

Layout-Designs of Integrated Circuits Bill

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Bill No: 49/1998

Read the first time: 23rd November 1998

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Layout-Designs of Integrated Circuits Bill

Bill No. 49/1998

Read the first time on 23rd November 1998.

An Act to provide for the protection of layout-designs of integrated circuits and to make a consequential amendment to the Copyright Act (Chapter 63 of the 1988 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Layout-Designs of Integrated Circuits Act 1998 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

“commercially exploit” includes —

- (a) to sell, let for hire or otherwise distribute by way of trade;
- (b) to offer or expose for sale or hire or other distribution by way of trade; or
- (c) to import for the purpose of sale, letting for hire or other distribution by way of trade,

and “commercially exploited”, “commercially exploiting” and “commercial exploitation” have corresponding meanings;

“Court” means the High Court;

“creator”, in the case of a computer aided design of a layout-design, means the person who made the arrangements for the creation of the layout-design;

“exclusive licence” means a licence in writing signed by or on behalf of a qualified owner authorising the licensee, to the exclusion of all other persons, including the person granting the licence, to exercise a right that would otherwise be exercisable exclusively by the qualified owner;

“integrated circuit” means a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and on, or in or on, a piece of material and which is intended to perform an electronic function;

“layout-design” means the 3-dimensional disposition, however expressed, of the elements of an integrated circuit (at least one of which is an active element), and of some or all of the interconnections of an integrated circuit, or such a 3-dimensional disposition prepared for an integrated circuit intended for manufacture;

“protected layout-design” means a layout-design that is protected under section 5;

“qualified owner” means —

- (a) a qualified person who, under section 6(1), is the owner of a layout-design; or
- (b) a person who, under section 6(1), is the owner of a layout-design which was not commercially exploited anywhere else in the world before it was commercially exploited in Singapore or in a qualifying country,

and includes a person, whether or not he is a qualified person, who is a successor in title to a qualified owner of the layout-design;

“qualified person” means —

(a) a natural person —

- (i) who is a national of, or is domiciled or ordinarily resident in Singapore or in a qualifying country; or
- (ii) who has a real and effective industrial or commercial establishment for the creation of layout-designs or for the production of integrated circuits in Singapore or in a qualifying country; or

(b) a person other than a natural person —

- (i) the place of incorporation or place of formation of which is in Singapore or in a qualifying country; or
- (ii) which has a real and effective industrial or commercial establishment for the creation of layout-designs or for the production of integrated circuits in Singapore or in a qualifying country,

and includes the Government and the government of a qualifying country;

“qualifying country” means —

- (a) a country or territory, other than Singapore, which is a member of the World Trade Organisation; or
- (b) a country or territory designated by the Minister under section 31.

(2) A layout-design shall be taken to have been commercially exploited if the layout-design, a copy of the layout-design or an integrated circuit in which the layout-design is incorporated (whether or not the integrated circuit is contained in another article) is commercially exploited.

(3) A reference to doing an act in relation to a layout-design includes a reference to doing that act in relation to a substantial part of the layout-design.

(4) A reference to a copy of a layout-design includes a reference to a copy of a substantial part of the layout-design.

No protection for ideas