

Circuit Layout Rights

- Circuit layout rights (“CL Rights”) automatically protect original layout designs for integrated circuits and computer chips.
- While CL Rights are based on copyright law principles they are a separate, unique form of protection.
- There is no requirement for registration for the granting of rights to the owner of a layout design.
- Circuit layouts are usually highly complex and the intellectual effort in creating an original layout may be considerable and of great value. An integrated circuit or chip made from the plans is the key to the operation of all kinds of electronic devices, from heart pacemakers to personal computers.
- The Circuit Layouts Act (Cth) provides copyright style protection for persons who create an eligible circuit layout. If the legislative criteria is fulfilled, CL Rights are conferred automatically without application or registration.
- The owner of an eligible circuit layout is granted the exclusive right to copy the circuit layout in a material form, make integrated circuits from the layout and exploit it commercially in Australia for the period provided by the Act.
- Commercial exploitation may occur by importation, sale, hire or distribution of a layout or an integrated circuit made according to the layout.
- The maximum possible protection period for CL Rights is 20 years. Accordingly, CL Rights in an original layout subsist for 10 years from the first commercial exploitation, provided this occurs within 10 years from creation of the layout or 10 years from the year in which it was made, if not commercially exploited.
- The Attorney-General's Department administers the legislation for CL Rights.

Lawyers at DLS can:

- draft and negotiate confidentiality and non-compete agreements regarding CL and other IP rights;
- draft and negotiate agreements for the licensing, sale or acquisition of CL and other IP rights; and
- act in relation to IP disputes.

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