

Registration of layout-design of integrated circuit in Thailand

Department of Intellectual Property, Thailand

<http://www.ipthailand.go.th>

Definition

“Integrated circuit” means a completed or semi-completed product with the electronic function which is composed of components which can generate electronic operation, including a connector which links all components or some parts, by which all components are located on or in the same piece of a semiconductor.

“Layout-design” means layout, diagram or picture made in any form with any method to demonstrate how the integrated circuit is formed up.

“Layout certificate” means an important document issued to protect the layout according to this Act.

“Make commercial benefits” means making benefits through selling, leasing or any other means to obtain remuneration or other benefits. The meaning shall include offering to gain benefits.

“Owner” means a person who receives the layout certificate. It shall include a transferee of the right.”

“Official” means personnel appointed by the Minister to operate according to this Act.

“Director-General” means the Director-General of the Department of Intellectual Property.

“Service receiver or applicant” means people who directly receive service or a governmental or private agency which receives service from a governmental agency.

Consideration criteria

1. Accuracy and clearness of the content of the layout-design of integrated circuit. The documentation shall comprise the followings;
 - Fill in all spaces in the form Bor Phor 1, Bor Phor 1 (Por), or Bor Phor 1(Add).
 - Registration application for layout-design of integrated circuit with the signature of the applicant or attorney-in-fact.
 - In case the applicant is the circuit designer, he shall fill in the registration right affirmation form for layout-design of integrated circuit. In case the applicant is a foreigner, the applicant shall use Bor Phor 1(Add) Form.
2. Prepare the documents for right claiming in registration
 - In case the applicant is a transferee, he shall attach the right transferring letter with the signatures of the transferor and transferee.

- In case the applicant obtains his right through other means, for example inheriting, employment contract, etc., he shall submit the document affirming his right.
3. The Power of Attorney, in case of authorization to an attorney-in-fact registered with the Department of Intellectual Property.
 4. Four samples of layout-design of integrated circuit applied for registration.
 5. In case the layout-design of integrated circuit is already manufactured for commercial benefits, the manufacturing must be launched not more than 2 years.
 6. Details of the electronic function of the layout-design of integrated circuit, such as Data sheet, etc.
 7. Drawing or photograph or anything with the same effect used in the manufacturing of the integrated circuits with diagram such as MASK, etc.

Conditions of application submission

1. To apply for protection of the layout-design of integrated circuit, the applicant shall submit the application form as determined by the Director-General.
2. Authorization
 - 2.1 In case the applicant of the patent does not reside in the Kingdom of Thailand, he shall authorize the attorney-in-fact to act on his behalf. In this regard, the power of attorney shall be presented to the Director-General in accordance with the following regulations
 - (1) If the authorization is done outside the Kingdom of Thailand, the signatures in the authorization letter or power of attorney shall be certified by the authorized official of the Thai embassy or consulate or Director of the office of the Ministry of Commerce located in the country where the principal or power grantor resides, or the person authorized to act on behalf of the said officials or the person authorized to certify the signature according to the law in that country, or
 - (2) In case the authorization is done in the Kingdom of Thailand, the applicant shall submit a copy of passport or temporary residence certificate of the principal or power grantor, or any evidence indicating that at the time the authorization was made, the principal or power grantor was in Thailand.

2.2 The Power of Attorney shall be attached with the revenue stamp of 30 Baht/attorney-in-fact/application.

Notes

1. The working process starts after the inspection of the documents is completed, as specified in the manual of the public service.
2. In case the application or documentary evidence is not correct or incomplete, the official shall record the defect of the document or indicate the required additional documentary evidence (Record of conditions on application reception). The applicant shall correct the document and/or submit the additional document within 90 days of the application submission date. If the applicant fails to submit all additional documents within the specific period of time, it shall be deemed that the applicant dismisses the application. The official shall return the application to the applicant and inform the reason of the return and his appeal right.
3. Any fee paid to the Department of Intellectual Property shall not be refunded in all cases, except
 - (1) The law stipulates that the fee must be refunded, or
 - (2) The applicant double-paid or overpaid the fee, by which the faulty payment resulted from the mistake of the state official, not the payer. In this regard, the Department of Intellectual Property shall consider the refund case by case.
4. In case the applicant is required to submit many additional documentary evidences, the applicant shall submit all additional documentary evidences in the same time.
5. In case the applicant submits the copy of the documentary evidence, the applicant shall certify the copy of the documentary evidence.
6. In case the applicant submits the document in foreign language, the applicant shall submit the document with Thai translation and the correct translation certification of the translator.
7. In case the applicant or the authorized attorney-in-fact does not submit the application by himself, and granted power to the other person to submit the application, the application submitter shall present a sub power of attorney or temporary power of attorney, so that he is eligible to submit the application and sign in the record of conditions on application reception. If it appears that the application and the documentary evidence is not correct or incomplete, and the application submitter is not authorized to sign on the said record, the official shall not receive the application.
8. The working period does not include the time period when the applicant follows the official's instruction or corrects the application, or the period of temporary suspension of registration.

Relevant laws

Protection of Layout-Designs of Integrated Circuits Act B.E.2543

The Ministerial Regulation Re: Determination of fees for layout-designs of integrated circuits B.E. 2545 (dated 26 December 2002).

Notification of the Department of Intellectual Property Re: Time counting according to Protection of Layout-Designs of Integrated Circuits Act B.E.2543 (dated 17 January 2003)

Notification of the Department of Intellectual Property Re: Determination of application forms for layout-designs of integrated circuits, other applications and supporting documents of the said applications (dated 17 January 2003).

Notification of the Department of Intellectual Property Re: Registration of right transferring of layout-designs by inheriting and the evidence of inheriting (dated 17 January 2003)

Global Innovation Index 2021, 14th Edition

Tracking Innovation through the COVID-19 Crisis

The Global Innovation Index 2021 takes the pulse of the most recent global innovation trends and ranks the innovation ecosystem performance of 132 economies, while highlighting innovation strengths and weaknesses and particular gaps in innovation metrics. In its new Global Innovation Tracker section, the report draws on a select set of indicators, including the effects on research and development expenditures or access to innovation finance, to provide a perspective on the impact of COVID-19 on global innovation performance.

For more information, access:

https://www.wipo.int/edocs/pubdocs/en/wipo_pub_gii_2021.pdf

Registration of technology transfer arrangements

Intellectual Property Office of the Philippines, Government of Philippines

<https://www.ipophil.gov.ph>

Rule 6. Registration Procedure. The Bureau shall act on requests for registration of technology transfer arrangements based on the following procedure:

6.1. Filing. All requests pertaining to technology transfer arrangements shall be filed with the Bureau and duly stamped "Received" with the date, time, and name of the receiving officer upon receipt.

6.2. Notice of Additional Requirements. Should the Bureau find that the applicant has submitted incomplete or insufficient information and requirements, the Bureau shall issue a Notice of Additional Requirements to the applicant within three (3) working days from the filing of the request requiring the applicant to submit the additional requirements. The applicant shall complete the requirements within fifteen (15) working days from receipt of the Notice of Additional Requirements. Should the applicant not be able to comply with the requirements within the aforesaid period, applicant may request for an extension of another fifteen (15) working days and pay the corresponding fee. Otherwise, the file shall be archived and shall only be retrieved upon submission of the complete requirements and payment of the Document Retrieval Fee. (revised Rule 8)

6.3. Filing Date. Upon receipt of all the requirements as contained in the Notice of Additional Requirements, the Bureau shall issue a Notice of Filing Date within three (3) working days from such receipt. The Filing Date shall be the date when the Bureau has satisfactorily received all the requirements. This date is also the date when evaluation of the request shall commence. (revised Rule 7)

6.4. Decision. The Bureau Director shall decide on the request within twenty (20) working days from the Filing Date. (revised Rules 13, 18, 22 and 24) A favorable Decision shall cause the corresponding Certificates to be issued. Otherwise, appropriate Notices shall be issued to applicant.

6.4.1. Notice of Findings and Notice to Comply. Should any provision of the agreement violate any of the Prohibited Clauses or Mandatory Provisions of the IP Code, the Bureau shall issue a notice to the parties informing them of the violation and requiring them to comply. (revised Rules 20, 22 and 25)

6.5. Issuance of Certificate. Upon the applicant's satisfactory response to the findings and subsequent compliance with the IP Code provisions, and/or after a favorable Decision by the Bureau Director, the Bureau shall issue the appropriate certificate within seven (7) days from receipt of the duly executed and notarized agreement and payment of the required fees for the following as

requested: (revised Rules 14, 19, and 21)

- a. Certificate of Registration - A certification that a technology transfer arrangement has been granted certain exemption/s from the requirements of Sections 87 and/or 88 of the IP Code;
- b. Certificate of Compliance - A certification that the technology transfer arrangement does not violate any of the Prohibited Clauses and conforms to all the Mandatory Provisions of the IP Code;
- c. Certificate of Clearance - A certification that a trademark license agreement covered by Section 150 of the IP Code has been cleared for recordal with the Bureau of Trademarks.

6.6 Entry in the Certificate Registry Book. After the issuance of a certificate, the Bureau shall enter in the Certificate Registry Book the following:

- a. Title of the technology transfer arrangement;
- b. The parties thereto;
- c. Its registration number;
- d. The date of registration; and
- e. The corresponding type of certificate as enumerated in Rule 6.5 above.

Other information needed by the agency for statistical purposes may likewise be recorded, in accordance with the provisions of the law. (revised Rule 15)

6.7. Publication. The Bureau shall publish in the IPO Gazette all agreements that are granted exemption, registered, or cancelled. The publication shall contain the names of the parties, title and subject of the agreement, the specific exemption/s granted, if any, and the date of cancellation, if such was the case. (revised Rule 33)

Rule 7. General Provisions

7.1. Applicants. Any party to a technology transfer arrangement or his duly authorized representative may file with the Bureau an application for Certificate of Registration, Certificate of Compliance, or Certificate of Clearance (as distinguished under Rule 6.5). Parties may also jointly file such Applications. (revised Rules 5 and 21)

7.2. Requirements. The basic requirements for any request to be filed with the Bureau pertaining to a technology transfer arrangement shall be as follows:

- a. Letter request;
- b. Copies of the technology transfer arrangement;

- c. The duly filled-out sworn application form which shall include a verified statement from the applicant that the agreement is not subject of any judicial, administrative or other proceeding; and
- d. Requisite Fees.

Requests for Exemption shall also be accompanied with specifics on the exemption/s being requested and the justification for the exemption/so

In case of Requests for Preliminary Review, the applicant may submit either a draft or a duly executed and notarized agreement.

Other documents may be required by the Bureau to support and establish the merits of a request. (revised Rules 4 and 21)

7.3. Amendments. Minor changes on a technology transfer arrangement, such as addition or deletion of products, increase or decrease in royalty rates and other commercial terms, etc. which do not violate the requirements of Sections 87 and 88 of the IP Code, will not affect the findings of the Bureau and will not necessitate another round of review. Such requests for annotation shall be acted upon by the Bureau within three (3) working days from receipt of all the requirements which may include the surrender of a previously issued certificate covering the technology transfer arrangement. (revised Rule 35(b))

7.4. Issuance and Validity of the Certificates. There will not be issued any perpetual certificates and in no case shall any of these certificates exceed the life of the Technology Transfer Arrangement.

Technology Transfer Arrangements which had expired shall not be issued certifications anew unless aforesaid technology transfer arrangement had been renewed or extended in due course.

Only one (1) original Certificate shall be issued to the applicant and the Bureau will maintain only one (1) original duplicate for file. Requests for additional original copies will not be granted.

However, an applicant may request for certified true copies of the original duplicate on file.

a. Maximum Validity of the Certificate of Registration and Certificate of Compliance. The Certificates of Registration and Certificate of Compliance to be issued by the Bureau, as the case may be, may carry a maximum validity of ten (10) years from the date of effectivity of the technology transfer arrangement or from the date of issuance of the certificate, whichever is earlier.

b. Maximum Validity of the Certificate of Clearance. The Certificate of Clearance to be issued by the Bureau on account of Trademark License Agreements for recordal with the Bureau of Trademarks, may carry a maximum validity of ten (10) years but may not exceed the expiration of the Trademark registration itself, as appearing in the Trademark Registration certificate.

7.5. Cancellation of Registration. Automatic cancellation of registration shall be made upon receipt by the Bureau of a duplicate original or certified true copy of the registered technology transfer arrangement containing amendments or modifications that violate the Prohibited Clauses and Mandatory Provisions of the IP Code without approval of the Bureau. (Rule 16)

The Bureau may also cancel the registration of the technology transfer arrangement if, after evaluation, the Bureau has established that the justification for the grant of an exemption submitted by the applicant does not exist or has ceased to exist.

Such action will be made only after the parties in whose names the certificate of registration was issued are given an opportunity to be heard. (Rule 16)

In both cases, the parties shall be required to surrender the certificate provided that the surrender of the certificate shall not be a pre-requisite to the cancellation of the registration. (Rule 16)

(Source: IPOPHL Memorandum Circular No. 2. a 2 0 a 0 2. Series of 2020. Revised Rules & Regulations on voluntary licensing)

World Intellectual Property Indicators Report

The annual WIPI report collects and analyzes IP data to inform policy makers, business leaders, investors, academics and others seeking macro trends in innovation and creativity. The report showed that patent and industrial designs filing activity rebounded in 2020, illustrating the resilience of human innovation even amid the dire global health situation. Trademark filing activity rose by 13.7%, patents by 1.6% and designs by 2% according to the WIPI, which compiles new data from some 150 national and regional authorities and shows how innovators, designers and brands are increasingly relying on intellectual property tools to expand their enterprises and seek new growth.

For more information, access:

https://www.wipo.int/edocs/pubdocs/en/wipo_pub_941_2021.pdf