

Regulations Respecting the Protection of Integrated Circuit Topographies (SOR/93-212)
Enabling Statute: Integrated Circuit Topography Act
Regulation current to January 25th, 2011
Attention: See coming into force provision and notes, where applicable.

Integrated Circuit Topography Regulations

SOR/93-212

Registration April 27, 1993

INTEGRATED CIRCUIT TOPOGRAPHY ACT

Integrated Circuit Topography Regulations

P.C. 1993-831 April 27, 1993

His Excellency the Governor General in Council, on the recommendation of the Minister of Consumer and Corporate Affairs and the Treasury Board, pursuant to sections 16, 18, 19, 21 and 27 of the *Integrated Circuit Topography Act*^{*}, is pleased hereby to make the annexed *Regulations respecting the protection of integrated circuit topographies*, effective May 1, 1993.

* S.C. 1990, c. 37

REGULATIONS RESPECTING THE PROTECTION OF INTEGRATED CIRCUIT TOPOGRAPHIES

SHORT TITLE

1. These Regulations may be cited as the *Integrated Circuit Topography Regulations*.

INTERPRETATION

2. In these Regulations,

"Act" means the *Integrated Circuit Topography Act*; (*Loi*)

"agent" means a person or firm appointed by an applicant pursuant to section 10; (*mandataire*)

"applicant" means the creator of a topography or, where the topography has been transferred, the successor in title thereto who applies for registration of a topography pursuant to section 16 of the Act; (*demandeur*)

"application" means an application for registration of a topography made pursuant to section 16 of the Act; (*demande*)

"drawing" includes a plot; (*dessin*)

"Office" means the Office of the Registrar of Topographies; (*Bureau*)

"representative for service" means a person or firm in Canada appointed by an applicant or the owner of a registered topography pursuant to section 11. (*représentant aux fins de signification*)

COMMUNICATIONS

3. (1) Correspondence intended for the Registrar or the Office shall be addressed to the "Registrar of Topographies".

(2) Correspondence addressed to the Registrar may be physically delivered to the Office during ordinary business hours of the Office and is considered to be received by the Registrar on the day of the delivery.

(3) For the purposes of subsection (2), if the correspondence is physically delivered to the Office outside of its ordinary business hours, it is considered to have been delivered to the Office during ordinary business hours on the day when the Office is next open for business.

(4) Correspondence addressed to the Registrar may be physically delivered to an establishment that is designated by the Registrar in the *Canadian Patent Office Record* as an establishment to which correspondence addressed to the Registrar may be delivered, during ordinary business hours of that establishment, and

(a) if the delivery is made to the establishment on a day that the Office is open for business, the correspondence is considered to be received by the Registrar on that day; and

(b) if the delivery is made to the establishment on a day that the Office is closed for business, the correspondence is considered to be received by the Registrar on the day when the Office is next open for business.

(5) For the purposes of subsection (4), if the correspondence is physically delivered to an establishment outside of ordinary business hours of the establishment, it is considered to have been delivered to that establishment during ordinary business hours on the day when the establishment is next open for business.

(6) Correspondence addressed to the Registrar may be sent at any time by electronic or other means of transmission specified by the Registrar in the *Canadian Patent Office Record*.

(7) For the purposes of subsection (6), if, according to the local time of the place where the Office is located, the correspondence is delivered on a day when the Office is open for business, it is considered to be received by the Registrar on that day.

(8) For the purposes of subsection (6), if, according to the local time of the place where the Office is located, the correspondence is delivered on a day when the Office is closed for business, it is considered to be received by the Registrar on the day when the Office is next open for business.

SOR/2007-94, s. 1.

4. (1) Subject to subsection (2), all communications relating to an application or a registered topography shall be made in writing or by electronic transmission.

(2) The Registrar may, where the circumstances require, have regard to an oral communication made in relation to an application or a registered topography.

5. (1) Subject to subsection (2), all correspondence addressed to the Registrar shall deal with only one application or registered topography.

(2) Subsection (1) does not apply in respect of correspondence relating to

(a) a transfer of an interest or grant of a licence affecting a registered topography, referred to in subsection 21(1) of the Act;

(b) a change in the name or address of an owner of more than one registered topography;

(c) a change in the name or address of an applicant for the registration of more than one topography;

(d) a change in the name or address of the representative for service of an owner of more than one registered topography; or

(e) a change in the name or address of the representative for service or the agent of an applicant for the registration of more than one topography.

6. (1) Subject to subsection (2), every person who is required by the Act or these Regulations to furnish an address shall furnish a complete postal address, including a street name and number where applicable.

(2) A person referred to in subsection (1) may furnish, in addition to the required postal address, another address to which correspondence may be mailed.

7. (1) Correspondence relating to an application shall include

(a) the application number, if one has been assigned;

(b) the name of the applicant; and

(c) the title or titles of the topography.

(2) Correspondence relating to a registered topography shall include

- (a) the registration number of the topography;
- (b) the name of the owner of the topography; and
- (c) the title or titles of the topography.

8. (1) Subject to subsection (2), correspondence relating to an application shall be conducted with

- (a) the applicant, where there is only one applicant; or
- (b) where there is more than one applicant,
 - (i) the applicant authorized by the other applicant or applicants to act on their behalf, or
 - (ii) the first applicant named in the application, where no applicant has been authorized in accordance with subparagraph (i).

(2) Correspondence relating to an application shall be conducted with an agent where the agent

- (a) has signed the application;
- (b) has transmitted the application to the Office; or
- (c) has notified the Office of the agent's appointment.

9. No regard shall be had to any correspondence relating to an application that is received from any person or firm other than the person or firm with whom correspondence on the subject of the application is being conducted.

APPOINTMENT OF AGENT

10. (1) An applicant may appoint a person or firm as an agent to act on behalf of the applicant.

(2) Subject to subsection (3), the appointment of an agent need not be made in writing.

(3) The Registrar may, where the circumstances require, request that an agent file a written appointment within a period that the Registrar deems appropriate in the circumstances.

(4) Where an agent fails to file a written appointment as requested pursuant to subsection (3), the Registrar shall give notice to the agent that any further correspondence will be conducted with the applicant until a written appointment is filed.

APPOINTMENT OF REPRESENTATIVE FOR SERVICE

11. (1) An applicant or the owner of a registered topography may appoint a person or firm in Canada as a representative for service.

(2) A notice sent to or a proceeding served on a representative for service has the same effect as if the notice were sent to or the proceeding were served on the applicant or the owner of the registered topography, as the case may be.

APPLICATION

12. (1) An application and any amendment thereto shall be in one of the official languages and shall bear the signature of the applicant or the applicant's agent.

(2) A separate application shall be made for each topography.

13. An application shall contain, in addition to the information and material required by paragraphs 16(2)(a) to (d) of the Act, the following information:

- (a) where the applicant has no office or place of business in Canada, the name and address of a representative for service;
- (b) where an agent has been appointed, the name and address of the agent;
- (c) a description of the material filed, including, where the topography consists of layers and contains confidential information, the number of layers and the number of layers in relation to which section 15 or 16 has been relied on; and
- (d) a description of the nature or function of the topography.

14. (1) Subject to these Regulations, an application shall contain, in addition to the information and material required by paragraphs 16(2)(a) to (d) of the Act, a complete set of overlay sheets, drawings or photographs of the topography.

(2) The material referred to in subsection (1) shall be sufficiently magnified so that the design of the topography is clearly visible to the naked eye.

(3) Where the material referred to in subsection (1) consists of more than one sheet, drawing or photograph, the sheets, drawings or photographs shall be numbered consecutively.

15. Where a topography that consists of more than two layers contains confidential information, an application may contain, instead of a complete set of overlay sheets, drawings or photographs as required by section 14, a set that contains the same total number of sheets, drawings or photographs, but that includes a selected number of sheets, drawings or photographs on which is blocked out up to 50 per cent of the total area covered by those sheets, drawings or photographs, if

(a) the selected sheets, drawings or photographs are clearly indicated in the application;

(b) the number of sheets, drawings or photographs selected does not exceed 50 per cent of the total number of sheets, drawings or photographs, said total number having been reduced by one where it is an odd number; and

(c) the application contains topography design data in printed form for the areas that are blocked out; however, up to 50 per cent of these data may be blocked out, if the application contains four or more integrated circuit products incorporating the topography.

16. Where a topography contains confidential information and has not been commercially exploited at the filing date of an application, the application may contain, instead of the material referred to in section 14,

(a) the topography design data in printed form, of which up to 50 per cent may be blocked out; and

(b) a composite drawing or photograph of the topography, on which up to 50 per cent of each layer of the topography is blocked out.

17. Any topography design data in printed form or integrated circuit products shall be filed at the time of or subsequent to the filing of the other material referred to in section 14, 15 or 16 and on or before the date of registration of the topography.

18. All material filed pursuant to section 14, 15, 16 or 17 shall be identified by a title consisting of letters of the Roman alphabet, Arabic numerals or a combination thereof.

19. All material filed pursuant to section 14, 15 or 16 and all topography design data in printed form referred to in section 17 shall be in a storable size, either folded or otherwise, and shall be

(a) not more than 21.5 cm x 28 cm (8½ inches x 11 inches); or

(b) in A4 format.

AMENDMENT OF APPLICATION

20. (1) Subject to subsection (2), an applicant may, at any time prior to the registration of a topography, on submitting any necessary information and material and on payment of the applicable fee set out in the schedule, request that the Registrar amend the applicant's application.

(2) The Registrar shall not make any amendment to an application that would substantially alter the topography to which the application relates.

REGISTER

21. In addition to the information required by the Act to be entered in the register, the Registrar shall enter in the register

(a) all information filed pursuant to section 13; and

(b) all material filed pursuant to section 14, 15, 16 or 17.

AMENDMENT OF REGISTER

22. For the purposes of paragraph 21(2)(c) of the Act, the Registrar may amend the register to reflect any change in the name or address of a representative for service.

CERTIFICATE OF REGISTRATION

23. A certificate of registration issued in respect of a topography shall include, in addition to the particulars required by subsection 19(2) of the Act, the following particulars:

- (a) the name and address of the registered owner of the topography;
- (b) the title of the topography;
- (c) a description of the nature or function of the topography;
- (d) where the topography has been commercially exploited, the date on which and place at which the topography was first commercially exploited;
- (e) the date of registration of the topography; and
- (f) the registration number of the topography.

TRANSFER OF INTEREST

24. A person to whom an application or an interest affecting a registered topography is transferred shall, if the person has no office or place of business in Canada, provide the Registrar with the name and address of a representative for service.

PUBLIC INSPECTION AND COPIES

25. An application shall not be available for public inspection until it has been assigned an application number.

26. Except with the written consent of the applicant or the owner of a registered topography, as the case may be, no person shall, by any means, make or provide a copy of any material filed pursuant to section 14, 15, 16 or 17.

TRANSMISSION TO COURT

27. If an application has been made to the Federal Court under subsection 24(1) of the Act, the Registrar shall, at the request of any of the parties, transmit to that Court all material on file in the Office relating to the application.

SOR/2007-94, s. 2.

FEEES

28. The fees to be paid for acts or services rendered by the Registrar are as set out in the schedule and the appropriate fees shall be paid in Canadian funds to the Receiver General at the time any act or service is requested.

SCHEDULE

(Subsection 20(1) and sections 27 and 28)

TARIFF OF FEES

1. Filing an application.....	\$200.00
2. Amending an application in accordance with a request made pursuant to subsection 20(1) of these Regulations.....	75.00
3. Entering in the register particulars of a transfer of an interest or grant of a licence affecting a registered topography pursuant to subsection 21(1) of the Act.....	75.00
4. Amending an entry in the register or making a new entry therein pursuant to subsection 21(2) of the Act.....	75.00

- 5. Amending a certificate of registration or issuing a new certificate, pursuant to subsection 19(4) of the Act, for the purpose of correcting a typographical or clerical error made as a result of incorrect information provided by the applicant..... 75.00
- 6. [Repealed, SOR/2007-94, s. 3]
- 7. Providing a copy of a document, of entries in or extracts from the register or of any material referred to in section 26 of these Regulations, for each page measuring 21.5 cm x 28 cm (8½ inches x 11 inches) or less..... 5.00
- 8. Providing a certified copy of a document referred to in subsection 15(2) of the Act, other than a certified copy made under Rule 318 or 350 of the *Federal Courts Rules*..... 50.00

SOR/2007-94, ss. 3, 4.