

**LAW NO. 08/L-053****ON SEMICONDUCTOR TOPOGRAPHS**

**The Assembly of the Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves:

**LAW ON SEMICONDUCTOR TOPOGRAPHS****CHAPTER I  
GENERAL PROVISIONS****Article 1  
Purpose**

1. This Law shall determine the requirements, measures and procedures for the legal protection of topographies of semiconductor products and the implementation of the rights deriving from this Law.

2. This Law is aligned with Council Directive 87/54/EEC of 16 December 1986 on the legal protection of topographies of semiconductor products and Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights.

**Article 2  
Scope**

1. This Law shall apply to local and foreign natural and legal persons who are subject to the registration procedure for the protection of topographies of semiconductor products at the Industrial Property Agency of the Republic of Kosovo.

2. Provisions of this law shall not apply to issues related to patents and the copyright, by limiting reconstruction of drawings or other artistic presentations of topographies by coping them in two dimensions.

**Article 3  
Definitions**

1. The terms used in this law shall have the following meanings:

1.1. **Semiconductor product** - shall mean the final or an intermediate form of any product consisting of a body of material which includes a layer of semiconducting material and having one or more other layers composed of conducting, insulating or semiconducting material, the layers being arranged in accordance with a predetermined three-dimensional pattern; and is intended to perform, exclusively or together with other functions, an electronic function;

1.2. **The topography of a semiconductor product** - (hereinafter - topography) shall mean a series of related images, however fixed or encoded representing the three-dimensional pattern of the layers of which a semiconductor product is composed and in which series, each image has the pattern or part of the pattern of a surface of the semiconductor product at any stage of its manufacture;

1.3. **Commercial exploitation** - means the sale, rental, leasing or any other method of commercial distribution of topography or any semiconductor product produced through topography or an offer for these purposes. Commercial exploitation shall not include exploitation under conditions of confidentiality to the extent that no further distribution to third parties occurs;

1.4. **License contract** - means the license contract according to the relevant law on relations of obligations;

1.5. **IPA** - is the respective agency for industrial property, established within the respective Ministry for Industry, Entrepreneurship and Trade.

## **CHAPTER II PROTECTION REQUIREMENTS AND THE RIGHT TO PROTECTION**

### **Article 4 Protection requirements**

1. The topography shall be protected in accordance with the provisions of this Law, if it:

1.1. is the result of the intellectual effort of its creator; and

1.2. is not common in the semiconductor industry.

2. The protection of topographies under paragraph 1. of this Article includes only topography and not concepts, processes, systems, techniques or coded information embedded in topography.

3. Where the topography consists of elements that are commonplace in the semiconductor industry, it shall be protected by this Law only to the extent that the combination of such elements, taken as a whole, fulfils the requirements of paragraph 1. of this Article.

### **Article 5 The right to protection**

1. The natural person who created the topography (hereinafter: the creator) shall have the right to protect the topography, according to the provisions of this law.

2. Where several natural persons create a topography jointly, the right shall apply in favour of all of them jointly.

3. Where the topography is created during the employment of the creator, the right to protection shall apply in favour of the employer of the creator, unless otherwise defined in the employment contract.

4. Where the topography is created under a contract other than the employment contract, the right to protection shall apply in favour of the party to the contract that has authorized the topography, unless otherwise specified in the contract.

5. Where the topography is created according to paragraphs 1. and 2. of this Article, the right to protection of the topography shall apply in favour of natural persons who are citizens of the Republic of Kosovo or who have a place of residence or settlement in the territory of the Republic of Kosovo.

6. Where the topography is created under paragraphs 3. and 4. of this Article, the right to protection of the topography shall apply in favour of:

6.1. natural persons who are citizens of the Republic of Kosovo or who have a place of

residence or settlement in the territory of the Republic of Kosovo;

6.2. companies or other legal persons that have their headquarters in the territory of the Republic of Kosovo.

7. Where the right to protection does not exist under the other provisions of this Article, the right to protection of topographies shall apply in favour of the persons defined in paragraph 6., subparagraphs 6.1. and 6.2. of this Article, if the aforementioned persons:

7.1. have been authorized exclusively to use the topography commercially in the Republic of Kosovo by the person entitled to place it, and

7.2. the topography that has not been used commercially yet in any country of the world is used commercially for the first time in the territory of the Republic of Kosovo.

8. The right to protection shall apply in favour of the successors on behalf of persons defined in paragraphs 1. to 7. of this Article.

9. Foreign natural and legal persons who do not have a residency or settlement or main headquarters of business in the territory of the Republic of Kosovo shall enjoy the protection provided by this law, if it results from international treaties that constitute an obligation for the Republic of Kosovo or from the implementation of the reciprocity principle.

### **CHAPTER III EXCLUSIVE RIGHTS GRANTED**

#### **Article 6 Determination and duration of exclusive rights**

1. Exclusive rights shall be granted to the rightholders to protection under Article 4 of this law, in the event an application has been submitted for topography registration at IPA, according to the provisions of this law.

2. The application to register the topography can be submitted either before the first commercial exploitation of the topography anywhere in the world or within two (2) years from the date of the first commercial exploitation of the topography anywhere in the world.

3. If the application is not submitted within two (2) years from the date of the first commercial exploitation of the topography anywhere in the world, it is deemed that the exclusive rights have not entered into force during this period and that they can no longer be granted.

4. The exclusive rights shall be determined in:

4.1. the date when the topography is first exploited anywhere in the world, provided that the application for topography registration is submitted within two years (2) from that date, or

4.2. the date on which the application for topography registration is submitted to the IPA under this law's provisions.

5. The persons defined in Article 5 of this Law shall have the right to protection of topography according to the provisions of Article 24 of this law for the period before their exclusive rights come into existence, if they prove that another person has reproduced, exploited commercially or fraudulently imported the topography for that purpose. This provision is without prejudice to other remedies for the exercise of exclusive rights granted under paragraphs 1., 2., 3. and 4. of this Article.

6. The exclusive rights shall come to an end ten (10) years from any previous date of the following dates:

6.1. from the year following the end of the calendar year in which the application for registration has been filed, or

6.2. from the year following the end of the calendar year in which the topography is first commercially exploited anywhere in the world provided that the application for registration is submitted within two (2) years from the date of first commercial exploitation of the topography.

7. If no request for topographic registration has been submitted before the IPA and no commercial exploitation of the topography has been made within fifteen (15) years from the date on which the topography was first fixed or encoded, the exclusive rights may no longer be granted.

#### **Article 7**

#### **Content and restrictions of exclusive rights**

1. The exclusive rights imply that only the rightholder is entitled to authorize or prohibit:

1.1. reproduction of a topography, including the production of a semiconductor product, by exploiting the topography;

1.2. commercial exploitation of the topography, or

1.3. the importation of the topography or any semiconductor product that is produced for the purpose of commercial exploitation.

2. The exclusive rights shall not include:

2.1. reproduction for the purpose of analyzing, evaluating or teaching the concepts, processes, systems or techniques embodied in the topography or the topography itself;

2.2. reproduction, commercial exploitation or import for that purpose of topography or any semiconductor product produced exploiting the topography that meets the protection requirements under Article 4, paragraph 1. of this Law and that is created based on an analysis and evaluation of another topography.

3. Any person that acquires a semiconductor product, who does not know, or has no reasonable grounds to believe, that the product has embodied a protected topography, may continue the commercial exploitation of that product.

4. For commercial exploitation an act committed after that person has the knowledge, or has reasonable grounds to believe, that the semiconductor product has embodied a protected topography, the rightholder may demand an adequate remuneration before the court.

5. Provisions of paragraph 3. and 4. of this Article shall apply also to the successor on behalf of the person.

#### **Article 8**

#### **Exhaustion of rights**

Placing on the market of the territory of the Republic of Kosovo of any protected topography or any semiconductor product produced using the topography protected by the holder of exclusive rights or with his/her consent exhausts his/her right to authorize or prohibit the acts defined in Article 7, paragraph 1., sub-paragraphs 1.2. and 1.3. of this law.

### **Article 9**

#### **Transfer of rights**

1. The right to protection of topography and the exclusive rights deriving from the protected topography may be transferred to third parties through a written agreement.
2. The transfer becomes effective for third parties after the registration of the transfer agreement in the topography register and after it is published in the official bulletin.
3. In the case of joint ownership of a topography, the right may be transferred through a written consent of all joint owners, unless otherwise agreed upon.

### **Article 10**

#### **License contract**

1. The rightholder may allow its use through a license contract.
2. When topography is jointly owned, a license shall be issued with the written consent of all co-owners, unless otherwise agreed between them.
3. The license contract can be an exclusive or non-exclusive license.
4. The license contract is registered in the register of topographies at the request of the licensee, accompanied by an extract from the license contract. A certificate shall be issued to the licensee.
5. The license contract has effect in relation to third parties from the date when it is registered in the topography register.

## **CHAPTER IV**

### **PROCEDURE OF REGISTRATION, INVALIDITY AND DISMISSAL**

### **Article 11**

#### **Application to register the topography**

1. The procedure for topography registration is initiated with an application for topography registration that is submitted with the IPA.
2. The request regarding topographies for which protection is requested must be submitted in writing to the IPA.
3. For each topography, a separate application shall be submitted.
4. An application to the IPA is submitted by any natural or legal person referred to in Article 5 of this Law. The person submitting the application may submit the application through an authorized representative.
5. An application to register the topography in the topography register contains the following;
  - 5.1. full name, nationality, place of residence, main headquarter or address and sufficient data to contact the applicant for the purposes of Article 5 of this Law;
  - 5.2. a statement if any natural person, declared as an applicant, has created the topography, stating his name. If the creator has not declared himself as an applicant, a statement describing the manner by which the applicant has been granted the right to protection under Article 5, paragraphs 3., 4., 6., 7. and 8. of this law;
  - 5.3. a brief and accurate description of the topography, under paragraph 3. of this Article, in which the topography and its title should be clearly and concisely identified;

5.4. a statement and supporting documents for the date of first commercial exploitation of the topography, when this date is earlier than the date of application. This statement must prove that the time-limit set out in Article 6, paragraph 2. and 3. of this law has been adhered to.

6. The application for topography is accompanied by documents, data and supplements that identify the topography, including drawings or photographs of:

6.1. drawing for the production of semiconductor product;

6.2. masks or parts of masks for the production of semiconductor products, or

6.3. semiconductor product drawings.

7. An application shall be accompanied by evidence of payment of the application fee for the topography registration, authorization when the application is submitted through an authorized representative and the legitimacy documents of the applicant in the case of a legal entity or in the case of a natural person who is not the creator.

8. Special provisions regarding the form and content of the application, the manner of its drafting and submission, topography registers and administrative tax for each service provided by the IPA in relation to the procedures set out in this law, shall be determined by the sub-legal act issued by the Ministry.

#### **Article 12** **Protection of trade secret**

1. The applicant shall have the right to label any required material or any part of it as a trade or business secret. This right cannot be exercised in more than half the number of layers in the semiconductor product.

2. The parts labelled as trade or business secrets in the application shall be presented separately from other parts and will not be available to the public.

3. The Court may order the disclosure of the materials set in paragraph 1. of this Article only to persons involved in court proceedings regarding the validity or any infringement of exclusive rights referred to in Article 7, paragraph 1. of this Law.

#### **Article 13** **Application date of registration**

The date of submission of application will be the date on which the IPA receives the application which meets the conditions under Article 11 of this Law and a sub-legal act for reviewing the request for registration issued by the Minister.

#### **Article 14** **Processing the application for registration**

1. When processing the request for registration, the IPA shall examine whether the application for topography meets the conditions set out in Article 11 of this Law and in sub-legal act issued by the Minister.

2. If deficiencies are found in the application, the Applicant shall be given a time-limit of two (2) months from the date of notification by the IPA to correct the deficiency. If the Applicant does not take steps to correct the noted deficiency, the application shall be dismissed. The Applicant shall be notified of the decision.

3. The rejected application shall be reinstated if, within three (3) months after the expiration of

the period specified in the official action, the applicant requests so and submits a statement or takes steps to correct the deficiency and if, within the same period, pays the taxes set for reinstating. Reinstating can only be provided once.

### **Article 15**

#### **Registration of topographies**

1. Where the application meets all the conditions of Article 11 of this Law and the provisions of the relevant administrative instruction for registration of topographies, the topography, upon a decision, shall be entered in the register of topographies.

2. IPA issues a registration certificate with the registration data and publishes it in the Official Bulletin. The certificate of semiconductor product's topography registration is issued to the applicant after the payment of the administrative tax specified in the sub-legal act for taxes.

### **Article 16**

#### **Publication**

Subject to the provisions of Article 12 of this law, the documents related to the request are publicly available from the date of registration.

### **Article 17**

#### **Review of complaint**

1. The unsatisfied party shall have the right to file a complaint within thirty (30) days against the IPA decisions. The complaint shall be submitted to the Committee, which within thirty (30) days following the date of receiving the complaint shall decide and inform the party.

2. The unsatisfied party can initiate against the Committee's decisions an administrative procedure at the Basic Court in Pristine within thirty (30) days.

### **Article 18**

#### **Transfer registration in the register and the legal effects of that registration**

1. Whenever the exclusive rights in topography are transferred to another party or when a license is assigned to, a proper note shall be made in the register of topographies, at the request of the party and the tax must be paid. If it is verified that the license registered in the register has expired, the note is deleted from the register.

2. In court proceedings and other cases related to the exclusive rights in topography, the party that was last registered as the holder of the exclusive rights in the register of topographies shall be considered the holder of the exclusive rights.

### **Article 19**

#### **Registry**

1. The IPA shall keep and maintain a register of topography applications and a register of topographies.

2. The content and manner of keeping and maintaining the registers from paragraph 1. of this Article shall be determined by a sub-legal act

3. The register of topographies from paragraph 1. of this Article is public and is kept in the form of an electronic database within IPA; the requirements and any relevant technical specification are determined by sub-legal act.

4. Based on a written request of the party, the API will issue copies of records or extracts from the register, after the payment of taxes.

## **Article 20**

### **Data protection**

1. IPA shall collect and store in the database all the data provided by the applicants or any other party in the procedure according to this law or sub-legal acts approved under it.
2. The database may contain personal data to the extent that such details are required under this law or sub-legal acts adopted under it. Collection, storage and processing of such data is used for:
  - 2.1. administration of applications and registrations;
  - 2.2. access to information necessary for the development of relevant procedures;
  - 2.3. communication with applicants and other parties to the proceedings;
  - 2.4. issuance of reports and statistics that enable the IPA to improve the functioning of its system.
3. The processing of every personal data shall be performed according to the relevant Law on Protection of Personal Data.

## **Article 21**

### **Cancellation of topography registration**

1. Any interested party may submit a claim to the Court to cancel the topography registration within the validity period.
2. The topography registration can be cancelled if:
  - 2.1. the object of registration does not comply with the definition of semiconductor products and with the topography defined in Article 3 of this Law, as well as with the main requirements for the protection of topographies from Article 4 of this Law;
  - 2.2. mandatory documents and materials of the application, compared to other application documents and materials, misidentify topography in whole or in part or reveal the essence of topography so vaguely that it is impossible for topography to be identified in a non-erroneous manner;
  - 2.3. the topography is registered under the name of any person who was not entitled to apply for it;
  - 2.4. the topography is registered in contradiction with the provisions of this law regarding the deadlines for submitting the application;
  - 2.5. the document verifying the date of the first commercial exploitation of the topography is false and the indication of the false date contributes to the right of the applicant to submit an application for registration or within the term of validity of exclusive rights.

3. The decision to declare the registration as invalid shall be registered in the topography register.

## **Article 22**

### **Rejection of the claim**

1. Any person who meets the requirements set forth in Article 5 of this Law and who has evidence of his/her right to topography, may submit a claim to the Court to transfer him/her the right upon submitting a claim or to a registered topography, if the application was made by another person

who was not entitled to do so or if the registration was made in favour of that other person.

2. The rights from paragraph 1. of this Article can be exercised not later than two (2) years after the date of publication of the topography registration in the official bulletin. This deadline does not apply if the holder of the registration certificate was aware of the applicant's right at the time the certificate was registered or at the time of the transfer of the topography.

3. A summary of the court decision for the recognition of that application shall be recorded in the register of topographies.

4. From the date of court decision submission, the licenses, as well as any other right related to topography, shall be deemed invalid. The losing party, as well as third parties may request from the known owner a concession, against a compensation, for any non-exclusive license for a reasonable period, provided that they use the topography in good faith or have taken necessary precautions for its exploitation. If the parties do not reach an agreement, the terms shall be set by the Court.

5. The IPA shall, based on a court decision, make the necessary changes in the register of topographies and in other documents related to the topography registration. The claim to make the necessary changes is accompanied by a document verifying the payment of the specified fee.

6. The creator of the topography has the right to defend his rights before the court according to the procedure defined by the Law on Patents for the protection of the rights of the creator.

## **CHAPTER V IMPLEMENTATION OF GRANTED RIGHTS**

### **Article 23 Persons entitled to submit an application**

The protection of rights under this law may be requested by the holders of exclusive rights, their successors in title, when exercising their rights, the licensee of exclusive licenses, defending the rights granted to them, or any other person authorized by these persons.

### **Article 24 Claim in case of infringement of exclusive rights**

1. A person entitled to file a request under Article 23 of this Law may file a claim against any person who intentionally or unintentionally infringes the exclusive rights in topography, requesting:

- 1.1. ascertainment of the infringement of exclusive rights;
- 1.2. distancing oneself from the infringement act, prohibiting the infringement of exclusive rights and prohibiting the continuation of such and similar infringements of exclusive rights in the future;
- 1.3. a reasonable compensation for illegal exploitation;
- 1.4. indemnity to the injured party for further damage caused by the infringement.

2. Along with the claim referred to in paragraph 1. of this Article, the claimant may request, and the Court may, *inter alia*, decide that the specimen of the infringing topography or semiconductor products produced by the infringing topography be:

- 2.1. withdrawn from trade channels;

2.2. permanently removed from trade channels, or

2.3. destroyed.

3. The measures referred to in paragraph 2. of this Article shall apply as appropriate to materials and equipment used primarily for the illicit production of infringing products.

4. In issuing a decision on remedial measures under paragraph 2. of this Article, the Court shall take into account the need for proportionality between the degree of infringement, the ordered remedies and the interests of third parties. The Court shall order the execution of these measures on account of the perpetrator, unless in special circumstances an appeal is made not to do so. The above measures shall be applied without any compensation for the perpetrator and do not affect the compensation of the injured party.

5. The persons referred to in paragraph 1. of this Article, when exercising their rights, may file a claim to the Court for a preliminary injunction against intermediaries whose services are used by a third party to infringe their exclusive rights set forth in this law.

6. In appropriate cases and at the request of the person subject to the measures set out in paragraphs 1. and 2. of this Article, the Court may order that the financial compensation be paid to the injured party instead of applying the measures provided for in paragraphs 1. and 2. of this Article, if that person acted unintentionally and without negligence, if the execution of the concerned measures would cause him/her disproportionate damage and if the financial compensation of the injured party seems quite satisfactory.

#### **Article 25**

##### **Claim for compensation of damage**

1. The Court shall, according to the claim of the injured party, order the person who intentionally, or on reasonable grounds to be aware of, has infringed the exclusive rights to topography, to compensate the rightholder for any damage caused to him as a result of the infringement.

2. In calculating damages, the Court shall take into account all relevant aspects, such as adverse economic consequences, including lost profits caused to the injured party, any unjust profit made by the perpetrator and, where appropriate, elements other than economic factors, such as moral damage caused to the rightholder by the infringement.

3. Alternatively to paragraph 2. of this Article, in appropriate cases, damages may also be estimated on the basis of the amount of royalties or taxes that the perpetrator would have had to pay if he had sought a license for use from the rightholder.

4. If the perpetrator has not been involved in the infringing activity intentionally, or on reasonable grounds to be aware of, the Court may order either return of the profits that the perpetrator has gained from the unauthorized use of the protected topography, according to the general rules for ungrounded enrichment, or the payment of indemnity, which may be predetermined.

#### **Article 26**

##### **Right to information**

1. When examining any case related to the infringement of the rights defined by this law, the Court, in response to any reasoned and proportionate claim of the claimant, may order that the information on the origin and distribution networks of the products or services that infringe the rights of the rightholder be provided by the perpetrator and any other person who on a market level is indicated or found to be involved in the possession, exploitation, production or distribution of infringing goods or the provision or exploitation of infringing services.

2. The information referred to in paragraph 1. of this Article, as the case may be, includes:

2.1. names and addresses of the producers, distributors, suppliers and other former holders of the products that infringe the rights defined by this law, as well as of the wholesale and retail vendors for whom the indicated objects are foreseen;

2.2. information on the quantities of products produced, delivered, received or ordered that infringe the rights set forth in this law and the price that has been received or should have been received for those products.

3. Paragraphs 1. and 2. of this Article shall apply without prejudice to other legal provisions which:

3.1. grant the rightholder the right to receive more complete information;

3.2. regulate the use of information communicated under this Article in civil or criminal proceedings;

3.3. regulate liability for abuse of the right to information;

3.4. provide an opportunity to refuse the provision of information that obliges the person referred to in paragraph 1. of this Article to accept his/her involvement or his/her close relatives' involvement in the infringement of the exclusive rights in topography; or

3.5. regulate the protection of the confidentiality of information sources or the processing of personal data.

### **Article 27 Evidence**

1. When a party presents reasonable, sufficient and available evidence to support its allegations that the exclusive rights to topography have been infringed or are likely to be infringed, as long as that party invokes to evidence that is under the control of the respondent, the Court may order, at the request of that party, the respondent to submit such evidence within a certain timeframe, subject to the protection of confidential information. The presence of a significant number of copies of the protected topography or semiconductor products produced using the protected topography is deemed to constitute reasonable evidence.

2. According to the same conditions as defined in paragraph 1. of this Article, in case of the infringement committed at the commercial level, the Court may also, at the request of a party, order the communication of banking, financial or commercial documents that are under the control of the respondent within a certain time limit, subject to the protection of confidential information.

3. When the respondent denies to possess evidence or that they are under his control, the Court may take evidence to establish this fact.

### **Article 28 Interim and preventive measures**

1. At the request of the holder of the rights defined by this law, who provides reasonable evidence that his/her rights have been infringed or are likely to be infringed, the Court may:

1.1. issue against the alleged perpetrator a ruling intended to prevent any imminent infringement, or to prohibit, on a temporary basis and subject matter, where appropriate, the repeated payment of the punishment, the continuation of the infringement of the rights set forth in this law, or make such extension subject to deposit of guarantees intended to ensure the compensation of the rightholder; such interim measures may be issued, under the same conditions, against any intermediary whose services are used by a third party to infringe any protected topography;

1.2. order the confiscation or delivery of copies of the substantive issues of the rights defined by this law as well as of the goods, to prevent the entry or removal of them from the trade channels, if suspected that they infringe the rights defined by this law.

2. In the case of a violation committed on a commercial level and if the injured party proves with evidence the existence of circumstances that may jeopardize the compensation, the Court may order the preliminary confiscation of the movable and immovable property of the alleged perpetrator, including blocking of his/her bank accounts and other assets. To this end, the Court may order the communication of banking, financial or commercial documents or proper access to relevant information.

3. In respect of the measures referred to in paragraphs 1. and 2. of this Article, the Court has the authority to require the applicant to provide any reasonable and available evidence in order to provide it with a sufficient scale of certainty that the applicant is the rightholder and the applicant's right is being infringed or that such infringement is inevitable.

4. In appropriate cases, the interim measures set forth in paragraphs 1. and 2. of this Article may be taken without the respondent being heard, in particular when any delay would cause irreparable harm to the rightholder. In that event, the Court shall communicate the decision to the affected parties, without delay and at the latest after the execution of measures. A review session, including the right to be heard, shall take place upon request of the respondent, in order to decide, within a reasonable timeframe following the notification on measures, whether those measures shall be changed, revoked or confirmed.

5. The duration of the interim measures shall be determined by a court decision. If the interim measures have been taken before the beginning of the procedure for the value of the case, the Court upon its decision will also determine the period within which the applicant commences the procedure before the competent court; in the absence of such determination, this period shall not exceed thirty (30) calendar days from the communication of the decision.

6. The interim measures are cancelled or otherwise cease to have effect, at the request of the respondent, if the applicant does not initiate the procedure leading to a decision on the value of the case within the period specified in paragraph 5. of this Article.

7. The court may decide that the interim measures be subject to the submission of an adequate guarantee or equivalent guarantee by the applicant in order to ensure the compensation for any damage caused to the respondent, as provided in paragraph 8. of this Article.

8. When the interim measures are revoked or when they expire due to any action or omission by the applicant, or when it is subsequently revealed that there has been no infringement or threat of infringement, the Court shall have the authority to order the applicant, at the request of the respondent, to provide adequate compensation to the respondent for any damage caused to him/her by those measures.

## **Article 29**

### **Measures to safeguard the evidence**

1. If an infringement or threat of infringement of the exclusive rights to a topography is quite probable according to the available evidence presented by the applicant, the Court may order precautionary measures to safeguard the relevant evidence in respect of the alleged infringement and determine their duration by ensuring the protection of confidential information, as following:

1.1. such measures include the detailed description, with or without sampling, or the confiscation of infringing goods held by the respondent and, if appropriate, materials and equipment used for the production and/or distribution of such goods and related documents;

1.2. the measures to safeguard evidence shall be taken, if necessary, without hearing the respondent, especially when any delay could cause irreparable damage to the holder of exclusive rights to topography or when there is a verifiable risk of evidence destruction. In that case, the Court shall communicate the decision on the interim measures to the affected parties at the latest after the execution of these measures.

1.3. a review session, including the right to be heard, will take place at the request of the affected parties, in order to decide, within a reasonable timeframe following the notification on measures, whether those measures will be changed, revoked or confirmed.

2. The court may decide that the interim measures referred to in paragraph 1. of this Article be subject to the submission of an adequate guarantee or equivalent guarantee by the applicant in order to ensure the compensation for any damage caused to the respondent, as provided in paragraph 4. of this Article.

3. The measures to safeguard the evidence are cancelled or otherwise cease to have effect, at the request of the respondent, without prejudicing the compensation required, if the applicant does not initiate the procedure leading to a decision on the value of the case within the period to be determined by the Court ordering measures, or, in the absence of such determination, within a period of thirty (30) calendar days from the decision of communication day.

4. When the measures to safeguard the evidence are revoked or when they expire due to any action or omission by the applicant, or when it is subsequently determined that there has been no infringement or threat of infringement of the rights of the holder of exclusive rights in a topography, the Court may order the applicant to, at the request of the respondent, pay the full compensation to the respondent for any damage caused to him/her from the implementation of such measures.

5. The provisions of the Law on Contested Procedure shall apply to matters not regulated by this Article.

6. The provisions of this Article shall not prejudice the possibility for the court to order interim measures involving the safeguarding of evidence as per the provisions of the Law on Contested Procedure.

### **Article 30** **Publishing the decision**

In civil proceedings in respect of an infringement of an exclusive right to topography, the Court may, at the request of the claimant, order the perpetrator to compensate the costs of disseminating information relating to the court's judgment, including posting the decision and publishing it fully or partially in the media or on the internet. The Court shall determine the amount of reasonable publication expenses to be compensated by the perpetrator.

### **Article 31** **Competent Court**

In cases of infringement of an exclusive right to topography, the competent body shall be the Competent Court according to the legislation in force

### **Article 32** **Punitive measures**

1. A fine in the amount of five thousand (5.000) to fifteen thousand (15.000) euros shall be imposed on a legal entity which, during the exercise of its commercial activity, in any form uses topography in contradiction to Article 5 and Article 6 of this Law.

2. A fine in the amount of five hundred (500) to one thousand five hundred (1.500) euros shall be imposed to the responsible person of the legal person according to paragraph 1. of this Article.
3. A fine in the amount of two thousand (2.000) to five thousand (5.000) Euros shall be imposed to a natural person who carries out individual business, and who during the exercise of his commercial activity, in any form uses topography in contradiction to Article 5 and Article 6 of this law.
4. A fine in the amount of three thousand (3.000) to ten thousand (10.000) Euros shall be imposed on a legal entity that uses the license in contradiction to the provisions of Article 10 of this law.
5. A fine in the amount of five hundred (500) to two thousand (2.000) Euros shall be imposed to the responsible person in the legal entity, who uses the license in contradiction to the provisions of Article 10 of this law.
6. A fine in the amount of one thousand (1.000) to three thousand (3.000) Euros shall be imposed to a natural person who carries out individual business who uses the license in contradiction to the provisions of Article 10 of this law.
7. In cases when the topograph is used in contradiction to the provisions of this law, by which it is presumed that a criminal offense has been committed, the provisions of the Criminal Code of the Republic of Kosovo shall apply.

## **CHAPTER VI TRANSITIONAL AND FINAL PROVISIONS**

### **Article 33 Transitional provisions**

1. Unless otherwise provided by this Law, the provisions of the respective Law on patent relating to representation, authorized representatives, procedure of declaring the invalidity and objection procedure, license contracts, complaints and appeals procedure shall apply appropriately to the topographies of semiconductor products regulated by this law.
2. The provisions of this Law shall not affect the implementation of any other legal provision related to other industrial property rights.

### **Article 34 Labelling**

During the extension of the rights to protected topography, the holder of the registered topography shall have the right to label the products produced with registered topography with the letter 'T'.

### **Article 35 Issuance of sub-legal acts**

The Ministry issues sub-legal acts pursuant to Article 11 paragraph 8., Article 15 paragraph 1. and 2., Article 19 paragraphs 2. and 3. of this Law, within twelve (12) months from the entry into force of this Law.

### **Article 36 Repealing provisions**

Upon the entry into force of this law, the Law No. 03/L-165 on Determining the Rights and Protection of Topographies of Integrated Circuits shall be repealed.

**Article 37**  
**Entry into force**

This law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 08/L-053**  
**24 December 2021**

**Promulgated by Decree No. DL-39/2022 dated 13.01.2022 President of the Republic of Kosovo Vjosa Osmani-Sadriu**

