

Act on the Circuit Layout of a Semiconductor Integrated Circuits

(Act No. 43 of May 31, 1985)

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Chapter I General Provisions

(Purpose) Article 1 The purpose of this Act is to establish a system for ensuring the proper exploitation of the layout-design of semiconductor integrated circuits and thereby to promote the development of semiconductor integrated circuits to contribute to the sound development of the national economy.

(Definitions) Article 2 (1) The term "semiconductor integrated circuits" as used in this Act means a product having transistors or other circuitry elements inseparably formed on the surface of a semiconductor material or an insulating material, or within a semiconductor material, and designed to perform electronic circuitry functions.

(2) The term "layout-design" as used in this Act means a layout of circuitry elements in semiconductor integrated circuits and the lead wires connecting such elements.

(3) The term "exploitation" in relation to layout-design as used in this Act means any of the following acts:

(i) an act of manufacturing semiconductor integrated circuits utilizing such layout-design; and

(ii) an act of transferring, leasing, displaying for the purpose of transfer or leasing, or importing semiconductor integrated circuits (including articles incorporating said semiconductor integrated circuits as a part thereof) manufactured utilizing such layout-design.

Chapter II Registration of Establishment of Layout-Design Exploitation Right

(Registration of Establishment of Layout-Design Exploitation Right) Article 3 (1)
A person who has created a layout-design or his/her sucesor (hereinafter referred to as a

"creator, etc.") shall be entitled to register the establishment of a layout-design exploitation right for his/her layout-design (hereinafter referred to as a "registration of establishment"). In this case, if there are two or more creators, etc. they shall jointly apply for a registration of establishment.

(2) A person who intends to apply for a registration of establishment shall submit a written application specifying the following matters to the Minister of Economy, Trade and Industry:

(i) the name and domicile or residence of the applicant, and for a juridical person, the name of its representative;

(ii) the date of filing the application;

(iii) for a person who performs the acts listed in paragraph (3), item (ii) of the preceding Article in relation to the layout-design in the course of trade, the date on which he/she first performed such act;

(iv) the name and domicile or residence of the person who has created the layout-design; and

(v) in addition to the matters listed in the preceding items, any matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(3) In filing a written application as prescribed in the preceding paragraph, drawings depicting the layout-design pertaining to the application or a photograph showing said layout-design, and a written explanation stating that the applicant is a creator, etc. and other supporting materials specified by an Ordinance of the Ministry of Economy, Trade and Industry shall be attached thereto, pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry.

(Change to the Name of an Applicant) Article 4 (1) The name of an applicant may be changed.

(2) A change to the name of an applicant shall have no effect unless it is notified to the Minister of Economy, Trade and Industry pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry, except in the case of inheritance or other general succession.

(3) When there has been any change to the name of an applicant due to inheritance or other general succession, such change shall be notified to the Minister of Economy, Trade and Industry pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry, without delay.

(Creation of Layout-Design within the Scope of Employment) Article 5 With respect to a layout-design created within the scope of employment of a person who performs his/her duties for a juridical person or another employer, such juridical person or other employer shall be the creator of said layout-design, unless otherwise stipulated by a contract at the time of the creation of said layout-design, work regulations or the like.

(Exploitation of Layout-Design prior to Application) Article 6 No application for a registration of establishment shall be accepted in the case where a creator, etc. or another person with authorization therefrom had performed the acts listed in Article 2, paragraph (3), item (ii), in the course of trade, in relation to a layout-design pertaining to the application more than two years prior to the date on which said application is filed.

(Registration of Establishment and Public Notice) Article 7 (1) The Minister of Economy, Trade and Industry shall, when an application for a registration of establishment is filed, make the registration of establishment except in the case where he/she dismisses the application pursuant to the provision of paragraph (1) of the following Article.

(2) A registration of establishment shall be completed, with the entry of the name and domicile or residence of a person to be registered, the date of registration and any other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry in the layout-design registry.

(3) The Minister of Economy, Trade and Industry shall, when he/she has made a registration of establishment as prescribed in paragraph (1), publicly notify the matters specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Rejection of Application for Registration of Establishment) Article 8 (1) The Minister of Economy, Trade and Industry shall, when it is evident from a written application set forth in Article 3, paragraph (2) and drawings and other supporting materials attached thereto that the application falls under any of the following items, dismiss the application for a registration of establishment:

(i) that the applicant is not a creator, etc;

(ii) that, in the case where there are two or more creators, etc., they do not jointly apply for a registration of establishment;

(iii) that the layout-design pertaining to the application is not eligible for a registration of establishment pursuant to the provision of Article 6; and

(iv) that the written application does not conform with the required form or there are any other grounds specified by a Cabinet Order.

(2) The Minister of Economy, Trade and Industry shall, when he/she has dismissed an application pursuant to the provision of the preceding paragraph, notify the applicant to that effect by indicating the reason therefor without delay.

(Cancellation of Registration of Establishment) Article 9 (1) The Minister of Economy, Trade and Industry shall, when it is evident that an application for a registration of establishment has fallen under any of items (i) to (iii) of paragraph (1) of the preceding Article, cancel said registration of establishment.

(2) A hearing with respect to the cancellation of a registration of establishment as prescribed in the preceding paragraph shall be held on giving notice with a reasonable period of time to the registered right holders in relation to a layoutdesign exploitation right pertaining to said registration of establishment.

(3) The presiding official of the hearing prescribed in the preceding paragraph shall, at the request of any registered right holders as prescribed in the preceding paragraph, permit such person to intervene in the process of said hearing pursuant to the provision of Article 17, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993).

(4) The Minister of Economy, Trade and Industry shall, when he/she has cancelled a registration of establishment pursuant to the provision of paragraph (1), notify the registered holder of a layout-design exploitation right pertaining to said registration of establishment, as well as publicly notify, to that effect.

Chapter III Layout-Design Exploitation Right, etc.

Section 1 Layout-Design Exploitation Right

(Accrual and Duration of Layout-Design Exploitation Right) Article 10 (1) A layout-design exploitation right shall accrue when a registration of establishment is made.

(2) The duration of a layout-design exploitation right shall end ten years alter the date on which a registration of establishment is made.

(Effect of Layout-Design Exploitation Right) Article 11 A holder of a layout-design exploitation right shall have the exclusive right to exploit a layout-design for which a registration of establishment has been made in the course of trade (hereinafter referred to as a "registered layout-design"); provided, however, in the case where an exclusive exploitation right has been established in relation to his/her layout-design exploitation right, this provision shall not apply to the extent that a holder of an exclusive exploitation right has a right to exploit the registered layout-design exclusively.

(Limitation on Layout-Design Exploitation Right) Article 12 (1) The effect of a layout-design exploitation right shall not extend to any exploitation of layout-design which is created by other persons.

(2) The effect of a layout-design exploitation right shall not extend to any acts of manufacturing semiconductor integrated circuits utilizing the registered layout-design in the case where it is for the purpose of analysis or evaluation.

(3) Where any holder of a layout-design exploitation right, holder of an exclusive exploitation right or holder of a non-exclusive exploitation right has transferred semiconductor integrated circuits (including articles incorporating said semiconductor integrated circuits as a part thereof; hereinafter the same shall apply in this paragraph) manufactured utilizing the registered layoutdesign, the effect of a layout-design exploitation right shall not extend to any acts of transferring, leasing, displaying for the purpose of transfer or leasing, or importing the transferred semiconductor integrated circuits.

(Relation to Other Person's Patented Inventions, etc.) Article 13 No holder of a layout-design exploitation right, holder of an exclusive exploitation right or holder of a non-exclusive exploitation right may exploit the registered layout-design in the course of trade, when such exploitation of the registered layout-design falls under the working of another person's patented invention or registered utility model.

(Jointly Held Layout-Design Exploitation Right) Article 14 (1) None of the coowners of a layout-design exploitation right may either assign his/her share nor create a pledge on it without the consent of the other coowners.

(2) Each coowner of a layout-design exploitation right may exploit the registered layout-design without the consent of the other coowners, unless otherwise agreed upon by contract.

(3) None of the coowners of a layout-design exploitation right may either establish an exclusive exploitation right nor grant a non-exclusive exploitation right to a third party

in relation to his/her layout-design exploitation right without the consent of the other coowners.

(Extinction of Layout-Design Exploitation Right due to Dissolution of Juridical Person, etc.) Article 15 A layout-design exploitation right shall cease to exist in the following cases:

- (i) where, upon the dissolution of a juridical person holding a layout-design exploitation right, the layout-design exploitation right is to belong to the national treasury pursuant to the provision of Article 239, paragraph (3) of the Act on General Incorporated Associations and General Incorporated Foundations (Act No.48 of 2006) or the provisions of other equivalent Acts; and
- (ii) where, upon the death of an individual who is a holder of a layout-design exploitation right, the layout-design exploitation right is to belong to the national treasury pursuant to the provision of Article 959 of the Civil Code (Act No. 89 of 1896).

(Exclusive Exploitation Right) Article 16 (1) A holder of a layout-design exploitation right may establish an exclusive exploitation right in relation to his/her layout-design exploitation right.

(2) A holder of an exclusive exploitation right shall have the exclusive right to exploit the registered layout-design in the course of trade to the extent laid down in the act of establishment.

(3) An exclusive exploitation right may be transferred only when the business involving the exploitation of layout-design is also transferred, when it is with the consent of the holders of a layout-design exploitation right, or when it is as a result of inheritance or other general succession.

(4) A holder of an exclusive exploitation right may create a pledge or grant a nonexclusive exploitation right to a third party in relation to his/her exclusive exploitation right only with the consent of the holders of a layout-design exploitation right.

(5) The provisions of Article 14 shall apply mutatis mutandis to an exclusive exploitation right.

(Non-exclusive Exploitation Right) Article 17 (1) A holder of a layout-design exploitation right may grant a nonexclusive exploitation right to any third party in relation to his/her layoutdesign exploitation right.

(2) A holder of a non-exclusive exploitation right shall have the right to exploit the registered layout-design in the course of trade to the extent laid down in the act of establishment.

(3) A non-exclusive exploitation right may be transferred only when the Business involving the exploitation of layout-design is also transferred, when it is with the consent of the holders of a layout-design exploitation right (or, for a nonexclusive right granted in relation to an exclusive exploitation right, both the holders of a layout-design exploitation right and the holders of an exclusive exploitation right; the same shall apply in the following paragraph), or when it is as a result of inheritance or other general succession.

(4) A holder of a non-exclusive exploitation right may create a pledge in relation to his/her non-exclusive exploitation right only with the consent of the holders of a layout-design exploitation right.

(5) The provisions of Article 14, paragraph (1) and (2) shall apply mutatis mutandis to a non-exclusive exploitation right.

(Pledge) Article 18 Where a pledge has been created on a layout-design exploitation right, exclusive exploitation right or non-exclusive exploitation right, the pledgee may not utilize said registered layout-design unless otherwise agreed upon by contract.

Article 19 A pledge on any layout-design exploitation right, exclusive exploitation right or non-exclusive exploitation right may be exercised against any consideration to be paid for the layout-design exploitation right, exclusive exploitation right or non-exclusive exploitation right, or any money or goods to be received by either of the holder of a layout-design exploitation right or the holder of an exclusive exploitation right for the exploitation of the registered layout-design; provided, however, that the consideration, money or goods shall be attached prior to the payment of money or delivery of goods.

(Waiver of Layout-Design Exploitation Right, etc.) Article 20 (1) A holder of a layout-design exploitation right may, when there is any holder of an exclusive exploitation right, holder of a non-exclusive exploitation right or pledgee, waive his/her right to exploit the layout-design only with the consent of such person.

(2) A holder of an exclusive exploitation right may, when there is any holder of a non-exclusive exploitation right or pledgee, waive his/her exclusive exploitation right only with the consent of such person.

(3) A holder of a non-exclusive exploitation right may, when there is pledgee, waive his/her non-exclusive exploitation right only with the consent of such person.

(Effect of Registration) Article 21 (1) No matters listed in the following items may be asserted against any third party unless they have been registered:

(i) the transfer (excluding a transfer due to inheritance or other general succession), or restriction on disposition, of a layout-design exploitation right;

(ii) the establishment, transfer (excluding a transfer due to inheritance or other general succession), modification, extinction (excluding extinction due to confusion, or extinction of a layout-design exploitation right), or restriction on disposition, of an exclusive exploitation right;

(iii) the transfer (excluding a transfer due to inheritance or other general succession), modification, extinction (excluding extinction due to confusion, or extinction of a layout-design exploitation right or an exclusive exploitation right), or restriction on disposition, of a non-exclusive exploitation right; and

(iv) the establishment, transfer (excluding a transfer due to inheritance or other general succession), modification, extinction (excluding extinction due to confusion, or extinction of a credit secured thereby), or restriction on disposition, of pledge on a layout-design exploitation right, exclusive exploitation right or non-exclusive exploitation right.

(2) A non-exclusive exploitation right shall, when it has been registered, have an effect on any person who subsequently acquires its layout-design exploitation right, its exclusive exploitation right, or an exclusive exploitation right in relation to its layout-design exploitation right.

(3) The registration set forth in the preceding two paragraphs shall be completed by the Minister of Economy, Trade and Industry, with the entry of the relevant matters in the layout-design registry.

Section 2 Infringement of Rights

(Right to Seek Injunction) Article 22 (1) A holder of a layout-design exploitation right or a holder of an exclusive exploitation right may demand that a person who infringes or is likely to infringe his/her own layout-design exploitation right or exclusive exploitation right should discontinue or prevent such infringement.

(2) A holder of a layout-design exploitation right or a holder of an exclusive exploitation right may, upon making a demand pursuant to the preceding paragraph, demand that the measures necessary for the prevention of such infringement, including the disposal of semiconductor integrated circuits constituting such act of infringement or materials provided for the act of infringement, should be taken.

(Acts Deemed to Constitute Infringement) Article 23 Any act of manufacturing, transferring, leasing, displaying for the purpose of transfer or leasing, or importing products used solely for the purpose of imitating the registered layout-design in the course of trade shall be deemed to constitute infringement of a layout-design exploitation right or an exclusive exploitation right.

(Special Provisions for a Person in Good Faith) Article 24 (1) Any act of transferring, leasing, displaying for the purpose of transfer or leasing, or importing semiconductor integrated circuits (including articles incorporating the semiconductor integrated circuits as a part thereof; hereinafter the same shall apply in this Article) performed in the course of trade by a person who was unaware that, and was not at fault in that he/she was unaware that, said semiconductor integrated circuits were manufactured utilizing a layout-design imitating the registered layout-design pertaining to another person's layout-design exploitation right or exclusive exploitation right (hereinafter referred to as the "fact of imitation") at the time of the delivery of said semiconductor integrated circuits (hereinafter referred to as a "person in good faith") shall not be deemed to constitute an act of infringement of said layout-design exploitation right or exclusive exploitation right.

(2) A holder of a layout-design exploitation right or a holder of an exclusive exploitation right may, when a person in good faith has performed any act of transferring, leasing, displaying for the purpose of transfer or leasing, or importing the semiconductor integrated circuits in the course of trade after having become aware of the fact of imitation, claim against such person for the payment of money in an amount equivalent to the amount he/she normally gains through the exploitation of the registered layout-design.

(3) When the payment has been made by a person in good faith to the holder of a layout-design exploitation right or the holder of an exclusive exploitation right as prescribed in the preceding paragraph, the semiconductor integrated circuits shall be deemed to have been transferred by said holder of a layoutdesign exploitation right or holder of an exclusive exploitation right.

(4) The provision of Article 26 and the provisions of Article 719, paragraph (1) and Article 724 of the Civil Code shall apply mutatis mutandis to the exercise of the right to claim prescribed in paragraph (2).

(Presumption of Amount of Damages, etc.) Article 25 (1) When the holder of a layout-design exploitation right or the holder of an exclusive exploitation right claims against an infringer for compensation for damages caused as a result of intentional or negligent infringement of his/her own layout-design exploitation right or exclusive exploitation right, and if the infringer has earned profits from such act of infringement, the amount of profits earned by the infringer shall be presumed to be the amount of damage sustained by the holder of a layout-design exploitation right or the holder of an exclusive exploitation right.

(2) The holder of a layout-design exploitation right or the holder of an exclusive exploitation right may claim against an infringer for an amount equivalent to the amount he/she normally gains through the exploitation of the registered layout-design, by regarding said amount to be the compensation for damages caused as a result of the intentional or negligent infringement of his/her layout-design exploitation right or exclusive exploitation right.

(3) The provision of the preceding paragraph shall not prevent any claim of compensation for damages in an amount exceeding the amount prescribed therein. In this case, when, with regard to the infringer of a layout-design exploitation right or an exclusive exploitation right, there was neither intent nor gross negligence, the court may take these circumstances into consideration in determining the amount of damages.

(Production of Documents) Article 26 In litigation concerning the infringement of a layout-design exploitation right or an exclusive exploitation right, the court may, upon the motion of a party, order the other party to produce documents required to calculate the damages caused by said act of infringement; provided, however, that this shall not apply where there are reasonable grounds for the person possessing the documents to refuse production of the documents.

Section 3 Compensation

(Compensation) Article 27 (1) In the case where a creator, etc. of a layout-design or a person with authorization therefrom had performed the acts listed in Article 2, paragraph (3), item (ii) in the course of trade prior to the registration of establishment with respect to said layout-design, and if, during the period after such act had been performed until the registration of establishment is made, any person who was aware that a layout-design was imitating said layout-design (hereinafter referred to as an "imitated layout-design" in this paragraph and paragraph (4)) and exploited such imitated layout-design in the course of trade, such person shall, if a registration of establishment for said layout-design is made, be liable to pay compensation equivalent to the amount he/she normally is required to pay through such exploitation to the creator, etc. of said layoutdesign.

(2) The right to claim compensation as prescribed in the preceding paragraph may not be exercised until a registration of establishment with respect to said layout-design has been made.

(3) In the case where a registration of establishment with respect to the layout¹¹ design prescribed in paragraph (1) was made but cancelled pursuant to the provision of Article 9, the right to claim compensation as prescribed in the same paragraph shall be deemed never to have existed.

(4) The provisions of Article 23 and the preceding Article of this Act, and Article 719, paragraph (1) and Article 724 of the Civil Code shall apply mutatis mutandis to the case where the right to claim compensation as prescribed in paragraph (1) is exercised. In this case, where a person having said right has become aware of the fact of the exploitation of the imitated layout-design as well as of a person who exploited the imitated layout-design prior to the registration of establishment for said layout-design, the term "the time when the victim or his/her legal representative comes to know the damages and the identity of the perpetrator" in Article 724 of the Civil Code shall be deemed to be replaced with "the date of the registration of establishment for said layoutdesign."

Chapter IV Registration Agency

(Registration, etc. of a Registration Agency) Article 28 (1) The Minister of Economy, Trade and Industry may, pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry, have an agency registered by him/her (hereinafter referred to as a "registration agency") conduct administrative duties in response to a request for a registration of establishment, registration under Article 21, paragraphs (1) and (2), and claims under Article 48, paragraph (1) (hereinafter referred to as the "affairs of the registration of establishment, etc."), in whole or in part.

(2) Registration of a registration agency to be made by the Minister of Economy, Trade and Industry as prescribed in the preceding paragraph (hereinafter referred to as an "agency registration") shall be made, pursuant to the provisions of an Ordinance of the Ministry of Economy, Trade and Industry, upon application by an agency which intends to conduct the affairs of the registration of establishment, etc.

(3) When he/she has made an agency registration, the Minister of Economy, Trade and Industry shall not administer the affairs of the registration of establishment, etc. to be conducted by said registration agency.

(4) With regard to the application of the provisions of Article 3, paragraph (2), Article 4, paragraphs (2) and (3), Article 7, paragraphs (1) and (3), Article 8, Article 9, Article 21, paragraph (3) and Article 48, paragraph (1) to the case where the registration agency conducts the affairs of the registration of establishment, etc., the term "the Minister of Economy, Trade and Industry" in these provisions (excluding Article 48, paragraph (1)) shall be deemed to be replaced with "the registration agency" and the term "to the Minister of Economy, Trade and Industry" in the same paragraphs shall be deemed to be replaced with "to the registration agency."

(Disqualification) Article 29 Any person who falls under any of the following items may not be registered as a registration agency:

(i) any person who was punished by a fine or severer punishment in violation of any provision of this Act or any order issued pursuant to this Act, and when two years have not yet passed since such person had completed the punishment or since it had become unnecessary for such person to serve out such punishment;

- (ii) any person who was dismissed by an order issued pursuant to the provision of Article 37 and when two years have not yet passed since the date of such dismissal;
- (iii) any person whose agency registration was rescinded pursuant to the provision of Article 41 and when two years have not yet passed from the date of such rescission; or
- (iv) any juridical person any one of whose executive officers falls under any of the preceding three items.

(Requirements for Agency Registration) Article 30 (1) The Minister of Economy, Trade and Industry shall make an agency registration when he/she considers that a person who applies for an agency registration (hereinafter referred to as the "applicant for an agency registration" in this paragraph) conforms to all the requirements listed as follows (in this case, necessary procedures with respect to an agency registration shall be stipulated by an Ordinance of the Ministry of Economy, Trade and Industry):

(i) that the affairs of the registration of establishment, etc. are conducted by a person who falls under any of the following conditions and that two or more such persons are assigned at each place of business where the affairs of the registration of establishment, etc. are carried out:

(a) a person who graduated from a university (excluding junior colleges) under the School Education Act (Act No. 26 of 1947) or a university under the old University Ordinance (Imperial Ordinance No. 388 of 1918), and who has experience of being engaged for one year or more in total in registration works for intangible property rights;

(b) a person who graduated from a junior college or a vocational high school under the School Education Act, or a vocational training school under the old Vocational Training School Ordinance (Imperial Ordinance No. 61 of 1903), and who has experience of being engaged for two years or more in total in registration works for intangible property rights;

(c) a person who has the knowledge and experience equivalent to or greater than that of persons listed in (a) and (b) above; and

(d) a person who has experience of being engaged for three years or more in total in registration works for intangible property rights;

(ii) that, as an entity controlled by a person who creates layout-design, manufactures semiconductor integrated circuits or imports semiconductor integrated circuits (excluding articles incorporating semiconductor integrated circuits as a part thereof) in the course of trade (hereinafter referred to as the "business operator engaged in the creation, etc. of a layoutdesign" in this item), the applicant for an agency registration does not fall under any of the following items:

(a) that, in the case where an applicant for an agency registration is a stock company, the business operator engaged in the creation, etc. of a layoutdesign is said applicant's parent corporation (meaning a parent corporation as prescribed in Article 879, paragraph (1) of the Companies Act (Act No.86 of 2005));

(b) that the ratio of the officers or employees of the business operator engaged in the creation, etc. of a layout-design (including those who have been officers or employees of said business operator engaged in the creation, etc. of a layout-design in the past two years) out of the officers of the applicant for an agency registration (or executing members in the case of a membership company (meaning a membership company as prescribed in Article 575, paragraph (1) of the Companies Act)) exceeds one half; and

(c) that the applicant for an agency registration (or in the case of a juridical person, its representative officer) is an officer or employee of the business operator engaged in the creation, etc. of a layout-design (including those who have been an officer or employee of said business operator engaged in the creation, etc. of a layout-design in the past two years).

(2) An agency registration shall be completed, with the entry of the following matters in the agency registration registry:

- (i) the date and registration number of an agency registration;
- (ii) the name and residence of a person registered as a registration agency, or, for a juridical person, name of its representative; and
- (iii) the address of the place of business where a registered agency carries out the affairs of the registration of establishment, etc.

(Renewal of Agency Registration) Article 30-2 (1) An agency registration shall be renewed every three years or over a longer period as specified by a Cabinet Order, or else cease to be effective with the lapse of such period.

(2) The provisions of Article 28, paragraph (2) and the preceding two Articles shall apply mutatis mutandis to the renewal of an agency registration as prescribed in the preceding paragraph.

(Obligation, etc. of Registration of Establishment, etc.) Article 31 (1) A registration agency shall, when requested to make a registration of establishment and a registration under Article 21, paragraphs (1) and (2), make such registration without delay unless there are justifiable grounds for refusing to do so.

(2) A registration agency shall, in conducting the affairs of the registration of establishment, etc., have a person as prescribed in Article 30, paragraph (1), item (i) (hereinafter referred to as a "person who implements the affairs of the registration of establishment, etc.") implement such affairs.

(Change of Office) Article 32 A registration agency shall, when intending to change the address of its office, where it conducts the affairs of the registration of establishment, etc., notify the Minister of Economy, Trade and Industry of the change two weeks prior to the date on which the change is scheduled to be made.

(Operational Rules for Affairs of the Registration of Establishment, etc.) Article 33

(1) A registration agency shall provide operational rules with respect to the affairs of the registration of establishment, etc. (hereinafter referred to as the "operational rules for the affairs of the registration of establishment, etc.") and obtain approval from the Minister of Economy, Trade and Industry prior to the commencement of the affairs of the registration of establishment, etc. The same shall apply when it intends to amend the operational rules for the affairs of the registration of establishment, etc.

(2) Matters to be included in the operational rules for the affairs of the registration of establishment, etc. shall be stipulated by an Ordinance of the Ministry of Economy, Trade and Industry.

(3) The Minister of Economy, Trade and Industry may, when he/she finds that the approved operational rules for the affairs of the registration of establishment, etc. under paragraph (1) have become inappropriate for the fair administration of the affairs of the

registration of establishment, etc., order the registration agency to amend the operational rules.

(Suspension or Abolition of Affairs of the Registration of Establishment, etc.)

Article 34 The registration agency shall not suspend or abolish the affairs of the registration of establishment, etc., in whole or in part, without obtaining the permission of the Minister of Economy, Trade and Industry.

(Keeping and Inspecting of Financial Statements, etc.) Article 34-2

(1) A registration agency shall, within three months after the end of each business year, prepare a list of property, a balance sheet and a profit and loss statement or a settlement of accounts and a business report for each business year (in the case where these documents are prepared as electromagnetic records (meaning records produced by an electronic device, magnetic device or any other device not recognizable to human senses, which are used for information processing by a computer; hereinafter the same shall apply in this Article), or electromagnetic records prepared instead of preparing the documents, such electromagnetic records shall be included; these documents shall hereinafter be referred to as "financial statements, etc." in the following paragraph, paragraph (2) of the following Article and Article 57) and keep them in its place of business for five years.

(2) An applicant for a registration of establishment and other interested persons may make the request listed as follows at any time during the office hours of a registration agency; provided, however, that with regard to the requests set out in item (ii) or item (iv), said applicant, etc. shall pay the costs set by the registration agency:

(i) request for inspection or copying of the financial statements, etc. when they are prepared in writing; (ii) request for a transcript or extract from the documents set forth in the preceding item;

(iii) request for inspection or copying of the contents indicated in accordance with the method specified by an Ordinance of the Ministry of Economy, Trade and Industry, when the financial statements etc. are prepared as said electromagnetic records; and

(iv) request for obtaining the electromagnetically recorded contents set forth in the preceding item in an electromagnetic form in accordance with the method specified by an Ordinance of the Ministry of Economy, Trade and Industry or a request for issuance of the document containing said contents.

(Business Plan, etc.) Article 35

(1) A registration agency shall, prior to the commencement of each business year (or without delay after having been registered as a registration agency in the business year containing the date of such registration), prepare a business plan and income and expenditure budget for such business year and submit them to the Minister of Economy, Trade and Industry. The same shall apply when the registration agency intends to amend them.

(2) A registration agency shall, when it has prepared the financial statements, etc. submit them to the Minister of Economy, Trade and Industry without delay.

(Appointment and Dismissal of Officer, etc.) Article 36

A registration agency shall, upon the appointment or dismissal of an officer or the person who implements the affairs of the registration of establishment, etc., notify the Minister of Economy, Trade and Industry to that effect without delay.

(Dismissal Order) Article 37 The Minister of Economy, Trade and Industry may, when the person who implements the affairs of the registration of establishment, etc. of a registration agency has committed any act in violation of the provisions of this Act, orders issued pursuant to this Act or operational rules for the affairs of the registration of establishment, etc. or who has committed a grossly improper act in connection with the affairs of the registration of establishment, etc., order the registration agency to dismiss such person.

(Confidentiality, etc.) Article 38 (1) Any officer of the registration agency (or, for a registration agency which is not a juridical person, any person who has obtained the agency registration; the same shall apply in the following paragraph, and Articles 54 and 55), or any employee or person who was assigned these positions shall not divulge any secret obtained by them in relation to the affairs of the registration of establishment, etc.

(2) With regard to the application of the Criminal Code (Act No. 45 of 1907) and other penal provisions, any officer or employee of a registration agency who is engaged in the affairs of the registration of establishment, etc. shall be deemed to be an employee engaged in public service pursuant to laws and regulations.

(Report and On-Site Inspection) Article 39 (1) The Minister of Economy, Trade and Industry may request a registration agency to report on its operational and accounting conditions, or have his/her officials enter the office of a registration agency to inspect its operational conditions or books and records and other materials, or to put questions to the relevant persons, to the extent necessary to enforce this Act.

(2) Any official shall, upon entering a site pursuant to the provision of the preceding paragraph, carry an identification card and present it to the relevant persons.

(3) The authority to conduct an on-site inspection as prescribed in paragraph (1) shall not be interpreted as being granted for the purpose of criminal investigation.

(Order for Conformity) Article 40 The Minister of Economy, Trade and Industry may, when he/she finds that a registration agency no longer conforms to any of the items of paragraph

(1) of Article 30, order the registration agency to take the necessary measures to conform to such provisions.

(Order for Improvement) Article 40-2 The Minister of Economy, Trade and Industry may, when he/she finds that a registration agency is in violation of the provision of Article 31, or he/she finds it necessary for securing the proper administration of the affairs of the registration of establishment, etc., order the registration agency to conduct the affairs of the registration of establishment, etc. or to take any other necessary measures to improve the method of administration or other operational procedures of the affairs of the registration of establishment, etc.

(Rescission, etc. of Agency Registration) Article 41 The Minister of Economy, Trade and Industry may, when a registration agency falls under any of the following items, rescind its agency registration or order the discontinuation of the affairs of the registration of establishment, etc., in whole or in part, within a set period of time:

(i) when the registration agency has violated the provisions of this Chapter;

- (ii) when the registration agency has come to fall under Article 29, item (i) or item (iv);
- (iii) when the registration agency has failed to carry out the affairs of the registration of establishment, etc. in compliance with the operational rules of the affairs of the registration of establishment, etc. approved pursuant to Article 33, paragraph (1);
- (iv) when the registration agency has refused the request made pursuant to the provisions of the items of Article 34-2, paragraph (2) without justifiable grounds;
- (v) when the registration agency has violated the order issued pursuant to the provisions of Article 33, paragraph (3), Article 37 or the preceding two Articles; and
- (vi) when its agency registration was made by wrongful means.

(Book Entry) Article 42 (1) A registration agency shall prepare books and state the matters in connection with the affairs of the registration of establishment, etc. specified by an Ordinance of the Ministry of Economy, Trade and Industry therein.

(2) The books set forth in the preceding paragraph shall be kept in accordance with the provisions of an Ordinance of the Ministry of Economy, Trade and Industry.

(Special Provisions for Hearing Concerning Disposition for a Registration Agency) Article 43

(1) Proceedings conducted on the assigned date of a hearing with respect to a disposition prescribed in the provisions of Article 37 or Article 41 shall be open to the public.

(2) The presiding official of the hearing set forth in the preceding paragraph shall, upon request of any person interested in said disposition, permit such person to intervene in the procedure of said hearing pursuant to the provision of Article 17, paragraph (1) of the Administrative Procedure Act.

(Appeal against the Disposition, etc. Made by a Registration Agency) Article 44

Any person who is dissatisfied with a disposition or inaction with respect to the affairs of the registration of establishment, etc. conducted by a registration agency may request the Minister of Economy, Trade and Industry to carry out an examination subject to the Administrative Appeal Act (Act No.160 of 1962).

(Affairs of the Registration of Establishment, etc. Administered by the Minister of Economy, Trade and Industry, etc.) Article 45

(1) The Minister of Economy, Trade and Industry shall, when a registration agency has suspended the affairs of the registration of establishment, etc., in whole or in part, with the permission prescribed in the provision of Article 34, when the Minister has ordered a registration agency to discontinue the affairs of the registration of establishment, etc., in whole or in part, pursuant to the provision of Article 41, or when the Minister finds it necessary in a case where a registration agency has experienced difficulties and is unable to conduct the affairs of the registration of establishment, etc., in whole or in part, due to natural disasters or other reasons, administer himself/herself the affairs of the registration of establishment, etc., in whole or in part.

(2) When the Minister of Economy, Trade and Industry himself/herself administers the affairs of the registration of establishment, etc., in whole or in part, pursuant to the provision of preceding paragraph, when a registration agency abolishes the affairs of the registration of establishment, etc., in whole or in part, with the permission granted pursuant to Article 34, or when the Minister of Economy, Trade and Industry has

rescinded an agency registration pursuant to the provision of Article 41, transfer of the administration of the affairs of the registration of establishment, etc. and other necessary matters shall be specified by an Ordinance of the Ministry of Economy, Trade and Industry.

(Public Notice) Article 46 In any of the following cases, the Minister of Economy, Trade and Industry shall make a public notice of the relevant matters in official gazettes:

- (i) when the Minister has made an agency registration;
- (ii) when the Minister has been notified pursuant to the provision of Article 32;
- (iii) when the Minister has granted permission as prescribed in Article 34;
- (iv) when the Minister has rescinded an agency registration, or has ordered the discontinuance of the affairs of the registration of establishment, etc., in whole or in part, pursuant to the provision of Article 41; and
- (v) when the Minister administers himself/herself the affairs of the registration of establishment, etc., in whole or in part, pursuant to the provision of paragraph (1) of the preceding Article, or ceases to administer the affairs of the registration of establishment, etc. which he/she has been carrying out him/herself, in whole or in part.

Chapter V Miscellaneous Provisions

(Jurisdiction over Overseas Residents) Article 47 With respect to a layout-design exploitation right, or any other right relating to a layout-design exploitation right, of a person who does not have a domicile or residence (or a business office in the case of a juridical person) in Japan, the address of the Ministry of Economy, Trade and Industry shall be deemed to be the location of the property as prescribed in Article 5, item (iv) of the Code of Civil Procedure (Act No. 109 of 1996).

(Request for Issuance and Inspection of a Certified Copy, etc.) Article 48 (1) Any person may file a request to the Minister of Economy, Trade and Industry to issue a certified copy or an extract of the layout-design registry, or to allow the inspection or copying of the layout-design registry or a written application set forth in Article 3, paragraph (2) or drawings and other supporting materials attached thereto (excluding documents which the Minister of Economy, Trade and Industry considers it necessary to keep confidential).

(2) The provisions of the Act on Access to Information Held by Administrative Organs (Act No.42 of 1999) shall not apply to the layout-design registry or a written application set forth in Article 3, paragraph (2) or drawings and other supporting materials attached thereto.

(3) The provisions in Chapter IV of the Act on Protection of Personal Information Held by Administrative Organs (Act No. 58 of 2003) shall not apply to the personal information possessed by administrative organs (meaning the personal information possessed by administrative organs as prescribed in Article 2, paragraph (3) of the same Act) recorded in the layout-design registry or a written application set forth in Article 3, paragraph (2) or drawings and other supporting materials attached thereto.

(Fees, etc.) Article 49 (1) Fees shall be paid by the following person to the State in an amount to be provided by a Cabinet Order, considering the actual costs, except for cases prescribed in the following paragraph: