DRAFT LAW OF GEORGIA ON TOPOGRAPHIES OF INTEGRATED CIRCUITS

ARTICLE 1

PURPOSE OF THE LAW

This Law regulates property and personal non-property relations formed in connection with the registration, exploitation and legal protection of the industrial property object - topography of integrated circuit.

ARTICLE 2

DEFINITIONS USED IN THE LAW

For the purposes of this Law, unless expressly stated otherwise:

- a) integrated circuit (hereinafter IC) a product intended to perform an electronic function in its final or an intermediate form, in which the elements at least one of which is an active element, and some or all of the interconnections are integrally formed in and/or on a piece of material;
- b) topography of integrated circuit (hereinafter topography) the three-dimensional disposition, however expressed, of the IC elements, at least one of which is an active element, and of some or all of the interconnections, or such a three-dimensional disposition prepared for an IC intended for manufacture;
- c) certificate on topology (hereinafter certificate) the document registered in respect to this Law, granted in the name of topography proprietor, confirming his exclusive rights;
- d) application collection of documents necessary for registration of a topography, made in respect to the approved requirements;
- e) "Sakpatenti" National Intellectual Property Center of Georgia a legal entity of public law, which provides for the legal enforcement of the rights of natural persons and legal entities in the sphere of intellectual property protection;
- f) Chamber of Appeals a body existing at Sakpatenti, which considers the litigation as regards to the procedure of securing of the rights for the intellectual property objects.

ARTICLE 3 ARISING OF EXCLUSIVE RIGHTS

- 1. Exclusive right on topography arises by registration of a topography at Sakpatenti.
- 2. The certificate is granted in the name of the proprietor of the registered topography.

ARTICLE 4 VALIDITY TERM

Validity term of the topography is 10 years as from the filing day with Sakpatenti.

ARTICLE 5 ORIGINALITY

- 1. In respect to this law an original topography shall be registered.
- 2. A topography shall be considered original, if it is the result of intellectual effort and was not commonplace at the date of creation.

- 3. The topography, consisting of elements, that are commonplace for its creation date, shall be considered to be original, if it is the result of intellectual effort and is not commonplace in the whole.
- 4. Exploitation of the topography by the designer of topography, or by the other person, who for the application filing date has the right to secure the certificate, or by the third party, for which said topology became available from the designer in direct or indirect way, that otherwise would effect the originality of topography presented in the application, shall have no effect, if the topography was exploited during two years before the application lodging date.

ARTICLE 6

DESIGNERS (CO-DESIGNERS)

- 1. As a designer of topography (hereinafter designer) shall be deemed a natural person, in result of the intellectual efforts of which was created a topography.
- 2. If the topography was created in result of joint intellectual efforts of several natural persons, each of them shall be deemed to be a co-designer.
 - 3. The designer of topography is entitled to have his name mentioned in the certificate.

- 4. The application shall contain:
- a) a request for registration of topography, drawn up in respect to the prescribed rule,

LICENSE CONTRACT

- 1. The assignment of the exclusive rights on basis of the license contract and registration is carried out in respect to the 59, 62 Articles of the "Patent Law of Georgia".
- 2. It is admissible to issue the compulsory license with the purpose of using the topography in semiconductor technologies only in the cases, when the use is due to the state non-commercial interests, or is conditioned by court or administrative acts aimed prevent the unfair competition.

ARTICLE 15

LITIGATION

- 1. The proprietor of the topography or the party concerned can appeal against the decision of Sakpatenti or the Chamber of Appeals in respect to the Article 68 and Article 69 of the "Patent Law of Georgia".
- 2. The proprietor of the topography in the case of litigation relating to the infringement of his rights can demand:
 - a) prevention of acts infringing his rights;
 - b) compensation of damages, including the profit he could receive;
- c) destruction or confiscation of the IC incorporating the topography used with the commercial purpose;

ARTICLE 16