



### **Article 3. Authorized State body**

Implementation of the functions in the field of the legal protection of topologies of integrated circuits stipulated by this Law shall be entrusted to the Authorized State Body (hereinafter the “Patent Office”).

The scope of the legal protection afforded to the topography shall be determined by a combination of the elements and the interconnections as shown on the deposit of identifying materials.

### **Article 6. Authorship in a topology**

A natural person whose intellectual creative work resulted in a topology shall be recognized as the creator thereof.

Where a topology results from joint intellectual creative work of several natural persons, each of those persons shall be recognized as the creator thereof.

Natural persons shall not be recognized as joint creators where they have not made a personal creative contribution to the creation of a topology, but have simply given the creator (or creators) technical, organizational or material assistance or helped in registration of the rights to use the topology.

The right of authorship shall be an inalienable personal right and shall be protected perpetually.

## **CHAPTER 3 EXCLUSIVE RIGHT TO EXPLOIT A TOPOLOGY**

### **Article 7. Exclusive right to exploit a topology**

The exclusive right to exploit a topology shall belong to the creator of the topology or any other right holder.

The exclusive right shall give the creator or any other right holder the possibility of exploiting a topology at will, in particular, by manufacturing and distributing integrated circuits incorporating the topology.

Use by other persons of the topology in respect of which the creator or other right holder possess the exclusive right, shall be permitted only with the consent of the latter.

### **Article 8. Infringement of the exclusive right to exploit a topology**

The following acts shall constitute an infringement of the exclusive right to exploit a topology if performed without the authorization of the creator or any other right holder:

reproduction of the whole or a part of the topology by incorporation in an integrated circuit or in some other manner, except where the part that is reproduced is not original;

use, importation, offering for sale, sale or any other form of placing on the market the topology or an integrated circuit in which the topology is incorporated.

## **Article 9. Acts not recognized as infringements of the exclusive right to exploit a topology**

The following shall not constitute acts infringing the exclusive right to exploit a topology:

actions for use of a topology, carried out by a third party for the private purposes without profit or for the sole purpose of evaluation, analysis, research or teaching;

any actions for use of the identical original topology independently created by a third party;

use of an integrated circuit incorporating a topology protected by a certificate where this integrated circuit has been lawfully placed on the market;

use of lawfully acquired integrated circuits or the products incorporating such integrated circuits, if the person using them did not know and should not have known, that these integrated circuits or the products incorporating such integrated circuits, are made and distributed with infringement of the exclusive right to use a topology. If after receipt of the appropriate notice from the right holder of the topology this person continues to use the integrated circuit or the product, he shall be obliged to pay an equitable remuneration for each integrated circuit or each product containing such an integrated circuit.

## **Article 10. Transfer of the exclusive right to exploit a topology**

The exclusive right to exploit a topology may be contractually assigned in whole or in part by the creator or any other right holder to other natural persons or legal entities. The contract of transfer in whole of the exclusive right to exploit the topology (contract of assignment of the rights in the topology) or the contract of transfer in part of the exclusive right to exploit the topology (license contract) shall be subject to registration with the Patent Office and shall be deemed invalid without such registration.

The exclusive right to use the topology shall be inherited in the order established by law, and also by succession.

## **Article 11. Exclusive right to exploit the topology created under a term of employment or a contract for hire**

The exclusive right to use the topology created by an employee in the course of employment or pursuant to commission by his employer, shall belong to the employer unless otherwise provided in the contract between them.

The conditions of payment and the amount of remuneration to the creator arising out of the creation and exploitation of the topology shall be laid down in the contract concluded between the creator and the employer.

Unless otherwise provided by contract, the exclusive right to exploit the topology created under a contract for hire shall belong to the commissioner where such person is not the employer of the creator.

### **Article 12. Term of an exclusive right to exploit a topology**

The term of an exclusive right to exploit a topology shall be 10 years.

The commencement of the exclusive right to exploit a topology shall be determined by the earliest of the following dates:

the date of the first exploitation of the topology, that is to say the earliest documented date on which the topology or an integrated circuit incorporating the topology was first commercially exploited anywhere in the world;

the date of registration of the topology with the Patent office.

Where an identical original topology has been independently created by another person, the overall term of the exclusive ri

together with the date of the first exploitation of the topology if that exploitation has taken place;

deposit of identifying materials

an abstract.

The requirements to be met by the documents constituting an application shall be specified by the Patent Office.

The application shall be accompanied by:

a document proving payment of the obligatory payment or the existence of conditions justifying exemption from that payment or a reduction in the payment;

the power of attorney (where the application is filed by a patent attorney).



the adoption, in conjunction with the defense of his rights, of other measures provided for by legislative acts.

Copies of integrated circuits that have been unlawfully manufactured and (or) of the products incorporating the integrated circuits thus manufactured, and also the materials and equipment used in their manufacture may be, in line with the procedure provided by the legislation of the Republic of Tajikistan, be confiscated, destroyed or transferred to the right holder of the topology reproduced in these integrated circuits to compensate for the losses at his request.

## **CHAPTER 6**