
**Council for Trade-Related Aspects of
Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY
LAWS AND REGULATIONS NOTIFIED UNDER
ARTICLE 63.2 OF THE AGREEMENT**

CHINA

The present document reproduces the text¹ of the Rules for Implementing the Regulations on the Protection of Layout-Designs of Integrated Circuits, as notified by China under Article 63.2 of the Agreement (see document IP/N/1/CHN/1).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

CHINE

Le présent document contient le texte¹ des Règles d'application du Règlement sur la protection des schémas de configuration de circuits intégrés, qui ont été notifiées par la Chine au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/CHN/1).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

CHINA

En el presente documento se reproduce el texto¹ de las Normas de aplicación de los Reglamentos sobre la protección de esquemas de trazado de circuitos integrados, que China ha notificado en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/CHN/1).

¹ In English only. The text in the original language will be available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées pourront consulter le texte, dans sa langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC el texto en su idioma original.

RULES FOR IMPLEMENTING THE REGULATIONS ON THE PROTECTION OF LAYOUT-DESIGNS OF INTEGRATED CIRCUITS

Chapter I General Provisions

Rule 1. Purposes of these Rules

These Rules for Implementing the Regulations on the Protection of Layout-Designs of Integrated Circuits (hereinafter referred to as these Rules) are drawn up in accordance with the Regulations on the Protection of Layout-Design of Integrated Circuits of the People's Republic of China (hereinafter referred to as the Regulations) to protect the exclusive right of layout-designs of integrated circuits (referred to in these Rules as “layout-designs”), and to promote the development and innovation of integrated circuit technology of this country.

Rule 2. Department of Registration

The intellectual property administration department of the State Council referred to in the Regulations means the State Intellectual Property Office (hereinafter referred to as SIPO) of the People's Republic of China.

Rule 3. Forms to Be Complied with

Any documents prescribed by the Regulations and these Rules shall be complied with in a written form or in any other form prescribed by SIPO.

Rule 4. Representation

Where any Chinese entity or individual applies for registration of layout design or has other matters relating to layout design to attend to in the country, it or he may appoint a patent agency to act as its or his agent.

Where any foreigner, foreign enterprise or other foreign organization having no habitual residence or business office in China applies for registration of layout design or has other matters relating to layout design to attend to in China, it or he shall appoint a patent agency designated by SIPO to act as his or its agent.

Rule 5. Application Documents and Filing Date

Where an application for registration of layout-design is filed with SIPO, the applicant shall submit an application form for registration of the layout-design and a copy or drawing of the layout-design; where the layout-design has been put into commercial exploitation before the date of filing, the applicant shall also submit a sample of the integrated circuit incorporating the layout-design;

The date on which SIPO receives all of the elements of the layout- design application documents referred to in the preceding paragraph shall be the date of filing. If the application is sent by mail, the date of mailing indicated by the postmark shall be the date of filing.

Rule 6. Language of Documents

Any document submitted under the Regulations and these Rules shall be in Chinese. The standard scientific and technical terms shall be used if there is a prescribed one set forth by the State. Where no generally accepted translation in Chinese can be found for a foreign name or scientific or technical term, the one in the original language shall be also indicated.

Where any certificate and certified document submitted in accordance with the Regulations and these Rules are in a foreign language, and where SIPO deems it necessary, it may request a Chinese translation of the certificate and the certified document be submitted within a specified time limit; where the translation is not submitted within the specified time limit, the certificate and certified document shall be deemed not to have been submitted.

Rule 7. Submission and Service of Documents

Where any document is sent by mail to SIPO, the date of mailing indicated by the postmark on the envelope shall be deemed to be the date of filing. Where the date of mailing indicated by the postmark on the envelope is illegible, the date on which SIPO receives the document shall be the date of filing, except where the date of mailing is proved by the party concerned.

Any document of SIPO may be served by mail, by personal delivery or by other forms. Where any party concerned appoints a patent agency, the document shall be sent to the patent agency; where no patent agency is appointed, the document shall be sent to the liaison person named in the request.

Where any document is sent by mail by SIPO, the 16th day from the date of mailing shall be presumed to be the date on which the party concerned receives the document.

Where any document which is to be delivered personally in accordance with the prescription of SIPO, the date of delivery is the date on which the party concerned receives the document.

Where the address of any document is not clear and it cannot be sent by mail, the document may be served by making an announcement in the Gazette. At the expiration of one month from the date of the announcement, the document shall be deemed to be served.

Rule 8. Computation of Time Limits

The first day of any time limit prescribed in the Regulations or these Rules shall not be counted in the period. Where a period is expressed by year or by month, it shall expire on the corresponding day of the last month; if there is no corresponding day in that month, the period shall expire on the last day of that month.

If a period expires on an official holiday, the period shall expire on the first working day following that official holiday.

Rule 9. Restoration of Right and Extension of Time Limit

Where any period prescribed in the Regulations or these Rules or specified by SIPO is not observed because of force majeure, resulting in the loss of any right on the part of the party concerned, he or it shall, within two months from the date on which the impediment is removed, at the latest within two years immediately following the expiration of that period, state the reasons, together with relevant supporting documents, and request SIPO to restore his or its right.

Where any period prescribed in the Regulations or these Rules or specified by SIPO is not observed because of any justified reason, resulting in the loss of any right on the part of the party concerned, he or it shall, within two months from the date of receipt of a notification from SIPO, state the reasons and request SIPO to restore his or its right.

Where the party concerned makes a request for an extension of a period specified by SIPO, he or it shall, before the period expires, state the reasons to SIPO and complete the relevant procedures.

Any period prescribed in the Regulations shall not be extended.

Rule 10. Joint Ownership

Where any layout-design is jointly created by two or more entities or individuals, the right to apply for registration of lay-out design belongs to the joint creators. Where the joint creators have entered a contract in which the right to apply for registration is prescribed, such a provision shall apply.

Where the exclusive right of layout-designs is jointly owned, each of the joint owners of the exclusive rights, without the agreement of the other joint owners of the exclusive rights, may not assign or pledge his share in the exclusive rights, or give an exclusive or sole license for exploitation of the layout-designs to any third party.

Rule 11. Assignment of Exclusive Right to Foreigners

Where any Chinese entity or individual assigns its or his exclusive right of layout-designs to a foreigner, it or he, while going through formalities of the assignment before SIPO, shall submit to SIPO relevant certifying document of the competent department concerned of the State Council approving the assignment.

Where there is a change in the ownership of the exclusive right of layout-designs , the parties concerned shall, accompanied by relevant certifying documents or legal papers, request SIPO to make a registration of the change in the owner of the exclusive right.

Chapter II

Application for Registration of layout-designs and It's Examination

Rule 12. Application Documents

Anyone who applies for registration of layout-designs in written form shall file with SIPO an application form for registration of the layout-designs in two copies, and a copy or drawing of the layout-designs .

Anyone who applies for registration of layout-designs in other forms prescribed by SIPO shall comply with the relevant requirements.

Any applicant who appoints a patent agency to apply for registration of layout-designs , or to deal with other matters before SIPO, shall submit at the same time a power of attorney indicating the scope of the power entrusted.

Where there are two or more applicants and no patent agency is appointed, except where otherwise stated in the request, the applicant named first in the request shall be the representative.

Rule 13. Application Form

The following shall be indicated in the application form for registration of layout-designs :

- (1) the name, address or residence of the applicant;
- (2) the nationality of the applicant;
- (3) the title of the layout-designs ;
- (4) the name of the creator of the layout-designs ;
- (5) the date on which the creation of the layout-designs is completed;
- (6) the class of the integrated circuit incorporating the layout-designs ;
- (7) where the applicant has appointed a patent agency, the relevant matters which should be indicated; where no patent agency is appointed, the name, address, post-code and telephone number of the liaison person;
- (8) where the layout-designs has been commercially exploited as referred to in Article 17 of the Regulations, the date of the first commercial exploitation;
- (9) where the application for registration of layout-design contains confidential information, the layer number of the copy or drawing of the layout-design on which layer such confidential information is contained, and the total page number of the copy or drawing;
- (10) the signature or seal of the applicant or the patent agency;
- (11) a list of the documents constituting the application;
- (12) a list of the documents and samples appending the application;
- (13) any other related matter which needs to be indicated.

Rule 14. Copy or Drawing of Layout-Designs

The copy or drawing of the layout-designs submitted in accordance with Article 16 of the Regulations shall be in compliance with the following:

the copy or drawing of the layout-designs in paper form shall be enlarged at least 20 times the size of the layout design when it is incorporated in an integrated circuit; the applicant may at the same time submit the electronic form of the copy or drawing; where the copy or drawing of the layout-designs is submitted in electronic form, it shall include all the information concerning the layout-designs and indicate the data format of the document;

where the copy or drawing consists of more than one sheets, they shall be numbered in order and accompanied with a list of the stuff;

the copy or drawing of the layout-designs in paper form shall use paper in A4 size; where it is larger than A4 size, it shall be folded up in A4 size;

the copy or drawing of the layout-designs may be accompanied with a brief explanation, indicating the structure, technology, function of the layout-designs as well as other related matter which needs to be indicated.

Rule 15. Application Involving Confidential Information

Where any layout-design has not been commercially exploited before the date of filing, the application for registration may include confidential information, but the confidential part shall not exceed 50% of the total acreage of the layout-designs. The page number of the copy or drawing of the layer of the layout-designs containing such confidential information and the total number of such pages shall be in conformity with what is stated in the application form for registration of the layout-designs;

Where any application for registration of layout-designs contains confidential information, the copy or drawing of the layer of the layout-designs containing such confidential information shall be submitted in a separate confidential file bag. Except where it is needed for consultation in court proceedings or in administrative procedures in infringement cases, no one is allowed to inspect or copy the confidential information.

Rule 16. Samples of Integrated Circuit

Where any layout-design has been commercially exploited before the date of filing, the applicant, when applying for registration, shall submit 4 samples of the integrated circuit incorporating the said layout-designs, and comply with the following requirements:

- (1) the 4 samples of the integrated circuit shall be placed in a special appliance which can protect them from being damaged, accompanied with a filled in form formulated by SIPO;
- (2) on the cover of the said appliance, it shall be indicated the name of the applicant, the filing number for registration and the title of the integrated circuit;
- (3) the samples of the integrated circuit shall be fixed properly in the appliance. They shall be free from damage and can be kept for at least 10 years in a desiccator.

Rule 17. Application Not to be Accepted

In any of the following cases, SIPO shall declare the application for registration unacceptable and notify the applicant accordingly:

- (1) where the application form for registration or the copy or drawing of the layout-design is not submitted; or where the layout-design has been commercially exploited, the sample of the integrated circuit is not submitted; or where all of those elements submitted are not consistent with each other;
- (2) where there is no agreement for the protection of layout-design concluded between the country to which the applicant belongs and China, or where there is no such international treaty to which both countries are party;
- (3) where the layout-design referred to is not to be protected according to Article 12 of the Regulations;
- (4) where the layout-design referred to is not to be registered according to Article 17 of the Regulations;
- (5) where the application is not written in Chinese;
- (6) where the kind of protection sought of the application is not clear and definite, or where it is difficult to ascertain that the application relates to a layout-design;

(7) where a patent agency is not appointed as prescribed;

(8) where the application form for registration of layout-design is not completely filled in.

Rule 18. Amendment and Correction of Documents

Except for applications which are unacceptable according to Rule 17 of these Rules, where any application document is not in conformity with the requirements of the Regulations and these Rules, the applicant shall make amendments within 2 months from the date of receipt of the notification of opinions of SIPO after examination. The amendments shall be made according to the notification. If the applicant fails to make any response within the specified time limit, the application shall be deemed to have been withdrawn.

Where, after the applicant has made his or its amendments, SIPO still finds that the application is not in conformity with the provisions of the Regulations and these Rules, the application shall be rejected by SIPO.

SIPO may, on its own initiative, correct the obvious clerical mistakes and symbol mistakes which it finds in the application documents for registration of layout-designs . Where SIPO corrects mistakes on its own initiative, it shall notify the applicant

Rule 19. Rejection of Application

Except as otherwise prescribed in Rule 18, paragraph two, of these Rules, in any of the following situations, any layout-design which is applied for registration shall be rejected by SIPO. The decision of rejection shall state the reasons on which the decision is based:

(1) where the application obviously does not comply with the provisions of Article 2, paragraph one, of the Regulations;

(2) where the application obviously does not comply with the provisions of Article 5 of the Regulations.

Rule 20. Taking Effect of Exclusive Right of Layout-Designs

Where it is found after preliminary examination that there is no cause for rejection of the application for registration of layout-designs , SIPO shall issue a registration certificate of layout-designs , and announce it in the China Intellectual Property News as well as on the web site of SIPO. The exclusive right of layout-designs shall take effect as of the date of filing.

Rule 21. Certificate of Registration

The registration certificate of layout-designs issued by SIPO shall indicate the following:

the name and address of the holder of the right of layout-design;

the title of the layout-design;

where the layout-design has been put into commercial exploitation before the date of filing, the date of its first commercial exploitation;

the date of filing of the application for registration of layout-design and the date of completion of its creation;

the date of issuing the registration certificate of layout-design ;

the registration number of layout-design;

(7) the seal of SIPO and the signature of the commissioner of SIPO;

Rule 22. Correction

SIPO shall correct promptly the mistakes in the layout-designs announcements once they are discovered, and the corrections shall be announced.

Chapter III
Reexamination and Reconsideration of Application for Registration of Layout-Designs ;
Revocation of Exclusive Right

Rule 23. Department to Make Reexamination and Revocation

The Patent Reexamination Board of SIPO (hereinafter referred to as the Patent Reexamination Board) shall be responsible for examining requests for reexamination made by anyone who is not satisfied with the decision of SIPO rejecting its or his application for registration of layout-designs . It shall also be responsible for examining requests for revocation of the exclusive right of layout-designs .

Rule 24. Request for Reexamination

Where anyone requests the Patent Reexamination Board to make a reexamination, it or he shall file a request for reexamination, state the reasons for such a request, and when necessary, together with the relevant supporting documents. Where the request for reexamination does not comply with the provisions of Article 19 of the Regulations, the Patent Reexamination Board shall declare the application unacceptable.

Where the request for reexamination does not comply with the prescribed form, the person making the request shall rectify it within the time limit fixed by the Patent Reexamination Board. If the requesting person fails to meet the time limit for making rectification, the request for reexamination shall be deemed not to have been filed.

Rule 25. Amendment in the Reexamination Procedure

The person making the request may amend its or his application at the time when it or he requests reexamination or makes responses to the notification of reexamination of the Patent Reexamination Board. However, the amendments shall be limited only to remove the defects pointed out in the decision of rejection of the application, or in the notification of reexamination.

The amendments to the application for registration shall be in two copies.

Rule 26. Decision of Reexamination

Where the Patent Reexamination Board finds after reexamination that the request does not comply with the provisions of the Regulations and these Rules, it shall invite the person requesting reexamination to submit its or his observations within a specified time limit. If the time limit for making response is not met, the request for reexamination shall be deemed to have been withdrawn. Where, after the person requesting reexamination has made its observations or amendments, the Patent Reexamination Board still finds that the request does not comply with the provisions of the Regulations and these Rules, it shall make a decision of reexamination to maintain the earlier decision of rejecting the application for registration of layout-design.

Where the Patent Reexamination Board finds after reexamination that the decision to reject the application for registration of layout-design does not comply with the provisions of the Regulations

and these Rules, or that the amended application has removed the defects as pointed out by the decision to reject the application, it shall make a decision to revoke the decision of rejecting the application for registration of layout-design , and notify the examination department which has made the examination to register the layout-design and announce it.

The reexamination decision of the Patent Reexamination Board shall state the reasons for such a decision and notify the applicant for the registration of layout-design .

Rule 27. Withdrawal of Request for Reexamination

At any time before the Patent Reexamination Board makes its decision on the request for reexamination, the person making the request may withdraw his request for reexamination.

Where the person making the request withdraws his request for reexamination before the Patent Reexamination Board makes its decision, the procedure of reexamination is terminated.

Rule 28. Request for Reconsideration

Where any party concerned is not satisfied with or disputes over any of the following administrative acts of SIPO, it or he may request the Reconsideration Department of SIPO to reconsider it :

where the application for registration of layout-design was declared unacceptable;
where the application for registration of layout-design was deemed to have been withdrawn;
where the request for restoration of relevant right was refused;
(4) any other administrative act infringing the right of the parties concerned.

Rule 29. Revocation of Exclusive Right

Where after the announcement of registration of layout-designs, it is found that a layout-design which has been registered is not in conformity with the provisions of Article 2, subparagraphs (1) or (2), Article 3, Article 4, Article 5, Article 12 or Article 17 of the Regulations, the Patent Reexamination Board shall revoke the exclusive right of the layout-design .

Where the exclusive right of layout-design is to be revoked, the Patent Reexamination Board shall first notify the holder of the right of layout-design and invite it or him to submit its or his observations within a specified time limit. If the time limit for making response is not met, the Patent Reexamination Board will not be affected to make a decision to revoke the exclusive right of layout-design.

The decision of the Patent Reexamination Board to revoke the registration of the exclusive right of layout-design shall state the reasons on which the decision is based and notify the holder of the right of layout-design.

Rule 30. Announcement of Decision of Revocation

Where, in respect of the decision of the Patent Reexamination Board to revoke the exclusive right of layout-design, no legal proceedings is instituted in the people's court within the specified time limit, or where after taking effect of the ruling of the people's court to maintain the decision of the Patent Reexamination Board to revoke the exclusive right of layout-designs , SIPO shall announce the decision to revoke the exclusive right of layout-design in the China Intellectual Property News as well as on the web site of SIPO.

Any exclusive right of layout-design which has been revoked shall be deemed to be non-existent from the beginning.

Chapter IV **Protection of Exclusive Right of Layout- Design**

Rule 31. Abandonment of Exclusive right of Layout- Design

The holder of the right of layout-designs may, before the lapse of the exclusive right of layout-designs, file with SIPO a written declaration to abandon its or his exclusive right.

Where the exclusive right of layout-design has been the subject of license for exploitation or pledge, the abandonment of the exclusive right of layout-design shall require the approval of the licensee or the pledgee.

Any abandonment of the exclusive right of layout-design shall be registered and announced by SIPO .

Rule 32. Conditions of Handling Infringement Cases by SIPO

Where SIPO is requested to handle an infringement dispute of the right of layout-designs in accordance with the provisions of Article 31 of the Regulations, the request shall be in conformity with the following conditions:

- the layout-design has been registered and announced;
- the person making the request is the holder of the right of layout-design or an entity or individual which has direct interests in the infringement case;
- the request has a clear and definite defendant;
- the request has both clear and definite claim and concrete facts and reasons on which the claim is based;
- (5) no party concerned has instituted legal proceedings of the infringement case in the people's court.

Rule 33. Suspension and Restoration of Relevant Procedures

Any party to a dispute concerning the ownership of the right to apply for registration of layout-design or the exclusive right of layout-design which is pending before the people's court, may request SIPO to suspend the relevant procedures.

Any party requesting the suspension of the relevant procedures in accordance with the preceding paragraph, shall submit a written request to SIPO, together with a copy of the document acknowledging receipt of the relevant request from the people's court before which the dispute is pending.

After the judgement rendered by the people's court enters into force, the parties concerned shall request SIPO to resume the suspended procedure. If, within one year from the date on which the request for suspension is filed, no decision is made on the dispute relating to the ownership of the right to apply for registration of layout-design or the exclusive right of layout-design, and if any party deems it necessary to continue the suspension, he shall, within the said time limit, request to extend the suspension. If, at the expiration of the said time limit, no such request for extension is filed, SIPO shall resume the procedure on its own initiative.

Where, in hearing civil cases, the people's court has ruled to adopt measures of preserving the exclusive right of layout-design, SIPO, for the purpose of assisting the execution of the ruling, shall suspend the relevant procedure concerning the preserved exclusive right of layout-design. At the

expiration of the time limit for preservation, if there is no ruling of the people's court to continue the preservation, SIPO shall resume the relevant procedure on its own initiative.

Chapter V

Fees

Rule 34. Fees

Any application for registration of layout-design filed with, and other formalities to be gone through before, SIPO, shall be subject to payment of the following fees:

- (1) layout-designs registration fee;
- (2) fee for a change in the bibliographic data, fee for a request for extension of a time limit, and fee for a request for restoration of rights;
- (3) fee for a request for reexamination;
- (4) fee for a request for a non-voluntary license, fee for a request for adjudication on exploitation fee of a non-voluntary license.

The amount of the fees referred to in the preceding paragraph shall be prescribed separately by the price administration department under the State Council in conjunction with SIPO .

Rule 35. Formalities of Payment

The fees provided for in the Regulations and these Rules may be paid directly to SIPO or paid by way of bank or postal remittance, or by way of any other means as prescribed by SIPO

Where any fee is paid by way of bank or postal remittance to SIPO, it shall be indicated on the money order at least the correct filing number or the name of the fee paid. If the requirements as prescribed in this paragraph are not complied with, the payment of the fee shall be deemed not to have been made.

Where any fee is paid directly to SIPO, the date on which the fee is paid shall be the date of payment; where any fee is paid by way of postal remittance, the date of remittance indicated by the postmark shall be the date of payment; where any fee is paid by way of bank transfer, the date on which the transfer of the fee is done shall be the date of payment. Where the time between such a date and the date of receipt of the order by SIPO exceeds more than fifteen days, unless the date of remittance or transfer is proved by the post office or the bank, the date of receipt by SIPO shall be the date of payment.

Where any layout-design registration fee is paid in excess of the amount as prescribed, paid repeatedly or wrongly, the person making the payment may demand a refund from SIPO, but the demand shall be made within one year from the date of payment.

Rule 36. Time Limit for Payment

The applicant shall, after receipt of the notification of acceptance of the application from SIPO, pay the layout-designs registration fee within two months from the filing date. If the fee is not paid or not paid in full within the time limit, the application shall be deemed to be withdrawn.

Where any request for restoration of right or for reexamination is made, the relevant fee shall be paid within the time limit as prescribed by the Regulations and these rules. If the fee is not paid or not paid in full within the time limit, the request shall be deemed not to have been made.

The fee for a change in the bibliographic data, fee for a request for a non-voluntary license, fee for a request for adjudication on exploitation fee of a non-voluntary license shall be paid as prescribed within one month from the date on which such request is filed. The fee for a request for extension of a time limit shall be paid before the expiration of the said time limit. If the fee is not paid or not paid in full within the time limit, the request shall be deemed not to have been made.

Chapter VI **Supplementary Provisions**

Rule 37. layout-designs Register

SIPO shall keep a layout-design register in which the registration of the following matters shall be made:

- (1) the name, nationality and address of the holder of the right of layout-design, and their changes;
- (2) any registration of layout-design;
- (3) any transfer or succession of the exclusive right of layout-design;
- (4) any abandonment of the exclusive right of layout-design;
- (5) any pledge and preservation of the exclusive right of layout-design and their discharge;
- (6) any revocation of the exclusive right of layout-design;
- (7) any cessation of the exclusive right of layout-design;
- (8) any restoration of the exclusive right of layout-design;
- (9) any non-voluntary license for exploitation of the exclusive right of layout-design;

Rule 38. Announcement of layout-Design

SIPO shall publish the layout-designs gazette at regular intervals in the China Intellectual Property News as well as on the web-site of SIPO, publishing or announcing the following;

- (1) the bibliographic data contained in the layout-design register;
- (2) any notification to a party whose address is not known;
- (3) any correction of error made by SIPO;
- (17) any other related matters.

Rule 39. Inspection and Copy of Files

After the registration of layout-design is announced, anyone may request to inspect the layout-design register or request SIPO for a copy of the said register. He may also request to inspect the copy of the layout-design or the drawings in its paper form.

Except where it is needed for consultation in infringement court proceedings or in administrative procedures in infringement cases, nobody is allowed to inspect or copy the electronic form of the copy or drawing as referred to in Rule 14 of these Rules.

Rules 40. Handling of Files No Longer Valid

Where the application for registration of layout-design has been withdrawn or deemed to be withdrawn or which has been rejected, or where the exclusive right of layout-design has been abandoned, revoked or ceased, the files concerning the application for registration of layout-design or the exclusive right of layout-design shall not be preserved after the expiration of three years from the date on which the application or the exclusive right ceases to be valid.

Rule 41. Mailing of Documents

The document relating to an application for registration of layout-design or the exclusive right of layout-design which is mailed to SIPO shall be mailed by registered correspondence. One correspondence shall deal with documents relating to the same application only. Where the electronic form of the copy or drawing of layout-design and the samples of integrated circuit are mailed to SIPO, they should be mailed in such a way which can protect them from being damaged.

Rule 42. Interpretation of these Rules.

SIPO shall be responsible for the interpretation of these Rules.

Rule 43. Date of Entry into Force of these Rules

These Rules shall enter into force on October 1, 2001.
