

Adopted by Parliament June 22, 1999

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

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. The topography is considered as original until proving the contrary.

5. 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, during two years before the application lodging date does not effect the originality of topography

ARTICLE 6

DESIGNERS (CO-DESIGNERS) OF TOPOGRAPHY

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.

ARTICLE 7

RIGHT TO SECURE THE CERTIFICATE

1. The designer or his successor have the right to secure the certificate.

2. The right to secure the topography certificate, which is the result of joint intellectual efforts of several persons, is entitled to all the designers jointly, as well as to each of them, where the other designers refuse to obtain the certificate.

3. Where the topography was created by an employee in the course of his employment or in result of a special order, the right to secure the certificate is entitled to the employer, unless otherwise provided for by the contract concluded between them.

4. Where the right to secure the certificate belongs to the employer, the employee on basis of mutual agreement is entitled to require the additional relevant remuneration from the employer.

5. Where the topography is created pursuant to state order or in the course of employment in respect to the contract concluded between the organizations, the right to secure the certificate shall be defined by the order or the contract terms.

ARTICLE 8

SCOPE OF THE EXCLUSIVE RIGHTS AND INFRINGEMENT

1. The certificate proprietor has an exclusive right to use the topography at his own discretion, or prohibit its use. Whereas, the exclusive right does not apply to any idea, technique, system, technology or coded information embodied in a topography or IC created on its basis.

2. As the infringement of the exclusive rights shall be considered the following acts done without any consent:

- a) copying of the topography or any substantial part thereof with the purpose to incorporate it in IC or otherwise, with the exception of the part, which is not original;
- b) use, import, offer for sale, sell or include otherwise the topography or IC incorporating the topography in the course of trade.

ARTICLE 9

WARNING INDICATION

The proprietor of topography is entitled to mark the IC of the product containing it with a warning indication, including the following:

- a) letter "T" in a circle;
- b) topography registration date;
- c) name of the proprietor.

ARTICLE 10

EXPLOITATION, THAT SHALL NOT BE DEEMED AS INFRINGEMENT OF EXCLUSIVE RIGHT

1. The following shall not be deemed to be the infringement of topography proprietor's exclusive right:

- a) use of the topography, or product incor AR770005 Tc.ee, seol12 Tc-.0012 Twencor

a) a request for registration of topography, drawn up in respect to the prescribed rule,

2. The topography proprietor can grant a license on the use of topography to the other person. The grant 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 to 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

USE OF THE RIGHTS AWARDED BY THE LAW

Foreign natural persons and legal entities enjoy the rights provided for by the present Law in respect to the international treaties or on basis of reciprocity principle.

ARTICLE 17

DATE OF ENACTING THE LAW

This Law shall enter into force from September 1, 1999.