

Semiconductor Integrated Circuits Layout-design Act, 2000

Section 7 - Prohibition of Registration of Certain Layout-designs

(1) A layout-design--

- (a) which is not original; or
- (b) which has been commercially exploited anywhere in India or in a convention country; or
- (c) which is not inherently distinctive; or
- (d) which is not inherently capable of being distinguishable from any other registered layout-design,

shall not be registered as a layout-design:

Provided that a layout-design which has been commercially exploited for not more than two years from the date on which an application for its registration has been filed either in India or in a convention country shall be treated as not having been commercially exploited for the purposes of this sub-section.

(2) A layout-design shall be considered to be original if it is the result of its creator's own intellectual efforts and is not commonly known to the creators of layout-designs and manufacturers of semiconductor integrated circuits at the time of its creation:

Provided that a layout-design consisting of such combination of elements and interconnections that are commonly known among creators of layout-designs and manufacturers of semiconductor integrated circuits shall be considered as original if such combination taken as a whole is the result of its creator's own intellectual efforts.

(3) Where an original layout-design has been created in execution of a commission or a contract of employment, the right of registration to such layout-design under this Act shall belong, in the absence of any contractual provision to the contrary, to the person who commissioned the work or to the employer.