

ON LEGAL PROTECTION OF TOPOLOGIES OF INTEGRATED MICROCIRCUITS

Article 1. Legislation on legal protection of topologies of integrated microcircuits

Legislation on legal protection of topologies of integrated microcircuits consists of this Law and other legislative documents.

If an international treaty of the Republic of Uzbekistan establishes other rules than those provided by the legislation of the Republic of Uzbekistan on legal protection of topologies of integrated microcircuits, the rules of the international treaty shall be applied.

Article 2. Basic concepts

The following basic concepts shall be applied in this law:

integrated microcircuit — a microelectronic product in its final or intermediate form, designed to perform an electronic function, in which elements, at least one of which is active, and some or all interconnections are inseparably formed in the volume and (or) on the surface of the material on which this product is made;

integrated microcircuit topology — the spatial-geometric location of the integrated microcircuit elements and the set of connections between them recorded in the physical body;

the right holder — is the author of the integrated microcircuit topology, his heir, as well as a natural or natural person who received and owns the property rights to use the integrated microcircuit topology based on the law or contract.

Article 3. Object and conditions of legal protection of integrated microcircuit topologies

The object of legal protection of integrated microcircuit topologies is the original topology of an integrated microcircuit (hereinafter referred to as the topology) registered in accordance with the procedure established by this Law.

A topology created as a result of creative activity of the author and unknown to the designers or manufacturers of integrated microcircuits at the date of its creation is recognized as original until proven otherwise.

A topology consisting of elements that are known to the designers or manufacturers of integrated microcircuits at the date of its creation shall be granted legal protection only if the totality of such elements complies with the requirements of part two of this article.

The legal protection provided by this Law does not apply to ideas, methods, systems, technology or coded information embedded in the topology.

Article 4. The author of topology

The natural person who created the topology with his creative work is recognized as the author of this topology. If the topology is created by the joint creative work of two or more natural persons, they are recognized as joint authors (co-authors).

Natural persons who did not personally make a creative contribution to the creation of the topology, but provided technical, organizational or material support to the author or helped to formalize the right to use the topology, are not recognized as authors.

The author's right to the topology is a non-transferable personal property right and is protected by law.

Article 5. Right to use topology

The right holder has the exclusive right to use the topology at its own discretion, including its preparation, application and distribution.

The right holder may affix a warning marking in the form of the letter «T» or «T» in a circle or the letter «T» in another design on the topology or on products incorporating such topology, indicating that it is protected in the Republic of Uzbekistan.

The procedure for the use of rights belonging to more than one right holder shall be determined by an agreement between them.

Article 6. Violation of the exclusive right to use topology

A violation of the exclusive right to use the topology is the use, import, offer for sale, sale, reproduction, except for reproduction of that part which is not original, and other introduction into civil turnover of the protected topology, an integrated microcircuit with such topology or a product including such an integrated microcircuit, without the right holder's permission.

The following are not considered violations of the exclusive right to use topology:

use of the topology for personal non-profit purposes, or for evaluation, analysis, research or training;

the actions of a person who purchased an integrated microcircuit with an illegally duplicated topology or an item with such an integrated microcircuit, if this person did not know and could not have known that an illegally duplicated topology was included in them;

actions specified in the first part of this article in relation to a person who independently created exactly the same topology.

Article 7. Service topology

The right to obtain a certificate of registration for the topology created by an employee in the performance of his/her official duties or at the request of the employer (official topology) belongs to the employer, if it is stipulated by the agreement between them.

The amount, terms and procedure of remuneration payment to the author for the service topology shall be determined by the agreement between him/her and the employer.

Article 8. Application for registration of topology

Application for registration of the topology is submitted by the author, employer or their legal successor (hereinafter referred to as the applicant) directly or through an authorized person to the Intellectual Property Agency under the Ministry of Justice of the Republic of Uzbekistan (hereinafter referred to as the Agency).

An application for registration of a topology can be made no later than two years from the date of its first use, if the topology is used.

An application for topology registration must refer to a single topology.

Requirements to the documents required for execution of the application for topology registration are set by the Agency.

Article 9. State examination of the application for registration of the topology

The state examination of the application for registration of the topology is conducted by the Agency within two months from the date of its submission. Based on the results of the state expertise, the decision on registration of the topology or refusal in its registration is made, and the applicant is informed about it

At the request of the Agency or on its own initiative, prior to making a decision on registration of the topology, the applicant may supplement, clarify and correct application materials.

The procedure of state examination of the application for topology registration is established by the Agency.

Article 10. Appeal of the results of state examination

An applicant shall be entitled to appeal the results of the state examination to the Appeal Board of the Ministry of Justice of the Republic of Uzbekistan (hereinafter - the Appeal Board) within three months from the date of decision.

The procedure of appealing the results of the state examination to the Appeal Board shall be established by the Agency.

The applicant may appeal the decision of the Appeal Board to a court within six months of the date of the decision.

Article 11. Topology registration

Based on the results of the state examination, within one month from the date of receipt of the document on payment of the patent fee, the Agency registers the topology in the State register of topologies of integrated microcircuits. The composition of information to be entered into the register is established by the Agency.

Article 12. Publication of information on topology registration

Information about the registration of the topology will be published by the Agency in the official bulletin. The composition of published information is determined by the Agency.

Article 13. Topology registration certificate

The certificate of topology registration confirms the right holder's exclusive right to use the topology.

The certificate is issued by the Agency upon expiration of three months after the date of publication of information on topology registration. The form of the certificate on topology registration and the composition of information to be specified in it are established by the Agency.

Article 14. The term of the exclusive right to use the topology

The exclusive right to use the topology is valid for ten years.

The beginning of the term of the exclusive right to use the topology is determined by the earliest of the following dates:

the date of first use of the topology, which is the earliest documented date of introduction into civil circulation anywhere in the world of that topology;
date of official publication of information on topology registration.

In the case of an identical topology independently created by another person, the total term of the exclusive right to use the topology may not exceed ten years.

Article 15. Transfer of rights to topology to another person

The right for the topology can be transferred in whole or in part to another person.

The license agreement on transfer of rights to the topology is subject to registration with the Agency.

The procedure and conditions for registration of the license agreement on transfer of rights to the topology are established by the Agency.

In the interests of national security, the Cabinet of Ministers of the Republic of Uzbekistan may permit the use of the topology without the consent of the right holder with the payment of compensation to him/her in accordance with the law.

Article 16. Termination of the certificate of topology registration

The certificate of registration of a topology is terminated due to the expiration of the exclusive right to use the topology.

The certificate of topology registration:

decision of the Appeal Board;

application submitted by the right holder to the Agency;

may be terminated prematurely based on a court decision.

Article 17. Patent fees

Patent fees are charged for performing legally significant actions related to the registration of the topology.

The amount and terms of payment of patent fees, the grounds for exemption from, reduction or refund of their amount as well as the procedure for the use of patent fees shall be established by law.

Article 18. Registration of topology in other States

Legal or natural persons of the Republic of Uzbekistan have the right to register the topology in other states in the prescribed manner.

Article 19. Rights of foreign legal and natural persons

Foreign legal and natural persons shall enjoy the rights stipulated by this Law on an equal basis with legal and natural persons of the Republic of Uzbekistan or on the basis of the principle of reciprocity.

Article 20. Settlement of disputes

Disputes related to legal protection of topologies are resolved according to the procedure established by law.

Article 21. Liability for violation of legislation on legal protection of integrated microcircuit topologies

Guilty persons in violations of the legislation on legal protection of topologies of integrated microcircuits shall be liable to the established order.

President of the Republic of Uzbekistan I. KARIMOV

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