

Application Procedure for Layout Designs

Procedures of granting a layout-design right

1. Overview

(i) What is a layout-design?

A layout-design means a plane or cubic design of circuit elements and wires connecting the elements which is used for manufacturing a semiconductor integrated circuit (hereinafter referred to as IC).

Korea	US	Japan	Europe
Layout Design	Mask Work	Circuit Layout	Topography

(ii) What is a right to layout-design?

A new type of intellectual property right that is intended to protect the layout-design from infringements such as unlawful reproduction, and to protect the rights of a creator.

(iii) Creation of a layout-design right

A layout-design right shall come into existence through the registration of the establishment of a creative layout-design.

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2. Filing an Application

(i) Qualifications for Application

Applicant for registration of establishment

- (a) The creator of the layout-design (and for the layout-design in service, the corporation shall be the applicant).
- (b) Successor of the creator (documents proving the fact of succession are required).
- (c) In cases where the layout-design has been jointly created by more than two persons, the application is to be filed by all owners.

* Non-residents are required to file the application by appointing and registering an agency (layout-design administrator).

The limitation of time for application

Applications must be filed within two years from the date of the commercial use of the layout-design: Applications filed after two years shall be dismissed.

* This limitation of time for application is to strike the right balance between the interest of the creator and that of the user.

(ii) Documents for Application

Application documents for the registration of establishment

- (a) Bibliographic data of the applicant and creator (or his agency)

- (b) Name of the layout-design
- (c) Dates of creation and commercial use
- (d) Other accompanying documents

Accompanying documents

- (a) Electronic files of the layout-design
- (b) A copy of the description of the layout-design
- (c) Power of attorney, if necessary
- (d) Certificate for foreign nationality or corporation
- (e) Documents proving the fact of succession of rights (only in cases of succession)

(iii) Conditions for a layout-design file

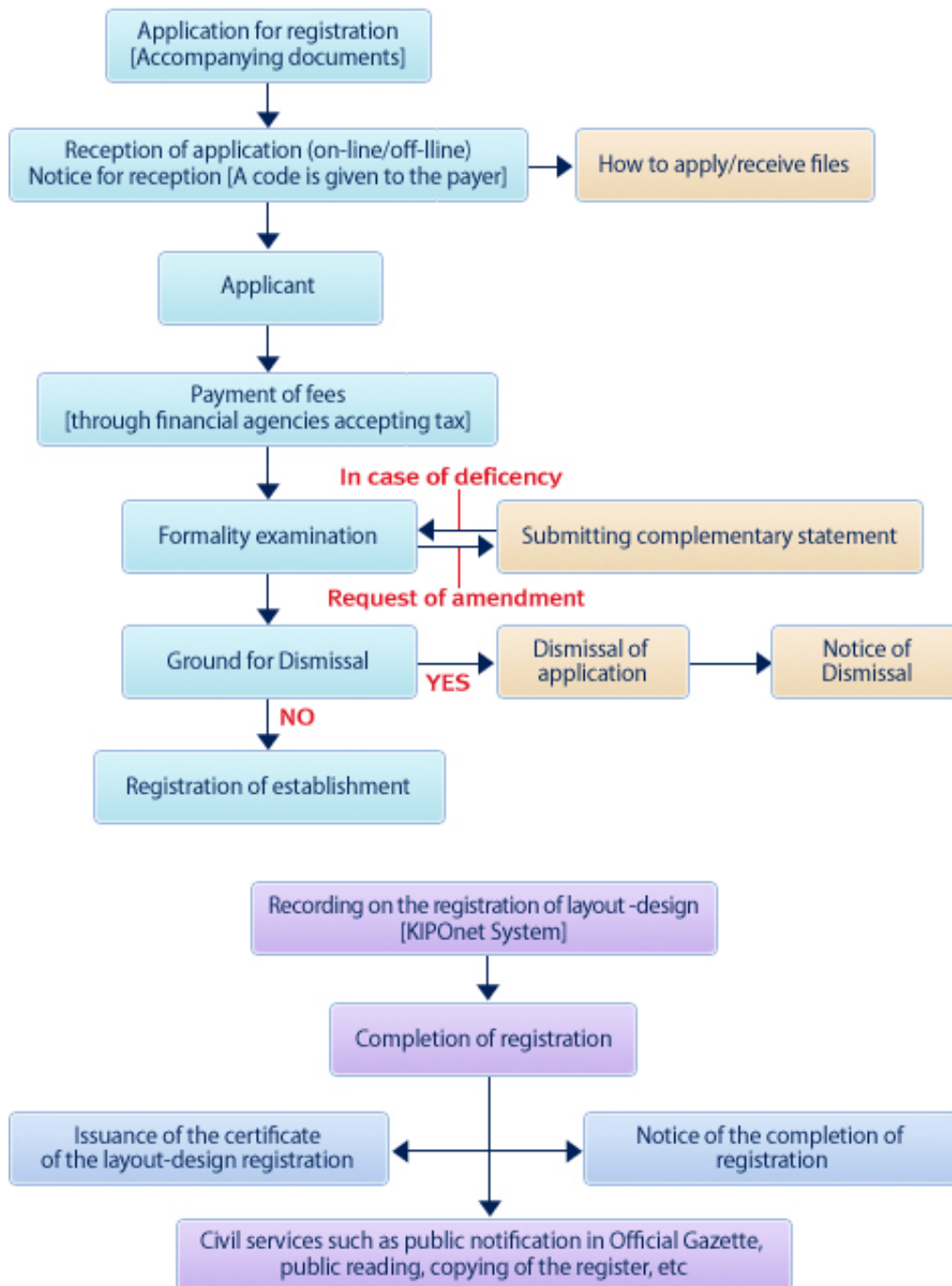
An electronic file in a format in which the plain or cubic structure of the layout-design is readable with a personal computer

- (a) An electronic file in which every layer of the layout-design is represented in the plain or cubic structure by the use of a personal computer;
- (b) An electronic file which shows the plain or cubic structure of each layer of the layout-design for the manufacture of a semiconductor IC; and
- (c) Required formats for a layout-design file: The formats of GDS, GDS II, CIF, etc that can be directly used in manufacturing a semiconductor IC, or the formats of bmp, jpg, jpeg, gif, tif, tiff, pdf, etc, derived by processing the abovementioned formats, that allow viewers the ability to identify the plain or cubic structure of the layout-design

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3. Registration of Establishment

(i) Process of the Registration of Establishment of a Layout-Design Right



(i) Grounds for Dismissal of Application for Registration of Establishment of a Layout-Design Right

- (a) In cases where the applicant is not the creator;
- (b) In cases where the layout-design right is jointly owned by two or more parties, and the application is not made in the name of all the joint owners;
- (c) In cases where the application for a layout-design right is filed after two years from the date on which the layout-design was first exploited commercially;
- (d) In cases where the application does not provide all the information as required by the application for the registration of establishment;
- (e) In cases where the application does not disclose all of the information as required in the layout-design description;
- (f) In cases where the information in the application differs from other documents attached;
- (g) In cases where the documents that are required to be affixed to the application are missing, or where the information in the documents differs from each other; and
- (h) In cases where legal fees have not been paid in full.

Effect of Layout-Design rights

A person who has registered the creation of a layout-design right or a person who has succeeded to the rights from such person (holder of a layout-design right) shall have the exclusive right to use the layout-design for profit.

Such layout-design rights are transferable or jointly owned as with other intellectual property rights (article 10 of the Act on the Layout-Designs of Semiconductor Integrated Circuits) and established as a right (exclusive license) for others to exclusively use it (clause 1, article 11) or as a right (non-exclusive license) for others to use it for profit.

The expansion of those subject to protection of layout-design rights and its duration

