

**ORDINANCE**  
**of the President of the Patent Office**  
**of the Republic of Poland of January 26, 1993**  
**on the protection of topographies of integrated circuits**

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By virtue of Article 35 and Article 39(2) of the Law of October 30, 1992 on the protection of topographies of integrated circuits (O.J. No 100, item 498) the following provisions shall be observed:

**CHAPTER 1**  
**General provisions**

1.—

In the meaning of this Ordinance, the applicant shall be anyone who has filed with the Patent Office of the Republic of Poland, in his or her own name, an application relating to a topography of an integrated circuit.

**CHAPTER 2**  
**Filing the topography**  
**of an integrated circuit for registration**

2.—

- 1) An application relating to a topography of an integrated circuit, hereinafter referred to as “the topography”, shall consist of:
  - i) a request for the registration of the topography,
  - ii) if the topography has been exploited before its filing for registration—the material identifying the topography, with the enclosure of the product containing that topography.
- 2) The topography application shall also consist of:
  - i) if the topography has been put on the market before filing the application—a statement on the date of the first marketing of the topography or of the product containing such topography,

- ii) if the applicant is not a creator of the topography or a person entitled to the right of topography registration by virtue of the Law—a deed of transfer of the right to registration,
- iii) if the applicant acts through a representative—the power of attorney.

3) The topography application shall be in the Polish language. If the documents and materials referred to in section 2, paragraph 4(3), paragraphs 17 and 18, are in a language other than the Polish language, they shall be accompanied by the translation into the Polish language.

3.—

The request for the topography registration shall contain:

- i) the name and address of the applicant,
- ii) if the applicant is not a creator of the topography—the name and address of the creator,
- iii) a petition for the topography registration,
- iv) technical indication of the electronic function of the topography, expressed in words,
- v) if the request is not accompanied by a receipt for payment of a filing fee—a declaration on the payment of that fee,
- vi) a list of the documents attached,
- vii) the date and the applicant's signature or, if the applicant acts through a representative, the signature of the representative with the indication of his or her name and address.

4.—

- 1) The material identifying the topography shall be presented on drawings or photographs for
  - i) manufacture of an integrated circuit,
  - ii) masks or part of masks for the manufacture of the integrated circuit,
  - iii) layers of the integrated circuit.

2) The drawings or photographs specified in section 1) may not contain indications exempted from protection, excluding the applicant's signature.

3) If the material referred to in section 1) is fixed on a coded data carrier, it shall be accompanied by an instruction for reading the data carrier.

4) In the case referred to in section 3), the Patent Office of the Republic of Poland, hereinafter referred to as "the Patent Office" may require from the applicant to furnish data coded on such a carrier and in such a format which make possible the reading of the data with the use of the equipment available to the Patent Office.

5.—

The statement referred to in paragraph 2(2)i), shall, *inter alia*, contain:

- i) the name and address of the applicant,
- ii) technical indication of the electronic function of the topography, expressed in words,
- iii) indication of a group of products embodying the topography applied for registration,
- iv) the date of a sale–purchase contract or another contract under which the topography or a product embodying it has been put on the market; a copy or a duplicate of the contract, certified as being in conformity with the original, shall be attached,
- v) the applicant's signature.

6.—

The deed of transfer of the right to registration, referred to in paragraph 2(ii) shall, *inter alia*, contain:

- i) the name and address of the transferor,
- ii) the name and address of the transferee,
- iii) technical indication of the electronic function of the topography, expressed in words,
- iv) a transferor's declaration of transfer of the right to topography registration in favor of the transferee and a transferee's declaration of acceptance, from the transferor, of the right to

topography registration or the indication of other grounds for transfer of the right to topography registration,

v) the signatures of the transferor and the transferee.

7.–

The power of attorney referred to in paragraph 2(2)iii) shall contain:

- i) the name and address of the applicant,
- ii) the name and address of the representative,
- iii) an authorization to act in the name of the applicant,
- iv) designation of the case to which the power of attorney relates,
- v) the scope of the power of attorney,
- vi) the date and the applicant's signature.

8.–

1) The Patent Office shall direct any letters at the address indicated by the applicant.

2) If the applicant acts through a representative, the Patent Office shall direct any letters at the representative's address.

3) The persons referred to in sections 1) and 2) shall inform the Patent Office of any change in the address. Failure in this obligation shall effect in the acknowledgment of a non-delivered letter as delivered.

9.–

Any change in the name or place of business of the applicant shall be communicated to the Patent Office together with the furnishing of relevant documents stating the change effected.

### **CHAPTER 3**

#### **Examination of the topography application for registration**

10.–

After having received a topography application for registration, the Patent Office shall determine the filing date, accord a serial number of the application and inform the applicant of those facts.

11.–

If the Patent Office finds the failure to comply with any of the physical requirements for filing a topography application for registration, referred to in paragraph 2(1) and (2), it shall inform the applicant of that finding and fix a three-month time limit for him to complete the application or make up the deficiencies indicated.

12.–

If the Patent Office finds that a topography application complies with the physical requirements for registration, it shall take a decision on the topography registration and after the fee is paid, referred to in Article 32(2) of the Law of October 30, 1992 on the protection of topographies of integrated circuits (O.J. No 100, item 498), hereinafter referred to as "the Law", it shall make a relevant entry in the topography register and issue a certificate of registration to the rightholder.

13.–

The decision referred to in paragraph 12 shall contain the indications specified in paragraph 14(2)–(4), (6) and (7).

14.–

The publication, in the “Wiadomosci Urzedu Patentowego”, of the topography registration shall indicate:

- i) the topography registration number,
- ii) the filing date and the file number of the topography,
- iii) if the topography or an integrated circuit containing such topography has been put on the market before filing the topography for registration—the date of the first marketing of the topography or an integrated circuit containing such topography,
- iv) the name and address of the applicant,
- v) the name of the creator,
- vi) technical indication of the electronic function of the topography, expressed in words,
- vii) the dates at which topography protection periods expire.

## CHAPTER 4 Topography Register

15.–

1) The Patent Office shall keep the topography register for the purpose of making entries provided for in the Law.

2) The Patent Office shall communicate entries made in the topography register in the official gazette “Wiadomosci Urzedu Patentowego”, unless the contents of the entry has otherwise been communicated.

16.–

- 1) Entries in the register shall be made on the basis of decisions or determinations.
- 2) On the basis of a decision, the entries in the register shall be made, concerning:
  - i) registration of the topography,
  - ii) termination of the right of topography registration in the cases referred to in Article 20(1)ii) and (iii) of the Law,
  - iii) revocation of the right of topography registration.
- 3) On the basis of a determination, the entries in the register shall be made, concerning:
  - i) grant of a licence,
  - ii) grant of a compulsory licence,
  - iii) transfer of the right of topography registration,
  - iv) correction of an obvious mistake.

17.–

1) The Patent Office shall determine whether the documents necessary for making a decision or a determination, concerning the entry in the topography register, comply with the provisions in force.

2) When making an entry in the register, the grounds for making it shall be indicated.

18.–

An entry in the register, concerning a change of the right–holder of the topography registration or the conclusion of a licence agreement shall be made on the basis of a request for making the entry and after a fee is paid; the request shall be accompanied by the deed of transfer of the right of registration or a document of the licence agreement.

19.–

- 1) One page of the registration book shall be for entries relating to one topography only. On each page the following indications shall appear:
  - i) the name and address of the holder of the right of registration,
  - ii) the date of filing of the topography with the Patent Office,
  - iii) technical indication of the electronic function of the topography, expressed in words,
  - iv) if the topography or an integrated circuit containing such topography has been put on the market before filing the topography for registration—the date of the first marketing of the topography or the integrated circuit containing such topography,
  - v) the file number,
  - vi) the registration number,
  - vii) the date of registration,
  - viii) the number and the yearbook of the “Wiadomosci Urzedu Patentowego” in which the mention of the topography registration is published.
- 2) A page of the registration book shall contain five columns marked with letters from A to E, in which the following entries shall be made:
  - A – the name and address of the holder of the right of topography registration,
  - B – technical indication of the electronic function of the topography, expressed in words,
  - C – the name of the creator of the topography,
  - D – rights which restrict the rights of topography registration,
  - E – the date at which the decision on the registration has been reversed or revoked and the date at, and the grounds on, which the right of topography registration has been declared lapsed.

20.–

- 1) The Patent Office shall, at the written request of any person and after paying a due fee by that person, issue:
  - i) a copy of the particulars from the register,
  - ii) an extract from the register,
  - iii) a certificate of the entry.
- 2) A copy of the particulars from the register shall include any updated indications entered in the register, which relate to a given topography.
- 3) An extract from the register shall include the indications, the ascertainment of which a requesting person demands.
- 4) A certificate of the entry shall include the ascertainment of the existence of a given entry, indication of the basis on which it has been made, the registration number and the number of a page of the registration book.
- 5) The documents specified in sections (2)–(4) shall be sealed with the round seal of the Patent Office.
- 6) The issuance of the documents specified in sections (2)–(4) shall be mentioned on the request, with the indication of the date of issuance.

## CHAPTER 5

### Fees

21.–

The schedule of fees relating to the protection of topographies of integrated circuits shall be annexed to this Ordinance.

22.–

- 1) The fees provided for in this Ordinance shall be paid, on the Patent Office's account, in cash, by bank transfer or post remittance.
- 2) Fees due for different acts shall be paid separately.

## CHAPTER 6 Final provision

23.–

This Ordinance shall come into force at the date of its promulgation, binding as from January 28, 1993.

### Annex to the Ordinance of the President of the Patent Office of the Republic of Poland of January 26, 1993 (item 20)

#### SCHEDULE OF FEES RELATING TO THE REGISTRATION AND PROTECTION OF TOPOGRAPHIES OF INTEGRATED CIRCUITS

##### *I. Single fees*

	Amount in PZL
1. Filing fee	2 500 000
2. Fee for request to entry in the register a change of the holder of the right of topography registrations of the licence	300 000
3. Fee for request for taking by the Patent Office of a decision in litigation proceedings	1 500 000
4. Fee for appeal against a Patent Office's decision	1 000 000
5. Fee for complaint against a Patent Office's determination	500 000
6. Fee for a copy or an extract from the register or for a certificate of entry in the register	100 000

##### *II. Periodic fees*

1. Fee for the first topography protection, covering the period by the expiration of five years as from the filing date	5 000 000
2. Fee for the second topography protection period, covering the remaining years of protection, prescribed in Article 13 of the Law	7 000 000