

Law no. 8488, dated 13.05.1999.
"On protection of topographies of integrated circuits"

REPUBLIC OF ALBANIA
PARLIAMENT

LAW

(Unofficial traslation)

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Article 11

An application can not be filed after the laps of two years from the date when a topography was first commercially exploited.

PART V

PROCEDURE FOR PROTECTION AND REGISTRATION

1. Application

Article 12

The procedure for the registration for the right to the protection shall start with a request relating to the entry into register, which shall be accompanied by all prescribe items (hereinafter: application).

The application shall contain the items for the name of the applicant and the creator, images relating to the respective topography, accompanied by the mention of their sequences, an abstract comprising the characteristics of the electronic functions or functions of a integrated circuit, manufactured on the basis of the protected topography, if the topography has already been commercially exploited, a statement in writing relating to the date when the respective topography was first commercially exploited.

A separate application shall be filed for each topography.

2. Examination of the application

Article 13

The Office shall examine the application fulfills the conditions relating to the entry of the register of topographies as specified of the Article 12 of this Law.

The request shall be rejected if the application does not fulfill the said conditions.

If the application shall partially fulfill the conditions stated in the Article 12 of this Law, the Office shall invite the applicant to amend the application within the time limit of two months. If the applicant fails to reply in due time, the application shall be deemed to be withdrawn.

If the application fulfills all the conditions of the Article 12 of this Law, it shall be entered in the Register of Topographies and to the applicant shall be issued a certificate relating to the entry in the Register.

The entry in the respective Register shall be published in the official Bulletin of the Office.

PART VI

INVALIDATION OF THE REGISTER

Article 14

The registration is invalidated if it is established that:

- the respective topography is not original; or
- the application has not been filed by a natural or legal person who is entitled to the right to protection; or
- the application has been filed after the date set out in Article 10(5) or Article 11 of this Law; or
- images relating to topography don't give the possibility for its identification.

PART VII

INFRINGEMENT OF THE RIGHT AND COMPENSATION OF THE DAMAGE

1. Infringement of the Right

Article 15

A person whose rights have been infringed may, in addition to damages, request that the person infringing his right be prohibited from carrying on the acts giving rise to violation.

Any person who infringes the rights of protection of a protected topography shall be liable for any damage (thus caused) in accordance with general principles governing compensation for damage.

The following cases shall not be considered as an infringement of the rights to protection:

- reproduction of a protected topography for non commercially purposes; or

The amount of compensation under Paragraph 2, shall be agreed upon between the right holder of the protected topography and the person referred to in Paragraph 1. If no agreement is achieved, the Court of Justice in Tirana shall decide on the amount of compensation.

The provisions of Paragraph 2, shall apply also to the successors in title of the person referred to in Paragraph 2.

The right of commercial exploitation is limited to importation, sale or distribution of the products of integrated circuits or other products incorporating the respective topography, and this right applies to a topography or products that were on hand at the time when the claim under Paragraph 2, was received.

PART VIII

TRANSITIONAL AND FINAL PROVISIONS

Article 17

Pursuant to the Law, only topographies which have been created after the date when this Law entered into force may be protected.

Article 18

The provisions of representation of foreigners, nonavailability of unpublished publications, receipt of application, data entry and changes in the register, invalidation of rights, time limits for infringement action, transfer of rights, license, representation of the act of industrial property (Official Gazette of the Republic of Albania No. 6/94) shall apply *mutatis mutandis*.

Article 19

Regulations of Article 12 shall be published no later than within 6 months following the date when this Law enters into force.

Article 20

This Law shall enter into force after 15 days following its publication in the Official Gazette of the Republic of Albania.

CHAIRMAN

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