

# Law on the Legal Protection of Topographies of Semiconductor Products

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## Chapter I General Provisions

### *Objective of the Law*

1. This Law shall provide for the legal protection of topographies of semiconductor products and regulate the rights and duties of natural and legal persons arising after the creation and during the exploitation of topographies of semiconductor products.

### *Definitions*

2.—(1) **Semiconductor product** shall mean the final or an intermediate product having one or more layers of semiconducting material and one or more layers of conducting or

insulating material, the layers being arranged in accordance with a predetermined three-dimensional pattern. This product is intended to perform an electronic function exclusively or together with other functions.

(2) **Topography of a semiconductor product** (hereinafter—topography) shall mean a series of related images, representing the three-dimensional pattern of the layers of which a semiconductor product is composed. Each image has the pattern or part of the pattern of a layer. The image may consist of standard marking symbols, various conventional signs and other graphic images.

(3) **Commercial exploitation** shall mean the sale, rental, leasing or any other method of commercial distribution, or an offer for these purposes.

## **Chapter II Protection of Topographies**

### *The Object of Legal Protection*

3.—(1) Legal protection provided by this Law shall apply only to such a topography which is original and is the result of its creator's intellectual effort and is not commonplace in the semiconductor industry.

(2) Where the topography consists of elements that are commonplace in the semiconductor industry, it shall be protected only to the extent that the combination of such elements, taken as a whole, fulfils the conditions mentioned in paragraph 1.

(3) The protection granted to a topography shall not be extended to any concept, process, system, technique or encoded information embodied in the topography.

### *Subjects of the Rights*

4.—(1) A natural person who has created a topography shall be the author of the topography. The author shall benefit from the right of authorship, the right to the author's name and the right to the inviolability of the topography. The author shall be extended exclusive rights to dispose of the topography subject to the registration of the topography at the State Patent Bureau.

(2) Where a topography is the product of more than one author, the right shall apply in favour of all such persons.

(3) Where a topography is created in the course of the creator's employment, the exclusive rights to the topography shall apply in favour of the creator's employer unless the terms of employment provide to the contrary.

(4) Where a topography is created under a contract other than a contract of employment, exclusive rights to the topography shall apply in favour of a party to the contract by whom the topography has been commissioned, unless the contract provides to the contrary.

(5) A person who has provided material, technical or organisational assistance to the creator of the topography or who has helped to prepare the registration documents needed for obtaining legal protection of the topography shall not be regarded a co-author.

### *Exclusive Rights*

5. The exclusive rights include the rights to authorise or to prohibit any of the following acts:

1. reproduction of a topography in any form and in any way;
2. commercial exploitation or the importation for that purpose of a topography or of a semiconductor product manufactured by using the topography.

### *Acts not Infringing Exclusive Rights*

6.—(1) Exclusive rights shall not apply to:

1. reproduction of a topography privately for non-commercial purposes;
2. reproduction of the topography for the purpose of analysing, evaluating or teaching;
3. the use for commercial purposes of a new topography created on the basis of an analysis and evaluation of the protected topography meeting the requirements of Article 3, paragraphs 1 and 2.

(2) A person who, when he acquires a topography or a semiconductor product, does not know, or has no reasonable grounds to believe, that the product is protected by an exclusive rights shall not be prevented from commercially exploiting that product. If these acts are committed after that person knows, or has reasonable grounds to believe, that the topography or the semiconductor product is so protected, on the demand of the rightholder the user must make the payment of adequate remuneration.

(3) When the original or a copy of the topography or the semiconductor product manufactured by using the topography is distributed by the owner of the topography or when the original or a copy is distributed with his explicit consent the exclusive rights referred to in Article 5 paragraph 2 shall not be applied to the person who has obtained the topography.

### *Duration of Exclusive Rights*

7.—(1) The exclusive rights shall come into existence on the earlier of the following dates:

1. the date when the topography is first commercially exploited anywhere in the world;
2. the date when an application for registration of the topography has been filed at the State Patent Bureau.

(2) The exclusive rights to the topography shall come to an end 10 years from the earlier of the following dates:

1. the end of the calendar year in which the topography or a semiconductor product manufactured using the topography is first commercially exploited anywhere in the world;
2. the end of the calendar year in which the application for registration has been filed with the State Patent Bureau.

(3) Where a topography has not been commercially exploited anywhere in the world within a period of fifteen years from its first fixation protection of the rights to the topography shall come to an end unless an application for registration has been filed. The right to file an

application for registration of the topography with the State Patent Bureau shall come to an end after the termination of the time limit specified in Article 10 paragraph 3.

#### *The Right of Early Exploitation*

8.—(1) Natural and legal persons who are exploiting the topography legally or who are fully prepared for its exploitation before the date of the application for its registration or the date of its first commercial exploitation may continue exploitation of the topography as before or as they were planning to do.

(2) The right of an early use may be transferred only together with the undertaking or with that part of the undertaking or its activities where the topography was used.

#### *Marking of the Topography*

9. The topographies or semiconductor products manufactured using protected topographies may carry an indication—a capital T.

### **Chapter III Registration of Topographies**

#### *Filing of the Application*

10.—(1) A person wishing to register a topography shall file an application with the State Patent Bureau.

(2) An application may be filed on behalf of the applicant by his representative. Foreign natural or legal persons shall file applications for registration with the State Patent Bureau and shall perform all the necessary formalities only through patent attorneys of the Republic of Lithuania.

(3) The application must be filed within two years of the first commercial exploitation of the topography anywhere in the world.

(4) The application shall contain:

1. the application for registration with the date of first commercial exploitation of the topography where it precedes the date of the application for registration;
2. the description of the topography and all the material identifying or exemplifying it;
3. a statement as to the date of first commercial exploitation of the topography where it precedes the date of the application for registration;
4. a receipt certifying payment of a fee;
5. an authorisation if the application is filed by a representative of the applicant;
6. an application for authorship or a document proving transfer of the author's rights.

(5) The application for registration shall be in Lithuanian. If the other submitted documents are not in Lithuanian their translation into Lithuanian must be submitted to the State Patent Bureau within three months from the date of filing the application.

(6) The date on which the State Patent Bureau receives the documents listed above in subparagraphs 1-4 of paragraph 4 of this Article shall be considered the date of filing the application.

(7) Before making the application public, the applicant or his representative may supplement, particularise or alter the data in the submitted documents except the topography.

(8) The State Patent Bureau shall ensure that that the materials submitted for the registration of the topography shall not be made public if the applicant states that it is a commercial secret. This provision does not prevent from submitting the material if this is an express request of judicial or any other competent authority.

(9) Regulations for the application documents shall be specified by the State Patent Bureau.

#### *Expert Examination*

**11.**—(1) The State Patent Bureau shall examine whether the application meets the requirements of paragraph 3, Article 3 and of Article 10 of this Law.

(2) Upon finding that the application is not in conformity with the requirements specified in paragraph 3, Article 3 of this Law the State Patent Bureau shall adopt a decision to refuse to register the topography.

(3) Upon finding that the application does not conform to the requirements specified in Article 10 of this Law the State Patent Bureau shall notify the applicant or his representative. If the requirements are not met within 3 months from the day of mailing such a notification the application shall be deemed to be withdrawn.

(4) Upon adopting a decision to register the topography the State Patent Bureau shall, within 1 month, duly inform the applicant or his representative.

#### *Appeal*

**12.**—(1) The applicant who contests the decision of the State Patent Bureau to deem the application to be withdrawn may, within 3 months from the day of mailing the application, appeal to the Appeals Division of the State Patent Bureau.

(2) The appeal shall be filed in writing.

(3) The procedure for stating the appeal and its examination shall be specified by the State Patent Bureau.

#### *Registration and Publication of the Topography*

**13.**—(1) The topography shall be entered in the Topographies Register of the Republic of Lithuania.

(2) The registration entry shall be published in the Official Bulletin of the State Patent Bureau.

(3) Upon request, the State Patent Bureau shall issue an extract from the Topographies Register of the Republic of Lithuania to every person. The certified extract from the Register shall be an official document.

## *Appeal*

**14.**—(1) Interested persons, in accordance with the provisions of Article 3 of this Law, may file an appeal against the registration of the topography within 3 months from the registration of the topography. The procedure for filing an appeal and its examination shall be prescribed by the State Patent Bureau.

(2) The appeal shall be filed in writing. The owner of the topography shall be entitled to submit a reasoned reply within 3 months from filing of the appeal.

(3) If the Appeals Division dismisses the appeal, the State Patent Bureau shall duly notify the person who filed the appeal and the owner of the contested topography.

(4) If the Appeals Division finds the appeal valid, the registration shall be cancelled. The decision of the State Patent Bureau shall be published in the Official Bulletin.

## *Issuance of the Certificate*

**15.** If, under the conditions specified in Article 14, no appeal is filed or if the appeal is dismissed the State Patent Bureau shall issue to the owner the certificate of registration of the topography.

## **Chapter IV Transfer of Exclusive Rights**

### *Transfer of Exclusive Rights*

**16.**—(1) Exclusive rights to the topography shall be transferred to another person, in full or in part, under a written agreement.

(2) The agreement on the transfer of exclusive rights to the topography is valid subject to entry of the agreement into the Topographies Register of the Republic of Lithuania.

(3) Exclusive rights to the topography may be inherited in the manner prescribed by law.

### *Licensing of the Exploitation of the Topography*

**17.**—(1) The owner of the topography shall be entitled to grant to another person an exclusive or non-exclusive licence for the exploitation of the topography.

(2) The licence agreement shall be entered in the Topographies Register of the Republic of Lithuania and shall become effective from the day of recording the entry.

## **Chapter V Invalidation of the Registration of the Topography Cancellation of the Registration**

### *Invalidation of the Registration of the Topography*

**18.**—(1) Following the issuance of a certificate, the court may invalidate registration of the topography at the request of an interested person.

(2) Upon passing an order to invalidate registration of the topography, the court shall mail a copy of the order to the State Patent Bureau. The latter shall publish the invalidation of the topography registration in the Official Bulletin.

#### *Waiver of Exclusive Rights*

**19.**—(1) The owner of the topography may waive the exclusive rights by submitting a written application to the State Patent Bureau to cancel the registration of the topography. The registration shall be cancelled from the day of receipt of the application by the State Patent Bureau.

(2) Cancellation of the registration of the topography shall be published in the Official Bulletin of the State Patent Bureau.

### **Chapter VI Dispute Settlement. Protection of Rights**

#### *Dispute Settlement*

**20.** Disputes relating to the registration and exploitation of the topography shall be settled by the following authorities:

1. disputes relating to the registration of the topography before the issuance of the certificate—by the Appeals Division of the State Patent Bureau;

2. disputes relating to the decisions of the Appeals Division of the State Patent Bureau and other disputes after the issuance of the certificate—by the Vilnius County Court.

#### *Protection of Rights to the Topography*

**21.** In the event of infringement of rights the author or the owner of the topography may claim:

1. re-establishment of the situation prior to the infringement of rights and an end to or elimination of the acts constituting infringement of the rights or creating a possibility of infringement;

2. payment of damages including the profit illegally obtained by the infringer;

3. application of other legal remedies ensuring protection of his rights.

### **Chapter VII International Agreements**

#### *International Agreements.*

#### *Rights of Natural and Legal Persons of Foreign Countries*

**22.**—(1) Where international agreements signed by the Republic of Lithuania set forth stipulations different from this Law or other statutory acts, the stipulations of international agreements shall apply.

(2) Natural and legal persons of foreign countries shall exercise all the rights provided by this Law and other statutory acts of the Republic of Lithuania regulating protection of topographies.

**Chapter VIII**  
**Final Provisions**

*Entry into Force*

**23.**—(1) Protection provided by this Law shall not be applicable to the topographies which were exploited for commercial purposes for over 2 years prior to the entry of this Law into force.

(2) The Law shall enter into force from December 1, 1998.

*I promulgate this Law passed by the Seimas of the Republic of Lithuania.*

President of the Republic  
Valdas Adamkus

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