

ARMENIA

Law on the Legal Protection of Topographies of Integrated Circuits (of March 3, 1998)

General Provisions

1. The basic concepts used in this Law are as follows:

“integrated circuit” (hereinafter “IC”)—a microelectronic product, either final or intermediate, designed to carry out the function of the electronic circuit, the components and connections of which are jointly formed in the body and/or on the surface of the material which served as the basis for manufacturing the object in question;

“topography of an integrated circuit” (hereinafter “topography”)—a spatial geometric arrangement, fixed on a material carrier, of all the components of an integrated circuit and the connections there between;

“use for commercial purposes” (hereinafter “use”)—application, sale, hiring or dissemination for commercial purposes by another method, and also the proposal to perform these actions;

“rights’ owner”—an author, his heir or any natural person, legal entity or company which does not have the status of a legal entity and which, according to a law or agreement, has acquired exclusive ownership rights.

Legislation on the Legal Protection of Topographies

2. The legislation on the legal protection of topographies consists of the Constitution of the Republic of Armenia, this Law, and other laws and legal instruments.

Subject of Regulation of this Law

3. This Law shall govern the relations concerning the creation, legal protection and use of topographies.

Legal Protection of a Topography

4. The right to a topography shall be protected by the State.

The exclusive right to use a topography shall be valid for 10 years: this period shall begin on whichever of the following fixed dates is earliest:

— the date of first use of the topography, i.e., the earliest documented date on which the topography in question, or IC with this topography, was marketed anywhere in the world;

— the date of registration of the topography by the body of the Government of the Republic of Armenia authorized to deal with the registration of topographies (hereinafter “authorized State body”).

Where an identical original topography, independently created by a different inventor, exists, the general period of validity of the exclusive right to use the topography may not exceed 10 years.

Subject and Conditions of Legal Protection

5. An original topography shall be protected in accordance with the procedure established by this Law.

A topography shall be original if it is the result of an inventor's creative activity. A topography shall be considered original until such time as the proof to the contrary is provided.

If, on the date a topography is created, all its components are known to IC engineers, the legal protection provided for by this Law shall not be granted to the topography.

If a topography consists of components generally known to IC engineers and producers on the date of its creation, it shall be granted legal protection only in cases where all such components meet the requirements of the second paragraph of this article.

In accordance with this Law, ideas, methods, systems, technologies and coded information which may be produced in a topography shall not be afforded legal protection.

Inventor of a Topography

6. The inventor of a topography shall be any natural person, as a result of whose creative efforts the topography has been produced.

If a topography has been produced by the joint creative efforts of two or more inventors, each of them shall be recognized as the inventor.

Natural persons who have not made a personal creative contribution to the production of a topography, or who have provided the author with purely technical, organizational or material assistance, or who have helped only to produce documentation confirming the right to use the topography, shall not be recognized as inventors of the topography.

The copyright shall be an inalienable personal right and shall be afforded permanent protection by the law.

The inventor shall have the right not to be mentioned in that capacity in information published on the certificate of registration of the topography.

Ownership Rights

7. The exclusive right to use a topography shall be granted to the inventor or other rights' owner and shall afford him the opportunity, at his own discretion, to produce and disseminate an IC with such a topography, and also to prohibit its use in cases where this Law is contravened.

If the exclusive right to use a topography belongs to two or more persons, the relations connected to the enjoyment of that right shall be defined by agreement between the persons concerned. In the absence of such agreement, each of those persons may use the topography

at his own discretion but may not, however, assign the right of use or authorize such use to another person without the consent of the remaining rights' owners.

The exclusive right to use a topography, produced in the course of professional duties or at the request of an employer, shall belong to the employer, unless otherwise provided by agreement between the employer and the inventor. Such an agreement may also establish the level of remuneration and the procedure for payment of the inventor.

The exclusive right to use a topography produced by agreement between a client not regarded as an employer and the inventor shall belong to the client, unless otherwise provided by the agreement.

Infringement of an exclusive right of use shall include the performance of the following acts without the authorization of the inventor or other rights' owner:

(a) the use of topographies or part thereof in an IC by other means, excluding the copying only of the part of the topography which is not original;

(b) the application, import, sale and hiring of a topography or IC including the topography, or its dissemination for commercial purposes, and also the proposal to perform such acts.

Where a rights' owner may not use a topography without infringing the exclusive right of some other rights' owner, he shall have the right to request authorization from the latter for such use, according to agreement. Where there is no agreement, the matter may be settled by the courts.

Transfer of Ownership Rights

8. Ownership rights in a topography may be transferred by agreement, either fully or partially, to other natural persons or legal entities. The agreement shall establish the method and scope of use of the topography, the levels of and procedure for payment, and the period of validity of the agreement. The ownership rights in a topography shall, in accordance with the requisite legal procedure, be bequeathed.

Agreements on the concession of exclusive ownership rights in a topography registered with an authorized State body shall be registered with that body. An unregistered agreement shall be considered invalid.

Agreements on the transfer of ownership rights in a topography may, by tacit agreement between the parties, be registered with an authorized State body.

Actions not Recognized as Infringements of the Exclusive Right to Use a Topography

9. The following shall not be recognized as infringements of the exclusive right to use a topography:

(a) the use of lawfully acquired ICs or objects containing such ICs if the user did not and could not know that the ICs or objects containing such ICs had been made and were being disseminated, thereby infringing the exclusive right to use the topography. Once the corresponding notification has been received from the topography rights' owner, the user shall

pay equal compensation for each IC or object containing such an IC, and subsequently used for the first time;

(b) use for personal needs with no intention to generate profit, as well as for research, analysis, assessment or study purposes;

(c) dissemination of the lawfully marketed IC containing the protected topography.

Nor shall the performance of the acts indicated in the fifth paragraph of Article 7 of this Law by the rights' owner of an identical original topography, produced independently by another inventor, be considered to infringe the exclusive right to use a topography.

State Registration of a Topography

10. The inventor of a topography or other rights' owner may file, either directly or through his representative, an application for the State registration of an IC topography (hereinafter "an application") with an authorized State body.

If the topography has been used prior to the application being filed, the application may be filed up to two years after the date of first use.

An application shall relate to one topography and shall contain:

(a) a request for State registration of an IC topography, containing the name of the rights' owner (applicant) and also of the inventor, provided that the latter has not declined to be mentioned in that capacity, their place of residence or business, and the date of first use (where the topography has been used);

(b) materials identifying a topography, including a short summary.

A receipt for payment of the State fee shall be attached to the application.

The requirements for the application documents shall be established by an authorized State body.

The authorized State body shall, within two months, verify that an application received meets the requirements of paragraphs three to five of this article. Where compliance is observed, the authorized State body shall, within five days, enter the topography in the State Register of IC Topographies of the Republic of Armenia (hereinafter "the State Register"), issue a certificate for the State registration of IC topographies (hereinafter "a certificate") and, within three months, shall publish details of the registered topography in its official journal.

The applicant may, within two months of the day on which the application is filed, or of the receipt of a request from the authorized State body, make changes, corrections and clarifications to the application documents.

The State registration procedure, form of the certificate, details of the information contained therein, and a list of the particulars published in the official journal shall be established by the authorized State body.

The information entered in the State Register shall be considered authentic until such time as proof is provided to the contrary. Responsibility for the authenticity of the information in question shall be borne by the applicant.

The inventor of a topography or other rights' owner may, for rights' notification purposes, place on the protected topography, as well as on the objects containing such a topography, a notification inscription in the form of the Latin letter T or a representation of this letter enclosed in a circle, square, brackets or inverted commas, together with an indication of the date on which the period of validity of the exclusive right to use a topography begins and information identifying the rights' owner.

Protection of the Rights in a Topography

11. An inventor or other rights' owner may, in order to protect his rights, apply to the courts in accordance with the established procedure.

The inventor of a topography or other rights' owner may require:

- (a) the renewal of a provision existing prior to the infringement of a right;
- (b) compensation for harm caused, also including the sum of the income unlawfully obtained by the infringing party;
- (c) application of the other measures, provided for by legislation, relating to the protection of their rights.

Unlawfully manufactured ICs and objects containing them, together with the materials and equipment envisaged for their manufacture, may, on a court decision, be confiscated, destroyed or sold, and the sums obtained from the sale included in the State budget or assigned to the claimant at his request to cover compensation for the harm caused.

Protection of the Rights in a Topography in Foreign States

12. The inventor or other rights' owner of a topography produced in the Republic of Armenia may request legal protection for the topography in foreign countries.

Rights of Foreign Natural Persons and Legal Entities

13. In accordance with the international agreements to which the Republic of Armenia is party, or on the principle of reciprocity, foreign natural persons and legal entities shall enjoy the rights envisaged by this Law and shall bear equal responsibility with the citizens, companies and organizations of the Republic of Armenia.

State Fees

14. State fees shall be levied for the performance of acts connected with the State registration and legal protection of an IC topography, the types, levels and procedure for payment of which shall be fixed by law.

International Agreements

15. If alternative provisions to those envisaged by this Law are made by international agreements to which the Republic of Armenia is party, those alternative provisions shall apply.

Entry into force: March 3, 1998.