

**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**

THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN AND MATSU

The present document reproduces the text¹ of the Enforcement Rules of the Integrated Circuit Layout Protection Act, as notified by the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, under Article 63.2 of the Agreement (see document IP/N/1/TPKM/1).

**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**

TERRITOIRE DOUANIER DISTINCT DE TAIWAN, PENGHU, KINMEN ET MATSU

Le présent document contient le texte¹ du Règlement d'application de la Loi sur la protection des schémas de configuration des circuits intégrés, qui a été notifié par le Territoire douanier distinct de Taiwan, Penghu, Kinmen et Matsu au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/TPKM/1).

**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**

TERRITORIO ADUANERO DISTINTO DE TAIWÁN, PENGHU, KINMEN Y MATSU

En el presente documento se reproduce el texto¹ del Reglamento de aplicación de la Ley de Protección de los Esquemas de Trazado de los Circuitos Integrados, notificado por el Territorio Aduanero Distinto de Taiwán, Penghu, Kinmen y Matsu de conformidad con lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/TPKM/1).

¹ In English only. The text in the original language is available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées peuvent consulter le texte, dans sa langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC el texto en su idioma original.

Enforcement Rules of the Integrated Layout Protection Act

Announced on Feb. 14, 1996 by the Ministry of Economic Affairs Order

Chapter I General Provisions

Rule 1

These Rules are enacted pursuant to Article 40 of the Integrated Circuit Layout Protection Act (hereinafter referred to as the Act).

Rule 2

All application documents required under the Act and these Rules shall be written in Chinese, and the translations of scientific terms in such documents shall indicate the original terms in the foreign language. Terms already translated into Chinese by the National Institute of Translation and Compilation shall govern.

Where the documents referred to in the preceding Paragraph are originally written in a foreign language, the original foreign language text shall also be submitted.

Rule 3

With respect to an application for registration of a circuit layout, the government agency in charge of circuit layout affairs may, as it deems necessary, request the applicant to submit his (or her) personal identification or its legal entity certification document.

Rule 4

The time periods specified under the Act and these Rules may be extended by the agency in charge of circuit layout affairs ex officio or upon application.

Rule 5

An application for an extension of the time period as referred to in the preceding Paragraph shall state the reasons necessitating the extension.

Registered mail shall be used if application documents for registration of a circuit layout are delivered by mail.

Compliance with the time periods prescribed under the Act or specified by the agency in charge of circuit layout affairs shall be decided based on the date of receipt of documents or articles by the agency in charge of circuit layout affairs, the date indicated in the postmark affixed by the originating post office shall govern if the documents or articles are delivered by mail.

Where the date indicated in the postmark is unclear, the date of receipt by the agency in charge of circuit layout affairs shall govern unless the applicant proves otherwise.

Rule 6

An applicant shall not request the return of documents or articles required to be kept on file for his (or her) circuit layout registration application. The applicant, however, may apply for review, transcription, photographing, and photocopying of these documents or articles, or for the issuance of relevant certified documents.

Rule 7

The representative referred to in Article 9 of the Act shall mean the one unanimously agreed upon by the joint applicants or joint owners of a circuit layout right.

Where the representative referred to in the preceding Paragraph files an application relating to the circuit layout, supporting documents regarding the designation agreement shall be submitted.

Rule 8

A specification required under Paragraph 1, Article 10 of the Act shall be prepared in duplicate on A4-size paper (210mm X 297mm) of the national standard, and shall state the following particulars horizontally and from left to right on the paper with each sheet in the upright position;

1. Title of the circuit layout or title of the integrated circuit manufactured based on said circuit layout;
2. Classification of the integrated circuit;
3. Name, nationality, and domicile or residence of the creator, and in case the creator is a legal entity, its name, place of business, and the name of its representative;
4. Name, nationality, and domicile or residence of the applicant, and in case the applicant is a legal entity, its name, place of business, and the name of its representative; and
5. Description of the circuit layout.

Rule 9

The drawings or photographs required under Paragraph 1, Article 10 of the Act shall mean any one of the following:

1. Drawings of the circuit layout under application, which are prepared by a drawing machine, or their reproductions;
2. Photographs of masks used in manufacturing the integrated circuit based on the circuit layout under application, or drawings depicting the configurations of the mask; and
3. Photographs of the surface layer and photographs depicting each interior layer of the integrated circuit manufactured based on the circuit layout under application. The drawings or photographs referred to in the preceding Paragraph shall be prepared in duplicate on A4-size paper (210mm X 297mm) of the national standard or folded into such dimensions, and shall be depicted or expressed at least 20 times larger than the actual circuit layout, and the circuit layout must be discernible from the drawings or photographs.

An applicant shall submit at least four (4) finished integrated circuit products when such products are submitted in accordance with the latter part of Paragraph 1, Article 10 of the Act.

Rule 10

The phrase "submission of substitute documents" referred to in Paragraph 2, Article 10 of the Act shall mean that an applicant may block out or delete the confidential portion from drawings, photographs, or finished products to substitute for the original drawings, photographs, or finished products. However, the blocked out or deleted portions for each layer shall not exceed half of the area of said layer.

Rule 11

Where application documents shall comply with the ordered formalities, such formalities shall be followed.

Where application documents fail to comply with the required formalities or where they are unclear, the agency in charge of circuit layout affairs shall request the applicant to make corrections within a specified time period; for a failure to make corrections within the time period, Paragraph 1 Article 14 of the Act shall apply.

Rule 12

When filing an application for reinstatement of the original condition under Paragraph 2, Article 14 of the Act, a written application stating the reasons for the delay in complying with the time period and the cause and date of the extinguishment shall be submitted along with the supporting documents.

Rule 13

A circuit layout registration certificate as prescribed in Paragraph 2, Article 15 of the Act shall list the following particulars:

1. Name or entity's name of the circuit layout right owner;
2. Name or entity's name of the creator;
3. Circuit layout registration number;
4. Title of the circuit layout or title of the integrated circuit manufactured based on said circuit layout;
5. Term of the circuit layout right; and
6. Issue date of the certificate.

Rule 14

A circuit layout-related document which cannot be served shall be published in the official gazette, and upon expiration of thirty (30) days from the publication date, such document shall be deemed duly served.

Rule 15

When applying for the recordation of a licensing of circuit layout right, a written application stating the scope, geographic area, and term of the license shall be submitted in accordance with Paragraph 1, Article 22 of the Act.

Rule 16

When filing an application for the recordation of the creation, transfer, alteration, or extinguishment of a pledge of a circuit layout right, a written application, supporting documents, and the circuit layout registration certificate shall be submitted in accordance with Paragraph 1, Article 22 of the Act. The application shall state the following particulars:

1. Scope of the pledge;
2. Amount of the debt secured by the pledge;
3. Circuit layout registration number;
4. Title of the circuit layout or title of the integrated circuit manufactured based on said circuit layout;
5. Classification of the integrated circuit;
6. Name and domicile or residence of the pledge and those of the pledgor, and in case the pledgee or the pledgor is a legal entity, its name, place of business, and the name of its representative;
7. Name and domicile or residence of the debtor, and in case the debtor is a legal entity, its name, place of business, and the name of its representative; and
8. Reasons for recordation, and if an agreement has been reached on the duration, maturation date, interest, penalties, or amount of damages, the terms of such agreement.

When a recordation of the creation, transfer, alteration, or extinguishment of a pledge is made, the agency in charge of circuit layout affairs shall enter the relevant particulars onto the circuit layout registration certificate and into the Register of Rights in Circuit Layouts.

Rule 17

When filing an application for a compulsory licensing under Article 24 of the Act, a written application stating the reasons shall be submitted along with a detailed implementation plan.

A compulsory licensee shall, on an annual basis, submit a report to the agency in charge of circuit layout affairs on its implementation status.

Rule 18

When filing an application for revocation of a circuit layout registration under Article 27 of the Act by an interested party, the party shall submit a written application in triplicate, signed or sealed by said party or its agent and stating the following particulars:

1. Circuit layout registration number;
2. Title of the circuit layout or title of the integrated circuit manufactured based on said circuit layout;
3. Name and domicile or residence of the circuit layout right owner, and in case the owner is a legal entity, its name, place of business, and the name of its representative;
4. Name and domicile or residence of the application for revocation, and in case the applicant is a legal entity, its name, place of business, and the name of its representative;
5. Reasons and evidence; and
6. Filing date of the revocation application.

The applicant shall submit a photocopy of his (or her) personal identification or its legal entity certification document.

Where the evidence referred to in Item 5, Paragraph 1 of this Rule is a document, the original and three (3) reproductions thereof shall be submitted; the original document thus submitted may be returned after it is verified to be accurate by the agency in charge of circuit layout affairs.

The agency in charge of circuit layout affairs shall, upon receipt of an application as referred to in Paragraph 1 of this Rule or as it deems necessary to revoke a circuit layout right ex officio, serve the circuit layout right owner or its agent with a copy of the application or a copy of the ex officio examination statement and require that a defense statement be submitted within thirty (30) days; if the defense statement cannot be submitted within the time period, the agency in charge of circuit layout affairs shall proceed with the examination.

With respect to the time period referred to in the preceding Paragraph, the circuit layout right owner may apply for an extension by filing a written statement of the reasons necessitating the extension beforehand. However, only one extension shall be permitted.

Rule 19

The Register of Rights in Circuit Layouts specified in Paragraph 1, Article 28 of the Act shall state the following items:

1. Name, nationality, and domicile or residence of owner of circuit layout right, and in case the owner is legal entity, his (or her) name, place of business, and the name of his (or her) representative;
2. Name or entity's name of the creator;
3. Circuit layout registration number;
4. Title of circuit layout or title of integrated circuit manufactured based on said circuit layout;
5. Classification of the integrated circuit;
6. Term of circuit layout right;
7. Issue date of certificate;
8. Filing date and application number;
9. Date of first commercial exploitation;
10. Publication date and publication number;
11. Date of assignment or inheritance of circuit layout right, and name or entity's name of assignee or successor;
12. Date of application for recordation of licensing, and name or entity's name of licensee;

13.Date of application for recordation of the creation, transfer, alteration, or extinguishment of pledge, and name or entity's name of pledgee;

14.Name of agent and designated place to receive service;

15.Name and domicile or residence of compulsory licensee, and in case the licensee is legal entity, his (or her) name, place of business, the name of his (or her) representative, as well as date of approval or revocation of compulsory licensing;

16.Reasons for the issuance of replacement certificate and the issue date thereof;

17.Reasons for revocation or extinguishment of circuit layout right and the date of revocation or extinguishment; and

18.Other recordation particulars related to circuit layout right.

Rule 20

Any person may apply for review or transcription of materials entered into the files of a circuit layout case which has been published in the official gazette in accordance with Article 28 of the Act, except for those materials that the agency in charge of circuit layout affairs is obliged to keep confidential in accordance with the laws.

Rule 21

The formats of documents, certificates, and forms as specified in the Act and these Rules shall be ordered by the agency in charge of circuit layout affairs.

Rule 22

These Rules shall take effect as of the date of announcement.

Lee and Li Attorney-At-Law prepared this English translation.

In case of discrepancy between this English translation and the Original Chinese text of the Law, the Chinese text shall govern.
