

DRAFT

**LAYOUT-**

**PART II**  
**PROTECTION**

**§2.1. Subject matter of protection; Registration**

- (a) The layout-design of an integrated circuit shall be protected if it is registered pursuant to this Act.
- (b) The layout-design of an integrated circuit may be registered if it is original within the meaning of Section 2.2 of this Act.
- (c) Registration may only be applied for if the layout-design has not yet been commercially exploited, or has been commercially exploited for not more than two years, anywhere in the world before the date of filing in Liberia.
- (d) For the purposes of this Part, “right holder” means the person who is to be regarded as the beneficiary of the protection referred to in Section 2.4 of this Act.

**§2.2. Originality**

- (a) A layout-design shall be considered to be original if it is the result of its creator’s own

(d) Where an invention is made under an employment contract the purpose of which is to invent, the right to the layout design shall belong, in the absence of contractual provisions to the contrary, to the employer. If the economic gains obtained by the employer from the commercial exploitation of that invention rise above the reasonable expectations of gain that the employer had from his employee's inventive output at the time he hired him, the employee shall be entitled to an equitable remuneration.

(e)

(e) the reproduction or use of the protected layout-design for private non-commercial purposes;

(f) the reproduction or use of the protected layout-design for the sole purpose of academic or scientific research or teaching;

(g) the reproduction or use of the protected layout-design for the sole purpose of evaluation or analysis of the layout-design;

(h) the incorporation in an integrated circuit of a layout-design created on the basis of such evaluation or analysis and which is itself original in the meaning of Section 2.2 or the performance of any of the acts referred to in subsection (a) in respect of a layout-design so created;

(i) the performance of any of the acts referred to in subsection (c) where the integrated circuit in which such a layout-design is incorporated, or the article incorporating such an integrated circuit, has been put on the market in Liberia or abroad by the right holder or by a person acting with the right holder's consent or having an economic tie to the right holder; to this effect an economic tie shall exist between two persons where one of them may exercise on the other a decisive influence with respect to the exploitation of the layout-design, or where a third party may exercise such an influence on both persons;

(j) the performance of any of the acts referred to in subsection (c) in respect of an integrated circuit incorporating an unlawfully reproduced layout-design or any article incorporating such an integrated circuit where the person performing or ordering such an act did not know and had no reasonable ground to know, when acquiring the integrated circuit or the article incorporating such an integrated circuit, that it incorporated an unlawfully reproduced layout-design; however, after the time that such person has received sufficient notice that the layout-design was unlawfully reproduced, that person may perform any of the said acts only with respect to the stock on hand or ordered before such time and shall be liable to pay to the right holder a sum equivalent to a reasonable royalty such as would be payable under a freely negotiated license in respect of such a layout-

The registration of a layout-design shall lapse at the end of whichever of the following periods expires earliest:

(a) ten years counted from the filing date of the application for registration of the layout-design in Liberia, if the layout-design has not been previously exploited commercially anywhere in the world;

(b) ten years counted from the date of the first commercial exploitation of the layout-design anywhere in the world, by or with the consent of the right holder;

(c) fifteen years counted from the date of creation of the layout-design.

## **§2.6. Application Requirements**

(a) An applications for the registration of a layout-design shall be in writing and shall be filed with the Director General's Office. A separate application shall be filed for each layout-design.

(b) The application shall:

(i.) contain a request for registration of the layout-design and a brief and precise designation thereof;

(ii.) indicate the name, address, nationality and, if different from the address, the habitual residence of the applicant;

(iii.) be accompanied by a copy or drawing of the layout-design along with information defini

(c) The filing date of an application for registration of a layout-design shall be the earliest date on which the application contains at least the following:

(i.) an express or implicit request that registration of a layout-

## **§2.8. Invalidation**

(a) Any interested person may request that the registration of a layout-design be invalidated on the grounds that:

(i.) the object of the registration is not a layout-design as defined in Section 1.3;

(ii.) the layout-design is not protectable under Section 2.1(b); or

(iii.) where the layout-design has been commercially exploited, anywhere in the world, before the filing of the application for registration of the layout-design, the said application was not filed within the time limit referred to in Section 2.1(c).

(b) Where the grounds for invalidation are established with respect only to a part of the layout-design, only the corresponding part of the registration shall be invalidated.

(c) A request for invalidation of the registration of the layout-design on the grounds specified in subsection (1) may be filed with the Director General or with the court. The request shall state the grounds on which it is based.

(d) Any invalidated layout-design



someone acting under his authorization or with his consent, is anti-competitive, and that the exploitation of the invention in accordance with this subsection would remedy such practice; or

- (iii) the holder of the lay-out design is abusing his exclusive rights or neglecting to take measures to prevent someone acting under his authorization or with his consent from abusing the exclusive rights conferred by the lay-out design; or
- (iv) after the expiration of a period of four years from the date of filing of the





**PART IV**  
**OFFENSES**

**§4.1 . Unlawful importation**

A person is guilty of unlawful importation of lay-out design, which shall constitute a felony of the second degree under the Penal Law of Liberia, who, without the consent of the right holder, knowingly imports for commercial purposes:

- (a) protected a lay-out design; or
- (b) an integrated circuit in which a protected lay-out design is incorporated; or
- (c) an article incorporating such as integrated circuit only in so far as it continues to contain an unlawfully reproduced layout-design.

**§4.2 . Unlawful Sale or other distribution**

A person is guilty of unlawful sale or distribution of lay-out design, which shall constitute a felony of the second degree under the Penal Law of Liberia, who, without the consent of the right holder, knowingly sells or distributes for commercial purposes:

- (a) A protected lay-out design; or
- (b) an integrated circuit in which a protected lay-out design is incorporated; or
- (c) an article incorporating such as integrated circuit only in so far as it continues to contain an unlawfully reproduced layout-design.

**§4.3. Fraud in relation to registers**

(a) A person is guilty of the offense of fraud in relation to registers, which shall constitute a felony of the second degree under the Penal Law of Liberia, who:

- (i) makes or causes to be made a false entry in a register for layout-designs maintained by the Liberia Intellectual Property Office; or

- (ii.) makes or causes to be made a writing falsely purporting to be a copy of an entry in any such register; or
- (iii.) produces or tenders or causes to be produced or tendered as evidence any such entry or copy thereof knowing it to be false.

**§4.4. False statement for the purpose of deceiving**