

**LAW
OF THE RUSSIAN FEDERATION
NO. 3526-1 OF SEPTEMBER 23, 1992
ON THE LEGAL PROTECTION OF TOPOLOGIES OF INTEGRATED MICROCIRCUITS**

Article 1. Basic Concepts

1. Basic concepts used in this Law:

An integrated microcircuit topology (hereinafter topology) is the spatially geometrical arrangement of the aggregate elements of an integrated microcircuit and their interconnections which are fixed on a material carrier;

An integrated microcircuit (hereinafter IMC) is a microelectronic product of a final or intermediate form designed to perform the functions of an electronic circuit whose elements and connections are inseparably formed in volume and/or on the surface of the material on the basis of which the product has been manufactured; and

the use for commercial purposes is the sale, lease or other method of commercial distribution, and is also a proposal to execute those actions. Hereinafter in the text of this Law, the word "use" shall specifically imply the use for commercial objectives, unless qualified otherwise.

2. In this Law, the holder of the rights implies the author, his successor, and also the natural or legal persons having obtained exclusive property rights by virtue of the law or of a contract.

Article 2. The Relationships Regulated by This Law

This Law, and the legislation of the Republics within the Russian Federation, adopted on the basis thereof shall regulate the relationships connected with the development, legal protection and use of topologies.

Article 3. The Object and Terms of Legal Protection Thereof

1. The legal protection provided by this Law shall be applicable to original topologies alone.

2. An original topology shall be that developed as a result of the author's work. A topology shall be deemed to be original until proven otherwise.

3. Topologies whose aggregate of elements is widely known to IMC developers and makers at the date of its manufacture shall not be granted legal protection by this Law.

Topologies consisting of elements which are widely known to IMC developers and makers at the date of its manufacture shall be granted legal protection only when the aggregate of such elements generally meets the requirements of Item 2 of this Article.

4. The legal protection granted by this Law shall not apply to ideas, methods, know-how or coded information that may be embodied in a topology.

Article 4. The Authorship of a Topology

1. The author of a given topology shall be deemed to be a natural person as a result of whose creative activity the said topology was developed.

2. If the topology was developed jointly by several natural persons, each of them shall be recognized as its author.

3. Natural persons who failed to personally contribute to the development of a given topology and provided the author only technical, organizational or material aid, or helped to formalize his claim to use the said topology, shall not be recognized as authors.

4. The right of authorship to a given topology shall be an inalienable personal right and shall be protected by law for an indefinite term.

Article 5. Property Rights

1. The author or some other right holder shall enjoy the exclusive right to use the given topology as they see fit, among other things, by manufacturing and distributing an IMC with such a topology, including the right to ban its use by other persons who have no permission to do so, with the exception of the cases envisaged by [Article 8](#) of this Law.

2. The procedure for the use of the rights belonging to several topology authors or other rights holders shall be specified by a contract between them.

3. The infringement of the exclusive right to use the topology shall be deemed to be the commitment of the following acts without the permission of the author or of another right holder:

the copying of whole or part of a given topology by including it in a IMC or otherwise, with the exception of the copying only of its unoriginal part; and

the use, import, and offer to sell, sale and other introductions into the economic use of the topology or of the IMC with the said topology.

Article 6. The Transfer of Property Rights

1. The property rights to a given topology may be transferred fully or partially to another natural or legal person by a contract.

The contract shall be concluded in written form and shall establish the following essential terms: the volume and methods of the use of the topology, the procedure for payment and the size of the reward therefor, and the contracts duration.

2. The property rights to a topology shall be inherited in the order stipulated for by law.

Article 7. The Property Rights to a Topology Developed in the Line of Official Duty and by a Contract with a Customer

1. The property rights to a topology developed in the line of one's official duty or by an assignment from the employer shall belong to the latter unless the contract between him and the author stipulates otherwise.

2. The order for the payment and the size of the reward shall be established by the contract between the author and the employer.

3. The property rights to given topology developed by its author under a contract with the customer who is not his employer shall belong to the customer unless envisaged otherwise by the contract.

Article 8. Actions Not Deemed to Infringe the Exclusive Right to Use a Topology

1. The following shall not be deemed to be infringements of the exclusive right to use a given topology:

the use of a legitimately purchased IMC or of articles containing such an IMC, if the person implementing the said use was unaware and should not have been aware that those IMCs or the products containing the said IMCs were manufactured and distributed in violation of the exclusive right to use a given topology. After proper notice from the right holder of a given topology, the person concerned shall pay commensurate compensation for each IMC or products containing a IMC;

the use for personal objectives without deriving a profit, and also for the purpose of estimating, analyzing, studying or teaching a topology; and

the distribution of IMCs with a protected topology legitimately introduced into economic use.

2. The actions indicated in [Item 3, Article 5](#) of this Law carried out with regard to an identical original topology, which was developed independently by another author shall not be deemed to be a violation of the exclusive right to use a given topology.

Article 9. The Registration and Notification

See [Rules for Drawing Up, Handing Over and Considering Requests for the Official Registration of Topologies of Microelectronic Integrated Circuits \(Approved by Order No. 8p of the Russian Agency for Legal Protection as of March 5, 1993\)](#)

on the state recording and registration of the databases and data banks see [Provisional Regulations approved by the Decision of the Government of the Russian Federation No. 226 of February 28, 1996](#)

1. The author of a given topology or another right holder the of said topology may upon his wish, either directly or through his representative, register the given topology with the Russian Agency for the Legal Protection of Computer Software, Data Bases and Topologies of Integrated Microcircuits (hereinafter referred to as the Agency) by filing an application for the official registration of an IMC topology (hereinafter referred to as an application for registration).

2. An application for registration may be filed within a period not exceeding two years of the date of the initial use of the topology, if it took place.

3. An application for registration must relate to one topology and must include:
an application for the official registration of the IMC topology with an indication of the right holder, and also of the author, if the latter has not refused to be indicated as such, their location (place of residence), and the date when the topology was first used, if it took place;
the deposited materials identifying the topology, including a summary; and
a document confirming the payment of the registration duty in the established amount or the grounds for the exemption from the payment of the registration duty or the grounds for its reduction.

Other requirements for the application registration documents shall be specified by the Agency.

4. After the arrival of the application for registration, the Agency shall check the availability of the necessary documents and their correspondence with the requirements outlined in Item 3 of this Article. When the said checks afford positive results, the Agency shall enter the topology into the Register of Integrated Microcircuit Topologies, issue to the applicant, a certificate of the official registration of the integrated microcircuit topology, and shall publish information concerning the registered topology in its official bulletin.

Upon an inquiry from the Agency, or upon his own initiative, the applicant shall have the right to supplement, update and correct the application materials before information is published in said official bulletin.

The procedure for the official registration, the form of the certificates for the official registration, and the composition of the data indicated therein shall be specified by the Agency. The Agency shall also determine the list of information to be published in its official bulletin.

5. The contract for the complete cession of all property rights to a registered topology shall be registered at the Agency.

Contracts for the transfer of property rights to a given topology shall be registered in the Agency upon the agreement of the parties concerned.

On the registration of agreements for computer software programs, databases and integral microcircuit topology see the [Rules](#) approved by [Order](#) of the Russian Patent and Trademark Agency No. 245 of December 31, 1998

6. The information entered into the Register of Integrated Microcircuit Topologies shall be deemed to be authentic until proved otherwise.

The applicant shall bear the responsibility for the authenticity of the indicated information.

7. The registration duty shall be exacted for executing acts involving the official registration of integrated microcircuit topologies, contracts, and for the publication of the relevant information.

The amounts and terms of payment of the registration duty, the grounds for the exemption or for the reduction of their payment shall be specified by the Government of the Russian Federation.

8. To inform about his rights, the author of a given topology or his successor shall be entitled to indicate on a protected topology, and also on products including the said topology, a notice thereof in the form of a bold capital letter T ("T", [T], (T), T* or T), the date of the beginning of the time-limit on the exclusive right to use the topology and information allowing the right holder to be identified.

Article 10. The Time-limit of the Exclusive Right to Use a Topology

1. [The exclusive right](#) to use a topology shall be effective for ten years.

2. The beginning of the exclusive right period to use a topology shall be specified by the

earliest of the following dates:

the date of the initial use of the topology, implying the earliest documentally fixed date of the introduction into economic use in any part of the world of the said topology or IMC with the said topology; and

the date of the topology's registration at the Agency.

3. In the event of the emergence of an identical original topology independently developed by some other author, the overall time-limit on the exclusive right to use the topology may not exceed ten years.

Article 11. The Protection of Rights to Topology

1. The author of a given topology and other right holders have the right to demand the following:

the recognition of his rights;

the restoration of the situation existing before the infringement of his rights and the cessation of the actions infringing his right or which create a threat of their infringement;

compensation for the damage incurred, whose sum shall also include the amount of profit illegally received by the infringer;

apart from the compensation for incurred losses at the discretion of a court of law or of an arbitration court, a fine may be exacted amounting to ten per cent of the amount imposed by the court in favour of the plaintiff, and shall be credited to the Republican budget of the Russian Federation; and

other measures stipulated for by the legislation and connected with the protection of their rights.

2. The author or other right holders may ask for the protection of their rights in the established order, from a court of law or from an arbitration court.

3. The court of law or arbitration court may make a ruling concerning the confiscation of the illegally manufactured IMC copies and products incorporating such IMCs, and also of materials and equipment used for their manufacture, and also for either their destruction or transfer in favour of the Republican budget of the Russian Federation, or to the plaintiff at his request in order to compensate him for his losses.

Article 12. The Protection of Rights to a Topology in Foreign Countries

The author or other right holders may ask for the legal protection of his topology in foreign countries.

The expenditures connected with obtaining the legal protection of a given topology in foreign countries shall be borne by the person asking for the said protection or by some other natural or legal person according to an agreement therewith.

Article 13. The Rights of Foreign Natural and Legal Persons

Foreign natural and legal persons shall enjoy the rights stipulated for by this Law on the same level with the natural and legal persons of the Russian Federation, on the strength of the international treaties of the Russian Federation or on the basis of the legal principle of reciprocity.

Article 14. International Treaties

If an international treaty signed by the Russian Federation has established rules other than those contained in this Law, the rules of the international treaty shall apply.

President of the Russian Federation

Boris Yeltsin

Moscow, the House of Soviets of Russia

[Resolution of the RF Supreme Soviet No. 3528-1 of September 23, 1992 on Re-examination of the Law of the Russian Federation on Legal Protection](#)

of Topologies of Integral Microcircuits