

## Opinion of the Supreme People's Court on Starting the Trial of Cases of Integrated Circuit Layout designs [Effective] 最高人民法院关于开展涉及集成电路布图设计案件审判工作的通知 [现行有效]

<b>Authority:</b>	Supreme People's Court	<b>Date issued:</b>	11-16-2001
<b>Authority:</b>	Judicial Interpretation	<b>Area of law:</b>	Economic Litigation

On the Supreme People's Court on Starting the Trial of Cases of Integrated Circuit Layout designs  
at the No.1197 Session of the Judicial Committee of the Supreme People's Court on Oct 30, 2001, No.24 (2001) of the Supreme People's Court  
for people's courts of all provinces, autonomous regions, municipalities directly under the Central Government, the Military Court of the Liberation  
Branch Court of Xinjiang Production and Construction Corps under the Higher People's Court of Xinjiang Autonomous Region:

[Regulations of the State Council on Protecting the Integrated Circuit Layout Designs](#) became effective on Oct 1, 2001. To protect patent rights of the  
layout designs by judicatory means is a new mission of the People's Courts. A good fulfillment of this work will be very important for protecting the la  
interests of the right owner of the integrated circuit layout designs, for encouraging the innovation of the integrate circuit technique, and for prom  
ent of science and technology.

Important matters concerning the trial of cases of integrated circuit layout designs are now circularized as follows according to relevant provisions stipul  
[Procedure Law of the PRC](#), the [Administrative Procedure Law of the PRC](#), and in the [Regulations on Protecting the Integrated Circuit Layout Desi](#)  
to guarantee the People's Courts to accept according to law the cases concerning the integrated circuit layout designs (hereinafter referred to as layc  
or short), and to guarantee the fair and square trials.

### of Acceptance

People's Courts shall accept the following cases concerning layout designs that conform to the conditions of a complaint as stipulated in [Article 108](#) of  
[Civil Procedure Law of the PRC](#) and [Article 41](#) of the [Administrative Procedure Law of the PRC](#):

of dispute over the ascription of the patent right of the layout designs;

of dispute over the patent right transfer of layout designs;

of dispute over the patent right infringement of layout designs;

of application for ceasing infringement or property preservation before filing a lawsuit

case brought by an applicant who refuses to accept the review decision of the intellectual property administration under the State Council refuting an  
application for the registration of layout designs;

case brought by an applicant who refuses to accept the decision by the intellectual property administration under the State Council rescinding an ap  
plication for registration of layout designs;

case brought by an applicant who refuses to accept the decision by the intellectual property administration under the State Council concerning the li  
ability of layout designs on an involuntary basis;

case brought by an applicant who refuses to accept the decision of the intellectual property administration under the State Council concerning the

tion of the licensed use of layout designs on an involuntary basis;

se brought by an applicant who refuses to accept the decision by the intellectual property administration under the State Council disposing of the  
gement of layout designs;

ase brought by an applicant who refuses to accept the decision of an administrative review by the intellectual property administration under the Si

cases concerning the circuit layout design.

isdiction

g First Intermediate People's Court shall be responsible for the first instance hearing of the cases listed in Clause 5 to 10 of Article 1 of this circul  
stance hearing of the other kinds of cases shall be held by the intermediate people's courts of the capitals of all provinces, autonomous regions,  
ities directly under the Central Government, special economic zones, and those of Dalian, Qingdao, Wenzhou, Foshan and Yantai.

tion for Ordering to Stop Relevant Wrongdoings Before A Lawsuit Being Brought

ation to the People's Courts for ordering to stop the patent right infringement of layout designs before filing a lawsuit shall refer to provisions of th  
[ules of the Supreme People's Court on Legal Matters Concerning the Implementation of Stopping the Patent Right Infringement Before Filing A L](#)

ision of Legal Proceedings

ect to the cases accepted by the People's Court concerning the patent right infringement of layout designs, and if the defendant applies for the  
on of the legal proceedings on the ground that the plaintiff's patent right of layout designs is not stable enough, the People's Court may not, as a g  
end the legal proceedings.

People's Courts and intermediate People's Courts shall organize relevant judges to make careful studies on the Regulations of the State Council  
g the Integrated circuit layout designs, and to get familiar with and finally master relevant juristic theories and professional knowledge for the purp  
the judges' quality and level of hearing cases. The People's Courts shall also vigorously develop the research on the circuit layout design cases,  
levant experience of judgment in time. The legal documents concerning the final judgment of layout design cases shall be reported to the Supren  
Court without delay.

ame People's Court of the People's Republic of China

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