

ENFORCEMENT DECREE OF THE ACT ON THE LAYOUT-DESIGNS OF SEMICONDUCTOR INTEGRATED CIRCUITS

	Presidential Decree No. 13972,	Aug. 31,	1993
Amended by	Presidential Decree No. 14700,	Jul. 1,	1995
	Presidential Decree No. 15598,	Dec. 31,	1997
	Presidential Decree No. 16045,	Dec. 31,	1998
	Presidential Decree No. 18312,	Mar. 17,	2004
	Presidential Decree No. 19507,	Jun. 12,	2006
	Presidential Decree No. 20345,	Oct. 26,	2007
	Presidential Decree No. 20729,	Feb. 29,	2008
	Presidential Decree No. 21369,	Mar. 25,	2009
	Presidential Decree No. 21901,	Dec. 22,	2009
	Presidential Decree No. 22151,	May 4,	2010
	Presidential Decree No. 23344,	Dec. 2,	2011

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to provide for the matters delegated by the Act on the Layout-Designs of Semiconductor Integrated Circuits and those necessary for the enforcement thereof. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 2 Deleted. *<by Presidential Decree No. 21369, Mar. 25, 2009>*

Article 3 (Justifiable Grounds for Non-Use of Layout-Designs)

(1) “Justifiable ground specified by Presidential Decree” in Article 13 (1) 1 of the Act on the Layout-Designs of Semiconductor Integrated Circuits (hereinafter referred to as the “Act”) shall be any of the following cases: *<Amended by Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 21369, Mar. 25, 2009>*

1. Where a person who has made registration of establishment pursuant to Article 21 (1) of the Act and another person who has succeeded to right from the former (hereinafter referred to as “holder of a lay-

ENFORCEMENT DECREE OF THE ACT ON THE LAYOUT-DESIGNS OF SEMICONDUCTOR INTEGRATED CIRCUITS

out-design right”), or an exclusive licensee under Article 11 (2) of the Act (hereinafter referred to as “exclusive licensee”), cannot use a layout-design under subparagraph 2 of Article 2 of the Act, due to a mental or physical disorder. In such cases, a mental or physical disorder shall be proved by a representative of a medical institution of a hospital level or higher under Article 3 (4) of the Medical Service Act;

2. Where a layout-design cannot be used due to the delay of permission or authorization of an administrative agency, or consent or approval from a third party, required for the use of layout-designs under subparagraph 4 of Article 2 of the Act (hereinafter referred to as “use of layout-design”);
3. Where a layout-design cannot be used because raw materials or equipment necessary for using the layout-design are prohibited from importation;
4. Where a layout-design cannot be used because it is impossible to use the layout-design in business scale due to a lack or shortage of demand for the use of the layout-design.

(2) “Justifiable grounds” in Article 13 (1) 2 of the Act means a ground falling under any subparagraph of paragraph (1). *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 4 (Application for Award)

(1) A person who intends to make an application for award (hereinafter referred to as “applicant for award”) on the establishment of a non-exclusive license (hereinafter referred to as “non-exclusive license”) under Article 12 of the Act, pursuant to Article 13 (2) or (3) of the Act, shall submit a written application stating the following matters (hereinafter referred to as “application for award”) to the Commissioner of the Korean Intellectual Property Office: *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

1. The registration number of the layout-design right;
2. The name, address, and resident registration number of an applicant for award (in cases of a juristic person, its trade name, seat of place

of business, registration number of the juristic person and name of its representative);

3. The name, address and resident registration number of the holder of a layout-design right or a person who has registered an exclusive license or non-exclusive license, or pledge under Article 16 of the Act (hereinafter referred to as "right for layout-design")(in cases of a juristic person, its trade name, seat of place of business, registration number of the juristic person and name of its representative);
4. Purport and reasons for the application;
5. The scope of the non-exclusive license;
6. The consideration, and methods and timing for the payment thereof.

(2) An application for award under paragraph (1) shall be accompanied by the following documents: <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 20345, Oct. 26, 2007>

1. Documents stating the basis for calculation of the consideration, in consideration of the economic value of layout-design right or exclusive license;
2. Documents proving the grounds for application.

Article 5 (Delivery of Copy, and Public Announcement, of Application for Award)

(1) Where an application for award under Article 4 is submitted, the Commissioner of the Korean Intellectual Property Office shall send a copy of such application to the holder of layout-design right and a person who has registered the right for the layout-design, and shall provide them with an opportunity to present their opinions in writing within a prescribed period not less than one month but not more than three months: *Provided*, That in cases of an application for award under Article 13 (3) of the Act, the procedures to present opinions in writing may be omitted. <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>

(2) Where a written opinion under paragraph (1) is presented, the Commissioner of the Korean Intellectual Property Office shall send a copy of the written opinion in writing to the applicant for award. <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998;

ENFORCEMENT DECREE OF THE ACT ON THE LAYOUT-DESIGNS OF SEMICONDUCTOR INTEGRATED CIRCUITS

Presidential Decree No. 20345, Oct. 26, 2007>

(3) Where an application for award under Article 4 is submitted, the Commissioner of the Korean Intellectual Property Office shall make a public announcement of the purport in the Official Gazette or the Patent Gazette under Article 221 of the Patent Act (hereinafter referred to as "Official Gazette, etc."). <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>

Article 6 (Abuse of Rights)

"Ground prescribed by Presidential Decree" in Article 13 (4) 2 of the Act means cases falling under any of the following subparagraphs: <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 21369, Mar. 25, 2009>

1. Where corrective measures have been ordered by the Fair Trade Commission pursuant to Article 24 of the Monopoly Regulation and Fair Trade Act because the non-use of a layout-design by the holder of the layout-design right or the exclusive licensee falls under abusive acts under Article 3-2 of the same Act or unfair trade practices under Article 23 of the same Act;
2. Where a layout-design is not used on a substantial business scale for not less than two years consecutively in the Republic of Korea, or does not meet the domestic demand in proper terms and conditions.

Article 7 (Certificate of Award)

An award under Article 13 (4) of the Act (hereinafter referred to as "award") shall be a written submission (hereinafter referred to as "written award") stating the following matters: <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 20345, Oct. 26, 2007>

1. The serial number of the award;
2. The registration number of the layout-design right;
3. The name, address, and resident registration number of an applicant for award (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and the name of its representative);
4. The name, address, and resident registration number of the holder

of the layout-design right and the person who has registered for the layout-design (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and the name of its representative);

5. The main texts of the award (including matters falling under the subparagraphs of Article 13 (5) of the Act);
6. The reasons for the award (including the purport and reasons for the application for award);
7. The date of the award.

Article 8 (Service of Certified Copy of Award)

When the Commissioner of the Korean Intellectual Property Office makes an award, he/she shall serve a certified copy of the award on the applicant for award, the holder of the layout-design right and a person who has registered the layout-design right, respectively. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

Article 9 (Deposit of Consideration)

Where an applicant for award who intends to pay a consideration under Article 13 (5) 2 of the Act falls under any of the following subparagraphs, he/she may deposit such consideration: *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 20345, Oct. 26, 2007>*

1. Where a person who is to receive the consideration refuses or is unable to receive it;
2. Where a lawsuit has been filed for the consideration;
3. Where a pledge has been established for the relevant layout-design right or exclusive license: *Provided*, That this shall not apply where a pledgee consents to such remuneration.

Article 10 (Procedure for Cancellation of Award)

(1) Cancellation of award under Article 15 (1) of the Act shall be made in writing with the ground therefor clarified. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(2) Articles 4, 5, and 8 shall apply *mutatis mutandis* to the cancellation of award under paragraph (1). In such cases, “award” shall be construed as “cancellation of award”, “application for award” as “application for

ENFORCEMENT DECREE OF THE ACT ON THE LAYOUT-DESIGNS OF SEMICONDUCTOR INTEGRATED CIRCUITS

cancellation of award”, “applicant for award” as “applicant for cancellation of award” and “statement of award” as “statement of cancellation of award”, respectively. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

CHAPTER II REGISTRATION OF LAYOUT-
DESIGN RIGHTS, ETC.

Article 11 (Application for Registration of Establishment of Layout-Design Rights)

(1) A person who intends to apply for registration of establishment of a layout-design right pursuant to Article 19 (1) of the Act shall submit a written application for registration of establishment stating the following matters (hereinafter referred to as “application for registration of establishment”) to the Commissioner of the Korean Intellectual Property Office: *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

1. The applicant’s name, address, and resident registration number (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and name of its representative);
2. The date of application;
3. The date on which the layout-design was created;
4. Where activities defined in subparagraph 4 (c) of Article 2 of the Act are committed for making profits, the date when such activity was first committed;
5. The name, address and resident registration number of the creator of the layout-design (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and name of its representative);
6. Where there is an agent for application, the name, address and resident registration number of the agent (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and name of its representative);

7. The title of the layout-design.

(2) The following materials shall be attached to a written application for registration of establishment: *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Amended by Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 20729, Feb. 29, 2008; Presidential Decree No. 21369, Mar. 25, 2009>*

1. An electronic file in the form readable by a computer on two- or three-dimensional structure of a layout-design (hereinafter referred to as “layout-design file”);
2. An explanatory note of a layout-design stating the matters prescribed by Ordinance of the Ministry of Knowledge Economy;
3. Documents proving authority of representation when an application for registration is made by an agent who is not the layout-design administrator under Article 4 (1) of the Act (hereinafter referred to as “layout-design administrator”);
4. A certificate of nationality if an applicant is a foreigner (documents proving that it is a foreign juristic person if an applicant is a foreign juristic person);
5. Documents proving the fact of succession where an applicant is a successor of the creator of a layout-design under Article 19 (1) of the Act.

(3) Deleted. *<by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 12 (Rejection of Application for Registration of Establishment)

(1) “Any other case prescribed by Presidential Decree, such as cases where the applicant fails to submit accompanying documents necessary for the application for the registration of establishment of a layout-design right” in Article 20 (1) 4 of the Act means cases falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 21369, Mar. 25, 2009>*

1. Where the matters to be stated under Article 11 (1) have not been stated in a written application for registration of establishment or the materials under Article 11 (2) have not been attached thereto;
2. Where the matters stated in a written application for registration of establishment are inconsistent with the materials attached thereto,

ENFORCEMENT DECREE OF THE ACT ON THE LAYOUT-DESIGNS OF SEMICONDUCTOR INTEGRATED CIRCUITS

or the materials attached thereto are inconsistent with one another;

3. Where an explanatory note in which the matters to be stated under Article 11 (2) 2 are not stated been attached to a written application for registration of establishment;

4. Where fees under Article 40 of the Act have not been paid.

(2) Where the Commissioner of the Korean Intellectual Property Office intends to refuse an application because it falls under any subparagraph of paragraph (1), he/she shall issue an order to the applicant to make a correction within a prescribed period. *<Amended by Presidential Decree No. 21369, Mar. 25, 2009>*

(3) An applicant may correct a written application for registration of establishment or the materials attached thereto (excluding a layout-design file) before registration of establishment is completed: *Provided*, That if orders of correction under paragraph (2) are issued, such correction may be made only within a prescribed period.

(4) The Commissioner of the Korean Intellectual Property Office may extend the period under paragraph (2) *ex officio* or at the request of a person who has received an order to correct.

[This Article Wholly Amended by Presidential Decree No. 20345, Oct. 26, 2007]

Article 13 (Public Announcement of Registration of Establishment)

(1) Where the establishment of a layout-design has been registered pursuant to Article 21 (1) of the Act, the Commissioner of the Korean Intellectual Property Office shall make a public announcement thereof in the Official Gazette, etc. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

(2) Matters to be publicly announced in the Official Gazette, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Knowledge Economy. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 20729, Feb. 29, 2008>*

Article 14 (Form of Original Register)

The Commissioner of the Korean Intellectual Property Office shall make the original register of establishment of layout-design rights under Article 21 (2) of the Act (hereinafter referred to as "original register") on magnetic

tapes, etc., and its format, records and method of filling in and kind of annexed documents shall be prescribed by Ordinance of the Ministry of Knowledge Economy. <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 20729, Feb. 29, 2008>

Article 15 (Loss of Original Register)

When the whole or part of the original register has been lost, the Commissioner of the Korean Intellectual Property Office shall make a public announcement that the holder of a layout-design right who has applied for restoration of such registration within a prescribed period of not less than three months is entitled to the same priority on the original register granted prior to such loss. <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>

Article 16 (Applicant for Registration)

A rightful person of registration and a responsible person for registration shall jointly apply for registration under Article 23 (1) of the Act: *Provided*, That in any of the following cases, a rightful person of registration alone may apply for registration: <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

1. Where a letter of consent of a responsible person for registration is attached to the written application for registration concerned;
2. Where registration is made by judicial judgment, inheritance or merger.

Article 17 (Application for Registration, other than Registration of Establishment)

(1) A person who intends to apply for registration under Articles 4 (3) and 23 (1) of the Act shall submit a written application for registration stating the following matters to the Commissioner of the Korean Intellectual Property Office: <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 21369, Mar. 25, 2009>

1. The applicant's name, address, and resident registration number (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and name of its representa-

ENFORCEMENT DECREE OF THE ACT ON THE LAYOUT-DESIGNS OF SEMICONDUCTOR INTEGRATED CIRCUITS

tive);

2. Date of application;
3. Where there is an agent for application, the name, address and resident registration number of the agent (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and name of its representative);
4. Registration number of the layout-design right;
5. Reasons for registration and the date when the reasons occurred;
6. Where the purpose of registration is the right on a layout-design, the indication of the right to be registered;
7. Where the purpose of registration is the matters on the layout-design administrator, the name, address and resident registration number of the layout-design administrator (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and name of its representative) and the scope of authority of representation.

(2) A person who intends to apply for registration of establishment of an exclusive license or non-exclusive license shall state the following matters in addition to those under the subparagraphs of paragraph (1): *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

1. Scope of exclusive license or non-exclusive license to be established;
2. Matters concerning the consideration or the method and timing of payment thereof if they are prescribed in reasons for registration.

(3) A person who intends to apply for registration of transfer of an exclusive license or non-exclusive license shall state the scope of the exclusive license or non-exclusive license to be transferred in addition to the matters under the subparagraphs of paragraph (1). *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 18 (Accompanying Documents)

(1) The following documents shall be attached to an application for registration under Article 17: *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

1. Document proving the cause of registration;
2. Document proving the consent or permission by a third party in regard to the cause of registration, when consent or permission is necessary: *Provided*, That the document may be replaced with the signing and sealing of the third party on the application;
3. Document proving authority of representation when the application for registration is made by an agent who is not the layout-design administrator;
4. A certificate of nationality if an applicant is a foreigner (documents proving that it is a foreign juristic person if an applicant is a foreign juristic person);
5. Deleted. <by Presidential Decree No. 21901, Dec. 22, 2009>

(2) If a document certifying the cause for registration is the enforceable decision, the attachment of a document under paragraph (1) 2 may be omitted. <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

(3) With regard to Article 17 (3), where an exclusive license or a non-exclusive license is intended to be transferred together with business using layout-designs, documents proving such fact shall be attached in addition to the documents under paragraph (1). <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

Article 18-2 (Documents to be Submitted by Orders of Commissioner of Korean Intellectual Property Office)

(1) After examining a written application for registration and accompanying documents under Articles 17 and 18, where the Commissioner of the Korean Intellectual Property Office deems it necessary to confirm an applicant in detail, he/she may order the applicant to submit any of the following documents within a fixed period:

1. Certificates concerning recording of family relations, certified copy or extract of resident registration cards, certificate of nationality (limited to cases where the applicant is a foreigner) and other documents confirming the applicant;
2. Notarized certificate of the signature (in cases of a foreigner, including

ENFORCEMENT DECREE OF THE ACT ON THE LAYOUT-DESIGNS OF SEMICONDUCTOR INTEGRATED CIRCUITS

a certificate issued by the public agencies in his/her mother country certifying that the applicant has signed thereon);

3. A transcript of corporate registry where the applicant is a juristic person.

(2) Where the Commissioner of the Korean Intellectual Property Office, in receipt of a written application for registration and accompanying documents under Articles 17 and 18, is able to confirm any information on the documents falling under the subparagraphs of paragraph (1) through a joint use of administrative information under Article 36 (1) of the Electronic Government Act, he/she may substitute the documents to be submitted with such confirmation: *Provided*, That where the applicant does not consent to the confirmation of the relevant documents (excluding a transcript of corporate registry), the Commissioner of the Korean Intellectual Property Office shall order the applicant to submit the relevant documents. <Amended by Presidential Decree No. 22151, May 4, 2010>

[This Article Newly Inserted by Presidential Decree No. 21901, Dec. 22, 2009]

Article 19 (Omission of Accompanying Documents)

(1) When two or more applications for registration of establishment under Article 11 and registration for other than establishment under Article 17 are made at the same time, if there is duplication in attached materials or documents for each application, the submission of attached materials or documents to one application may replace the attached materials or documents to the other application. In such cases, such purport shall be stated in the other application. <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

(2) When making an application for registration under paragraph (1), if any materials or documents to be attached to the relevant written application have already been submitted and there are no changes in their details, the submission of such materials or documents may be omitted. In such cases, such purport shall be stated in the relevant written application. <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

Article 20 (Description of Matters concerning Extinguishment of Rights)

A person who intends to apply for registration under Article 19 (1) (hereinafter referred to as "applicant for registration") shall, if there is

an agreement on the extinguishment of the right which is the purpose of registration, enter such details in a written application. <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

Article 21 (Description of Shares, etc.)

(1) When matters concerning shares are prescribed as the joint ownership of a layout-design right or a right for a layout-design held by not less than two persons, an applicant for registration shall enter such shares in a written application. The same shall also apply when an application for registration is made for transfer of part of a layout-design right or a right for a layout-design. <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

(2) When there is a specific agreement under Article 10 (4) of the Act (including cases where Articles 11 (6) and 12 (5) of the Act apply *mutatis mutandis*) or an agreement under the proviso to Article 268 (1) of the Civil Act as joint ownership of a layout-design right or a right for a layout-design by not less than two persons, an applicant for registration shall enter such matter in a written application. <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

Article 22 (Attachment, etc. of Evidentiary Documents)

Where a cause of registration is inheritance or merger of juristic persons, an applicant for registration shall attach documents proving such facts to a written application: *Provided*, That where the applicant has consented so that the Commissioner of the Korean Intellectual Property Office may confirm the details of attached documents through joint use of the administrative information pursuant to Article 36 (1) of the Electronic Government Act, attached documents may be omitted. <Amended by Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 21369, Mar. 25, 2009; Presidential Decree No. 22151, May 4, 2010>

[This Article Wholly Amended by Presidential Decree No. 19507, Jun. 12, 2006]

Article 23 (Consolidated Application)

When two or more applications for registration are made for layout-design rights or rights for layout-designs, only one application may be made if causes and purposes of such registration are the same. <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

Article 24 (Obligee's Subrogation to Obliger)

When an application is based upon the obligee's subrogation to the obliger pursuant to Article 404 of the Civil Act, the applicant shall submit to

ENFORCEMENT DECREE OF THE ACT ON THE LAYOUT-DESIGNS OF SEMICONDUCTOR INTEGRATED CIRCUITS

the Commissioner of the Korean Intellectual Property Office a written application stating the following matters and documents proving causes of the subrogation attached thereto: <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>

1. The name, address, and resident registration number of the obligee and obliger (in cases of a juristic person, its trade name, seat of place of business, registration number of the juristic person and name of its representative);
2. The reason for the subrogation.

Article 25 (Notification of Errors or Omissions)

If any errors or omissions are found after registration under Article 21 (1) or 23 (1) of the Act, the Commissioner of the Korean Intellectual Property Office shall immediately notify a rightful person of registration, a responsible person for registration and other interested persons thereof in writing. <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>

Article 26 (*Ex Officio* Correction)

If errors or omissions under Article 25 were caused by public officials under his/her control, the Commissioner of the Korean Intellectual Property Office shall immediately correct registration except when there is a third party having interest of registration, and notify a rightful person of registration and a responsible person for registration of such purport in writing. <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>

Article 27 (Cancellation of Registered Establishment of Layout-Design Rights)

- (1) Cancellation of registered establishment of a layout-design right under Article 24 of the Act shall be made in writing with the ground therefor clarified. <Amended by Presidential Decree No. 20345, Oct. 26, 2007>
- (2) Details of cancellation of registered establishment under paragraph (1) shall be publicly announced in the Official Gazette, etc. <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

Article 28 (Cases where Applied *Mutatis Mutandis* by the Decree on Registration of Patents Rights, etc.)

The provisions of Articles 4, 6 (1), 7, 8, 12 through 14, 15 (5) and (9), 17 through 19, 27 through 29, 34, and 40 through 61 of the Decree on Registration of Patent Rights, etc. shall apply *mutatis mutandis* to

registration under Article 23 (1) of the Act. In such cases, “patent rights” shall be construed as “layout-design rights”, “patents” as “layout-designs”, “register” as “layout-design register”, “registration number” as “layout-design registration number of a layout-design right”, “exclusive license” as “exclusive right of use”, “non-exclusive license” as “non-exclusive right of use”, and “patent trust register” as “layout-design trust register”.

[This Article Wholly Amended by Presidential Decree No. 23344, Dec. 2, 2011]

CHAPTER III COMMITTEE FOR DELIBERATION AND CONCILIATION ON LAYOUT-DESIGNS

Article 29 (Chairperson and Vice-Chairperson)

(1) The chairperson of the Committee for Deliberation and Conciliation on Layout-Designs under Article 25 (1) of the Act (hereinafter referred to as the “Committee”) shall take overall control over the affairs of the Committee, and shall represent the Committee. <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

(2) The vice-chairperson shall assist the chairperson, and, if the chairperson is unable to perform his/her duties due to extenuating circumstances, the vice-chairperson shall act on behalf of the chairperson. <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

Article 30 (Convocation of Meetings and Quorum)

(1) The chairperson shall convene a meeting of the Committee and preside over it.

(2) When the chairperson intends to convene a meeting of the Committee (hereinafter referred to as “meeting”), he/she shall notify deliberators and conciliators under Article 25 (2) of the Act (hereinafter referred to as “committee member”) of the date and time and venue of the meeting and of issues to be deliberated or conciliated in the meeting by at least five days before the meeting: *Provided*, That the same shall not apply when the meeting shall be urgently convened or an extenuating circumstance exists. <Amended by Presidential Decree No. 20345, Oct. 26, 2007>

(3) The Committee shall commence a meeting with the attendance of not

ENFORCEMENT DECREE OF THE ACT ON THE LAYOUT-DESIGNS OF SEMICONDUCTOR INTEGRATED CIRCUITS

less than two-thirds of current committee members including the chairperson and shall pass resolutions by a concurrent vote of a majority of those present. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(4) No committee member shall participate in deliberation or conciliation of a case in which he/she has a direct interest.

Article 31 (Allowances and Travel Expenses)

Committee members and expert witnesses participating in a meeting may receive allowances and travel expenses within budget limits: *Provided*, That no allowance shall be paid to a committee member who is a public official participating in a meeting in direct connection with his/her duties. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 32 (Procedure for Conciliation)

(1) A person who intends to apply for conciliation pursuant to Article 27 (1) of the Act, shall submit a written application for conciliation to the Committee, as determined by the Committee. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(2) When the chairperson has received a written application for conciliation under paragraph (1), he/she shall refer such application to the conciliation panel (hereinafter referred to as "conciliation panel") under Article 28 of the Act. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(3) The conciliation panel, in receipt of a written application for conciliation under paragraph (2), shall provide parties, their agents or other interested parties with an opportunity to state their opinions, and may consider the opinions of relevant experts. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(4) The conciliation panel may prepare a proposal of conciliation, present it to the parties concerned, and recommend them to accept it.

(5) If conciliation is concluded pursuant to Article 29 (1) of the Act, the Committee shall report it without delay to the Commissioner of the Korean Intellectual Property Office, and shall manage and preserve a protocol and other records concerning such conciliation. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

Article 33 (Executive Secretary and Clerical Staff Members)

(1) The Committee shall have one executive secretary and a few clerical staff members. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(2) The Commissioner of the Korean Intellectual Property Office shall appoint the executive secretary and clerical staff members from among

public officials in charge of layout-design registration of establishment under Article 21 of the Act. <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>

(3) The executive secretary shall manage the general affairs of the Committee in accordance with orders issued by the chairperson and shall be assisted by clerical staff members.

Article 34 (Detailed Operation Regulations)

Matters necessary for the operation of the Committee, other than those prescribed by this Decree, shall be determined by the chairperson through resolution by the Committee. <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 20345, Oct. 26, 2007>

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 35 (Certificate of Layout-Design Registration)

The following matters shall be stated in a certificate of layout-design registration under Article 21 (3) of the Act (hereinafter referred to as "certificate of layout-design registration"): <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 20729, Feb. 29, 2008>

1. The holder of a layout-design right;
2. The registration number and registration date of a layout-design right;
3. Other matters prescribed by Ordinance of the Ministry of Knowledge Economy.

Article 36 (Perusal, etc. of Original Register)

(1) If there is a request falling under any of the following subparagraphs pursuant to Article 21 (4) of the Act, the Commissioner of the Korean Intellectual Property Office shall promptly comply with such request unless any extraordinary ground exists otherwise: <Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>

1. Request for a certified copy or an extract of the original register;
2. Request for perusal or reproduction of a certificate of layout-design registration, a written application for registration of establishment or a written application for registration under Article 17 and materials and documents attached thereto: *Provided*, That only a holder of a layout-design right may request perusal or reproduction of a certificate of layout-design registration or a layout-design file.

ENFORCEMENT DECREE OF THE ACT ON THE LAYOUT-DESIGNS OF SEMICONDUCTOR INTEGRATED CIRCUITS

(2) Perusal under paragraph (1) shall be made in a designated place in the presence of the public official concerned. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 37 Deleted. *<by Presidential Decree No. 15598, Dec. 31, 1997>*

Article 38 Deleted. *<by Presidential Decree No. 16045, Dec. 31, 1998>*

Article 39 (Administration of Layout-Design Files)

The Commissioner of the Korean Intellectual Property Office shall keep layout-design files submitted pursuant to Article 11 (2) in custody so that confidentiality may be maintained and take necessary measures for security.

[This Article Newly Inserted by Presidential Decree No. 20345, Oct. 26, 2007]

ADDENDA

(1) (Enforcement Date) This Decree shall enter into force on September 1, 1993.

(2) (Provisions on Enforcement Date of the Act on Layout-Designs of Semiconductor Integrated Circuits) Under paragraph (1) of the Addenda, the Act on the Layout-Designs of Semiconductor Integrated Circuits (Act No. 4526) shall enter into force on September 1, 1993.

ADDENDUM *<Presidential Decree No. 14700, Jul. 1, 1995>*

This Decree shall enter into force on July 1, 1995.

ADDENDUM *<Presidential Decree No. 15598, Dec. 31, 1997>*

This Decree shall enter into force on January 1, 1998.

ADDENDUM *<Presidential Decree No. 16045, Dec. 31, 1998>*

This Decree shall enter into force on January 1, 1999.

ADDENDUM *<Presidential Decree No. 18312, Mar. 17, 2004>*

This Decree shall enter into force on the date of its promulgation.

ADDENDUM *<Presidential Decree No. 19507, Jun. 12, 2006>*

This Decree shall enter into force on the date of its promulgation.

ADDENDA *<Presidential Decree No. 20345, Oct. 26, 2007>*

Article 1 (Enforcement Date)

This Decree shall enter into force on October 28, 2007.

Article 2 (Applicability to Application, etc. for Registration of Creation of Layout-Design Rights)

Parts concerning layout-design files of the amended provisions of Articles 11, 12 and 36 shall apply beginning from the first application for registration of establishment of a layout-design right made after this Decree enters into force.

ADDENDA <Presidential Decree No. 20729, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 21369, Mar. 25, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force on March 27, 2009.

Article 2 (Applicability)

The amended provision of the proviso to Article 22 shall apply beginning with the first application for registration after this Decree enters into force.

ADDENDUM <Presidential Decree No. 21901, Dec. 22, 2009>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 22151, May 4, 2010>

Article 1 (Enforcement Date)

This Decree shall enter into force on May 5, 2010.

Articles 2 through 4 Omitted.

ADDENDA <Presidential Decree No. 23344, Dec. 2, 2011>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2012.

Articles 2 through 5 Omitted.