

Regulations
on the Application of Law No. 655/1999 on the Protection
of Topographies of Integrated Circuits

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Rule 1. General Provisions

1.1. Topographies of integrated circuits shall be protected on the territory of the Republic of Moldova under the conditions provided by Law No. 655/1999 on the Protection of Topographies of Integrated Circuits, with the observance of treaties to which the Republic of Moldova is a party.

1.2. These Regulations shall establish the conditions and the procedure for the registration of topographies of integrated circuits.

Rule 2. Definitions

Law	Law No. 655/1999 on the Protection of Topographies of Integrated Circuits, amended by Law No. 1446-XV of 08.11.2003
AGEPI	State Agency on the Protection of Industrial Property
Topography	a topography of an integrated circuit
Creator	the person who created a topography through his work
Applicant	the natural or legal person who applies for registration of a topography in his name
Owner	the person in whose name a topography is registered with the AGEPI and to whom the rights conferred by the registration of the topography belong
Application	an application for registration of a topography
Representative	the representative in industrial property; is a person who represents the interests of natural or legal persons before AGEPI in accordance with the powers granted by a power of attorney and who acts in accordance with the Regulations approved by the Government
BOPI	Official Bulletin of Industrial Property

Rule 3. Requirements for Registration of a Topography

3.1. AGEPI shall register a topography in the National Register of Topographies Integrated Circuits, if the following requirements are complied with:

a) the subject-matter of the application meets the legal requirements to be protected, in accordance with Article 1 of the Law;

b) the applicant has the right to obtain protection of the topography which is the subject-matter of the application, in accordance with Article 2 of the Law;

c) the regular national filing of the application has been made, according to Article 3(2) of the Law;

d) the topography was no longer registered with AGEPI;

e) the application was filed with AGEPI within 2 years of the date of the first commercial exploitations of the topography or, where appropriate, if the topography has not been commercially exploited, the application was filed with AGEPI before the end of the fifteen-year period from the date on which the topography was created.

3.2. Where one or more of the requirements provided for in Rule 3.1. of these Regulations are not met, the topography cannot be registered and AGEPI shall issue a decision to refuse the application.

Rule 4. Subject-Matter of the Application

4.1. The application may have as subject-matter only one topography, as defined by Art. 1 of the Law.

4.2. The following cannot be the subject-matter of an application:

a) designs, technological processes and means used for the manufacturing of topographies or integrated circuits;

b) information stored in integrated circuits;

c) other creations that can be called topographies, but which do not correspond to the meaning defined in Article 1 of the Law.

4.3. The applications which have as their subject-matter creations from the category of those referred to in Rule 4.2. of these Regulations shall be refused.

4.4. The applicant may claim the originality of the topography as a whole or only of a part of it.

4.5. Where only a part of the topography is original, the protection conferred by registration shall relate only to that part, the non-original part of the topography is not subject-matter of protection.

4.6. A topography which is made up of a combination of commonplace elements and interconnections shall be original, if the combination, taken as a whole, is original; an original combination may also be made up of commonplace elements and interconnections, associated with original elements and interconnections.

4.7. An application which has two or more topographies as subject-matter shall be deemed non-unitary and the applicant shall have the possibility to divide it into so many unitary applications as the topographies being the subject-matter of the application.

4.8. In the case of a non-unitary application, only one topography shall be its subject-matter, namely the one indicated by the applicant, within two months of the date of receipt of the notification in which AGEPI had notified him that the application was non-unitary.

4.9. Where the applicant does not communicate within the period referred to in Rule 4.8. of these Regulations which topography remains as the subject-matter of the application, then the first of the topographies mentioned in the application shall be the subject-matter.

4.10. The applications filed subsequently by the applicant, having as subject-matter the other topographies of the initial non-unitary application shall be deemed as divisional applications of the filing of this application, if they are filed with AGEPI within 3 months from the date of receipt of the notification of the lack of unity, and shall have as date of filing the date on which the initial non-unitary application was filed.

4.11. Where applications filed subsequently are filed with AGEPI after the expiry of the 3-month period referred to in Rule 4.10. of these Regulations, they shall no longer be recognized as divisional applications and shall have as date of filing the date of their filing with AGEPI.

4.12. The lack of unity of the application cannot be a ground for its refusal.

Rule 5. Regular National Filing of Application

5.1. The regular national filing shall be established, if the following materials are filed with AGEPI in duplicate:

a) the application drawn up in accordance with the provisions of Rule 7 of these Regulations;

b) the technical documentation, consisting of graphic materials and texts, necessary for the identification of the topography and for pointing out the electronic function of the integrated circuit manufactured on the basis of the topography, drawn up in accordance with Rule 8 of these Regulations;

c) the integrated circuit manufactured on the basis of the topography, if the topography was produced and exploited commercially;

d) the power of attorney, where a representative has been appointed;

e) proof of payment of the fees for registration of the application and for registration of the topography (1 copy).

5.2. The date of establishment of the regular national filing shall be the date of filing with AGEPI of all the materials listed in Rule 5.1. of these Regulations.

5.3. The following shall be attached to the regular national filing:

a) all the documents filed by the applicant or by his representative subsequently in relation to the application, the documents drawn up by the examination for solving the application as well the correspondence held by AGEPI with the applicant or his representative;

b) the document certifying the first commercial exploitation of the topography, in the case where the first commercial exploitation of the topography is prior to the date of the regular national filing.

5.4. In the case of topographies created and filed for registration by an employee, upon request, according to Article 2(5), (6), (7) of the Law and the Regulations on industrial property objects created in the line of duty, approved by the Decision of the Government of the Republic of Moldova No. 1609 of 31.12.2003, shall be attached:

- the confirmation of the employer, where the applicant is a natural person, an employee of the enterprise or the confirmation of the Administrative Council or higher hierarchical body of the enterprise, where one of the applicants/creators is the employer of the enterprise, that the applicant is entitled to apply for protection in his name.

Rule 6. Official Language

6.1. All the documents filed with AGEPI related to the protection of the topography as well as the correspondence held by AGEPI with the applicant shall be drafted in the Moldovan language.

6.2. The filing of the regular national filing documents, including the annexes shall be accepted, except for the application itself, drawn up in one of the languages of international circulation: English, French, German, Russian. In this case the translation of the application documents in the Moldavian language, duly certified, shall be filed with AGEPI within 2 months from the date of submission of the application materials. If, within the indicated period, the applicant fails to file the translation of the application documents into the Moldovan language, the application shall be deemed not to have been filed.

6.3. Natural persons may file the application documents, except for the application itself, in Russian. In this case, the applicant shall, together with the application or within 2 months from the date of filing of the application, for procedural purposes, file either the translation thereof in the Moldovan language or a request for execution of the translation by AGEPI, provided that the relevant fee has been paid. The translation of the application materials into the Moldovan language must be certified by the applicant or his representative.

6.4. Where there are more applicants and at least one among them is a legal person, the provisions of Rule 6.2. shall apply.

6.5. Use of certain specialized technical terms expressed in the English language, if said terms have already been taken over and used as such in the Moldovan language by the specialists in the field, is accepted for the technical documentation of the regular filing of the application.

Rule 7. Application

7.1. The application shall be drawn up on a standard form, approved by AGEPI.

7.2. The application shall comprise all the data related to the topography filed for registration.

7.3. All columns of the application form shall be completed clearly and readable.

7.4. In the "Reference" column, the applicant or representative shall write his data, number and output date.

7.5. In column I, the identifying data of of the applicant (first name, surname, designation, country code according to WIPO ST.3 standard, address, phone and fax with the area prefix) shall be indicated. For natural persons, the country of which they are citizens shall be indicated, and in the case of stateless persons - the code of the country in which they are domiciled or the code of the country in which they have an industrial or commercial enterprise. National applicants shall also indicate the unique state identification number (IDNP).

For legal entities, the full official name and the country code in accordance with the legislation of which they were established shall be indicated. National applicants shall also indicate the unique state identification number (IDNO).

Where there are more applicants, the data shall be indicated for each of them separately.

Where the given space is insufficient, it shall be completed on a separate sheet.

7.6. In column II, the identifying data of the representative: first name, surname, full address, telephone, fax with the area prefix, number of the power of attorney shall be indicated.

In column III, where there are more applicants and no representative has been appointed, the data of the person designated for correspondence with AGEPI: the first name, surname, full address, telephone, fax with area prefix shall be indicated.

Where no such mention is made, AGEPI shall correspond with the first applicant mentioned in the application.

7.7. In column IV, the number of the paragraph in Article 2 of Law under which the right to register the topography belongs to the applicant, respectively:

a) Article 2(5), where the right to the protection of the topography belongs to its creator or his successor in title;

b) Article 2(6), where the topography was created by an employee in the line of duty or performing a specific task entrusted to him in writing and the right to the protection of the topography belongs to the creator, or the enterprise, according to the contract between the creator and the enterprise;

c) Article 2(7), where the topography was created by a person to order of another person and the right to the protection of the topography belongs to the person indicated in the contract concluded between them.

The title and destination of the integrated circuit manufactured on the basis of the topography shall be indicated in the same column. The title of the circuit shall be formulated briefly, preferably in a maximum of 15 words.

7.8. In column V, the originality of the topography shall be declared. It shall specify whether the topography is original as a whole or the originality concerns only a part of the topography, in the latter case it shall specify the manner in which the original part is pointed out in the technical documentation attached to the application.

7.9. In column VI, the date of the first commercial exploitation shall be declared, if the topography was exploited commercially, and the date when the topography was created.

7.10. Column VII shall be completed only in the case of filing a divisional application. The number and filing date of the application for registration shall be indicated in this column.

7.11. In column VIII, the creator of the topography shall be declared. One of the two boxes, respectively where the creators are or are not applicants, shall be completed with an "X".

The first name and surname of the creator shall be mentioned in the same column. National creators shall indicate the full address of the domicile, the unique state identification number (IDNP), the country code according to WIPO ST.3 standard, the place of work on the date when the topography was created and shall sign.

Foreign creators shall indicate in the same column their full name and country code according to WIPO ST.3 standard.

Where the given space is insufficient, the completion shall be done on a separate sheet.

7.12. In column IX, the number of copies presented, the number of pages of each copy shall be indicated in the relevant sections, and the documents or materials filed shall be completed in the boxes with an “X”.

7.13. The application shall be signed by the applicant in column X and the date of signature shall be indicated. Where the applicant is a legal person, the application shall be signed by the manager of the enterprise. In this case, the function of the signatory shall be indicated.

Where there are more applicants, the application shall be signed by all of them.

Where the application is filed by a representative, it shall be signed by this one.

The signature shall be followed by the clear indication of the first name and surname of the signatory.

In the case of exposing some data on an additional sheet, the last one shall be signed according to the requirements of Rule 7.13. of these Regulations.

7.14. If the application is not signed, AGEPI shall return one copy of the applicant's application form, so that he, within 2 months, may return it signed. In this case the filing date of the application shall be kept. Otherwise, the application shall be deemed not to have been filed.

7.15. Column XI shall be completed by AGEPI.

In compartment XI a), the first name, surname and the ID number of the person who filed the application documents with AGEPI shall be indicated.

In compartment XI b), the person who received the application documents shall sign, the signature being followed by the clear indication of the first name and surname.

7.16. Column XII shall be completed by AGEPI with the number and output date. A copy of the application shall be sent to the applicant as notification of the positive result of the formal examination.

Rule 8. Technical Documentation for Identification of Topography

8.1. The technical documentation for identification of the topography shall comprise graphical materials and an explanatory text.

8.2. The graphical materials shall be presented under one or more of the following forms:

a) the drawing or photo representing the configuration of the set of layers of the integrated circuit;

b) drawings or photos of the individual layers of the integrated circuit;

c) drawings or photos of the masks used for the manufacturing of the integrated circuit.

8.3. The drawings or photos shall be clear and made at a scale which is large enough as to make possible the identification of the topography.

Format A4 or another format, which by folding is made into format A4, shall be used.

The borders of the graphical sheets must be:

- a) top and left side - 20 mm;
- b) right side - 15 mm;
- c) bottom - 10 mm.

8.4. Where only part of the topography is original, the said part shall be pointed out distinctly in the graphical materials.

8.5. For the purpose of identifying a topography exploited commercially prior to the date of the regular national filing, a copy of the integrated circuit incorporating this topography and the description of the technical characteristics of the said integrated circuit shall be attached to the application.

8.6. The explanatory text shall have a brief wording and shall comprise the presentation of the minimum of information strictly necessary for the identification of the topography, the pointing out of the original part of the topography (where appropriate), the pointing out of the electronic function of the integrated circuit and the specification of its destination, the technology applied for manufacturing the integrated circuit.

8.7. The title of the integrated circuit as it was mentioned in the application shall be written in all the documents identifying the topography.

8.8. Besides the materials mentioned in Rules 8.2. 8.5. of these Regulations, the applicant may still file with AGEPI data carriers on which the topography is registered.

8.9. The reproduction of graphical materials shall be made on tracing paper or on strong, white, smooth paper, with pronounced black lines and with clear hatching, without fading and coloring, which provides the drawing the contrast required for copying by electrostatic methods.

8.10. The image scale shall be indicated on all copies of drawings and photos.

8.11. The images of the photos must be contrasted.

8.12. Where the applicant declares that a part of the graphical materials identifying the topography comprises trade secrets, said part shall be covered by hatching or by another process, in one of the copies of these graphic materials; the second one copy of the said graphical materials shall not be covered ensuring, thus, that all the information necessary for the identification of the topography can be found in the filing of the application.

Rule 9. Representation

9.1. Persons entitled to obtain the legal protection of a topography may be represented in the procedures before AGEPI personally or by a representative, authorized by a power of attorney, having his residence or headquarters in the Republic of Moldova acting in accordance with the Regulations approved by the Government.

9.2. The representative may be appointed by the applicant upon filing the application or later.

9.3. Where the applicant is a natural person or legal entity not residing in the Republic of Moldova, the representation by a representative from the Republic of Moldova is mandatory, upon filing of the application and later.

9.4. In all the cases where a representative has been appointed, it shall be necessary to file with AGEPI the power of attorney which is his authorization. Where the power of attorney is missing, AGEPI shall not take into consideration the representation by a representative mentioned in the application or in other documents.

Rule 10. Filing of Application

10.1. The applications for the registration of topographies may be filed directly with AGEPI or they may be mailed to AGEPI by registered letter with confirmation of receipt, or by e-mail with the condition presentation within 2 months of the original or its copy, duly authenticated by an official body.

10.2. The application filed with AGEPI shall be registered with the number and date of entry into AGEPI of the application written on it, after which it shall be transmitted to formal examination.

Rule 11. Examination of Applications

11.1. In the process of examining the application, AGEPI shall carry out its formal examination and examination of the regular national filing from the point of view of the compliance with the requirements required for the registration of the topography.

11.2. The formal examination shall, within one month from the date of entry of the application at AGEPI, set up a record file of the applications for the registration of topographies, comprising all the applications which have the document proving the payment of the filing and registration fees.

11.3. The applications for which no filing and registration fees have been paid shall be returned to the applicant accompanied by a notification specifying the reason of that return. AGEPI shall keep a copy of the application as evidence.

11.4. Where, following the formal examination of the application, it is found that the requirements for the establishment of the regular national filing are met, the particulars of the application shall be registered in the National Register of Applications for the Registration of Topographies of Integrated Circuits and the applicant shall be notified of such fact.

11.5. A copy of the application for registration is sent to the applicant as notification of the positive result of the formal examination, drawn up according to the requirements of Rule 7.16. of the present Regulations.

11.6. The application entered in the National Register of Applications for the Registration of Topographies of Integrated Circuits shall be numbered in the following way:

the application number shall include the designation of the alphabetic code for the application for the registration of a topography - **t**, indicating the application filing year consisting of a configuration of four digits, according to the Gregorian calendar, and the order number

intended for the identification of an application consisting of four digits and every year starting from 0001 for the first application filed.

For example: applications filed in the year 2000: t 2000 0001, t 2000 0015, etc.

11.7. Where the requirements according to Rule 5 of these Regulations are not met, AGEPI shall, within 15 days of the filing date of the application, notify the applicant of the missing documents and which must be filed within 2 months from the date of notification. In this case, the date of the regular national filing shall be the date of filing of the required documents. Where, within the prescribed time limit, the required documents are not filed, the application shall be deemed not to have been filed.

11.8. Where the result of the formal examination is positive, the regular national filing shall be transmitted to the examination division, which shall, within 2 months from the date of its entry into the division, carry out the examination of the regular national filing from the point of view of the compliance with the requirements required for the registration of the topography.

11.9. Where, following the examination of the regular national filing, it is found that the legal requirements for granting protection are met, a decision to register the topography shall be issued and notified to the applicant.

11.10. Where, upon examination of the regular national filing, it is found that:

- ✓ the subject-matter of the application cannot be deemed a topography, for the purposes defined in Article 1(2) of the Law;
- ✓ the applicant is not entitled to the protection of the topography which is the subject-matter of the application;
- ✓ the topography was also registered with AGEPI;
- ✓ the application was filed after the expiration of the period of two years from the date of the first commercial exploitation of the topography;
- ✓ the topography has not been exploited commercially and the application for registration was filed after the expiration of the fifteen-year period from the creation of the topography,

or other omissions or deficiencies are revealed, AGEPI shall notify the applicant what has been found or the fact that the legal requirements for the registration of the topography are not met, giving him a period of three months from the date of receipt of the notification for the reasoned reply.

11.11. Where the applicant's replies provided for in Rules 11.7., 11.10. to two repeated notifications do not contain the requested additions and rectifications, without giving reasons, AGEPI shall have the right to ask the applicant to act later only through a representative.

11.12. If, within the given period, the applicant does not file with AGEPI arguments and, where appropriate, relevant documents or the requested additions proving that the legal requirements for the registration of the topography are met, AGEPI shall issue the decision to refuse the application and shall notify the applicant in writing, stating the grounds for the refusal.

11.13. If the application is refused, AGEPI shall not refund the applicant the fees paid and the application materials.

11.14. Where, upon examination of the application, it is found that the application is non-unitary, AGEPI shall notify the applicant of what it has found, in accordance with the provisions of Rules 4.7. ... 4.13. of the present Regulations on the manner of solving non-unitary claims.

Rule 12. Registration of Topography

12.1. The decision to register a topography shall be entered in the National Register of Topographies of Integrated Circuits.

12.2. The official date of registration of the topography shall be the date when the regular national application for registration was established.

12.3. The National Register of Topographies of Integrated Circuits shall comprise all the data on the legal status of the registered topographies as well as any changes occurring during the term of protection.

12.4. Topographies registered in the National Register of Topographies of Integrated Circuits shall be numbered in the continuous series, in which the topography number, in ascending order, is intended for topographies registered during a period that exceeds one year.

For example: 1, 15, 45, etc.

Rule 13. Issuance of Certificate of Registration

13.1. The certificate of registration of a topography shall be drawn up on the basis of the decision to register a topography.

13.2. The certificate of registration of a topography, signed by the Director General of AGEPI, shall be issued to the owner within 3 months following the date on which he was notified of a decision to register the topography.

Rule 14. Publication of Topography Registration

14.1. AGEPI shall publish the particulars of registration of the topography in the Official Bulletin of Industrial Property in the Section "Topographies of Integrated Circuits".

14.2. The publication shall be carried out within 2 months from the date of issuance of the certificate of registration and shall comprise the following data:

(11) the registration number of the topography;

(18) the expected date of expiry of the term of validity of the registration;

(22) the date of the regular national filing;

(54) the name of the integrated circuit manufactured on the basis of the registered topography;

(72) the name of the creator;

(73) the name of the owner;

(74) the name of the representative;

- the date of the first commercial exploitation of the topography;
- the date of creation of the topography.

14.3. AGEPI shall publish in BOPI all the changes made to the registered topographies.

Rule 15. Inspection of Documents in the Regular Filing

15.1. After having published the registration of a topography, AGEPI shall make available to the public for inspection the documents in the regular national filing of the application. To that purpose, a file shall be made comprising one copy of the documents which constitute the regular national filing.

15.2. Where the applicant declared that a certain part of the technical documentation comprised trade secrets, the file intended for public inspection shall comprise only the documents not disclosing the trade secrets.

15.3. The files of the refused or withdrawn applications shall not be subject to public inspection and shall be delivered to archive.

15.4. Upon the request of any person concerned, AGEPI may issue certified copies of the public documents comprised in the regular national filing or of the sheets of the National Register of Topographies of Integrated Circuits.