

Regulation of the Prime Minister on filing and processing of topography of integrated circuits applications

19 October 2001

By virtue of Article 210 of the Act of 30 June 2000 – Industrial Property Law (Journal of Laws of 2001 No 49 text 508) the following is decreed:

1. This Regulation determines the detailed requirements in respect of topography of integrated circuits applications and the detailed scope and procedure of processing the applications with the Patent Office of the Republic of Poland, hereinafter referred to as “the Patent Office”.

2. Any reference in this regulation to:

- i. “the Act” means the Act of 30 June 2000 – Industrial Property Law
- ii. “applicant” means a person who on his/her own behalf has filed a topography of integrated circuit application.

3.-

1. In addition to the elements listed in Article 202(1) of the Act, the application of topography of an integrated circuit, hereinafter referred to as the “topography”, shall also include:

- i. two copies of the material identifying the topography,
- ii. if the applicant and the creator of the topography or the holder of the right to a topography registration by virtue of the Act are not one and the same person – a deed of transfer of the right to registration,
- iii. the power of attorney.

2. The topography application shall be drafted in the Polish language. If the documents and materials referred to in paragraph (1) above and in section 5.(3) have been drawn up in another language, they shall be accompanied by the translation thereof into the Polish language.

4.-

1. The request for the registration of a topography shall contain:

- i. the surname and first name or the name and the address or the seat of the

applicant,

- ii. where the applicant acts through the intermediary of a representative – the surname and first name of the representative together with his address,
 - iii. where the application is filed on behalf of the State Treasury by a governmental agency or a state organizational unit that does not enjoy legal personality – the name of that agency or unit,
 - iv. where the applicant and the creator of the topography are not one and the same person – the indication of the entitlement for being granted the right of registration,
 - v. where the applicant and the creator of the topography are not one and the same person – the surname and first name of the creator together with his address,
 - vi. a petition for the registration of the topography,
 - vii. technical description of the electronic function of the topography in words,
 - viii. a list of the annexed documents
 - ix. where the applicant acts through the intermediary of the representative – the signature of the applicant or the representative.
2. The request shall also contain the indication of the person authorized to receive correspondence.
- 5.-
1. The material identifying the topography shall be represented as a drawing or on a photo intended to present:
 - i. the process of manufacturing of the integrated circuit,
 - ii. the pattern or part of the pattern for manufacturing the integrated circuit,
 - iii. layers of the integrated circuit.
 2. The drawings or photos referred to in section 1 may not include information not liable to protection, except for the signature of the applicant or of his representative.
 3. If the identifying material, referred to in paragraph (1), is fixed on a coded data carrier, it shall be presented together with the decoder of the data carrier.
 4. In the instance referred to in paragraph (3), if the material identifying the topography has been deposited on another carrier, the Patent Office may request that the applicant provide it, for illustrative purposes, with data on that carrier and in a format making the data possible to be recoded with the use of the equipment accessible to the Patent Office.

6. The statement referred to in Article 202(1)(iii) of the Act shall in particular include:

- i. the surname and first name or the name and the address or the seat of the applicant,
- ii. technical description of the electronic function of the topography in words,
- iii. indication of a group of products in which the topography applied for registration has been embodied,
- iv. indication of the date of the contract under which the topography or the product embodying it has been put on the market,
- v. the signature of the applicant or the representative.

7. Upon receipt of the topography application for registration the Patent Office shall accord it a serial number, ascertain the date of receipt and notice the applicant accordingly.

8. Where the Patent Office finds that one of the formal requirements requisite for applying the topography for registration has not been satisfied, the Office shall notice the applicant accordingly and fix, in accordance with Article 242(1) and (2) of the Act, a time limit for completing the application.

9.-

1. After having established that the topography application satisfies the formal requirements for registration, the Patent Office shall take a decision on the grant of a right in topography registration and after a due fee has been paid, the Office shall entry the registration in the topography register and issue a certificate of the topography registration to the right holder.
2. The certificate of registration shall contain the basic information on the right granted and a notice that the protected topography can be identified on the basis of the documentation kept in the files of the Patent Office. The certificate of registration shall be sealed and signed by a person authorized in writing by the President of the Patent Office.

10. Decision on the grant of the right in topography registration shall contain the information specified in section 11(ii) – (iv), (vi) and (vii).

11. The mention of the registration of the topography, published in an official gazette “Wiadomosci Urzedu Patentowego” shall contain the following information:

- i. the registration number of the topography
- ii. the date and application number of the topography
- iii. where the topography or the integrated circuit embodying such topography has been first commercially exploited before the date of filing the topography for registration – the date of the first commercialization,

- iv. the surname and first name or the name of the applicant,
- v. the surname and first name of the creator,
- vi. technical description of the electronic function of the topography in words,
- vii. the dates of expiration of the protection periods of the topography.

12. This Regulation shall enter into force 14 days after its promulgation.