

OUTLINE of LAW No.16/1995*
For
MICROCHIPS' TOPOGRAPHY

- DEFINITION** The microchips' topography in the meaning of the present Law is to be understood as a
- Art.2** 3-D arrangement of a microchip's elements in which at least one is an active element and of all or a part of the microchip's interconnections or such a 3-D arrangement ready for manufacturing the microchip.
- Art.3** Under the Law there are protectable only the genuine topographies.
Are considered genuine the topographies resulting from an intellectual effort and which are not usual for the topography's creators or for the microchips' producers.
- Art.6** For the protection of topography can benefit the domestic and foreign physical or legal persons.
The foreign physical or legal persons benefit by the provisions of the Law in the terms of the international conventions to which Romania is part or on the reciprocity basis and shall be represented by an authorized attorney residing in Romania.
- Art.10** If a topography has been commercially used in Romania or abroad more than 2 years before the Romanian filing, the protection shall be refused.
- Art. 11** If a topography has not been commercially used within a term of 15 years from the date of its creation or from the date of its first coding, after the expiring of said term the protection rights are ceased, as follows:
- if the topography has not been registered, it can not be anylonger requested for registration;
 - if the topography has been already registered, the registration rights are extinguished.
- Art.13** The registration of a topography is conditioned by making up of a regular deposit with the Patent Office.
The formal deposit of a topography shall contain:
- a) A written request containing at least:
 - identification data of the authors and/or of the applicant (if different persons);
 - authorization (Authors' Declaration) attesting the applicant's right to apply for the registration;
 - denomination and destination of the microchip feasible by the topography;
 - the date of creation or of the first coding of the topography;
 - the date of its first commercial use (if any)
 - b) Technical documentation (graphic material and explanatory text) containing sufficient information to enable the identification of the topography and highlighting the electronic function of the microchip incorporating the topography.
 - c) 2 samples of the microchip (if already has been made or commercially used)
 - d) Power simply signed by the applicant.
 - e) The payment of the official fees (Art.44 letters a) to e) : US\$ 1,960.00).
- Art.14** All the applications are subjected to a formal examination and in case the legal requirements are fulfilled the Patent Office will register the topography in the national Register ,advertises the registration in the Official Bulletin and delivers the Registration Certificate within a term of 3 months from the official date of the regular deposit.
- Art.15** If the requirements are not fulfilled or are not completed within a term of 2 months from the Patent Office notification in that respect, the application shall be rejected.

Art.16 The Rejection Decision can be administratively disputed before the Patent Office within a term of 3 months from the communication.

Art.19 A registered topography is protected on the Romanian territory for a period of 10 years from the official filing date or from the date of the first commercial use (if earlier).

Arts 20 to 29. Directed to the rights conferred by a topography registration.

Arts.30 to 35 Directed to the transmission of the rights.
Assignments and licenses permitted; compulsory license provided.

Arts.36 to 39 Directed to the ceasing of the rights.

Arts.40 to 43 Directed to the defense of the rights against the infringements.
The counterfeiting acts are punishable with prison from 3 months to 3 years or with fine from 500.000 to 1.000.000 Romanian Lei.

Art.44 Official fees applicable to the foreign applicants (in US\$):

# filing of the application	30
# examination	200
# registration	1700
# publication	15
# delivering of the Registration Certificate	15
# examination of an appeal	100
# recordal & publication of an assignment or of a license	100
# recordal & publication of any change relating to the proprietor;assignment;licence etc.	25
# reviewing the files after publication	10
# delivering the certified copies from the Patent Office files (per page)	10

Art.46 The Official fees provided by Art.44 shall be paid in advance.

Art.47 The fees provided by Art.44.will be refunded on request provided that the corresponding services have not been commenced [exception is made for fees under the letters a) and b)]

Art.48 The Romanian Government will issue the Rules for implementation of the present Law.

- Law No.16/1995 will enter in force on June 9,1995.