

THE LAW OF THE AZERBAIJAN REPUBLIC
"LEGAL PROTECTION OF TOPOLOGIES OF INTEGRAL SCHEMES"

The present law regulates relationship, emerging under creation, legal protection and application of topologies of integral schemes in the Republic of Azerbaijan.

Section I.

General provisions.

Clause 1. Key Concepts

1.0 The key concepts, stipulated by the present law, have below notions:

1.0.1. The integral scheme (hereinafter - IS) - digital product, applied partially or fully as a digital scheme consisting of elements and inter-element links, connected to each other on surface and/or board.

1.0.2. The IS topology - dimensional-geometric location of complex of elements and inter-element links of integral scheme, fixed on the board.

1.0.3. The commercial application - sale, rent or other methods of commercial distribution, including proposal on implementation of aforesaid procedures.

1.0.4. The right-holder for IS topology - author, his successor as well as legal or physical entity, holding exclusive property rights in compliance with law or agreement.

1.0.5. The protected IS topology - topology, stipulated by the present law and meeting protection requirements.

Clause 2. Legislation on legal protection for IS topologies, Republic of Azerbaijan

2.1. The legislation, applied by the Republic of Azerbaijan to ensure legal protection for IS topologies, consists of the present law, other corresponding legal normative acts and international agreements, signed by the Republic of Azerbaijan.

Clause 3. Area of application of law

This law is applicable to creators of IS topologies (hereinafter - topologies), legal and physical entities of Azerbaijan Republic, creating and utilizing topologies, as well as persons, permanently living in Azerbaijan Republic being not its residents, and foreign legal and physical entities.

Section II.

Legal protection of topologies and rights for topology

Clause 4. Objects and terms of legal protection of topologies

4.1. The legal protection, stipulated by the law, relates to only original topologies.

4.2. The topology, created as a result of author's creative activity, if the reverse isn't proved, is considered as original.

4.3. The legal protection isn't applied to creators and producers of IS as well as topology, consisting of complex elements and links being known by the moment of creation, except for

cases when complex of elements is fully original.

4.4. The legal protection, stipulated by the law, isn't applied to ideas, methods, systems, technologies or coded data, which can be used in topology.

Clause 5. Rights of foreign legal and physical entities

According to international agreements on legal protection of topologies, signed by the Republic of Azerbaijan, foreign legal and physical entities have the same rights as those, envisaged by the law for legal and physical entities of Azerbaijan Republic.

Clause 6. Authorship for topology

6.1 The physical entity, which created topology as a result of creative activity, is thought to be author of topology.

6.2. If topology is created through cooperation of several physical entities, each of them is thought to be author of topology.

6.3. The authorship for topology cannot be expropriated and protection of copyright, according to law, is termless.

6.4. The physical entities, not creatively participating in creation of topology, ensuring technical, organizing or financial assistance or providing an opportunity to register right for topology's application, shall not be considered as authors of topology.

Clause 7. Property rights for topology

7.1. The author or other right-holders have exclusive rights for application of topology, except for cases, envisaged by clause 10, the law "Legal Protection of Topologies of Integral Schemes".

7.2. The exclusive right for application of topology means right for implementation, permission for implementation or prohibition for the following:

7.2.1. to produce IS of identical topology;

7.2.2. to circulate IS of identical topology.

7.3. If rights for topology belong to several authors or other right-holders, order for application of these rights is regulated by agreement, concluded among them.

7.4. The following actions, undertaken without permission of author or other right-holder, are considered as infringement of exclusive rights:

7.4.1. copying of topology through partial or full application in IS or other method, except for copying of non-original part of topology;

7.4.2. application, import, proposal on sale, sale or economic application through another form of topology or ISs, consisting of the topology.

Clause 8. Transfer of property rights for topology to other legal or physical entities.

8.1. The property right for topology is fully or partially transferred to another legal or physical entity through agreement, inheritance, in order envisaged by legislation.

8.2. The agreements on transfer of property rights for topology is concluded in a written form and agreements stipulate the following:

8.2.1. volume and methods for application of topology;

8.2.2. volume and terms of payment;

8.2.3. validity of agreement.

8.3. If agreement stipulates no methods for application of topology, agreement can be considered as concluded through method, which signatories consider as important to achieve desirable goals.

8.4. If agreement stipulates no period to use topology, then upon expiration of five years since signature of agreement, author or other right-holders, having notified another party in six months prior to expiration of the mentioned period, can cancel agreement.

8.5. If agreement stipulates no other provisions on transfer of property rights, partial right transfer is undertaken.

Clause 9. Property right for topology, created under commitment to official duties and according to agreement concluded with customer

9.1. The property right for topology, created under commitment to official duties or upon order of employer, belongs to employer, if the reverse isn't stipulated by agreement between author and employer.

9.2. The volume and terms of payment to authors are determined by agreement, concluded between author and employer.

9.3. The property right for topology, created according to agreement between author and customer, being not employer, belongs to customer, if the reverse isn't stipulated by agreement.

Clause 10. Actions considered not to infringe exclusive rights for application of topology

10.1. The actions considered not infringing exclusive rights for application of topology are the following:

10.1.1. payment of corresponding compensation for each IS or output after corresponding notification from right-holder, if entity, legally using IS or relevant products, doesn't know IS or product is produced or circulated with infringement of exclusive rights for application of topology.

10.1.2. application without profit-raising for personal goals as well as for assessment, study, research or training.

10.1.3. circulation of IS, the protected topology of which is economically applied according to legislation.

10.2. The actions, noted in clause 7.4 and relevant to application of identical original

topology, independently created by another author, aren't considered as infringement of exclusive rights for application of topology.

Clause 11. Registration and Notification

11.1. The author of topology, another holder of exclusive rights for topology or his representative, during protection of topology can freely carry out public registration in the corresponding body of executive authority, according to legislation.

11.2. In compliance with positive results of examination, conducted on corresponding application, Certificate on Registration of Topology is issued.

11.3. The registered topology is included into National Register of Topologies and information on registration is formally published.

11.4. The corresponding body of executive authority determines the rules of registration of topology, certification, list of documents and materials, attached to application for registration of topology.

11.6. The corresponding body of executive authority can register the agreement on transfer of property rights for topology to other legal or physical entities, upon agreement of parties.

11.7. The public duty is levied, according to legislation, for transfer of property rights on topology or registration of agreements on legacy as well as for relevant actions.

11.8. The applicant carries responsibility for veracity of data, included into the National Register of Topologies, and the data is considered as veracious if the reverse isn't proved.

11.9. The author of topology or his legal successor can note the letter "T", date of commencement of protection for exclusive rights on topology and surname and/or name of right-holder in order to announce his rights.

Clause 12. Period of protection for exclusive right on application of topology

12.1. The exclusive right for application of topology is valid for ten years.

12.2. The commencement for validity of exclusive rights for application of topology is determined by the earliest of the following:

12.2.1. priority date for application of topology (the earliest date of registration of documents on economical application of topology or IS, based upon this topology, in any country).

12.2.2. date of registration of topology.

12.3. If there exists identical original topology, independently created by another author, the general validity of exclusive rights on application of topologies cannot exceed 10 years.

Clause 13. Protection of Rights for Topology

13.1. The author of topology or another right-holder as well as corresponding body of executive authority have rights to demand termination of actions, infringing or impending infringement of rights for topology.

13.2. IS or products consisting of such ISs, production and/or circulation of which infringed rights for topology, are considered as falsified topological copies.

13.3. The author of topology or another right-holder can address to court in corresponding order so that to protect their rights.

13.4. Considering disputes, concerning rights for topology, beside general facilities on civil-legal protection, recognition of rights, reinstatement of status till the moment of infringement or termination of actions, infringing or impending infringement of rights and compensation of damage, the court can apply the following sanctions:

13.4.1. to exact profit, raised under infringement of rights for topology, from offender in order to compensate damage;

13.4.2. instead of compensation of damage or exacting profit, to exact compensation varying from 200 up to 5000 conventional financial units.

13.5. The offender will disburse public budget a fine, equal to 10% of sum, exacted on behalf of plaintiff, according to court resolution, or court can exact other sums, stipulated by legislation.

13.6. The court can decide to eliminate illegal copies of IS and products, consisting of such IS, or to transfer materials and equipment into the public ownership or pass them to plaintiff as compensation upon his request.

Section III.

Final provisions.

Clause 14. Protection of rights for topology in foreign countries.

The author of topology or another right-holder can request to protect his rights for topology in foreign countries according to legislation. The requestor or another legal or physical entity, according to agreement concluded with requestor, pays the relevant expenses.

Clause 15. Entrance into effect.

The present law comes into effect since moment of publishing.

Heydar Aliyev
President of Azerbaijan Republic
city of Baku, May 31, 2002

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