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**Council for Trade-Related Aspects  
of Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS  
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

**SLOVAK REPUBLIC**

The present document reproduces the text<sup>1</sup> of Act No. 146/2000 Coll. on Legal Protection of Topographies of Semiconductor Products as amended by Act No. 84/2007 Coll., as notified by the Slovak Republic on 18 August 2010 under Article 63.2 of the Agreement (see document IP/N/1/SVK/4).

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**Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À  
LA PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE  
DE L'ARTICLE 63:2 DE L'ACCORD**

**RÉPUBLIQUE SLOVAQUE**

Le présent document contient le texte<sup>1</sup> de la Loi n° 146/2000 Rec. sur la protection juridique des topographies de semi-conducteurs telle que modifiée par la Loi n° 84/2007 Rec., notifiée par la République slovaque le 18 août 2010 au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/SVK/4).

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**Consejo de los Aspectos de los Derechos de Propiedad  
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA  
PROPIEDAD INTELLECTUAL NOTIFICADOS EN VIRTUD  
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

**REPÚBLICA ESLOVACA**

En el presente documento se reproduce el texto<sup>1</sup> de la Ley N° 146/2000 (recopilación) de Protección Jurídica de las Topografías de Productos Semiconductores modificada por la Ley N° 84/2007 (recopilación), que la República Eslovaca ha notificado el 18 de agosto de 2010 en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/SVK/4).

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<sup>1</sup> In English only./En anglais seulement./En inglés solamente.



**Act No. 146/2000 Coll. on Legal Protection of Topographies  
of Semiconductor Products as amended**

**Amended by: Act No 84/2007 Coll.**

**Part I**

**Basic provisions**

**Section 1**

**Subject of Law**

Regulation of relations rising in relation to creation, protection and exploitation of topographies of semiconductor products is the subject of this law.

**Section 2**

**Subject of protection**

1. The protection of this law applies to topography in so far as it satisfies the conditions that it is result of its creator's own intellectual effort and it is not commonplace in the semiconductor industry.
2. Where the topography of a semiconductor product consists of elements that are commonplace in the semiconductor industry, it is to be protected only to the extent that the combination of such elements taken as a whole fulfils the conditions stipulated in Paragraph 1.
3. The protection granted to the topographies of semiconductor products in accordance with Paragraph 1 shall not extend to any concept, system, process, technique or encoded information embodied in the topography other than the topography itself.

**Section 3**

**Specification of terms**

1. For the purposes of this law:
  - a) topography shall mean a series of related images, however fixed or encoded, representing the three-dimensional pattern of the layers of which a semiconductor product is composed and each image has the pattern or part of the pattern of a surface of the semiconductor product at any stage of its manufacture,
  - b) semiconductor product shall mean a microelectronic product whether in its final form or in the form of the intermediate product which is intended to perform, exclusively or together with other functions, an electronic function; consisting of a body of material which includes a layer of semiconducting material, and having one or more other layers of conducting,

Consolidated version

insulating or semiconducting material, the layers being arranged in accordance with a predetermined three-dimensional pattern.

c) commercial exploitation of a topography or semiconductor product containing topography shall mean the sale, rental, export, import or any other method of commercial distribution, or an offer for these purposes on the territory of the Slovak Republic or anywhere in the world.

2. For the purposes of this law commercial exploitation shall not include exploitation under conditions of confidentiality to the extent that topography or semiconductor product including topography was not subject of a commercial relation.

## **Right to Protection**

### **Section 4**

#### **Entitled persons**

1. The right to protection of a topography shall apply in favour of the topography creator, if it is not stated otherwise.

2. The creator is the person who has created the topography using his/her own intellectual effort.

3. As for the rights of the co-creators of a topography, their right to protection applies to the extent to which they contributed to the creation of the topography. Where any doubt arises, in so far as the co-creators do not come to any other agreement or the court does not state it otherwise, the contribution of all co-creators of one topography shall be considered as equal.

4. Where the creator has created a topography in the course of his/her employment or under any other obligation resulting from any other contractual relationship, the right to protection shall apply in favour of the creator's employer or in favour of a party entitled from any other contractual relationship, unless the parties to the contract came to any other agreement.

5. Where no right to protection applies in favour of the persons pursuant to Paragraphs 1, 3 or 4, the right to protection shall apply in favour of the person who on the basis of the exclusive authorisation granted by the person pursuant to Paragraphs 1, 3, or 4 first commercially exploited on the territory of the Slovak Republic a topography which has not yet been exploited commercially anywhere in the world.

6. The right to protection shall apply in favour of the successors in title of the persons pursuant to Paragraphs 1, 3, 4 and 5.

### **Section 5**

1. The right to protection shall apply in favour of entitled natural persons or legal persons pursuant to Section 4:

a) who are nationals of the Slovak Republic or who are nationals of the member state of WTO,  
or

- b) who have their habitual residence, seat, establishment or organisational component<sup>1</sup> on the territory of the Slovak Republic or who have their habitual residence, seat, establishment or organisational component on the territory of the member state of WTO.
2. The right to protection in favour of persons pursuant to Section 4 who do not comply with the conditions pursuant to paragraph 1, shall apply only if the condition of reciprocity is satisfied.

## **Section 6**

The right to protection of a topography shall come to an end 15 years from the date of its fixation or encoding, provided that the topography in question has not been commercially exploited or if an application for registration pursuant to Section 22 Paragraph 3 has not been filed with the Industrial Property Office of the Slovak Republic (hereinafter referred to as "the Office").

## **Section 7**

### **The Emergence and Duration of Protection**

1. Protection of a topography comes into existence on the following dates:
- a) on the date when the topography is first commercially exploited, provided that an application pursuant to Section 22 Paragraph 3 has not been filed with the Office within the period of two years since the date of this exploitation, or
- b) on the date when application pursuant to the provision in Section 22 Paragraph 3 has been filed, provided that the topography has not been commercially exploited before
2. The duration of the topography protection shall come to an end 10 years from the end of the calendar year in which the said protection came into existence.

## **Part II**

### **Rights and obligations of topography owner**

## **Section 8**

### **Topography owner**

Legal person or natural person recorded with the register of the topographies (hereinafter referred to as "the Register") shall be deemed to be an owner of the topography.

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<sup>1</sup> Sec. 21 paragraph 3 of the Act No. 513/1991 Coll. as amended, the Commercial Code.

## **Section 9**

### **Co-ownership of the topography**

1. As far as relations of co-owners of a topography are concerned, provisions of special law shall apply.<sup>2</sup>
2. Agreement on dissolution of the co-ownership and mutual settlement has to be concluded in written form, otherwise it is not valid.
3. Agreement pursuant to Paragraph 2 shall become effective as regards third parties from the date when it is recorded in the register.

## **Protection Effects**

### **Section 10**

1. If it is not stated otherwise, topography owner shall have the exclusive right to exploit the topography, to reproduce the topography, to transfer the right concerning the topography to a third person, to authorise or prohibit the following acts
  - a) reproduction of a topography,
  - b) production of the semiconductor product, in which the protected topography is included,
  - c) commercial exploitation or the importation for that purpose of a topography or of a semiconductor product in which the protected topography is included.
2. The exclusive rights stipulated in Paragraph 1 apply also
  - a) for the period from coming into existence of the protection pursuant to Section 7 Paragraph 1 to entry of the topography in the Register,
  - b) for the period prior to coming into existence of the protection pursuant to Section 7 Paragraph 1 given that the owner proves that a third person has infringed an exclusive right pursuant to Paragraph 1 while the topography has not been created independently of the creator or other entitled person pursuant to Section 4.
3. The topography owner is able to enforce his/her exclusive right only after the said topography has been entered in the register.

### **Section 11**

1. The effects of the protection of a topography do not apply to the following:
  - a) acts done privately for non-commercial aims,

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<sup>2</sup> Sec. 137 to 142 of the Civil Code

- b) reproduction of the topography for the purpose of analyzing, evaluating or teaching the concepts, processes, systems or techniques embodied in the topography or the topography itself
- c) acts done in relation to other topography meeting the requirements of Section 2 Paragraph 2, created on the basis of an analysis and evaluation of topography pursuant to Letter b)
- d) further commercial exploitation or importation of a topography or of a semiconductor product containing a topography, after the topography or the semiconductor product in question has been put on the market by the topography owner or with his/her express consent.

2. The effects of the protection of a topography do not apply to the person, who, in good faith, acquires a semiconductor product containing a topography, which product has been put on the market without the consent of the topography owner. From the moment this person knows or has reasonable grounds to believe that he/she infringes an exclusive right pursuant to Section 10 paragraph 1 by his/her acts, he/she is further entitled to commercially exploit the product, whether acquired or ordered prior to this notification, being at the same time obliged to pay the owner, upon the owner's own request, due compensation for further exploitation of the product which corresponds to a reasonable licence fee.<sup>3</sup>

## **Section 12**

### **Transfer of Right to a Topography by Means of Written Contract or by Operation of Law**

- 1. Rights to a topography are transferred to a new owner by operation of law in cases stipulated by special regulations.<sup>4</sup>
- 2. Rights to a topography are to be transferred exclusively by means of a written contract, otherwise the transfer is not valid.
- 3. Transfer of the rights to a topography by means of a written contract and by operation of law is effective as regards third parties from the date when it is recorded in the register of topographies.
- 4. Rights of the third parties acquired prior to the date of the transfer of the rights to topography are to be maintained. This, however does not apply in case of transfer of the right concerning a topography by operation of law on the basis of rectification pursuant to Section 25, Paragraph 1.

## **Section 13**

### **The Right of Lien**

- 1. The emergence, change and cessation of the right of lien, as well as the relations between the lien creditor and the lien debtor, are to be regulated by the general provisions relating to the right of lien.<sup>5</sup>

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<sup>3</sup> Section 508 paragraph 1 of the Commercial Code.

<sup>4</sup> e.g. Sections 69 and 259 of the Commercial Code, Section 460 to 462 of the Civil Code.

<sup>5</sup> § 151a) - §151g) of the Civil Code.

2. Contractual lien is to be established by means of a written contract.
3. The emergence of the right of lien is effective as regards third parties from the date when it is recorded in the register of topographies.
4. As for the right of sublien, the relevant provisions of Paragraphs 1-3, as well as the general provisions relating to the right of sublien, are to be used.<sup>6</sup>

## **Section 14**

### **Licence**

1. The emergence, cessation and enforcement of a licence contract is to be regulated by the provisions of special law.<sup>7</sup>
2. The licence contract is effective as regards third parties from the date when it is recorded in the register of topographies.
3. Where the licence contract does not state otherwise, the owner of a topography can exploit an object of the licence by himself and enter into other licence relations with third parties without any limitations (hereinafter referred to only as "non-exclusive licence").
4. In case of infringement or jeopardising of rights protected by this Act, a licence holder shall have same rights as the owner of a topography

## **Section 15**

### **Compulsory Licence**

1. The court may grant a compulsory licence based on the request of any person, who provides evidence of capability to reproduce the topography in question and to produce the semiconductor product containing the protected topography, on the territory of the Slovak Republic, provided that:
  - a) 3 years have elapsed since the date of the registration of a topography,
  - b) the person who requests a compulsory licence has presented a proper proposal for a contractual licence prior to the filing of the request for a compulsory licence, which proposal has not been accepted by the owner of the topography,
  - c) the topography has not been exploited on the territory of the Slovak Republic by the owner without reasonable grounds or it has been exploited insufficiently and the products containing the protected topography are not present on the Slovak Republic market - or they are present there, but in an insufficient quantity. The absence of any reasonable grounds for non-exploitation is presumed until reasonable ground has been proved.

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<sup>6</sup> §151k) - § 151m) of the Civil Code.

<sup>7</sup> Sections 508-515 of the Commercial Code.

2. A compulsory licence can be granted exclusively
  - a) for non-commercial exploitation or to remedy practice of the topography owner that can be deemed to be anti-competitive on the basis of the relevant authority decision<sup>8</sup> or in case of serious public nuisance,
  - b) as non-exclusive licence which duration and extent shall be limited to the purpose for which it was granted with the condition of predominant supply of the domestic market.
3. A compulsory licence can be granted in case of serious public nuisance notwithstanding Paragraph 1a).
4. If a substantial change of circumstances occurs in relation to those circumstances which previously led to a compulsory licence being granted, the Court may, upon request of one of the parties to the contractual licence change any of the conditions, extent and duration of compulsory licence or revoke the previous decision whereby a compulsory licence was granted, provided that it is satisfied that it is improbable that there will be any recurrence of the circumstances which gave rise to the grant of the compulsory licence.
5. The valid and executable decision on compulsory licence granting or revoking shall be immediately delivered by the court to the Office, and the Office shall record these facts in the register.
6. A compulsory licence can be transferred, whether by means of written contract or by operation of law, only as a part of enterprise transfer or as a part of transfer of that part of enterprise which uses topography on the basis of the compulsory licence.
7. As far as transfer pursuant to the paragraph 6 is concerned, provisions of Section 12 para.1-3 apply *mutatis mutandis*.

## Section 16

1. When a compulsory licence is granted, the right of the topography owner to receive adequate compensation is left intact.<sup>3)</sup>
2. Where the parties to a compulsory licence, which has come into being on the basis of a decision that a compulsory licence should be granted, have not reached any agreement on compensation, notwithstanding negotiations relating thereto, the amount and the way of adequate compensation shall be determined by the court, upon request of one of the parties to the compulsory licence. If a substantial change of circumstances occurs, which is likely to involve changes to the compensation which should be awarded, the court may, upon request of one of the parties to the compulsory licence, amend the compensation from that previously agreed or determined by the court, given that the parties to compulsory licence have not reached any agreement, notwithstanding negotiations relating thereto.

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<sup>8</sup> Act No. 188/1994 Coll., as amended, on protection of economic competition.

## **Section 17**

### **Repudiation of a Right to Topography**

1. The owner of a topography may repudiate his/her right to the topography by means of a written notification delivered to the Office.
2. The repudiation of a right to a topography comes into effect on the date when the notification pursuant to Section 1 is delivered to the Office.
3. Such a repudiation of a right to a topography which also affects the rights of third parties that are registered in the register of topographies shall come into effect only after a written consent of the person whose rights and legitimate interests may be affected by the topography cessation is presented. The same applies in case a law-suit is recorded in the register of topographies, the subject of which law suit is the right to the topography.

## **Section 18**

### **Cessation of Protection of a Topography**

Protection of a topography comes to an end on the following dates:

- a) on the date when protection of a topography pursuant to Sec. 7 Paragraph 2 expires,
- b) on the date when the repudiation of the right to topography pursuant to Section 17 comes into effect.

## **Section 19**

### **Infringement of Rights and Disputes Hearing**

1. In case of infringement of rights protected by this Act or jeopardising of these rights, person whose right has been infringed or jeopardised is entitled to claim prohibition of infringement or jeopardising of his rights and to eliminate consequences of infringement.
2. If damage has been caused by infringement of rights pursuant to paragraph 1, the aggrieved party has right to compensation of actual damage including profit lost. If a nonpecuniary injury has been caused by infringement of rights, the aggrieved party shall have right to adequate satisfaction, which can be in form of pecuniary compensation<sup>8a</sup>.

## **Section 19a**

### **Right of Information**

1. The owner of topography may requests in infringement or jeopardising of his rights protected by this Act that a person infringing or jeopardising his rights provided him information related to origin of a topography or a semiconductor product containing a topography which infringes the rights pursuant to this Act and to circumstances of its placing on the market.

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<sup>8a</sup> Civil Code.

2. Information pursuant to paragraph 1 shall contain in particular:
  - a) name and surname or business name or name and place of permanent residence or place of business, or place of business of a producer, processor, storekeeper, distributor, provider, dealer and other previous holders of a topography or a semiconductor product containing a topography;
  - b) indications on produced, processed, provided or ordered quantity and price of relevant topography or a semiconductor product containing a topography.
3. To provide information pursuant to paragraphs 1 and 2 is obliged also a person who
  - a) has in possession a topography or a semiconductor product containing a topography infringing rights pursuant to this Act;
  - b) exploits services infringing rights pursuant to this Act;
  - c) provides services exploited in activities related to infringement of rights pursuant to this Act;  
or
  - d) was indicated by a person mentioned in sub-paragraphs a) to c) as a person participating in production, processing or distribution of the topography or the semiconductor product containing the topography or providing services infringing rights pursuant to this Act.

## **Section 20**

1. Law-suits related to rights stipulated in this law shall be heard and decided by courts unless the law establishes the authority of the Office to proceed and decide on the merits of the matters.
2. At the request of a topography owner the court shall prohibit any action which is contrary to Section 10 Paragraph 1, or the court shall order that the reproductions of a protected topography or the semiconductor products containing the protected topography, or any products containing such a semiconductor product be:
  - a) withdrawn from a trade network;
  - b) definitely removed from a trade network;
  - c) secured in other way by preventing further infringement or jeopardising of right;
  - d) destroyed in a suitable way.
3. Provisions pursuant to paragraph 2 shall be executed at expense of a person infringing or jeopardising rights protected by this Act, unless special circumstances give reason for other process
4. As far as the provision of Paragraph 2, Letter d) concerning a manner of destroying of objects is regarded, the proposal is not binding upon the court.

5. The court shall not confer right to information pursuant to Article 19a, if seriousness of jeopardising or infringement of right were inadequate to seriousness of consequences resulting from fulfilment of obligation imposed in such way.

### **Part III**

#### **Proceedings Related to Topographies**

##### **Section 21**

###### **Requirements of Application for Registration of a Topography**

- 1) The application can concern only one topography.
- 2) The application has to contain:
  - a) a request for recording the topography in the register of topographies, containing the designation of the topography in question, name, surname and domicile and nationality of the applicant or, where the applicant is a legal person, the applicant's business name and seat,
  - b) documents that allow the identification of the topography in question, or, if appropriate, also the semiconductor product containing the topography as such (hereinafter referred to only as "the documents"),
  - c) the date of the first commercial exploitation of the topography, provided that this date is earlier than the date of filing of the application,
  - d) documentary evidence relating to the acquisition of the right to the protection of the topography as well as the name, surname and domicile of the applicant if the applicant is not the creator of the topography
  - e) the name, surname and domicile, or the business name and seat of the applicant's attorney, as well as the power of attorney provided that the applicant is represented by an attorney or if he/she has to be represented pursuant to the provision of Section 35, Paragraph 2.
  - f) the signature of the applicant or of the person entitled to act on the applicant's behalf.
- 3) The applicant may designate some of the documents pursuant to Paragraph 2 Letter b) as trade secret documents<sup>9</sup>. In such circumstances, the designated documents have to be submitted in two forms, one completed fully and one with the relevant parts, the trade secret parts specified as such, obscured or illegible. The documents cannot all be specified as trade secret.

##### **Section 22**

###### **Registration of a Topography**

1. The proceedings relating to the registration of a topography in the register are started by the filing of an application to the Office.

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<sup>9</sup> Section 51 of the Commercial Code.

2. The application may be filed by any person having the right to the protection of a topography, pursuant to Sections 4 and 5 of this Law, or by legal successor of that person.
3. A petition shall be deemed as the application if it contains a request for recording the topography in the register of topographies with data enabling the applicant to be identified and if it complies with requirements pursuant to Section 21, Paragraph 2, Letters b), c). From the date of delivery of the proper application, the applicant acquires the right of priority against any person who later files an application relating to an identical topography.
4. Provided that the application complies with all requirements stipulated in Section 21, the Office shall record the topography in the register. The Office shall then issue a certificate of registration to the applicant whose topography has been recorded in the register. The Office shall also publish the topography registration in the Bulletin of the Industrial Property Office of the Slovak Republic (hereinafter referred to only as "the Bulletin").
5. Where the application filed does not comply with the requirements stipulated in the provision of Section 21, the Office shall call upon the applicant for elimination of all these defects within a set period. In the event that the applicant does not eliminate these defects in the set period, the Office shall suspend the proceedings. The applicant must be notified of this possible consequence in the said call.
6. Where the application filed does not fulfil the requirements stipulated in the provision of Paragraph 3, the date upon which a filing eliminating defects is delivered to the Office is to be the date upon which the application is deemed to have been filed.
7. Where the application has been filed and conflicts with the provisions of Paragraph 2 of this Section or after the time limit pursuant Section 7 Paragraph 1 Letter a) had expired, the Office shall refuse the application. However, before the Office decides so, it has to enable the applicant to comment the ground for refusal.

## **Section 23**

### **Invalidation of registration**

1. The Office shall declare the registration of topography invalid if, in the proceedings initiated upon request of a third party it is found that:
  - a) the recorded topography is not capable of protection pursuant to the provision of Section 2 Paragraphs 1 and 2,
  - b) the application for the registration of a topography in question was delivered after the period of 2 years stipulated in Section 7, Paragraph 1, Letter a) had expired,
  - c) the right to protection of a topography had already come to its end pursuant to the provision of Section 6,
  - d) the applicant was a person who could not be considered the person entitled pursuant to Section 4 or Section 5, unless after the filing of the application a transfer pursuant to Section 12 to or rectification pursuant to Section 25, Paragraph 1 in favour of an entitled person has been occurred,

e) the documents pursuant to the provision of Section 21, Paragraph 2, Letter b) do not enable identification of a topography or do not correspond to the semiconductor product enclosed in the application.

2. Where the request for invalidation of registration of a topography (hereinafter referred to only as "request for invalidation") concerns only part of the registered topography, the Office shall declare the registration of the topography invalid only insofar as it relates to the part of the registered topography to which the request relates, provided that the remaining part or parts are capable of protection pursuant to Section 2, Paragraphs 1, 2.

3. Invalidation of registration shall mean the relevant topography shall be deemed never to have been registered.

## **Section 24**

1. The request for invalidation of registration is to be in writing and is to be delivered to the Office in duplicate, each of which is to include:

- a) first name, surname and domicile of the person who requests invalidation of registration, and, where it is a legal person, its business name and seat,
- b) if the person who requests invalidation of registration is represented by an attorney, or if the person must be represented pursuant to Section 35 Paragraph 2, the first name, surname and domicile or the business name and seat of the attorney, together with the power of attorney,
- c) a written request from the person who requests invalidation of registration, expressly stating that he/she requests that the registration be invalidated,
- d) information identifying the owner of the topography in question
- e) the topography registration number or application number in the register
- f) the reason or reasons relied upon in the request for invalidation of the registration in question as well as description of the evidence in support of the request upon which the person who requests declaration of invalidity of registration relies
- g) documentary evidence designated in the request according to Letter f)
- h) the signature of the person who requests invalidation of registration or of the person authorised to act on his/her behalf.

2. Where the request does not contain the necessary elements stipulated in Paragraph 1, the Office shall call upon the person who requests invalidation to eliminate the defects within a set period. In the event that the person who requests for invalidation does not comply with this call in the set period, and if the proceedings cannot be continued for this reason, the Office shall suspend the proceedings on the request for invalidation of registration. The person who requests invalidation, however, has to be notified of this possible consequence of potential non-compliance in the said call of the Office.

3. Where the proceedings were not suspended pursuant to Paragraph 2, the Office shall deliver the request to the owner of the topography, calling upon him/her at the same time for a written statement in answer to this request within a set period. The written statement in answer shall be submitted in writing, in duplicate, while the owner may also describe the evidence in support of the

written statement in answer upon which he/she relies and at the same time accompany this written statement by the documentary evidence.

4. If the owner of the topography in question does not provide his/her written statement in answer within the period stipulated by the Office, the request for invalidation is deemed to be reasonably filed and the Office shall declare the registration of the topography invalid. The owner has to be specifically warned of this possible consequence in the call.

5. The Office shall proceed pursuant to the provision of Paragraph 4 also in the event that the owner is not represented by an authorised attorney, pursuant to the provision of Section 35, Paragraph 2. Where the topography owner does not comply with the call for submitting the power of attorney within the set period, it shall be considered that he/she has not responded to the request for invalidation.

6. Where the owner provides his/her written statement in answer within the set period, the Office shall send the said written statement to the person who requests invalidation. Where the Office cannot reach a decision upon the written representations in the statements of the parties submitted in the proceedings, the Office shall set a date for a hearing.

7. The Office is able to proceed further and to decide on the merits of the matter even in the event that the party duly notified of the date of the hearing does not appear at, or take part in, the hearing.

8. No further amendment or supplement of request for invalidation of registration or of a written statement in answer may be made by either person who requests invalidation or by the owner. The Office shall not take into account any such amendment or supplement, as for their relevance to the proceedings and to the decision on the merits of the matter.

## **Section 25**

### **Forfeiture of the Protection and Rectification**

1. Where the Office receives a request to forfeit the protection of a topography owner recorded in the register, it shall forfeit this protection and record the person who requests the forfeiture as the topography owner, provided that the following conditions are complied with:

- a) it was declared by a valid court decision that the person formerly registered as the owner of the topography in question was not entitled to the right to protection of the topography protection, pursuant to the provisions of Sections 4 or 5,
- b) the request for forfeiture of the right has been filed by the person, who is, pursuant to a valid court decision, entitled to the right to protection of a topography, or it has been filed by the legal successor of this person,
- c) the request was filed at the Office not later than 3 months from the date when the relevant decision of the Court referred to in Letter a) above came into force.

2. Provided that the condition stipulated in Paragraph 1, Letter a) is complied with, if the request has not been filed at all or has not been filed by the person who is entitled to file such a request or has not been filed within a set period, the Office will declare the registration of the topography invalid ex officio.

3. As far as the forfeiture of right concerning the topography application and its rectification in favour of the entitled person is concerned, the provisions of Paragraph 1 will be used appropriately. Unless rectification of right concerning topography application is proceeded, the Office shall refuse the application pursuant to section 22 Paragraph 7.

## **Section 26**

### **Registration of Licence, of the Right of Lien, of the Transfer of Topography Ownership, and of Law-Suit.**

1. A request for the registration of a licence, of the right of a lien, of the transfer of the topography ownership (all hereinafter referred to only as "the registration of the right") has to include the following :

- a) information described by Section 24, Paragraph 1, Letters a), b), d), e), h),
- b) a statement by the person who requests the registration of the right, identifying the nature of the registration requested,
- c) a brief summary of statement in support of the request for the registration of the right, as well as the documents that evidence the right acquisition or their photocopies. Those parts of the documents or photocopies that the person who requests the registration of the right wishes to be kept confidential, may be obscured or illegible provided that the legible part evidences the acquisition of the right sufficiently.

2. Where the request for the registration of the right does not contain the necessary elements, the provisions of Section 24, Paragraph 2 shall apply *mutatis mutandis*.

3. In case of any doubt, the Office may require the applicant to submit the original of the document that evidences the acquisition of the right, or it may also require that other, supplemental information, be submitted.

4. The provisions of Paragraphs 1, 2 and 3 do not apply to any compulsory licence. The Office shall register compulsory licences *ex officio*, after the valid decision of the court on granting a compulsory licence is delivered to the Office.

5. The Office, upon request made by a party to a law-suit relating to the right to a topography, if the request includes a certified copy of the petition to the court, shall record in the register the fact, that there is a law-suit relating to the right to the topography in pending. The record shall be made with effect from the date of delivery of the request to the Office.

## **Section 27**

### **Further Processing**

1. In the event that a party to the proceedings fails to comply with a time limit set by the Office to perform an act and it resulted in suspension of the proceedings or the loss of the other right, the relevant party has a right to request for further processing as well as simultaneously complete the omitted act within 2 months of the date of delivery of the decision of the Office issued as a consequence of the failure to comply with a time limit. The relevant request as well as simultaneous completion of the omitted act shall only be admissible within 6 months of the expiration of the failed time limit.

2. The Office shall refuse any request for further processing which does not satisfy conditions set out in Paragraph 1 of this Section.

3. In the event that the Office grants request for further processing, legal consequences of the decision issued as a consequence of the failure to comply with a time limit shall not ensue or shall cease. In the event that the Office does not issue a decision on refusal of the request within 2 months of the delivery of the relevant request to the Office, it is considered that the request was granted by the Office.

4. Rights acquired by third parties in good faith within a period running from the validity of the decision issued as a consequence of the failure to comply with a time limit to cessation of legal consequences of this decision pursuant to Paragraph 3 of this Section are left intact.

## **Section 28**

### **Restitutio in integrum**

1. In the event, that a party to the proceedings fails to comply with a time limit set by the law or by the Office to perform an act without his/her own fault or negligence and it resulted to the suspension of the proceedings or the loss of the other right, the relevant party has a right to request for restitutio in integrum as well as simultaneously complete the omitted act within 2 months of the date on which the cause of his failure to comply ceased to exist. The relevant request as well as simultaneous completion of the omitted act shall only be admissible within 12 months of the expiration of the failed time limit.

2. In the request pursuant the relevant party to the proceedings is obliged to provide a written statement of the grounds upon which the request is based and reasons for the failure to comply with the requirements and to submit evidence in support of the material facts in the statement. As for the allegations and the evidence submitted in support of the material facts in the statement submitted after any of the time limits pursuant to the Paragraph 1 of this Section expire, the Office shall not consider them to be relevant in the decision on the merits.

3. Granting a restitutio in integrum is excluded:

- a) in the event of failure to comply with the time limits pursuant to Paragraphs 1 and 2 of this Section and Section 25 Paragraph 1 Letter c), or
- b) in the event of failure to comply with the time limit of 2 years pursuant to Section 7 Paragraph 1 Letter a) and with the time limit of 15 years pursuant to Section 6.

4. The Office shall refuse any request for resitutio in integrum which does not satisfy conditions pursuant to Paragraphs 1 and 2 of this Section or in the event that exclusion pursuant to Paragraph 3 of this Section applies.

5. In the event that the Office grants request for restitutio in integrum, legal consequences of the decision issued as a consequence of the failure to comply with a time limit shall not ensue or shall cease.

6. Rights acquired by third parties in good faith within a period running from the validity of the decision issued as a consequence of the failure to comply with a time limit to cessation of legal consequences of this decision pursuant to Paragraph 5 of this Section are left intact.

## **Section 29**

### **Grounds for the Decision**

1. Parties to the proceedings shall be obliged to propose the evidence in support of their statements.
2. The Office shall develop the evidence and weigh the evidence within its discretion, each of them separately and all of them in their mutual relationship.
3. The Office shall decide on the basis of the facts of the case ascertained from the developed evidence that was proposed by the parties.

## **Section 30**

### **Fees Incurred in the Course of Proceedings**

1. Fees incurred in the course of proceedings are particularly expenses of the parties to the proceedings and their representatives including administrative fee, future earnings of the parties, charges of the evidence and the remuneration for the representation for the patent attorney<sup>10</sup>, attorneys at law<sup>11</sup> or commercial lawyers<sup>12</sup>.
2. Witnesses have the right for compensation of the expenses and future earnings. This right shall cease if it is not claimed within 3 days from the examination of witnesses.
3. If there was an expertise presented, the expert has the right for the compensation of expenses and remuneration pursuant to the provisions of special law<sup>13</sup>.
4. A person, who was ordered by the Office particularly to submit a document or to enable an inspection of the thing, has the same right as a witness, if he/she is not the party to the proceedings.
5. The Office is able to order one party to the proceedings to pay an advance for the expenses related to the evidence, whose development this party has requested. Imposing of such obligation shall not create a substantial obstacle of the efficient exercise of right.
6. Where the party ordered to pay charges in advance does not comply with this order to pay the advance within the set period, the Office shall proceed with the proceedings, as though no request for evidence development has been filed.

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<sup>10</sup> Decree of the Federal Office for inventions No. 350/1991 Coll. on remuneration of patent attorneys.

<sup>11</sup> Decree of Ministry of Justice of the Slovak republic No. 240/1990 Coll. on remuneration of attorneys at law for providing of legal advice as amended.

<sup>12</sup> Decree of Ministry of justice of the Slovak Republic No. 180/1991 Coll. on remuneration of commercial lawyers for providing of legal advice.

<sup>13</sup> Act No. 36/1967 on experts and translators.  
Decree of Ministry of justice of the Slovak Republic No. 263/1996 Coll.

7. If, during the course of the proceedings, it becomes clear that any expenses will be incurred to the Office and these are not covered by any advance paid pursuant to Paragraph 5, the Office may order that these charges be paid by the party found to be unsuccessful in the proceedings.

8. The Office shall order that the successful party to the proceedings be paid compensation for the expenses properly incurred in efficient exercising its rights against the unsuccessful party. The successful party has to claim payment of compensation for expenses until the day, when the decision on the merits is issued.

### **Section 31**

#### **Remedies**

1. An appeal may be lodged against the decision of the Office within the time limit of 30 days from the delivery of the decision:
2. No appeal is permitted against the decision
  - a) on granting a request for further processing or restitutio in integrum
  - b) on suspension of the proceedings pursuant to Section 35 Paragraph 6.

### **Section 32**

#### **Access to Data, Trade Secrets**

1. Before the topography is registered in the register the Office is entitled to disclose to third parties who prove a legal interest exclusively an information of creator of the topography, the applicant of the topography, the designation of the topography and the file reference of an application.
2. After the process of recording the topography in the register is completed, the Office shall grant access to the data stated in the application pursuant to the provision of Section 21, Paragraph 2 to third parties for inspection and shall permit inspection of a file to third parties who prove a legal interest except for documents designated to be the trade secret documents pursuant to Section 21 Paragraph 3.
3. The Office is obliged to proceed, both in the application proceedings and after the topography is registered in the register, in such a manner, that the documents designated as trade secret documents are not made accessible to unauthorised persons.
4. As for the documents designated as trade secret documents, the Office may
  - a) submit them to the Court on the basis of a request in the event of law-suits pursuant to section 20 Paragraph 1,
  - b) grant access to them to an expert designated by the Office in the course of invalidation proceedings and determination proceedings after he/she has been instructed of his/her

obligations in relation to the trade secret<sup>9</sup> and penal consequences of infringement of the trade secret<sup>14</sup>.

5. On the basis of the request by a creator of a topography who is identified in an application for a registration of a topography pursuant to Section 21 paragraph 2 Letter d) the Office shall not disclose his/her name in the publication of registration of a topography in the register pursuant to Paragraphs 1 and 2 of this Section and Section 22 Paragraph 4.

### **Section 33**

#### **Register of Topographies**

The Office shall keep a register of topographies, in which it shall record information relating to the applications for registration of topographies, as well as relating to the registered topographies, particularly

- a) the reference number of the topography
- b) the date of the record of the topography
- c) the date when the topography registration was published in the Bulletin,
- d) the designation of the topography
- e) the date when the application for registration of the topography was filed
- f) file reference of the application for registration of the topography
- g) the date of the first public commercial exploitation, provided that this date was earlier than the date when the application was filed,
- h) the name, surname and domicile or business name and seat of the applicant or the topography owner
- i) the name, surname and domicile of the topography creator
- j) the name, surname and domicile or business name and seat of the attorney of applicant or topography owner, if the relevant power of attorney continues to be valid after the registration
- k) transfer of the right, the commencement date of a licence, of a compulsory licence and of a right of lien and the date a licence, a compulsory licence and a right of lien came to an end, the date of commencement of any law-suit relating to the right to the topography and the date when any such law-suit came to an end,
- l) the declaration of invalidity of the registration of the topography,
- m) the forfeiture of protection and rectification pursuant to Section 25,
- n) cessation of the protection of the topography.

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<sup>14</sup> §122 of the Penal Code.

## Section 34

### Official Journal of the Industrial Property Office of the Slovak Republic

The Office publishes in its Official Journal of the Industrial Property Office of the Slovak Republic facts that are related to registered topographies, as well as other data that are related to the protection of topographies.

## Part IV

### Common, Temporary and Annuling Provisions

## Section 35

### Common provisions

1. Provisions of international treaties, conventions and agreements, by which the Slovak Republic is bound, shall not be affected by this law.
2. Parties to the proceedings shall be subject to the same rights and obligations; parties who have neither their domicile nor seat in the Slovak Republic when taking part in proceedings at the Office have to be represented by an authorised attorney<sup>15</sup>.
3. The proceedings relating to topographies are subject to the general provisions for administrative proceedings<sup>16</sup>, with the exception of the provisions of Section 19 Paragraph 1, Sections 23, 28 to 32, 39, 49, 50 and 60.
4. As far as the registration of topographies that are to be kept confidential pursuant to special laws<sup>17</sup> is concerned, provisions of this Law shall apply with the exception of disclosure of data pursuant to section 32 Paragraph 1 and 2 and publication of the registration pursuant to Section 22 Paragraph 4, if the applicant designates the application pursuant to the special law<sup>17)</sup> and proves the confidentiality of the subject of application pursuant to special law<sup>17)</sup>.
5. If a party to the proceedings does not comply with requirements when called upon by the Office within a set period, the Office may suspend the proceedings. However, the party to the proceedings must be notified of this possible consequence by the Office in the said call.
6. If it is not stated otherwise, the Office may suspend the proceedings also at the request of the party to the proceedings, whose application, request or petition is subject of the proceedings. The request for suspension of the proceedings cannot be withdrawn.
7. In case of request for suspension of the proceedings on registration of topography, to which law suit on right to a protection of topography recorded in the register concerns, the Office may

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<sup>15</sup> Section 40, Act 237/1991 Coll., on Patent Attorneys, as amended by the Act of the Slovak National Council 90/1993 Coll.

<sup>16</sup> Act 71/1967 Coll. on Administrative Proceedings.

<sup>17</sup> Sections 2 and 3 of the Act No. 100/1996 Coll. on protection of state secret, service secret and encryption service.

suspend the proceedings only after presentation of written consent of the person who files the request for registration of the law suit to the register.

8. As far as the determination proceedings are concerned, provisions of the special law shall apply *mutatis mutandis*.<sup>18</sup>

9. Each application that is to be filed at the Office has to be presented in writing and in the language of the Slovak Republic.

10. Petition performed by electronic means which includes written request in the matter is to be amended by presenting of written original within 14 days; petition which was not amended within this time limit shall not be considered to be relevant.

11. The Office collects administrative fees for individual acts pursuant to this law.<sup>19</sup>

### **Section 36**

#### **Temporary Provisions**

1. Those proceedings on topographies that were not brought to a conclusion prior to the date when this law came into effect, shall be brought to a conclusion pursuant to the regulations in force prior to this law coming into effect.

2. Legal relations resulting from topographies that had been recorded in the register before the date when this law came into effect shall be regulated by the provisions of this law. Emergence, changes or cessation of legal relations, as well as all titles that had emerged before the date when this law came into effect, shall, notwithstanding, be judged pursuant to the so-far valid regulations.

### **Section 36a**

Legal acts of European Communities and of the European Union stated in Annex shall be implemented by this Act.

### **Section 37**

#### **Annuling Clause**

The Act 529/1991 Coll. On the Protection of Topographies of Semiconductor Products as amended by the Act of the Slovak National Council No. 90/1993 Coll. On Measures Valid for Industrial Property and the Act of the Slovak National Council No. 185/1994 Coll. shall be annulled.

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<sup>18</sup> Section 67 of Act 527/1990 Coll., on Inventions, Industrial Designs and Rationalisation Proposals.

<sup>19</sup> Act 145/1995 Coll. on Administrative Fees as amended

**Section 38**

**Effect**

This Act enter into force on June 1<sup>st</sup>, 2000

Act No. 84/2007 Coll. enter into force on March 1<sup>st</sup>, 2007

**Annex**

**List of implemented Legal acts of European Communities and of the European Union**

1. Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products, *Official Journal L 024, 27/01/1987*
  2. Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property right, *Official Journal of the European Union L 157 of 30 April 2004*
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