

**LAW OF THE REPUBLIC OF INDONESIA**  
**NUMBER 32 YEAR 2000**  
**REGARDING LAYOUT DESIGNS OF INTEGRATED CIRCUITS**

Considering:

- (a) that to advance the industry which is competitive both in the national and international trade, it is necessary to create a conducive climate for the creations and innovations of the people in the field of layout designs of integrated circuits as a part of the intellectual property rights system;
- (b) that Indonesia has ratified the Agreement Establishing the World Trade Organization that includes the Agreement on Trade Related Aspect of Intellectual Property Rights/TRIPS with the enactment of Law number 7 of 1994, it is necessary to regulate provisions regarding layout designs of integrated circuits;
- (c) that based on the considerations as referred to in items (a) and (b), it is necessary to stipulate a law on Layout Designs of Integrated Circuits.

In view of:

- (1) Article 5 paragraph (1), Article 20, and Article 33 of 1945 Constitution of the Republic of Indonesia;
- (2) Law no. 7 of 1994 regarding the Ratification of the Agreement Establishing the World Trade Organization, (State Gazette of 1994 no. 57, Supplementary State Gazette no. 3564).

## **Chapter I - General Provisions**

### **Article 1**

In this Law:

- (1) Integrated Circuit shall mean a finished or half-finished product that contains various elements, at least one of which is active, which are partly or entirely interconnected and integratedly formed in a semiconductor to produce electronic functions.
- (2) Layout Design shall mean a creation in the form of a three dimensional layout design formed by various elements, at least one of which is active, of which parts of or all of the interconnections in an integrated circuit and the three dimensional layout is meant for the preparation of making an Integrated Circuit.

- (3) Designer shall mean a person or several persons who produce a layout design of integrated circuit.
- (4) Application shall mean the application for registration of Layout Design of Integrated Circuit that is filed by an Applicant at the Directorate General.
- (5) Applicant shall mean the party that files an Application.
- (6) Right to Layout Design of Integrated Circuit shall mean an exclusive right granted by the State of Republic of Indonesia to a Designer for his creation, for a given period to personally exploit his creation, or to give permission to other parties to exploit the right.
- (7) Right Holder shall mean the Right Holder to Layout of Integrated Circuit, that is the Designer or the recipient of the right from the Designer that is registered in the General Register of Layout Design of Integrated Circuits.
- (8) Minister shall mean the minister who heads a governmental department of which the scope of duties and responsibilities includes the field of intellectual property rights including Layout Design of Integrated Circuits.
- (9) Directorate General shall mean the Directorate General of Intellectual Property Rights under the department presided over by the Minister.
- (10) Proxy shall mean a Consultant of Intellectual Property Rights as regulated in this Law.
- (11) Filing Date shall mean the date of receipt of an application that has fulfilled administrative requirements.
- (12) Consultant of Intellectual Property Rights shall mean a person who has expertise in the field of intellectual property rights and specifically provides services in filing and handling applications of patents, marks, Layout Design of Integrated Circuits and other fields of intellectual property rights and shall be registered at the Directorate General.
- (13) License shall mean a permission which is granted by the Right Holder to another party by means of an agreement based on the grant of right (not the transfer of right), to enjoy the economic benefit of a Layout Design of Integrated Circuit which is granted a protection for a given period of time and with certain requirements.
- (14) Day shall mean working day.

*Elucidation: As a developing country, Indonesia should promote its industrial sector in order to increase its ability to compete. One aspect of that contributes to the ability to compete is the utilization of the role of Integrated Circuit Layout Designs that makes a part of Intellectual Property Right. This will require improvement of the researchers and designers particularly with respect to advanced technologies.*

*In connection with trade globalization, Indonesia has ratified the Agreement Establishing the World Trade Organization that comprises the Agreement on Trade Related Aspects of Intellectual Property Rights (Agreement on TRIPs) under Law Number 7 of 1994. In*

*respect of Integrated Circuit Layout Designs, The Agreement on TRIPs contains the minimum conditions for the ruling on Integrated Circuit Layout Designs, that shall further be developed by the member countries. The Agreement on TRIPs also refers to the Treaty on Intellectual Property in Respect of Integrated Circuits (Washington Treaty).*

*In view of the foregoing, Indonesia finds it necessary to provide legal protection that will guarantee the rights and obligations of the Designers and to ensure that no other parties will illegally utilize the Integrated Circuit Layout Design Rights, and to provide the channel for the transfer of technology that is very important for motivating the creativity of the Designers to continuously create original designs. Accordingly, the provisions on Integrated Circuit Layout Designs are drawn up in this Law in order that rights protection to Integrated Circuit Layout Designs may be provided by the state at the Application therefore by the Designers or the legal entities that are entitled to Integrated Circuit Layout Designs.*

*The legal protection to Integrated Circuit Layout Designs is in respect of the principles of originality. An Integrated Circuit Layout Design shall be considered original if it is the work of an Intellectual Designer and is not anything that has become common to Designers.*

*Besides, a half-finished Integrated Circuit Layout Design is also an object for protection by this law as a half-finished Integrated Circuit may also function electronically.*

*Technology in Integrated Circuits has been advancing rapidly. Hence the period for protection of an Integrated Circuit Layout Design is granted for only ten (10) years, valid as from the Receipt Date or as from the date the particular Integrated Circuit Layout Design is commercially exploited, and is not extendable.*

*For the registration of Integrated Circuit Layout Design Rights, the government has now assigned the Ministry of Justice and Human Rights Affairs, q.q., Directorate General of Intellectual Property Rights to undertake the services. In view of the extensive tasks and responsibilities in these affairs, it is potential that the Directorate General in charge of Intellectual Property Rights will in the future become an independent unit of the administration, including the financial administration of the affairs.*

## Chapter II - Scope of Layout Design of Integrated Circuits

### PART ONE - LAYOUT DESIGNS OF INTEGRATED CIRCUITS THAT ARE PROTECTED

#### Article 2

- (1) Right to Layout Design of Integrated Circuit shall be granted to a Layout Design of Integrated Circuit that is original.
- (2) A Layout Design of Integrated Circuit shall be deemed original if such design is the independent creation of the Designer, and while such Layout Design of Integrated Circuit was created, it was not a common thing for Designers.

*Elucidation: An Integrated Circuit Layout Design is declared "original" if it is the work of the distribution himself/herself/themselves and is not an imitation of the work of other Designers.*

### PART TWO - LAYOUT DESIGNS OF INTEGRATED CIRCUITS THAT ARE NOT PROTECTED

#### Article 3

Right to Layout Design of Integrated Circuit shall not be granted if a Layout Design of Integrated Circuit is contrary to the prevailing laws and regulations, public order, religion and morality.

### PART THREE - PERIOD OF PROTECTION FOR LAYOUT DESIGN OF INTEGRATED CIRCUIT

#### Article 4

- (1) The protection on Right to Layout Design of Integrated Circuit shall be granted to the Right Holder from the first commercial exploitation of the design in any where, or from the Filing Date.

*Elucidation: "Commercially exploited" here means that an object(s) has been made, sold, utilized, used or distributed which contains the whole or a part of the Integrated Circuit Layout Design in transactions that produce profits.*

- (2) Where a Layout Design of Integrated Circuit has been exploited commercially, an Application shall be filed at the latest 2 (two) years from the date it was exploited for the first time.
- (3) The protection as referred to in paragraph (1) shall be granted for 10 (ten) years.

- (4) The date of commencement of the protection as referred to in paragraph (1) shall be recorded in the General Register of Layout Designs of Integrated Circuits and announced in the Official Gazette of Layout Designs of Integrated Circuits.

*Elucidation: "Integrated Circuit Layout Design General Registry" is the means of collecting the registrations in the Integrated Circuit Layout Designs containing records of the Right Holders, types of designs, dates the Applications are received, the registration dates, and other information regarding the assignment (if an assignment has been made).*

*"Integrated Circuit Layout Design Official Bulletin" is the medium for information to the public in the form of official publication, published periodically containing the matters required under this Law.*

## **PART FOUR - SUBJECT OF LAYOUT DESIGNS OF INTEGRATED CIRCUITS**

### **Article 5**

- (1) Those entitled to receive the Right to Layout Design of Integrated Circuit shall be the Designer or the person who receives such right from the Designer.
- (2) Where the Designer comprise several persons jointly, the Right to Layout Design of Integrated Circuit shall be granted to them jointly, unless agreed otherwise.

### **Article 6**

- (1) Where a Layout Design of Integrated Circuit is created in an official relation with another party within the working environment, the Right Holder shall be the party for whom the Layout Design of Integrated Circuit is created, unless there is another agreement between both parties without detracting the right of the Designer if the use of the Layout Design of Integrated Circuit is expanded beyond the official relation.

*Elucidation: "Official relation" means employment relationship between the government employees and their respective agencies.*

- (2) The provision as referred to in paragraph (1) shall also apply to any Layout Design of Integrated Circuit by other parties on the basis of an order made in an official relation.

*Elucidation: This provision is meant to confirm the principle that the Rights protection to Integrated Circuit Layout Designs prepared by a person on an order by, for instance, a government agency, is held by the concerned government agency as the principal, except otherwise agreed. This is without prejudice to the right of the Designer to claim his/her/their rights if the Integrated Circuit Layout Design is used beyond the official relation.*

- (3) Where a Layout Design of Integrated Circuit is created under a work relation or on the basis of an order, the party that has created the Layout Design of Integrated Circuit shall be deemed as the Designer and the Right Holder, unless otherwise agreed by both parties.

*Elucidation: "Employment relationship" here means an employment relationship in the private sector, or a relation produced by an order of an Integrated Circuit Layout Design by private sector organizations or in individual relationships with the Designer.*

## **Article 7**

The provisions as referred to in Article 6 paragraph (1) and paragraph (2) shall not nullify the right of the Designer to have his name included in the Certificate of Layout Design of Integrated Circuit, in the General Register of Layout Designs of Integrated Circuits and in the Official Gazette of Layout Designs of Integrated Circuits.

*Elucidation: The name of the Designer put in the Integrated Circuit Layout Design General Registry and the Integrated Circuit Layout Design Official Bulletin is common in the Intellectual Property Right. This is called the moral right.*

## **PART FIVE - SCOPE OF RIGHT**

### **Article 8**

- (1) The Right Holder shall have the exclusive right to exploit his Right to Layout Design of Integrated Circuit and to prohibit others whose without his approval make, use, sell, import, export and/or distribute goods that contains the whole part of or some parts of the design that has been granted the Right to Layout Design of Integrated Circuit.

*Elucidation: Exclusive right is the right only granted to the Integrated Circuit Layout Design Right Holder to in a specified period of time exercise himself/ herself/themselves or license the use of his/her/ their right to another party. Accordingly, no other parties may exercise the Integrated Circuit Layout Design Right without the consent of the Right Holder. The Right may be transferred to another party through inheritance, bequest, will and testimony, agreement, or other processes.*

- (2) Exempted from the provisions as referred to in paragraph (1) is the use of the Layout Design of Integrated Circuit for the purposes of experimentation and education, provided that such use does not damage the normal interest of the Right Holder.

*Elucidation: The use here is meant the use only for research and educational purposes, including research and development purposes. However, this should not adversely affect the appropriate interests of the Designer. "Appropriate interests" are the use for educational and*

*research purposes in general but not in the use of the Integrated Circuit Layout Design Right as referred to in paragraph (1). In the field of education, for instance, the appropriate interests of the Designer will be adversely affected if the Integrated Circuit Layout Design is used for all the educational institutions in the city. The criteria of interests are not determined merely on whether there are commercial interests therein but the quantity of the use.*

## **Chapter III - Application for Registration of Layout Designs of Integrated Circuit**

### **PART ONE - GENERAL**

#### **Article 9**

The Right to Layout Design of Integrated Circuit shall be granted on the basis of an Application.

#### **Article 10**

- (1) An Application shall be filed in writing in the Indonesian language at the Directorate General with the payment of fee as regulated in this Law.
- (2) The application as referred to in paragraph (1) shall be signed by the Applicant or his Proxy.
- (3) The application shall contain:
  - (a) the day, month, dan year of Application;
  - (b) the name, complete address and nationality of the Designer;
  - (c) the name, complete address and nationality of the Applicant;
  - (d) the name, complete address of the Proxy, if the application is filed through a Proxy;
  - (e) the date on which the Layout Design of Integrated Circuit was commercially exploited for the first time, if it has been exploited before the Application is filed.
- (4) The Application as referred to in paragraph (3) shall be furnished with:
  - (a) a copy of drawing or photograph and a description of the Layout Design of Integrated Circuit being applied for registration;
  - (b) a special power of attorney, if the Application is filed through a Proxy;
  - (c) a statement that the Layout Design of Integrated Circuit being applied for registration is his property.
  - (d) a statement clarifying the date as referred to in paragraph (3) letter e.

- (5) Where the Application is filed jointly by more than one applicant, the Application shall be signed by one of them by attaching a written agreement from the other Applicants.
- (6) Where the Application is not filed by the Designer, the Application shall be furnished with sufficient evidence that the Applicant is entitled to the relevant Layout Design of Integrated Circuit.

*Elucidation: "Sufficient evidence" here means valid, accurate and adequate evidence that determine the Applicant is the true subject to make the Application.*

- (7) Provisions regarding the procedure of application shall be further regulated by Government Regulation.

#### **Article 11**

An Application shall only be filed for one Layout Design of Integrated Circuit.

#### **Article 12**

- (1) An Applicant who domiciles out side the territory of the Republic of Indonesia must file the Application through a Proxy.

*Elucidation: In principle, the Application may be made by the Applicant himself/herself/ themselves. An Applicant residing overseas shall make the Application through an Attorney for smooth process of the Application, as the use of Indonesian language the Application has to be made in. Besides, by using the Attorney (who is Indonesian) the requirement of legal domicile of the Applicant will be properly determined.*

- (2) The Applicant as referred to in paragraph (1) shall state and choose his legal domicile in Indonesia.

#### **Article 13**

Provisions regarding the requirements for being able to be appointed as a Consultant of Intellectual Property Rights shall be further regulated by Government Regulation, while the procedure of appointment shall be further regulated by Presidential Decree.

## PART TWO - TIME OF RECEIPT OF APPLICATION

### Article 14

The Filing Date of an Application shall be the date of receipt of an Application, provided that the Applicant:

- (a) has filled in the Application form;
- (b) has attached a copy of drawing or photograph and description of the Layout Design of Integrated Circuit being applied for registration; and
- (c) has paid the Application fee as referred to in Article 10 paragraph (1) .

*Elucidation: This requirement is minimum requirement meant to make it easier for the Applicant to obtain the Receipt Date as defined previously. This date determines the moment the period for the protection of the Integrated Circuit Layout Design begins.*

### Article 15

- (1) Where there are deficiencies in fulfilling the requirements for an Application as referred to in Article 10 and Article 13, the Directorate General shall notify the Applicant or his Proxy that the deficiencies be remedied within the period of 3 (three) months as of the date of sending of the notification.

*Elucidation: The period of three (3) months given to the Applicant to arrange things to fulfill the requirements starts from the date the notification is made, instead of the date the notice is received by the Applicant. The dispatch record may be postal stamp, dispatch document, or other valid proof of the dispatch.*

- (2) The period as referred to in paragraph (1) can be extended for 1 (one) month at the maximum, upon a request from the Applicant.

### Article 16

- (1) Where the deficiencies have not been remedied within the period as referred to in Article 15, the Directorate General shall notify in writing the Applicant or his Proxy that his Application is deemed withdrawn.
- (2) Where an Application is deemed withdrawn as referred to in paragraph (1), all fees that had been paid to the Directorate General cannot be reimbursed.

*Elucidation: The money paid to the Directorate General may not be withdrawn regardless of whether the Application is accepted, rejected or revoked.*

## **PART THREE - WITHDRAWAL OF APPLICATION**

### **Article 17**

An Applicant or his Proxy may file a withdrawal of an Application in writing at the Directorate General, provided that a decision has not been made upon the Application.

*Elucidation: "Pending a decision" is an Application that has not been recorded in the Integrated Circuit Layout Design General Registry.*

## **PART FOUR - OBLIGATION TO MAINTAIN CONFIDENTIALITY**

### **Article 18**

While still bound in active service and until 12 (twelve) months after the retirement or after ceasing from work at the Directorate General for whatever reason, an employee of the Directorate General or any person who due to his assignment has been working for and/or on behalf of the Directorate General shall not be permitted to file an Application, to obtain or to possess any right relating to a Layout Design of Integrated Circuit, unless the ownership is due to inheritance.

### **Article 19**

As of the Filing Date of an Application, all employees at the Directorate General or any person who due to his assignment has been working for and/or on behalf of the Directorate General shall be obligated to preserve the confidentiality of an Application until the date the relevant application is announced.

## **PART FIVE - GRANT OF RIGHT AND ANNOUNCEMENT**

### **Article 20**

- (1) The Directorate General shall conduct an administrative examination on an Application as referred to in Article 3, Article 10 and Article 11.

*Elucidation: "Inspection" here means formality check with respect to fulfillment of administrative requirements of the Application as meant in Article 10. Besides, for the promulgation of Applications, the Directorate General make classifications and inspect the aspects which are deemed unclear or improper if a particular Application is promulgated.*

- (2) Upon an Application that has fulfilled the requirements as referred to in Article 3, Article 10 and Article 11, the Directorate General shall grant a right, and record it in the General Register of Layout Designs of Integrated Circuits and announce it in the Official Gazette of Layout Designs of Integrated Circuits or in other media.

*Elucidation: "In other means" here means other storage media, such as CD-ROM and optical disks.*

#### **Article 21**

The Directorate General shall issue a Certificate of Layout Design of Integrated Circuit within a period of 2 (two) months as of the date of the fulfilment of the requirements as referred to in Article 20 paragraph (2).

#### **Article 22**

- (1) Any party that needs copies of the Certificate of Layout Design of Integrated Circuit may request at the Directorate General with the payment of fee as regulated in this Law.

*Elucidation: "Copy" here means the copy containing information of the Integrated Circuit Layout Design, including the Designer's name, the right Holder and/or the Attorney of the Integrated Circuit Layout Design.*

- (2) Provisions regarding the requirements and procedure of granting copies of certificates as referred to in paragraph (1) shall be further regulated by Presidential Decree.

### **Chapter IV - Transfer of Right and License**

#### **PART ONE - TRANSFER OF RIGHT**

#### **Article 23**

- (1) The Right to Layout Design of Integrated Circuit may be transferred by:
- (a) inheritance ;
  - (b) donation ;
  - (c) testament;

- (d) written agreement; or
- (e) other reasons recognized by the Law.

*Elucidation: "Other reasons" here means, amongst others, the court decision regarding bankruptcy.*

- (2) The transfer of Right to Layout Design of Integrated Circuit as referred to in paragraph (1) shall be furnished with the document regarding the transfer.
- (3) All forms of transfer of Right to Layout Design of Integrated Circuit as referred to in paragraph (1) shall be recorded in the General Register of Integrated Circuits at the Directorate General with the payment of fee as regulated in this Law.
- (4) The transfer of Right to Layout Design of Integrated Circuit that is not recorded in the General Register of Layout Design of Integrated Circuits shall not have any legal consequences on any third parties.
- (5) The transfer of Right to Layout Design of Integrated Circuit as referred to in paragraph (3) shall be announced in the Official Gazette of Layout Designs of Integrated Circuits.

#### **Article 24**

The transfer of Right to Layout Design of Integrated Circuit shall not nullify the right of the Designer to have his name and identity included either in the Certificate of Layout Design of Integrated Circuit, in the Official Gazette of Layout Design of Integrated Circuit and in the General Register of Layout Design of Integrated Circuits.

## **PART TWO - LICENSE**

#### **Article 25**

The Right Holder shall be entitled to grant a license to other parties on the basis of a licensing agreement to conduct acts as referred to in Article 8, unless otherwise agreed.

#### **Article 26**

Without prejudice to the provisions as referred to in Article 25, the Right Holder may still personally exploit the Layout Design of Integrated Circuit or give a license to a third party to exploit acts as referred to in Article 8, unless agreed otherwise.

#### **Article 27**

- (1) A licensing agreement shall be recorded in the General Register of Layout Designs of Integrated Circuits at the Directorate General with the payment of fee as regulated in this Law.

*Elucidation: What "shall be recorded" here means the License agreement itself in the form agreed by both parties, including the content of the License agreement as provided in this Law.*

- (2) A licensing agreement that is not recorded in the General Register of Layout Designs of Integrated Circuit shall not have any legal consequences on any third party.
- (3) The licensing agreement as referred to in paragraph (1) shall be announced in the Official Gazette of Layout Designs of Integrated Circuits.

#### **Article 28**

- (1) A licensing agreement shall not contain any provisions that may damage the Indonesian economy or provisions that can create an unfair competition as regulated in the prevailing laws and regulations.

*Elucidation: This provision is designed to protect the state from potentially particular effects of the License agreement.*

- (2) The Directorate General must refuse any request for the recording of a licensing agreement that contains the provisions as referred to in paragraph (1).
- (3) Provisions regarding the requirements and procedure of recording of licensing agreements shall be further regulated by Presidential Decree.

### **Chapter V - Cancellation of Registration of Layout Design of Integrated Circuit**

#### **PART ONE - CANCELLATION OF REGISTRATION - UPON REQUEST OF THE HOLDER OF RIGHT**

#### **Article 29**

- (1) A registered Layout Design of Integrated Circuit may be cancelled by the Directorate General upon a written request from the Right Holder.

- (2) The cancellation of Right to Layout Design of Integrated Circuit as referred to in paragraph (1) cannot be made if the licensee of Right to Layout Design of Integrated Circuit that is recorded in the General Register of Layout Design of Integrated Circuit has not given a written approval, that is attached to the request for cancellation of registration.

*Elucidation: This provision is designed to protect the Licensee who has paid royalty to the Licensor.*

- (3) The decision on the cancellation of Right to Layout Design of Integrated Circuit shall be notified in writing by the Directorate General to:
- (a) the Right Holder;
  - (b) the licensee, if a license has been granted, in accordance with the General Register of Layout Designs of Integrated Circuits;
  - (c) the party that filed the request for cancellation, by stating that the Right to Layout Design of Integrated Circuit is no longer valid as of the date of the decision on cancellation.
- (4) The decision on the cancellation of registration as referred to in paragraph (1) shall be recorded in the General Register of Layout Designs of Integrated Circuits and announced in the Official Gazette of Layout Designs of Integrated Circuits.

## **PART TWO - CANCELLATION OF REGISTRATION BASED ON A LAWSUIT**

### **Article 30**

- (1) A lawsuit on the cancellation of registration of a Layout Design of Integrated Circuit may be filed by any interested party on the grounds as referred to in Article 2 or Article 3 at the Commercial Court.
- (2) The decision of the Commercial Court as referred to in paragraph (1) on the cancellation of registration of Right to Layout Design of Integrated Circuit shall be delivered at the latest 14 (fourteen) days as of the date of the decision.

## **PART THREE - PROCEDURE OF FILING A LAWSUIT**

### **Article 31**

- (1) A lawsuit on the cancellation of registration of a Layout Design of Integrated Circuit shall be filed with the Head of the Commercial Court in the jurisdiction where the defendant lives or domiciles.

- (2) Where the defendant domiciles outside the territory of Indonesia, the lawsuit shall be filed with the Head of Commercial Court of Central Jakarta.
- (3) The clerk of the Court shall register the lawsuit on the date it is filed and produce a receipt, which shall be signed by him with the same date with the registration of the lawsuit.  
*Elucidation: Except otherwise provided, "registrar" here means the registrar of the District Court/Commercial Court.*
- (4) The clerk of the Court shall deliver the lawsuit to the Head of Commercial Court at the latest 2 (two) days after the registration date.
- (5) Within the period of 3 (three) days at the latest from the registration date, the Commercial Court shall study the lawsuit and determine the date for a hearing.
- (6) The hearing on a lawsuit shall be conducted within the period of 60 (sixty) days at maximum from the date of registration of the lawsuit.
- (7) The confiscation clerk shall make the summons of the parties concerned at the latest 7 (seven) days from the date of registration of the lawsuit.
- (8) A court decision on the lawsuit shall be made at the latest 90 (ninety) days after the registration date of the lawsuit and may be extended at the latest for 30 (thirty) days with the approval of the Head of Supreme Court.
- (9) The court decision as referred to in paragraph (8), which contains a complete legal reasoning as the basis of the decision, shall be stated in a court session which is open to the public and may be implemented in advance, although a legal action is filed upon the decision.
- (10) A copy of the decision of the Commercial Court as referred to in paragraph (9) shall be delivered by the confiscation clerk to the parties concerned at the latest 14 (fourteen) days after the date of issuance of the decision.

### **Article 32**

The only legal action, which may be filed against the decision of the Commercial Court as referred to in Article 30 paragraph (2) shall be a kasasi.<sup>2</sup>

### **Article 33**

- (1) The request for a kasasi as referred to in Article 40 shall be made at the latest 14 (fourteen) days after the date of the decision, by registering with the clerk of the Commercial Court that has made a decision of the lawsuit.

- (2) The clerk of the Court shall register the request for a kasasi on the date it is filed and produce a receipt, which shall be signed by him, with the same date with the registration date.
- (3) The applicant for a kasasi shall deliver the brief for the kasasi to the clerk of the Court within the period of 14 (fourteen) days from the date the request for a kasasi is filed as referred to in paragraph (1).
- (4) The clerk of the Court shall deliver the request for a kasasi and the brief for the kasasi as referred to in paragraph (3) to the defendant of the kasasi at the latest 2 (two) days after the request is filed.
- (5) The defendant of the kasasi may submit a counter against the cassation to the clerk of the Court at the latest 7 (seven) days after the date the defendant received the brief for kasasi as referred to in paragraph (4), and the clerk of the Court shall deliver the counter against the kasasi to the applicant of the kasasi at the latest 2 (two) days after he received the said counter.
- (6) The clerk of the Court shall deliver the request for kasasi, the brief for kasasi and the counter against the kasasi as well as the relevant documents to the Supreme Court at the latest 7 (seven) days after the termination of the period as referred to in paragraph (5).
- (7) The Supreme Court shall study the request for kasasi and determine the date for a hearing at the latest 2 (two) days after the request was received.
- (8) The examination hearing on the request for kasasi shall be conducted at the latest 60 (sixty) days after the Supreme Court received the request.
- (9) A court decision on the kasasi shall be made at the latest 90 (ninety) days after the Supreme Court received the request.
- (10) The court decision on a kasasi as referred to in paragraph (9) that contains a complete legal reasoning, as the basis of the decision shall be stated in a court session that is open to the public.
- (11) The clerk of the Supreme Court shall deliver the decision of kasasi to the clerk of the Court at the latest 3 (three) days after the decision was made.
- (12) The confiscation clerk of the Court shall deliver the decision of kasasi as referred to in paragraph (11) to the applicant of the kasasi and the defendant of the kasasi at the latest 2 (two) days after the decision was received.

#### **Article 34**

The Directorate General shall record the decision on the lawsuit for cancellation as referred to in Article 30 paragraph (2) that has already had permanent legal power in the General Register of

Layout Designs of Integrated Circuits and announce them in the Official Gazette of Layout Designs of Integrated Circuits.

Appeal to the Supreme Court (Mahkamah Agung)

## **PART FOUR - CONSEQUENCES OF CANCELLATION OF REGISTRATION**

### **Article 35**

The cancellation of registration of Layout Design of Integrated Circuit shall nullify all legal consequences connected with the Right to Layout Design of Integrated Circuit and other rights deriving from the Layout Design of Integrated Circuit.

### **Article 36**

- (1) Where the registration of a Layout Design of Integrated Circuit has been cancelled based on a lawsuit as referred to in Article 30, the licensee shall continue to be entitled to implement his license until the expiry date stipulated in the licensing agreement.
- (2) The licensee as referred to in paragraph (1) shall no longer be required to continue to pay royalties which he would otherwise be required to pay to the Right Holder to Layout Design of Integrated Circuit whose right has been cancelled, but to pay royalties for the remaining of his licensing period to the true Right Holder.

*Elucidation: When it is cancelled, there is another person who actually has the right to the Integrated Circuit Layout Design. Such a situation may occur if there are two Holders of an Integrated Circuit Layout Design, but either one of them is legally declared as the party who has the right. With the clarity provided in this paragraph (1), further payment of the royalty shall be made by the Licensee of the Integrated Circuit Layout Design to the true Holder of the Integrated Circuit Layout Design.*

## Chapter VI - Fees

### Article 37

- (1) A fee, the amount of which shall be further regulated by Government Regulation, shall be paid upon the filing of Application, a request for excerpt of the General Register of Layout Designs of Integrated Circuit, a request for copies of Certificate of Layout Design of Integrated Circuit, a request for the recording of transfer of right, a request for the recording of licensing agreement, and other requests as provided for in this Law.
- (2) Provisions regarding the requirements, time frame and procedure of payment of fees as referred to in paragraph (1) shall be further regulated by Presidential Decree.
- (3) The Directorate General with the approval from the Minister of Finance may manage by itself all fees as referred to in paragraph (1) and paragraph (2) based on the prevailing laws and regulations.

## Chapter VII - Settlement of Disputes

### Article 38

- (1) The Right Holder or the licensee may bring a lawsuit any person who deliberately and without rights commits acts as referred to in Article 8, in the form of:
  - (a) claim for damages; and
  - (b) the ceasing of all acts as referred to in Article 8.
- (2) The lawsuit as referred to in paragraph (1) shall be filed at the Commercial Court.

### Article 39

In addition to the settlement of disputes as referred to in Article 38, the parties concerned may settle their dispute by means of arbitration or an alternative dispute resolution.

*Elucidation: "Alternative settlement of disputes" here means a negotiation, mediation, conciliation, and other means the parties choose in accordance with the prevailing laws and regulations.*

#### **Article 40**

The procedure of lawsuit as provided for in Article 31 and Article 33 shall apply mutatis mutandis to any lawsuit as provided for in Article 38.

### **Chapter VIII - Investigation**

#### **Article 41**

- (1) In addition to investigating officers at the State Police of the Republic of Indonesia, Civil Servants Investigators within the department of which the scope of duties and responsibilities include the field of layout designs of integrated circuit shall be granted special authority as investigators as referred to in Law no. 8 of 1981 on Criminal Proceedings, to conduct an investigation of criminal offences in the field of Layout Design of Integrated Circuit.
- (2) The Civil Servant Investigator as referred to in paragraph (1) shall be authorized to:
  - (a) conduct examination on the truth of reports or information relating to criminal offences in the field of Layout Design of Integrated Circuit;
  - (b) conduct examination on any party suspected of committing criminal offences in the field of Layout Design of Integrated Circuit;
  - (c) collect information and evidence from any party in connection with incidents of criminal offences in the field of Layout Design of Integrated Circuit;
  - (d) conduct examination of books, records and other documents relating to criminal offences in the field of Layout Design of Integrated Circuit;
  - (e) inspect locations on which evidence, books, records, and other documents to be found;
  - (f) confiscate materials and goods resulting from infringements which can used as evidence in the criminal trials in the field of Layout Design of Integrated Circuit;
  - (g) request expert assistance in the scope of carrying out the duties of investigation of criminal offences in the field of Layout Design of Integrated Circuit;
- (3) The Civil Servant Investigators as referred to in paragraph (1) shall inform the investigating officers at the State Police of the Republic of Indonesia about the initiating and the result of an investigation.
- (4) The Civil Servant Investigator as referred to in paragraph (1) shall forward the results of an investigation to the Public Prosecutor through the investigating officers at the State Police of

the Republic of Indonesia in view of the provision of Article 107 of Law no. 8 of 1981 on Criminal Proceedings.

## **Chapter IX - Criminal Provisions**

### **Article 42**

- (1) Any person who deliberately and without rights commits any acts as referred to in Article 8 shall be shall be sentenced to imprisonment of at most 3 (three) years and/or a fine of at most Rp300,000,000.00 (three hundred million rupiahs).
- (2) Any person who deliberately commits any acts as referred to in Article 7, Article 19, or Article 24 shall be sentenced to imprisonment of at most 1 (one) year and/or a fine of at most Rp45,000,000.00 (forty five million rupiahs).
- (3) The criminal action as referred to in paragraph (1) and (2) shall constitute offence that warrants complaint.<sup>3</sup>

3 = Bahasa Indonesia = delik aduan

## **Chapter X - Closing Provisions**

### **Article 43**

This Law shall take effect on the date of its enactment.

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2000 NUMBER 244