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

WITH THE MERCY OF GOD ALMIGHTY,
PRESIDENT OF THE REPUBLIC OF INDONESIA,

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 the 1945 Constitution;

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).

With the approval of

THE HOUSE OF REPRESENTATIVES

DECIDES:

To Enact: LAW ON LAYOUT DESIGN OF INTEGRATED CIRCUITS

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 integrally 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.


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.

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.

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 anywhere, or from the Filing Date.

(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.

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 comprises 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.

(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.

(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.

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.

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 contain the whole part of or some parts of the design that has been granted the Right to Layout Design of Integrated Circuit.

(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.
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.
(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.
(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).

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.

(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.

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.

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.
(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.

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.
(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 LICENCE

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.
(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.
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.

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.

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.

(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.

(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\(^1\) shall make the summons of the parties concerned at the latest 7 (seven) days from the date of registration of the lawsuit.

---

\(^1\) Bahasa Indonesia = juru sita
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.

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.

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 **cassation**.²

**Article 33**

1. The request for a **cassation** 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 **cassation** 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 **cassation** shall deliver the brief for the **cassation** to the clerk of the Court within the period of 14 (fourteen) days from the date the request for a **cassation** is filed as referred to in paragraph (1).

4. The clerk of the Court shall deliver the request for a **cassation** and the brief for the **cassation** as referred to in paragraph (3) to the defendant of the **cassation** at the latest 2 (two) days after the request is filed.

5. The defendant of the **cassation** 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 **cassation** as referred to in paragraph (4), and the clerk of the Court shall deliver the counter against the **cassation** to the applicant of the **cassation** at the latest 2 (two) days after he received the said counter.

6. The clerk of the Court shall deliver the request for **cassation**, the brief for **cassation** and the counter against the **cassation** 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 **cassation** 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 **cassation** shall be conducted at the latest 60 (sixty) days after the Supreme Court received the request.

9. A court decision on the **cassation** shall be made at the latest 90 (ninety) days after the Supreme Court received the request.

10. The court decision on a **cassation** 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 **cassation** 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 **cassation** as referred to in paragraph (11) to the applicant of the **cassation** and the defendant of the **cassation** 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.

² 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.

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.

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 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.³

³ Bahasa Indonesia = delik aduan
CHAPTER X
CLOSING PROVISIONS

Article 43
This Law shall take effect on the date of its enactment.

In order that every person may know of it, the promulgation of this Law is ordered by the placement in the Official State Gazette of the Republic of Indonesia.

Ratified in Jakarta
on December 20, 2000

PRESIDENT OF THE REPUBLIC OF INDONESIA

(signed)

ABDURRAHMAN WAHID

Promulgated in Jakarta
on December 20, 2000

STATE SECRETARY OF THE REPUBLIC OF INDONESIA

(signed)

DJOHAN EFFENDI

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2000 NUMBER 244