

# The Act Concerning the Circuit Layout of a Semiconductor Integrated Circuit

(Law No. 43, 1985, promulgated on May 31, 1985)\*  
as last revised, November 12, 1993

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## Chapter 1 General Provisions

### Article 1. (Purpose)

The purpose of this Act is to promote the development of semiconductor integrated circuits by establishing a system for ensuring adequate use of the circuit layout of a semiconductor integrated circuit, and thereby to contribute to the healthy development of the national economy.

### Article 2. (Definitions)

1. A “semiconductor integrated circuit” in this Act shall mean a product having transistors or other circuitry elements which are inseparably formed on a semiconductor material or an insulating material or inside the semiconductor material, and designed to perform an electronic circuitry function.
2. A “circuit layout” in this Act shall mean a layout of circuitry elements and lead wires connecting such elements in a semiconductor integrated circuit.
3. “Using” in this Act as used with respect to a circuit layout shall mean the following acts:
  - (1) the manufacture of semiconductor integrated circuits by utilizing the circuit layout;
  - (2) the transfer, lease, exhibition for the purpose of transferring or leasing, or the import of semiconductor integrated circuits manufactured by utilizing the circuit layout (including goods incorporating such semiconductor integrated circuits).

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\* Entry into force: See Section 1 of the Supplementary Provisions. Source: Communication from the Ministry of International Trade and Industry. Note: English translation furnished by the Ministry of International Trade and Industry.

## Chapter 2

### Registration for Establishment of a Circuit Layout Right

#### Article 3. (Registration for Establishment of a Circuit Layout Right)

1. The creator of a circuit layout or such person's successor (hereinafter referred to as the "creator, etc.") may obtain registration for establishment of a circuit layout right (hereinafter referred to as "registration for establishment") with respect to the circuit layout. In such a case, if there are two or more creators, etc., of the circuit layout, they shall jointly obtain registration for establishment.
2. A person seeking to obtain registration for establishment shall submit an application form containing the following matters to the Minister of International Trade and Industry:
  - (1) the name or designation, and domicile or place of residence of the applicant, and in the case of a juridical person, the name of the representative;
  - (2) the date of the application;
  - (3) in cases where any act referred to in Article 2, paragraph 3, item (2) is performed for business purposes with respect to the circuit layout, the date when such act is first performed;
  - (4) the name or designation, and domicile or place of residence of the person who has created the circuit layout;
  - (5) other matters designated by Ministry of International Trade and Industry Ordinance, in addition to the matters provided for in the preceding items.
3. Drawings describing the applied-for circuit layout or photographs showing such circuit layout, documents explaining that the applicant is the creator, etc., and other materials provided for by Ministry of International Trade and Industry Ordinance shall be attached to the application form, provided for by Ministry of International Trade and Industry Ordinance, referred to in the preceding paragraph.

#### Article 4. (Change in the Name or Designation of the Applicant)

1. The name or designation of the applicant may be changed.
2. A change in the name or designation of the applicant shall not, except for cases of inheritance or other general succession, be effective unless a report is filed with the Minister of International Trade and Industry, as provided for by Ministry of International Trade and Industry Ordinance.
3. In cases where a change in the name or designation of the applicant takes place due to inheritance or other general succession, a report to that effect shall, without delay, be filed with the Minister of International Trade and Industry, as provided for by Ministry of International Trade and Industry Ordinance.

#### Article 5. (Circuit Layout Created in the Course of Employment)

With respect to a circuit layout created in the course of employment by a person engaged in the business of a juridical person or other employer, the creator of the circuit layout shall be deemed to be the juridical person or such other employer, unless otherwise provided for in contracts, working regulations or other documents which are in effect at the time of the creation.

#### Article 6. (Use of Circuit Layout Prior to Application)

Registration for establishment may not be obtained in cases where the creator, etc. or a person who has obtained a grant [of use right] from the creator, etc. has performed an act referred to in Article 2 paragraph 3, item (2) for business purposes with respect to the applied-for circuit layout, two years or more prior to the date of application.

#### Article 7. (Registration for Establishment and Public Notice)

1. In cases where an application for registration for establishment is filed, the Minister of International Trade and Industry shall effect registration for establishment, unless the Minister dismisses the application under the provisions of paragraph 1 of the following Article.

2. Registration for establishment shall be effected by entering in the Circuit Layout Ledger the name or designation, the domicile or place of residence of the person obtaining registration for establishment, the date of registration for establishment and other matters provided for by Ministry of International Trade and Industry Ordinance.

3. In cases where the Minister of International Trade and Industry effects registration for establishment under the provisions of the preceding paragraph, the Minister shall give public notice of the matters provided for by Ministry of International Trade and Industry Ordinance.

Article 8. (Dismissal of Application for Registration for Establishment)

1. The Minister of International Trade and Industry shall dismiss an application for registration for establishment if it is evident from the application form, referred to in Article 3 paragraph 2, and the drawings and other materials attached thereto that the application for registration for establishment falls within any of the following items:

- (1) where the applicant is not the creator, etc.;
- (2) where there are two or more creators, etc., and they have not jointly applied for registration for establishment;
- (3) where the applied-for circuit layout is not eligible for registration for establishment under the provisions of Article 6;
- (4) where the application form does not comply with the formal requirements, or there are other grounds provided for by Cabinet Order.

2. In cases where the Minister of International Trade and Industry dismisses an application according to the provisions of the preceding paragraph, the Minister shall, without delay, provide notice to that effect to the applicant by giving the reasons therefor.

Article 9. (Deletion of Registration for Establishment)

1. The Minister of International Trade and Industry shall delete registration for establishment in cases where it becomes evident that the application for registration for establishment fell within any of items (1) through (4) of paragraph 1 of the preceding Article.

2. In cases where registration for establishment shall be deleted under the provisions of the preceding paragraph, a hearing shall be conducted after the holders of record of rights relating to the circuit layouts right concerning the registration for establishment are provided with a notice within a reasonable period of time prior thereto.

3. The chairman of the hearing as provided for in the preceding paragraph shall permit the holders of record as provided for in the preceding paragraph to participate in the hearing in cases where he or she demands participation in accordance with the provisions of Article 17, paragraph 1 of the Administration Proceedings Act (Law No. 88, 1994).

4. In cases where the Minister of International Trade and Industry has deleted registration for establishment under the provisions of paragraph 1, the Minister shall provide notice to that effect to the holder of record of the circuit layout right concerning registration for establishment, and shall give public notice thereof.

## **Chapter 3** **Circuit Layout Right, etc.**

### **Part 1** **Circuit Layout Right**

Article 10. (Creation and Term of a Circuit Layout Right)

1. A circuit layout right shall be created upon its registration for establishment.
2. The term of the circuit layout right shall be ten years from the date of its registration for establishment.

Article 11. (Effect of a Circuit Layout Right)

The holder of a circuit layout right shall solely have the right to use the circuit layout for which registration for establishment is obtained (hereinafter referred to as a “registered circuit layout”) for business purposes. However, this shall not apply to the extent that the sole use grantee solely has the right to use the circuit layout, if a sole use right is granted based on the circuit layout right.

Article 12. (Scope of a Circuit Layout Right)

1. The effect of a circuit layout right shall not extend to the use of a circuit layout created by another person.
2. The effect of a circuit layout right shall not extend to the manufacture of a semiconductor integrated circuit which is made by utilizing the registered circuit layout for the purpose of analyzing or evaluating the semiconductor integrated circuit.
3. If the holder of a circuit layout right, or a sole or ordinary use grantee, transfers semiconductor integrated circuits manufactured by utilizing the registered circuit layout (including goods incorporating such semiconductor integrated circuits) to another person, the effect of the circuit layout right shall not extend to the transfer, lease, exhibition for the purpose of transferring or leasing, or the import of such transferred semiconductor integrated circuits.

Article 13. (Relation to Another’s Patented Invention, etc.)

If the use of a registered circuit layout is the working of another’s patented invention or registered utility model, the holder of the circuit layout right, or a sole or ordinary use grantee may not use the registered circuit layout for business purposes.

Article 14. (Circuit Layout Right Subject to Co-ownership)

1. When a circuit layout right is subject to co-ownership, none of the co-owners may transfer his or her share or establish a pledge on his or her share without the consent of the other co-owners.
2. Even when a circuit layout right is subject to co-ownership, each of the co-owners may, unless otherwise agreed to by contract, use the registered circuit layout without the consent of the other co-owners.
3. When a circuit layout right is subject to co-ownership, none of the co-owners may grant a sole or ordinary use right to another person without the consent of the other co-owners.

Article 15. (Expiration of a Circuit Layout Right in Cases of Dissolution of a Juridical Person, etc.)

A circuit layout right shall expire in the following cases:

- (1) where a juridical person which is the holder of a circuit layout right is dissolved and the circuit layout right shall belong to the National Treasury under the provisions of Article 72 paragraph 3 of the Civil Code (Law No. 89, 1896) or other similar provision of law;
- (2) where an individual who is the holder of a circuit layout right dies and the circuit layout right shall belong to the National Treasury under the provisions of Article 959 of the Civil Code.

Article 16. (Sole Use Right)

1. The holder of a circuit layout right may grant a sole use right based on the circuit layout right.
2. A sole use grantee shall solely have the right to use the circuit layout for business purposes within the scope set forth in the granting act.
3. A sole use right is transferable only in cases where it is transferred along with the business which uses the circuit layout, where the approval of the holder of the circuit layout right is obtained, or where inheritance or other general succession takes place.
4. A sole use grantee may establish a pledge on his or her sole use right or grant an ordinary use right to another person only with the approval of the holder of the circuit layout right.
5. The provisions of Article 14 shall apply *mutatis mutandis* to a sole use right.

Article 17. (Ordinary Use Right)

1. The holder of a circuit layout right may grant an ordinary use right based on the circuit layout right to another person.

2. An ordinary use grantee shall have the right to use the circuit layout for business purposes within the scope provided for in the granting act.
3. An ordinary use right is transferable only in cases where it is transferred along with the business which uses the circuit layout, where an approval of the holder of the circuit layout right (both the holder of the circuit layout right and the sole use grantee, in the case where the ordinary use right has been granted under a sole use right; and the same shall apply in the following paragraph) is obtained, or where inheritance or other general succession takes place.
4. An ordinary use grantee may establish a pledge on his or her ordinary use right only with the approval of the holder of the circuit layout right.
5. The provisions of Article 14 paragraphs 1 and 2 shall apply *mutatis mutandis* to an ordinary use right.

Article 18. (Pledge)

Where a pledge is established on a circuit layout right or a sole or ordinary use right, the pledgee may not use the registered circuit layout, unless otherwise agreed to by contract.

Article 19.

A pledge which is established on a circuit layout right or a sole or ordinary use right may be exercised against the remuneration received as counter value for the circuit layout right, or the sole or ordinary use right, or against any money or other object which the holder of the circuit layout right or the sole use grantee may receive for the use of the circuit layout. However, attachment shall be effected before the payment or delivery thereof.

Article 20. (Waiver of the Circuit Layout Right, etc.)

1. The holder of a circuit layout right may waive his or her circuit layout right only with the approval of the sole use grantee, or ordinary use grantee and pledgee, if any.
2. A sole use grantee may waive his or her sole use right only with the approval of the ordinary use grantee and pledgee, if any.
3. An ordinary use grantee may waive his or her ordinary use right only with the approval of the pledgee, if any.

Article 21. (Effect of Registration)

1. The following matters may not be set up against a third party, unless they are registered:
  - (1) the transfer (excluding such arising from inheritance or other general succession) of a circuit layout right or restriction on its disposition;
  - (2) the grant, transfer (excluding such arising from inheritance or other general succession), modification, or expiration (excluding such arising from merger, or expiration of a circuit layout right) of a sole use right, or restriction on its disposition;
  - (3) the transfer (excluding such arising from inheritance or other general succession), modification, or expiration (excluding such arising from merger, or expiration of a circuit layout right or sole use right) of an ordinary use right, or restriction on its disposition;
  - (4) the establishment, transfer (excluding such arising from inheritance or other general succession), modification or expiration (excluding such arising from merger, or expiration of the secured obligation-right) of a pledge having as its subject matter a circuit layout right or a sole or ordinary use right, or restriction on its disposition.
2. When an ordinary use right is registered, it shall be effective against a person who has, after such registration, acquired the circuit layout right or a sole use right, or a sole use right [thereafter] granted on such circuit layout right.
3. The registration referred to in the preceding two paragraphs shall be effected by the Minister of International Trade and Industry by entering the registration in the Circuit Layout Ledger.

## Part 2 Infringement of Rights

### Article 22. (Right to Demand Discontinuance of Infringement)

1. The holder of a circuit layout right or the sole use grantee may demand that a person who is infringing or is likely to infringe the circuit layout right or the sole use right discontinue or prevent such infringement.
2. In cases where the holder of a circuit layout right or the sole use grantee makes a demand under the provisions of the preceding paragraph, he or she may demand that the semiconductor integrated circuits with which the infringement was committed and any other objects which were used for the infringement be destroyed, and demand other acts necessary for the prevention of infringement.

### Article 23. (Acts Deemed Infringements)

The production, transfer, lease, exhibition for the purpose of transferring or leasing, or the import for business purposes of objects which are to be used primarily for the imitation of a registered circuit layout shall be deemed an infringement of the circuit layout right or sole use right.

### Article 24. (Special Provisions for a Person Acting in Good Faith)

1. The transfer, lease, exhibition for the purpose of transferring or leasing, or the import for business purposes, of semiconductor integrated circuits, by a person who, at the time of delivery of the semiconductor integrated circuits (including goods incorporating the semiconductor integrated circuits) does not know and is not at fault for not knowing (hereinafter referred to as a “person acting in good faith”) that such semiconductor integrated circuits were manufactured by utilizing a circuit layout imitated from a registered circuit layout involving another’s circuit layout right or sole use right (hereinafter referred to as “the fact of imitation”), shall not be deemed an infringement of the circuit layout right or sole use right.
2. In cases where a person acting in good faith transfers, leases, exhibits for the purpose of transferring or leasing, or imports semiconductor integrated circuits for business purposes after he or she has known of the fact of imitation, the holder of the circuit layout right or the sole use grantee may demand of such persons the payment of an amount of money which would normally have been received for the use of the registered circuit layout.
3. In cases where a person acting in good faith has paid money to the holder of the circuit layout right or the sole use grantee according to the provisions of the preceding paragraph, the semiconductor integrated circuits shall be deemed to have been transferred by such holder of the circuit layout right or sole use grantee.
4. The provisions of Article 26, and Civil Code Article 719 paragraph 1 and Article 724 shall apply *mutatis mutandis* in cases where the right to demand under the provisions of paragraph 2 is exercised.

### Article 25. (Presumption, etc., of the Amount of Damage)

1. In cases where the holder of a circuit layout right or the sole use grantee demands of a person who has intentionally or negligently infringed the circuit layout right or the sole use right the payment of damages caused by such infringement, and if a profit is obtained by such infringing party from the infringement, the amount of such profit shall be presumed to be the amount of damage incurred by the holder of the circuit layout right or the sole use grantee.
2. The holder of a circuit layout right or the sole use grantee may demand of a person who has intentionally or negligently infringed the circuit layout right or the sole use right the payment of an amount of money which would normally have been received for the use of the registered circuit layout as damages caused by the infringement.
3. The provisions of the preceding paragraph shall not preclude a demand for damages exceeding the amount provided for in that paragraph. In such a case, if there is neither intention nor gross negligence on the part of the person who has infringed the circuit layout right or the sole use right, the court may take such facts into account in determining the amount of damages.

Article 26. (Presentation of Documents)

In any litigation concerning infringement of a circuit layout right or a sole use right, the court may, upon the request of a party, order the other party to present documents which are necessary for the assessment of damage caused by the infringement. However, this shall not apply if the possessor of such documents has reasonable grounds for refusing such presentation.

### Part 3 Compensation

Article 27. (Compensation)

1. In cases where the creator, etc. or a person who has obtained a grant [of use right] from the creator, etc. performs any act referred to in Article 2 paragraph 3, item (2) with respect to the circuit layout for business purposes before obtaining registration for establishment with respect to the circuit layout concerned, and if, after such act is performed but before registration for establishment with regard to the circuit layout concerned is obtained, a person who has knowledge of a circuit layout being the imitation of the circuit layout concerned (hereinafter referred to as “the imitated circuit layout” in this paragraph and paragraph 4) uses the imitated circuit layout for business purposes, he or she shall be liable, when registration for establishment with respect to the circuit layout concerned is effected, for payment to the creator, etc. of compensation equal to an amount of money which such person would normally have to pay for the use of such registered circuit layout.
2. The right to demand compensation referred to in the preceding paragraph may not be exercised until after the registration for establishment with respect to the circuit layout concerned is effected.
3. In cases where registration for establishment is deleted in accordance with the provisions of Article 9 after registration for establishment has been effected with respect to the circuit layout referred to in paragraph 1, the right to demand compensation referred to in the said paragraph shall be deemed not to have come into force from the beginning.
4. The provisions of Article 23 and the preceding Article, and Civil Code Article 719 paragraph 1 and Article 724 shall apply *mutatis mutandis* in cases where the right to demand compensation referred to in paragraph 1 is exercised. In such case, if the holder of such right became aware of the use of the circuit layout or the user of the circuit layout before registration for establishment with respect to the circuit layout concerned, “the time when the injured party or such party’s legal representative became aware of such damage and of the identity of the tortfeasor” in the provisions of Article 724 of the Civil Code shall be read as “the time of registration for establishment with respect to the circuit layout concerned.”

### Chapter 4 Designated Registration Organ

Article 28. (Designation of Registration Organ)

1. The Minister of International Trade and Industry may have a person, designated by the Minister (hereinafter referred to as the “designated registration organ”), perform the whole or a part of registration for establishment [business], registration [business] referred to in Article 21 paragraphs 1 and 2, and business carried out upon demand as provided for in Article 48 paragraph 2 (hereinafter referred to as the “registration business”), as provided for by Ministry of International Trade and Industry Ordinance.
2. The designation referred to in the preceding paragraph shall be made as provided for by Ministry of International Trade and Industry Ordinance upon application of a person seeking to perform registration business.
3. When the designation referred to in paragraph 1 is made by the Minister of International Trade and Industry, the Minister shall no longer perform the registration business which is to be performed by the designated registration organ.
4. When the provisions of Article 3 paragraph 2, Article 4 paragraphs 2 and 3, Article 7 paragraphs 1 and 3, Article 8, Article 9, Article 21 paragraph 3, and Article 48 paragraph 2, are applied in cases where the

designated registration organ performs the registration business, “the Minister of International Trade and Industry” in these provisions (excluding Article 48, paragraph 2) shall be read as “the designated registration organ,” and “request the Minister of International Trade and Industry” in Article 48 paragraph 2 shall be read as “request the designated registration organ.”

Article 29. (Disqualification)

A person who falls within any of the following items may not obtain the designation referred to in paragraph 1 of the preceding Article:

- (1) a person who has been sentenced to a fine or more severe punishment on charges of violating this Act or an order issued in accordance with this Act, and two years have not passed since the date of fulfilling his or her sentence or the date when he or she was excused from fulfilling his or her sentence;
- (2) where the designation has been annulled in accordance with the provisions of Article 41 and two years have not passed since the date of annulment;
- (3) where an officer performing the business falls within either of the following:
  - (i) when he or she falls within the provisions of item (1); or
  - (ii) when he or she was dismissed by an order issued in accordance with the provisions of Article 37 and two years have not passed since the date of the dismissal.

Article 30. (Standards for Designation)

Designation shall not be made unless the Minister of International Trade and Industry acknowledges that the application for designation referred to in Article 28 paragraph 1 complies with the following items:

- (1) persons who have knowledge and experience, meeting the requirements provided for by Ministry of International Trade and Industry Ordinance, are to perform the registration business, and the number thereof is equal to or more than that provided for by Ministry of International Trade and Industry Ordinance;
- (2) a sufficient financial base and technical capacity exists to perform properly the registration business;
- (3) the applicant is a juridical person established under the provisions of Article 34 of the Civil Code, and the composition of officers and staff members thereof is not likely to harm fair performance of the registration business;
- (4) in cases where business other than the registration business has already been performed, the performance of such business shall not lead to unfair performance of the registration business;
- (5) the designation does not hinder the proper and smooth performance of the registration business.

Article 31. (Duty to Effect Registration for Establishment, etc.)

1. In cases where registration for establishment or the registration referred to in Article 21 paragraphs 1 and 2, is applied for, the designated registration organ shall, without delay, perform the registration business, unless there are reasonable grounds [for not doing so].
2. In cases where the designated registration organ performs the registration business, it shall have a person, provided for in item 1 of the preceding Article (hereinafter referred to as the “performer of the registration business”), perform such business.

Article 32. (Change of Office)

In cases where the designated registration organ changes the location of its office which performs the registration business, it shall file a report with the Minister of International Trade and Industry at least two weeks prior to such change of location.

Article 33. (Registration Business Rules)

1. The designated registration organ shall establish rules relating to the registration business (hereinafter referred to as the “registration business rules”) and shall obtain the approval of the Minister of International Trade and Industry. The same shall apply in the case of amendment of the registration business rules.



2. The matters to be established in the registration business rules shall be provided for by Ministry of International Trade and Industry Ordinance.

3. In cases where the Minister of International Trade and Industry acknowledges that the approved registration business rules referred to in paragraph 1 have become inadequate for the fair performance of registration business, the Minister may order the designated registration organ to amend the registration business rules.

Article 34. (Suspension and Abolishment of the Registration Business)

The designated registration organ may not suspend or abolish the whole or a part of the registration business without the permission of the Minister of International Trade and Industry.

Article 35. (Business Plans, etc.)

1. The designated registration organ shall, before the commencement of each business year (with respect to a business year in which the designation referred to in Article 28 paragraph 1 is made, without delay after such designation), establish a business plan and a revenue and expenditure budget for the business year, and shall obtain the approval of the Minister of International Trade and Industry. The same shall apply in the case of modification.

2. The designated registration organ shall, within three months after the close of each business year, draft a business report and a report on the settlement of accounts for the business year, and submit them to the Minister of International Trade and Industry.

Article 36. (Election and Dismissal of Officers, etc.)

The election and dismissal of officers or performers of the registration business of the designated registration organ shall not be effective without the approval of the Minister of International Trade and Industry.

Article 37. (Order of Dismissal of Officers, etc.)

In cases where an officer or performer of the registration business of the designated registration organ violates this Act, an order issued in accordance with this Act or the registration business rules, or performs an act which is deemed considerably inadequate for the registration business, the Minister of International Trade and Industry may order the designated registration organ to dismiss such officer or performer of the registration business.

Article 38. (Duty to Maintain Secrets, etc.)

1. A person who is or was an officer or a staff member of the designated registration organ shall not leak any secret which he or she has obtained in connection with the registration business.

2. The officer or staff member of the designated registration organ engaged in the registration business shall be deemed to be an officer engaged in public service under law, insofar as the application of the penal provisions of the Criminal Code (Law No. 45, 1907) and the other laws are concerned.

Article 39. (Reports and Spot Inspections)

1. Insofar as it is necessary for the enforcement of the provisions of this Act, the Minister of International Trade and Industry may demand a report on the business and financial condition of the designated registration organ, or the Minister may authorize other public officials to enter offices of the designated registration organ and examine its business conditions, books, documents and other objects, and to question pertinent persons.

2. If the public officials are to enter offices in accordance with the provisions of the preceding paragraph, they shall carry a certificate of identification and shall present it to pertinent persons.

3. The authority provided for in paragraph 1 shall not be regarded as granted for the purpose of criminal inspections.

Article 40. (Adjustment Orders, etc.)

1. In cases where the Minister of International Trade and Industry acknowledges that the designated registration organ no longer complies with the requirements provided for in items (1) through (4) of Article 30, the Minister may order the designated registration organ to take the measures necessary for complying with such requirements.
2. In addition to the order referred to in the preceding paragraph, the Minister of International Trade and Industry may, if the Minister acknowledges it as necessary for the enforcement of this Act, issue to the designated registration organ other orders necessary for the supervision of the registration business.

Article 41. (Annulment of Designation, etc.)

In cases where the designated registration organ falls within any of the following items, the Minister of International Trade and Industry may annul the designation, or order suspension of the whole or a part of the registration business by fixing a specific period of time:

- (1) where the designated registration organ violates the provisions of this Chapter;
- (2) where the designated registration organ falls within item (1) or (3) of Article 29;
- (3) where the designated registration organ does not perform the registration business in accordance with the registration business rules which have been given the approval referred to in Article 33 paragraph 1;
- (4) where the designated registration organ violates an order issued in accordance with the provisions of Article 33 paragraph 3, Article 37 or the preceding Article;
- (5) where the designation has been obtained in an unfair manner.

Article 42. (Entries in Books)

1. The designated registration organ shall keep books and shall enter into the books matters relating to the registration business provided for by Ministry of International Trade and Industry Ordinance.
2. The books referred to in the preceding paragraph shall be maintained as provided for by Ministry of International Trade and Industry Ordinance.

Article 43. (Special Provisions for Hearing Concerning Disposition to be Rendered Against the Designated Registration Organ)

1. The proceedings which are to be held on the date of the hearing concerning the dispositions to be rendered under the provisions of Article 37 or Article 41 shall be open to public.
2. The chairman of the hearing as provided for in the preceding paragraph shall permit the parties having interest in such dispositions to participate in the proceedings in cases where such parties demand participation in accordance with the provisions of Article 17, paragraph 1 of the Administration Proceedings Act (Law No. 88, 1994).

Article 44. (Complaint Against a Disposition, etc., of the Designated Registration Organ)

Anyone who has a complaint with regard to a disposition, or failure to act, concerning the registration business which the designated registration organ performs, may file a motion under the Administrative Complaints Inquiries Act (Law No. 160, 1962) with the Minister of International Trade and Industry.

Article 45. (Enforcement, etc. of the Registration Business by the Minister of International Trade and Industry)

1. In cases where the designated registration organ has suspended the whole or a part of its registration business by obtaining the permission referred to in Article 34, or where the Minister of International Trade and Industry has ordered the designated registration organ to suspend the whole or a part of its registration business in accordance with the provisions of Article 41, or where it has become difficult for the designated registration organ to perform the whole or a part of its registration business due to a disaster or other event, the Minister of International Trade and Industry shall, when it acknowledges as necessary, perform the whole or a part of such registration business.

2. In cases where the Minister of International Trade and Industry performs the whole or a part of the registration business in accordance with the provisions of the preceding paragraph, where the designated registration organ abolishes the whole or a part of its registration business by obtaining the permission referred to in Article 34, or where the Minister of International Trade and Industry annuls the designation of the designated registration organ under the provisions of Article 41, the succession of the registration business and other necessary matters shall be provided for by Ministry of International Trade and Industry Ordinance.

Article 46. (Public Notice)

In any of the following cases, the Minister of International Trade and Industry shall provide public notice thereof in the Official Gazette:

- (1) where a designation under Article 28 paragraph 1 is made;
- (2) where there is a filing of a report in accordance with the provisions of Article 32;
- (3) where approval under Article 34 is given;
- (4) where a designation is annulled or a suspension of the whole or a part of the registration business is ordered in accordance with the provisions of Article 41;
- (5) where the Minister of International Trade and Industry decides to perform, by himself or herself, the whole or a part of the registration business under the provisions of paragraph 1 of the preceding Article, or decides to stop performing the whole or a part of the registration business which the Minister has been performing by himself or herself.

## Chapter 5 Miscellaneous Provisions

Article 47. (Forum of Non-Resident)

With respect to a circuit layout right and other rights concerning a circuit layout right held by a person who does not have a domicile or a place of residence (a place of business, in case of a juridical person) in Japan, the location of the Ministry of International Trade and Industry shall be deemed the location of the property as provided for under Article 8 of the Code of Civil Procedure (Law No. 29, 1890).

Article 48. (Circuit Layout Ledger, etc.)

1. The whole or a part of the Circuit Layout Ledger may be arranged and produced on magnetic tapes (including other devices which are capable of recording specific information in a secured manner, using a similar method; the same shall apply hereinafter).
2. Anyone may demand of the Minister of International Trade and Industry the delivery of a copy or an extract of the Circuit Layout Ledger, or documents describing matters contained in the portion of the Circuit Layout Ledger which has been arranged and produced on magnetic tapes, or the perusal or copying of the application form referred to in Article 3 paragraph 2 or drawings and other materials attached thereto (excluding those which the Minister of International Trade and Industry acknowledges as necessary to maintain secrets).

Article 49. (Fees, etc.)

1. Any of the following persons shall pay to the State (or in cases where the designated registration organ performs the registration business, to such designated registration organ), a fee determined by Cabinet Order in light of the actual expenses:
  - (1) persons seeking to obtain registration for establishment;
  - (2) persons seeking to obtain the registration referred to in Article 21 paragraph 1 or 2;
  - (3) persons demanding delivery of a copy or an extract of the Circuit Layout Ledger, or delivery of documents describing matters contained in the portion of the Circuit Layout Ledger which has been arranged and produced on magnetic tapes, in accordance with the provisions of paragraph 2 of the preceding Article;

- (4) persons demanding perusal or copying of the Circuit Layout Ledger, or drawings and other materials attached to the application form under the provisions of paragraph 2 of the preceding Article.
2. The provisions of the preceding paragraph (limited to the portions referring to the persons specified in items (1) and (2)) shall not apply in cases where the Minister of International Trade and Industry effects registration for establishment, or the registration referred to in Article 21 paragraph 1 or 2.
3. The provisions of paragraph 1 shall not apply in cases where the fee is to be paid by the State.
4. Registration fees paid to the designated registration organ under the provisions of paragraph 1 shall be the income of the designated registration organ.

Article 50.

In addition to the matters provided for in this Act, matters necessary for registration for establishment and the registration referred to in Article 21 paragraphs 1 and 2, shall be provided for by Cabinet Order.

## Chapter 6 Penal Provisions

Article 51.—

1. Any person who infringes a circuit layout right or a sole use right shall be punished with penal servitude not exceeding three years or a fine not exceeding one million yen.
2. The crime referred to in the preceding paragraph shall be prosecuted upon complaint.

Article 52.

Any person who has obtained registration for establishment by fraud shall be punished with penal servitude not exceeding one year or a fine not exceeding three hundred thousand yen.

Article 53.

Any person who violates the provisions of Article 38 paragraph 1 shall be punished with penal servitude not exceeding one year or a fine not exceeding three hundred thousand yen.

Article 54.

In cases where an order of suspension of the registration business under the provisions of Article 41 is violated, the officer or staff member of the designated registration organ who committed the act of violation shall be punished with penal servitude not exceeding one year or a fine not exceeding three hundred thousand yen.

Article 55.

If any of the following items occurs, the officer or staff member of the designated registration organ who committed the act of violation shall be punished with a fine not exceeding two hundred thousand yen:

- (1) where the whole of the registration business is abolished without obtaining the permission referred to in Article 34;
- (2) where a report under the provisions of Article 39 paragraph 1 is not filed or a false report is filed, or where the inspection under the provisions of the said paragraph is refused, hindered or avoided, or where a statement answering the questions presented in accordance with the said paragraph is not rendered or a false statement is rendered;
- (3) where books are not kept or entries are not made in the books, or false entries are made in the books, in violation of the provisions of Article 42 paragraph 1, or where the books are not maintained in violation of the provisions of paragraph 2 of the said Article.

Article 56.

In cases where a representative of a juridical person, an agent representing a juridical person or an individual, or an employee or any other working staff member thereof commits an act referred to in Article 51 paragraph 1, or Article 52 in connection with the business of such juridical person or individual,

the juridical person or the individual shall, in addition to the punishment of the violator, be subject to a fine as provided for in each corresponding provision.

## SUPPLEMENTARY PROVISIONS

### Article 1. (Enforcement Date)

This Act shall come into force on the date designated by Cabinet Order [January 1, 1986], which shall be within one year after the date of promulgation [May 31, 1985], provided that the provisions of Articles 28 through 30, Articles 32, 33, 35 and 36, Articles 38 through 43, Articles 46 and 53, and Article 55 (excluding item (1)) shall come into force on the date designated by Cabinet Order, which shall be within six months after the date of promulgation. (Enforcement Date)

### Article 2. (Transitional Measures)

The provisions of Article 6 shall not apply to registration for establishment, if within six months after the date of enforcement of this Act an application for registration for establishment is filed with respect to a circuit layout, and if any act referred to in Article 2 paragraph 3, item (2) was first performed with respect to the circuit layout for business purposes within two years before the date of enforcement of this Act.

### Article 3.

The effect of a circuit layout right shall not extend to the transfer, lease, exhibition for the purpose of transferring and leasing, or the import of semiconductor integrated circuits (including goods incorporating the semiconductor integrated circuits; the same shall apply in the following Article) existing at the enforcement of this Act, within two years after the enforcement of this Act.

### Article 4.

The provisions of Article 27 paragraph 1 shall not apply to the use of a circuit layout made before the enforcement of this Act, nor shall these provisions apply to the transfer, lease, exhibition for the purpose of transferring or leasing, or the import of semiconductor integrated circuits existing at the enforcement of this Act, within two years before the enforcement of this Act.

### Article 5. (Amendment to the Bankruptcy Act)

(Translation omitted)

### Article 6. (Amendment to the Inheritance Tax Act)

(Translation omitted)

### Article 7. (Amendment to the Stamp Tax Act)

(Translation omitted)

### Article 8. (Amendment to the Registration and License Tax Act)

The Registration and License Tax Act (Law No. 35, 1967) shall partially be amended as follows:

“circuit layout right” shall be added after “trademark right” in the provisions of Article 11 paragraph 1 of the said Act.

The following item shall be added after item 14 of the Attached Table No. 1 of the said Act.

#### ITEM 14-2 Registration of a Circuit Layout Right

(Including Registration of a Circuit Layout Right Trust)

- |     |  |                    |
|-----|--|--------------------|
| (1) | Registration for establishment of a circuit layout right                             | 18,00 yen per case |
| (2) | Registration of transfer of a circuit layout right                                   |                    |
|     | (a) Registration of transfer grounded on inheritance or merger of a juridical person | 3,000 yen per case |
|     | (b) Registration of transfer on other grounds  | 9,000 yen per case |
| (3) | Registration of a grant of a sole or ordinary use                                    |                    |



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	right	9,000 yen per case
(4)	Registration of establishment of a pledge, the subject matter of which is a circuit layout right, or sole or ordinary use right or registration of restriction on the disposition of a circuit layout right, or sole is ordinary use right, or the pledge	4/1000 of the amount of the obligation right
(5)	Registration of transfer of a sole or ordinary use right, or transfer of a pledge, the subject matter of which is such use right or a circuit layout right	
	(a) Registration of transfer grounded on inheritance or merger of a juridical person	1,500 yen per case
	(b) Registration of transfer on other grounds	3,000 yen per case
(6)	Registration of trust	3,000 yen per case
(7)	Accessory registration, provisional registration, registration of restoration of a deleted registration, or registration of rectification or alteration of a registration (excluding one which falls within any of the types of registration referred to in (1) through (6))	1,000 yen per case
(8)	Deletion of registration	1,000 yen per case

(Translation omitted)