

** This English translation is for informative purposes only and not an authentic translation of the original Turkish texts.*

REGULATION ON THE IMPLEMENTATION OF LAW NO. 5147 ON THE PROTECTION OF LAYOUT-DESIGNS OF INTEGRATED CIRCUITS

FIRST PART

Purpose, Scope, Basis and Definitions

Aim

Article 1 — The purpose of this Regulation is to regulate the procedures and principles regarding the protection of integrated circuit topographies.

Scope

Article 2 – This Regulation covers the place and time of the integrated circuit topography registration application, the procedures and principles to be followed in the preparation and registration of the application documents and other procedures.

Rest

Article 3 - This Regulation has been prepared on the basis of Article 41 of the Law on the Protection of Integrated Circuit Topographies dated 22/4/2004 and numbered 5147.

Definitions

Article 4 – In this Regulation;

(Amended: OG-14/4/2021-31454) Institution: Turkish Patent and Trademark Office,

Law: Law on the Protection of Integrated Circuit Topographies,

Integrated circuit: A product in intermediate or final form, which is designed to perform an electronic function or other similar functions, has at least one active element and some or all of its interconnections are combined in and/or on a piece of material,

Integrated circuit topography: It is a series of images prepared for production and fixed in any format, showing the three-dimensional array of layers that make up the integrated circuit, and each image is the view of all or a part of the surface of the integrated circuit at any stage of production,

Registry: Integrated Circuit Topographies Registry,

Bulletin: The Official Patent Bulletin, in which the integrated circuit topographies recorded in the registry are published,

(Amended: OG-14/4/2021-31454) Communiqué: 363 of the Presidential Decree on the Organization of Ministries, Related, Related Institutions and Organizations and Other Institutions and Organizations No. 4 published in the Official Gazette dated 15/7/2018 and numbered 30479. Communiqué on the fee schedule to be applied by the Authority pursuant to subparagraph (e) of the first paragraph of Article 3 and Article 381,

means.

SECOND PART

Terms of Protection and Persons Who Will Benefit from Protection

Terms of Protection

Article 5 – Integrated circuit topographies with original quality are protected by issuing a registration certificate, provided that other conditions specified in the Law and this Regulation are fulfilled and the fee specified in the Announcement is paid.

Persons Who Will Benefit From Protection

Article 6 – The right to protect the integrated circuit topography, as stipulated by the Law, benefits the citizens of the Republic of Türkiye, real and legal persons residing within the borders of the Republic of Türkiye and engaged in industrial or commercial activities, and persons who have the right to apply within the provisions of international agreements.

Although outside the scope of the first paragraph, natural and legal persons who are nationals of the states that legally or de facto grant integrated circuit topography protection to the citizens of the Republic of Türkiye can also benefit from this right in Türkiye, taking into account the principle of reciprocity.

It is accepted as the principle of reciprocity that the citizens of the Republic of Türkiye register the integrated circuit topographies of other countries or that they will register in writing.

THIRD PART

Application Conditions and Examining the Application

Application Authority and Date

Article 7 – All applications to be made to benefit from the protection right granted by the law, together with the application petition containing the information and documents specified in Article 8 of this Regulation (**Amended phrase: OG-14/4/2021-31454**) It is made to dry.

is the day, hour and minute when the application documents (**Amended expression: OG-14/4/2021-31454**) are received by the Institution.

Application Petition and Information and Documents It Will Contain

Article 8 – The applicant or his/her representative requesting the registration of the integrated circuit topography shall submit the signed application petition prepared by writing on A4 paper with a computer in accordance with the example of the Integrated Circuit Topography Registration Application Form attached in Annex 1 to this Regulation (Amended phrase: RG-14/4) . **/2021-31454**) It gives to the institution.

The application petition contains the following information and attached documents;

- a) Name, surname and address of the applicant,
- b) Copy or clear drawings of the integrated circuit topography, containing information describing the electronic functions performed by the integrated circuit and suitable for reproduction by broadcasting,

If the submitted copies or drawings are sufficient to recognize the integrated circuit topography, copies or drawings of the parts related to the production of the integrated circuit may not be given.

Drawings must be submitted in A4 norm. Large-scale drawings, plans or photographs should be folded to A4 norm. If this is not possible, the drawings should be rolled up, but the dimensions of these rolls cannot be longer than 1.5 meters and not thicker than 15 centimeters.

- c) Abstract, which is a written text containing a short and explanatory description of the integrated circuit topography,

In the abstract, the names used in the sale of topography or products containing topography, and the different features of the integrated circuit topography from other topographies or products containing topography are included.

The abstract serves the purpose of providing technical information only, does not affect the scope of protection and can preferably contain 100 words.

Block diagrams, circuit diagrams, and similar drawings can also be given, which can help explain the electronic function of the integrated circuit topography.

- d) The date of first commercial use of the integrated circuit topography or a statement that such use has not occurred,

- e) Indicates that the application fee specified in the notification has been paid (**Amended phrase: OG-27/11/2015-29545**) information,

f) If the integrated circuit topography registration application is made through a proxy, the power of attorney stating that the applicant authorizes the attorney to make the application and other registration procedures,

power of attorney must be a power of attorney (...) that clearly states these powers **(Repealed phrase: OG-27/11/2015-29545)** .

Those who do not have a residence in Türkiye must have themselves represented by a patent attorney registered in the Registry.

(Amended phrase: OG-14/4/2021-31454) In the applications for registration made by those who do not have the authority to act as a proxy before the Office and for other transactions after registration, the applicant is given a two-month period to appoint an authorized patent attorney .The requests of the persons who cannot appoint an authorized patent attorney within the period are rejected. However, if a proxy is not appointed for the applications of those residing in Türkiye, the proceedings are carried out on behalf of the applicant.

g) **(Repealed:RG-14/4/2021-31454)**

h) Identity of the designer,

If the applicant is not a designer or if there are more than one designer, how the applicant obtained the right to request registration from the designer or designers should be declared in accordance with the Integrated Circuit Topography Registration Application Form example in Annex 1.

Examining the Application and Finalizing the Application Date

Article 9 – An integrated circuit topography registration application whose subject and scope does not comply with the definitions in subparagraphs (a) and (b) of Article 2 of the Law **(Amended phrase: OG-14/4/2021-31454)** is rejected by the Authority . Registration application for each integrated circuit topography is made separately.

(Amended phrase: OG-14/4/2021-31454) The Institute examines whether the application complies with the conditions specified in Article 14 of the Law and Article 8 of this Regulation and whether there are any deficiencies. **(Amended expression: OG-14/4/2021-31454)** If the Authority decides that there is no deficiency, the integrated circuit topography registration application, the application documents **(Amended expression: OG-14/4/2021-31454)** are received by the Authority on the day, hour and it is finalized by the minute.

Elimination of Deficiencies and Finalization of the Application Date

Article 10 – If an integrated circuit topography registration application is not made in accordance with Article 8 of this Regulation **(Amended phrase: OG-14/4/2021-31454)** , the Authority gives two months from the date of notification to correct the deficiencies.

However; In the event that the petition in accordance with the example of the Integrated Circuit Topography Registration Application Form in Annex 1, which includes the name and surname of the applicant, and the document specified in subparagraph (b) of the second paragraph of Article 8 of this Regulation have been submitted at the time of application, the application shall submit these information and documents **(Amended phrase: OG- 14/4/2021-31454)** It becomes certain as of the day, hour and minute of receipt by the institution . If these information and documents are not given at the time of application, for the elimination of these deficiencies **(Amended expression: OG-14/4/2021-31454)** The period specified in the first paragraph is given by the institution . In this case, the registration application becomes final as of the date when the foreseen deficiencies are corrected.

In case of deficiencies in other information and documents other than those specified in the second paragraph, but which must be submitted in accordance with Article 8 of this Regulation, the deficiencies must be corrected within the period specified in the first paragraph. However, these deficiencies do not affect the finalization of the application date.

An integrated circuit topography registration application that is not completed within the given time shall be deemed not made.

CHAPTER FOUR

Registration, Publication, Objection

Registration and Publishing

Article 11 – Without examining the integrated circuit topography registration application, the application conditions of which are fulfilled in full, the accuracy of the information specified in the Integrated Circuit Topography Registration Application Form, whether the applicant has the right to apply, whether the integrated circuit topography is original or not (Amended phrase: RG-14 / 4/2021-31454) **It is recorded in the Registry by the Institution**. The integrated circuit topography registered in the registry is published in the Bulletin and **(Amended phrase: OG-14/4/2021-31454), the registration certificate issued by the Authority** is sent to the applicant or his/her representative.

The elements to be included in the registry and published in the Bulletin are as follows;

- a) Application number and date,
- b) Registration number and date,
- c) Protection start date,
- d) Name, surname, nationality and address of the integrated circuit topography right holder,
- e) Name, surname and address of the designer or designers,
- f) Summary,
- g) Name, surname and address of the attorney, if any.

Objection

Article 12 – Applicants, **(Amended phrase: OG-14/4/2021-31454)** Against the decisions of the Institution, within two months from the notification date of the decision;

- a) A petition explaining the grounds for the objection,
- b) Indicates that the objection examination fee specified in the notification has been paid **(Amended phrase: OG-27/11/2015-29545)** application with information may object to its processing.

If these documents are not submitted in the objection application, the objection is deemed not made.

Applicants are also required to submit information, documents and evidence supporting their objections before the deadline specified in the first paragraph. If information, documents and evidence are not provided within this period, a decision is made taking into account the available ones.

Examination of the Objection

Article 13 – The objection made is evaluated by the Re-examination and Evaluation Board. Against the decisions of the Re-examination and Evaluation Board, a lawsuit can be filed in the authorized and authorized court within sixty days from the date of notification of the decision.

CHAPTER FIVE

Address, Title Changes, Change of Nature, Merger, Transfer, Transfer, Pledge and License

Changes in address, title, type, and changes in rights ownership

Article 14 – **(Amended with its title:RG-18/1/2015-29240)**

If an integrated circuit topography application or the address of the integrated circuit topography right holder changes, an application must be made to the Institution with the documents listed below **(Amended expression: OG-14/4/2021-31454)** in order to record this change in the Registry.

- a) Request petition,
- b) **(Repealed:OG-8/7/2019-30825)**

Address change is made for all applications and registrations registered on behalf of the integrated circuit topography application or integrated circuit topography right holder in the Registry,

upon a single request by the integrated circuit topography application or integrated circuit topography right holder or their representative, if any.

The address in the new integrated circuit topography registration application or other requests made by the integrated circuit topography application or integrated circuit topography right holder or their representative, if any, is different from the address in the Institution records (**Amended phrase: RG-14/4/2021-31454**) In the event of a new integrated circuit topography registration application or the address declared in the request, it is recorded in the Registry.

In case of a change in the title or type of an integrated circuit topography application or the right holder of the integrated circuit topography, this change must be recorded in the Registry, together with the documents listed below (**Amended expression: OG-14/4/2021-31454**) An application must be made to the institution.

a) Request petition,

b) (**Amendment: OG-27/11/2015-29545**) Trade Registry Gazette information or document showing the change in title or type, or a document approved by the competent authorities, and if this document is in a foreign language, its Turkish translation approved by a sworn translator,

c) (**Repealed:RG-23/2/2018-30341**)

ç) (**Repealed:OG-8/7/2019-30825**)

Title or type Application for integrated circuit topography in the Registry or upon a single request by the owner of the integrated circuit topography application or integrated circuit topography right holder or their representative, if any, and (**Repealed phrase:RG-23/2/2018-30341**) (. ..) It is made for all applications and registrations registered in the name of the right holder.

In order to register in the Registry the transactions that will occur in the right owner as a result of the structural change transactions such as mergers and divisions in commercial companies, as well as the addition of capital in kind or the acquisition of commercial enterprises, an application must be made with the following:

a) Petition,

b) (**Amendment: OG-27/11/2015-29545**) Information or document in the Trade Registry Gazette, in which the transaction subject to the request is published, or a document approved by the competent authorities, and, if this document is in a foreign language, its Turkish translation approved by a sworn translator,

c) (**Amendment: OG-27/11/2015-29545**) Information showing that the required fee has been paid,

ç) (**Repealed:OG-8/7/2019-30825**)

The integrated circuit topography of other changes in the right ownership must be submitted separately for each application and registration registered on behalf of the applicant or the right owner.

Address, title, type and other changes in right ownership are published in the Bulletin after they are recorded in the Registry.

Transfer

Article 15 – Rights arising from the application or registration of the integrated circuit topography may be transferred to someone else.

In order for the transfer to be recorded in the Registry and published in the Bulletin, the following documents must be submitted.

a) Request petition,

b) Notarized and based transfer certificate containing the signatures and declarations of the transferee and the giver and the registration number,

c) (**Repealed:RG-27/11/2015-29545**)

d) Indicates that the fee specified in the notification has been paid (**Amended phrase: OG-27/11/2015-29545**) information,

e) (**Repealed:OG-8/7/2019-30825**)

Succession

Article 16 – In case the rights arising from the application or registration of the integrated circuit topography are inherited, the following documents must be submitted in order for this situation to be recorded in the Registry and published in the Bulletin.

- a) Request petition,
- b) Court decision,
- c) Indicates that the fee specified in the notification has been paid (**Amended phrase: OG-27/11/2015-29545**) information,
- d) (**Repeated:OG-8/7/2019-30825**)

Licence

Article 17 — The authorization to use the rights arising from the application or registration of the integrated circuit topography may be the subject of a license agreement valid within the whole or part of the national borders.

The following documents must be submitted in order for the license to be registered in the Registry and published in the Bulletin.

- a) Request petition,
- b) Notarized and based license agreement stating the signatures and statements of the licensee and the grantor, registration number, fee and duration,
- c) (**Repealed:RG-27/11/2015-29545**)
- d) Indicates that the fee specified in the notification has been paid (**Amended phrase: OG-27/11/2015-29545**) information,
- e) (**Repealed:OG-8/7/2019-30825**)

Pledge

Article 18 – Rights arising from the application or registration of integrated circuit topography may be subject to pledge. The following documents must be submitted in order for the pledge to be registered in the Registry and published in the Bulletin.

- a) Request petition,
- b) Notarized and based pledge agreement containing the signatures and declarations of the pledgor and the pledgee and the registration number,
- c) (**Repealed:RG-27/11/2015-29545**)
- d) Indicates that the fee specified in the notification has been paid (**Amended phrase: OG-27/11/2015-29545**) information,
- e) (**Repealed:OG-8/7/2019-30825**)

Reissue of Registration Document

Article 19 – In case of similar cases such as address, title changes, change of type, merger, transfer, transfer, loss of registration certificate, the registration fee specified in the Communiqué is paid so that the registration certificate can be rearranged and sent to the integrated circuit topography right holder or his representative. shows (**Amended phrase: RG-27/11/2015-29545**) information is mandatory.

CHAPTER SIX

Fee, Copy of Registration Certificate, Copy of Registration

Fee

Article 20 — (**Amended first paragraph: OG-14/4/2021-31454**) The Institution charges fees for the transactions stipulated in the Law and this Regulation. Fees are published in the Communiqué.

These fees are collected from the person requesting the service. If the fee is not paid, the request is deemed not made.

Timings, notices and transaction forms

ARTICLE 20/A – (Annex: OJ-18/1/2015-29240)

If the period to be complied with in the procedures related to the application or registration of an integrated circuit topography is not determined by the Law or this Regulation, the period to be applied **(Amended phrase: OG-14/4/2021-31454)** is two months from the notification of the Authority . **(Amended phrase: OG-14/4/2021-31454)** Notifications made by the Authority are made in writing and the date of notification is taken as the date of notification.

Application petition, form, request or petition mentioned in this Regulation **(Amended phrase: OG-14/4/2021-31454)** These are the transaction forms accepted by the institution and made available in electronic environment. **(Amended expression: OG-14/4/2021-31454)** In applications or requests to be submitted to the Institution **(Amended expression: OG-14/4/2021-31454)** It is obligatory to use these transaction forms, which are accepted as valid by the institution . A two-month period is given for the requests made without using these forms to be prepared with the valid transaction forms **(Amended expression: OG-14/4/2021-31454)** and submitted to the Authority .

(Amended phrase:RG-14/4/2021-31454) for integrated circuit topography applications or other requests If it is done online with other methods provided by the Institution , the documents submitted in the annex of the forms are in accordance with the original; It is accepted by taking the declaration of the applicant or requester in this direction and signing all the documents online. The applicant or requester, who makes the online transaction, assumes all kinds of legal and penal liability if he makes false statements or submits documents.

In case of doubt as to the authenticity of the documents, **(Amended phrase: OG-14/4/2021-31454)** The originals of the documents may be requested by the Institution from the applicant or the requester, and in case of conflict on this matter **(Amended phrase: OG-14/4/2021-31454)**, the Institution records are taken as basis,

Copy of Registration Certificate

Article 21 — Upon the request of the integrated circuit topography right holder or his representative, a copy of the registration certificate is given.

In order to issue a copy of the registration certificate, the following documents must be submitted.

- a) Request petition,
- b) Indicates that the fee specified in the notification has been paid **(Amended phrase: OG-27/11/2015-29545)** information,
- c) **(Repealed: OG-8/7/2019-30825)**

Copy of Registry

Article 22 - A copy of the integrated circuit topography is provided upon request.

The following documents must be submitted in order to issue a copy of the registry.

- a) Request petition,
- b) Indicates that the fee specified in the notification has been paid **(Amended phrase: OG-27/11/2015-29545)** information.

CHAPTER SEVEN

Termination of Right, Effect of Invalidity, Compulsory License and Usage Fee

Termination of Right

Article 23 – The right to protect the integrated circuit topography ends with the expiration of the ten-year protection period or the realization of one of the cases where the owner of the integrated circuit topography protection right renounces this right. In this case, the subject of the right is considered public property from the moment the reason for termination is realized and this issue is announced in the Bulletin.

Do not give up

Article 24 – The owner of the integrated circuit topography protection right may waive his right arising from the application or registration. However, if there are rights such as pledges and licenses registered in the Registry, the right holder cannot waive his right unless the permission of these right holders is obtained. In addition, if the right to protect the integrated circuit topography is claimed by a third party, this right cannot be waived without the consent of the third party.

to the Institution in writing **(Amended phrase: OG-14/4/2021-31454)** . In order for the waiver to be recorded in the Registry, the following documents must be submitted.

a) A petition for renunciation,

b) **(Repealed:OG-8/7/2019-30825)**

c) **(Repealed: OG-8/7/2019-30825)**

of attorney (...) with the authority to waive **(Repealed phrase: OG-27/11/2015-29545)** ,

e) **(Repealed: OG-27/11/2015-29545)**

The waiver becomes effective as of the date of registration in the Registry.

Effect of Invalidity

Article 25 – The finalized court decision regarding invalidity is recorded in the Registry and published in the Bulletin.

Except for the cases specified in subparagraphs (a) and (b) of Article 20 of the Law, the final decision regarding the invalidity has retroactive consequences.

Compulsory License and Usage Fee

Article 26 – In case of existence of one of the conditions specified in subparagraphs (a) and (b) of the first paragraph of Article 37 of the Law, for a public institution or a third person to use an integrated circuit topography without the consent of the right holder **(Amended phrase: OG-14/4 / 2021-31454) It can be decided by the President.**

A public institution or third party requesting a contractual license from the integrated circuit topography right holder, for the right to use, together with the information and documents proving that the contractual license has been requested, if the request is not accepted within reasonable commercial conditions and within a reasonable time **(Amended phrase : RG-14/4/2021-31454)** In the application made to the Authority , it indicates that the compulsory license request fee specified in the Announcement and the security fee to cover the costs required for the compulsory license procedures have been paid **(Amended phrase: OG-27/11/2015-29545)** information **(Amended expression: OG-14/4/2021-31454)** It has to be given to the institution .

(Amended phrase: OG-14/4/2021-31454) In case the right to use is granted by issuing a compulsory license by the President's decision, the usage fee based on the actual value to be paid to the integrated circuit topography right holder **(Amended expression: OG-14/4/2021-31454) It is determined by the institution** . Usage fee **(Amended expression: RG-14/4/2021-31454)** Considering the economic value of the authority given by the President and the need to compensate for the practices that eliminate competition where it is applied, considering the principles such as design fee, production mask fee and mass production part price , determines.

In determining the usage fee **(Amended phrase: OG-14/4/2021-31454)** , if required by the Institution , opinions can be obtained from the relevant Institutions and Organizations and the relevant departments of the Universities.

CHAPTER EIGHT Final Provisions

Force

Article 27 – This Regulation enters into force on the date of its publication.

Executive

Article 28 – The provisions of this Regulation (**Amended phrase: OG-14/4/2021-31454**) are executed by the President of the Turkish Patent and Trademark Office.

| | The Official Gazette in which the Regulation was Published | |
|---------------|--|---------------|
| | Date | Number |
| | 30/12/2004 | 25686 |
| | Official Gazettes in which the Regulations Amending the Regulations Are Published | |
| | Date | Number |
| | 1. 18/1/2015 | 29240 |
| 2. 27/11/2015 | 29545 | |
| 3. 23/2/2018 | 30341 | |
| 4. 8/7/2019 | 30825 Duplicate | |
| 5. 14/4/2021 | 31454 | |