

REGULATIONS ON THE PROTECTION OF TOPOGRAPHIES OF SEMICONDUCTOR PRODUCTS

REGULATIONS
SUPPLEMENTING THE REGULATIONS
ON PROTECTION OF TOPOGRAPHIES
OF SEMICONDUCTOR PRODUCTS*

NN 72/2004, in force from June, 1 2004

*NN 117/2007, in force from June, 1 2008

Zagreb, December 2007

REGULATIONS ON THE PROTECTION OF TOPOGRAPHIES OF SEMICONDUCTOR PRODUCTS

Article 1

These Regulations shall regulate in detail particular issues under the Law on the Protection of Topographies of Semiconductor Products in relation to the procedures conducted before the State Intellectual Property Office (hereinafter referred to as: the Office).

FORM AND DIRECTIONS FOR FILING APPLICATION

Article 2

- (1) The application of the topography shall be filed in two copies and in person or by mail.
- (2) Request for the registration of a topography shall contain:
 1. express indication that a registration of a topography has been claimed,
 2. name or mark of the topography,
 3. information identifying the applicant: surname, family name, residence and nationality in case of a natural person, or company's name and head office in case of a legal person,
 4. where the topography was created under employment: surname, family name and residence of the creator of the topography,
 5. information identifying the representative, if any: surname, family name, residence and nationality in case of a natural person, or company's name and head office, in case of a legal person - the registration number with the Office,
 6. Address for correspondence, telephone number, facsimile number and electronic address, if any,
 7. indication of the attached statement concerning:
 - common representative for the purpose of correspondence, in case of several applicants having no representative, or in case one applicant having several representatives, entering his/her address in the relevant box for correspondence,
 - initial date of the first commercial use of the topography where commercially used prior to date of filing of the application, except in case such an use was carried out subject to the conditions of confidentiality,
 8. indication that the parts of application of the topography shall be deemed a trade secret,
 9. indication of the essential elements and attachments accompanying the request for registration of the topography, such as:
 - number of pages of the short description of characteristic features of electronic function or function of the semiconductor product manufactured according to the topography as the subject matter under the application,
 - kind and quantity of the materials identifying or illustrating the topography,
 - number of samples of the semiconductor product manufactured according to the topography as the subject matter under the application,
 - kind of data medium of the topography (magnetic, optical or other),
 - printout of data on the topography (computer file printout used for the manufacture of the semiconductor product containing the topography as the subject matter under the application), if any,
 - description of the topography, if any.
 10. Indication of additional attachments concerning:
 - evidence on the payment of administrative fees and extra costs of procedure for the registration of the topography in accordance with special provisions,
 - appended power of attorney, in case a representative has been appointed,
 - appended additional sheets featuring information identifying other applicants of topography, if any,
 - appended additional sheets featuring information identifying other creators of the topography, if any,
 - other attachments, if any.

11. signature of the applicant of the topography, his/her representative and the seal, if any,
 12. power of attorney, in case the representative has been appointed.
- (3) Request for the registration of the topography shall be filed on the T-1 form. The T-1 form is an integral part of the application of the topography.
 - (4) Where the space provided in a single box under the T-1 form is insufficient for the registration of all the data, the remaining data shall be filed, indicating the relevant reference of the box, as a supplement to the T-1 form.
 - (5) The Office shall deliver to the applicant of the topography a second specimen of the completed T-1 form evidencing the receipt of the application.
 - (6) The Office shall not verify the veracity of data provided for under a request for the registration of the topography.

MATERIAL IDENTIFYING OR ILLUSTRATING TOPOGRAPHY

Article 3

- (1) For the purpose of identifying or illustrating the topography, the material pursuant to Article 7, paragraph (7), subparagraph e) of the Law on the Protection of Topographies of Semiconductor Products ("Official Gazette", number 173/03) shall be filed with the application.
- (2) The material pursuant to paragraph (1) of this Article shall evidently and under sufficient distinction disclose single layers of the topography and the sequences thereof. Any photographic representation featuring a single unity shall be to the same scale.
- (3) The material pursuant to Article 7, paragraph (3) under the Law may be attached to the material pursuant to paragraph (1) of this Article.

TRADE SECRETS

Article 4

- (1) The applicant may mark as a trade secret the material or a part of the materials pursuant to Article 3, paragraph (1) of these Regulations. The parts of the material so marked under the application may not as a rule comprise the material as a whole, but only a definite number of drawings and photographic representations; such parts

shall be filed as a separate part of the application. The subject material shall be marked by character "S".

- (2) The material marked as a trade secret pursuant to paragraph (1) of this Article may also be filed, besides the procedure provided under paragraph (1) of this Article, as two different specimens, one specimen in the original for the inspection under the procedure for a declaration of invalidity and infringement of rights; and the second specimen for the purpose of general inspection with the relevant parts made unrecognisable by erasure or shading.
- (3) A part of the material made unrecognisable may comprise up to 90% of the total surface of drawings and photographic representations pursuant to Article 3., paragraph (1) of these Regulations. A party may inspect (general inspection) such materials only in the presence of the responsible person at the Office and take notes only by hand. Taking photographs, making photocopies or any other duplication shall not be permitted.
- (4) For inspecting the materials pursuant to paragraph (2) of this Article a request shall be filed in writing and the evidence on the paid adequate administrative fees and extra costs of procedure.

THE LANGUAGE OF APPLICATION

Article 5

- (1) The application of topography shall be filed in the Croatian language and Latin script.
- (2) The use of technical terms from a foreign language shall be accepted only in case they are habitual in the area to which these Regulations apply.

GENERAL PROVISION

Article 6

The provisions under the Regulations on patents shall apply mutatis mutandis to keeping of the Register of topographies.

EXPIRATION OF OTHER PROVISIONS

Article 7

Upon the entry into force of these Regulations the provisions under the Law on Layout Designs of Integrated Circuits ("Official Gazette" number 146/99) and the pertinent forms as an integral part of these Regulations shall expire.

*ENTRY INTO FORCE OF THESE
REGULATIONS*

Article 8

These Regulations shall enter into force on the date of the publication thereof in the "Official Gazette".

**SUPPLEMENTING THE REGULATIONS ON PROTECTION OF
TOPOGRAPHIES OF SEMICONDUCTOR PRODUCTS**

Article 1

In the Regulations on the Protection of Topographies of Semiconductor Products (Official Gazette", No. 72/2004), below article 5, a new title and Article 5a are added which read:

"APPEAL PROCEEDINGS

Article 5a

- (1) Appeal proceedings are initiated by submitting the appeal to the Board of Appeal.
- (2) The appeal referred to in paragraph 1 of this Article shall contain:
 1. express indication that the appeal is being submitted,
 2. data on the appellant, for natural persons: name, surname and domicile, and for legal persons: the company name and the seat,
 3. classification number of the decree which is appealed,
 4. registration number of the topography application or of the topography,

5. indication on whether the decree is appealed in its entirety or certain parts thereof, and explained reasons for the appeal, together with the necessary evidence.

- (3) The proof on the paid administrative fee and costs of appeal proceedings shall be submitted along with the appeal, or the proof on the grounds of which the exemption from the duty to pay administrative fees and costs of proceedings is requested.
- (4) The appeal shall be submitted in two copies directly or shall be sent to the Office by mail; thought the Secretariat referred to in Article 91, paragraph 5 of the Patent Act ("Official Gazette", Nos. 173/2003, 87/2005 and 76/2007), the Office will forward the appeal to the Board of Appeal."

Article 2

These regulations shall enter into force on 1 June 2008.