

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

Presidential Decree No. 13972, Aug. 31, 1993
Amended by Presidential Decree No. 14700, Jul. 1, 1995
Presidential Decree No. 15598, Dec. 31, 1997
Presidential Decree No. 16045, Dec. 31, 1998
Presidential Decree No. 18312, Mar. 17, 2004
Presidential Decree No. 19507, Jun. 12, 2006
Presidential Decree No. 20345, Oct. 26, 2007
Presidential Decree No. 20729, Feb. 29, 2008
Presidential Decree No. 21369, Mar. 25, 2009
Presidential Decree No. 21901, Dec. 22, 2009
Presidential Decree No. 22151, May 4, 2010

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to provide for the matters delegated by the Act on the Layout-Designs of Semiconductor Integrated Circuits and those necessary for its enforcement. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 2 Deleted. *<by Presidential Decree No. 21369, Mar. 25, 2009>*

Article 3 (Justifiable Grounds for Non-Use of Layout-Designs)

(1) The term “justifiable ground specified by Presidential Decree” in Article 13 (1) 1 of the Act on the Layout-Designs of Semiconductor Integrated Circuits (hereinafter referred to as the “Act”) shall be as any of the following subparagraphs: *<Amended by Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 21369, Mar. 25, 2009>*

1. Where a layout-design under subparagraph 2 of Article 2 of the Act is not used by a person who has made registration of creation pursuant to Article 21 (1) of the Act, and another person who has succeeded

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to the right from the former (hereinafter referred to as “layout-design right holder”) or an exclusive licensee under Article 11 (2) of the Act (hereinafter referred to as “exclusive licensee”) due to a mental or physical disorder. In such cases, a mental or physical disorder shall be proved by a representative of a medical organization of a hospital level or higher under Article 3 (4) of the Medical Service Act;

2. Where a layout design is not used due to the delay of permission or authorization of an administrative agency, or consent or approval from a third party required for the use of layout-designs under subparagraph 4 of Article 2 of the Act (hereinafter referred to as “use of lay-out design”);
3. Where a layout-design has not been used because raw materials or facilities necessary for using the layout-design are prohibited from importation; or
4. Where a layout-design has not been used because it is impossible to use the layout-design in business scale due to a lack or shortage of demand for the use of the layout-design.

(2) The term “justifiable ground” in Article 13 (1) 2 of the Act means a ground falling under any of the subparagraphs of paragraph (1). *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 4 (Application for Adjudication)

(1) A person who intends to make an application for adjudication (hereinafter referred to as “applicant for adjudication”) on the creation of non-exclusive license (hereinafter referred to as “non-exclusive license”) under Article 12 of the Act pursuant to Article 13 (2) or (3) of the Act shall submit a written application in which the matters falling under any of the following subparagraphs (hereinafter referred to as “application for adjudication”) are entered to the Commissioner of the Korean Intellectual Property Office: *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

1. The registration number of the layout-design right;
2. The name, address, and resident registration number (in cases of a

juristic person, its trade name, seat of place of business, registration number of the juristic person and name of its representative) of an applicant for adjudication;

3. The name, address and resident registration number (in cases of a juristic person, its trade name, seat of place of business, registration number of the juristic person and name of its representative) of the layout-design right holder or a person who has registered exclusive license or non-exclusive license or pledge under Article 16 of the Act (hereinafter referred to as “right for layout-design”);
4. Purposes and reasons for the application;
5. The scope of the non-exclusive license; and
6. The consideration, and methods and time for the payment thereof.

(2) An application for adjudication under paragraph (1) shall be accompanied by the documents falling under any of the following subparagraphs: *⟨Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 20345, Oct. 26, 2007⟩*

1. Documents stating the basis for calculation of the consideration, taking into consideration the economic value of layout-design right or exclusive license; and
2. Documents proving the reasons for the application.

Article 5 (Service of Duplicate of and Public Notification of Application for Adjudication)

(1) Where an application for adjudication under Article 4 is submitted, the Commissioner of the Korean Industrial Property Office shall send a copy of such application to the layout-design right holder and a person who has registered the right for layout-design, and shall provide them an opportunity to present their opinions in writing by fixing a period not less than one month but not more than three months: *Provided*, That in cases of an application for adjudication under Article 13 (3) of the Act, procedures to present opinions in writing may be omitted. *⟨Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007⟩*

(2) Where a written opinion under paragraph (1) is presented, the Commissioner of the Korean Industrial Property Office shall send a copy

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of opinion in writing to the applicant for adjudication. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

(3) Where an application for adjudication under Article 4 is submitted, the Commissioner of the Korean Industrial Property Office shall make a public notification of the purport in the Official Gazette or the Patent Gazette under Article 221 of the Patent Act (hereinafter referred to as "Official Gazette, etc."). *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

Article 6 (Abuse of Rights)

The term "grounds prescribed by Presidential Decree" in Article 13 (4) 2 of the Act means cases falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 21369, Mar. 25, 2009>*

1. Where corrective measures have been ordered by the Fair Trade Commission pursuant to Article 24 of the Monopoly Regulation and Fair Trade Act because the non-use of the layout-design by the layout-design right holder or the exclusive licensee falls under abusive practices under Article 3-2 of the same Act or unfair trade practices under Article 23 of the same Act; and
2. Where a layout-design is not used for not less than two years consecutively in the Republic of Korea on a substantial business scale, or does not meet the domestic demand in proper terms and conditions.

Article 7 (Certificate of Adjudication)

An adjudication under Article 13 (4) of the Act (hereinafter referred to as "adjudication") shall be a written submission (hereinafter referred to as "written adjudication") stating the matters falling under any of the following subparagraphs: *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 20345, Oct. 26, 2007>*

1. The serial number of the adjudication;
2. The registration number of the layout-design right;
3. The name, address, and resident registration number (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and the name of its representative) of

an applicant for adjudication;

4. The name, address or place of business, and resident registration number of the layout-design right holder and the person who has registered for the layout-design (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and the name of its representative);
5. The main texts of the adjudication (including the matters falling under any subparagraphs of Article 13 (5) of the Act);
6. The reasons for the adjudication (including the purport and reasons for the adjudication application); and
7. The date of the adjudication.

Article 8 (Delivery of Authentic Copy of Certificate of Adjudication)

When the Commissioner of the Korean Intellectual Property Office makes an adjudication, he/she shall deliver an authentic copy of the certificate of adjudication to the applicant for adjudication, the layout-design right holder and any other persons who have registered for the layout-design. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

Article 9 (Deposit of Consideration)

Where an applicant for adjudication who intends to pay a consideration under Article 13 (5) 2 of the Act falls under any of the following subparagraphs, he/she may deposit such consideration: *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 20345, Oct. 26, 2007>*

1. Where a person who is to receive the consideration refuses or is unable to receive it;
2. Where a lawsuit has been filed for the consideration; and
3. Where the right of pledge the object of which is the layout-design right or exclusive license has been established: *Provided*, That this shall not apply in cases where a pledgee agrees to such consideration.

Article 10 (Procedure for Cancellation of Adjudication)

(1) Cancellation of adjudication under Article 15 (1) of the Act shall be made in writing with the reason therefor clarified. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(2) Articles 4, 5, and 8 shall apply *mutatis mutandis* to the cancellation

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of adjudication under paragraph (1). In such cases, “adjudication” shall be deemed to be “cancellation of adjudication”, “application for adjudication” to be “application for cancellation of adjudication”, “applicant for adjudication” to be “applicant for cancellation of adjudication” and “statement of adjudication” to be “statement of cancellation of adjudication”, respectively. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

CHAPTER II REGISTRATION OF LAYOUT-DESIGN RIGHT, ETC.

Article 11 (Application for Registration of Creation of Layout-Design Right)

(1) A person who intends to apply for registration of creation of a layout-design right pursuant to Article 19 (1) of the Act shall submit a written application for registration of creation in which the following matters are entered (hereinafter referred to as “application for registration of creation”) to the Commissioner of the Korean Intellectual Property Office: *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

1. The applicant’s name, address, and resident registration number (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and name of its representative);
2. The date of application;
3. The date on which the layout-design was created;
4. Where activities defined in subparagraph 4 (c) of Article 2 of the Act are committed for profit making, the first date of such activity;
5. The name, address and resident registration number of the creator of the layout-design (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and name of its representative);
6. Where there is an agent for application, the name, address and resident registration number of the agent (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic

person, and name of its representative); and

7. The title of the layout-design.
(2) The following materials shall be attached to a written application for registration of creation: *〈Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Amended by Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 20729, Feb. 29, 2008; Presidential Decree No. 21369, Mar. 25, 2009〉*

1. An electronic file in the form readable by computer on two- or three-dimensional structure of a layout-design (hereinafter referred to as “layout-design file”);
2. An explanatory note of a layout-design in which the matters prescribed by Ordinance of the Ministry of Knowledge Economy are entered;
3. Documents proving authority when an application for registration is made by an agent who is not the layout-design administrator under Article 4 (1) of the Act (hereinafter referred to as “layout-design administrator”);
4. A certificate of nationality if an applicant is a foreigner (documents proving that it is a foreign juristic person if an applicant is a foreign juristic person); and
5. Documents proving the fact of succession in cases where an applicant is a successor of the creator of a layout-design under Article 19 (1) of the Act.

(3) Deleted. *〈by Presidential Decree No. 20345, Oct. 26, 2007〉*

Article 12 (Refusal of Application for Registration of Creation)

(1) The term “grounds prescribed by Presidential Decree, such as a failure in presentation of accompanying data necessary for application to register creation of the layout-design right” in Article 20 (1) 4 of the Act means cases falling under any of the following subparagraphs: *〈Amended by Presidential Decree No. 21369, Mar. 25, 2009〉*

1. Where the matters to be entered under Article 11 (1) have not been entered in a written application for registration of creation or the materials under Article 11 (2) have not been attached to a written application for registration of creation;
2. Where the matters entered in a written application for registration

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- of creation are inconsistent with the materials attached thereto, or the materials attached thereto are inconsistent with one another:
3. Where an explanatory note in which the matters to be entered under Article 11 (2) 2 are not entered have been attached to a written application for registration of creation; and
 4. Where fees under Article 40 of the Act have not been paid.
- (2) Where the Commissioner of the Korean Intellectual Property Office intends to refuse an application because it falls under any of the subparagraphs of paragraph (1), he/she shall issue orders of correction within a given period of time. *<Amended by Presidential Decree No. 21369, Mar. 25, 2009>*
- (3) An applicant may correct a written application for registration of creation or the materials attached thereto (excluding a layout-design file) before registration of creation is completed: *Provided*, That if orders of correction under paragraph (2) are issued, such correction may be made within a given period of time only.
- (4) The Commissioner of the Korean Intellectual Property Office may extend the period under paragraph (2) *ex officio* or at the request of a person who has received orders of correction.

[This Article Wholly Amended by Presidential Decree No. 20345, Oct. 26, 2007]

Article 13 (Public Notification of Registration of Creation)

- (1) Where the creation of a layout-design has been registered pursuant to Article 21 (1) of the Act, the Commissioner of the Korean Intellectual Property Office shall make public announcement in the Official Gazette, etc. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*
- (2) Matters to be publicly announced in the Official Gazette, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Knowledge Economy. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 20729, Feb. 29, 2008>*

Article 14 (Form of Original Register)

The Commissioner of the Korean Intellectual Property Office shall make the original register of creation of layout-design rights under Article 21 (2) of the Act (hereinafter referred to as the “original register”) on magnetic

tapes, etc., and its format, records and method of filling in and kind of annexed documents shall be prescribed by Ordinance of the Ministry of Knowledge Economy. *〈Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 20729, Feb. 29, 2008〉*

Article 15 (Loss of Original Register)

The Commissioner of the Korean Intellectual Property Office shall make a public notice, when all or some of the original register has been lost, that the holder of a layout-design right who has applied for restoration of such registration within a given period of time not less than three months is entitled to the same priority granted prior to such loss. *〈Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007〉*

Article 16 (Applicant for Registration)

A rightful person of registration and a responsible person for registration shall jointly apply for registration under Article 23 (1) of the Act: *Provided*, That if it falls under any of the following subparagraphs, a rightful person of registration alone may apply for registration: *〈Amended by Presidential Decree No. 20345, Oct. 26, 2007〉*

1. Where a letter of consent of a responsible person for registration is attached to the written application for registration concerned; and
2. Where registration is made by judicial judgment, inheritance or merger.

Article 17 (Application for Registration other than Registration of Creation)

(1) A person who intends to apply for registration under Articles 4 (3) and 23 (1) of the Act shall submit a written application for registration in which the matters of the followings subparagraphs are entered to the Commissioner of the Korean Intellectual Property Office: *〈Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 21369, Mar. 25, 2009〉*

1. The applicant's name, address, and resident registration number (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and name of its representative);

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2. Date of application;
 3. Where there is an agent for application, the name, address and resident registration number of the agent (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and name of its representative);
 4. Registration number of the layout-design right;
 5. Reasons for registration and the date when the reasons took place;
 6. Where the purpose of registration is the right on a layout-design, a description of the right to be registered; and
 7. Where the purpose of registration is the matters on the administrator of a layout-design, the name, address and resident registration number of the administrator of a layout-design (in cases of a juristic person, the trade name, seat of place of business, registration number of the juristic person, and name of its representative) and scope of authority.
- (2) A person who intends to apply for registration of establishment of exclusive license or non-exclusive license shall add the following matters to those under any subparagraphs of paragraph (1): *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*
1. Scope of exclusive license or non-exclusive license to be established; and
 2. Matters concerning the price or the method and time of payment thereof if they are prescribed in reasons for registration.
- (3) A person who intends to apply for registration of transfer of exclusive license or non-exclusive license shall add the scope of exclusive license or non-exclusive license to be transferred to the matters under any subparagraphs of paragraph (1). *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 18 (Accompanying Documents)

- (1) The following documents shall be attached to an application for registration under Article 17: *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*
1. Document showing the cause of registration;
 2. Document showing the consent or permission of a third party, when

consent or permission is necessary: *Provided*, That signing and sealing of the third party on the application may be acceptable in lieu of such documents;

3. Document showing authorization when the application for registration is made by an agent who is not the layout-design administrator;
4. A certificate of nationality if an applicant is a foreigner (documents proving that it is a foreign juristic person if an applicant is a foreign juristic person); and
5. Deleted. *<by Presidential Decree No. 21901, Dec. 22, 2009>*

(2) If a document certifying the reason for registration is the enforceable decision, a document under paragraph (1) 2 may not be attached. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(3) With regard to Article 17 (3), in cases where an exclusive license or a non-exclusive license is intended to be transferred together with business of using licenses for layout-designs, documents proving such fact shall be attached in addition to the documents under paragraph (1). *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 18-2 (Documents to be Submitted by Orders of Commissioner of Korea Intellectual Property Office)

(1) After examining a written application for registration and accompanying documents under Articles 17 and 18, where the Commissioner of the Korea Intellectual Property Office deems it necessary to confirm an applicant in detail, he/she may order the applicant to submit any document falling under any of the following subparagraphs for a fixed period:

1. Certificates concerning recording of family relations, certified copy or abstract of resident registration cards, certificate of nationality (limited to the cases where the applicant is a foreigner) and other documents confirming the applicant;
2. Notarized certificate of the signature (in cases of a foreigner, including a certificate issued by the public agencies in his/her mother country certifying that the applicant has signed thereon);
3. A corporate registry where the applicant is a juristic person.

(2) Where the Commissioner of the Korea Intellectual Property Office who

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receives a written application for registration and accompanying documents under Articles 17 and 18 is able to confirm any information on the documents falling under any subparagraphs of paragraph (1) through a joint use of administrative information under Article 36 (1) of the Electronic Government Act, he/she may substitute the documents to be submitted with such confirmation: *Provided*, That where the applicant does not consent to the confirmation of the relevant documents (excluding the corporate registry), the Commissioner of the Korea Intellectual Property Office shall order the applicant to submit the relevant documents. *⟨Amended by Presidential Decree No. 22151, May 4, 2010⟩*

[This Article Newly Inserted by Presidential Decree No. 21901, Dec. 22, 2009]

Article 19 (Omission of Accompanying Documents)

(1) When two or more applications for registration of establishment under Article 11 and registration for other than establishment under Article 17 are made at the same time, if there is duplication in attached materials or documents for each application, the presentation of attached materials or documents to one application may replace the attached materials or documents to the other application. In such cases, such purport shall be stated in the other application. *⟨Amended by Presidential Decree No. 20345, Oct. 26, 2007⟩*

(2) When making an application for registration under paragraph (1), if any materials or documents to be attached to the written application concerned have already been submitted and there are no changes in their details, the presentation of such materials or documents may be omitted. In such cases, such purport shall be stated in the other application. *⟨Amended by Presidential Decree No. 20345, Oct. 26, 2007⟩*

Article 20 (Description of Matters concerning Extinguishment of Rights)

A person who intends to apply for registration under Article 19 (1) (hereinafter referred to as an “applicant for registration”) shall, if there is an agreement on the extinguishment of the right which is the purpose of registration, enter such details in a written application. *⟨Amended by Presidential Decree No. 20345, Oct. 26, 2007⟩*

Article 21 (Description of Shares, etc.)

(1) When matters concerning shares are prescribed as the joint ownership

of a layout-design right or a right for a layout-design held by not less than two persons, an applicant for registration shall enter such shares in a written application. The same shall also apply when an application for registration is made for transfer of part of a layout-design right or a right for a layout-design. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(2) When there is a special agreement under Article 10 (4) of the Act (including cases where Articles 11 (6) and 12 (5) of the Act apply *mutatis mutandis*) or an agreement under the proviso to Article 268 (1) of the Civil Act as joint ownership of a layout-design right or a right for a layout-design by not less than two persons, an applicant for registration shall enter such matter in a written application. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 22 (Attachment, etc. of Evidentiary Documents)

Where a cause of registration is inheritance or merger of juristic persons, an applicant for registration shall attach documents proving such facts to a written application: *Provided*, That where the applicant has consented so that the Commissioner of the Korean Intellectual Property Office may confirm the contents of attached documents through joint use of the administrative information pursuant to Article 36 (1) of the Electronic Government Act, attached documents may be omitted. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 21369, Mar. 25, 2009; Presidential Decree No. 22151, May 4, 2010>*

[This Article Wholly Amended by Presidential Decree No. 19507, Jun. 12, 2006]

Article 23 (Consolidated Application)

When two or more applications for registration are made for layout-design rights or rights for layout-designs, only one application may be made if causes and purposes of such registration are the same. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 24 (Obligee's Subrogation to Obliger)

When an application is based upon the obligee's subrogation to the obliger pursuant to Article 404 of the Civil Act, the applicant shall submit to the Commissioner of the Korean Intellectual Property Office a written application in which the following matters are entered and documents proving causes of the subrogation attached thereto: *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

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1. The name, address, and resident registration number (in cases of a juristic person, its trade name, seat of place of business, registration number of the juristic person and name of its 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 under Article 21 (1) or 23 (1) of the Act, the Commissioner of the Korean Industrial Property Office shall notify a rightful person of registration, a responsible person for registration and other interested persons in writing without delay. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

Article 26 (Ex Officio Correction)

If errors or omissions under Article 25 were caused by public officials under his/her control, the Commissioner of the Korean Intellectual Property Office shall correct registration except that there is a third party having interest of registration without delay and notify such effect in writing to a rightful person of registration and a responsible person for registration. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

Article 27 (Cancelling Registered Creation of Layout-Design Rights)

(1) Cancelling registered creation of a layout-design right under Article 24 of the Act shall be made in writing with the reason thereof clarified. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(2) Details of cancelling registered creation under paragraph (1) shall be publicly announced in the Official Gazette, etc. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

Article 28 (Application *Mutatis Mutandis* of Patent Registration Decree)

The provisions of Articles 2 through 7, 11 through 14, 17, 19 through 23, 30, 33 through 35, and 42 through 63 of the Patent Registration Decree shall apply *mutatis mutandis* to registration under Article 23 (1) of the Act. In such cases, “patent rights” shall be deemed to be “layout-design rights”, “patent” to be “layout-designs”, “patent register” to be “layout-design register”, “patent number” to be “layout-design registration number”, “exclusive right of use” to be “exclusive license”, “non-exclusive right of use” to be “non-exclusive license”, and “patent trust register” to be “layout-design trust register”. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

CHAPTER III LAYOUT-DESIGN REVIEW AND MEDIATION COMMITTEE

Article 29 (Chairperson and Vice-Chairperson)

(1) The chairperson of the Layout-Design Review and Mediation Committee under Article 25 (1) of the Act (hereinafter referred to as the “Committee”) shall take charge of the general affairs of the Committee, and shall represent the Committee. *⟨Amended by Presidential Decree No. 20345, Oct. 26, 2007⟩*

(2) The vice-chairperson shall assist the chairperson, and, if the chairperson is unable to perform his/her duties due to unavoidable reasons, the vice-chairperson shall act on behalf of the chairperson. *⟨Amended by Presidential Decree No. 20345, Oct. 26, 2007⟩*

Article 30 (Convocation of Meeting and Quorum)

(1) The chairperson shall convene a meeting of the Committee and preside over it.

(2) When the chairperson intends to convene a meeting of the Committee (hereinafter referred to as “meetings”), he/she shall notify members (hereinafter referred to as “members”) of the time and place of the meeting and of issues to be reviewed or mediated in the meeting at least five days before the meeting under Article 25 (2) of the Act: *Provided*, That the same shall not apply when the meeting shall be urgently convened or an unavoidable reason exists. *⟨Amended by Presidential Decree No. 20345, Oct. 26, 2007⟩*

(3) The Committee shall commence a meeting when two-thirds or more of members are attending and shall pass resolutions by a concurrent vote of a majority of those present. *⟨Amended by Presidential Decree No. 20345, Oct. 26, 2007⟩*

(4) Any member of the Committee may not participate in a deliberation or mediation of a case in which he/she has a direct interest.

Article 31 (Allowance and Travel Expenses)

Members and expert witnesses participating in a meeting shall receive allowance and travel expenses within budget: *Provided*, That neither allowance nor expenses shall be paid to a member who is a public official participating in the meeting in direct connection with his/her duties. *⟨Amended by Presidential Decree No. 20345, Oct. 26, 2007⟩*

Article 32 (Procedure for Mediation)

(1) A person who intends to apply for mediation pursuant to Article 27

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(1) of the Act, shall submit a written application for mediation to the Committee as determined by the Committee. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(2) When the chairperson has received a written application for mediation under paragraph (1) above, he/she shall refer such application to the Mediation Division (hereinafter referred to as the “Mediation Division”) under Article 28 of the Act. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(3) In cases where the Mediation Division has received a written application for mediation pursuant to paragraph (2), the Mediation Division may provide parties, their agents or other interested parties in the mediation with an opportunity to state their opinions and consider the opinions of relevant experts. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(4) The Mediation Division may prepare a proposal of mediation, present it to the parties concerned, and recommend them to accept it.

(5) If mediation is concluded pursuant to Article 29 (1) of the Act, the Committee shall report it without delay to the Commissioner of the Korean Intellectual Property Office, and shall manage and preserve a protocol and other records concerning such mediation. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

Article 33 (Executive Secretary and Other Clerical Staff)

(1) The Committee shall have one executive secretary and a few clerical staff. *<Amended by Presidential Decree No. 20345, Oct. 26, 2007>*

(2) The Commissioner of the Korean Intellectual Property Office shall appoint the executive secretary and other clerical staff from among public officials who are in charge of layout-design registration under Article 21 of the Act. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007>*

(3) The executive secretary shall manage the general affairs of the Committee in accordance with the instruction of the Chairperson and shall be assisted by other clerical staff.

Article 34 (Detailed Operation Regulations)

Matters necessary for operation of the Committee, other than the matters prescribed by this Decree, shall be determined by the chairperson through the decisions of the Committee. *<Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 20345, Oct. 26, 2007>*

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 35 (Certificate of Registration of Layout-Design)

The matters of the following subparagraphs shall be entered in a certificate of registration of a layout-design under Article 21 (3) of the Act (hereinafter referred to as a “certificate of registration of a layout-design”) : *⟨Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007; Presidential Decree No. 20729, Feb. 29, 2008⟩*

1. The holder of a layout-design right;
2. The registration number and registration date of a layout-design right;
and
3. Other matters prescribed by Ordinance of the Ministry of Knowledge Economy.

Article 36 (Perusal of Original Register, etc.)

(1) If there is a request falling under any of the following subparagraphs pursuant to Article 21 (4) of the Act, the Commissioner of the Korean Intellectual Property Office shall respond without delay unless any special reason exists: *⟨Amended by Presidential Decree No. 14700, Jul. 1, 1995; Presidential Decree No. 16045, Dec. 31, 1998; Presidential Decree No. 20345, Oct. 26, 2007⟩*

1. Request for a copy or an abstract of the original register pursuant to Article 21 of the Act; or
2. Request for perusal or reproduction of a certificate of registration of a layout-design, a written application for registration of establishment or a written application for registration under Article 17 and materials and documents attached thereto: *Provided*, That only a rightful person of a layout-design may make a request for perusal or reproduction of a certificate of registration of a layout-design or a layout-design file.

(2) Perusal under paragraph (1) shall be made in a designated place in the presence of the public official concerned. *⟨Amended by Presidential Decree No. 20345, Oct. 26, 2007⟩*

Article 37 Deleted. *⟨by Presidential Decree No. 15598, Dec. 31, 1997⟩*

Article 38 Deleted. *⟨by Presidential Decree No. 16045, Dec. 31, 1998⟩*

Article 39 (Administration of Layout-Design Files)

The Commissioner of the Korean Intellectual Property Office shall keep layout-design files submitted pursuant to Article 11 (2) in custody so that confidentiality may be maintained and take necessary measures for security. *[This Article Newly Inserted by Presidential Decree No. 20345, Oct. 26, 2007]*

ADDENDA

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

(1) (Enforcement Date) This Decree shall enter into force on September 1, 1993.

(2) (Provisions on Enforcement Date of the Act on Layout-Designs of Semiconductor Integrated Circuits) Under the provisions of paragraph (1) of the Addenda, the Act on the Layout-Designs of Semiconductor Integrated Circuits (Act No. 4526) shall enter into force on September 1, 1993.

ADDENDUM *⟨Presidential Decree No. 14700, Jul. 1, 1995⟩*

This Decree shall enter into force on July 1, 1995.

ADDENDUM *⟨Presidential Decree No. 15598, Dec. 31, 1997⟩*

This Decree shall enter into force on January 1, 1998.

ADDENDUM *⟨Presidential Decree No. 16045, Dec. 31, 1998⟩*

This Decree shall enter into force on January 1, 1999.

ADDENDUM *⟨Presidential Decree No. 18312, Mar. 17, 2004⟩*

This Decree shall enter into force on the date of its promulgation.

ADDENDUM *⟨Presidential Decree No. 19507, Jun. 12, 2006⟩*

This Decree shall enter into force on the date of its promulgation.

ADDENDA *⟨Presidential Decree No. 20345, Oct. 26, 2007⟩*

Article 1 (Enforcement Date)

This Decree shall enter into force on October 28, 2007.

Article 2 (Applicability to Application, etc. for Registration of Creation of Layout-Design Rights)

Parts concerning layout-design files of the amended provisions of Articles 11, 12 and 36 shall apply beginning from the first application for registration of creation of a layout-design right made after this Decree enters into force.

ADDENDA *⟨Presidential Decree No. 20729, Feb. 29, 2008⟩*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDA *〈Presidential Decree No. 21369, Mar. 25, 2009〉*

Article 1 (Enforcement Date)

This Decree shall enter into force on March 27, 2009.

Article 2 (Applicability)

The amended provision of the proviso to Article 22 shall apply beginning with the first application for registration after this Decree enters into force.

ADDENDUM *〈Presidential Decree No. 21901, Dec. 22, 2009〉*

This Decree shall enter into force on the date of its promulgation.

ADDENDA *〈Presidential Decree No. 22151, May 4, 2010〉*

Article 1 (Enforcement Date)

This Decree shall enter into force on May 5, 2010.

Articles 2 through 4 Omitted.