

LAW FOR THE PROTECTION OF INTEGRATED CIRCUITS (TOPOGRAPHIC) DESIGNS

Article 1: In implementing this law "integrated circuit" is every product comprising of elements, provided that at least one element is active, and some, or all the joints are an integral part of the unit and/or on it, in its final or semi final form, and its purpose is to perform an electronic function.

"Design" synonymous with "topography" is any three-dimensional construction of elements, and some, or all the elements in an integrated circuit, provided that at least one element is active, or this construction is prepared to manufacture integrated circuit.

Article 2: The creator of the original design, being natural or juristic personality, is considered the owner who, together with legal successors, enjoys the protection stipulated in this law, by the registration in a special register, at the competent department, Ministry of Commerce and Industry. Executive bylaws shall stipulate the procedures for submitting the application, scrutiny and registration. The registration is considered a presumption for ownership until proved otherwise. In the event of several persons creating a single design, all of them shall be the owner.

Article 3: Only the owner has the right to capitalize financially on the design, others are not permitted to import, duplicate, sell or distribute any protected design without a written permission from the owner of the right to capitalize, or his successors.

Article 4: It is not permitted to register a design that has been financially capitalized on for more than two years any where in the world.

Article 5: In the event the design was completed through an employment contract, the employer shall have the ownership right, unless otherwise agreed.

Article 6: Any interested person may complaint against refusing registration application within thirty days from being notified, before a committee to be formed by a ministerial decision, which will also specify procedures' executive bylaws. The committee decision may be appealed before the competent circuit, Commercial Court, within sixty days from being informed of the committee's decision by a registered mail.

Article 7: Design protection period is ten years from the date of applying to register the design.

Article 8: The following uses of the design are considered legal, in spite of not being coupled with the design's owner:

1. The person did not know, or has no reasonable reasons to know, that the commodity includes an illegal copy of the design. In this event, stock, or quantities contracted prior to being notified, should be destroyed and the owner suitably compensated.
2. Resorting to the design for personal, non commercial use.

3. If for the public interest it was necessary to use the design for evaluation, analysis, research or education, Minister of Commerce and Industry shall issue a decision to this effect.
4. If the protected design was used after incorporating a creative addition on all the design, or part therefrom (reversed engineering).

Article 9: The design owner may obtain a judicial writ, from the president of the Commercial Court, or any deputized judge, to take necessary precautionary measures, and in particular, seizure of used tools, products, commodities, etc.

The legal action, the origin of the dispute, should be lodged before the competent circuit within fifteen days from the date of the writ, otherwise, all traces of the action will be removed.

Article 10: Whoever is concerned may request the competent circuit, Commercial Court, to delete the design registration, entirely or partially, if it violates the provisions of this law. Competent department at the ministry will cancel the registration upon the submission of a final verdict.

Article 11: Punishable by imprisonment for no more than two years and/or a fine not exceeding Rial Omani two thousand, anyone who has:

- A) Duplicated a registered design without the owner's consent.
- B) Imported, sold or distributed a registered design or product incorporating an integrated circuit without the owner's consent.