

**FEDERAL LAW**  
**NO. 82-FZ OF JULY 9, 2002**  
**ON AMENDING AND SUPPLEMENTING THE LAW OF THE RUSSIAN FEDERATION ON**  
**THE LEGAL PROTECTION OF THE TOPOLOGIES OF INTEGRATED MICRO CIRCUITS**

**Adopted by the State Duma on June 14, 2002**  
**Approved by the Federal Council on June 26, 2002**

**Article 1.** To amend and supplement Law of the Russian Federation No. 3526-1 of September 23, 1992 on the Legal Protection of the Topologies of Integrated Micro Circuits (Vedomosti Syezda Narodnykh Deputatov Rossiyskoy Federatsii i Verkhovnogo Soveta Rossiyskoy Federatsii, 1992, No. 42, item 2328) as follows:

1. In Article 1:

In Item 1:

paragraph four shall be set forth in the following wording:

"**the use of a topology for the purpose of making a profit** is the reproduction and distribution by any way of a topology, an integrated micro circuit of that topology or an article incorporating such an integrated micro circuit for the purpose of making a profit. Hereinafter in the text of this Law by the use of a topology shall be understood exactly the use of a topology for the purpose of making a profit, unless stipulated otherwise;"

a paragraph shall be added reading as follows:

"a **protected topology** is one meeting the conditions of legal protection indicated in this Law.";

in Item 2 the words "exclusive property rights obtained" shall be replaced with the words "an exclusive right to a protected topology obtained".

2. Article 2 shall be set forth in the following wording:

"**Article 2.** Relations Regulated by this Law

This Law shall regulate the relations arising in connection with the creation, legal protection and also use of topologies for the purposes stipulated by this Law."

3. In Article 3:

Item 2 after the words "creative activity of the author" shall be supplemented with the words "and unknown to the author and/or specialists in the field of the elaboration of topologies as on the date of its creation";

Item 3 shall be set forth in the following wording:

"3. A topology consisting of elements that are known to specialists in the field of the elaboration of topologies as on the date of the creation of that topology shall be granted legal protection only if the totality of such elements as a whole satisfies the requirement of originality."

4. In the name and text of Article 4 the word "topology" with the relevant prepositions, if any, shall be replaced with the words "protected topology" with the relevant prepositions, if any.

5. In Article 5:

in the name the word "Property" shall be replaced with the word "Exclusive";

in Item 1 the words "the exclusive right to use this" shall be replaced with the words "the exclusive right to a protected topology, including the right to use a protected";

in Item 2 the word "of a topology" shall be replaced with the words "of a protected topology";

In Item 3:

in paragraph one the words "of the exclusive right to use a topology" shall be replaced with the words "the exclusive right to a protected topology";

in paragraph two the words "copying" and "of copying" shall be replaced with the words "reproduction of a protected" and "of reproduction";

paragraph three shall be set forth in the following wording:

"the importation into the territory of the Russian Federation, the sole or other introduction into turnover of a protected topology, an integrated micro circuit with such topology or an article incorporating such an integrated micro circuit."

**6.** In [Article 6](#):

in the name the word "property" shall be deleted;

in [Item 1](#):

paragraph one shall be set forth in the following wording:

"**1.** The right to use a protected topology, and also the exclusive right to a protected topology may be ceded to other natural or juridical persons under an agreement.";

in [paragraph two](#) the word "of a topology" shall be replaced with the words "of a protected topology";

in [Item 2](#) the words "Property rights to" shall be replaced with the words "Exclusive (property) rights to a protected";

**7.** [Article 7](#) shall be set forth in the following wording:

"**Article 7.** Belonging of the Exclusive Right to a Protected Topology

**1.** The exclusive right to a protected topology created by a worker (an author) in connection with the performance of official duties or at the assignment of the employer shall belong to the employer, unless otherwise stipulated by an agreement between the employer and the worker (author).

If the exclusive right to a protected topology belongs to an employer, then the worker (author) shall be entitled to a remuneration, the procedure for the payment and the rate of which shall be established by an agreement between the worker (author) and the employer.

**2.** The exclusive right to a protected topology created in the performance of works under a state contract for federal state needs or needs of an entity of the Russian Federation shall belong to the performer (contractor), unless the state contract establishes that that right belongs to the Russian Federation or the entity of the Russian Federation on behalf of which the state customer is acting.

**3.** If the exclusive right to a protected topology created in the performance of works under a state contract for federal state needs or needs of an entity of the Russian Federation does not belong to the Russian Federation or the entity of the Russian Federation, then the owner of the exclusive right to the protected topology must, at the request of the state customer, conclude an agreement with the persons indicated by the customer for gratuitous granting of the right to use such a topology in the manufacture of the goods being delivered or the performance of the contractual works for the federal state needs or the needs of the entity of the Russian Federation.

**4.** The remuneration to a worker (author) who has created a protected topology and is not the owner of the exclusive right thereto shall be paid by the person that has obtained that right in accordance with [Item 2](#) of this Article. The procedure for the payment and the rate of the remuneration shall be established by an agreement between the author and the owner of the exclusive right to the protected topology."

**8.** In [Article 8](#):

in the name the words "of the exclusive right to use a topology" shall be replaced with the words "of the exclusive right to a protected topology";

in [Item 1](#):

in paragraph one the words "of the exclusive right to use a topology" shall be replaced with the words "of the exclusive right to a protected topology";

[paragraphs two](#) and [three](#) shall be set forth in the following wording:

"the performance of actions indicated in [Item 3 of Article 5](#) of this Law with respect to an integrated micro circuit incorporating an illegally reproduced protected topology, and also of any article incorporating such an integrated micro circuit if the person performing such actions was not and did not have to be aware that it incorporated the illegally reproduced protected topology. After the receipt of the notification about the illegal reproduction of the protected topology the said person shall pay to the holder of the right a compensation for the use of the protected topology commensurable with one that might have been paid under comparable circumstances for a similar topology;

the use of a protected topology for personal purposes not pursuing the making of a profit, and also for the purpose of appraisal, analysis, investigation or training";

in [paragraph four](#) the word "economic" shall be deleted;

in [Item 2](#) the words "of the exclusive right to use a topology" shall be replaced with the words "of the exclusive right to a protected topology".

In [Article 9](#):

in Item 1:

the words "may at his desire directly or through his representative register a topology at the Russian Agency for the Legal Protection of Computer Programs, Data Bases and Integrated Micro Circuits (hereinafter, the Agency)" shall be replaced with the words "directly or through his representative may at his desire register a topology at the federal body of executive power for the intellectual property";

a paragraph shall be added regarding as follows:

"Topologies containing information constituting a state secret, and also another secret protected by the law shall not be subject to official registration. The applicant shall incur liability for the disclosure of information about topologies containing a state secret in accordance with the legislation of the Russian Federation.";

in [Item 3](#) the words "the Agency" shall be replaced with the words "the federal body of executive power for intellectual property";

in [Item 4](#):

in paragraphs one and two the words "the Agency" with the relevant prepositions, if any, shall be replaced with the words "the federal body of executive power for intellectual property" with the relevant prepositions, if any;

[paragraph three](#) shall be set forth in the following wording:

"The procedure for the official registration, the forms of the certificates on the official registration, the composition of the data indicated therein, and the list of information published in the official bulletin shall be established by the federal body of executive power for intellectual property.";

[Item 5](#) shall be set forth in the following wording:

"5. An agreement on the cession of the executive right to a registered topology shall be subject to registration at the federal body of executive power for intellectual property.

Agreements on the cession of the right to use a protected topology may be registered at the federal body of executive power for intellectual property by arrangement of the parties.";

in [Item 8](#) the words "for the use of a topology" shall be replaced with the words "to a protected topology".

**10.** In [Article 10](#):

in the name the words "of the exclusive right to use a topology" shall be replaced with the words "of the exclusive right to a protected topology";

in Item 1 the words "The exclusive right to use a topology" shall be replaced with the words "The exclusive right to a protected topology";

in [Item 2](#):

in paragraph one the words "of the exclusive right to use a topology" shall be replaced with the words "of the exclusive right to a protected topology";

[paragraph two](#) shall be set forth in the following wording:

"by the date of the first use of a protected topology, by which shall be understood the earliest documentarily fixed date of the introduction into the turnover in the Russian Federation or any foreign state of that topology, an integrated micro circuit with that topology or an article incorporating such a topology";

in [paragraph three](#) the word "Agency" shall be replaced with the words "federal body of executive power for intellectual property";

in [Item 3](#) the words "of the exclusive right to use a topology" shall be replaced with the words "of the exclusive right to a protected topology".

**11.** In [Article 11](#):

in the name the word "topology" shall be replaced with the words "protected topology";

in Item 1:

in paragraph one the word "topology" shall be replaced with the words "protected topology";

[paragraph four](#) shall be set forth in the following wording:

"of the indemnification by a person guilty of violation of rights of the caused losses in accordance with the civil legislation";

paragraph five shall be deleted;

Item 3 shall be set forth in the following wording:

"**3.** Illegally manufactured copies of integrated micro circuits and/or of articles incorporating such integrated micro circuits, and also materials and equipment used for their manufacture may, in the procedure established by the legislation of the Russian Federation, be confiscated, destroyed or transferred to the holder of the right to the topology reproduced in those integrated micro circuits at his request on account of the indemnification of the losses."

**Article 2.** The Government of the Russian Federation shall bring its normative legal acts in conformity with this Federal Law.

President  
of the Russian Federation

Vladimir Putin

Moscow, the Kremlin  
No. 82-FZ  
July 9, 2002