

**LAW
OF THE REPUBLIC OF TAJIKISTAN
ON THE LEGAL PROTECTION OF THE TOPOLOGIES OF INTEGRATED
CIRCUITS**

This Law shall govern the relationships deriving from the creation, legal protection and exploitation of the topologies of integrated circuits in the Republic of Tajikistan.

**CHAPTER 1
GENERAL PROVISIONS**

Article 1. Basic Concepts

The basic concepts used in this Law are as follows:

- topology of an integrated circuit (hereinafter “topology”) shall mean the three-dimensional layout of all the elements constituting an integrated circuit and their interconnections fixed on a physical medium;
- original topology- is a topology which is the result of its creator's creative activity and is not known to the creator and (or) specialists in topology design as of the date of its creation.
- integrated circuit shall mean a microelectronic product in its final or intermediate form

An Appeal Board shall be set up, attached to the Patent Office, and shall consider the issues brought to its competence by this Law. The Appeal Board shall carry out its authorized functions on the basis of the legislation of the Republic of Tajikistan, the “Appeal Board Statute” approved by the head of the Patent Office.

CHAPTER 2

THE LEGAL PROTECTION OF THE TOPOLOGIES OF INTEGRATED CIRCUITS

Article 4. Subject Matter and Conditions of Legal Protection

The legal protection afforded by this Law shall apply solely to topologies that are original.

A topology shall be accepted as original unless proved otherwise.

A topology which consists of the elements that are commonplace among specialists in topology design on the date of its creation shall enjoy legal protection only if those elements, taken as a whole, meet the requirement of originality.

Concepts, techniques, systems, technologies and encoded information, which may be embodied in the topology, shall not be the objects of the legal protection afforded by this Law.

Article 5. Legal protection of a topology

Legal protection of a topology in the Republic of Tajikistan shall be effected on the basis of its registration in accordance with the procedure established by this Law or shall arise from its usage.

A topology may be registered in the name of a natural person or of a legal entity.

The right in a topology is protected by the Law and shall be attested by a certificate

A certificate shall attest the authorship, the priority of the topology, and the exclusive right to exploit it.

The scope of the legal protection afforded to the topology shall be determined by a combination of 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 of a protected topology 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

The exclusive right to use the topology created by an employee in the course of employment or

The list of particulars to be published in the Official Bulletin shall be determined by the Patent Office.

CHAPTER 5

EXPLOITATION OF THE TOPOLOGY AND ASSERTION OF RIGHTS IN THE TOPOLOGY

Article 17. Exploitation of the Topology

Exploitation of the topology shall mean reproduction, usage, import, offer for sale, sale, and other introduction into civil circulation of this topology or an integrated circuit incorporating such topology.

The conditions for exploitation of the topology the rights in which belong to more than one person shall be laid down by an agreement between such persons.

In order to advertise his rights, the creator of a topology or his successor in title shall have the faculty of affixing to a protected topology or to products incorporating that topology an indication in the form of a capital letter "T", the date on which the exclusive right to exploit the topology took effect and information to identify the right holder.

Article 18. Assertion of rights in a topology

The creator (any other right holder) of a topology may request:

- recognition of his rights
- restoration of the situation existing prior to infringement of his rights and cessation of the acts that infringe his rights or that are liable to infringe them;
- compensation for losses incurred taking into account the amount of profits unlawfully gained by the infringer
- 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

FINAL PROVISIONS

Article 19. Obligatory charges and a procedural payment

Filing of an application, grant of a topology certificate, as well as extension and reinstatement of missed terms shall be performed with obligatory charges.

Carrying out examination, entering amendments and corrections to the application documents, publication of particulars of registration of a topology, consideration of appeals in the Appeal Board, as well as other actions related to registration of topologies shall be performed with a

The procedure, amounts and time period for payment of the obligatory charges and procedural payment shall be determined by the Government of the Republic of Tajikistan.

Article 20. Protection of the rights in a topology abroad

The creator of a topology or any other right holder may seek legal protection of the topology abroad.

Article 21. Rights of foreign natural persons and legal entities

Foreign natural persons and legal entities shall enjoy those rights granted by this Law on a par with natural persons and legal entities of the Republic of Tajikistan in accordance with international treaties to which the Republic of Tajikistan is a party or on the basis of reciprocity.

Article 22. Liability for Breaches of This Law

Foreign natural persons and legal entities shall bear liability for the breach of this Law pursuant to legislation of the Republic of Tajikistan.

Article 23. Procedure for entry into force of this law

This Law shall enter into force after its official publication.

President of the Republic of Tajikistan

Dushanbe

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