

**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**

REPUBLIC OF KOREA

The present document reproduces the text¹ of the Act on the Layout-Designs of Semiconductor Integrated Circuits and the Enforcement Decree of the Act on the Layout-Designs of Semiconductor Integrated Circuits, as notified by the Republic of Korea under Article 63.2 of the Agreement (see document IP/N/1/KOR/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**

RÉPUBLIQUE DE CORÉE

Le présent document contient le texte¹ de la Loi sur les schémas de configuration de circuits intégrés semi-conducteurs et du Décret d'application y relatif, notifiés par la République de Corée au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/KOR/1).

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

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

REPÚBLICA DE COREA

En el presente documento se reproduce el texto¹ de la Ley sobre los Esquemas de Trazado de Circuitos Integrados de Semiconductores y de su Decreto de aplicación, notificados por la República de Corea de conformidad con el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/KOR/1).

¹ In English only/En anglais seulement/En inglés solamente.

ACT ON THE LAYOUT DESIGNS OF SEMICONDUCTOR INTEGRATED CIRCUITS

Act No. 4526, Promulgated on Dec. 8, 1992
As Last Amended by Act No. 5599, Dec. 28, 1998

<i>CHAPTER I</i>	4
<i>GENERAL PROVISIONS</i>	4
Article 1 Purpose	4
Article 2 Definitions	4
Article 3 Foreigner's Layout-Design	4
Article 4 Layout-Design Administrators for Nonresidents	5
Article 5 Creator of a Layout-Design in Service	5
 <i>CHAPTER II</i>	6
<i>LAYOUT-DESIGN RIGHT</i>	6
Article 6 Creation of a Layout-Design Right	6
Article 7 Duration of a Layout-Design Right	6
Article 8 Effects of a Layout-Design Right	6
Article 9 Scope to which a Layout-Design Right Does Not Extend	6
Article 10 Assignment and Joint Ownership of a Layout-Design Right	7
Article 11 Exclusive License	7
Article 12 Non-Exclusive License	8
Article 13 Arbitration for Establishment of a Non-Exclusive License	8
Article 14 Loss of Effect of an Arbitration	10
Article 15 Cancellation of an Arbitration	10
Article 16 Pledge	10
Article 17 Extinguishment of a Layout-Design Right	10
Article 18 Restriction of Abandonment of a Layout-Design Right, etc.	11
 <i>CHAPTER III</i>	11
<i>REGISTRATION OF A LAYOUT-DESIGN RIGHT</i>	11
Article 19 Application for Registration of Establishment of a Layout-Design Right	11
Article 20 Dismissal of Application	11
Article 21 Registration of Establishment and Public Notice	12

Article 22	Marking of Registration	12
Article 23	Effects of Registration	13
Article 24	Cancellation of Registration of Establishment of a Layout-Design Right	13
<i>CHAPTER IV</i>		<i>14</i>
<i>LAYOUT-DESIGN REVIEW AND MEDIATION COMMITTEE</i>		<i>14</i>
Article 25	Layout-Design Review and Mediation Committee	14
Article 26	Function of the Committee	14
Article 27	Procedures of Mediation	15
Article 28	Mediation Panel	15
Article 29	Accomplishment of Mediation	15
Article 30	Failure of Mediation	15
Article 31	Fee for Mediation	15
Article 32	Discontinuation of Extinguishment Prescription	16
Article 33	Organization of Committee	16
Article 34	Support for Expenditure	16
<i>CHAPTER V</i>		<i>16</i>
<i>REMEDIES FOR INFRINGEMENT</i>		<i>16</i>
Article 35	Right to Demand Cease and Desist from Infringement	16
Article 36	Right to Demand Damages	16
Article 37	Compensation	17
Article 38	Right to Demand Royalty from a Bona Fide Person	18
<i>CHAPTER VI</i>		<i>18</i>
<i>SUPPLEMENTARY PROVISIONS</i>		<i>18</i>
Article 39	Hearing	18
Article 40	Fees	18
Article 41	Venue for Nonresidents	19
Article 42	Deleted	19
Article 43	Fostering of Layout-Design Technology	19
Article 44	Obligation to Preserve Confidentiality	19
<i>CHAPTER VII</i>		<i>19</i>
<i>PENAL PROVISIONS</i>		<i>19</i>
Article 45	Offense of Infringement, etc.	19
Article 46	Offense of False Marking	20
Article 47	Offense of Fraud	20

Article 48	Offense of Divulging secrets	20
Article 49	Dual Liability.....	20
Article 50	Deleted	20
ADDENDUM	20

CHAPTER I GENERAL PROVISIONS

Article 1 Purpose

The purpose of this Act is to contribute to the sound development of the national economy by protecting the right of a creator who creates a layout-design for a semiconductor integrated circuits and by establishing the fair use of the layout-design to promote the concerned semiconductor industry and technology.

Article 2 Definitions

The definitions of terms used in this Act shall be as follows:

- (i) "Semiconductor integrated circuit" means an intermediate product or a final product that is manufactured to have the function of an electronic circuit, which is simultaneously formed in a state where circuit elements including more than one active element and the wires connecting the elements are inseparable from each other, on the surface of the semiconductor materials or insulating materials or inside the semiconductor materials.
- (ii) "Layout-Design" means a plane or cubic design of the circuit elements and wires which connect the elements, which could be used in manufacturing a semiconductor integrated circuit.
- (iii) "Creation" means an activity of a person making a layout-design which is not ordinarily a result of his intellectual efforts. Further, an activity making a layout-design is deemed to be creative when the layout-design as a whole is creative even if it is composed of a combination of ordinary elements.
- (iv) "Use" means any one of the following acts:
 - (a) reproduction of a layout-design;
 - (b) manufacturing of a semiconductor integrated circuit based on a layout-design; or
 - (c) transferring, leasing, displaying (limited to display for making a transfer or a lease) or import of a layout-design, a semiconductor integrated circuit manufactured based on the layout-design, or an article incorporating the semiconductor integrated circuit (hereinafter referred to as "semiconductor integrated circuit, etc.").
- (v) "Right to a layout-design" means the right which is created by registering the layout-design with the Commissioner of the Korean Industrial Property Office under Article 21, Paragraph (1) hereof.

Article 3 Foreigner's Layout-Design

(1) A layout-design of a foreigner and a foreign corporation (hereinafter referred to as a "Foreigner" in this Article) shall be protected under this Act and under treaties to which the Republic of Korea has acceded.

(2) Even though the Foreigner's layout-design falls under the provision of Paragraph (1) above, if the country of the foreigner does not bestow any protective benefits corresponding to this Act for a layout-design of a Korean national, the Commissioner of the Korean Industrial Property Office may limit the protection pursuant to this Act or the treaties in the same manner.

Article 4 Layout-Design Administrators for Nonresidents

(1) A person having no address or place of business in Korea (hereinafter referred to as a "nonresident") may not initiate any procedure concerning layout-designs nor bring a court action against any decision made under this Act or under orders issued based on this Act by administrative agencies except where a filing is made for registration under Paragraph (3), below, or where allowed under Presidential Decrees, unless the nonresident is represented by an agent having an address or a place of business within Korea (hereinafter referred to as the "Layout-Design Administrator").

(2) The Layout-Design Administrator shall have the right to act on behalf of the principal in all the procedures which are related to actions empowered and in court actions against dispositions made by administrative agencies under this Act or under orders issued under the basis of this Act.

(3) A Non-Resident who has registered a layout-design under Article 21, Paragraph (1) or under Article 23 may not contest a third party's claim, unless the appointment or change of a Layout-Design Administrator, or the authority vested in a Layout-Design Administrator or the termination of authority of a Layout-Design Administrator has been registered.

(4) A Non-Resident shall appoint and register a Layout-Design Administrator under Paragraph (1), above, at the time of registering a layout-design under Article 21, Paragraph (1) or during the duration of the right to the layout-design under Article 7.

Article 5 Creator of a Layout-Design in Service

With respect to a layout-design by a person employed by a government, a corporation, an association or other employer (hereinafter referred to as "corporation, etc."), the corporation, etc. is deemed to be the creator, unless otherwise provided in an agreement or an employment regulation and the like.

CHAPTER II LAYOUT-DESIGN RIGHT

Article 6 Creation of a Layout-Design Right

A layout-design right shall come into existence by a registration of establishment of a creative layout-design under Article 21, Paragraph (1).

Article 7 Duration of a Layout-Design Right

(1) The duration of a layout-design right shall be ten years from the date of registration of establishment thereof.

(2) The duration of a layout-design right under Paragraph (1), above, shall not exceed ten years from the date of initial commercial use thereof or fifteen years from the date of creation thereof.

Article 8 Effects of a Layout-Design Right

A person who registered a layout-design as provided in Article 21, Paragraph (1) or his successor in title (hereinafter referred to as a "holder of a layout-design right") shall have the right to exclusively use the layout-design for business purposes. However, this shall not be the case to the extent that the exclusive licensee has the right to exclusively use the layout-design as provided in Article 11, Paragraphs (1) and (2) hereof.

Article 9 Scope to which a Layout-Design Right Does Not Extend

(1) The effect of a layout-design right under Article 8 shall not extend to any of the following:

(i) Reproduction of the layout-design for purposes of education, research, analysis or evaluation or for a non-commercial use by an individual, or vicarious reproduction for the purposes of the above;

(ii) A layout-design which is made as a result of research, analysis or evaluation as provided in (i), above, and which is creative; or

(iii) The same layout-design which is independently created by another person.

(2) The layout-design right under Article 8 shall not be effective where a person

to whom a Actfully made semiconductor integrated circuit, etc. has been transferred does the acts stipulated in Article 2 (iv)(c) for a commercial purpose in relation to the semiconductor integrated circuit, etc.

(3) The layout-design under Article 8 shall not be effective where a person to whom an unActfully made semiconductor integrated circuit, etc. reproducing another person's registered layout-design has been in good faith and without negligence transferred (hereinafter referred to as a "bona fide person") does acts stipulated under Article 2 (iv)(c) for a commercial purpose in relation to the semiconductor integrated circuit, etc.

Article 10 Assignment and Joint Ownership of a Layout-Design Right

(1) A layout-design right may be assigned.

(2) A layout-design right created jointly by two or more persons shall be jointly owned by the persons who create it, and the share of each joint owner is deemed to be equal unless the joint creators specifically agree otherwise.

(3) When a layout-design right is owned by joint owners, a joint owner may not assign or pledge his share without the consent of the other joint owner(s).

(4) When a layout-design right is owned by joint owners, each joint owner may use the layout-design without the consent of the other joint owner(s) unless the joint owners specifically agree otherwise.

(5) When a layout-design right is owned by joint owners, a joint owner may not grant an exclusive license on the layout-design under Article 11, Paragraph (1), or non-exclusive license under Article 12, Paragraph (1) without the consent of the other joint owner(s).

Article 11 Exclusive License

(1) The holder of a layout-design right may establish for another person a right to exclusive use of the layout-design (hereinafter referred to as an "exclusive license").

(2) The person for whom an exclusive license has been established under Paragraph (1) hereof (hereinafter referred to as an "exclusive licensee") shall have the exclusive right to use the layout-design for business purposes within the scope set forth by the establishment.

(3) An exclusive licensee may not transfer his exclusive license without the consent of the holder of the layout-design right except where it is transferred together with the underlying business or through inheritance or other general

succession.

(4) An exclusive licensee may not establish a pledge on his exclusive license or grant for another person a right to use the layout-design (hereinafter referred to as a "non-exclusive license") without the consent of the holder of the layout-design right.

(5) When an exclusive license is owned by joint owners, a joint owner may not grant a non-exclusive license to a third party without the consent of the other joint owner(s).

(6) The provisions under Article 10, Paragraphs (3) and (4) hereof shall apply *mutatis mutandis* to exclusive license. In such cases, "Layout-design Right" shall be substituted by "Exclusive License."

Article 12 Non-Exclusive License

(1) The holder of a layout-design right may grant a non-exclusive license to another person.

(2) The person to whom a non-exclusive license under Paragraph (1) hereof has been granted (hereinafter referred to as a "non-exclusive licensee") shall have the right to use the layout-design for business purposes within the scope set forth by the license.

(3) A non-exclusive licensee may not transfer his non-exclusive license without the consent of the holder of the layout-design right (or a holder of the layout-design right or the exclusive licensee, in the case of a non-exclusive license relating to an exclusive license, hereinafter treated as the same in this Article), except where it is transferred together with the underlying business or through inheritance or other general succession.

(4) A non-exclusive licensee may not establish a pledge on his non-exclusive license without the consent of the holder of the layout-design right.

(5) The provisions under Article 10, Paragraphs (3) and (4) hereof shall apply *mutatis mutandis* to a non-exclusive license. In such cases, "Layout-design" shall be substituted by "Non-exclusive License."

Article 13 Arbitration for Establishment of a Non-Exclusive License

(1) A person who wishes to use a registered layout-design pursuant to Article 21, Paragraph (1) may request the holder of the layout-design right or the exclusive licensee to hold a consultation for grant of a non-exclusive license if:

(i) The layout-design has not been used in Korea for more than two

consecutive years in absence of natural disaster, or other *force majeure* or other justifiable reasons as determined by the Presidential Decree; or

(ii) The layout-design has not been used in Korea on a substantial business scale without justifiable reasons for more than two consecutive years or the holder has failed to satisfy the demand in Korea or abroad for the layout-design on an appropriate level and condition without justifiable reasons for more than two consecutive years.

(2) A person who has requested a consultation pursuant to Paragraph (1) may file an application with the Commissioner of the Korean Industrial Property Office for an arbitration for establishing a non-exclusive license, when it was not possible to hold the consultation pursuant to Paragraph (1) within a reasonable period or when an agreement on establishing a non-exclusive license has not been made as a result of the consultation, notwithstanding the fact that reasonable terms which may arise in the ordinary course of business have been proposed.

(3) A person who wishes to use the registered layout-design pursuant to Article 21, Paragraph (1) may file an application directly with the Commissioner of the Korean Industrial Property Office for arbitration for establishing a non-exclusive license under a state of national emergency or other emergency situations, notwithstanding the provisions of Paragraph (1) and Paragraph (2).

(4) The Commissioner of the Korean Industrial Property Office may arbitrate for establishment of a non-exclusive license (hereinafter referred to as "Arbitration") for the applicant after a review by the Layout-design Review and Mediation Committee under Article 25 hereof if an application for the arbitration pursuant to Paragraph (2) or (3) hereof falls under any of the following:

(i) The use of the layout-design is necessary for satisfying the national demand for the accomplishment of non-commercial public purposes; or

(ii) The causes as provided in the Presidential Decree for securing free competition or preventing an abuse of right by the holder of a layout-design right or the exclusive licensee have occurred.

(5) The results of an arbitration under Paragraph (4) hereof shall be in writing and shall set forth the following matters:

(i) The scope of the non-exclusive license; and

(ii) The amount of compensation, and the method and time for making the compensation.

(6) Matters necessary for the procedures of application of arbitration under Paragraph (2) and Paragraph (3) hereof and others shall be provided in the Presidential Decree.

Article 14 Loss of Effect of an Arbitration

An arbitration shall lose its effect if the person for whom an arbitration was granted fails to pay or deposit the compensation (or the first payment of the compensation when the compensation is to be paid periodically or in installments) by the due date for the payment as provided in Article 13, Paragraph (5)(ii) hereof.

Article 15 Cancellation of an Arbitration

- (1) The Commissioner of the Korean Industrial Property Office may, on application by an interested party or *ex officio*, cancel an arbitration when a person for whom an arbitration was granted fails to use the layout-design or when the grounds for the arbitration pursuant to Article 13, Paragraph (4) have been terminated without a possibility of recurrence.
- (2) The non-exclusive license shall be extinguished on the date of cancellation when an arbitration is canceled pursuant to Paragraph (1) hereof.
- (3) Matters necessary for the procedures of cancellation of arbitration and others shall be provided in the Presidential Decree.

Article 16 Pledge

- (1) The pledgee of a layout-design right, an exclusive license or a non-exclusive license may not use the layout-design unless otherwise agreed.
- (2) A pledge may be exercised against compensation made hereunder, or against payments or articles payable to the holder of the layout-design right, the exclusive or non-exclusive licensee thereof (including a non-exclusive licensee under the provisions of Article 11, Paragraph (4), and Article 13, Paragraph (4) hereof; hereinafter the same), in consideration for the use of the registered layout-design. In this case, an attachment must be effected before the payment or delivery.

Article 17 Extinguishment of a Layout-Design Right

A layout-design right shall be extinguished if the right falls under any of the following:

- (i) The layout-design right reverts, pursuant to the Civil Code or other Acts, to the state because a corporation, association, etc., which is the holder of a layout-design right is dissolved; or

(ii) The layout-design right reverts, pursuant to the Civil Code or other Acts, to the state because an individual who is the holder of the layout-design right dies without leaving heirs.

Article 18 Restriction of Abandonment of a Layout-Design Right, etc.

(1) A holder of a layout-design right may not abandon his right without the consent of an exclusive licensee, a non-exclusive licensee (other than a non-exclusive licensee under Article 13, Paragraph (4) hereof) or a pledgee under Article 16, Paragraph (1) hereof.

(2) An exclusive licensee may not abandon his exclusive license right without the consent of the non-exclusive licensee under Article 11, Paragraph (4) or a pledgee.

(3) A non-exclusive licensee may not abandon his non-exclusive license without the consent of a pledgee.

(4) When a layout-design right, an exclusive license or a non-exclusive license is abandoned, such right shall become extinguished from the time of the abandonment.

CHAPTER III

REGISTRATION OF A LAYOUT-DESIGN RIGHT

Article 19 Application for Registration of Establishment of a Layout-Design Right

(1) The person who creates a layout-design or his successor in title (hereinafter referred to as the "creator") may file an application for registration of establishment of the layout-design right with the Commissioner of the Korean Industrial Property Office within two years after the date on which the layout-design was first exploited commercially.

(2) A person who wishes to apply for the registration of establishment pursuant to Paragraph (1) hereof shall file an application and other documents as provided in the Presidential Decree (hereinafter referred to as the "Application, etc.")

Article 20 Dismissal of Application

(1) The Commissioner of the Korean Industrial Property Office shall dismiss the filed application if the application for the registration of establishment of the layout-design falls under any of the following :

- (i) The applicant is not the creator;
- (ii) The layout-design right is jointly owned by two or more persons, and the application is not made in the name of all the joint owners;
- (iii) The time period prescribed in Article 19, Paragraph (1) hereof has lapsed; or
- (iv) Certain conditions provided in the Presidential Decree are met.

(2) When the Commissioner of the Korean Industrial Property Office dismisses an application for registration pursuant to Paragraph (1) hereof, he shall notify the applicant, in writing, of the reasons for dismissal without delay.

Article 21 Registration of Establishment and Public Notice

(1) When an application for registration of establishment is filed under Article 19, Paragraph (1), the Commissioner of the Korean Industrial Property Office shall register the layout-design, unless the application is dismissed pursuant to Article 20, Paragraph (1).

(2) The registration of establishment pursuant to Paragraph (1) hereof is made by recording on the register of layout-design by the Commissioner of the Korean Industrial Property Office.

(3) The Commissioner of the Korean Industrial Property Office shall issue a layout-design registration certificate to the holder of the layout-design right upon registration of establishment of the layout-design pursuant to Paragraph (1) hereof, and make public notice thereon.

(4) Necessary matters concerning registration of establishment of a layout-design, such as the items to be mentioned in an application or issuance of the registration certificate, public notice of registration, or contents, public reading or copying of the register, shall be provided in the Presidential Decree.

Article 22 Marking of Registration

A holder of a layout-design registered under the provision of Article 21, Paragraph (1), or the exclusive licensee or non-exclusive licensee thereof, may make a marking concerning a registration of the layout-design on a semiconductor integrated circuit which was made using the layout-design and/or the packaging thereof, as provided by the Commissioner of the Korean Industrial

Property Office.

Article 23 Effects of Registration

(1) Any of the following may not be contested against a third party unless registration is entered thereof before the Commissioner of the Korean Industrial Property Office.

- (i) An assignment of a layout-design right (except through inheritance or general successions; hereinafter treated as the same in this Article), or restrictions on the disposition of the layout-design right;
- (ii) An establishment, transfer, change, extinguishment or restriction of the disposition of an exclusive license;
- (iii) A transfer, change, extinguishment or restriction of the disposition of a non-exclusive license; or
- (iv) An establishment, transfer, change, extinguishment or restriction of the disposition of a pledge on a layout-design right, an exclusive license or non-exclusive license.

(2) When a non-exclusive license is registered before the Commissioner of the Korean Industrial Property Office, the license thereof may be asserted against a holder of the layout-design right or an exclusive licensee who acquired such right after the registration of the non-exclusive license.

(3) A registration pursuant to Paragraph (1) or (2) hereof is made when the Commissioner of the Korean Industrial Property Office records it on the register of the layout-design.

Article 24 Cancellation of Registration of Establishment of a Layout-Design Right

The Commissioner of the Korean Industrial Property Office may cancel the registration of establishment of a layout-design pursuant to the Presidential Decree, if the registered layout-design falls under any of the following. The Commissioner of the Korean Industrial Property Office, however, shall cancel the registration of establishment of a layout-design if the registered layout-design falls under Item 3 below.

- (i) The registration violates the provisions of treaties under Article 3, Paragraph (1) hereof.
- (ii) Deleted
- (iii) The registration of establishment under Article 21, Paragraph (1) hereof was made by unlawful means such as fraud;

- (iv) The registered layout-design is not creative as provided in Article 6 hereof; or
- (v) The registration violates this Act, orders or dispositions thereon.

CHAPTER IV

LAYOUT-DESIGN REVIEW AND MEDIATION COMMITTEE

Article 25 Layout-Design Review and Mediation Committee

- (1) A review and mediation committee (hereinafter referred to as the "Committee") shall be established in order to review matters concerning layout-design rights, or an exclusive or non-exclusive license, and to mediate the disputes regarding the rights protected pursuant to this Act (hereinafter referred to as the "Dispute").
- (2) The Committee shall be composed of from ten to fifteen review and mediation members (hereinafter referred to as "members"), including a chairman and a vice-chairman.
- (3) The members of the Committee shall be appointed by the Commissioner of the Korean Industrial Property Office, and the Chairman and Vice-Chairman shall be elected by mutual votes among the members.
- (4) The term of a member shall be three years, which may be renewed.
- (5) In case of a vacancy among members, a member shall be appointed to fill the vacancy pursuant to Paragraph (3) hereof, and the term of the member shall be the remaining period of his predecessor. However, when there are more than ten members, the appointment is not required.

Article 26 Function of the Committee

In addition to mediating disputes, the Committee shall review the following:

- (i) matters concerning an arbitration under Article 13, Paragraph (4) hereof and cancellations of arbitrations under Article 15 hereof.
- (ii) matters concerning an appeal against cancellation of a registration of establishment under Article 24 hereof; and
- (iii) matters requested by the Commissioner of the Korean Industrial Property Office or by more than three members.

Article 27 Procedures of Mediation

- (1) A person who desires a mediation of disputes may request the Committee to mediate the dispute by clarifying a request and the reason therefor.
- (2) The Committee shall mediate the dispute within six months from the date of the request under Paragraph (1) hereof.
- (3) The Act of Civil Mediation shall apply *mutatis mutandis* to mediation procedures which are not specifically provided in this Act.

Article 28 Mediation Panel

A mediation panel consisting of three members, one of whom shall be qualified as an attorney-at-Act or a patent attorney, shall be established in the Committee to effectively carry out the affairs of dispute mediation of the Committee.

Article 29 Accomplishment of Mediation

- (1) Mediation shall be accomplished by recording in a protocol the matters agreed to by the concerned parties.
- (2) The protocol under Paragraph (1) hereof has the same effect as a settlement in a courtroom, except for matters outside the scope of the authority of the concerned parties.

Article 30 Failure of Mediation

The mediation shall be treated as a failure when any of the following occurs:

- (i) Where the party who was requested to present or to submit the related documents from the Committee does not respond without good cause more than two times.
- (ii) Where the term under Article 27, Paragraph (2) lapses.

Article 31 Fee for Mediation

- (1) A party requesting mediation shall bear the mediation expenses and pay the fees thereof in advance. However, where the mediation is accomplished, each of the concerned parties shall bear the expenses equally unless otherwise agreed.
- (2) The Committee shall determine the amount of the fees for mediation pursuant to Paragraph (1) hereof.

Article 32 Discontinuation of Extinguishment Prescription

(1) A request for mediation shall have the effect of suspending the bar of the statute of limitations.

(2) When a mediation fails, if a Actsuit is not commenced within one month from the failure of mediation, a suspension of the bar of the statute of limitations shall not take effect.

Article 33 Organization of Committee

The organization and work of the Committee and other necessary matters for the Committee shall be prescribed in the Presidential Decree.

Article 34 Support for Expenditure

The Government may support the expenditures necessary for the operation of the Committee within the limit of the budget.

**CHAPTER V
REMEDIES FOR INFRINGEMENT**

Article 35 Right to Demand Cease and Desist from Infringement

(1) The holder of a layout-design right or the exclusive licensee either may demand that a person who has infringed or is likely to infringe the rights cease and desist from continuing the infringing activities or may take measures for preventing the infringements.

(2) In making a demand under Paragraph (1) hereof, the holder of the layout-design right or the exclusive licensee may demand that semiconductor integrated circuit, etc. made through the infringement be destroyed or may demand that other measures necessary for preventing the infringements be taken.

Article 36 Right to Demand Damages

(1) The holder of a layout-design right or the exclusive licensee may demand the payment of damages against a person who has intentionally or negligently infringed his rights.

(2) When the holder of a layout-design right or the exclusive licensee makes a demand pursuant to Paragraph (1) hereof, if the infringer has made a profit by the infringement, the amount of profit earned by the infringer is presumed to be the amount of the loss by the holder of a layout-design right or the exclusive licensee.

(3) When the holder of a layout-design right or the exclusive licensee makes a demand pursuant to Paragraph (1) hereof, he may demand an amount which is payable for the use of the layout-design as the damage of the holder of the layout-design right or the exclusive licensee.

(4) When the amount of loss suffered exceeds the amount presumed under Paragraph (3) hereof, payment of the excess amount may further be demanded.

(5) Deleted

Article 37 Compensation

(1) The creator of a layout-design who has commercially used the layout-design before registration of establishment of the layout-design shall be entitled to compensation equivalent to an amount which is payable for the use of the layout-design from a person who has used a reproduced one from the layout-design for a business purpose from the date of the creator's use of the layout-design up to the registration date of the layout-design with the knowledge that the used layout-design was made by reproducing the layout-design. However, the creator may not demand compensation from a person to whom, in good faith and without negligence, the semiconductor integrated circuit, etc. made using the reproduced layout-design has been transferred.

(2) The right to demand payment of compensation under Paragraph (1) hereof may not be exercised until the registration of establishment of a layout-design right has been made.

(3) In the case where registration of establishment of the layout-design is canceled under Article 24 hereof, the right to demand the payment of compensation under Paragraph (1) hereof shall be deemed not to have come into force *ab initio*.

(4) The provisions in Article 760, Paragraphs (1) and (2), and Article 766 of the Civil Code shall apply *mutatis mutandis* to enforcement of the right to demand under Paragraph (1) hereof. In this regard, "the date on which the victim or his statutory agent has come to know the damages and/or the tort-feasor" under Article 766 of the Civil Code shall be "the date of registration of establishment of the layout-design right," if the owner of the right to demand the compensation knew the fact that the layout-design was reproduced and the identity of the person who used the reproduced layout-design before the registration of

establishment of the layout-design.

Article 38 Right to Demand Royalty from a Bona Fide Person

(1) Notwithstanding the provision of Article 9, Paragraph (3), hereof, a holder of a layout-design right or an exclusive licensee may demand a payment of an ordinary amount of royalty (hereinafter referred to as "royalty") when a bona fide person does an act with respect to the semiconductor integrated circuit, etc. for profit, as provided under Article 2 (iv)(c), or retains or transports the semiconductor integrated circuit, etc. for the same, after knowing that the semiconductor integrated circuit, etc. is made by unlawful reproduction of the registered layout-design.

(2) The royalty pursuant to Paragraph (1) hereof shall be a reasonable amount which is determined by consultation as between the holder of a layout-design right or the exclusive licensee, and the bona fide person.

(3) The provision in Article 760, Paragraphs (1) and (2), and Article 766 of the Civil Code shall apply *mutatis mutandis* to exercise of the right to demand under Paragraph (1) hereof.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 39 Hearing

The Commissioner of the Korean Industrial Property Office shall hold a hearing for disposition corresponding to any of the following:

- (i) Cancellation of an arbitration under Article 15, Paragraph (1), or
- (ii) Cancellation of a registration of establishment of a layout-design right under Article 24

Article 40 Fees

(1) Anyone who wishes to obtain a registration of establishment under Article 21, Paragraph (1) or a registration under Article 23, Paragraphs (1) and (2), or anyone who wishes to request for an issuance of various types of certificates on a layout-design right shall pay the fees.

(2) The items and the amounts of fees pursuant to Paragraph (1) hereof shall be determined by the Decree of the Minister of Commerce, Industry and Energy.

Article 41 Venue for Nonresidents

The address or place of business of the Layout-Design Administrator shall be deemed to be the *situs* of the *res* under Article 9 of the Code of Civil Procedure where a Layout-Design Administrator has been appointed for a registered layout-design right held by a Nonresident; however, the location of the Supreme Court shall be deemed to be the *situs* of *res* where a Layout-Design Administrator has not been appointed.

Article 42 Deleted

Article 43 Fostering of Layout-Design Technology

(1) The Commissioner of the Korean Industrial Property Office shall provide measures necessary for improving technology and promoting development of the domestic layout-designs and shall also establish supporting polices with respect to taxation, financing and administration.

(2) The Commissioner of the Korean Industrial Property Office may support and foster research institutions or organizations for technology development and training of personnel in connection with layout-designs.

Article 44 Obligation to Preserve Confidentiality

An official engaging in the registration of a layout-design or a person who was engaged in the job under the provisions of Articles 19 to 24, a Committee member or a person who has ever worked on the Committee to mediate under Article 25, Paragraph (2) hereof shall not divulge to others the secrets which he learned in the course of such job.

CHAPTER VII PENAL PROVISIONS

Article 45 Offense of Infringement, etc.

(1) A person who infringes a layout-design right under Article 8 hereof or an exclusive license under Article 11 hereof shall be liable to imprisonment with labor not exceeding three years or to a fine not exceeding 50,000,000 Won, or both.

(2) An offense under paragraph (1) hereof shall be prosecuted only upon the filing of a complaint.

Article 46 Offense of False Marking

A person who makes a false marking of a registration under Article 22 on a semiconductor integrated circuit containing an unregistered layout-design under Article 21 Paragraph (1) or on the packaging etc. thereof, or a person who assigns or leases a semiconductor integrated circuit bearing a false marking of a registration, shall be liable to imprisonment with labor not exceeding one year or to a fine not exceeding 3,000,000 Won.

Article 47 Offense of Fraud

A person who was granted a registration of establishment of a layout-design under Article 21, Paragraph (1) by fraud or other unjust acts shall be liable to imprisonment with labor not exceeding one year or to a fine not exceeding 3,000,000 Won.

Article 48 Offense of Divulging secrets

A person who violates the provisions of Article 44 hereof shall be liable to imprisonment with labor not exceeding two years or to a fine not exceeding 5,000,000 Won.

Article 49 Dual Liability

When a representative of a corporation, an agent representing a corporation or an individual, an employer or an employee thereof commits a violative act referred to under Article 45, Paragraph (1), Article 46 or Article 47 concerning the acts of the corporation or the individual, the corporation or the individual person shall be liable to the fine prescribed in each of the corresponding Articles hereof, and the violator shall also be punished.

Article 50 Deleted

ADDENDUM

This Act shall be effective from January 1, 1999.

ENFORCEMENT DECREE OF ACT ON THE LAYOUT-DESIGN OF SEMICONDUCTOR INTEGRATED CIRCUITS

Presidential Decree No.13972, Promulgated on Aug. 31, 1993
As last Amended by Presidential Decree No.16045, Dec. 31, 1998

CHAPTER 1	3
GENERAL PROVISIONS	3
Article 1 Purpose	3
Article 2 Procedures for Non-Residents	3
Article 3 Justifiable Reasons for Non-Use of Layout-Design	3
Article 4 Application for Arbitration	4
Article 5 Delivery of the Copy of and Public Notification of the Application for Arbitration	4
Article 6 Abuse of Right	5
Article 7 Certificate of Arbitration	5
Article 8 Delivery of a Copy of the Certificate of Arbitration	6
Article 9 Deposit of Compensation	6
Article 10 Procedure for Cancellation of Arbitration	6
CHAPTER 2	6
REGISTRATION OF LAYOUT-DESIGN RIGHT	6
Article 11 Application for Registration of Establishment of Layout-Design Right	6
Article 12 Dismissal of Application for Registration of Establishment	7
Article 13 Public Notification in Official Gazette of Registration of Establishment	8
Article 14 Format of the Register	8
Article 15 Loss of the Register	8
Article 16 Applicant for Registration	8
Article 17 Application for Registration other than Registration of Establishment	9
Article 18 Accompanying Documents	9
Article 19 Omission of Accompanying Documents	10
Article 20 Description of Matters relating to Extinguishment of Right	10
Article 21 Description of Shares	10
Article 22 Accompanying of Family Census Register	11
Article 23 Consolidated Application	11
Article 24 Obligee's Subrogation to the Obligor	11
Article 25 Notification of Errors or Omissions	11

Article 26	Ex Officio Correction	11
Article 27	Cancellation of Registration of Establishment of Layout-Design Right	12
Article 28	Patent Registration Decree	12
CHAPTER 3		12
LAYOUT-DESIGN REVIEW AND MEDIATION COMMITTEE		12
Article 29	Chairman and Vice-Chairman	12
Article 30	Convocation of Meeting and Quorum	12
Article 31	Allowances and Travel Expenses of Members	13
Article 32	Procedure of Mediation	13
Article 33	Executive Secretary and Other Clerical Staff	13
Article 34	Enforcement Regulations	14
CHAPTER 4		14
SUPPLEMENTARY RULES		14
Article 35	Registration Certificate for Layout-Design	14
Article 36	Public Reading of the Register	14
Article 37	Deleted	15
Article 38	Deleted	15
ADDENDUM		15

CHAPTER 1 GENERAL PROVISIONS

Article 1 Purpose

The purpose of this Enforcement Decree is to establish detailed procedures for matters regarding the Act Concerning the Layout-Design of Semiconductor Integrated Circuits (hereinafter referred to as the "Act") and for matters necessary to implement the Act.

Article 2 Procedures for Non-Residents

"Where allowed under the Presidential Decree" mentioned in Article 4, Paragraph 1 of the Act refers to cases where a non-resident (a non-resident prescribed in Article 4, Paragraph 1 of the Act, or in the case of a corporate entity, its representative) who has appointed a layout-design administrator (hereinafter "a layout-design administrator) as prescribed in Article 3 of the Act stays in Korea.

Article 3 Justifiable Reasons for Non-Use of Layout-Design

(1) Any of the following items shall constitute "justifiable reasons as determined by the Presidential Decree" mentioned in Article 13, Paragraph 1, Item 1 of the Act:

1. where the layout-design as prescribed in Article 2, Item 2 of the Act (hereinafter referred to as the "layout-design") has not been used by a person who has registered for establishment as prescribed in Article 21, Paragraph 1 of the Act, a person who has succeeded to the rights therefrom (hereinafter referred to as the "holder of the layout-design right"), or an exclusive licensee as prescribed in Article 11, Paragraph 2 of the Act (hereinafter referred to as the "exclusive licensee") due to his mental or physical disorder, to be certified by the representative of a medical institution above the hospital grade as prescribed in Article 3, Paragraph 4 of the Medical Treatment Act;
2. where the layout-design has not been used because of the delays therein in cases where the license or approval of the administrative agency, or consent or permission of other persons are necessary for use of the layout-design as prescribed in Article 2, Paragraph 4 of the Act (hereinafter referred to as the "use of the layout-design");
3. where the layout-design has not been used because raw materials or facilities necessary for using the layout-design are prohibited to be imported; or
4. where the layout-design has not been used because it is impossible to use the layout-design on a business scale due to a lack or shortage of demand for use of the layout-design.

(2) The above items in Paragraph 1 shall apply mutatis mutandis to "justifiable reasons" mentioned in Article 13, Paragraph 1, Item 2 of the Act.

Article 4 Application for Arbitration

(1) A person who wishes to apply for arbitration of establishment of a non-exclusive license as prescribed in Article 12 of the Act (hereinafter referred to as the "non-exclusive license") under Article 13, Paragraph 2 or 3 of the Act (hereinafter referred to as the "applicant for arbitration") shall submit an application to the Commissioner of the Korean Industrial Property Office, in which the following information shall be provided (hereinafter referred to as the "application for mediation"):

1. the registration number of the layout-design right;
2. the applicant's name, address, and resident registration number (or, in the case of a corporate entity, the trade name, place of business and name of representative);
3. the name, address and resident registration number of the layout-design right holder, or of any other person(s) who have registered for an exclusive license, a non-exclusive license, and a pledge thereof as prescribed in Article 16 of the Act (hereinafter referred to as the "rights relating to the layout-design") (or, in the case of a corporate entity, the trade name, place of business and name of representative);
4. the purpose and reason(s) for the application;
5. the scope of the non-exclusive license; and
6. the amount of compensation, and the method and time for making the compensation.

(2) An application for arbitration as prescribed in Paragraph 1 shall be accompanied by the following documents:

1. documents presenting the grounds for the amount of compensation in consideration of the economical value of the layout-design right or exclusive license; and
2. documents as proof of the reason for the application.

Article 5 Delivery of the Copy of and Public Notification of the Application for Arbitration

(1) Where there is an application as prescribed in Article 4 above, the Commissioner of the Korean Industrial Property Office shall deliver a copy of the application for arbitration, and grant an opportunity to the layout-design right holder and any other person(s) who have registered for the rights regarding layout-design to submit a written reply within the period provided (between one (1) and three (3) months). Notwithstanding the above provision, in the case of an

arbitration application under Article 13, Paragraph 3, the procedure for submitting a written reply may be omitted.

(2) Where there is a reply submitted in accordance with Paragraph 1 above, the Commissioner of the Korean Industrial Property Office shall deliver a copy of the written reply to the applicant.

(3) Where there is an arbitration application as prescribed in Article 4 above, the Commissioner of the Korean Industrial Property Office shall make public notification of the application's purpose in the Official Gazette or the Patent Gazette as prescribed in Article 221 of the Patent Act (hereinafter referred to as the "Official Gazette").

Article 6 Abuse of Right

"Cause as provided in the Presidential Decree" mentioned in Article 13, Paragraph 4, Item 2 of the Act means one of the following:

1. Where corrective measures have been ordered by the Fair Trade Commission under Article 24 of the Monopoly Regulation and Fair Trade Act (hereinafter referred to as the "MRFTA") to be taken against non-use of a layout-design by the layout-design right holder or by the exclusive licensee where the non-use of the layout-design constitutes either "abusive practices" as prescribed in Article 3-2 of the MRFTA or "unfair practices" as prescribed in Article 23 of the MRFTA; or
2. Where the layout-design fails to be used within Korea on a substantial business scale for over two consecutive years, or fails to satisfy demands in Korea in proper terms and conditions.

Article 7 Certificate of Arbitration

When an arbitration is awarded under Article 13, Paragraph 4 of the Act (hereinafter referred to as the "arbitral award"), the following items shall be prescribed in the certificate of arbitration (hereinafter referred to as the "certificate of arbitration"):

1. a serial number of the arbitral awards;
2. the registration number of the layout-design right;
3. the applicant's name, address, and resident registration number (or, in the case of a corporate entity, the trade name, place of business, and name of representative);
4. the name, address and resident registration number of the layout-design right holder, and of any other person(s) who have registered for the rights relating to the layout-design (or, in the case of a corporate entity, the trade name, place of business and name of representative);
5. the main texts of the arbitral award (including contents of the arbitral awards as defined in Article 13, Paragraph 5 of the Act);

6. the reason(s) for the arbitral award (including the purport and reason(s) for the application for arbitration); and
7. the date of the arbitral award being made.

Article 8 Delivery of a Copy of the Certificate of Arbitration

When the Commissioner of the Korean Industrial Property Office has awarded an arbitration, he shall deliver an official copy of the certificate of arbitration to the applicant, the layout-design right holder and any other person(s) who have registered for the rights relating to the layout-design.

Article 9 Deposit of Compensation

An applicant for arbitration may deposit the compensation when he wishes to pay the compensation under Article 13, Paragraph 5, Item 2 of the Act if:

1. the person who is entitled to receive the compensation refuses or is unable to receive it;
2. a Actsuit has been brought regarding the amount of the compensation; or
3. a pledge right, the subject matter of which is the layout-design right or exclusive license, has been established, except in cases where the pledgee agrees to the compensation being paid out.

Article 10 Procedure for Cancellation of Arbitration

(1) Cancellation of arbitral awards under Article 15, Paragraph 1 of the Act shall be made in writing and the reason thereof shall be specified.

(2) Articles 4, 5, and 8 above shall apply mutatis mutandis to the procedure for cancellation of arbitral awards as prescribed in Paragraph 1 above. In this case, "arbitration" is substituted by "cancellation of arbitration," "application for arbitration" by "application for cancellation of arbitration," "applicant for arbitration" by "applicant for cancellation of arbitration," and "certificate of arbitration" by "certificate of cancellation of arbitration."

CHAPTER 2 REGISTRATION OF LAYOUT-DESIGN RIGHT

Article 11 Application for Registration of Establishment of Layout-Design Right

(1) A person who wishes to apply for the registration of establishment of the layout-design right as prescribed in Article 19, Paragraph 1 of the Act shall

submit to the Commissioner of the Korean Industrial Property Office an application describing the following items (hereinafter referred to as the "application"):

1. the applicant's name, address, and resident registration number (or, in the case of a corporate entity, the trade name, place of business, and name of representative);
2. the date of application;
3. the date that the layout-design was created;
4. where the Acts as defined in Article 2, Item 4 of the Act are committed for a business purpose with respect to the layout-design, the first date of such Acts;
5. the name, address and resident registration number of the creator of the layout-design (or, in the case of a corporate entity, the trade name, place of business, and name of representative);
6. where there is an agent for application, the full name, address or place of business, and resident registration number of the agent; and
7. other matters as provided for in the Decree of the Ministry of Commerce, Industry and Energy.

(2) The application for registration of establishment shall be accompanied by the following:

1. drawings or photographic pictures representing the layout-design relating to the application, as defined in the Decree of the Ministry of Commerce, Industry and Energy;
2. documents establishing that the applicant is the creator of the layout - design;
3. documents showing authorization when the application is made by an agent who is not the layout-design administrator;
4. certificate of nationality when the applicant is a foreign national; and
5. other documents as provided for in the Decree of the Ministry of Commerce, Industry and Energy.

(3) In submitting documents mentioned in Paragraph 2 above, when the applicant wishes to protect confidential information, he may petition to that effect in writing as prescribed in the Decree of the Ministry of Commerce, Industry and Energy.

Article 12 Dismissal of Application for Registration of Establishment

"Certain conditions provided in the Presidential Decree" as mentioned in Article 20, Paragraph 1, Item 4 of the Act shall exist where:

1. the application does not provide all the information as required by Article 11, Paragraph 1;

2. the matters mentioned in the application are not consistent with the accompanying drawings or other documents as required by Article 11, Paragraph 2;
3. the application is not accompanied by the drawings and other documents required by Article 11, Paragraph 2, or the accompanying drawings, or these are not consistent with each other; or
4. registration fees under Article 40 of the Act have not been paid.

Article 13 Public Notification in Official Gazette of Registration of Establishment

(1) The Commissioner of the Korean Industrial Property Office shall make public notification in the Official Gazette, etc. where there has been a registration of establishment of the layout-design right under Article 21, Paragraph 1 of the Act.

(2) Specific matters to be included in the Official Gazette as mentioned in Paragraph 1 above shall be provided for in the Decree of the Ministry of Commerce, Industry and Energy.

Article 14 Format of the Register

The Commissioner of the Korean Industrial Property Office shall make the register of registration of establishment of layout-design rights as prescribed in Article 21, Paragraph 2 of the Act (hereinafter referred to as the "register") on magnetic tapes, etc. The format of, and method of filling in, the register and other auxiliary documentation shall be provided for in the Decree of the Ministry of Commerce, Industry and Energy.

Article 15 Loss of the Register

The Commissioner of the Korean Industrial Property Office shall make a public notice, when the register, or a part thereof, has been lost, that the holder of a layout-design right, who has applied for restoration of the registration within a provided period, which shall not be less than three (3) months, is entitled to the priority awarded prior to the loss.

Article 16 Applicant for Registration

Registration under Article 23, Paragraph 1 of the Act shall be applied jointly by the registration obligee and the registration obligor. The registration obligee, however, may apply alone for registration if:

1. a letter of consent of the registration obligee is attached to the application;
or
2. registration is to be made on the basis of a judicial judgment, inheritance,

or merger.

Article 17 Application for Registration other than Registration of Establishment

(1) A person who wishes to apply for registration under Article 4, Paragraphs 3 and 4, and Article 23, Paragraph 1 of the Act shall submit to the Commissioner of the Korean Industrial Property Office an application containing:

1. the applicant's name, address, and resident registration number (or, in the case of a corporate entity, the trade name, place of business, and name of representative);
2. date of application;
3. name, and address or place of business of the agent (if any);
4. registration number of the layout-design right;
5. reason(s) for registration and the date when the reason(s) evolved;
6. where the purpose of registration is related to the rights relating to layout-design, a description of the rights subject to be registered; and
7. where the purpose of registration is related to the layout-design administrator, the name, address and resident registration number of the layout-design administrator (or, in the case of a corporation, the trade name, place of business, and name of representative), and the scope of power of attorney.

(2) A person who wishes to apply for registration of establishment of an exclusive license or a non-exclusive license shall describe the following in addition to the items in Paragraph 1 above:

1. the scope of the exclusive license or the non-exclusive license to be established; and
2. matters, if prescribed in the reasons for registration, relating to the amount of compensation, and the method and time for making the compensation.

(3) A person who wishes to apply for registration of assignment of an exclusive license or a non-exclusive license shall describe, in addition to the items in Paragraph 1 above, the scope of the exclusive license or the non-exclusive license to be assigned.

Article 18 Accompanying Documents

(1) The following documents shall accompany the application as prescribed in Article 17:

1. document showing the cause of registration;
2. document showing the consent or permission of a third party, if consent or permission is necessary, which may be substituted by placing the seal of

the third party on the application;

3. document showing authorization when the application for registration is made by an agent who is not the Layout-design Administrator;
4. certificate of nationality or document as proof of foreign incorporation when the applicant is a foreign national or corporation; and
5. registration obligor's certificate of a seal impression (or corresponding certificate for a foreigner or foreign corporation, for a foreigner of a foreign country where there is no such system for certificate of seal impression). In such cases, the certificate shall be that issued three (3) months from the submission.

(2) Where the document as proof of the reasons for registration is an enforceable judgement, the documents required under Paragraph 1, Item 2 need not be accompanied.

(3) With regard to Article 17, Paragraph 3, in cases where an exclusive license or a non-exclusive license is transferred in conjunction with the business of using the layout-design, the documents required under Paragraph 1 above shall be accompanied by documents certifying the transfer.

Article 19 Omission of Accompanying Documents

(1) If more than one application is filed for registration of establishment as prescribed in Articles 11 and 17, only one copy of any overlapping documents needs to be submitted if so stated in the application.

(2) With regard to applying for registration as prescribed in Paragraph 1 above, if any document that is to accompany the application was already submitted and there has been no change in its contents, the document may be omitted if so stated in the application.

Article 20 Description of Matters relating to Extinguishment of Right

The applicant for registration under Article 19, Paragraph 1 (hereinafter referred to as the "applicant") shall describe in the application, if any, provisions regarding the extinguishment of right which is intended for registration.

Article 21 Description of Shares

(1) In cases where the layout-design rights or the rights relating to the layout-design are jointly owned by more than two persons, and the terms of the shares are fixed, the shares thereof shall be stated in the application. The same statements shall be made when an application is filed for transfer of a partial interest in a layout-design right or the rights relating to the layout-design.

(2) In cases where the layout-design rights or the rights relating to the layout-design are jointly owned by more than two persons, the applicant shall describe any provisions under Article 10, Paragraph 4 of the Act (including Article 11, Paragraph 6 and Article 12, Paragraph 5 of the Act) or Article 268, Paragraph 1 of the Civil Code on the application.

Article 22 Accompanying of Family Census Register

Where a registration is made due to an inheritance or a merger of corporations, the application shall be accompanied by a certified or abstract copy of the family census register or a document as proof of the facts thereof.

Article 23 Consolidated Application

An application of registration may contain a request for more than one layout-design rights or the rights relating to the layout-design if the reasons and objectives for registration thereof are the same.

Article 24 Obligor's Subrogation to the Obligor

Where an application is based upon the obligee's subrogation to the obligor as prescribed in Article 404 of the Civil Code, the following information must be provided to the Commissioner of the Korean Industrial Property Office on the application, accompanied by a document certifying the reason(s) for the subrogation:

1. the names, addresses, and resident registration numbers of both obligee and obligor (or, in the case of a corporation, the trade name, place of business and name of representative); and
2. the reason(s) for the subrogation.

Article 25 Notification of Errors or Omissions

If any errors or omissions are found after registration as prescribed in Article 21, Paragraph 1 or Article 23, Paragraph 1 of the Act, the Commissioner of the Korean Industrial Property Office shall notify the registration obligee, the registration obligor, or any other party of interest in writing without delay.

Article 26 Ex Officio Correction

If errors or omissions as prescribed in Article 25 were caused by a government official, the Commissioner of the Korean Industrial Property Office shall make a correction without delay unless there is a third party of interest, and notify the gist thereof in writing to the obligee and the obligor.

**Article 27 Cancellation of Registration of Establishment of Layout-Design
Right**

(1) Cancellation of registration of establishment of a layout-design right as prescribed in Article 24 of the Act must be made in writing, and the reason thereof must be specified.

(2) Public notification shall be made in the Official Gazette for cancellation of registration of establishment of a layout-design right as mentioned in Paragraph 1 above.

Article 28 Patent Registration Decree

Articles 2 to 7, 11 to 14, 17, 19 to 23, 30, 33 to 35, and 42 to 63 of the Patent Registration Decree shall apply mutatis mutandis to the case where registration is to be made as prescribed in Article 23, Paragraph 1 of the Act. In these cases, "patent right" shall be substituted by "layout-design right," "patent" by "layout-design," "patent register" by "layout-design register," "patent number" by "registration number of the layout-design right," "exclusive license" by "exclusive right," "non-exclusive license" by "non-exclusive use," and "patent trust register" by "layout-design trust register."

**CHAPTER 3
LAYOUT-DESIGN REVIEW AND MEDIATION COMMITTEE**

Article 29 Chairman and Vice-Chairman

(1) The Chairman of the Layout-design Review and Mediation Committee as prescribed in Article 25, Paragraph 1 of the Act (hereinafter referred to as the "Committee") shall take charge of the affairs of the Committee, and shall represent the Committee.

(2) The Vice-chairman shall assist the Chairman, and, if the Chairman is absent, the Vice-president shall Act on behalf of the Chairman.

Article 30 Convocation of Meeting and Quorum

(1) The Chairman shall convene the Committee meeting and preside over it.

(2) When the Chairman convenes the Committee meeting (hereinafter referred to as the "meeting"), he shall notify the review and mediation members (hereinafter referred to as the "members") of the date and place of the meeting and of issues to be reviewed or mediated in the meeting at least five (5) days

before the meeting unless there is an emergency or other unavoidable reason for not doing so.

(3) The Committee shall commence its meeting when two-thirds or more of the members are in attendance and shall make decisions by a concurrent vote of a majority of members present.

(4) No members shall participate in the deliberation or mediation of a case in which he has a direct interest.

Article 31 Allowances and Travel Expenses of Members

Members and expert witnesses participating in the meeting shall receive a duty allowance and travelling expenses within the limits of the committee's budget. Neither allowance nor expenses shall be paid to a member who, as a public official of a governmental department, participates in the meeting in the course of executing his duties as a government official.

Article 32 Procedure of Mediation

(1) A person who desires to request a mediation under Article 27, Paragraph 1 of the Act shall submit a request for mediation to the Committee following procedures prescribed by the Committee.

(2) When the Chairman has received a request for mediation under Paragraph 1 above, he shall forward the request to the mediation panel as prescribed in Article 28 of the Act (hereinafter referred to as the "mediation panel").

(3) In cases where the mediation panel is in receipt of a request for mediation as mentioned in Paragraph 2 above, the mediation panel may provide parties, their agents or other persons interested in the mediation with an opportunity to state their opinions and take into account the opinions of relevant experts.

(4) The mediation panel may prepare a proposal of mediation, present it to the parties concerned, and recommend that it be accepted.

(5) If a mediation is effectuated under Article 29, Paragraph 1 of the Act, the Committee shall report it without delay to the Commissioner of the Korean Industrial Property Office, and shall administer and preserve the protocol and other records concerning the mediation.

Article 33 Executive Secretary and Other Clerical Staff

(1) There shall be one executive secretary and a few persons serving on the clerical staff of the Committee.

(2) The Commissioner of the Korean Industrial Property Office shall appoint an executive secretary and other clerical staff members from among public officials who are in charge of registration of establishment of layout-design rights under Article 21 of the Act.

(3) The executive secretary shall manage the affairs of the Committee in accordance with the instructions of the Chairman and shall be assisted by other clerical members.

Article 34 Enforcement Regulations

Matters necessary for administration of the Committee, other than matters as prescribed in this Enforcement Decree, shall be addressed by the Chairman, after a resolution by the Committee.

CHAPTER 4 SUPPLEMENTARY RULES

Article 35 Registration Certificate for Layout-Design

The following items shall be stated in a registration certificate for the layout-design to be issued in accordance with Article 21, Paragraph 3 of the Act:

1. the holder of a layout-design right,
2. the registration number and date of registration, and
3. other matters as provided for in the Decree of the Ministry of Commerce, Industry and Energy.

Article 36 Public Reading of the Register

(1) Where one of the following items has been requested in accordance with Article 21, Paragraph 4 of the Act, the Commissioner of the Korean Industrial Property Office shall respond to such request without delay unless there is a special cause:

1. request to obtain a certified copy or an abstract copy of a layout-design register as prescribed in Article 21 of the Act, or
2. request to publicly read, or to obtain a copy of, a layout-design register as prescribed in Article 21 of the Act, an application and accompanying documents as prescribed in Articles 11 and 17 of the Act (not including the request for a copy of a drawing or photograph for the layout-design).

(2) Public reading as prescribed in Paragraph 1 above shall only be allowed in a designated place in the presence of a government official who is in charge of the register.

Article 37 Deleted

Article 38 Deleted

ADDENDUM

This Decree shall come into effect on and after January 1, 1999.
