



## SCREENING CHAPTER 7 on INTELLECTUAL PROPERTY LAW

# AGENDA ITEM VI: PROTECTION OF INTEGRATED CIRCUIT TOPOGRAPHIES

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## **1. THE LEGAL FRAMEWORK**

- **Law No:5147 on the Protection of Integrated Circuit Topographies in force as from April 22, 2004**
- **By-law implementing the Law in force as from December 30, 2004**



## **2. THE COMPETENT AUTHORITY**

**Article 13, Law No:5147**

**Turkish Patent Institute (TPI) is the competent authority for the registration of integrated circuit topographies.**



### **3. PURPOSE AND SCOPE OF THE LAW**

- **to provide a protection for integrated circuit topographies for the purpose of creating a competitive atmosphere in this field, and, this way, to enable the development of industry.**
- **comprises the principles, rules and conditions pertaining to the protection of registered integrated circuit topographies.**



## **4. DEFINITIONS**

**(Article 2, Law No:5147)**

- **Integrated Circuit:**

**An intermediate or final product, designed for performing an electronic function or other similar functions, having at least one active element and some or all of the interconnections of which have been combined in and/or on a piece of material;**

- **Integrated Circuit Topography:**

**The series of images that represent the three-dimensional sequence of layers embodying the integrated circuit and that has been prepared for production purposes, and fixed in any format and every image shall mean the entire or partial layout of the surface of integrated circuit at any stage of its manufacture.**



## **5. PERSONS ENTITLED TO PROTECTION**

**(Article 3, Law No:5147)**

- **nationals of Republic of Turkey**
- **natural and legal persons residing in Turkey and performing industrial or commercial activities**
- **the persons having the right of application under the provisions of the related international conventions**
- **natural or legal persons of a State, enjoying recognized reciprocity with Turkey**



## **6. SUBJECT MATTER OF PROTECTION AND ORIGINALITY**

- **The topography shall have an original nature (Art. 4)**
- **Originality is the case if the topography is the result of its creator's own intellectual effort and is not known by integrated circuit producers and topography designers (Art. 5)**
- **Integrated circuit topography, which consists of an arrangement of known elements and interconnections, shall be protected insofar as the combined arrangement is original as a whole (Art. 5)**
- **The protection shall not be applicable for the content on which the integrated circuit topography is based, operation process, system, technique or the information fixed on the topography other than the topography itself (Art. 4)**





## **7. COMMENCEMENT AND TERM OF PROTECTION**

**(Article 6, Law No:5147)**

- **The protection shall commence**
  - **on the day of the first commercial exploitation, on the condition that the application is filed within two years as of its first exploitation, or**
  - **the date on which the application is filed.**
- **Term of protection shall expire at the end of the tenth calendar year following the year of commencement of protection.**
- **The protection right shall not be requested if the topography has not been commercially exploited, other than confidentiality reasons, and the application has not been filed within fifteen years as of its design.**



## 8. OWNERSHIP OF THE RIGHT

- The protection right belongs to the designer or his successor in title (Art. 7)
- The right to integrated circuit topographies designed by employees shall belong to employers, unless otherwise provided in the employment contract (Art. 8)
- The right to integrated circuit topographies designed under a contract other than an employment contact shall belong to employers, unless otherwise provided in the contract (Art. 10)
- The right to integrated circuit topographies designed by university academics shall belong to the academics (Art. 9)



## **9. RIGHTS CONFERRED AND LIMITATIONS**

**The rightholder shall have exclusive rights to prevent the reproduction, import, sale or commercial distribution of protected integrated circuit topographies (Art. 11)**

### **Limitations (Art. 12):**

- Reproduction for noncommercial personal purposes or for purpose of evaluation, analysis, research or teaching**
- Commercial activities following the introduction to the market by the right holder**
- Commercial activities of a person not aware of the protection (innocent infringement)**
- Commercial activities of a person who has created an identical topography independently**



## **10. COMPULSORY LICENCE**

**(Article 37, Law No:5147)**

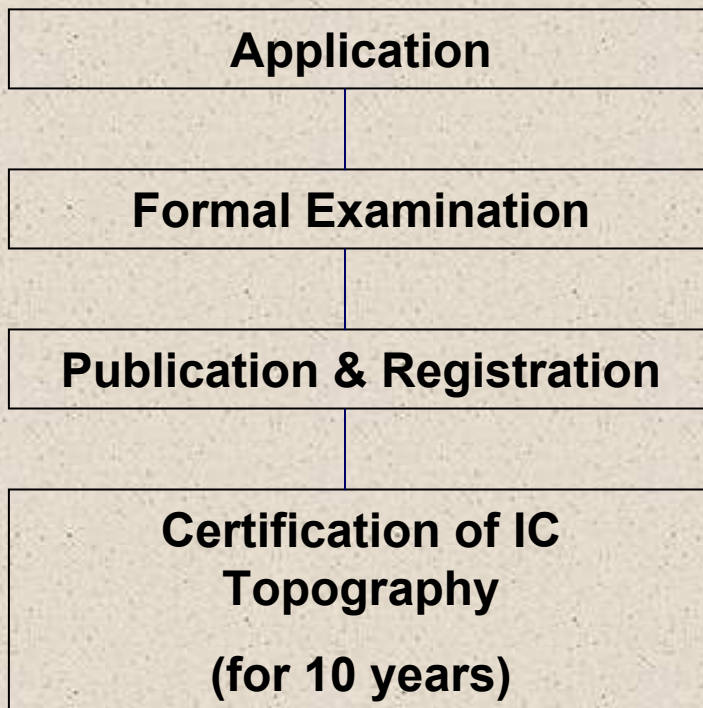
**The Council of Ministers may decide to grant a compulsory licence on grounds of :**

- **Public Interest**
- **National Security**
- **Public Health**
- **Development of the other vital sectors of national economy**
- **Need to use for non commercial purposes**
- **Anticompetitive situation determined by administrative or judicial authorities**

**(Article 38, Law No:5147)**

**The Council of Ministers may decide the termination of compulsory licence when the above mentioned grounds do not exist any more.**

## 11. REGISTRATION PROCEDURE





**THANK YOU FOR YOUR ATTENTION**