

Law of Integrated Circuits Designs Law No. 10 for the Year 2000¹

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Article 1

This act shall be titled “Act for Protection of Integrated Circuits Designs for the year 2000”. The subject act shall come into force after 30 days of its publication in the Official Gazette.

Article 2

The following words and phrases shall have the following related meanings whenever and wherever mentioned in the Act unless otherwise indicated:

The Ministry: The Ministry of Industry and Trade.

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Integrated Circuit /IC: A product that has an electronic function and is comprised of a group of interrelated elements - at least one of which is an active element - such elements and interconnections are an integral part of a material body or over such a material body whether the product is a final product or at any stage of its production.

Design: Three dimensional array of the elements constituting the circuit forming the integrated circuit or specifically prepared for manufacturing the integrated circuit.

Protected Design: The design that has acquired protection as established per the stipulations of the subject Act.

Proprietor: The inventor of the protected design or his legal successors.

Registrar: The Registrar of Integrated Circuits Designs in the Ministry as appointed by the Minister.

Register: The register of Integrated Circuits Designs.

Article 3

A. A register shall be arranged under the supervision of the Registrar and shall be titled (Register of Integrated Circuits Designs). In such register all information related to designs, proprietors, their addresses and certificates issued on their behalf shall be manuscript and registered together with the measures and legal procedures taken to include:

1. Any transfer, acquire, assignment or licensing from proprietor to third party/parties.
2. Any mortgage, lien, seizure, levy or any constrain in utilizing such design.

B. The public is entitled access to the register according to regulations issued by the Minister to this end, and as published in the Official Gazette.

C. Computers may be used to register designs and related information. Information and documents derived herefrom and certified by the Registrar is sufficient evidence towards all, unless otherwise proved by party/parties concerned.

Registration of Designs

Article 4

The design is registable on the following conditions:

A. Being authentic due to being a result of intellectual effort of the inventor and being unconventional to inventors of designs and producers of integrated circuits when invented.

B. If application for registration is presented within two years of its first commercial exploitation anywhere worldwide.

Article 5

The right for the design registration shall be constituted as follows:

A. The inventor or to whoever the design rights are accrued to.

B. To all participants in the invention if the invention is a result of their combined efforts. Registration shall be on equal footing unless otherwise agreed.

C. If the invention was invented by more than one independent individual, then the right is to the inventor prior in applying for registration.

D. To employer if invented by employee as a result of execution of an employment agreement, committing employee to accomplish such invention, unless employment agreement otherwise stipulates.

Article 6

The design is registered by presenting the application for registration at the Registrar's on the form prepared to that end, attached to which are all information required and samples and drawings needed.

The application for registration form is valid for only one registration.

Article 7

A. The date the Registrar receives the application for registration of the design is considered the date of filing thereof provided it fulfills all legal requirements and attached thereof are the information identifying the applicant and the design diagrams.

B. If Registrar manifests that the application lacks the requirements as stipulated in paragraph (A) hereof, Registrar shall request applicant to complete such, or make necessary amendments provided that such amendments exceed what was previously stated in the original registration application and within a period affixed by regulations according to provisions of the subject Act. The date of completion or amendment thereof shall be the date of filing the application. The Registrar may otherwise, upon his decision, consider the applicant relinquishing his request. Such decision may be appealed against in the Supreme Court of Justice within sixty days from the date of his notification.

Article 8

A. If the registration application fulfills all conditions and legal requirements, the Registrar shall decide on accepting such and charges the fees.

B. Registrar announces such acceptance in the Official Gazette, third party/parties may protest to such within ninety days from the date of published announcement. The procedures to appeal shall be based upon the regulations as stipulated by the Act heretofore.

C. If no protest is filed against the acceptance of the registration application of the design, the Registrar shall decide on its registration and issues a certificate to this end after charging the registration fees.

Design Protection

Article 9

A. The proprietor of the design is entitled protection rights after registration, preventing third party/parties, without his approval, from:

1. Reproduction of protected design in whole or in part whether incorporated in an integrated circuit or by any other means.

2. Import, sell or distribute the protected design or any product therefrom where such circuit is incorporated to some extent in, and continuously with an illegally reproduced design for commercial purposes.

B. Committing any of the acts provided for in paragraph (A) of this article by third parties shall be considered infringement upon the rights of the owner of the protected design, and shall be liable to punishment.

C. The design comprising a collection of elements and conventional connections is entitled to the protection as stipulated according to provisions of paragraph (A) herewith. Provided that such group of elements and connections fulfills conditions of authenticity as stipulated in the Act hereof.

Article 10

In spite of the provisions of Article 9 of the subject Act any of the following acts without the proprietors approval shall not constitute an infringement to the proprietor's rights:

A. Reproduction of the design as stipulated in subparagraph 1 of paragraph (A) of Article 9 of the subject Act in the following cases:

1. If reproduction is precisely executed on personal reasons or for evaluation, analysis, research and education.

2. If reproduction is for a non-authentic part of the design.

B. If related to the following:

1. Another authentic design, which was invented, based on the evaluation or analysis as per the provision of subparagraph 1 of paragraph (A) of the Article herewith.

2. Another similar design that is authentic which was independently invented.

3. Any of the acts as stipulated in subparagraph 2 of paragraph (A) of Article 9 of the Act herewith that is related with a design or an integrated circuit incorporated in which is a design offered on the market by the proprietor or the proprietor approved offering of such.

4. Any of the acts as stipulated in subparagraph 2 of paragraph (A) of Article 9 of the subject Act that is related to an integrated circuit that incorporates an illegally reproduced design or with a product that incorporates such circuit and pretended infringer when acquiring such circuit or product was unaware and could not have been aware that such circuit or product contain a design that was illegally reproduced, provided that provisions of Article 11 of the subject Act are complied with.

Article 11

If a person commits an act stipulated in subparagraph 4 of paragraph (B) of Article 10 of the subject Act and the proprietor legally cautioned such person. Such person is entitled to dispose of the products on hand or deal with such before being cautioned provided that such person compensates the proprietor with a sum equivalent to acceptable revenues that would have been due had such act been based upon a license according to an agreement between the two parties.

Article 12

A. Protection of the design shall be effective from the date the application for registration is filed in the Kingdom.

B. The period of the design protection is ten years from the date of first commercial exploitation anywhere worldwide, such period shall, however, not exceed fifteen years from the date of inventing the design.

Article 13

A. Any party/parties concerned is entitled to request from the Registrar, the cancellation of the design in the following cases:

1. If the design is unregistrable due to lack of any of the conditions stipulated in Article 4 of the subject Act.

2. If the registration application does not include all the essential information or if such information or attached documents are contrary to the facts or in violation to the provisions of the Act.

B. The Registrar decision to cancel the registration of the design as per paragraph (A) of the Article herewith may be appealed against in the Supreme Court of Justice within sixty days of notification.

Transfer of Design Proprietary, its Lien and Levy

Article 14

A.1. Design proprietary may be transferred in whole or in part, with or without compensation. The design may be lien or levied, such shall be published in the Official Gazette.

2. Transfer of design proprietary or levy towards third party/parties is demurred only from the date of registration in the register.

B. Propriety of the design is transferred by inheritance.

Article 15

Procedures for design propriety transfer, the lien and levy of such and all legal procedures shall be stipulated in by - laws issued by the Minister to this end, and published in the Official Gazette.

Licensing the Design Exploitation

Article 16

The proprietor may license third party/parties to exploit the protected design according to a written agreement to be registered at the Registrar's, the Registrar shall keep the agreement of the contract in secret.

Article 17

The Minister may grant a license to exploit the design to others without the approval of the proprietor in specifically the following cases:

A. In case of a necessity to the National Security, Emergency Cases or for Public, non commercial Utility then a license may be granted to relevant Government Authorities or third parties to utilize the design provided the proprietor is notified when such action is feasible.

B. If upon an administrative or judicial ruling it is manifested that the proprietor exercises his rights in a manner that prevents honest competition with third parties.

Article 18

The following should be considered when licensing according to Article 17 of the subject Act:

A. Each licensing application should be dealt with according to each application's circumstances and on an individual basis.

B. The scope of the license and its duration is restricted to the purpose of the license grant. If the license application is related to semi conductors technology it is not to be granted for other than public, non commercial utility or for practices that an administrative or judicial authority ruled that such prevents competition.

C. Licensing for utilizing the design should not be restricted to licensee.

D. License may not be assigned to third parties.

E. Licensing is granted to fulfill the local market needs with the exception of the case mentioned in paragraph (B) of Article 17 of the subject Act.

F. The proprietor should receive fair compensation from the licensee considering the economic value of the licensed design.

Article 19

The Minister may, on his part, or upon a request from the proprietor cancel the granted license as per Article 17 of the present Act if the reasons for such licensing is no longer valid and is not foreseen to be repeated, such cancellation should, in no way, infringe any of the rights accrued to relevant parties based on granting the license.

Article 20

Licensing procedures are based upon the provisions of Article 17 of the present Act according to the regulations issued accordingly.

Article 21

Relevant party/parties may appeal against any decision of licensing issued by the Minister to the Supreme Court of Justice within sixty days of being notified or execution of such decision according to the situation.

Precautionary Measures and Sanctions

Article 22

A. The proprietor may upon filing a civil law suit to prevent infringement of the design or during hearing such case, present a plea to the court accompanied by an acceptable bail or cash bond in order to take one of the following measures.

1. Cease the infringement.
2. Preventive retention of the products subject of the infringement wherever it occurs.
3. Preservation of evidence related to the infringement.

B.1. Before filing his lawsuit, the right holder may submit an application to the court, accompanied with an acceptable bank or cash guarantee, for taking any of the procedures provided for in paragraph (A) of this Article, without notifying the defendant. The court may respond to his application, if any of the following is proven:

- That the infringement fell upon the design.
- That the infringement has become imminent, and may cause damage which is impossible to prevent.
- That he fears the evidence of infringement may disappear or be damaged.

2. If the right holder does not file his lawsuit within eight days from the date of the court's response to his application, the procedures taken in this respect shall be considered canceled.

3. The defendant may appeal the court's decision to take provisional procedures by the court of appeal within eight days as from the date of knowing or being notified of it, and the court's decision shall be final.

4. The defendant may claim compensation for the damage he suffered if it is proven that the plaintiff was not right in taking provisional procedures, or if he did not file his lawsuit within the period specified in Item 2 of this paragraph.

C. The defendant may claim compensation for the damage he suffered, if the court concludes in its decision that the plaintiff is not right in his lawsuit.

D. The court may seek, in all cases, the opinions of experts and specialists.

E. The court may order the confiscation of the infringing products and the material and tools mainly used in infringement upon the design of these products. The court may also order damaging these products, material and tools and dispose of them for any noncommercial purpose.

Article 23

The Council of Ministers shall issue the necessary regulations for implementing the provisions of this law including fixing the fees to be levied.

Article 24

The Prime Minister and the ministers shall be entrusted with the implementation of the provisions of this law.

¹ Official Gazette No. 4423 dated 2.4.2000