

DECREE ON THE EXCLUSIVE RIGHT IN THE LAYOUT-DESIGN (TOPOGRAPHY) OF AN INTEGRATED CIRCUIT

(Unofficial translation)

(946/1991; amendments up to 694/1999 included)

Application for Registration

Section 1

Registration of layout-designs (topographies) is applied for from the National Board of Patents and Registration, hereinafter the 'registering authority'.

Section 2

Applications for registration shall consist of an application document and accompanying documents.

The application document shall be signed by the applicant or his representative and it shall contain:

- (1) the applicant's name, domicile, address and, if the applicant has appointed a representative, also the representative's name and address;
- (2) the year in which the layout-design was created and the creator's name and address and, if he is not a Finnish citizen or is not domiciled in Finland, also his citizenship and habitual residence;
- (3) if the layout-design has been distributed to the public before filing a registration application, an indication of the date when the layout-design was first distributed to the public;
- (4) a concise title for the layout-design referred to in the registration application;
- (5) an assurance to the effect that the layout-design is the result of creative and original intellectual work and that it has not been copied directly from another layout-design; and
- (6) a list of the documents accompanying the application document.

The application document shall be accompanied by:

- (1) all materials necessary for the identification of the layout-design;
- (2) if the applicant has appointed a representative, the power of attorney issued to the representative; and

(3) if a person other than the applicant has created the layout-design, a document providing proof of the applicant's entitlement thereto.

The application document shall be accompanied by a proof of payment of the registration fee.

Section 3

The application shall be written in Finnish or Swedish in compliance with the applicable language laws. The title of the layout-design shall be given both in Finnish and Swedish. A translation into Finnish or Swedish shall be provided of any document in a foreign language accompanying the application, if the registering authority so requires.

Section 4

The application shall relate to the layout-design in the form it has on the filing date of the application or, if the layout-design has been distributed to the public before the filing of the registration application, in the form it had at the time it was first distributed to the public.

Materials necessary for identification of layout-designs

Section 5

The materials necessary for the identification of layout-designs shall contain drawings or photographs of:

- (1) the layout-design;
- (2) the mask, or the part of it, of which an integrated circuit has been or can be made;
and
- (3) the different layers of the integrated circuit.

For the identification of the layout-design, data carriers may also be given on which data has been stored on the layout-design in a computer-readable form, as well as printouts of such files, further clarifications, and integrated circuits made on the basis of the layout-design.

If the layout-design to be registered is only a part of a whole on the basis of which an integrated circuit has been or can be made, a statement shall be given indicating which part of the area of the whole the layout-design to be registered corresponds to.

No drawing or other clarification needs to be submitted on any such part of the layout-design as relates to the way of making the integrated circuit, if the parts included in the application are sufficient to identify the layout-design.

Section 6

The materials necessary for identifying the layout-design shall be submitted in two copies. The drawings and other written material shall be of A4 size (210 mm x 297 mm).

Sections 7 to 9

Sections 7 to 9 have been repealed by decree 694/1999.

Record of Applications

Section 10

The registering authority makes a note of the serial number and date of receipt on the registration application.

The registration application is deemed to have been received only when the application document containing the information referred to in section 2(2)(1-5), a proof of payment of the registration fee and the material referred to in section 5(1) have been received by the registering authority. The registering authority shall notify the applicant of the confirmed date of receipt of the application.

Section 11

The registering authority shall keep a record of registration applications filed. The record shall be accessible to the public.

The following particulars shall be entered in the record for each application:

- (1) the date of receipt and serial number of the application;
- (2) the name, domicile and address of the applicant;
- (3) if the applicant has appointed a representative, the name and address of the representative;
- (4) the title of the layout-design;
- (5) the documents filed and fees paid in respect of the application; and
- (6) decisions taken in respect of the application.

Processing of registration applications

Section 12

A layout-design is entered in the Register of Layout-designs, if:

- (1) the application relates to the layout-design of an integrated circuit; and
- (2) on the basis of the information given, the application meets the requirements set out in sections 4, 5 and 6(3) as well as 14 and 15 of the Act on the Exclusive Right in the Layout-Design of an Integrated Circuit (No. 32/1991).

A layout-design to be entered in the Register of Layout-Designs is given a registration number. The applicant shall be issued a certificate for the registration.

Section 13

Section 13 has been repealed by decree 694/1999.

Register of Layout-Designs

Section 14

A Register of Layout-Designs shall be kept of layout-designs registered.
The following particulars shall be entered in the register:

- (1) the serial number of the registration application and the registration number of the layout-design;
- (2) the name, domicile and address of the holder of the registration and, if the holder has appointed a representative, the name and address of the representative;
- (3) the title of the layout-design; and
- (4) the date of receipt of the application, the date of commencement of the protection, and the date of registration.

Section 15

Where anyone has submitted the registering authority a claim for invalidation of the registration of a layout-design or notified that he has brought an action to have the registration transferred, an entry shall be made thereof in the register.

When the registering authority has in the case referred to in section 1 made a decision in respect of the claim for invalidation of the registration of a layout-design or when a copy of the decision of the court has been sent to the registering authority in compliance with the provisions of section 44 of the Act on the Exclusive Right in the Layout-Design of an Integrated Circuit, an entry is made thereof in the register. Once the decision has

taken legal effect, it is entered in the Register of Layout-Designs in such a manner that the main contents of the decision made on the case appear from the Register.

Section 16

The entry to be made on the transfer of the exclusive right referred to in section 23 of the Act on the Exclusive Right in the Layout-Design of an Integrated Circuit shall contain the name, domicile and address of the right holder, and the date of the transfer. In respect of a licence, an entry shall be made, on request, indicating whether the right holder's right to grant other licences is restricted.

If the question of making an entry cannot be solved immediately, an entry shall nevertheless be made in the register that a request for an entry has been made.

The provisions of subsections 1 and 2 correspondingly apply to entering in the register of the right referred to in section 30(3) of the Act on the Exclusive Right in the Layout-Design of an Integrated Circuit.

Section 17

If the exclusive right in a layout-design has been distrained, an entry shall be made thereof in the Register of Layout-Designs on the basis of a notice.

Any notices of changes concerning representatives shall also be entered in the register.

Section 18

If the holder of the exclusive right in a layout-design, in compliance with section 31(1) of the Act on the Exclusive Right in a Layout-Design, declares in writing that he renounces the registration and if an assignment of licence concerning this exclusive right has been entered in the register, the person whom the licence has been assigned to shall be notified of the renunciation of the registration and he shall be reserved a reasonable period for asserting his right in the matter before the layout-design is deleted from the register.

Section 19

When the registration has terminated, the registering authority shall delete the layout-design from the register.

When the layout-design has been deleted from the register or when the exclusive right in the layout-design has been transferred to another by a final court decision, the registration authority shall make public announcement thereof.

Public announcement

Section 20

Public announcements in matters concerning exclusive rights in layout-designs shall be given in a gazette published by the registering authority.

Entry into force

Section 21

This Decree enters into force on 1 July 1991.

Entry into force and application of amendment regulations:

21.5.1999/694:

This Decree enters into force on 1 December 1999.
