the time when the defendant began to use the design, he or she was unaware, and had no reasonable means of finding out, that the design of the plaintiff was in use; and
- (d) that, when the defendant became aware of the existence and nature of the plaintiff's design, he or she immediately ceased to use the design in relation to the goods or services in relation to which it was used by the plaintiff.

REGULATIONS

85. (1) The Minister may make regulations:
- (a) prescribing matters required or permitted by this Act to be prescribed; or
 - (b) prescribing matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may:
- (a) require persons to make statutory declarations in support of any application, notice or request filed under this Act; and
 - (b) prescribe as penalties for offences against the regulations fines not exceeding 50,000 Vatu.

COMMENCEMENT

86. This Act commences on the day on which it is published in the Gazette.